By Mrs. ABZUG:

H.R. 3880. A bill for the relief of Ionie I. Lino; to the Committee on the Judiciary.

H.R. 3881. A bill for the relief of Paulino Guim Lopez; to the Committee on the Judiciary.

By Mrs. ADDABBO:

H.R. 3882. A bill for the relief of Jesusa Bacalan; to the Committee on the Judiciary.

H.R. 3883. A bill for the relief of Giovanni Badalamenti; to the Committee on the Judiciary.

H.R. 3884. A bill for the relief of Luigi Caruso; to the Committee on the Judiciary.

H.R. 3885. A bill for the relief of Salvatore Cinelli; to the Committee on the Judiciary.

H.R. 3886. A bill for the relief of Antonio Costante; to the Committee on the Judiciary.

H.R. 3887. A bill for the relief of Giuseppe Costanza; to the Committee on the Judiciary.

H.R. 3888. A bill for the relief of Domenico DiPalo; to the Committee on the Judiciary.

H.R. 3889. A bill for the relief of Adriana Ferrante; to the Committee on the Judiciary.

H.R. 3890. A bill for the relief of Giuseppe and Nunzia Gatusso; to the Committee on the Judiciary.

H.R. 3891. A bill for the relief of Anna Rosa, Luigi, and Amelia Guistino; to the Committee on the Judiciary.

H.R. 3892. A bill for the relief of Natalina Miceli; to the Committee on the Judiciary.

H.R. 3893. A bill for the relief of Donato Minerva; to the Committee on the Judiciary.

H.R. 3894. A bill for the relief of Winston Nurse; to the Committee on the Judiciary.

H.R. 3895. A bill for the relief of Benedetto Patti; to the Committee on the Judiciary.

H.R. 3896. A bill for the relief of Roslyn Piper; to the Committee on the Judiciary.

By Mr. BARRETT:

H.R. 3897. A bill for the relief of Vittorino Brunelli; to the Committee on the Judiciary.

H.R. 3898. A bill for the relief of Annibale Cuozzo; to the Committee on the Judiciary.

H.R. 3899. A bill for the relief of Maria Camilla Giuliani Niro; to the Committee on the Judiciary.

H.R. 3900. A bill for the relief of Benedetto Pietrangelo; to the Committee on the Judiciary.

H.R. 3901. A bill for the relief of Luis Maria Quinteros; to the Committee on the Judiciary.

H.R. 3902. A bill for the relief of Antonio F. Savini; to the Committee on the Judiciary.

H.R. 3903. A bill for the relief of John Veneziale; to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 3904. A bill for the relief of Antonio Corapi; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 3905. A bill for the relief of Jose Costa Marques and Almerinda de Matos Sao Marcos Bom and their minor child; to the Committee on the Judiciary.

H.R. 3906. A bill for the relief of Mario da Silva Costa; to the Committee on the Judiciary.

H.R. 3907. A bill for the relief of Joao Crespo; to the Committee on the Judiciary.

H.R. 3908. A bill for the relief of Manuel Dias da Cunha; to the Committee on the Judiciary.

H.R. 3909. A bill for the relief of Reinaldo Tristao da Cunha; to the Committee on the Judiciary.

H.R. 3910. A bill for the relief of Jose de Mendonca da Silva and Florentina Correia da Conceicao da Silva; to the Committee on the Judiciary.

H.R. 3911. A bill for the relief of Firminio Antonio De Borba; to the Committee on the Judiciary.

H.R. 3912. A bill for the relief of Manuel Correia de Mendonca; to the Committee on the Judiciary.

H.R. 3913. A bill for the relief of Domingos Silverio Ferro; to the Committee on the Judiciary.

H.R. 3914. A bill for the relief of Manuel Lima; to the Committee on the Judiciary.

H.R. 3915. A bill for the relief of Maria Espinola Ramos Lobao; to the Committee on the Judiciary.

H.R. 3916. A bill for the relief of Solomon Erick Newman Martinez; to the Committee on the Judiciary.

H.R. 3917. A bill for the relief of Samuel N. Newman; to the Committee on the Judiciary.

H.R. 3918. A bill for the relief of Adelta da Luz Bettencourt (Ortins) and Joao dos Santos Ortins; to the Committee on the Judiciary.

H.R. 3919. A bill for the relief of Carlos S. Adolfo Pavon; to the Committee on the Judiciary.

H.R. 3920. A bill for the relief of Joao Gil Ramos and Aldora Maria Moreira Ramos; to the Committee on the Judiciary.

H.R. 3921. A bill for the relief of Jose Pinto Repas; to the Committee on the Judiciary.

H.R. 3922. A bill for the relief of Manuel da Cunha Santos; to the Committee on the Judiciary.

By Mr. ROGERS (by request):

H.R. 3923. A bill for the relief of Jesus Garza Venegas, Jr.; to the Committee on the Judiciary.

By Mr. SANDMAN:

H.R. 3924. A bill for the relief of Luella M. Freeman; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 3925. A bill for the relief of Klaudiusz Blaszak; to the Committee on the Judiciary.

H.R. 3926. A bill for the relief of Francisco Moreno-Santa Cruz; to the Committee on the Judiciary.

H.R. 3927. A bill for the relief of Jose Luis Dunn-Marin; to the Committee on the Judiciary.

H.R. 3928. A bill for the relief of Kwong Yum Foo; to the Committee on the Judiciary.

H.R. 3929. A bill for the relief of Gheorghe Jucu and Aurelia Jucu; to the Committee on the Judiciary.

H.R. 3930. A bill for the relief of Masakatsu Kawano; to the Committee on the Judiciary.

H.R. 3931. A bill for the relief of the heirs at law of Jiro Kunisaki and Ellen Kishiyama, his daughter; to the Committee on the Judiciary.

H.R. 3932. A bill for the relief of Adelajda Komarnicka-Smieja; to the Committee on the Judiciary.

H.R. 3933. A bill for the relief of Vincent Shau Lee; to the Committee on the Judiciary.

H.R. 3934. A bill for the relief of Fumihiro Morikawa; to the Committee on the Judiciary.

H.R. 3935. A bill for the relief of Honorata Anita Organo; to the Committee on the Judiciary.

H.R. 3936. A bill for the relief of Robert W. Patterson; to the Committee on the Judiciary.

H.R. 3937. A bill for the relief of Atanasio Perez; to the Committee on the Judiciary.

H.R. 3938. A bill for the relief of Jose De Jesus Robles; to the Committee on the Judiciary.

H.R. 3939. A bill for the relief of Teofila Pardo Ruiz; to the Committee on the Judiciary.

H.R. 3940. A bill for the relief of Perla Janolino Ty; to the Committee on the Judiciary.

H.R. 3941. A bill for the relief of Paul A. Vieira; to the Committee on the Judiciary.

H.R. 3942. A bill for the relief of Adelio F. Villaruel; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 3943. A bill for the relief of Indarjit Ramnarine; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 3944. A bill for the relief of Mrs. Librada Guzman Liggayu; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

11. Mr. STEED presented a memorial of the Oklahoma Senate commending Hon. Carl Albert for his personal achievements in service of Government; to the Committee on House Administration.

PETITIONS, ETC.

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

20. By the SPEAKER: Petition of the City Assembly, Nago, Okinawa, relative to the removal of poison gas weapons from Okinawa; to the Committee on Armed Services.

21. Also petition of the City Assembly, Nago, Okinawa, relative to the trial of a U.S. serviceman for the death of an Okinawan; to the Committee on Armed Services.

22. Also, petition of the Board of Supervisors, Goochland County, Va., relative to Federal-State revenue sharing; to the Committee on Ways and Means.

SENATE—*Monday, February 8, 1971*

Legislative day of Tuesday, January 26, 1971

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the President pro tempore (Mr. ELLENDER).

The Reverend James David Ford, Chaplain, U.S. Military Academy, West Point, N.Y., offered the following prayer:

O God, our Father, Creator of all mankind, we give Thee thanks for the gift of life that we have today and for the promise of hope for tomorrow.

May we experience honesty and integrity in our thought and action, and may Thy power sustain us in the works of reconciliation.

We ask Thy blessing on this assembly, upon our President, and those in authority.

We pray Thy special blessing on the men of the armed services, that the duty and honor of serving Thee and our country may ever enable them to take pride in their calling and make them faithful in Thy service. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Friday, February 5, 1971, be approved.

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

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated

to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the President pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Phillip Victor Sanchez, of California, to be an Assistant Director of the Office of Economic Opportunity, which was referred to the Committee on Labor and Public Welfare.

ORDER FOR RECESS TO 11:45 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11:45 a.m. tomorrow.

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

(Later in the day, this order was modified to provide for the Senate to convene at 11 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR BELLMON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on tomorrow, immediately following the prayer, the distinguished Senator from Oklahoma (Mr. BELLMON) be recognized for not to exceed 15 minutes.

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

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDENT pro tempore. The nomination on the Executive Calendar will be stated.

DEPARTMENT OF THE TREASURY

The assistant legislative clerk read the nomination of John B. Connally, of Texas, to be Secretary of the Treasury.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. LONG. Mr. President, it is a great pleasure for me to commend to the Senate the nomination of John B. Connally to the office of Secretary of the Treasury.

The Committee on Finance, by a vote of 13 to 0, with two abstentions, has approved this nomination.

Mr. Connally is ideally qualified for the post of Secretary of the Treasury; he is a lawyer, a successful businessman, a former Governor, and a former Secretary of the Navy. He is an immensely popular man in his own State of Texas. His reputation for sound judgment, for great administrative abilities, and for the highest degree of personal integrity has won him nationwide recognition as a leader of men.

Mr. Connally has made tremendous personal sacrifices in accepting the President's nomination and serving as his chief financial adviser.

Governor Connally will bring to this office a broad knowledge of the Nation's economic problems and goals, together with a sound policy orientation and a strong will which I feel will be crucial for the difficult and complex tasks which await him. Mr. Connally was unusually frank in expressing his viewpoints on many of the policy issues facing the Nation. I think his general approach should appeal to every Member of this body, whether he is a Republican, Democrat, liberal, or conservative.

First of all, he is a man who indicated that he does not believe the crude approach of tight money and high interest is a proper remedy for today's economic ills. I think he will fight for lower interest rates to restore the vitality to the economy.

He is also a tough negotiator. I have great confidence in his ability to negotiate fair and reciprocal agreements with foreign countries dealing with the complex and difficult areas of international finance and balance-of-payments matters. They will respect John B. Connally. He said:

> I assure you in all the negotiations that we have, I shall do the utmost, and everyone of the staff at the Treasury will do his utmost to be sure that we are not taken advantage of in any of our negotiations whether they are bilateral or multilateral.

On fiscal matters, Mr. Connally is a realist. He understands that in times such as this, when you have high unemployment and no growth in the economy, deficit spending can be justified. But he also is a responsible man who, as a matter of general principle, believes that we ought to pay our way and not "engage in continued deficit spending and expect future generations to pay for either services, or wishes, or wants of ours."

Further, with respect to tax policy, Governor Connally stated his basic belief that taxes are to be levied on those most able to pay, but that almost everybody except the very destitute, ought to pay some tax. He stated his belief that it is wrong to have a democracy where some people do not contribute to the preservation of that democracy.

On the question of inflation, he was quite candid with the committee in saying that the Government has a role to play in assuring that management and labor will live up to their national responsibilities in making wage-price decisions. He is an activist who will use whatever power he has to assure that those responsibilities are exercised in the public interest.

Other policy matters on which Mr. Connally commented during the hearings are in the committee print, and everyone is free to look at them.

With respect to the allegations that have been raised about Mr. Connally's financial affairs, I want to say that our committee explored every issue that has been raised in the press, and some that had not been raised, and found no conflict of interest—potential or actual—no wrongdoing whatsoever on the part of Mr. Connally. He passed every test we put to him with flying colors. In fact, after a particularly misleading and scandalous newspaper article, Mr. Connally himself asked for a further public hearing in addition to the one we held to lay his financial position open for all to see. Again, he candidly answered all questions and satisfied with his responses, the committee met in executive session and reported the nomination without a dissent.

Now, the Committee on Finance has since been criticized in the Washington Post of Thursday, February 4, for acting hastily on Governor Connally's nomination. The Post editorial suggested that in deference to the Governor, we should not have acted until later. Frankly, Mr. President, we had just completed a public hearing in which allegations against the Governor were explored and found to be baseless. Our vote in the executive session which followed the public hearing was a vote of confidence in the Governor's integrity. Far from doing him an injustice, the committee did him a service—and an honor—in publicly acknowledging what we found to be a fact: That the Governor had been badly maligned in the press and his integrity questioned. In my judgment, we would have done him an injustice if we had let that sort of innuendo and suspicion linger over his nomination.

Public figures can and should expect to be scrutinized by the press. This is as it should be, and it is quite proper in our kind of democracy. However, where the press deliberately twists or distorts a man's character for its own unknown reasons, it is not only doing that man irreparable damage, but it is doing the country a great disservice, because that man must serve under a cloud of suspicion raised by one or two irresponsible journalists who are read by millions and millions of people. The sad aspect of this nomination is the failure of certain journalists to uphold the dignity and trust of their position to seek and publish the truth, not innuendoes of falsehood and slander. If they had sought the truth with respect to Governor Connally's affairs, they would have found it, and there would be no controversy over this nomination. Although we explored in committee every conceivable aspect of his record, not a scintilla of wrongdoing on his part can be found.

In sum, this man is well qualified; he manifested before the committee a broad knowledge of a wide variety of subjects which he will be dealing with, and if confirmed, he will make a magnificent Secretary of the Treasury.

I urge that the nomination be confirmed.

Mr. BENNETT. Mr. President, as the ranking Republican member of the Senate Finance Committee, I agree with the chairman of the committee in recommending the approval of the nomination of John B. Connally to be Secretary of the Treasury. Mr. Connally will bring to that office the savvy of a Texan, and a highly successful record as a businessman, Cabinet officer, and Governor.

He will be replacing a man whom I greatly admire and esteem, Hon. David Kennedy. Fortunately, Mr. Kennedy's talents with fiscal affairs will not be lost to the country for he will remain as ambassador at large handling a broad range of international financial problems and always ready with his tremendous background and experience as economist and banker to render advice to his successor on important financial matters. Together, Mr. Connally and Mr. Kennedy should make a great team.

Mr. President, while I am sorry to see David Kennedy leave this office. I am happy he is being replaced by a man as uniquely qualified for the position as Governor Connally. I say this even though John B. Connally, a Democrat, campaigned against my President in 1960 and 1968. Despite that, Richard Nixon, a man who perhaps he helped defeat in 1960, recognized his talents and sought him out to sit at the President's right hand and be his key financial adviser. John Connally responded to this call, accepting the position even though it meant considerable financial sacrifice. I have no doubt whatsoever that Mr. Connally's main interest is to serve his country, and whether he is a Democrat or Republican, I admire that kind of man.

Mr. President, there have been many allegations made in the past several weeks with respect to Mr. Connally's character and integrity. Along with other members of the Committee on Finance, I have examined them all, and found that Mr. Connally committed no impropriety in any of the situations which have been raised. To the contrary, he has been maliciously slandered by those who, for reasons unknown, appear to want to discredit him for this office or to embarrass the President.

The chairman of the committee referred to these allegations—there is nothing to them. I could find no wrongdoing—and neither could anyone else on the committee—in Mr. Connally's conduct, either with respect to the so-called deferred compensation he received as coexecutor to Mr. Sid Richardson's estate or his conduct with respect to the Buffalo Astrodome. The fact that his law firm, with 155 lawyers intermittently, represented some Jesuit fathers who are involved with an SEC dispute is patently irrelevant and inconsequential, since Mr. Connally was not even aware that his law firm represented the Jesuit fathers and has had no dealings whatsoever with any of the parties involved in the dispute.

In short, Mr. Connally passed the tests imposed upon him with flying colors. Like the chairman, however, I feel an injustice has been done to this man by certain members of the press corps. I could not describe the injustice in a more eloquent way than did my distinguished colleague, Senator GRIFFIN, who is new to the Committee on Finance and who is himself a very fine lawyer and a man of great integrity. The distinguished Republican minority whip and junior Senator from Michigan said at the hearing:

> I think that if there is a problem of ethics here, at least as far as these facts disclose, the problem of ethics lies with professional journalism particularly as far as one of its members is concerned. It would be very difficult to straighten this out in the minds of many people who were misled by the headline yesterday . . . I do not know, Governer, whether there is any more to this or not but if this is all there is to it I think the New York Times owes you an apology.

Perhaps the only defect in Governor Connally's makeup is that he had the misfortune to be branded as an oilman. When we inquired into this matter during the committee hearings, Governor Connally testified that his only oil interest—which he had already disposed of—was an oil royalty of "the magnificent sum of $7,240." As I have said, this interest has already been sold by the Governor, and he will enter his Government service with no financial investment in any oil or gas property.

Mr. President, I support the nomination of John B. Connally to the office of Secretary of the Treasury.

Mr. BENTSEN. Mr. President, while I know full well that a freshman Senator at this early stage of the session is more often seen than heard, I feel that the particular occasion demands that I address this body. Because of my personal feelings for John B. Connally, whom I claim proudly as a friend, because of my personal knowledge of this man's unquestioned integrity, enormous ability, and vast energy, and because of my quarter century of association with him, I want to personally address this body on the nomination of this uniquely qualified man to the cabinet post of Secretary of the Treasury.

Mr. President, my remarks today concern the President's nominee for Secretary of the Treasury, my distinguished fellow Texan, John B. Connally.

My intent is twofold:

First, to commend the President for his appointment.

And second, to discuss the extremely broad qualifications of his nominee for this vital Cabinet position.

I wish to make it clear at the outset that I speak as a Democrat, one who has been repeatedly critical of the economic policies of this Republican administration.

Yet I do not believe that the economic strengths and weaknesses of this Nation are purely a matter of partisan politics.

I do believe that the task of overcoming our present problems must be shared by the administration and the Congress, and by Democrats as well as Republicans.

The most compelling challenge we face is to put our fiscal house in order, because this is basic to everything we seek to do as a nation.

Without stability, our national priorities are meaningless.

Without a sound dollar, our people are cheated of their earnings and their savings.

Without fiscal responsibility, there is little reason to trust the aims of government and those who formulate its programs.

And I think most of us will agree that a major ingredient of effective government is the confidence of the people. Few would deny that confidence in the economy under this administration has been in short supply.

To maintain confidence in our system, we need in government men and women of exceptional talent, regardless of their political parties and persuasions.

Such a man is John B. Connally.

I have been interested, fascinated, sometimes baffled and often amused by the numerous interpretive stories on the so-called real reason behind the appointment of Governor Connally.

Most of these articles and commentaries dwell upon the political impact—whether the appointment has helped the Republicans and hurt the Democrats—whether it has secured the 26 electoral votes of Texas, whether it has affected this or that power base.

I submit, Mr. President, that the important consideration we have here is not the effect on someone's political fortunes, but the effect on our country.

That effect, I am convinced, is positive.

For in appointing John Connally, President Nixon has placed a uniquely qualified man in the office of Secretary of the Treasury.

He is a man of diverse vocations and avocations: The law, business, finance, agriculture, government.

And in all of these he has excelled.

Because he understands these various facets of our economic life, he will bring balanced judgment to bear on the problems we confront in maintaining our national growth and security.

As a naval officer in World War II and Secretary of the Navy under President Kennedy, he gained valuable understanding of our defense system—its capabilities and its shortcomings.

As a private citizen deeply involved in the business and financial world, he has learned firsthand the relationships between the public and private sectors.

As a lifelong farmer and rancher, he comprehends the importance of agriculture to the national and international economic and trade policies of the United States.

And as an outstanding Governor of an industrial-agricultural State, he became well schooled in the proper relationships between Washington and the State capitals, their interdependence on each other and their common problems.

Certainly no one expects Governor Connally alone to lead us out of the wilderness of economic stagnation.

The responsibility for our economic policies is shared by many people, with the President himself at the top. The ultimate responsibility is the President's, and this means he must surround himself with men he trusts and in whom he has confidence to give him sound advice.

Governor Connally will have no magic solutions, but I for one have no doubt at all that the advice he offers within the high councils of this administration will be sound advice.

It has been my good fortune to know John Connally for a number of years. I supported him wholeheartedly when he sought public office and he supported me wholeheartedly in my campaign of 1970. We are personal friends.

Governor Connally is a man of strong views, and he is well able to communicate those views, forcefully and clearly.

Accordingly, he has never been a noncontroversial man and he certainly has not shunned controversy when his principles and viewpoints were at issue.

Yet he is one of the few public officials in modern times who departed elective office more popular than he entered office. Survey after survey during this past election year showed him to be one of the two or three most respected men in Texas.

And I might note that this admiration spans every economic, cultural, and racial group in my State.

How does a man serve as Governor of a large State for 6 years, facing problem after problem and controversy after controversy, and emerge with three out of four people hailing him as a great Governor?

In John Connally's case, the reasons were those qualities we wish for in every official and find in some—the qualities of effectiveness, forthrightness, integrity, compassion.

To sum it up, he knows the meaning of leadership. And I assure you that there was never any doubt about that during his three terms as Governor. He followed no one. He led Texas.

Let me point out a few of the ways he demonstrated this leadership.

During his administration, State support for higher education increased 168 percent.

When he took office, faculty salaries at State colleges and universities were more than $1,100 below the national average.

During his administration the number of faculty members doubled and their average pay rose nearly $400 above the national average.

Under his leadership, Texas launched an intensified educational program for children of migrant workers. The State began a serious program to curb school drop-outs. It began its first program to educate adult illiterates. It expanded its special education programs for emotionally disturbed children, and for the mentally retarded. It places new emphasis on vocational education and training.

Under his leadership the legislature created the first independent agencies in Texas to deal with air and water pollution. Governor Connally initiated a comprehensive outdoor recreation plan and advocated expansion of the State park system from 60,000 acres to 150,000 acres. To accomplish this goal, he obtained public approval of a multi-million-dollar bond program to purchase park lands.

When the Congress enacted the Office of Economic Opportunity, Texas under John Connally's leadership moved quickly to organize the largest Job Corps Center in the Nation—one that was soon hailed by OEO officials as the best.

In Project Headstart, Texas obtained the largest number of grants and the greatest number of enrollees, conducted the program at the lowest cost per child, and had the highest percentage in the Nation of local contribution to the program.

I have told only part of the story, but it will suffice to show the nature of Governor Connally's leadership, and his willingness to face problems and find solutions.

He left office in early 1969 to become a partner in a highly successful Houston law firm and accept directorship of some of our most distinguished corporations.

And a few weeks ago he accepted the challenge presented to him by the President of the United States.

His overriding reason for entering public service again hinges on that one word: "challenge."

The simple truth is that John Connally is a man who accepts great challenges, especially when they involve the welfare of this Nation.

He, a Democrat, has been challenged to help the President, a Republican, work for the common interests of the American people.

I have every confidence that this unique American leader will perform his new task with insight, wisdom, and strength.

In my judgment, he is greatly needed, and will greatly serve.

The PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of John B. Connally, of Texas, to be Secretary of the Treasury?

The nomination was confirmed.

Mr. LONG. Mr. President, I move that the vote by which the nomination was confirmed be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion was agreed to.

Mr. LONG. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

ORDER OF BUSINESS

The PRESIDENT pro tempore. At this time, in accordance with the previous order, there will be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

POLLUTION CONTROL—REFERRAL OF MESSAGE FROM THE PRESIDENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the message at the desk from the President of the United States on the subject of pollution control, inasmuch as it involves the jurisdiction of several committees, be jointly referred to the following committees: Public Works, Commerce, Agriculture and Forestry, and Interior and Insular Affairs.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

The message from the President is as follows:

To the Congress of the United States:

Last August I sent to the Congress the first annual report on the state of the Nation's environment. In my message of transmittal, I declared that the report "describes the principal problems we face now and can expect to face in the future, and it provides us with perceptive guidelines for meeting them. . . . They point the directions in which we must move as rapidly as circumstances permit."

The comprehensive and wide-ranging action program I propose today builds upon the 37-point program I submitted to the Congress a year ago. It builds upon the progress made in the past year, and draws upon the experience gained in the past year. It gives us the means to ensure that, as a nation, we maintain the initiative so vigorously begun in our shared campaign to save and enhance our surroundings. This program includes:

MEASURES TO STRENGTHEN POLLUTION CONTROL PROGRAMS

—Charges on sulfur oxides and a tax on lead in gasoline to supplement regulatory controls on air pollution
—More effective control of water pollution through a $12 billion national program and strengthened standard-setting and enforcement authorities
—Comprehensive improvement in pesticide control authority
—A Federal procurement program to encourage recycling of paper

MEASURES TO CONTROL EMERGING PROBLEMS

—Regulation of toxic substances
—Regulation of noise pollution
—Controls on ocean dumping

MEASURES TO PROMOTE ENVIRONMENTAL QUALITY IN LAND USE DECISIONS

—A national land use policy
—A new and greatly expanded open space and recreation program, bringing parks to the people in urban areas
—Preservation of historic buildings through tax policy and other incentives
—Substantial expansion of the wilderness areas preservation system
—Advance public agency approval of powerplant sites and transmission line routes
—Regulation of environmental effects of surface and underground mining

FURTHER INSTITUTIONAL IMPROVEMENT

—Establishment of an Environmental Institute to conduct studies and recommend policy alternatives

TOWARD A BETTER WORLD ENVIRONMENT

—Expanded international cooperation

—A World Heritage Trust to preserve parks and areas of unique cultural value throughout the world

1970—A YEAR OF PROGRESS

The course of events in 1970 has intensified awareness of and concern about environmental problems. The news of more widespread mercury pollution, late summer smog alerts over much of the East Coast, repeated episodes of ocean dumping, and oil spills, and unresolved controversy about important land use questions have dramatized with disturbing regularity the reality and extent of these problems. No part of the United States has been free from them, and all levels of government—Federal, State and local—have joined in the search for solutions. Indeed, there is a growing trend in other countries to view the severity and complexity of environmental problems much as we do.

There can be no doubt about our growing national commitment to find solutions. Last November voters approved several billion dollars in State and local bond issues for environmental purposes, and Federal funds for these purposes are at an alltime high.

The program I am proposing today will require some adjustments by governments at all levels, by our industrial and business community, and by the public in order to meet this national commitment. But as we strive to expand our national effort, we must also keep in mind the greater cost of *not* pressing ahead. The battle for a better environment can be won, and we are winning it. With the program I am outlining in this message we can obtain new victories and prevent problems from reaching the crisis stage.

During 1970, two new organizations were established to provide Federal leadership for the Nation's campaign to improve the environment. The Council on Environmental Quality in the Executive Office of the President has provided essential policy analysis and advice on a broad range of environmental problems, developing many of our environmental initiatives and furnishing guidance in carrying out the National Environmental Policy Act, which requires all Federal agencies to devote specific attention to the environmental impact of their actions and proposals. Federal pollution control programs have been consolidated in the new Environmental Protection Agency. This new agency is already taking strong action to combat pollution in air and water and on land.

—I have requested in my 1972 budget $2.45 billion for the programs of the Environmental Protection Agency—nearly double the funds appropriated for these programs in 1971. These funds will provide for the expansion of air and water pollution, solid waste, radiation and pesticide control programs and for carrying out new programs.

In my special message on the Environment last February, I set forth a comprehensive program to improve existing laws on air and water pollution, to encourage recycling of materials and to provide greater recreational opportunities for our people. We have been able to institute some of these measures by executive branch action. While unfortunately there was no action on my water quality proposals, we moved ahead to make effective use of existing authorities through the Refuse Act water quality permit program announced in December. New air pollution control legislation, which I signed on the last day of 1970, embodies all of my recommendations and reflects strong bipartisan teamwork between the administration and the Congress—teamwork which will be needed again this year to permit action on the urgent environmental problems discussed in this message.

We must have action to meet the needs of today if we would have the kind of environment the nation demands for tomorrow.

I. STRENGTHENING POLLUTION CONTROL PROGRAMS

The Clean Air Amendments of 1970 have greatly strengthened the Federal-State air quality program. We shall vigorously administer the new program, but propose to supplement it with measures designed to provide a strong economic stimulus to achieve the pollution reduction sought by the program.

AIR POLLUTION

SULFUR OXIDES EMISSIONS CHARGE

Sulfur oxides are among the most damaging air pollutants. High levels of sulfur oxides have been linked to increased incidence of diseases such as bronchitis and lung cancer. In terms of damage to human health, vegetation and property, sulfur oxide emissions cost society billions of dollars annually.

Last year in my State of the Union message I urged that the price of goods "should be made to include the cost of producing and disposing of them without damage to the environment." A charge on sulfur emitted into the atmosphere would be a major step in applying the principle that the costs of pollution should be included in the price of the product. A staff study underway indicates the feasibility of such a charge system.

—Accordingly, I have asked the Chairman of the Council on Environmental Quality and the Secretary of the Treasury to develop a Clean Air Emissions Charge on emissions of sulfur oxides. Legislation will be submitted to the Congress upon completion of the studies currently underway.

The funds generated by this charge would enable the Federal Government to expand programs to improve the quality of the environment. Special emphasis would be given to developing and demonstrating technology to reduce sulfur oxides emissions and programs to develop adequate clean energy supplies. My 1972 budget provides increased funds for these activities. They will continue to be emphasized in subsequent years.

These two measures—the sulfur oxides emissions charge and expanded environmental programs—provide both the incentive for improving the quality of our environment and the means of doing so.

LEADED GASOLINE

Leaded gasolines interfere with effective emission control. Moreover, the lead particles are, themselves, a source of potentially harmful lead concentrations in the environment. The new air quality legislation provides authority, which I requested, to regulate fuel additives, and I have recently initiated a policy of using unleaded or low-lead gasoline in Federal vehicles whenever possible. But further incentives are needed. In 1970, I recommended a tax on lead used in gasoline to bring about a gradual transition to the use of unleaded gasoline. This transition is essential if the automobile emission control standards scheduled to come into effect for the 1975 model automobiles are to be met at reasonable cost.

—*I shall again propose a special tax to make the price of unleaded gasoline lower than the price of leaded gasoline. Legislation will be submitted to the Congress upon completion of studies currently underway.*

WATER QUALITY

We have the technology now to deal with most forms of water pollution. We must make sure that it is used.

In my February 1970 special message to the Congress on the Environment, I discussed our most important needs in the effort to control water pollution: adequate funds to ensure construction of municipal waste treatment facilities needed to meet water quality standards; more explicit standards, applicable to all navigable waters; more effective Federal enforcement authority to back up State efforts; and funds to help States build the necessary capability to participate in this joint endeavor.

MUNICIPAL WASTES

Adequate treatment of the large volume of commercial, industrial and domestic wastes that are discharged through municipal systems requires a great expenditure of funds for construction of necessary facilities. A thorough study by the Environmental Protection Agency completed in December 1970 revealed that $12 billion will be required by 1974 to correct the national waste treatment backlog. The urgency of this need, and the severe financial problems that face many communities, require that construction of waste treatment facilities be jointly funded by Federal, State and local governments. We must also assure that adequate Federal funds are available to reimburse States that advanced the Federal share of project costs.

—*I propose that $6 billion in Federal funds be authorized and appropriated over the next three years to provide the full Federal share of a $12 billion program of waste treatment facilities.*

Some municipalities need help in overcoming the difficulties they face in selling bonds on reasonable terms to finance

their share of construction costs. The availability of funds to finance a community's pollution control facilities should depend not on its credit rating or the vagaries of the municipal bond market, but on its waste disposal needs.

—*I again propose the creation of an Environmental Financing Authority so that every municipality has an opportunity to sell its waste treatment plant construction bonds.*

A number of administrative reforms which I announced last year to ensure that Federal construction grant funds are well invested have been initiated. To further this objective:

—*I again propose that the present, rigid allocation formula be revised, so that special emphasis can be given to those areas where facilities are most needed and where the greatest improvements in water quality would result.*

—*I propose that provisions be added to the present law to induce communities to provide for expansion and replacement of treatment facilities on a reasonably self-sufficient basis.*

—*I propose that municipalities receiving Federal assistance in constructing treatment facilities be required to recover from industrial users the portion of project costs allocable to treatment of their wastes.*

STANDARDS AND ENFORCEMENT

While no action was taken in the 91st Congress on my proposals to strengthen water pollution standard setting and enforcement, I initiated a program under the Refuse Act of 1899 to require permits for all industrial discharges into navigable waters, making maximum use of present authorities to secure compliance with water quality standards. However, the reforms I proposed in our water quality laws last year are still urgently needed.

Water quality standards now are often imprecise and unrelated to specific water quality needs. Even more important, they provide a poor basis for enforcement: without a precise effluent standard, it is often difficult to prove violations in court. Also, Federal-State water quality standards presently do not apply to many important waters.

—*I again propose that the Federal-State water quality program be extended to cover all navigable waters and their tributaries, ground waters and waters of the contiguous zone.*

—*I again propose that Federal-State water quality standards be revised to impose precise effluent limitations on both industrial and municipal sources.*

—*I also propose Federal standards to regulate the discharge of hazardous substances similar to those which I proposed and the Congress adopted in the Clean Air Amendments of 1970.*

—*I propose that standards require that the best practicable technology be used in new industrial facilities to ensure that water quality is preserved or enhanced.*

—*I propose that the Administrator of the Environmental Protection Agency be empowered to require prompt revision of standards when necessary.*

We should strengthen and streamline Federal enforcement authority, to permit swift action against municipal as well as industrial and other violators of water quality standards. Existing authority under the Refuse Act generally does not apply to municipalities.

—*I propose that the Administrator of EPA be authorized to issue abatement orders swiftly and to impose administrative fines of up to $25,000 per day for violation of water quality standards.*

—*I propose that violations of standards and abatement orders be made subject to court-imposed fines of up to $25,000 per day and up to $50,000 per day for repeated violations.*

—*I again propose that the Administrator be authorized to seek immediate injunctive relief in emergency situations in which severe water pollution constitutes an imminent danger to health, or threatens irreversible damage to water quality.*

—*I propose that the cumbersome and time-consuming enforcement conference and hearing mechanism in the current law be replaced by a provision for swift public hearings as a prelude to issuance of abatement orders or requiring a revision of standards.*

—*I propose an authorization for legal actions against violations of standards by private citizens, as in the new air quality legislation, in order to bolster State and Federal enforcement efforts.*

—*I propose that the Administrator be empowered to require reports by any person responsible for discharging effluents covered by water quality standards.*

—*I again propose that Federal grants to State pollution control enforcement agencies be tripled over the next four years—from $10 million to $30 million—to assist these agencies in meeting their expanded pollution control responsibilities.*

CONTROL OF OIL SPILLS

Last May I outlined to the Congress a number of measures that should be taken to reduce the risks of pollution from oil spills. Recent events have underlined the urgency of action on these proposals. At the outset of this present Congress I resubmitted the Ports and Waterways Safety Act and the legislation requiring the use of bridge-to-bridge radiotelephones for safety of navigation. Such legislation would have decreased the chances of the oil spill which occurred as a result of a tanker collision in San Francisco Bay.

—*I have provided $25 million in next year's budget for development of better techniques to prevent and clean up oil spills and to provide more effective surveillance. I am asking the Council on Environmental Quality in conjunction with the Department of Transportation and the Environmental Protection Agency to review what further measures can be developed to deal with the problem.*

—*I also am renewing my request that the Senate give its advice and consent on the two new international conventions on oil spills and the pending amendments to the 1954 Oil Spills Convention for the Prevention of Pollution of the Sea by Oil.*

The Intergovernmental Maritime Consultative Organization (IMCO) is presently preparing a convention to establish an International Compensation Fund to supplement the 1969 Civil Liability Convention. Our ratification of the 1969 convention will be withheld until this supplementary convention can also be brought into force because both conventions are part of a comprehensive plan to provide compensation for damages caused by oil spills. In addition, we have taken the initiative in NATO's Committee on the Challenges of Modern Society and achieved wide international support for terminating all intentional discharges of oil and oily wastes from ships into the oceans by 1975, if possible, and no later than the end of this decade. We will continue to work on this matter to establish through IMCO an international convention on this subject.

PESTICIDES

Pesticides have provided important benefits by protecting man from disease and increasing his ability to produce food and fiber. However, the use and misuse of pesticides has become one of the major concerns of all who are interested in a better environment. The decline in numbers of several of our bird species is a signal of the potential hazards of pesticides to the environment. We are continuing a major research effort to develop nonchemical methods of pest control, but we must continue to rely on pesticides for the foreseeable future. The challenge is to institute the necessary mechanisms to prevent pesticides from harming human health and the environment.

Currently, Federal controls over pesticides consist of the registration and labeling requirements in the Federal Insecticide, Fungicide, and Rodenticide Act. The Administrative processes contained in the law are inordinately cumbersome and time-consuming, and there is no authority to deal with the actual *use* of pesticides. The labels approved under the Act specify the uses to which a pesticide may be put, but there is no way to insure that the label will be read or obeyed. A comprehensive strengthening of our pesticide control laws is needed.

—*I propose that the use of pesticides be subject to control in appropriate circumstances, through a registration procedure which provides for designation of a pesticide for "general use," "restricted use," or "use by permit only." Pesticides designated for restricted use would be applied only by an approved pest control applicator. Pesticides designated for "use by permit only" would be made available only with the approval of an approved pest control consultant. This will help to ensure that pesticides which are safe when properly used will not be misused or applied in excessive quantities.*

—*I propose that the Administrator of the Environmental Protection Agency be authorized to permit the experimental use of pesticides under strict controls, when he needs additional information concerning a pesticide before deciding whether it should be registered.*

—*I propose that the procedures for cancellation of a registration be streamlined to permit more expeditious action.*

—*I propose that the Administrator be authorized to stop the sale or use of, and to seize, pesticides being distributed or held in violation of Federal law.*

RECYCLING OF WASTES

The Nation's solid waste problem is both costly and damaging to the environment. Paper, which accounts for about one-half of all municipal solid waste, can be reprocessed to produce a high quality product. Yet the percentage the Nation recycles has been declining steadily.

To reverse this trend, the General Services Administration, working with the Council on Environmental Quality, has reviewed the Federal Government's purchasing policies. It found a substantial number of prohibitions against using paper with recycled content. Such prohibitions are no longer reasonable in light of the need to encourage recycling.

As a result of this review, the GSA has already changed its specifications to require a minimum of 3 to 50 percent recycled content, depending on the product. in over $35 million per year of paper purchases. GSA is currently revising other specifications to require recycled content in an additional $25 million of annual paper purchases. In total, this will amount to more than one-half of GSA's total paper products purchases. All remaining specifications will be reviewed to require recycled content in as many other paper products as possible. The regulations will be reviewed continually to increase the percentage of recycled paper required in each.

I have directed that the Chairman of the Council on Environmental Quality suggest to the Governors that they review State purchasing policies and where possible revise them to require recycled paper. To assist them, I have directed the Administrator of GSA to set up a technical liaison to provide States with the federally revised specifications as well as other important information on this new Federal program, which represents a significant first step toward a much broader use of Federal procurement policies to encourage recycling.

II. CONTROLLING EMERGING PROBLEMS

Environmental control efforts too often have been limited to cleaning up problems that have accumulated in the past. We must concentrate more on preventing the creation of new environmental problems and on dealing with emerging problems. We must, for example, prevent the harmful dumping of wastes into the ocean and the buildup of toxic materials throughout our environment. We must roll back increasingly annoying and hazardous levels of noise in our environment, particularly in the urban environment. Our goal in dealing with emerging environmental problems must be to ward them off before they become acute, not merely to undo the damage after it is done.

TOXIC SUBSTANCES

As we have become increasingly dependent on many chemicals and metals, we have become acutely aware of the potential toxicity of the materials entering our environment. Each year hundreds of new chemicals are commercially marketed and some of these chemicals may pose serious potential threats. Many existing chemicals and metals, such as PCB's (polychlorinated biphenyls) and mercury, also represent a hazard.

It is essential that we take steps to prevent chemical substances from becoming environmental hazards. Unless we develop better methods to assure adequate testing of chemicals, we will be inviting the environmental crises of the future.

—*I propose that the Administrator of EPA be empowered to restrict the use or distribution of any substance which he finds is a hazard to human health or the environment.*

—*I propose that the Administrator be authorized to stop the sale or use of any substance that violates the provisions of the legislation and to seek immediate injunctive relief when use or distribution of a substance presents an imminent hazard to health or the environment.*

—*I propose that the Administrator be authorized to prescribe minimum standard tests to be performed on substances.*

This legislation, coupled with the proposal on pesticides and other existing laws, will provide greater protection to humans and wildlife from introduction of toxic substances into the environment. What I propose is not to ban beneficial uses of chemicals, but rather to control the use of those that may be harmful.

OCEAN DUMPING

Last year, at my direction, the Council on Environmental Quality extensively examined the problem of ocean dumping. Its study indicated that ocean dumping is not a critical problem now, but it predicted that as municipalities and industries increasingly turned to the oceans as a convenient dumping ground, a vast new influx of wastes would occur. Once this happened, it would be difficult and costly to shift to land-based disposal.

Wastes dumped in the oceans have a number of harmful effects. Many are toxic to marine life, reduce populations of fish and other economic resources, jeopardize marine ecosystems, and impair esthetic values. In most cases, feasible, economic, and more beneficial methods of disposal are available. Our national policy should be to ban unregulated ocean dumping of all wastes and to place strict limits on ocean disposal of harmful materials. Legislation is needed to assure that our oceans do not suffer the fate of so many of our inland waters, and to provide the authority needed to protect our coastal waters, beaches, and estuaries.

—*I recommend a national policy banning unregulated ocean dumping of all materials and placing strict limits on ocean disposal of any materials harmful to the environment.*

—*I recommend legislation that will require a permit from the Administrator of the Environmental Protection Agency for any materials to be dumped into the oceans, estuaries, or Great Lakes and that will authorize the Administrator to ban dumping of wastes which are dangerous to the marine ecosystem.*

The legislation would permit the Administrator to begin phasing out ocean dumping of harmful materials. It would provide the controls necessary to prevent further degradation of the oceans.

This would go far toward remedying this problem off our own shores. However, protection of the total marine environment from such pollution can only be assured if other nations adopt similar measures and enforce them.

—*I am instructing the Secretary of State, in coordination with the Council on Environmental Quality, to develop and pursue international initiatives directed toward this objective.*

NOISE

The American people have rightly become increasingly annoyed by the growing level of noise that assails them. Airplanes, trucks, construction equipment, and many other sources of noise interrupt sleep, disturb communication, create stress, and can produce deafness and other adverse health effects. The urban environment in particular is being degraded by steadily rising noise levels. The Federal Government has set and enforces standards for noise from aircraft, but it is now time that our efforts to deal with many other sources of noise be strengthened and expanded.

The primary responsibility for dealing with levels of noise in the general environment rests upon local governments. However, the products which produce the noise are usually marketed nationally, and it is by regulating the noise-generating characteristics of such products that the Federal Government can best assist the State and local governments in achieving a quieter environment.

—*I propose comprehensive noise pollution control legislation that will authorize the Administrator of EPA to set noise standards on transportation, construction and other equipment and require labeling of noise characteristics of certain products.*

Before establishing standards, the Administrator would be required to publish a report on the effects of noise on man, the major sources, and the control techniques available. The legislation would provide a method for measurably reducing major noise sources, while preserving to State and local governments the authority to deal with their particular noise problems.

III. PROMOTING ENVIRONMENTAL QUALITY IN OUR LAND USE DECISIONS

The use of our land not only affects the natural environment but shapes the pattern of our daily lives. Unfortunately, the sensible use of our land is often thwarted

by the inability of the many competing and overlapping local units of government to control land use decisions which have regional significance.

While most land use decisions will continue to be made at the local level, we must draw upon the basic authority of State government to deal with land use issues which spill over local jurisdictional boundaries. The States are uniquely qualified to effect the institutional reform that is so badly needed, for they are closer to the local problems than is the Federal Government and yet removed enough from local tax and other pressures to represent the broader regional interests of the public. Federal programs which influence major land use decisions can thereby fit into a coherent pattern. In addition, we must begin to restructure economic incentives bearing upon land use to encourage wise and orderly decisions for preservation and development of the land.

I am calling upon the Congress to adopt a national land use policy. In addition, I am proposing other major initiatives on land use to bring "parks to the people," to expand our wilderness system, to restore and preserve historic and older buildings, to provide an orderly system for power plant siting, and to prevent environmental degradation from mining.

A NATIONAL LAND USE POLICY

We must reform the institutional framework in which land use decisions are made.

—*I propose legislation to establish a National Land Use Policy which will encourage the States, in cooperation with local government, to plan for and regulate major developments affecting growth and the use of critical land areas. This should be done by establishing methods for protecting lands of critical environmental concern, methods for controlling large-scale development, and improving use of lands around key facilities and new communities.*

One hundred million dollars in new funds would be authorized to assist the States in this effort—$20 million in each of the next five years—with priority given to the States of the coastal zone. Accordingly, this proposal will replace and expand my proposal submitted to the last Congress for coastal zone management, while still giving priority attention to this area of the country which is especially sensitive to development pressures. Steps will be taken to assure that federally-assisted programs are consistent with the approved State land use programs.

PUBLIC LANDS MANAGEMENT

The Federal public lands comprise approximately one-third of the Nation's land area. This vast domain contains land with spectacular scenery, mineral and timber resources, major wildlife habitat, ecological significance, and tremendous recreational importance. In a sense, it is the "breathing space" of the Nation.

The public lands belong to all Americans. They are part of the heritage and the birthright of every citizen. It is important, therefore, that these lands be managed wisely, that their environmental values be carefully safeguarded, and that we deal with these lands as trustees for the future. They have an important place in national land use considerations.

The Public Land Law Review Commission recently completed a study and report on Federal public land policy. This Administration will work closely with the Congress in evaluating the Commission's recommendations and in developing legislative and administrative programs to improve public land management.

The largest single block of Federal public land lies in the State of Alaska. Recent major oil discoveries suggest that the State is on the threshold of a major economic development. Such development can bring great benefits both to the State and to the Nation. It could also—if unplanned and unguided—despoil the last and greatest American wilderness.

We should act now, in close cooperation with the State of Alaska, to develop a comprehensive land use plan for the Federal lands in Alaska, giving priority to those north of the Yukon River. Such a plan should take account of the needs and aspirations of the native peoples, the importance of balanced economic development, and the special need for maintaining and protecting the unique natural heritage of Alaska. This can be accomplished through a system of parks, wilderness, recreation, and wildlife areas and through wise management of the Federal lands generally. I am asking the Secretary of the Interior to take the lead in this task, calling upon other Federal agencies as appropriate.

PRESERVING OUR NATURAL ENVIRONMENT

The demand for urban open space, recreation, wilderness and other natural areas continues to accelerate. In the face of rapid urban development, the acquisition and development of open space, recreation lands and natural areas accessible to urban centers is often thwarted by escalating land values and development pressures. I am submitting to the Congress several bills that will be part of a comprehensive effort to preserve our natural environment and to provide more open spaces and parks in urban areas where today they are often so scarce. In addition, I will be taking steps within the executive branch to assure that all agencies are using fully their existing legislative authority to these ends.

"LEGACY OF PARKS"

Merely acquiring land for open space and recreation is not enough. We must bring parks to where the people are so that everyone has access to nearby recreational areas. In my budget for 1972, I have proposed a new "Legacy of Parks" program which will help States and local governments provide parks and recreation areas, not just for today's Americans but for tomorrow's as well. Only if we set aside and develop such recreation areas now can we ensure that they will be available for future generations.

As part of this legacy, I have requested a $200 million appropriation to begin a new program for the acquisition and development of additional park lands in urban areas. To be administered by the Department of Housing and Urban Development, this would include provision for facilities such as swimming pools to add to the use and enjoyment of these parks.

Also, I have recommended in my 1972 budget that the appropriation for the Land and Water Conservation Fund be increased to $380 million, permitting the continued acquisition of Federal parks and recreation areas as well as an expanded State grant program. However, because of the way in which these State grant funds were allocated over the past five years, a relatively small percentage has been used for the purchase and development of recreational facilities in and near urban areas. The allocation formula should be changed to ensure that more parks will be developed in and near our urban areas.

—*I am submitting legislation to reform the State grant program so that Federal grants for the purchase and development of recreation lands bear a closer relationship to the population distribution.*

—*I am also proposing amendments to the Internal Revenue Code which should greatly expand the use of charitable land transfers for conservation purposes and thereby enlarge the role of private citizens in preserving the best of America's landscape.*

Additional public parks will be created as a result of my program for examining the need for retention of real property owned by the Government. The Property Review Board, which I established last year, is continuing its review of individual properties as well as its evaluation of the Government's overall Federal real property program. Properties identified as suitable for park use and determined to be surplus can be conveyed to States and political subdivisions for park purposes without cost. The State or other political subdivision must prepare an acceptable park use plan and must agree to use the property as a park in perpetuity. More than 40 properties with high potential for park use have already been identified.

Five such properties are now available for conversion to public park use. One, Border Field, California, will be developed as a recreation area with the assistance of the Department of the Interior. The other four will be conveyed to States or local units of government as soon as adequate guarantees can be obtained for their proper maintenance and operation. These four are: (1) part of the former Naval Training Devices Center on Long Island Sound, New York; (2) land at a Clinical Research Center in Fort Worth, Tex.; (3) about ten miles of sand dunes and beach along the Atlantic Coast and Sandy Hook Bay, a part of Fort Hancock, New Jersey; and (4) a portion of Fort Lawton, Washington, a wooded, hilly area near the heart of Seattle. In addition, efforts are underway to open a significant stretch of Pacific Ocean Beach Front and Coastal Bluffs at Camp Pendleton, California.

Many parcels of federal real property are currently underutilized because of the budgetary and procedural difficulties that are involved in transferring a Federal operation from the current site to a more suitable location.

—I am again proposing legislation to simplify relocation of federal installations that occupy properties that could better be used for other purposes.

This will allow conversion of many additional Federal real properties to a more beneficial public use. Lands now used for Federal operations but more suited to park and recreational uses will be given priority consideration for relocation procedures. The program will be self-financing and will provide new opportunities for improving the utilization of Federal lands.

WILDERNESS AREAS

While there is clearly a need for greater efforts to provide neighborhood parks and other public recreation areas, there must still be places where nature thrives and man enters only as a visitor. These wilderness areas are an important part of a comprehensive open space system. We must continue to expand our wilderness preservation system, in order to save for all time those magnificent areas of America where nature still predominates. Accordingly, in August last year I expressed my intention to improve our performance in the study and presentation of recommendations for new wilderness areas.

—I will soon be recommending to the Congress a number of specific proposals for a major enlargment of our wilderness preservation system by the addition of a wide spectrum of natural areas spread across the entire continent.

NATIONAL PARKS

While placing much greater emphasis on parks in urban areas and the designation of new wilderness areas, we must continue to expand our national park system. We are currently obligating substantial sums to acquire the privately owned lands in units of the National Park System which have already been authorized by the Congress.

Last year, joint efforts of the administration and the Congress resulted in authorization of ten areas in the National Park System, including such outstanding sites as Voyageurs National Park in Minnesota, Apostle Islands National Lakeshore in Wisconsin, Sleeping Bear Dunes National Lakeshore in Michigan, Gulf Islands National Seashore in Mississippi and Florida, and the Chesapeake and Ohio Canal National Historical Park in the District of Columbia, Maryland and West Virginia.

However, the job of filling out the National Park System is not complete. Other unique areas must still be preserved. Despite all our wealth and scientific knowledge, we cannot recreate these unspoiled areas once they are lost to the onrush of development. I am directing the Secretary of the Interior to review the outstanding opportunities for setting aside nationally significant natural and historic areas, and to develop priorities for their possible addition to the National Park System.

POWER PLANT SITING

The power shortage last summer and continuing disputes across the country over the siting of power plants and the routing of transmission lines highlight the need for longer-range planning by the producers of electric power to project their future needs and identify environmental concerns well in advance of construction deadlines. The growing number of confrontations also suggest the need for the establishment of public agencies to assure public discussion of plans, proper resolution of environmental issues, and timely construction of facilities. Last fall, the Office of Science and Technology sponsored a study entitled "Electric Power and the Environment," which identified many of these issues. Only through involving the environmental protection agencies early in the planning of future power facilities can we avoid disputes which delay construction timetables. I believe that these two goals of adequacy of power supply and environmental protection are compatible if the proper framework is available.

—I propose a power plant siting law to provide for establishment within each State or region of a single agency with responsibility for assuring that environmental concerns are properly considered in the certification of specific power plant sites and transmission line routes.

Under this law, utilities would be required to identify needed power supply facilities 10 years prior to construction of the required facilities. They would be required to identify the powerplant sites and general transmission routes under consideration 5 years before construction and apply for certification for specific sites, facilities, and routes 2 years in advance of construction. Public hearings at which all interested parties could be heard without delaying construction timetables would be required.

MINED AREA PROTECTION

Surface and underground mining have scarred millions of acres of land and have caused environmental damages such as air and water pollution. Burning coal fires, subsidence, acid mine drainage which pollutes our streams and rivers and the destruction of aesthetic and recreational values frequently but unnecessarily accompanying mining activities. These problems will worsen as the demand for fossil fuels and other raw materials continues to grow, unless such mining is subject to regulation requiring both preventive and restorative measures.

—I propose a Mined Area Protection Act to establish Federal requirements and guidelines for State programs to regulate the environmental consequences of surface and underground mining. In any State which does not enact the necessary regulations or enforce them properly, the Federal Government would be authorized to do so.

PRESERVING OUR ARCHITECTURAL AND HISTORIC HERITAGE

Too often we think of environment only as our natural surroundings. But for most of us, the urban environment is the one in which we spend our daily lives. America's cities, from Boston and Washington to Charleston, New Orleans, San Antonio, Denver, and San Francisco, reflect in the architecture of their buildings a uniqueness and character that is too rapidly disappearing under the bulldozer. Unfortunately, present Federal income tax policies provide much stronger incentives for demolition of older buildings than for their rehabilitation.

Particularly acute is the continued loss of many buildings of historic value. Since 1933 an estimated one-quarter of the buildings recorded by the Historic American Building Survey have been destroyed. Most lending institutions are unwilling to loan funds for the restoration and rehabilitation of historic buildings because of the age and often the location of such buildings. Finally, there are many historic buildings under Federal ownership for which inadequate provision has been made for restoration and preservation.

—I shall propose tax measures designed to overcome these present distortions and particularly to encourage the restoration of historic buildings.

—I shall propose new legislation to permit Federal insurance of home improvement loans for historic residential properties to a maximum of $15,000 per dwelling unit.

—I am recommending legislation to permit State and local governments more easily to maintain transferred Federal historic sites by allowing their use for revenue purposes and I am taking action to insure that no federally owned property is demolished until its historic significance has first been reviewed.

IV. TOWARD A BETTER WORLD ENVIRONMENT

Environmental problems have a unique global dimension, for they afflict every nation, irrespective of its political institutions, economic system, or state of development. The United States stands ready to work and cooperate with all nations, individually or through international institutions, in the great task of building a better environment for man. A number of the proposals which I am submitting to Congress today have important international aspects, as in the case of ocean dumping. I hope that other nations will see the merit of the environmental goals which we have set for ourselves and will choose to share them with us.

At the same time, we need to develop more effective environmental efforts through appropriate regional and global organizations. The United States is participating closely in the initiatives of the Organization for Economic Cooperation and Development (OECD), with its emphasis on the complex economic aspects of environmental controls, and of the Economic Commission for Europe (ECE), a U.N. regional organization

which is the major forum for East-West cooperation on environmental problems.

Following a United States initiative in 1969, the North Atlantic Treaty Organization has added a new dimension to its cooperative activities through its Committee on the Challenges of Modern Society. CCMS has served to stimulate national and international action on many problems common to a modern technological society. For example, an important agreement was reached in Brussels recently to eliminate intentional discharges of oil and oily wastes by ships into the oceans by 1975 if possible or, at the latest, by the end of the decade. CCMS is functioning as an effective forum for reaching agreements on the development of pollution-free and safe automobiles. Work on mitigating the effects of floods and earthquakes is in progress. These innovative and specific actions are good examples of how efforts of many nations can be focused and coordinated in addressing serious environmental problems facing all nations.

The United Nations, whose specialized agencies have long done valuable work on many aspects of the environment, is sponsoring a landmark Conference on the Human Environment to be held in Stockholm in June 1972. This will, for the first time, bring together all member nations of the world community to discuss those environmental issues of most pressing common concern and to agree on a world-wide strategy and the basis for a cooperative program to reverse the fearful trend toward environmental degradation. I have pledged full support for this Conference, and the United States is actively participating in the preparatory work.

Direct bilateral consultations in this field are also most useful in jointly meeting the challenges of environmental problems. Thus, the United States and Canada have been working closely together preparing plans for action directed to the urgent task of cleaning up the Great Lakes, that priceless resource our two nations share. Over the past few months, ministerial level discussions with Japan have laid the basis for an expanded program of cooperation and technological exchange from which both nations will benefit.

It is my intention that we will develop a firm and effective fabric of cooperation among the nations of the world on these environmental issues.

WORLD HERITAGE TRUST

As the United States approaches the centennial celebration in 1972 of the establishment of Yellowstone National Park, it would be appropriate to mark this historic event by a new international initiative in the general field of parks. Yellowstone is the first national park to have been created in the modern world, and the national park concept has represented a major contribution to world culture. Similar systems have now been established throughout the world. The United Nations lists over 1,200 parks in 93 nations.

The national park concept is based upon the recognition that certain areas of natural, historical, or cultural significance have such unique and outstanding characteristics that they must be treated as belonging to the nation as a whole, as part of the nation's heritage.

It would be fitting by 1972 for the nations of the world to agree to the principle that there are certain areas of such unique worldwide value that they should be treated as part of the heritage of all mankind and accorded special recognition as part of a World Heritage Trust. Such an arrangement would impose no limitations on the sovereignty of those nations which choose to participate, but would extend special international recognition to the areas which qualify and would make available technical and other assistance where appropriate to assist in their protection and management. I believe that such an initiative can add a new dimension to international cooperation.

—I am directing the Secretary of the Interior, in coordination with the Council of Environmental Quality, and under the foreign policy guidance of the Secretary of State, to develop initiatives for presentation in appropriate international forums to further the objective of a World Heritage Trust.

Confronted with the pressures of population and development, and with the world's tremendously increased capacity for environmental modification, we must act together now to save for future generations the most outstanding natural areas as well as places of unique historical, archeological, architectural, and cultural value to mankind.

V. FURTHER INSTITUTIONAL IMPROVEMENT

The solutions to environmental and ecological problems are often complex and costly. If we are to develop sound policies and programs in the future and receive early warning on problems, we need to refine our analytical techniques and use the best intellectual talent that is available.

After thorough discussions with a number of private foundations, the Federal Government through the National Science Foundation and the Council on Environmental Quality will support the establishment of an Environmental Institute. I hope that this nonprofit institute will be supported not only by the Federal Government but also by private foundations. The Institute would conduct policy studies and analyses drawing upon the capabilities of our universities and experts in other sectors. It would provide new and alternative strategies for dealing with the whole spectrum of environmental problems.

VI. TOWARD A BETTER LIFE

Adoption of the proposals in this message will help us to clean up the problems of the past, to reduce the amount of waste which is disposed, and to deal creatively with problems of the future before they become critical. But action by government alone can never achieve the high quality environment we are seeking.

We must better understand how economic forces induce some forms of environmental degradation, and how we can create and change economic incentives to improve rather than degrade environmental quality. Economic incentives, such as the sulfur oxides charge and the lead tax, can create a strong impetus to reduce pollution levels. We must experiment with other economic incentives as a supplement to our regulatory efforts. Our goal must be to harness the powerful mechanisms of the marketplace, with its automatic incentives and restraints, to encourage improvement in the quality of life.

We must also recognize that the technological, regulatory, and economic measures we adopt to solve our environmental problems cannot succeed unless we enlist the active participation of the American people. Far beyond any legislative or administrative programs that may be suggested, the direct involvement of our citizens will be the critical test of whether we can indeed have the kind of environment we want for ourselves and for our children.

All across the country, our people are concerned about the environment—the quality of the air, of the water, of the open spaces that their children need. The question I hear everywhere is, "What can I do?"

Fortunately, there is a great deal that each of us can do. The businessman in his every day decisions can take into account the effects on the environment of his alternatives and act in an environmentally responsible way. The housewife can make choices in the marketplace that will help discourage pollution. Young people can undertake projects in their schools and through other organizations to help build a better environment for their communities. Parents can work with the schools to help develop sound environmental teaching throughout our education system. Every community in the nation can encourage and promote concerned and responsible citizen involvement in environmental issues, an involvement which should be broadly representative of the life-styles and leadership of the community. Each of us can resolve to help keep his own neighborhood clean and attractive and to avoid careless, needless littering and polluting of his surroundings. These are examples of effective citizen participation; there are many others.

The building of a better environment will require in the long term a citizenry that is both deeply concerned and fully informed. Thus, I believe that our educational system, at all levels, has a critical role to play.

As our nation comes to grips with our environmental problems, we will find that difficult choices have to be made, that substantial costs have to be met, and that sacrifices have to be made. Environmental quality cannot be achieved cheaply or easily. But, I believe the American people are ready to do what is necessary.

This nation has met great challenges before. I believe we shall meet this challenge. I call upon all Americans to dedicate themselves during the decade of the seventies to the goal of restoring the environment and reclaiming the earth for ourselves and our posterity. And I invite all peoples everywhere to join us in this great endeavor. Together, we hold this good earth in trust. We must—and to-

gether we can—prove ourselves worthy of that trust.

RICHARD NIXON.

THE WHITE HOUSE, *February 8, 1971.*

Mr. BOGGS. Mr. President, President Nixon has sent to the Congress today the most comprehensive set of proposals for environmental excellence that the Congress has ever considered. He has suggested a broad range of proposals, to be implemented with legislation that will be forwarded shortly, that will place our Nation firmly on the path toward environmental excellence.

The proposals and challenges outlined by President Nixon in his environmental message today will serve to build effectively upon his 37-point program of 1 year ago, as well as the foundation of pollution-control legislation adopted in recent years. As the President stated so effectively in discussing his latest environmental program:

> It gives us the means to ensure that, as a nation, we maintain the initiative so vigorously begun in our shared campaign to save and enhance our surroundings.

The specific provisions offered by the President comprise what can truly be proclaimed as one of his six great goals for our Nation. The proposals range from an acceleration of existing water pollution control programs to creation of a world heritage trust that would assist other nations in the preservation of parks and areas of unique cultural value.

President Nixon's call for a $12 billion 3-year national effort to construct sewage treatment facilities should, if enacted, enable our Nation to cleanse our rivers and lakes to levels of purity that we have not had for many years. The President's suggestions for strengthening and broadening various procedures for setting and enforcing water quality standards are timely and will create a more effective program.

I am very pleased that the President has begun a program to encourage the recycling of wastepaper. This will prove a means for reducing the volume of solid wastes our nation generates, and would serve as a model for developing recycling programs for other types of trash.

The proposed tax on sulfur oxide pollution is an imaginative adjunct to requirements adopted last year in the amendments to the Clean Air Act. This tax should accelerate the effort to control this very dangerous and omnipresent pollutant.

President Nixon has also suggested procedures to implement the proposals made last year in the study of ocean dumping prepared by the Council on Environmental Quality. Ocean dumping controls are a very necessary component of any environmental enhancement program. The world's oceans too often are utilized today as sewers for our industrial and municipal wastes. This must be regulated and reduced as much as possible.

Regulation of noise pollution through proposed establishment of noise standards and labeling of noise characteristics of some manufactured products represents a significant addition to the Noise Pollution and Abatement Act of 1970.

Regulation of toxic substances, as suggested by President Nixon, should enable our nation to prevent environmental dangers, rather than reacting to these dangers once they have spread into the environment. Such preventative testing will save dollars and reduce health damage.

Programs for national land use are also very important, and I believe that President Nixon's message offers several significant proposals. The urban parks program should greatly improve the environment of our cities. In addition, I fully support expansion of our wilderness areas. Such areas must be set aside to benefit our generation and the many generations to come.

There are many other significant proposals incorporated within the President's assessment of our national environment. Each of these merits our attention and close consideration.

In conclusion, Mr. President, may I offer this thought: President Nixon has prepared a package of proposals that we will be considering for many months to come before many of them are written into the laws of our land. But they are proposals that, when enacted, will bring to our Nation years, and even decades, of progress toward environmental enhancement and thus a better life for every American.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED APPROPRIATIONS FOR THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Acting Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes (with accompanying papers); to the Committee on Aeronautical and Space Sciences.

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Deputy Director, Office of Management and Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the General Services Administration for "Allowances and office staff for former Presidents" for the fiscal year 1971, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

REPORT ON CHARGES RELATED TO MILITARY CONSTRUCTION

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting, pursuant to law, reports of the Military Departments and the applicable Defense agencies for design, construction, supervision and overhead fees charged by the several agents for Military Construction completed in fiscal year 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF OFFICE OF CIVIL DEFENSE

A letter from the Director of Civil Defense, Office of the Secretary of the Army, reporting, pursuant to law on Federal Contributions Program Equipment and Facilities for the quarter ended December 31, 1970; to the Committee on Armed Services.

REPORT OF PROGRESS OF ARMY RESERVE OFFICERS' TRAINING CORPS FLIGHT INSTRUCTION PROGRAM

A letter from the Secretary of the Army, transmitting, pursuant to law, a report of progress of the Army Reserve Officers' Training Corps Flight Instruction Program for the calendar year ended December 1970 (with accompanying papers); to the Committee on Armed Services.

REPORT OF EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the Secretary, Export-Import Bank of the United States, reporting, pursuant to law, the amount of Bank loans, insurance, and guarantees, issued in connection with exports to Yugoslavia, for the period June through December 1970; to the Committee on Banking, Housing and Urban Affairs.

PROPOSED LEGISLATION TO DESIGNATE LEGAL PUBLIC HOLIDAYS IN THE DISTRICT OF COLUMBIA

A letter from the Assistant to the Commissioner, the District of Columbia, transmitting a draft of proposed legislation to designate the legal public holidays to be observed in the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

REPORTS AND FINANCIAL STATEMENTS OF THE DISTRICT OF COLUMBIA ARMORY BOARD

A letter from the Chairman, District of Columbia Armory Board, transmitting, pursuant to law, the report and financial statements of the Board's operation of the District of Columbia National Guard Armory and the report and financial statements of the Board's operation of the Robert F. Kennedy Memorial Stadium, for the fiscal year ended June 30, 1970 (with accompanying reports); to the Committee on the District of Columbia.

REPORT OF NATIONAL WATER COMMISSION

A letter from the Chairman, National Water Commission, transmitting, pursuant to law, the second interim report of the Commission describing its progress during calendar year 1970 (with an accompanying report); to the Committee on Interior and Insular Affairs.

VIEWS OF WATER RESOURCES COUNCIL ON NATIONAL WATER COMMISSION'S INTERIM REPORT NO. 2

A letter from the Chairman, Water Resources Council, transmitting, pursuant to law, the views of the Council on the National Water Commission's Interim Report No. 2 covering the Commission's activities during 1970; to the Committee on Interior and Insular Affairs.

REPORT ON APPLICATION FROM THE YOLO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, WOODLAND, CALIFORNIA

A letter from the Assistant Secretary of the Treasury, reporting, pursuant to law, on the receipt of a project proposal from the Yolo County Flood Control and Water Conservation District of Woodland, California; to the Committee on Interior and Insular Affairs.

REPORT OF AGRICULTURAL HALL OF FAME

A letter from Peat, Marwick, Mitchell & Company, Certified Public Accountants, transmitting, pursuant to law, an accountants' report and financial statements of the Agricultural Hall of Fame, dated August 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO AUTHORIZE FUNDS FOR USE UNDER THE APPALACHIAN REGIONAL DEVELOPMENT ACT

A letter from the Federal Cochairman, The Appalachian Regional Commission, transmitting a draft of proposed legislation

to extend, and to authorize funds to carry out the purposes of, the Appalachian Regional Development Act of 1965, as amended; to the Committee on Public Works.

PROPOSED LEGISLATION OF THE ATOMIC ENERGY COMMISSION

A letter from the Deputy General Manager, Atomic Energy Commission, transmitting, for the information of the Senate, in relation to their letter of January 26, 1971, transmitting proposed legislation, that "The Office of Management and Budget has advised that there is no objection to the presentation of the draft legislation to the Congress and that its enactment would be in accord with the program of the President"; to the Joint Committee on Atomic Energy.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. Res. 34. Resolution authorizing additional expenditures by the Committee on Interior and Insular Affairs for inquiries and investigations; referred to the Committee on Rules and Administration.

By Mr. ELLENDER, from the Committee on Appropriations, without amendment:

S. Res. 11. Resolution to provide additional funds for the Committee on Appropriations; referred to the Committee on Rules and Administration.

EXECUTIVE REPORTS OF A COMMITTEE

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

By Mr. MANSFIELD, from the Committee on Foreign Relations:

John B. Connally, of Texas, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund; U.S. Governor of the International Bank for Reconstruction and Development; Governor of the Inter-American Development Bank; and U.S. Governor of the Asian Development Bank.

David M. Kennedy, of Illinois, to be Ambassador at Large.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. TOWER (for himself, Mr. BELLMON, Mr. HANSEN, and Mr. PEARSON):

S. 637. A bill to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to new sales of natural gas in interstate commerce for resale by persons engaged solely in the production, gathering, and sale of natural gas; to the Committee on Commerce.

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

By Mr. TOWER:

S. 638. A bill to assist the States in establishing coastal zone management plans and programs; to the Committee on Commerce.

S. 639. A bill to amend title II of the Social Security Act to increase the amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title; to the Committee on Finance.

S. 640. A bill for the relief of Edgar Frederico Estrada;

S. 641. A bill for the relief of Luis C. Guerrero, Guadelupe Guerrero, and Alfredo Guerrero; and

S. 642. A bill for the relief of Col. Howell T. Walker, U.S. Air Force, retired; to the Committee on the Judiciary.

(The remarks of Mr. TOWER when he introduced S. 638 and S. 639 appear below under the appropriate heading.)

By Mr. McCLELLAN:

S. 643. A bill for the general revision of the Patent Laws, title 35 of the United States Code, and for other purposes; and

S. 644. A bill for the general revision of the Copyright Law, title 17 of the United States Code, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. McCLELLAN when he introduced the bills appear below under the appropriate headings.)

By Mr. McCLELLAN (by request):

S. 645. A bill to provide relief in patent and trademark cases affected by the emergency situation in the United States Postal Service which began on March 18, 1970; to the Committee on the Judiciary.

(The remarks of Mr. McCLELLAN when he introduced the bill appear below under the appropriate heading.)

By Mr. McCLELLAN (for himself and Mr. SCOTT):

S. 646. A bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings, and for other purposes; and

S. 647. A bill to amend the Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. McCLELLAN when he introduced the bills appear below under the appropriate headings.)

By Mr. MANSFIELD:

S. 648. A bill to amend section 1372 (e) (5) of the Internal Revenue Code of 1954 so as to exclude certain interest from the definition of passive investment income; to the Committee on Finance.

By Mr. MANSFIELD (for himself, Mr. AIKEN, Mr. CHURCH, Mr. FULBRIGHT, Mr. GOLDWATER, Mr. METCALF, Mr. MONTOYA, Mr. PROXMIRE, and Mr. TAFT):

S. 649. A bill to abolish the Interstate Commerce Commission at a future date and to establish a commission to make recommendations with respect to carrying out the functions of the Interstate Commerce Commission after such date; to the Committee on Commerce.

(The remarks of Mr. MANSFIELD when he introduced the bill appear below under the appropriate heading.)

By Mr. SPARKMAN:

S. 650. A bill for the relief of Doctor Benjamin Quejas Puzon; to the Committee on the Judiciary.

By Mr. MONDALE:

S. 651. A bill for the relief of Donald W. Rundquist; to the Committee on the Judiciary.

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

S. 652. A bill to amend the Truth in Lending Act to protect consumers against careless and unfair billing practices, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

(The remarks of Mr. PROXMIRE when he introduced the bill appear below under the appropriate heading.)

By Mr. SPARKMAN:

S. 653. A bill for the relief of Cecil A. Donaldson and Liselotte Donaldson; to the Committee on the Judiciary.

By Mr. PACKWOOD:

S. 654. A bill for the relief of Frederick E. Keehn; to the Committee on the Judiciary.

By Mr. STEVENSON:

S. 655. A bill for the relief of certain postal employees at the Elmhurst, Ill., Post Office; and

S. 656. A bill for the relief of Sjourjan Awal; wife, Sofie Awal; and son, Leksin Awal; to the Committee on the Judiciary.

By Mr. McINTYRE:

S. 657. A bill for the relief of Louis Afonso; and

S. 658. A bill for the relief of Joao Resendes Silva; to the Committee on the Judiciary.

By Mr. PELL (for himself, Mr. WILLIAMS, Mr. RANDOLPH, Mr. KENNEDY, Mr. NELSON, Mr. MONDALE, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, and Mr. STEVENSON):

S. 659. A bill to amend the Higher Education Act of 1965, the Vocational Educational Act of 1963, (and related Acts, and for other purposes; to the Committee on Labor and Public Welfare.)

(The remarks of Mr. PELL when he introduced the bill appear below under the appropriate heading.)

By Mr. NELSON (for himself and Mr. HUMPHREY):

S. 660. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act; to the Committee on Agriculture and Forestry.

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

By Mr. BELLMON:

S. 661. A bill to establish the Department of Human Resource Development; to the Committee on Government Operations.

S. 662. A bill authorizing grants to be made to certain States and Federal institutions to assist such States and institutions in improving their penal and post-adjudicatory programs; to the Committee on the Judiciary.

(The remarks of Mr. BELLMON when he introduced the bills appear below under the appropriate headings.)

By Mr. CURTIS:

S. 663. A bill to amend the Communications Act of 1934 in order to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years; to the Committee on Commerce.

(The remarks of Mr. CURTIS when he introduced the bill appear below under the appropriation heading.)

By Mr. COOK:

S. 664. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time be used from Memorial Day to Labor Day; to the Committee on Commerce.

(The remarks of Mr. COOK when he introduced the bill appear below under the appropriate heading.)

By Mr. HUMPHREY:

S. 665. A bill for the relief of Mr. Michele Giampaolo, [redacted] to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 666. A bill to designate certain lands in the Lava Beds National Monument in California as wilderness;

S. 667. A bill to designate certain lands in the Lassen Volcanic National Park in California as wilderness; and

S. 668. A bill to designate certain lands in the Pinnacles National Monument in California as wilderness; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. CRANSTON when he introduced the bills appear below under the appropriate heading.)

By Mr. SPARKMAN (for himself, Mr. TOWER, and Mr. BENNETT) (by request):

S. 669. A bill to amend and extend the Defense Production Act of 1950, as amended;

to the Committee on Banking, Housing and Urban Affairs.

By Mr. SPARKMAN (for himself, Mr. TOWER, and Mr. BENNETT):

S. 670. A bill to authorize further adjustments in the amount of silver certificates outstanding, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

By Mr. METCALF (for himself and Mr. MANSFIELD):

S. 671. A bill to provide for division and for the disposition of the funds appropriated to pay a judgment in favor of the Blackfeet Tribe of the Blackfeet Indian Reservation, Mont., and the Gros Ventre Tribe of the Fort Belknap Reservation, Mont., in Indian Claims Commission docket numbered 279–A, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STENNIS:

S. 672. A bill for the relief of Nicholaos Demitrios Apostolakis; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 673. A bill to amend the Internal Revenue Code of 1954 to provide for an increase in the amount of the personal exemptions for taxable years beginning after December 31, 1973; to the Committee on Finance.

(The remarks of Mr. HARTKE when he introduced the bill appear below under the appropriate heading.)

By Mr. EAGLETON (for himself, Mr. MCINTYRE, Mr. BAYH, Mr. BIBLE, Mr. CHURCH, Mr. CRANSTON, Mr. ERVIN, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUGHES, Mr. INOUYE, Mr. HUMPHREY, Mr. KENNEDY, Mr. MAGNUSON, Mr. MANSFIELD, Mr. MCGEE, Mr. MCGOVERN, Mr. MILLER, Mr. MONDALE, Mr. MONTOYA, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. PROXMIRE, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SPONG, Mr. STEVENS, Mr. STEVENSON, Mr. SYMINGTON, Mr. WILLIAMS, and Mr. TUNNEY):

S. 674. A bill to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such Act to schedule II; to the Committee on the Judiciary.

(The remarks of Mr. EAGLETON when he introduced the bill appear below under the appropriate heading.)

By Mr. CRANSTON (for himself and Mr. TUNNEY):

S. 675. A bill to provide that State laws or regulations with respect to certain environmental matters shall not be pre-empted or nullified by Federal law until such time as regulations in lieu of such State laws or regulations are put into effect by or pursuant to Federal law; to the Committee on Public Works.

(The remarks of Mr. CRANSTON when he introduced the bill appear below under the appropriate heading.)

By Mr. STEVENS:

S. 676. A bill to amend the Food Stamp Act of 1964 in order to permit eligible households living in remote areas of Alaska to use food stamp coupons for the purchase of ammunition; to the Committee on Agriculture and Forestry.

S. 677. A bill to confer jurisdiction on the U.S. District Court for the District of Alaska to hear and determine the claim of the State of Alaska for a refund of a sum paid to the United States for firefighting services; to the Committee on the Judiciary.

S. 678. A bill to amend title 5, United States Code, to restrict contracts for services relating to the positions of guards, elevator operators, messengers, and custodians; to the Committee on Post Office and Civil Service.

S. 679. A bill to amend the Act of March 3, 1899, relating to penalties for wrongful deposit of certain refuse, injury to harbor improvements, and obstruction of navigable waters; to the Committee on Public Works.

(The remarks of Mr. STEVENS when he introduced S. 676, S. 677, and S. 679 appear below under the appropriate headings.)

By Mr. SCOTT (for himself and Mr. MANSFIELD):

S.J. Res. 29. Joint resolution to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week," and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. SCOTT when he introduced the joint resolution appear below under the appropriate heading.)

S. 637—INTRODUCTION OF A BILL TO AMEND THE NATURAL GAS ACT

Mr. TOWER. Mr. President, I have repeatedly warned that this Nation faces an energy crisis of large and increasing proportions. All four of our basic energy resources are involved. Today, I would like to discuss the problems relating to natural gas and to introduce legislation which I believe will partially correct this problem.

The problem is a simple one to state: We are consuming our reserves of natural gas at a faster rate than we are finding gas. Let me explain the dimensions of the problem.

Natural gas provides approximately 32 percent of our total energy requirements. At the present time, we consume about 21 trillion cubic feet of gas per year. But in 1969 we located only about 13 trillion cubic feet of gas. Thus, a deficit was created, and it will surely increase if present pricing policies are followed. The Chase Manhattan Bank predicted that by 1980 potential demand could increase to 93 billion cubic feet of gas per day. They estimate that by 1980, however, there will only be available about 63 billion cubic feet of gas per day. So we have a large problem involving a basic and important energy resource.

A logical question to ask is whether we have adequate undiscovered reserves to meet our needs. The answer is that we do. The National Petroleum Council has recently estimated that the United States may harbor as much as 1,543 trillion cubic feet of natural gas. So, we do have adequate undiscovered reserves to meet our requirements.

The primary cause of our production deficiency is that during the past 17 years the Federal Power Commission has kept the price of nautral gas so low that exploration for new reserves has been discouraged. This regulation was imposed by the Supreme Court in 1954. Until that time, the price of natural gas paid to those who explore for and produce natural gas was regulated only by the free market system.

Pursuant to this Supreme Court decision, the Federal Power Commission has set the price. The avowed goals of the Commission's pricing policies were to assure consumers of adequate supplies at reasonable prices. The results of the past 17 years' efforts to achieve these goals reveal that the FPC has failed miserably. As noted earlier, our reserves are now dangerously low and worsening each year. The price paid by the consumer was not a reasonable price. Cheap, yes. But too low in comparison to other fuels.

For a comparison of relative prices, in 1968 the cost of gas in the Brooklyn, N.Y. area was exceeded by 35 percent for fuel oil, 47 percent for coal, and 168 percent for electricity.

Similar disparities in price exist at the present time there and in other areas of the United States.

So the best interests of the consumer have not been met. In some areas of the United States, new houses and apartments are not being built because of a lack of available supplies of natural gas to heat these buildings.

This situation is especially distressing in view of the fact that natural gas is the ideal fuel. It does not pollute the environment. The consumer is now having to pay for the past short-sightedness of FPC pricing policies. The consumer is being deprived of this most valuable energy resource. The mere pennies per thousand cubic feet of gas allegedly saved by the consumer over the past 17 years is costing the consumer today in brownouts, blackouts, and may even mean cold and dark homes, offices, and hospitals before the situation is corrected.

There is a solution to this problem. We must remove the pricing of natural gas from the Federal Power Commission and return it to the free market system.

This solution was endorsed in principle by the President's council of economic advisors in their 1971 annual Economic Report of the President. I would like to quote from this report:

> There appears to be a shortage of one major energy fuel, natural gas; that is, its production is clearly falling short of desired consumption at current prices. Current prices for interstate sales have been kept low by the Federal Power Commission, which sets these prices under law, not only have prices been too low for desired consumption to be met, but they appear also to have retarded development of new gas supplies. The only satisfactory solution of this problem is to allow the price, at least of new gas not previously committed, to approach the market-clearing level.

In a White House press conference on January 30, 1971, concerning this report, a member of the press asked if the report calls for the deregulation of natural gas. Dr. Hendrick S. Houthakker, a member of the council, responded as follows, and I quote:

> We come out here in support of de-regulation of gas on new contracts.

To accomplish this deregulation, I am introducing today a bill designed to deregulate the price at the wellhead of newly discovered natural gas.

I anticipate and hope that the price of gas will increase if the price is deregulated. This is as it should be.

We must provide the necessary incentives to encourage exploration for new reserves of gas. We now know for a certainty that the present system does not work. We must provide this industry with a real and substantial stimulus. Not only do we have a tremendous present- and future-producing deficiency to overcome,

but we need also to provide some cushion—some excess producing capacity.

There is an urgent need to act upon this legislation quickly.

It takes from 4 to 10 years to develop new reserves of natural gas.

It is easy to see that if we are presently in trouble, and if this time lag exists, we can waste no time in correcting this situation.

I am convinced that the passage of this bill will substantially eliminate the cause of the present shortages of natural gas by providing the economic incentives necessary to produce increased exploration.

Mr. President, on behalf of myself and Senators BELLMON, HANSEN, and PEARSON, I herewith offer my bill to deregulate the wellhead price of natural gas and ask that it be printed at this point in the RECORD.

Mr. President, the Senator from Wyoming (Mr. HANSEN) is necessarily absent but has asked me to have placed in the RECORD his prepared remarks in cosponsorship of this bill. I ask unanimous consent that the remarks of Senator HANSEN be printed at this point in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and statement will be printed in the RECORD.

The bill (S. 637) to provide that certain provisions of the Natural Gas Act relating to rates and charges shall not apply to new sales of natural gas in interstate commerce for resale by persons engaged solely in the production, gathering, and sale of natural gas, introduced by Mr. TOWER (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

S. 637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Natural Gas Act, as amended (52 Stat. 821, 56 Stat. 83, 61 Stat. 459, 68 Stat. 36, 72 Stat. 941, 947 and 76 Stat. 72; 15 U.S.C. 717–717w), is amended as follows:

SEC. 101. Section 2 of the Natural Gas Act, as amended, is amended by adding at the end thereof the following new subsections:

"(10) 'Independent producer' means a natural gas company solely engaged in the production, gathering, processing, or sale of natural gas in interstate commerce for resale but not engaged in the distribution thereof for ultimate public consumption nor classified by the Commission as an interstate pipeline company.

"(11) 'Indefinite escalation provision' means a provision in a contract covering a sale of natural gas by an independent producer in interstate commerce for resale that provides for any change in price other than to a definite amount on a specific date or other than to reimburse the seller for all or any part of the changes in production, severance, or gathering taxes levied upon the seller."

SEC. 102. The Natural Gas Act, as amended, is amended by adding at the end thereof the following new section:

"SEC. 24. Notwithstanding any other provision of the Natural Gas Act, as amended, the price, rate or charge demanded or made for the sale, between nonaffiliates, of natural gas in interstate commerce for resale shall not be subject to Commission consideration or approval when evaluating the present or future public convenience and necessity pursuant to section 7(e) of the Act: *Provided, however,* That the sale of natural gas in interstate commerce for resale is made by an independent producer, as hereinbefore defined, from acreage dedicated to the interstate market for the first time on or after the effective date of this amendment; the amounts to be charged or demanded for said sale, either initially or pursuant to a subsequent escalation, shall be expressly set forth in the contract of sale in terms of a definite price per unit; any indefinite escalation provision, as hereinbefore defined, contained in contracts executed on or after the effective date of this amendment shall be inoperative and of no effect at law; the contract of sale shall expressly provide that, after acceptance by an independent producer of a certificate of public convenience and necessity issued by the Commission authorizing said sale pursuant to section 7 of the Act, the definite unit prices specified therein shall not be increased by subsequent amendment to the contract; nothing contained in this section should be construed as relieving the Commission of the obligation to consider and approve all of the other contract provisions, terms, requirements, and conditions or any type of arrangement regardless of the effect they may have, either directly or indirectly, upon the definite unit prices specified in the contract: Furthermore, sections 4, 5, 6, and 9 of the Act shall not be applicable to said sale if, with respect thereto, a certificate of public convenience and necessity has been issued by the Commission pursuant to section 7 of the Act."

The statement submitted by Mr. TOWER for Mr. HANSEN is as follows:

STATEMENT OF MR. HANSEN

Mr. HANSEN. Mr. President, last October I was happy to join the able and distinguished Senator from Texas (Mr. TOWER) in introducing legislation which I believe is essential if this nation is to continue enjoying the abundance and dependability of one of its most vital energy sources.

As former Federal Power Commissioner Carl E. Bagge pointed out in his remarks on the bill he drafted at the request of the Senator from Texas, the Commission has recognized the need of the interstate market for new supplies by its authorization of the importation of much higher priced Canadian gas and has also certified imports of even higher priced gas in liquid form to the east coast and New England.

The producers of that gas in Canada or Algeria, or wherever it comes from, are probably getting the same price for their gas whether it is old or new gas, and I believe that is one of our problems in the regulation process, and in this bill. Mr. Bagge, in fact, said in his letter to Senator TOWER that this bill should not be considered as the only effective approach for accomplishing this objective.

Rather, he said the draft bill will serve as a constructive basis for further discussion and analysis.

Such analysis should, I believe, include a determination of the true economic value of natural gas as a fuel as compared with other fuels in terms of the energy or BTU content.

Presently, the petroleum industry sells more energy—BTU's—in the form of natural gas than in oil. But natural gas now returns to the industry only about one-fourth of industry revenues.

This gross imbalance must be corrected if the industry is to generate the capital needed for a domestic exploration-development program adequate for the reserves of oil and gas we must have for the future—and the very immediate future.

This imbalance must be corrected and to do this, all old—presently flowing—gas must also be freed from depressed prices established under FPC control.

I hope, therefore, that the further discussion and analysis of this legislation will include the price of old as well as new gas and some realistic pricing formula for presently committed gas.

Mr. President, the unrealistic price of natural gas is a key element in the energy crisis now facing this nation and it is a problem that needs to be resolved and resolved quickly.

Chairman John N. Nassikas warned more than a year ago that we were facing a very real and imminent shortage of natural gas. He also conducted an investigation and audit of all available natural gas supplies and ordered hearings in all major gas producing areas.

According to the FPC, the most important evidence collected during the nationwide investigation shows prices are higher in the unregulated intrastate market, which is drawing gas from the interstate markets. The staff reported that intrastate prices range as high as 30 cents.

This compares with an average wellhead price of about 16 cents and emphasizes the need for unregulated wellhead prices.

When contracts have been signed for Canadian gas at rates even higher than intrastate rates and liquified natural gas from Algeria and Venezuela that would cost more than twice as much as domestic gas delivered to the east coast, it is long past time that we acted, Mr. President, and acted quickly if we are to avert a further energy crisis.

Assistant Secretary of Interior for Natural Resources, Hollis M. Dole, pointed out the urgent need for a concerted effort by both the government and industry toward solution of the energy crisis in a recent speech at Stanford University. He warned:

"But the relatively comfortable balance we now happen to enjoy between energy supply and demand is, I submit, both ephemeral and illusory, and my concern is that having warned the public of an energy crisis that has not yet materialized, those who did so may now be accused of crying wolf. The wolf indeed at the door earlier this winter; he has merely gone away for a time. But he will surely be back, and he may well bring the whole pack with him. For beyond this winter loom the peak load demands for electricity of next summer; the steadily diminishing capability of the gas industry to meet the demands made on it the ever-increasing dependency upon foreign oil, particularly along the East Coast; the tenuous supply of fission fuels available at reasonable cost for burner reactors; and the mounting constraints upon the use of coal in metropolitan areas."

So, Mr. President, I urge the Senators to consider the proposal the distinguished Senator from Texas and I offer here today as an urgent first step in the solution of this crisis and an effort to keep the wolfpack from the door.

S. 638—INTRODUCTION OF A BILL TO ASSIST STATES IN ESTABLISHING COASTAL ZONE MANAGEMENT PLANS AND PROGRAMS

Mr. TOWER. Mr. President, I introduce today a measure designed to meet one of the most pressing problems facing the Nation: The steady deterioration through pollution, erosion, and other types of abuse and misuse of our coastal zones. I am defining the coastal zone, for the purpose of legislation, as the area extending inland approximately 50 miles from the coast and extending seaward to the limits of the territorial sea for water rights and, initially, to the depth of 200 meters for the sea-bed rights. This

concept of the coastal zone will allow us to include all of the areas that the sovereignty of our Nation comprises and should be the minimum of anything that we consider in such a measure.

Mr. President, there is an increasing need for a coastal zone management concept. Each year, even each day, there is accelerated human activity, both on and off-shore, in the coastal zone. The longer we wait, the worse the situation becomes. We all hear graphically reported each day the pollution of our coastal areas. Likewise, poor use and even misuse of these dwindling land and water resources—which we must recognize are strictly limited—are actually diminishing the area and usefulness of our coastal zone. There are still more threats to this area, which in most cases are just as ominous as the man-made ones; these threats are the storms that constantly plague us: hurricanes, cyclones, water spouts, et cetera. We must have adequate planning and protective facilities in this area, so as to safe-guard the lives of our citizens and to prevent calamitous damage to our coastal zone land area.

Mr. President, currently more than 53 percent of our Nation's population inhabits the coastal zone. In addition, with the great fishing and shrimping industries, oil production, and other ocean related industries, not to mention the wildlife breeding grounds located there, everyone in the United States is vitally affected by what happens in this area.

The basic thrust of my bill, as is stated in the title itself, is to assist the States in developing and carrying out plans and programs for and in the coastal zone. This is consistent with the President's stated policy of reversing the flow of power from Washington and channeling it back to the States. The Federal Government can give a great deal of financial and planning assistance in this area; but, in the long run, the burden is on the States to identify, meet, and solve, their own problems. It is here, in the interface of the State and its people and its needs, that the real action must take place. The great diversity of local problems and situations, as well as our American philosophy of Government from preempting this field. It is all too easy to attempt problems by simply setting up another Federal agency. This is the old solution; this is the tired solution, we must now turn from it and seek an American solution.

In this coastal zone regimes, the genius of the American free enterprise system must be given every possible freedom to develop, consistent with our broad policy statements. Government cannot succeed where the American system has failed; Government may in some instances be a partner with industry and with the men and women who daily toil in the Nation, but it must never be relied on as the sole, or in most instances even the primary problem solver. Inflexible guidelines must give way to commonsense approaches; only in this way can a living solution be found.

Specifically, Mr. President, my bill calls for the Federal Government to assist the States in planning for their coastal zone program by providing expertise and up to 50 percent of the cost of implementing the plan and program. I have made specific provisions that all coastal States shall receive at least some of the funds appropriated under this authorization; there must not be a gap in our program.

There shall be one agency in each coastal State to coordinate the plans and programs for the coastal zone. The Secretary of Commerce, acting through the National Oceanic and Atmospheric Administration and other appropriate agencies, shall assist the States where required and where asked. In such a partnership, we should be able to create the atmosphere wherein a living solution may be found to this problem.

Some will note that this legislation carries with it a somewhat novel approach that limits the life of this authorization to 10 years. This does not mean, Mr. President, that I believe we will solve the coastal zone problems for all time within 10 years. What it does mean, however, is that as a general principle, we in the legislative branch of Government should review our general legislative approach to problems at a regular period to see that they still meet the demands of the time. I shall have more to say on this subject at a later date and am including it here as part of my overall philosophy concerning the oversight which we ought to give all of our legislation.

Mr. President, I realize that most legislative proposals when drawn on new and complex subjects are likely to have some features that upon close scrutiny may need to be altered somewhat. I have attempted to anticipate most of the usual pitfalls in my draft; but there can always be unforeseen problems. For this reason, I think that it is important that we have full hearings before the appropriate subcommittee and committee on this and similar pieces of legislation. In this way, all interested parties will have a full opportunity to study and comment upon this important problem. We will have a full opportunity to view the wide range of proposals that will be before us, including the interesting and good set of proposals that the administration will soon be forwarding to us. Sometimes in the past we have acted in a too hasty manner; let us, in this instance, take care to give our committee system the chance to work at its best.

I thank the Senators for their attention.

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

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 638) to assist the States in establishing coastal zone management plans and programs introduced by Mr. TOWER, was received, read twice by its title, referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

S. 638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to provide for a comprehensive, long-range, and coordinated national program in marine science, to establish a National Council on Marine Resources and Engineering Development, and a Commission on Marine Science, Engineering and Resources, and for other purposes", approved October 15, 1966, as amended (16 U.S.C. 1121 et seq.), is amended by adding at the end thereof the following new titles:

"TITLE III—PLANNING AND MANAGEMENT OF THE COASTAL ZONE

"SHORT TITLE

"SEC. 301. This title may be cited as the 'National Coastal Zone Management Act of 1971'.

"CONGRESSIONAL FINDINGS

"SEC. 302. The Congress finds—

"(a) That the well-being of American society now demands that manmade laws be extended to regulate the impact of man on the biophysical environment.

"(b) That there is a national interest in the effective management, beneficial use, protection, and development of the Nation's coastal zone.

"(c) That the coastal one is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of our Nation.

"(d) That the increasing and competing demands upon the lands and waters of our coastal zone occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources, have resulted in the loss of living marine resources, wildlife, nutrient-rich areas, permanent and adverse changes to ecological systems, decreasing open space for public use, and shoreline erosion.

"(e) That the coastal zone, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

"(f) That present land and water uses in the more populated coastal areas do not adequately accommodate the diverse requirements of the coastal zone.

"(g) That in light of competing demands and the urgent need to protect our coastal zone, the institutional framework responsible is currently diffuse in focus, neglected in importance, and inadequate in regulatory authority.

"(h) That the key to more effective use of the coastal zone is the introduction of a management system permitting conscious and informed choices among alternative uses.

"(i) That the absence of a national policy and an integrated management and planning mechanism for the coastal zone resource has contributed to the impairment of the Nation's environmental quality.

"DECLARATION OF POLICY

"SEC. 303. Congress finds and declares that it is the policy of Congress to preserve, protect, develop, and where possible to restore, the resources of the Nation's coastal zone for this and succeeding generations. The Congress declares that it is necessary to encourage and assist the coastal States to exercise effectively their responsibilities over the Nation's coastal zone through the preparation and implementation of management plans and programs to achieve wise use of the coastal zone through a balance between development and protection of the natural environment. Congress declares that it is the duty and responsibility of all Federal agencies engaged in programs affecting the coastal zone to cooperate and participate in the purposes of this Act. Further, it is the policy of Congress to encourage the partici-

pation of the public and Federal, State, and local governments in the development of coastal zone management plans and programs.

"DEFINITIONS

"SEC. 304. For the purposes of this title—

"(a) 'Estuary' means that part of a river or stream or other body of water having unimpaired natural connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage, or with the Great Lakes.

"(b) 'Coastal zone' means the land, waters, and lands beneath the waters near the coastline (including the Great Lakes) and estuaries. For purposes of identifying the objects of planning, management, and regulatory programs the coastal zone extends seaward to the outer limit of the United States territorial sea for water rights and to the depth of 200 meters for sea-bed rights, or to a greater depth as the Secretary may from time to time declare, and to the international boundary between the United States and Canada in the Great Lakes. Within the coastal zone as defined herein are included areas and lands influenced or affected by water such as, but no limited to, beaches, salt marshes, coastal and intertidal areas, sounds, embayments, harbors, lagoons, inshore waters, rivers, and channels.

"(c) 'Coastal State' means any State of the United States in or bordering on the Atlantic, Pacific, and Arctic Oceans, Gulf of Mexico, Long Island Sound, or the Great Lakes, and includes Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

"(d) 'Secretary' means the Secretary of Commerce.

"MANAGEMENT PLAN AND PROGRAM DEVELOPMENT GRANTS

"SEC. 305. (a) The Secretary is authorized to make annual grants to any coastal State for the purpose of assisting in the development of a management plan and program for the land and water resources of the coastal zone. Such grants shall not exceed 50 per centum of the costs of such program development in any one year. Other federal funds received from other sources shall not be used to match such grants. In order to qualify for grants under this subsection, the coastal State must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management plan and program consistent with the requirements set forth in section 306 (c) of this title. Successive grants may be made annually for a period not to exceed two years: *Provided*, That no such grant shall be made under this subsection until the Secretary finds that the coastal State is adequately and expeditiously developing such management plan and program.

"(b) Upon completion of the development of the coastal State's management plan and program, the coastal State shall submit such plan and program to the Secretary for review, approval pursuant to the provisions of section 306 of this title, or such other action as he deems necessary. On final approval of such plan and program by the Secretary, the coastal State's eligibility for further grants under this section shall terminate, and the coastal State shall be eligible for grants under section 306 of this title.

"(c) No annual grant to a single coastal State shall be made under this section in excess of $200,000.

"(d) With the approval of the Secretary, the coastal States may allocate to an interstate agency a portion of the grant under this section for the purpose of carrying out the provisions of this section.

"ADMINISTRATIVE GRANTS

"SEC. 306. (a) The Secretary is authorized to make annual grants to any coastal State for not more than 50 per centum of the costs of administering the coastal State's management plan and program, if he approves such plan and program in accordance with subsection (c) hereof. Federal funds received from other sources shall not be used to pay the coastal State's share of costs.

"(b) Such grants shall be allotted to the States with approved plans and programs based on regulations of the Secretary taking into account the amount and nature of the coastline and area covered by the plan, population and other relevant factors.

"(c) Prior to granting approval of a comprehensive management plan and program submitted by a coastal State, the Secretary shall find that:

"(1) The coastal State has developed and adopted a management plan and program for its coastal zone adequate to carry out the purposes of this title, in accordance with regulations published by the Secretary, and with the opportunity of full participation by relevant Federal agencies, State agencies, local governments, regional organizations, and other interested parties, public and private.

"(2) The coastal State has made provision for public notice and held public hearings in the development of the management plan and program. All required public hearings under this title must be announced at least thirty days before they take place, and all relevant materials, documents, and studies must be made readily available for the public for study at least thirty days in advance of the actual hearing or hearings.

"(3) The management plan and program and changes thereto have been reviewed and approved by the Governor.

"(4) The Governor of the coastal State has designated a single agency to receive and administer the grants for implementing the management plan and program set forth in paragraph (1) of this subsection.

"(5) The coastal State is organized to implement the management plan set forth in paragraph (1) of this subsection.

"(6) The coastal State has the regulatory authorities necessary to implement the plan and program, including the authority set forth in subsection (g) of this section.

"(d) With the approval of the Secretary, a coastal State may allocate to an interstate agency a portion of the grant under this section for the purpose of carrying out the provisions of this section, provided such interstate agency has the authority otherwise required of the coastal State under subsection (c) of this section, if delegated by the coastal State for purposes of carrying out specific projects under this section.

"(e) The coastal State shall be authorized to amend the management plan and program at any time that it determines the conditions which existed or were foreseen at the time of the formulation of the management plan and program have changed so as to justify modification of the plan and program. Such modification shall be in accordance with the procedures required under subsection (c) of this section. Any amendment or modification of the coastal State's management plan and program may be reviewed by the Secretary before additional administrative grants are made to the coastal State under the plan and program as amended.

"(f) Prior to granting approval of the management plan and program, the Secretary shall find that the coastal State, acting through its chosen agency or agencies (including local governments), has authority for the management of the coastal zone in accordance with the management plan and program and such authority shall include power—

"(1) to administer land and water use regulations, coordinate and plan for public and private development of the coastal zone in order to assure compliance with the management plan and program, and to mediate conflicts among competing uses;

"(2) to acquire fee simple and less than fee simple interests in lands, waters, and other property within the coastal zone through condemnation or other means when necessary to achieve conformance with the management plan and program;

"(3) to control and develop land and facilities as may be deemed necessary to carry out the management plan and program; and

"(4) to borrow money and issue bonds for the purpose of land acquisition or land and water development and restoration projects.

"(h) No annual administrative grant to a coastal State shall be made under this section in excess of 15 per centum of the total amount appropriated to carry out the purposes of this section, nor shall any coastal State having in effect a plan approved by the Secretary receive less than 1 per centum of the total amount appropriated to carry out the purposes of this section.

"BOND AND LOAN GUARANTIES

"SEC. 307. In addition to grants-in-aid, the Secretary is authorized under such terms and conditions as may be prescribed by the Secretary of the Treasury, to enter into agreements with coastal States to underwrite by guaranty thereof bond issues or loans for the purposes of land acquisition, or land and water development nad restoration projects: *Provided*, That the aggregate principal amount of guaranteed bonds and loans outstanding at any time may not exceed $140,000,000.

"REGULATIONS

"SEC. 308. The Secretary shall develop and promulgate, pursuant to section 553 of title 5, United States Code, after appropriate consultation with other interested parties, both public and private, such rules and regulations as may be reasonably necessary to carry out the provisions of this title.

"REVIEW AND PERFORMANCE

"SEC. 309. (a) The Secretary shall conduct a continuing review of the comprehensive management plans and programs of the coastal States and of the performance of each coastal State.

"(b) The Secretary shall have the authority to terminate any financial assistance extended under section 306 and to withdraw any unexpended portion of such assistance if (1) he reasonably determines that the coastal State is failing to adhere to and is not justified in deviating from the program approved by the Secretary; and (2) the coastal State has been given notice of proposed termination and withdrawal and an opportunity to present evidence of adherence or justification for altering its program: *Provided*, That such determination shall be made only after there has been a full opportunity for hearing.

"RECORDS

"SEC. 310. (a) Each recipient of a grant under this title shall keep such records as the Secretary shall reasonably prescribe, including records which fully disclose the amount and disposition of the funds received under the grant, and the total cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(b) The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient of the grant that are pertinent to the determination that funds granted are used in accordance with this title.

"ADVISORY COMMITTEE

"SEC. 311. (a) The Secretary is authorized and directed to establish a coastal and estuarine zone management advisory committee to advise, consult with, and make recommendations to the Secretary on matters of policy concerning the coastal and estuarine

zones of the coastal States of the United States on a regular basis. Such committee shall be composed of not more than fifteen persons designated by the Secretary and shall perform such functions and operate in such a manner as the Secretary may direct.

"(b) Members of said advisory committee who are not regular full-time employees of the United States, while serving on the business of the committee, including travel time, may receive compensation at rates not exceeding the daily rate for GS–18; and while so serving away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for individuals in the Government service employed intermittently.

"INTERAGENCY COORDINATION AND COOPERATION

'SEC. 312. (a) The Secretary shall not approve the management plan and program submitted by the State pursuant to section 306 unless the views of Federal agencies principally affected by such plan and program have been adequately considered. In case of serious disagreement between any Federal agency and the State in the development of the plan the Secretary, in cooperation with the Executive Office of the President, shall seek to mediate the differences.

"(b) (1) All Federal agencies conducting or supporting activities in the coastal and estuarine zone shall seek to make such activities consistent with the approved State management plan and program for the area.

"(2) Federal agencies shall not undertake any development project in a coastal zone which, in the opinion of the coastal State, is inconsistent with the management plan of such coastal State unless the Secretary, after receiving detailed comments from both the Federal agency and the coastal State, finds that such project is consistent with the objectives of this title, or is informed by the Secretary of Defense and finds that the project is necessary in the interest of national security.

"(3) Any applicant for a Federal license or permit to conduct any activity in the coastal zone subject to such license or permit, shall provide in the application to the licensing or permitting agency a certification from the appropriate State agency that the proposed activity complies with the State coastal zone management plan and program, and that there is reasonable assurance, as determined by the State, that such activity will be conducted in a manner consistent with the State's coastal zone management plan and program. The State shall establish procedures for public notice in the case of all applications for certification by it, and to the extent it deems appropriate, procedures for public hearings in connection with specific applications. If the State agency fails or refuses to act on a request for certification within six months after receipt of such request, the certification requirements of this subsection shall be waived with respect to such Federal application. No license or permit shall be granted until the certification required by this section has been obtained or has been waived as provided in the preceding sentence, unless, after receipt of detailed comments from the relevant Federal and State agencies, and the provision of an opportunity for a public hearing, the activity is found by the Secretary to be consistent with the objectives of this title or necessary in the interest of national security. Upon receipt of such application and certification, the licensing or permitting agency shall immediately notify the Secretary of such application and certification.

"(c) State and local governments submitting applications for Federal assistance in coastal areas shall indicate the views of the appropriate State or local agency as to the relationship of such activities to the approved management plan and program for the coastal zone. Such applications shall be submitted in accordance with the provisions of title IV of the Intergovernmental Coordination Act of 1968. Federal agencies shall not approve proposed projects that are inconsistent with the coastal State's management plan and program, except upon a finding by the Secretary that such project is consistent with the purposes of this title or necessary in the interest of national security.

"(d) Nothing in this section shall be construed—

"(1) to diminish either Federal or State jurisdiction, responsibility, or rights in the field of planning, development, or control of water resources and navigable waters; nor to displace, supersede, limit, or modify any interstate compact or the jurisdiction or responsibility of any legally established joint or common agency of two or more States, or of two or more States and the Federal Government; nor to limit the authority of Congress to authorize and fund projects;

"(2) to change or otherwise affect the authority or responsibility of any Federal official in the discharge of the duties of his office except as required to carry out the provisions of this title;

"(3) as superseding, modifying, or repealing existing laws applicable to the various Federal agencies, except as required to carry out the provisions of this title; nor to affect the jurisdiction, powers, or prerogatives of the International Joint Commission, United States and Canada, the Permanent Engineering Board, and the United States Operating Entity or Entities established pursuant to the Columbia River Basin Treaty, signed at Washington, January 17, 1961, or the International Boundary and Water Commission, United States and Mexico.

"ANNUAL REPORT

"SEC. 313. (a) The Secretary shall prepare and submit to the President for transmittal to the Congress not later than January 1 of each year a report on the administration of this title for the preceding Federal fiscal year. Such report shall include but not be restricted to (1) an identification of the State programs approved pursuant to this title during the preceding Federal fiscal year and a description of those programs; (2) a listing of the States participating in the provisions of this title and a description of the status of each State's programs and its accomplishments during the preceding Federal fiscal year; (3) an itemization of the allotment of funds to the various coastal States and a breakdown of the major projects and areas on which these funds were expended; (4) an identification of any State programs which have been reviewed and disapproved or with respect to which grants have been terminated under this title, and a statement of the reasons for such action; (5) a listing of the Federal development project which the Secretary has reviewed under section 313 of this title and a summary of the final action taken by the Secretary with respect to each such project; (6) a summary of the regulations issued by the Secretary or in effect during the preceding Federal fiscal year; (7) a summary of a coordinated national strategy and program for the Nation's coastal zone including identification and discussion of Federal, regional, State, and local responsibilities and functions thereof; (8) a summary of outstanding problems arising in the administration of this title in order of priority; and (9) such other information as may be required under the National Environmental Policy Act of 1969.

"(b) The report required by subsection (a) shall contain such recommendations for additional legislation as the Secretary deems necessary to achieve the objectives of this title and enhance its effective operation.

"APPROPRIATIONS

"SEC. 314. (a) There are authorized to be appropriated—

"(1) the sum of $2,000,000 for fiscal year 1972 and such sums as may be necessary not to exceed $7,000,000 annually, for each of the fiscal years thereafter prior to June 30, 1976, for grants under section 305;

"(2) such sums, not to exceed $7,000,000 as may be necessary for the fiscal year ending June 30, 1973, and each succeeding fiscal year thereafter for grants under section 306;

"(b) There are also authorized to be appropriated to the Secretary such sums, not to exceed $1,000,000 annually, as may be necessary for administrative expenses incident to the administration of this title."

"LENGTH OF AUTHORIZATION

"SEC. 315. (a) This authorization for exercise of authority and expenditure of funds shall expire ten years from the date that this Act shall finally become effective; and

"(b) The expiration of all authority under the Act shall not, of itself, affect adversely any State agency operating under the Act.

"SPECIAL EXCEPTION

"SEC. 316. For the purpose of excluding Federal funds from matching requirements, under this Act, any funds appropriated pursuant to a Federal revenue sharing authorization or a consolidation of existing Federal grant programs into not more than ten general purpose grant programs shall not be considered as 'other Federal revenue from other sources' as mentioned in sec. 305 (a) of this Act and other places in this Act."

Amend the title so as to read: "A bill to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and water resources of the Nation's coastal zones."

S. 639—INTRODUCTION OF A BILL TO INCREASE THE SOCIAL SECURITY EARNINGS TEST

Mr. TOWER. Mr. President, today I am introducing a bill which would increase the social security earnings test from $1,680 a year to $3,000 a year. The need to increase the amount that a person can earn and still get all of his social security benefits is obvious. Last year the social security bill, H.R. 17550, sent to the Senate by the House of Representatives and the bill that was reported by the Committee of Finance contained provisions increasing this amount to $2,000 a year and the amount was further increased to $2,400 under a floor amendment presented by the senior Senator from Illinois.

In addition to increasing the amount that a person can earn, my bill would change the way that benefits are reduced when a person earns more than the exempt amount. Under present law, benefits are reduced by $1 for each $2 of the first $1,200 of earnings above the exempt amount and by $1 for each $1 of earnings above that amount—above $2,800 under present law. My bill would change this procedure so that the $1 reduction in benefit for each $2 of earnings would apply to all earnings above the exempt amount—above $3,000. Thus, under my bill not only would social security beneficiaries be able to earn more and still get all of their benefits but, if they did earn more than the exempt amount, they would be able to keep more of their earnings.

As a result, a significant number of beneficiaries would be able to take meaningful part-time work which would make a real contribution to their standards of living.

Mr. President, the need for periodic increases in the social security earnings test is well known to this body. The need for change has been demonstrated so often that the arguments in favor of the change are almost trite. In the past, the Congress has recognized the need for change and has acted from time to time to increase the amount that beneficiaries are permitted to earn. In general the question has not been should the amount be increased, rather it has been by how much can we afford to increase it? Quite honestly, I believe that if each Senator were to be asked what he favored doing about the social security earnings test, his first reaction would be to abolish it. A more reasoned approach, however, seems called for in view of the high cost of doing away with the test. If we were to do away with the test, it would cost somewhat more than $2½ billion in the first year compared to about $930 million for the change I propose. In the long run this would amount to about 0.32 percent of taxable payroll.

The social security bill that we passed last year is coming back to us again this year. I would hope that the Committee on Finance would report a bill with the earnings test changed as it would be in my bill. If the committee recommends a lesser change, I would urge Senators to support my measure in the bill the Senate sends to conference.

Mr. President, I ask unanimous consent that the text of my bill be printed at the conclusion of my remarks.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 639) to amend title II of the Social Security Act to increase the amount individuals are permitted to earn without suffering deductions from the insurance benefits payable to them under such title, introduced by Mr. TOWER was received, read twice by its title, referred to the Committe on Finance and ordered to be printed in the RECORD, as follows:

S. 639

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraphs (1) and (4)(B) of section 203(f) of the Social Security Act are each amended by striking out "$140" and inserting in lieu thereof "$250".

(b) Paragraphs (1)(A) of section 203(h) of such Act is amended by striking out "$140" and inserting in lieu thereof "$250".

(c) The first sentence of section 203(f)(3) of such Act is amended to read as follows: "For purposes of paragraph (1) and subsection (h), an individual's excess earnings for a taxable year shall be 50 per centum of his earnings for such year in excess of the product of $250 multiplied by the number of months in such year.".

SEC. 2. The amendments made by this Act shall apply with respect to taxable years ending after December 1970.

S. 643—INTRODUCTION OF A BILL RELATING TO GENERAL REVISION OF THE PATENT LAWS

Mr. McCLELLAN. Mr. President, as chairman of the Senate Subcommittee on Patents, Trademarks, and Copyrights, I introduce, for appropriate reference, a bill for the general revision of the patent laws, title 35 of the United States Code, and for other purposes.

Other than for the addition of one section to the transitional and supplementary provisions to reflect action taken by the 91st Congress, the bill which I am introducing today is identical to S. 2756 of the 91st Congress. Following the conclusion of the subcommittee hearings on the report of the President's Commission on the Patent System and of the various patent revision bills that were subsequently introduced, I directed the subcommittee staff to meet with the representatives of the Patent Office, the organized bar, industry, and other interested parties in an effort to devise compromise legislation. S. 2756 was the result of that undertaking.

Although the studies and hearings of the subcommittee on patent law revision had been concluded before the commencement of the current administration, I deferred action on this legislation so as to permit the administration to make any recommendations it thought useful. I met with the Commissioner of Patents, and the Committee on the Judiciary requested reports from the appropriate departments of the executive branch. Since the introduction of S. 2756 I have received numerous comments and suggested amendments from the legal profession, trade associations, and other interested individuals.

On February 28, 1969, I requested the views of the Department of Commerce concerning the patent fee schedule provided in title 35. On April 17, 1969, I received a letter from the General Counsel of the Department of Commerce indicating that the administration had undertaken a review of its position on patent fees and it was hoped that before the end of 1969 the views of the administration could be communicated to the subcommittee. The subcommittee has yet to receive the recommendations of the administration.

On August 15, 1969, the Judiciary Committee requested a report from the Department of Justice on S. 2756. The Department has yet to respond to the committee's request. On August 27, 1969, the committee requested a report on the same bill from the Department of Commerce. The Department of Commerce has yet to respond.

On April 8, 1970, the distinguished minority leader introduced two important amendments which he intended to propose to S. 2756. On April 13, 1970, reports on Senator SCOTT's proposed amendments were requested from the Department of Justice and the Department of Commerce. The committee has yet to receive the views of either Department.

The subcommittee delayed reporting patent legislation in 1969 as an accommodation to a new administration. The issues presented by S. 2756 have been debated for several years. The President in recent weeks has spoken frequently of delays in the processing of legislation by the Congress and has expressed concern at the unfinished business of the 91st Congress. The President in the state of the Union address urged the Congress to open the way to "a new American revolution . . . in which government at all levels was refreshed and renewed." I shall give careful consideration to the recommendations of the President for reorganization and reform of the executive branch. I suggest, however, that it would not be inappropriate to first complete the unfinished business of reform, such as the reform of the patent system, to which so much time and effort has already been devoted.

It is my understanding that the Commissioner of Patents timely prepared his recommendations concerning reform of the patent system but that the transmission to the Congress of the administration's position has been delayed because of unresolved conflicts within the executive branch. It is now 17 months since the committee requested the views of this administration. I urge the President to take the necessary action to secure the prompt transmission to the Congress of the requested reports.

It is, of course, possible—and may be necessary—for the subcommittee to act without the counsel of the executive branch. It is much preferable, however, especially in which a complex area as patent law, for the Congress to act with the cooperation of those who have the responsibility for the administration of the patent system.

Late in the 2d session of the 91st Congress the Committee on Public Works, without public notice or hearings, added to the clean air amendments bill a sweeping provision providing for the compulsory licensing of patents, trade secrets and other forms of industrial property. A modified version of this provision is contained in section 308 of the Clean Air Amendments Act of 1970. This section which is of great significance to the patent system was not considered by the Committee on the Judiciary which has exclusive jurisdiction over the subject matter. Because of my desire not to delay the progress of the clean air bill I did not seek to have the bill referred to the Judiciary Committee. During the consideration of the conference report on this legislation the junior Senator from Virginia (Mr. SPONG), who was one of the conferees, stated:

After reflecting upon the implications of the section, I would have preferred that the issues involved be reviewed by the Judiciary Subcommittee on Patents, Trademarks, and Copyrights. However, the conference report language on the matter is an improvement over the provisions in the Senate-passed bill. The section will not become generally operative for at least two years, and in the interim I would hope that the issues involved will be the subject of hearings and review.

The Secretary of Health, Education, and Welfare in indicating the administration position on the Senate bill said of the patent provision:

> We are not convinced of the need for such a basic change in policy in light of its potential adverse effects and in the absence of known abuses.

In order that the committee having jurisdiction in patent matters may conduct hearings and review this subject I have included in the patent revision bill, as a new section 6 of the transitional and supplementary provisions, language deleting section 308 of the Clean Air Amendments Act and inserting substitute language. The new provision directs the Administrator of the Environmental Protection Agency if he determines that the purposes and intent of the Clean Air Amendments Act are being retarded by any provision of the patent law to recommend to the Congress such modification of the patent law as may be necessary.

I anticipate that the subcommittee will find it necessary to reopen the patent revision hearings solely for the purpose of considering several issues which have arisen since the conclusion of the original hearings, noticeably the amendments introduced by the minority leader. It is my intention that these hearings also consider the relationship of the patent system to the efforts to improve the environment. If these hearings demonstrate a current necessity for modification of the patent system, I believe the subcommittee would have no difficulty in adopting appropriate amendments of the patent code.

The attention of the subcommittee has been recently directed to the contribution of patent litigation to the backlog of civil cases in the Federal courts. The Chief Justice prior to assuming his current office said that:

> One thing an appellate judge learns very quickly is that a large part of all the litigation in the courts is an exercise in futility and frustration. The anomaly is that there are better ways of resolving private disputes, and we must in the public interest move toward taking a large volume of private conflicts out of the courts and into the channels of arbitration.

It has been recommended that the subcommittee should include in the patent revision legislation provisions providing for the arbitration of cases relating to patent validity and the infringement of patents. I have no current opinion concerning the desirability or feasibility of such procedures, and no provisions of this nature are included in this bill. I am, however, requesting the Judicial Conference and the appropriate committees of the organized patent bar to submit their views to the subcommittee.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 643) for the general revision of the Patent Laws, title 35 of the United States Code, introduced by Mr. McClellan, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 644—INTRODUCTION OF A BILL RELATING TO GENERAL REVISION OF THE COPYRIGHT LAW

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights, I introduce, for appropriate reference, a bill for the general revision of the copyright law, title 17 of the United States Code, and for other purposes. Title I of this legislation provides for the general revision of the copyright law, title II establishes the National Commission on New Technological Uses of Copyrighted Works, and title III provides for the protection of ornamental designs of useful articles.

Other than for necessary technical and perfecting amendments, the text of the bill which I am introducing today is identical to that reported favorably by the subcommittee during the 91st Congress. No further action on that bill was taken because of circumstances beyond the control of the subcommittee.

A principal factor delaying further Senate action on the copyright revision bill was the unresolved cable television issue. Section 111 of S. 543 of the 91st Congress, the copyright revision bill, included provisions relating to secondary transmissions by cable systems and provided a coordinated resolution of necessarily related copyright and communication questions. Senate action on the subcommittee bill was not feasible because of the pendency of proceedings before the Federal Communications Commission concerning proposed CATV rules. The subcommittee was assured last summer by the Chairman of the Federal Communications Commission that prior to the convening of the 92d Congress the Commission would adopt appropriate CATV rules. The Commission did not act, partly due to the lack of a full membership of the Commission. The Chairman of the Commission has now again assured me that the Commission will proceed expeditiously to reach some determination concerning those aspects of the cable television question coming within its jurisdiction.

After the Commission has determined its CATV rules, the subcommittee will review section 111 to determine what modifications may be necessary and desirable. There is no justification for any further delay in the resolution of this question by the Congress and the Commission. If it should develop that the Commission is not prepared to bring its rulemaking proceedings to a reasonably prompt definitive conclusion it will be my intention to seek Senate passage of the CATV provisions approved by the subcommittee.

Action by the Federal Communications Commission on the CATV question will be a major contribution to the enactment by this Congress of the long overdue modernization of the copyright statute. Authors, composers, performing artists, and other creators are entitled to expect this Congress to pass a progressive and equitable copyright law.

Most of the technical amendments incorporated in the bill which I am introducing today consist of necessary changes in the effective dates of various provisions. The other perfecting amendments are:

First. The addition of a subsection to section 112 clarifying the right of nonprofit organizations to make under certain conditions copies of programs embodying copyrighted works of a religious nature.

Second. Clarification of section 114 to make clear that the section prohibits the unauthorized dubbing of the sound record of a motion picture sound track.

Third. The addition of a clause in section 601 to clarify with respect to the restrictions on the importation of foreign manufactured works the application of the foreign national exemption to "works made for hire."

Fourth. The addition to chapter 8, Copyright Royalty Tribunal, of sections 808 and 809 fixing the effective date for the distribution of copyright royalties and specifying the scope of judicial review of final decisions by the Copyright Royalty Tribunal.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 644) for the general revision of the copyright law, title 17 of the United States Code, and for other purposes, introduced by Mr. McCLELLAN, was received, read twice by its title, and referred to the Committe on the Judiciary.

S. 645—INTRODUCTION OF A BILL RELATING TO THE POSTAL SERVICE EMERGENCY

Mr. McCLELLAN. Mr. President, as Chairman of the Senate Subcommittee on Patents, Trademarks and Copyrights, I introduce, by request of the Department of Commerce, for appropriate reference, a bill to provide relief in patent and trademark cases affected by the emergency situation in the U.S. postal service which began on March 18, 1970.

The regular operations of the postal service were disrupted in March 1970 by an illegal work stoppage by certain employees of the postal service. Mail delays of several days occurred and the President on March 23, 1970, declared a national emergency.

The patent and trademark statutes contain numerous time periods during which specified actions must be taken by patent and trademark applicants and owners. Failure to take a required action within the statutory time period generally results in a forfeiture of some or all of the rights involved. Although certain provisions of the statutes provide for the excusing of unavoidable delay, other provisions leave the applicant without recourse when he is unable to take action within the statutory period. The only remedy for an applicant in such a case is to seek the enactment of private legislation by the Congress making a special exception to the general law.

The filing dates of patent and trademark applications may be critically important in determining patent and trade-

mark rights. The purpose of this legislation is to give patent and trademark applicants an opportunity to make a claim for a filing date earlier than the date on which the application was received by the Patent Office. The application would be entitled to the filing date which it would normally have received except for the disruption of postal service.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 645) to provide relief in patent and trademark cases affected by the emergency situation in the U.S. postal service which began on March 18, 1970, introduced by Mr. McCLELLAN, by request, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 646—INTRODUCTION OF A BILL TO PROTECT AGAINST PIRACY OF SOUND RECORDINGS

Mr. McCLELLAN. Mr. President, as chairman of the Senate Subcommittee on Patents, Trademarks, and Copyrights, I introduce, for appropriate reference, on behalf of myself and Mr. SCOTT, a bill to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recordings, and for other purposes.

The bill which I am introducing today is identical to S. 4592 which I introduced on December 18, 1970. Information supplied to the Copyrights Subcommittee indicates a rapid increase in the unauthorized duplication and piracy of sound recordings. It has been estimated that as many as 18,000 illegal tapes are being produced each day depriving the record industry, its distributors and performing artists of an estimated $100 million annually in tape sales.

The Committee on the Judiciary has been advised that the Library of Congress and the Copyright Office are "fully and unqualifiedly in favor of the purpose the bill is intended to fulfill." The report of the Librarian of Congress on the predecessor bill states in part:

> The recent and very large increase in unauthorized duplication of commercial records has become a matter of public concern in this country and abroad. With the growing availability and use of inexpensive cassette and cartridge tape players, this trend seems certain to continue unless effective legal means of combatting it can be found. Neither the present Federal Copyright Statute nor the common law or statutes of the various states are adequate for this purpose.

The Library of Congress and the Copyright Office have indicated that "the national and international problem of record piracy is too urgent to await comprehensive action on copyright law revision." The substance of the bill I am introducing has already been approved by the Copyrights Subcommittee as part of the legislation for general revision of the copyright law.

Anyone having comments on this subject, or proposed amendments, should now submit them to the subcommittee.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 646) to amend title 17 of the United States Code to provide for the creation of a limited copyright in sound recordings for the purpose of protecting against unauthorized duplication and piracy of sound recording, and for other purposes, introduced by Mr. McCLELLAN (for himself and Mr. SCOTT), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 647—INTRODUCTION OF THE "UNFAIR COMPETITION ACT OF 1971"

Mr. McCLELLAN. Mr. President, I introduce, for appropriate reference, on behalf of myself and Mr. SCOTT, the Unfair Competition Act of 1971.

The bill would establish a uniform body of Federal unfair competition law by creating a Federal statutory tort of unfair competition affecting interstate commerce, and by establishing Federal jurisdiction over such tort claims within the framework of the Trademark Act of 1946. The crux of the bill proposes a new section 43(a) of the Trademark Act including in three subsections those torts generally acknowledged to give rise to the major part of the law of unfair competition. In a fourth subsection, provision is made for the Federal courts to deal with other acts which constitute unfair competition because of misrepresentation or misappropriation of goods or services.

The bill provides that all the remedies set forth in the Trademark Act for infringement of trademarks would be available in respect to acts of unfair competition. However, the bill would not affect remedies which are otherwise available or preempt the jurisdiction of any State in cases of unfair competition.

The need for legislation in this area has been widely recognized. A national coordinating committee, composed of leading business and legal organizations, was established for the purpose of fostering such legislation. Other than for technical amendments the bill which Senator SCOTT and I are introducing today is identical to S. 766 of the 91st Congress. No action was taken on this legislation in the previous Congress, but it is anticipated that hearings will be scheduled on this bill during the current session.

Anyone interested in this legislation should address his comments to the Subcommittee on Patents, Trademarks and Copyrights of the Committee on the Judiciary.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 647) to amend the act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, introduced by Mr. McCLELLAN (for himself and Mr. SCOTT), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 649—INTRODUCTION OF BILL RELATING TO THE INTERSTATE COMMERCE COMMISSION

Mr. MANSFIELD. Mr. President, late in the 91st Congress the Senior Senator from Idaho (Mr. CHURCH) and I introduced legislation which would abolish the Interstate Commerce Commission. Today, I have sent to the desk an identical proposal which, if enacted, would abolish the Interstate Commerce Commission after a 2-year period during which a special committee would be given an opportunity to consider phasing out the Commission and the appropriate transfer of its duties to one or more existing Federal authorities. This legislation is being cosponsored by Senators AIKEN, CHURCH, FULBRIGHT, GOLDWATER, METCALF, MONTOYA, PROXMIRE, and TAFT.

This proposal is not offered lightly by me nor my colleagues. In my own case, it has been only after much thought and consideration of what has become one of the most serious crises in our domestic economy. Surface transportation is badly in need of some new guidance. If the ICC had more forcefully advocated and implemented their existing authority over the past several decades, I am convinced that we would not be in the position we are today. The Commission has been far too willing, in my opinion, to acquiesce in the demands of industry and has not given enough attention to the needs of the shippers and the general public. It is conceivable that the Commission could correct a number of the problems and set our policies in a different direction and avoid abolition. I hope so. Quite frankly, I would like to see the Commission take such steps. I never have, and I do not now, believe that doing away with something is always the answer. But, in this case, if the ICC cannot achieve the necessary reforms, we are going to have to find a better means of promoting sound surface transportation policy in this country.

The complaints I have registered against the Commission fall, generally, into four categories—boxcar shortages, freight rates, passenger train service, and small shipments.

During the 28 years that I have been in the Congress, the one problem that has always seemed to plague the people of Montana and elsewhere is the West, year after year, has been the shortage of freight cars.

In the beginning, the problem arose only during the harvest season or in the very active timber cutting season. Now, it can be almost anytime of the year. A State like Montana, with its large agricultural and lumber resources, is very dependent on the railroads for shipping products to the processing and shipping points in the East and West. The Interstate Commerce Commission has not been able to get the cars moving in the proper direction. I recall periods when certain areas of Montana were requesting as many as 1,000 cars at one time. The western railroads have done a reasonably good job of keeping their rolling stock up to date, but they have found it extremely difficult to get these cars back from the eastern lines. After much discussion and pressure, the ICC has

adopted additional regulations imposing stiffer penalties and fees for the holding of boxcars on nonowner lines. The situation is better than it was, but I do think the ICC was remiss in giving too little attention to this problem many years ago.

Freight rates are a very serious matter in Montana, where we have suffered under high rates as established by the present structure. One of the problems that concerns many of us in the Congress is the Interstate Commerce Commission's attitude on discriminatory rates.

In the past several years, the ICC seems to have given every freight rate request almost automatic approval. Three major increases within 1 year seems to be sufficient evidence. I am delighted, however, that the Commission has now embarked upon an extensive study of the freight rate structure. I hope that this will be of value and expedited.

My next complaint concerns a rapid deterioration of the Nation's passenger train service. I have said on many occasions that I believe that the majority of the Nation's railroads have a very negative attitude about this service. It is in this area that I think the Commission could have been of great help in encouraging and counseling the railroad industry to maintain passenger service. Here again, services have deteriorated in equipment and personnel. The railroads are flagrantly discouraging passenger traffic.

The ICC has approved many discontinuances and mergers which seem to be more in the interest of the carrier's extracurricular financial activities rather than to its railroad responsibilities. In the West, the railroads were given large land grants in the late 1800's as an incentive to extend passenger and freight service to the people of the West. Now, they want to limit these services to freight and a concentration on their "other than" railroad investments. Perhaps the railroads might like to return some of their land grants whenever they abandon their railroad activities. Again, I wish to say that I think the ICC should have played the role of a wise counselor and firm advocate of adequate passenger train service. The Interstate Commerce Commission seems to have been the willing servant of the railroads.

We now are entering upon the era of the Railpax which may or may not be the answer to our passenger train difficulties. I have always been a believer in an efficiently operated network of passenger trains. I think we will see a return to a greater use of the railroads for surface transportation despite the railroads themselves. Improved equipment and roadbeds have proven that this can be done. Our airports are becoming entirely too congested while access to the airports is becoming more difficult and time consuming each year. It would be natural to return to the railroads.

The last major criticism I have is one which has not been with us very long but which I now believe to be quite serious and it is likely to get much worse. This is the deterioration in the handling of small shipments. In a nation of our size, small shipments are very important to the small businessman and to the individual. What we are now witnessing is overregulation and very poor service. The small shipment problem concerns all surface transportation—railroads, the trucking industry, buslines and the new U.S. Postal Service. It is this area that I think the ICC can, if it desires to, take some steps to improve. The length of shipments time is almost three or four times what it used to be. Several years ago a parcel could be shipped from Montana to the east coast by expedited freight carrier or parcel post in 6 or 7 days. Now, there is no guarantee that it can be done in 3 or 4 weeks.

Incidents of damaged parsels are far greater than they have ever been and the industry is making it more difficult to process claims. It would seem that the general public is at the mercy of the freight carriers. Rates go up and services go down. How long can this last before we find ourselves in an unbelievable mess? I urge that the ICC take the lead in attempting to do something about this.

Before concluding my comments, Mr. President, I wish to say in all candor that I think part of the problem the ICC now faces is that they are no longer, in realistic terms, a regulatory arm of the Congress. Their existence and activities are too dependent upon the budget arm of the executive branch. The Interstate Commerce Commission must have sufficient funds to carry out their responsibilities. In addition to the funding problems, the ICC is also, in my opinion, archaic in some attitudes and procedures. This is 1971 and the problems we face are far more complex and must be faced in these terms.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD at this point in my remarks and to be followed by a letter sent to the Commission on November 30, 1970, and cosigned by many of my colleagues in the Senate.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill and letter will be printed in the RECORD.

The bill (S. 649) to abolish the Interstate Commerce Commission at a future date and to establish a commission to make recommendations with respect to carrying out the functions of the Interstate Commerce Commission after such date, introduced by Mr. MANSFIELD (for himself and other Senators), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

ABOLISHMENT OF INTERSTATE COMMERCE COMMISSION

SECTION 1. Effective eighteen months after the date of enactment of this Act the Interstate Commerce Commission is abolished.

ESTABLISHMENT OF COMMISSION TO MAKE RECOMMENDATIONS

SEC. 2. (a) There is hereby established a National Commission on Transportation Regulation (hereinafter referred to as the "Commission") which shall be composed of fifteen members appointed as follows:

(1) six appointed by the President of the Senate, three from the membership of the Senate, two from the majority party and one from the minority party, and one each to represent carriers subject to regulation pursuant to the Interstate Commerce Act, shippers regularly using such carriers, and consumers generally;

(2) six appointed by the Speaker of the House, three from the membership of the House of Representatives, two from the majority party and one from the minority party, and one each to represent carriers subject to regulation pursuant to the Interstate Commerce Act, shippers regularly using such carriers, and consumers generally; and

(3) three appointed by the President to represent the executive branch of the Government.

(b) Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment. The Commission shall elect a Chairman and a Vice Chairman from among its members. Eight members of the Commission shall constitute a quorum.

(c) The Commission shall make a full and complete investigation and study for the purpose of determining and making recommendations with respect to (1) what should be done with the functions of the Interstate Commerce Commission after the abolishment of such Commission pursuant to section 1 of this Act, and (2) what other actions should be taken to best carry out the national transportation policy as set forth in the Interstate Commerce Act.

(d) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations not later than one year after the Commission has been fully organized.

(e) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section hold such hearings, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(f) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this section.

(g) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code, but at rates not to exceed $100 a day for individuals.

(h)(1) Any member of the Commission who is appointed from the executive or legislative branch of the Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(2) Members of the Commission, other than those referred to in paragraph (1), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(i) There are authorized to be appropriated out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

(j) The Commission shall cease to exist ninety days after the submission of its report.

The letter, ordered to be printed in the RECORD, is as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, D.C., November 30, 1970.

Hon. GEORGE M. STAFFORD,
Chairman, Interstate Commerce Commission, Washington, D.C.

DEAR MR. STAFFORD: The gravity of the present surface transportation situation in the United States cannot be overstated. It is past time for the Interstate Commerce Commission to review its decisions with respect to transportation matters under its jurisdiction and to assess its position. We ask that you consider the long list of decisions which have reduced service, increased costs and permitted the draining of assets so seriously as to imperil the future of rail transportation in the United States.

Two once great railroads, after merger, are bankrupt; another newly merged giant is short of cash; passenger trains have been discontinued, one after the other. In little more than three years, there have been freight rate increases totaling 30 percent, with another increment of 7 percent threatened. Only lately and only partially has the ICC demonstrated its concern with carrier diversification and the consequences of it for rail service. In addition, the box-car shortages on the Western lines are not sporadic anymore; it appears to be a permanent liability.

It would be curious, indeed, if the agency that was established to regulate surface transportation were to be the instrument for the collapse of a vital sector of that industry. The most recent order to permit an 8 percent increase of rail freight rates suggests to us that, despite clear warnings, the Commission remains unaware that to all appearances it has ceased to be a regulatory agency.

Indications at this time lead us to believe that merger considerations, diversifications and increasing labor demands may well result in a transportation crisis of unprecedented magnitude within the next two years. The related effect of this crisis is presently measurable in its effects upon both the rural and urban economic base, regionally and nationally.

Repeated Congressional expressions of concern, not only for rail transportation but for other facets of the economy dependent upon rails, have gone virtually unheeded by the Interstate Commerce Commission.

A review of hearings before the Senate Subcommittee on Surface Transportation clearly indicates by the Commission's own figures that the railroads have been given "substantially everything they have asked for." The Commission's granting of rail requests has had virtually no effect on the decline of rail service.

The Nation is falling into a transportation morass from which certain segments of the economy may never recover. The time has come for a facing of the realities of this situation and for the concerted action necessary to reverse the present course of events.

Sincerely yours,

Senator Lee Metcalf, Senator Stuart Symington, Senator John Sparkman, Senator Len B. Jordan, Senator Jennings Randolph and Senator Clinton P. Anderson.

Senator Mike Mansfield, Senator George D. Aiken, Senator Stephen M. Young, Senator Quentin N. Burdick, Senator Harold E. Hughes and Senator Abraham Ribicoff.

Senator William Proxmire, Senator Albert Gore, Senator Clifford P. Hansen, Senator Frank Church, Senator Alan Bible, Senator Edward J. Gurney, and Senator B. Everett Jordan.

Senator Thomas F. Eagleton, Senator Howard W. Cannon, Senator Barry Goldwater, Senator Mike Gravel, Senator Edward M. Kennedy, Senator Gaylord Nelson, and Senator Spessard L. Holland.

Senator Strom Thurmond, Senator Birch Bayh, Senator John Sherman Cooper, Senator Gale W. McGee, and Senator Edmund S. Muskie.

S. 652—INTRODUCTION OF THE FAIR CREDIT BILLING ACT

Mr. PROXMIRE. Mr. President, I introduce a bill to be known as the Fair Credit Billing Act, and ask that it be appropriately referred.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 652) to amend the Truth in Lending Act to protect consumers against careless and unfair billing practices, and for other purposes, introduced by Mr. PROXMIRE, was received, read twice by its title, and referred to the Committee on Banking, Housing and Urban Affairs.

Mr. PROXMIRE. Mr. President, following the passage of the Truth in Lending Act in 1968, the Congress has made great strides in consumer protection legislation. Last year, for example, the President signed into law legislation I introduced to control the unsolicited mailing of credit cards and protect consumers from inaccurate or misleading credit reports. These legislative victories indicate that at long last the voice of the consumer is beginning to be heard in the halls of Congress.

In order to build upon the achievements of past Congresses, I am today introducing on behalf of myself and Senator BROOKE, a Fair Credit Billing Act to protect consumers from unfair or careless billing practices. The legislation is introduced in the form of an amendment to the Truth in Lending Act and would be administered by the Federal Reserve Board which has done such an outstanding job in consumer credit regulation. The bill addresses itself to numerous complaints I have received about billing practices and the use of credit cards. Many of these complaints are undoubtedly a reflection of the rapid growth of credit cards and revolving credit plans used by major creditors across the country.

THE CREDIT CARD REVOLUTION

The use of credit cards has been truly phenomenal. It has been estimated that there are well over 300 million credit cards in circulation today. The Federal Reserve Board reports that the total amount of credit owned by consumers on their credit cards as of June 30, 1970, was $14.7 billion, up $2 billion from the year before. Of this amount, $3 billion was owed to commercial bank credit card plans, $1.6 billion to oil companies, $9.8 billion to retail stores, and $300 million on other credit card plans. Commercial bank penetration into the credit card field has been particularly impressive. Commercial banks more than tripled their outstanding credit volume on bank credit cards from 1968 to 1970. During 1970, more than $5.3 billion in sales were made on bank credit cards alone. It is clear that credit cards are playing an increasingly important role in the consumer's family budget.

The credit card revolution has been a mixed blessing for the consumer. It is perhaps inevitable that our consumer protection laws have lagged behind the rapidly changing developments in the use of credit. The consumer has been harrassed and intimidated by computer written dunning letters; he has been shortchanged by tricky billing practices which result in interest rates far above the legal usury ceilings; he is being given less and less time to pay his bills before incurring a finance charge; and he is forced to subsidize the credit card system whenever he pays cash instead of using a credit card.

TWELVE POINT CONSUMER PROGRAM

Mr. President, in order to redress these and other abuses, I have prepared a 12-point program to strengthen the rights of the consumer in credit card and billing transactions. These provisions constitute a bill of rights for the consumer when he deals in credit. They insure that the consumer will be dealt with fairly and equitably by the credit grantor.

Here are the 12 provisions:

One, creditors are required to investigate and answer inquiries about billing errors within 30 days, or otherwise forfeit the amount in dispute;

Two, creditors cannot threaten a consumer with an adverse credit rating while a billing dispute is being investigated. Whenever a consumer disputes a bill, the creditor must also send him a copy of any adverse report made to a credit reporting agency and must inform the agency that the amount in question is disputed by the consumer;

Three, creditors who operate revolving credit plans must mail out their monthly statements at least 21 days prior to the time the consumer must make a payment in order to avoid a finance charge;

Four, creditors are prohibited from using the so-called previous balance system on their revolving charge accounts. Under this system, consumers do not receive credit for any partial payments they might make during the month;

Five, creditors are prohibited from imposing a minimum charge on their revolving charge accounts;

Six, banks are prohibited from using the funds in their customer's checking account in order to satisfy a credit card debt;

Seven, creditors must credit payments on revolving charge accounts on the date the payment is received;

Eight, creditors must promptly credit consumers with any excess payments

they might make on their revolving charge account, and refund any excess payments if requested;

Nine, consumers are given the same legal rights and defenses against the issuer of a credit card that they would have against the merchant honoring the card in the event of any dispute;

Ten, merchants and other retailers are permitted to offer a cash discount to consumers who pay cash in lieu of using a credit card notwithstanding any agreement to the contrary between the merchant and the issuer of the credit card;

Eleven, creditors are required to disclose on their monthly bills a brief description of all of the items purchased during the month together with the merchant or store involved;

Twelve, creditors must disclose on their monthly billing statements an address and telephone number to be used by consumers in the event they have any questions concerning the accuracy of the bill.

Mr. President, these protections do not by any manner of means exhaust the areas of concern in the consumer credit field. No attempt has been made to regulate the maximum rates which creditors can charge; nor does the bill attempt to prohibit deceptive or harrassing collection practices; finally, there is no attempt to alter the general pattern of legal remedies available to creditors with respect to consumer credit transactions. Nonetheless, these provisions do cover most of the complaints which consumers have voiced about current billing practices. These complaints have been made to Members of Congress, to the Federal Trade Commission, to the National Commission on Consumer Finance, and to the President's Special Assistant for Consumer Affairs. I am hopeful that the Fair Credit Billing Act will go a long way toward relieving the consumer's legitimate grievances with respect to creditor billing practices.

CORRECTION OF BILLING ERRORS

Mr. President, the main provisions of the legislation are to be found in a new chapter IV which would be added to the Truth in Lending Act. Section 161 of this chapter deals with the correction of billing errors. Under this section, creditors are required to acknowledge consumer inquiries about billing errors within 10 days and to respond affirmatively to the inquiry within 30 days. By the end of the 30-day period, the creditor must either correct the consumer's account, or explain to him why the original bill was correct, after having conducted an investigation. If the creditor does not meet these requirements, he forfeits the amount in dispute. Moreover, if the consumer can prove that the amount in dispute actually is an error of the creditors, the consumer can collect three times the amount of the error plus attorney's fees and any actual damages sustained by the consumer.

This provision is designed as a remedy for a situation which is becoming all too familiar. By now, almost everyone has had the frustrating and often degrading experience of attempting to resolve a billing error. It often takes months and even years to break through the chain of computers which are seemingly oblivious of consumer complaints. The penalty provisions of this section are designed to provide creditors with an incentive to respond promptly and affirmatively to consumer billing inquiries.

Certainly it should not be beyond the ingenuity of the American business system to respond to billing inquiries within 30 days. If computers can be programed to write dunning letters, they can also be programed to contain their rhetoric until a human being has investigated a customer's specific complaint. Struggling to resolve a billing error is perhaps not the most important problem faced by consumers. Nevertheless, a protracted battle over a billing error can be extremely annoying and burdensome. Many consumers simply give up rather than subject themselves to further harassment. This provision is designed to restore the consumer's faith that he can indeed change the system if he makes an effort to do so.

CREDIT REPORTS

In a related provision, the bill also regulates communications between a creditor and a credit reporting agency whenever a billing dispute is involved. First of all, whenever a consumer makes a written inquiry challenging an item on his bill, the creditor is prohibited from threatening his credit rating until he actually conducts an investigation and explains to the consumer why he believes the bill to be correct. This will prevent creditors from intimidating consumers into paying an unjust bill simply to avoid the possibility of an adverse credit rating.

Second, whenever a bill is in dispute, a creditor cannot communicate any adverse information about the nonpayment of the bill unless he also sends a copy of the report to the consumer. This provision is designed to let the consumer know that the creditor is placing adverse information in his credit file. The consumer then has the right under the Fair Credit Reporting Act to contact his credit reporting agency, and to correct any inaccurate or misleading information. If the dispute still cannot be resolved, the credit reporting agency must then enter the consumer's version of the dispute in its file and report the consumer's side of the story to all subsequent users of the information.

Third, a creditor cannot report a disputed account as delinquent unless he also informs the credit reporting agency that the account is in dispute and furnishes the agency with a brief version of the consumer's contentions. Moreover, he must report any subsequent change in the status of the account to the credit reporting agency. For example, if the creditor subsequently discovers that he is in error, he must communicate this fact to the credit reporting agency.

These provisions are designed to protect not only consumers but other creditors from the consequences of inaccurate or misleading credit information. Certainly everyone has a stake in an accurate credit reporting system. My objective is not to disrupt the free flow of legitimate credit information, but rather to insure that the information is as accurate as possible.

A creditor should certainly not be permitted to secretly blackball a consumer over a disputed bill. Why should consumers have to spend sleepless nights worrying that their credit rating may be adversely affected because of a dispute they are having with a recalcitrant merchant?

THE SHRINKING BILLING PERIOD

A third provision of the legislation regulation regulates the so-called shrinking billing period. It requires that creditors mail out their bills at least 21 days before payment is due in order to avoid the imposition of a finance charge.

While most creditors theoretically give the consumer 30 days to pay his bills in order to avoid a finance charge, in actual practice, the consumer is given much less time. Some creditors take as much as a week or even 2 weeks before mailing out their monthly bills. When this delay is added to the time required by the mails, the consumer often has only a few days to pay a bill before being socked with a finance charge. Since many consumers are in the habit of paying their bills on a monthly basis rather than weekly or daily, they have often been lulled into incurring a finance charge.

Other creditors have deliberately chosen to contract the payment period to 25 days even though they are on a monthly billing cycle. The effect of this is to give the consumer far fewer days to pay his bill before incurring a finance charge. While the so-called shrinking billing period might provide more revenue to the creditor, it is basically unfair to the consumer. If the consumer is given an option to avoid a finance charge by paying cash within a specified period of time, it should be a meaningful option and one which he can exercise with ordinary standards of due care. I believe the 21-day rule strikes a reasonable balance between the creditor and the consumer. For those creditors on a monthly billing cycle, it gives them approximately 9 full days to close their books and mail out their monthly statements. At the same time, the consumer is given a reasonable period of time to exercise his option.

BILLING SYSTEMS

A fourth provision of the legislation would prohibit the so-called previous balance system on revolving charge accounts and require the use of the so-called adjusted balance system. Under the previous balance system, consumers are given no credit for any partial payments they might make during the current payment period. For example, if a consumer had an opening balance of $100 and made a partial payment of $90, a creditor using the previous balance system would charge the consumer 1½ percent of the $100 balance, or $1.50. When the $1.50 finance charge is compared to the $10 actually owing, the annual interest rate works out to 180 percent. In effect, the consumer is paying interest on the money he has already paid back to the creditor. I estimate that consumers are paying an extra $200 million a year in finance charges because of the previous balance system.

On the other hand, a store using the adjusted balance method would give the consumer credit for the partial payment and charge him only on the remaining

balance. This system is far more equitable since it gives the consumer credit for the payments he has made. Moreover, it gives the consumer a positive incentive for paying back his bills since his finance charge is reduced accordingly. By way of contrast, a consumer would have no incentive for making a partial payment under the opening balance system, since he would pay the same finance charge anyway. Thus the opening balance system can encourage excessive consumer indebtedness.

Congress was well aware of the differences between the adjusted balance system and the previous balance system when it passed the truth-in-lending law. Although both systems disclose the same annual percentage rate, it is obvious that the adjusted balance method results in a far lower finance charge to consumers. Nevertheless, it proved to be impossible to come up with a method for reflecting the differences in the various billing systems in the disclosure of an annual percentage rate. Congress therefore required that creditors disclose their monthly rates and their annual equivalents while at the same time disclosing their methods for arriving at the balance upon which the finance charge is assessed. These disclosures have made many consumers aware of the basic inequity of the previous balance system. No doubt many members of the Senate have received letters from their constituents protesting that the previous balance system is illegal or usurious.

While the Truth in Lending Act adopted a disclosure approach, it is obvious that full justice cannot be done unless the various billing systems are subject to some form of regulation. The fair Credit Billing Act therefore requires that creditors must use the adjusted balance method on their revolving charge accounts whenever the consumer is given an option to avoid a finance charge by paying his account in full within a specified period of time. In other words, if he is given an option, it must be a meaningful option and one not hedged with tricky restrictions. A creditor would not be prevented however from basing his finance charge on the average daily amount of credit actually used by the consumer computed from the time of each extension of credit to each payment. Under this system the consumer would, of course, have no option to avoid a finance charge. He would be charged in exact proportion to the number of days of credit actually used. In effect, there would be no free period.

MINIMUM FINANCE CHARGES OUTLAWED

A fifth provision of the legislation would prohibit the imposition of minimum finance charges on revolving credit plans. Under the Truth in Lending Act, any minimum finance charge in excess of $0.50 must be reflected in the annual percentage rate. This has made it possible for creditors to impose a minimum finance charge of $0.50 or less without reflecting it in the annual percentage rate. While it certainly is not the intent of the Truth-in-Lending Act to authorize the imposition of such charges, some creditors have used the law as an excuse to institute a minimum finance charge.

The use of minimum finance charges is unfair to the consumer because it subjects them to astronomical interest rates. For example, if a consumer has a balance of $10 in his revolving charge account, he could be subjected to a minimum finance charge of $0.50. This comes to 5 percent a month, or 60 percent a year. If he had a $5 balance, the annual percentage rate would come to 120 percent.

Creditors have attempted to justify the minimum finance charge by arguing that they have certain fixed costs in connection with the mailing of a bill, and that they are entitled to recover these costs in the finance charge. If this argument is valid, then one wonders why creditors do not impose the same $0.50 minimum finance charge on those customers who pay their bills within the specified period of time, since the same fixed costs are involved on all monthly bills.

The practical effect of the minimum finance charge is to single out a particular group of customers for the payment of a fixed charge supposedly connected with the mailing of a monthly statement. These consumers are those who have low credit balances and cannot afford to pay them in full. They are the very ones who live the closest to poverty and who can least afford to pay interest rates of 120 percent or higher. As presently operated, the minimum finance charge is thus basically unfair and discriminatory. It hits only the poor and not the rich or affluent.

PROTECTION OF CHECKING ACCOUNTS

A sixth provision of the legislation would prohibit creditors from using funds on deposit as an offset against a credit card debt. For example, the terms of a bank credit card plan often permit the bank issuing the credit card to use any funds which the cardholder might have on deposit with that bank as an offset against the consumer's indebtness. This permits the bank to obtain payment without any recourse to the courts. It permits the bank to collect a debt even though the consumer may have a legally valid reason for not paying. It nullifies whatever bargaining power the consumer might have by threatening to withhold payment in order to obtain satisfaction on a merchandise dispute.

The use of offsets are quite similar to wage assignments which have been prohibited by most of the 50 States. A wage assignment permits a creditor to attach a debtor's wages without any legal recourse to the courts. It has proved to be abusive and overly harsh on consumers and has been properly outlawed by most of the States. There is no reason why offsets should not be similarly prohibited.

Nothing in the legislation would prohibit a bank from attaching the funds in its customer's account under the general garnishment law of the State, provided that such remedies were available to creditors generally.

CREDITING PAYMENTS WHEN RECEIVED

A seventh provision of the legislation would require creditors to credit consumers with making payment on their revolving charge accounts on the date the payment is actually received by the creditor. Some creditors apparently delay the posting of a customer's payment until several days after the actual receipt thereof. Under these circumstances, it is possible for a consumer to incur a finance charge, even though he has sent his payment within the specified period of time. This is not fair to the consumer and should be prohibited. If the consumer makes a payment, he ought to get credit for it on the date the funds are actually received by the creditor. The consumer has no control over how long it takes the creditor to post the payment to his books.

CREDITING EXCESS PAYMENTS

An eighth provision of the legislation governs the treatment of excess payments. Whenever a consumer makes an excess payment on his revolving charge account, he must be credited promptly with that amount.

If he has other bills outstanding, the excess payment must be used to offset the amount of those bills. If at the end of the month he has an outstanding credit balance, the creditor must disclose the balance to him and indicate that he has an option to request a cash refund of part or all of the outstanding credit balance.

While I believe that most legitimate creditors already follow these procedures, consumers do need to be protected from the few unscrupulous creditors who might seek to appropriate excess payments for their own uses.

LEGAL RIGHTS OF CREDIT CARD USERS

A ninth provision of the legislation would give credit card customers the same rights and defenses against the issuer of a credit card that they would have against a merchant or other seller in any transaction arising out of the use of that credit card. For example, if a consumer buys a TV set directly from a merchant on credit and the TV set does not work, the consumer can withhold payment until the merchant honors his warranty. Should the merchant sue to enforce payment, the consumer can defend against such a suit by claiming a breach of warranty.

On the other hand, should the same consumer purchase the same TV set from the same merchant by using a bank credit card, the bank can legally require the consumer to pay notwithstanding his legitimate dispute with the merchant. This is because the bank is either a holder in due course or a cash lender. Under the former theory, a holder in due course is entitled to enforce payment on any installment note purchased by him, notwithstanding any dispute the consumer may have with the seller of the note. While this doctrine would be nullified by a proposed FTC regulation, there is some doubt that it would extend to transactions covering banks.

Under the second theory, a bank can be held to be a cash lender with respect to any purchases made by a consumer through the use of a bank credit card. The courts have generally given cash lenders the right to collect on their loans, even though the borrower may have a legitimate dispute with a merchant from whom goods were purchased with the proceeds of the loan. The rights of cash lenders would not be effected by

the proposed FTC regulation although they would be circumscribed by the proposed legislation if the loan was pursuant to a credit card plan.

This provision will provide an incentive to commercial banks to be more selective in choosing the merchants authorized to honor bank credit cards. It will also prevent a gradual erosion of a consumer's basic legal rights as the use of bank credit cards begins to replace direct credit arrangements between the merchant and the consumer. The inclusion of a third party such as a bank or a credit card company should not be permitted to weaken the traditional rights and defenses which a consumer might have in any retail transaction entered into directly with a merchant.

CASH DISCOUNT PERMITTED

A 10th provision of the legislation would enable merchants to offer a cash discount of up to 5 percent to those buyers who like to pay cash rather than use a credit card. The discount may be offered notwithstanding any agreement to the contrary with a bank or other credit card company which prohibits the offering of such a discount. Such discounts would also be exempted from the disclosure requirements of the Truth in Lending Act, thereby facilitating their use.

Many banks have sought to promote the widespread use of their credit card by prohibiting merchants from offering a cash discount. This prohibition is basically unfair both to merchants and to cash buyers, and should be nullified by public policy. Since the bank charges the merchant a discount of 3 or 4 percent in connection with credit card transactions, the merchant has an obvious incentive to avoid the payment of such a discount by offering the consumer a similar discount in return for prompt payment by cash. The cash buyer likewise benefits from such a discount since he is charged a lower price.

There has been much dispute as to whether the payment of a discount to a bank or a credit card company causes merchants to raise their retail prices. Regardless of whether prices are raised directly because of discounts paid by the merchant, there is no denying that these discounts are an element of cost and must ultimately be reflected in the prices charged. Thus those consumers who pay cash are in effect helping to subsidize those who buy on credit. I hope that the incentives offered by this legislation will induce more merchants into offering the cash buyer a discount, thereby removing this source of inequity.

Should a merchant offer a cash discount, he must offer it to all prospective buyers whether or not they have credit cards, and must clearly and conspicuously disclose its availability pursuant to regulations of the Federal Reserve Board. This is to insure that all cash buyers receive the benefit of the discount, and not just those who happen to have a credit card or are inclined to request such a discount.

DISCLOSURES ON MONTHLY STATEMENTS

An 11th provision of the legislation strengthens the Truth in Lending Act by requiring creditors to include on their monthly billing statements a brief description of all of the items purchased during the billing period together with an identification of the merchant or vendor involved. The existing Truth in Lending Act does not require the disclosure of the merchant or vendor. Moreover, the act waives the requirement for a brief description of the items purchased if a copy of such transaction were previously furnished to the consumer. Most credit card plans give the consumer a copy of the sales draft at the point of the transaction. By so doing, the credit card issuer is not required to provide a brief description of such items on his monthly bill. Thus, unless the consumer saves all of the sales drafts during the month, and makes a laborious comparison of the amounts with the amounts listed on the bill, he would have no way of checking the accuracy of the bill.

By requiring a fuller description of each credit transaction on the monthly statement, the consumer is thus given more information about his transactions. Hopefully, such disclosures will help detect billing errors and reduce fraud losses.

TELEPHONE CONTACT

A 12th provision of the legislation require creditors to list on their monthly billing statements an address and telephone number which the consumer can use if he has any questions about an item appearing on his bill. This provision is designed to facilitate communications between a consumer and a creditor over an alleged billing error. I also believe the Congress should give serious consideration to requiring that creditors list the name of a real person whose job it is to receive consumer complaints about billing errors. While this requirement may prove to be infeasible, it certainly would go a long way towards humanizing the billing system and reducing the level of consumer frustration.

Mr. President, many provisions of the proposed legislation are contained in a proposed FTC trade regulation. The FTC had originally planned to hold hearings on this trade regulation in late January. However, at my request the FTC has decided to postpone the hearings in order that Congress might consider a legislative approach to the problem.

I believe that a legislative solution is desirable for two reasons: one, legislation passed by Congress would clearly extend to commercial banks whereas there is some doubt that banks can be included under the FTC regulations since they are specifically exempt from the FTC Act; and two, a legislative solution can avoid the narrow and restrictive definition of interstate commerce which has limited the jurisdiction of the Federal Trade Commission. Moreover, since the Truth in Lending Act and amendments thereto are founded in part upon the general monetary powers of the Congress, a case can be made for extending the provisions of the act to credit transactions which are purely intrastate in character.

In addition, the proposed legislation goes considerably beyond the FTC regulation in a number of respects including regulation of billing systems, the authorization of treble damage suits against nonresponsive creditors, the incentives provided for cash discounts, and the subjecting of credit card issuers to the rights and defenses of credit card holders.

Mr. President, I am hopeful that the Committee on Banking, Housing and Urban Affairs to which this legislation will be referred can hold prompt and thorough hearings on this important legislation. Undoubtedly, some of the provisions may need to refined as the committee gains additional information during the course of the hearings. I am hopeful that representatives of the credit industry and consumer advocates will come forward with their ideas for a sound and workable statute.

S. 659—INTRODUCTION OF THE EDUCATION AMENDMENTS OF 1971

Mr. PELL. Mr. President, I introduce for myself and for Senators WILLIAMS, RANDOLPH, KENNEDY, NELSON, MONDALE, EAGLETON, CRANSTON, HUGHES, and STEVENSON, a bill to amend the Higher Education Act of 1965, the Vocational Education Act of 1963, and related acts, and for other purposes, with the short title "the Education Amendments of 1971."

This bill has been developed on the basis of the extensive review of higher education legislation conducted by the Subcommittee on Education of the Senate Committee on Labor and Public Welfare during the second session of the 91st Congress.

The bill contains an extensive revision of higher education legislation; an extension for 3 years of existing vocational education legislation; and incorporates two administration proposals: The National Institute for Education and the National Foundation for Higher Education. It also contains amendments arising out of our continuing oversight over the operation of the Office of Education.

Since passage of the National Defense Education Act of 1958, the Congress has enacted legislation dealing with higher education in 1960, 1961, 1963, 1964, 1965, 1966, 1968, and 1969. Two major acts, the Higher Education Facilities Act of 1965 were enacted. What began as a very narrow, but significant program in 1958, when, among other things, the Federal Government authorized loans to students in institutions of higher education, has now become a body of legislation covering the full range of higher education concerns, from grants to students, to program support, to construction of academic facilities.

The bill I now submit is landmark in nature in that it is, to my mind, the first attempt to treat the subject of Federal support to higher education as a unified whole. We have attempted to winnow out programs and to codify duplicative functions. But what is more important, the package of Federal aid contained in this bill seeks to treat as a cohesive whole the many problems faced by the higher education community from all standpoints. Student assistance is coupled with institutional aid; specialized study areas are treated as one. Unity has been achieved so that the total commitment of the Federal Government to higher

education can be fully realized and understood—understood as to the philosophy motivating the Congress to choose this approach rather than others.

Title I of the bill is a revision and extension of the existing complete Federal aid to higher education package. Eleven days of hearings in 1970, comprising four printed volumes, developed a body of information which clearly calls for this type of revision and extension.

At the outset, let me say that it is my philosophical belief that the Federal Government must play a major and ever-increasing role in support of higher education. This role must not only be financial in nature, but must also indicate to students and institutions a commitment to fostering excellence in education over a long period of time. We are at a point in time when fundamental decisions regarding the future of higher education must be made: these decisions include the questions of what Federal aid will consist in the years to come; to whom it will be made available; and how it will be made available.

In the 91st Congress, administration proposals, tailored to specific budgetary limitations, sought to shift the burdens of financing higher education to the students, basically through a system of loans on the open market. This proposal engendered much negative response, from the point of view of both its philosophical base and, practically speaking, of its ultimate cost to the Federal Government. For we cannot view a program only in terms of apparent savings to a current budget; what must also be considered is the long-range cost over a period of years.

The student assistance structure in this bill is modified to contain what could be called a radical approach to Federal aid to education, in that it provides, as a matter of right, a basic educational opportunity grant of $1,200 to every student pursuing a postsecondary education at an institution of higher education. From this grant of $1,200, there is deducted the amount of income tax paid by each student or by the person on whom he is dependent. For example, if a student's family paid an income tax of $500, the student would receive a grant of $700. Coupled with this basic educational opportunity grant is a cost-of-instruction allowance to the institution which the student attends. The basic educational opportunity grant is designed not only to aid the student from a low-income family, but to provide some assistance to the middle income family as well. The cost-of-instruction allowance will provide immense relief to the institutions of higher education which are suffering impending financial disaster.

In addition to enacting the basic educational opportunity grant program, the bill extends the present student loan structure; that is, the National Defense Education Act 3 percent loans to low-income students, and the 7 percent guaranteed student loans to all others wishing to participate in a loan program.

Last year the administration proposed the establishment of a National Student Loan Association to handle what was then called a "liquidity crisis." Even though this proposal was advanced to take care of an emergency situation, its enactment would have constituted a long-range commitment to loans as the prime Federal approach to financing higher education. As can be seen from my discussion of the basic educational opportunity grant, I have come to the conclusion that the Congress should not adopt loans as the major Federal method of financing higher education, and therefore I am opposed to the establishment of a permanent student loan association. If there is still a liquidity crisis with respect to student loans, I am suggesting in this billl that we establish an account in the Department of the Treasury which will serve as a warehousing agent to assist lenders in obtaining funds for student loans.

The bill also contains a consolidation of the National Defense Student Loan Program into the Higher Education Act of 1965, as part E of title IV. If enacted, this proposal would result in a single body of Federal student assistance legislation.

Title II of the bill is a simple extension of authorization of appropriations for vocational education programs for 3 years through fiscal year 1975.

Title III of the bill contains proposals for the establishment of a National Foundation for Higher Education and a National Institute for Education.

The National Foundation for Higher Education would be authorized to provide a rather broad range of support for programs and projects designed to improve the administration of institutions of higher education, encourage curriculum reform, and promote innovation in higher education.

The National Institute for Education would replace the present educational research program authorized by the Cooperative Research Act. The Institute would be the center for Federal activities related to educational research and development.

When these two proposals were submitted by the administration last year, there was some controversy with respect to the relationship between these two new organizations and the Office of Education by creating within the Department of Health, Education, and Welfare an Education Division, headed by an upgraded Commissioner of Education. The Education Division would be comprised of the present Office of Education, the National Foundation for Higher Education.

Title IV contains some oversight amendments.

Mr. President, this bill is wide-ranging and, if enacted in its proposed form, will indicate to the Nation a strong Federal commitment to support of higher education. It will convince students presently enrolled in elementary and secondary schools that Federal support receives more than mere lipservice, by providing a long-term structure within which those students can plan their futures with certainty.

It is my intent, as chairman of the Education Subcommittee of the Committee on Labor and Public Welfare, to act swiftly on the subject of higher education, for present programs expire with the end of this fiscal year. I fully recognize that this bill will provoke controversy. However, I think it necessary, indeed imperative, that Federal support of higher education be broadened to include the concept of outright grants.

There is no greater investment this country can make than in the education of its youth. Our young people, who are simultaneously our responsibility, our legacy, and our key to problem-solving in the future, must be enabled to pass easily into the realm of postsecondary education, and our institutions of higher education must be equipped to accommodate and train them.

Mr. President, I ask unanimous consent that at this point a section-by-section description of the bill be printed in the RECORD.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the section-by-section description will be printed in the RECORD.

The bill (S. 659) to amend the Higher Education Act of 1965, the Vocational Educational Act of 1963, and related Acts, and for other purposes, introduced by Mr. PELL (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The section-by-section description, presented by Mr. PELL, is as follows:

SECTION-BY-SECTION DESCRIPTION OF THE "EDUCATION AMENDMENTS OF 1971"

TITLE I—HIGHER EDUCATION

This title extends and revises present law relating to higher education assistance.

Part A contains amendments to title I of the Higher Education Act of 1965, which authorizes grants to the States to support community service and continuing education programs.

Section 101 extends title I for five years, through fiscal year 1976.

Section 102 would reserve 10 percent of the appropriations for title I for national and regional programs to solve community problems.

Section 103 authorizes an additional $5 million for special grants to deal with metropolitan area problems.

Section 104 requires the Office of Education to conduct a special study and evaluation of title I, and report recommendations to the Congress.

Part B amends title II of the Higher Education Act of 1965, which authorizes grants to institutions of higher education for the acquisition of library resources, training of librarians, and research in the library and information sciences; and it authorizes a transfer of funds to the Library of Congress for college and research library cooperation.

Section 121 creates a single authorization of appropriations for five years for grants to institutions of higher education, with a division among the programs on a percentage basis.

Section 122 amends the maintenance of effort clause to create an exception in hardship cases. This exception is intended especially to help new colleges which have an initial expenditure for stocking a new library which cannot be maintained.

Section 123 increases the maximum amount of a supplemental grant from $10 per student to $20 per student.

Section 124 extends the authorization of appropriations for part C of title II, which authorizes a transfer of funds to the Library of Congress for the acquisition of materials and the cataloging of materials to assist college and research libraries. The authoriza-

tion would be increased from $11.1 million to $15 million.

Part C amends title III of the Higher Education Act of 1965, which authorizes grants to assist in strengthening developing institutions.

Section 131 extends the authorization of appropriations for one year.

Section 132 revises title III by—

(1) insuring that one-half the funds go to institutions serving high percentages of students from low-income families; and

(2) providing for the establishment of a roster of developing institutions which will enable such institutions to receive waivers of matching funds and more favorable consideration when competing for Federal funds under other programs.

Part D amends title IV of the Higher Education Act of 1965, the basic statutory authority for Federal student financial aid.

Section 141 extends the Educational Opportunity Grant Program for five years.

Section 142 amends the Educational Opportunity Grant Program to establish a Basic Educational Opportunity Grant Program under which each student receives $1,200 minus the amount of Federal income tax imposed, and institutions receive cost-of-instruction allowances.

Section 143 extends for five years the program of identifying qualified low-income students, preparing them for postsecondary education, and special services for such students.

Section 144 extends the Insured Student Loan Program for five years.

Section 145 amends part B of title IV to establish an account in Treasury for, and authorize the Commissioner to make, Education Warehouse Loans to enable lenders to increase the supply of money available for insured student loans.

Section 146 extends for two years the program of special allowances to lenders under the Emergency Insured Student Loan Act. Since this program may require a special study, its extension has been limited to two years.

Section 147 extends the authorization of appropriations for the College Work-Study Program for five years.

Section 148 extends the authorization of appropriations for the Cooperative Education Program for five years.

Section 149 transfers the Federal Student Loan Program now authorized by title II of the National Defense Education Act to title IV of the Higher Education Act of 1965, as part E thereof.

Section 150 transfers section 504 of the Higher Education Amendments of 1968 relating to student conduct to "General Provisions Relating to Student Assistance Programs".

Part E amends title V of the Higher Education Act of 1965 (the Education Professions Development Act), which authorizes the Teachers Corps and assistance for the improvement of teacher training opportunities.

Section 151 authorizes appropriations for the Education Professions Development Act for five fiscal years, and apportions the appropriations among the various purposes of that Act.

Section 152 increases the level of compensation for the Director of the Teacher Corps and clarifies the functions of the Director.

Part F extends for five years the authorization of appropriations for title VI of the Higher Education Act of 1965, which authorizes assistance to institutions of higher education for the acquisition of instructional equipment.

Part G relates to higher education facilities.

Section 161 incorporates the provisions of the Higher Education Facilities Act into title VII of the Higher Education Act of 1965.

Section 162 extends the authorizations of appropriations for the Higher Education Facilities Act for one year.

Section 163 creates, and authorizes funds for, State Higher Education commissions, which will enable them to make comprehensive inventories of, and studies regarding, the postsecondary educational resources in the States, and to conduct comprehensive planning for the most effective utilization of those resources to broaden and insure educational opportunity.

Part H extends for five years the authorization of appropriations for title VIII of the Higher Education Act of 1965, which authorizes the Networks for Knowledge Program.

Part I relates to graduate programs.

Section 181 replaces the present titles IX and X (Education for the Public Service and Improvement of Graduate Programs) with a graduate school program and a fellowship program which are consolidations of title IX and X of the Higher Education Act of 1965, titles IV and VI of the National Defense Education Act of 1958 (Graduate Fellowships and Language and Area Centers), and the International Education Act.

Section 182 extends for one year the authorizations of appropriations for titles IV and VI of the National Defense Education Act, and for the International Education Act.

Part J extends for five years the authorization of appropriations for Law School Clinical Experience Programs.

TITLE II—VOCATIONAL EDUCATION

This title extends for three years the authorizations of appropriations for the various vocational education programs which expire June 30, 1972.

TITLE III—ESTABLISHMENT OF A NATIONAL FOUNDATION FOR HIGHER EDUCATION AND A NATIONAL INSTITUTE FOR EDUCATION

This title establishes an Education Division in the Department of Health, Education, and Welfare, headed by the Commissioner who is raised from grade Executive V to grade Executive III. This Division is to be composed of the present Office of Education and the two new agencies: the National Foundation for Higher Education and the National Institute for Education.

Mr. KENNEDY. Mr. President, I take pleasure in cosponsoring this legislation along with distinguished colleagues on the Senate Subcommittee on Education which encompasses a comprehensive revision of postsecondary education assistance.

Perhaps the key element in this package is the concept of the basic right of every qualified high school graduate to have access to advanced education, whether in accredited community colleges, 4-year universities, or vocational institutions. The denial of such access today because of financial need is a disgrace to our Nation.

In April 1969, I introduced a higher education bill of rights along with several of my colleagues which incorporated the recommendations of the Carnegie Commission on Higher Education. Those recommendations called for basic opportunity grants, institutional grants for cost of instruction, and supplementary assistance to those with greatest financial need.

The bill which the Senator from Rhode Island, the distinguished chairman of the Subcommittee on Education, has introduced today carriers these elements of the Commission's report to much greater refinement. In addition, the bill extends vital assistance to vocational and community colleges and establishes the structure for a coordinated national education program through establishment of a new Division of Education in the Department of Health, Education, and Welfare.

Essentially, the bill establishes the right to higher education by providing a basic educational opportunity grant of up to $1200 to each student enrolled in an accredited postsecondary school. The exact amount available depends on the student's financial need and through the unique formula contained in the bill, this educational entitlement would assist students from both low-income and working class families. Together with grants to institutions for cost of instruction and the continuation of supplementary assistance to economically disadvantaged students, I believe this educational entitlement will achieve its goal of equal opportunity to higher education to all young Americans.

Mr. President, this measure represents a joining of the suggestions for reform contained in the Carnegie Commission report and other studies concluded in the past several years. I am sure that further refinements will take place as we receive additional comments during the course of future hearings. But I want to congratulate the distinguished chairman of the education subcommittee for providing us with this progressive document from which to begin our discussions.

S. 660—INTRODUCTION OF THE NATIONAL PESTICIDE CONTROL AND PROTECTION ACT

Mr. NELSON. Mr. President, it has been more than 20 years since Congress passed the Federal Insecticide, Fungicide and Rodenticide Act, governing the manufacture, sale, and use of pesticides in the United States.

And it has been more than 6 years since any amendments to that statute have been considered.

In the brief span of those 6 years, respected scientists and distinguished environmentalists have compiled chapter after chapter of devastating evidence documenting chemical pesticides as environmental contaminants and health hazards to humans.

During that same short period, several independent reports reviewing the U.S. Department of Agriculture's administration of the Insecticide Act have revealed shocking shortcomings in the law and tragic laxity on the part of the Department in regulating pesticides.

Much has happened to sharpen public concern about pesticides.

We now know that pesticides have contaminated the environment on a worldwide basis—from the Adelie penguin in isolated regions of Antarctica to dust high above the Indian Ocean.

We now know that Americans carry in their bodies an average of 12 parts per million of pesticide residues, nearly twice the level allowed for most foods in interstate commerce.

We now know that DDT, and a dozen other common pesticides still used widely, cause cancer in animals.

We now know that only brief exposure of an organophosphate pesticide, such as

parathion, can result in serious injury or death to humans.

We now know that the present pesticide law is hopelessly impotent in dealing with the misuses or overuse of any pesticide.

We now know that the present system of banning a pesticide is an outrageous sham that allows a "banned" pesticide to continue to be marketed without restriction for as long as 390 days before final action can be taken.

The time for reform is now.

The establishment of the new Environmental Protection Agency offers an opportune occasion for the adoption of an entirely new approach to the regulation of pesticides and pest control devices in the United States.

Today I am introducing, for appropriate reference, legislation to amend the Federal Insecticide, Fungicide, and Rodenticide Act of 1947, and to change its title to the National Pesticide Control and Protection Act.

Briefly, this legislation would do these things:

It would transfer authority for pesticide regulation from the Department of Agriculture to the new Environmental Protection Agency—in accordance with the President's reorganization plan—with close coordination by the Department of Health, Education, and Welfare.

It would revise the existing programs for testing, registering, canceling and suspending pesticides and pest control devices, and provide adequate emphasis on environmental and public health safeguards.

It would authorize the Administrator of the Environmental Protection Agency to require that potential users of certain hazardous pesticides obtain—prior to purchase—a certificate justifying the use. And some pesticides could be applied only by qualified and approved pest control operators.

It would require that all pesticides and pest control devices be thoroughly tested prior to sale by the Environmental Protection Agency and the Department of Health, Education, and Welfare to disqualify potentially hazardous products before they are placed on the market.

It would establish a national pesticide research and control trust fund, a fund which would be financed by assessments on pesticide sales, and which would be used for covering the expense of the regulation program as well as the extensive research program.

It would allow individual citizens to bring court suits against persons, companies, or governmental agencies for violations of the act or failure to enforce its provisions.

It would enable interested parties to obtain access to Government-held information on pesticide regulation and research except for data on formulas and formulations.

It would establish control over all pesticides and pest control devices produced in the United States, regardless of whether they are shipped in intrastate, interstate, or foreign commerce.

It would place emphasis on the review of biological and nonchemical means of pest control as alternatives to the use of chemical pesticides.

The changes made by this legislation reflect the concern of several environmental lawyers closely involved with recent court actions on pesticides as well as the proposed amendment to the present statute outlined by the Agriculture Department last year at a Senate hearing.

Most authority for pesticide regulation under the President's reorganization plan is transferred to the new Environmental Protection Agency from the Agriculture Department. The bill that has been offered accomplishes basically the same goal.

This transfer is a wise action that is long overdue. In the past 3 years, the Agriculture Department has suffered a serious loss of credibility in the field of pesticide regulation and enforcement.

In September of 1968, the U.S. General Accounting Office—GAO—in a report to Congress, cited the failure of the Agriculture Department to adequately enforce provisions of the Federal Insecticide, Fungicide, and Rodenticide Act.

The report indicated that the Department was following the procedure of only seizing unsafe or ineffective pesticides from the initial site where they were discovered without any further action to remove the same product from other locations.

GAO said the Department not only failed to initiate a single criminal prosecution for 13 years despite evidence of repeated violations, but that it did not even have any procedures for determining the basis for action.

Moreover, the Department did not, according to GAO, publish notices of judgments obtained in actions—mainly seizures—contrary to the requirements of the act.

Less than 6 months later, GAO issued a second report which said the Department has continued to register products containing the toxic pesticide, lindane, for use in vaporizers in restaurants and other establishments, ignoring the repeated objections to this practice by the Department of Health, Education, and Welfare and other health organizations.

Then, later in 1969, the House Government Operations Committee issued a discomforting report on the "Deficiencies in Administration of Federal Insecticide, Fungicide, and Rodenticide Act," based on hearings and investigations by its Intergovernmental Relations Subcommittee, under the chairmanship of Congressman L. H. FOUNTAIN.

The 71-page report represented a thorough indictment of the Agriculture Department's continuing failure to administer its responsibilities under the law in accordance with the intent of Congress.

I would like to highlight some of the findings:

First. Until mid-1967, the Agriculture Department's Pesticide Regulation Division failed almost completely to carry out its responsibility to enforce provisions of the Federal Insecticide, Fungicide, and Rodenticide Act intended to protect the public from hazardous and ineffective pesticide products being marketed in violation of the act.

Second. Numerous pesticide products have been approved for registration over objections of the Department of Health, Education, and Welfare as to their safety without compliance with required procedures for resolving such safety questions.

Third. The Pesticide Regulation Division has approved pesticide products for uses which it knew, or should have known, were almost certain to result in illegal adulteration of food.

Fourth. The Pesticides Regulations Division has failed to take adequate precautions to insure that pesticide product labels approved for registration clearly warn users against possible hazards associated with such products.

Fifth. Information available to Federal agencies concerning pesticide poisonings is inadequate and incomplete. The Pesticide Regulation Division has failed to make effective use of even the limited data available.

Sixth. The Pesticide Regulation Division did not take prompt or effective cancellation action in cases where it has reason to believe a registered product might be ineffective or potentially hazardous.

Seventh. The Pesticides Regulation Division has consistently failed to take action to remove potentially hazardous products from marketing channels after cancellation of a pesticide registration or through suspension of a registration.

Eighth. The Pesticide Regulation Division has no procedures for warning purchasers of potentially hazardous pesticide products.

Ninth. The Agriculture Research Service failed to take appropriate precautions against appointment of consultants to positions in which their duties might conflict with the financial interests of their private employer. Facts disclosed by the subcommittee investigation raised a number of serious conflict of interest questions.

The transfer of authority to the new Environmental Protection Agency is a necessary step to correct the documented shortcomings in present policy. But it will be futile to expect any significant improvement in pesticide control until there is an accompanying significant improvement of the law governing their sale and use.

Pesticide use in the United States has reached gigantic proportions. Today, more than a billion pounds of pesticides—including insecticides, herbicides, fungicides, rodenticides, and fumigants—are produced annually in the United States. This is about 5 pounds for every man, woman, and child in the country. The latest figures show the sales of pesticides increasing more than 13 percent annually; and by 1985 it is estimated that they will increase another sixfold.

In this age of rigid reliance on man-made solutions, pesticides have been heralded and accepted as a panacea for a wide range of health and agricultural problems.

But the rising voices of concern by scientists and the public, the growing evidence about the dangerous side effects of these compounds, have become impossible to ignore.

DDT and other pesticides have spread the world over, building up in the flesh of Antarctic penguins that are thousands of miles from the closest area of pesti-

cide use. Species of fisheating birds and birds of prey over vast portions of the earth have been pushed near extinction in areas of their ranges, with compelling evidence that pesticide buildups are a major factor.

In addition to documented evidence of dangers to wildlife, there are mounting indications that the hard pesticides pose threats to man himself.

Dr. Charles Wurster, an organic chemist and nationally known pesticide expert assisting the environmental defense fund, likens the pesticide spread to mass use of biocides, agents which are known by scientists as "active against life."

"In general, if an organism has nerves, DDT or Dieldrin can kill it," Wurster has said. And he says that such chlorinated hydrocarbons as Aldrin, Endrin, Heptachlor and Toxaphene have similarly toxic effect. Thus, Wurster says, these compounds "are toxic to almost the entire animal world."

Evidence presented during a recent conference on pesticides in Stockholm, Sweden, showed that even very small quantities of DDT could affect human metabolism. One study, by a Russian researcher, indicated that workers whose jobs bring them in contact with DDT and other organochlorine pesticides suffered from liver changes which slowed the elimination of wastes from the body.

A major study published last summer by the National Cancer Institute found that of 123 pesticide compounds tested, 11 induced a significantly increased incidence of tumors in laboratory animals. The 11 included five insecticides p.p'-DDT, Mirex, bis(2-chlorenthyl)-ether, chlorobenzilate, and strobane; five fungicides PCNB, Avadex, ethyl selenac, ethylene thiourea, and bis(2-hydroxyethyl) dithiocarbamic acid potassium salt; and one herbicide N-(hydroxethyl) hydrazine.

Another report by the Health, Education, and Welfare Secretary's Commission on Pesticides and Their Relationship to Environmental Health—the Mrak Commission—confirmed the incidence of tumors in laboratory animals caused by several pesticides not mentioned in the Institute study. They included aldrin, aramite, dieldrin, heptachlor and amitrole.

The Mrak Commission Report concluded:

> There is a serious lack of information available on pesticide use patterns.
>
> Much contamination and damage results from the indiscriminate, uncontrolled, unmonitored and excessive use of pesticides.
>
> Pesticides are now affecting individuals, populations, and communities of natural organisms. Some, especially the persistent insecticide chemicals such as DDT, have reduced the reproduction and survival of nontarget species.
>
> Within the organochlorine group of pesticides, there is a wide range of potential for actue toxicity for man.
>
> The organophosphate pesticides, particularly parathion, phosdrin, and TEPP, are health hazards because of their high toxicity and ease of absorption by ingestion and the dermal or respiratory routes.

In the face of the tremendous threat of the often uncontrollable hazards of pesticides, it is obvious that our present pesticide law is simply not adequate to prevent potentially catastrophic environmental damage and to protect the public from potentially deadly chemical poisoning.

At present, the Agriculture Department, in determining whether a pesticide should be initially registered, relies almost entirely on the manufacturer applying for registration. These data include research results on both the safety and efficacy of the pesticide. During pesticide hearings in Wisconsin last year, the chief pesticide official for the Department admitted that the agency rarely, if ever, doublechecks the laboratory results furnished by the industry. This prompted a charge that companies can select only favorable research findings and withhold unfavorable information for Department review.

There is no clear criteria in the existing statute regarding the basis for approval or rejection of a registration application. Current regulations are especially lacking in providing safeguards against environmental and chronic health hazards.

The legislation that has been presented would require the Administrator of the Environmental Protection Agency and the Secretary of Health, Education, and Welfare to determine that benefits from the use of any pesticide would be substantially greater than potential detriments to the public health, safety, and welfare and the environment before a pesticide registration would be approved.

In making that determination, the two officials would be compelled to consider the following criteria:

The specificity of the pesticide and the nature and extent of harm done to nontarget organisms;

The persistence and mobility of the pesticide or its byproducts and their incorporation into nontarget organisms;

The toxic, carcinogenic, mutagenic, teratogenic, and other health effects of the pesticide or its byproducts;

The adequacy of the knowledge of its effects on the public health, safety, and welfare or the environment; and

The availability of safe and effective biological and nonchemical alternative means of pest control to control the pests specified in the registration or registration application.

Instead of relying on the present procedure of reviewing research data supplied by industry, the Administrator of the Environmental Protection Agency and the Secretary of Health, Education, and Welfare would be authorized to conduct or contract for independent research on those pesticides desired to be registered.

The bill would streamline the present cancellation procedure by greatly reducing the period of time for administrative hearings and review of a proposed cancellation from upwards of 400 days under existing law down to 150 days under the new measure.

The current cancellation procedure is a tragic sham. In November of 1969 the Agriculture Department announced a partial ban of DDT, and the widely publicized notice misled many people into believing that the agency's action actually had stopped the manufacture and use of the persistent pesticide.

Few at the time realized that a simple appeal by the manufacturers had blocked cancellation from taking effect. The Department selected an advisory committee to review the ban and the appeal, but the agency did not make the committee operational until 6 months later. In this case the pesticide could have been immediately suspended by the Department at the start, and this action would have stopped the sale of the chemical. The suspension proceeding was not used then, and it was not used recently by the Administrator of the Environmental Protection Agency when he announced an intent to ban the existing uses of DDT. In the recent action, which was prompted by a favorable ruling on a court case initiated by the environmental defense fund, and joined by several other environmental organizations, the Administrator of EPA merely filed an intent to cancel remaining uses of the pesticide—nothing has been stopped. Right now EPA is reviewing the whole matter to determine whether present uses should be stopped. The cancellation will take effect in 30 days, but only if there is no appeal filed. If there is an appeal, the whole delay mechanism goes into effect.

The suspension system itself is in need of revision. Under existing law, the Department has to determine that there exists an "imminent hazard to the public" before suspension can be ordered. This condition has been an obstacle to the immediate suspension of a number of questionable pesticides. Under the proposed legislation, suspension would be allowed when the Administrator of EPA or the Secretary of Health, Education, and Welfare determines that the use of a pesticide presents a serious actual hazard to man or the environment, or that it presents a serious potential hazard which may become a serious actual hazard before cancellation proceedings can be carried out.

The bill also provides a new authority for pesticide control—preliminary suspension. Under it, the Administrator of EPA or the Secretary of Health, Education, and Welfare could suspend use of a pesticide for up to 90 days if there is reason to believe that the pesticide may constitute a serious actual or serious potential hazard. The suspension period would allow time for obtaining information to support a firm determination.

If either the Administrator of EPA or the Secretary of Health, Education, and Welfare determine that use of a particular pesticide would endanger the environment or public health, safety, and welfare, the purchase and use of that pesticide can be restricted to persons who have obtained a certificate for such purchase and use from an authorized agent of the Administrator. In as many instances as possible, this agent will be the local county agent or his representative. The certificate will indicate the specific pesticide authorized for purchase, the maximum amount that may be purchased and the manner in which the pesticide is to be used.

In addition, the use of any pesticide

can be limited to approved pest control operators if either the Administrator of EPA or the Secretary of Health, Education, and Welfare determine that use otherwise would constitute a serious actual or serious potential hazard to man or the environment.

In order to finance the expanded regulatory functions of the proposed legislation along with the new research responsibilities, a national pesticide research and control trust fund is established. Assessments will be made on the sale of domestic pesticides and the importation of foreign products to provide revenue for the trust fund.

Under the present statute, it is not clear what the rights of individuals are for involvement in court actions with violators of the law or agencies not carrying out the law.

In fact, during a recent attempt by the environmental defense fund to accelerate Agriculture Department action against DDT, Government attorneys argued that only Government and industry had standing in court on matters related to the Federal Insecticide, Fungicide, and Rodenticide Act and the public was excluded. The judge overruled the Government position and allowed the case to continue.

This bill would enable a person or group of persons who alleges injury or alleges substantial harm to the environment, or who alleges irreparable injury or harm will occur as a result of a violation of the act to file a civil suit for damages or for injunctive relief in the district court of the United States.

In addition, an individual or group may file for injunctive relief against the Administrator or the Secretary of Health, Education, and Welfare if either official takes action inconsistent with the act or fails to take action required by the act.

The Agriculture Department has interpreted the existing act as forbidding the public release of virtually all information obtained by the agency in its regulatory function. For example, there is no present way for an individual citizen or an interested scientist to review the safety data submitted by a manufacturer to the Department either before or after a pesticide is approved for marketing.

The Administrator of EPA is required by this legislation to make available upon request by any interested party all records maintained in the administration of the act except the formulas and formulations or pesticides that he determines to be a trade secret and not protected by a patent or other safeguard.

Present law does not provide regulation for pesticides manufactured, sold and used within a single State and specifically excludes pesticides produced in the United States for foreign export from the provisions of the act.

The simple geographic boundaries of a State cannot assure that a pesticide used in one State will not move through the soil, air, or water and present a distinct environmental or health hazard in another State. The persistency and mobility of pesticides is too great to be contained by invisible barriers.

A program to regulate pesticides will not be successful if those produced and used within a single State go unregulated while those shipped in interstate commerce are restricted. All pesticides should be subject to the same requirements and the same regulations.

For that reason, this bill covers every pesticide and pest control device which is distributed, sold, or offered for sale in any State, or which is shipped in any State, or which is received from or sent to any foreign country.

While it is essential that the present pesticide regulatory system be substantially improved, the main goal should be a greatly decreased level of use of chemical pesticides in the United States.

Fortunately, new and improved methods of biological and nonchemical pest control are being developed by the Agriculture Department and college scientists across the Nation. Cotton, citrus fruits, apples, pears, tomatoes, potatoes, avacadoes, olives, grapes, corn, eggplant, lettuce, and strawberries are among the many agricultural crops for which biological control programs have been successfully conducted.

This legislation requires that before the Administrator can register a pesticide he must consider the availability of safe and effective alternative biological and nonchemical alternative means of pest control to deal with the pests to be eliminated by the pesticide. It also requires the authorized agent issuing the certificate for purchase and use of certain pesticides to review the possibility of areawide control of pests by biological and nonchemical means of pest control before issuing the certificate.

Reform of our pesticide law is justified now. The need for reform is now. In my judgment, this legislation can provide the foundation for reform.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 660) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, introduced by Mr. NELSON (for himself and Mr. HUMPHREY), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

S. 661—INTRODUCTION OF A BILL TO ESTABLISH THE DEPARTMENT OF HUMAN RESOURCE DEVELOPMENT

Mr. BELLMON. Mr. President, the scope of human needs requiring services of the Federal Government encompasses a broad range, including education, nutrition, manpower training, employment, rehabilitation, social services, and economic development.

These needs have reached such a serious stage in the development of our Nation, as evidenced by the crisis in the cities and the declining economy of rural areas, that solving these problems can only be accomplished through the full efforts of a department devoted solely to this mission. This problem has not been solved nor will it be solved so long as it is relegated to a minor function in each of several departments.

This is one reason why the Bureau of Indian Affairs has been unsuccessful in dealing with the problems of the American Indian, because at present this agency is lodged in the lower strata of the Department of the Interior along with the land management functions of the Department. That is why I have introduced legislation to place the responsibility for Indian affairs in the hands of an assistant secretary.

Coordination of the various services required by people at the Federal level, and through appropriate arrangements with State and local units of government, is essential to success in relieving the tensions and eliminating the nonproductivity which exists in our society.

The development of human resources and the reduction of racial and ethnic barriers and discrimination should be the principal function of a department of the Federal Government concerned totally with the problems of human rights and resources.

Therefore, I am today introducing a bill to establish a Department of Human Resource Development. Within this department would be seven divisions, each headed by an assistant secretary: education, social and rehabilitative services, economic development, manpower training, Indian affairs, human rights, and administration.

Creation of the new department would involve the transfer of the Office of Economic Opportunity, the Office of Education, the Manpower Administration, the Bureau of Indian Affairs, the food stamp program, the Economic Development Administration, and civil rights and equal opportunity functions from existing departments.

President Nixon has recognized the need for reorganizing the structure of our Federal Government and has recommended some bold changes in his state of the Union address. The President's message represents a clarion call to the Congress and the Nation to leave the costly frustration and confusion of overdrawn bureaucracy behind and make our representative government work for the people of this Nation as it was initially designed to do.

Since the 1930's the Federal Government has grown ever larger, ever farther from the people, ever less responsible and responsive, and ever more costly.

The President's message is a challenge to the Congress to stop looking backward by attempting to annually resuscitate an unworkable Federal mechanism and replace it with a new model structured to serve the 21st century.

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

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 661) to establish the Department of Human Resource Development, introduced by Mr. BELLMON, was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 661

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this

Act may be cited as the "Department of Human Resource Development Act."

FINDINGS AND DECLARATION OF PURPOSE

SEC. 2. (a) The Congress hereby finds that—

(1) the unfulfilled needs of the Nation present a crisis as evidenced by decay and crime in the cities and by a declining economy in rural areas;

(2) solving the problems inherent in such a crisis can only be accomplished through the establishment of an executive department devoted solely to that objective;

(3) the coordination of services at the Federal, State, and local level essential to a successful solution of these problems in our society, can best be accomplished by the establishment of an executive department;

(4) the development of human resources and the reduction of racial and ethnic discrimination—a principal national goal—should be located in an executive department concerned exclusively with the problems associated with human rights and resource development.

(b) The Congress declares that it is the policy of the United States to provide disadvantaged citizens with an opportunity to lead useful and productive lives and thereby eliminate the paradox of poverty in the midst of plenty in the Nation, through the establishment of a Department of Human Resource Development.

DEPARTMENT OF HUMAN RESOURCE DEVELOPMENT ESTABLISHED

SEC. 3. There is hereby established as an executive department of the Government the Department of Human Resource Development.

OFFICERS AND PERSONNEL OF THE DEPARTMENT

SEC. 4. (a) The Department shall be administered by a Secretary of Human Resource Development who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) There shall be in the Department an Under Secretary of Human Resource Development (hereinafter referred to as the "Under Secretary") who shall be appointed by the President by and with the advice of the Senate, the Under Secretary shall perform such duties and exercise such powers as the Secretary shall prescribe during the absence or disability of the Secretary or in the event of a vacancy in the office of the Secretary the Under Secretary and the Secretary.

(c) There shall be in the Department seven Assistant Secretaries of Human Resource Development (hereinafter referred to as "Assistant Secretary"). Each of the Assistant Secretaries shall be appointed by the President, by and with the advice and consent of the Senate. There shall be an Assistant Secretary for Education, an Assistant Secretary for Social and Rehabilitative Services, an Assistant Secretary for Economic Development, an Assistant Secretary for Manpower Training, an Assistant Secretary for Indian Affairs, an Assistant Secretary for Human Rights, and an Assistant Secretary for Administration. Each Assistant Secretary shall perform such duties and exercise such powers as the Secretary shall prescribe during the absence or disability, or in the event of vacancies in the offices, of the Secretary and Under Secretary, the Assistant Secretaries shall act as Secretary in the order of their seniority of office.

(d) The Secretary is authorized to appoint and fix the compensation of such officers and employees, and prescribe their functions, as may be necessary to carry out the purposes and function of this Act.

(e) The Secretary may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.

(f) There shall be in the Department a General Counsel (hereinafter referred to as the "General Counsel") who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be the chief legal officer of the Department and shall perform such duties as the Secretary shall prescribe during the absence or disability or in the event of a vacancy in the office of the Secretary, the Under Secretary, and all Assistant Secretaries, the General Counsel shall act as Secretary.

TRANSFER OF AGENCIES

SEC. 5. (a) All officers, employees, assets, liabilities, contracts, property, and records as are determined by the Director of the Bureau of the Budget to be employed, held, or used primarily in connection with any function of the following agencies, offices or parts of agencies or offices, are hereby transferred to the Department:

(1) the Office of Economic Opportunity;

(2) the Office of Education of the Department of Health, Education, and Welfare;

(3) the Manpower Administration (including the Bureau of Employment Security, the Bureau of Apprenticeship Training, the Bureau of Work-Training Programs), and the office of the Assistant Secretary for Manpower, Department of Labor;

(4) the Bureau of Indian Affairs of the Department of the Interior;

(5) that portion of the Marketing and Consumer Services of the Department of Agriculture which is charged with the administration of the program for the direct commodity distribution for needy persons under section 416 of the Agricultural Act of 1949, the Food Stamp Act of 1964, and the National School Lunch Act;

(6) the office of the Assistant Secretary for Economic Development and the Economic Development Administration of the Department of Commerce;

(7) The Community Relations Service in the Department of Justice;

(8) the Commission on Civil Rights;

(9) the Equal Employment Opportunity Commission.

(b) (1) Except as provided in paragraph (2) of this subsection, personnel engaged in functions transferred under this title shall be transferred in accordance with applicable laws and regulations relating to the transfer of functions.

(2) the transfer of personnel pursuant to subsection (a) shall be without reduction in classification or compensation for one year after such transfer.

(c) In any case where all of the functions of any agency or office are transferred pursuant to this title, such agency or office shall lapse.

TRANSFER OF FUNCTIONS

SEC. 6. (a) There are hereby transferred to the Secretary all functions of the Director of Economic Opportunity under the Economic Opportunity Act of 1964.

(b) (1) There are hereby transferred to the Secretary all functions of the Secretary of Health, Education, and Welfare—

(A) with respect to and being administered by him through the Office of Education;

(B) under the Vocational Rehabilitation Act;

(C) under part C of title 4 of the Social Security Act; and

(D) under the Manpower Development and Training Act of 1962.

(2) There are hereby transferred to the Secretary all functions of the Commissioner of Education with respect to and being administered by him through the Office of Education.

(c) There are hereby transferred to the Secretary all functions of the Secretary of the Interior with respect to and being administered by him through the Bureau of Indian Affairs.

(d) There are hereby transferred to the Secretary all functions of the Secretary of labor with respect to and being administered by him through the Manpower Administration.

(e) There are hereby transferred to the Secretary all functions of the Secretary of Agriculture under—

(1) the direct commodity distribution program for needy persons under section 416 of the Agricultural Act of 1949;

(2) the National School Lunch Act; and

(3) the Food Stamp Act of 1964.

(f) There are hereby transferred to the Secretary all functions of the Secretary of Commerce under—

(1) the Public Works and Economic Development Act of 1965; and

(2) any other function of the Secretary of Commerce with respect to and being administered by him through the Economic Development Administration.

(g) There are hereby transferred to the Secretary all functions of the Commission on Civil Rights under—

(1) the Civil Rights Act of 1957; and

(2) the Civil Rights Act of 1964.

(h) There are hereby transferred to the Secretary all functions of the Equal Employment Opportunity Commission under the Civil Rights Act of 1964.

(i) There are hereby transferred to the Secretary all functions of the Community Relations Service of the Department of Justice, under the Civil Rights Act of 1964.

ADMINISTRATIVE PROVISIONS

SEC. 7. (a) The Secretary may, in addition to the authority to delegate and redelegate contained in any other Act in the exercise of the function transferring to the Secretary by this Act, delegate any of his functions to such officers and employees of the Department as he may designate, may authorize such successive redelegations of such functions as he may deem desirable, and may make such rules and regulations as may be necessary to carry out his functions.

(b) The Secretary is authorized to establish a working capital fund, to be available without fiscal year limitation, for expenses necessary for the maintenance and operation of such common administrative services as he determines to be desirable in the interest of economy and efficiency in the Department, including such services as a central supply service for stationery and other supplies and equipment for which adequate stocks may be maintained to meet in whole or in part the requirements of the Department and its agencies; central passenger, mail, telephone, and other communications services; office space, central services for document reproduction, and for graphics and visual aids; and a central library service. The capital of the fund shall consist of any appropriations made for the purpose of providing capital (which appropriations are hereby authorized) and the fair and reasonable value of such stocks of supplies, equipment, and other assets and inventories on order as the Secretary may transfer to the fund, less the related liabilities and unpaid obligations. Such fund shall be reimbursed in advance from available funds of agencies and offices in the Department, or from other sources, for supplies and services at rates which will approximate the expense of operation, including the accrual of annual leave and the depreciation of equipment. The fund shall also be credited with receipts from sale or exchange of property and receipts in payment for loss or damage to property owned by the fund. There shall be covered into the United States Treasury as miscellaneous receipts any surplus found in the fund (all assets, liabilities, and prior losses considered) above the amounts transferred or appropriated to establish and maintain such fund.

(d) The Secretary may approve a seal of

office for the Department, and Judicial notice shall be taken of such seal.

(d)(1) The Secretary is authorized to accept, hold, administer, and utilize gifts and bequests of property, both real and personal, for the purpose of aiding or facilitating the work of the Department. Gifts and bequests of money and the proceeds from sales of other property received as gifts or bequests shall be deposited in the Treasury of the United States in a separate fund and shall be disbursed upon order of the Secretary.

(2) Upon the request of the Secretary, the Secretary of the Treasury may invest and reinvest in securities of the United States or in securities guaranteed as to principal and interest by the United States and moneys contained in the fund provided for in paragraph (1). Income accruing from such securities, and from any other property held by the Secretary pursuant to paragraph (1), shall be deposited to the credit of the fund, and shall be disbursed upon order of the Secretary.

(e) The Secretary is authorized to appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service such advisory committees as may be appropriate for the purpose of consultation with and advice to the Department in the performance of its functions. Members of such committees or otherwise serving at the request of the Secretary, may be paid compensation at rates not exceeding those authorized for individuals under section 4(d), and while so serving away from their homes or regular places of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

(f)(1) The Secretary is authorized to enter into contracts with educational institutions, public or private agencies or organizations, or individuals for the conduct of research relevant to the programs of the Department which are authorized by statute.

(2) The Secretary may from time to time disseminate in the form of reports of publications to public or private agencies or organizations, or individuals such information as he deems pertinent to the research carried out pursuant to this subsection.

(3) Nothing contained in this subsection is intended to amend, modify or repeal any provisions of law administered by the Department which authorize the making of contracts for research.

TECHNICAL AMENDMENTS

SEC. 8. (a) Section 19(d)(1) of title 3, United States Code, is hereby amended by inserting before the period at the end thereof a comma and the following: "Secretary of Human Resource Development."

(b) Section 101 of title 5, United States Code; is amended by inserting at the end thereof the following:

"The Department of Human Resource Development".

(c) Subchapter II of chapter 53 of title 5, United States Code (relating to executive schedule pay rate), is amended as follows:

(1) Section 5312 is amended by adding at the end thereof the following:

"(13) Secretary of Human Resource Development,".

(2) Section 5314 is amended by adding at the end thereof the following:

"(54) Under Secretary of Human Resource Development."

(3) Section 5315 is amended by adding at the end thereof the following:

"(92) General Counsel, Department of Human Resource Development."

"(93) Assistant Secretaries of Human Resource Development (7)."

(4) Section 5317 is amended by striking out "34" and inserting in lieu thereof "36".

ANNUAL REPORT

SEC. 9. The Secretary shall, as soon as practicable after the end of each fiscal year, make a report in writing to the President for submission to the Congress on the activities of the Department during the preceding fiscal year.

SAVING PROVISIONS

SEC. 10. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges—

(1) which have been issued, made, granted, or allowed to become effective in the exercise of functions which are transferred under this title, by (A) any agency or office, or part thereof, any functions of which are transferred by this Act, or (B) any court of competent jurisdiction, and

(2) which are in effect at the time this Act takes effect, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or repealed by the Secretary, by any court of competent jurisdiction, or by operation of law.

(b) The provisions of this Act shall not affect any proceedings pending at the time this section takes effect before any agency or office, or part thereof, functions of which are transferred by this Act; but such proceedings, to the extent that they relate to functions so transferred, shall be continued before the Department. Such proceedings, to the extent they do not relate to functions so transferred, shall be continued before the agency or office, or part thereof, before which they were pending at the time of such transfer. In either case orders shall be issued in such proceedings, appeals shall be taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded or repealed by the Secretary, by a court of competent jurisdiction, or by operation of law.

(c)(1) Except as provided in paragraph (2)—

(A) the provisions of this Act shall not affect suits commenced prior to the date this section takes effect, and

(B) in all such suits proceedings shall be had, appeals taken, and judgments rendered, in the same manner and effect as if this Act had not been enacted.

No suit, action, or other proceeding commenced by or against any officer in his official capacity as an officer of any agency or office, or part thereof, functions of which are transferred by this Act, shall abate by reason of the enactment of this Act. No cause of action by or against any agency or office, or part thereof, functions of which are transferred by this Act, or by or against any officer thereof in his official capacity shall abate by reason of the enactment of this Act. Causes of actions, suits, or other proceedings may be asserted by or against the United States or such official of the Department as may be appropriate and, in any litigation pending when this section takes effect, the court may at any time, on its own motion or that of any party enter an order which will give effect to the provisions of this subsection.

(2) If before the date on which this Act takes effect, any agency or office, or officer thereof in his official capacity, is a party to a suit, and under this Act—

(A) such agency or office, or any part thereof, is transferred to the Secretary, or

(B) any function of such agency, office, or part thereof, or officer is transferred to the Secretary,

then such suit shall be continued by the Secretary (except in the case of a suit not involving functions transferred to the Secretary, in which case the suit shall be continued by the agency, office, or part thereof, or officer which was a party to the suit prior to the effective date of this Act).

(d) With respect to any function transferred by this Act and exercised after the effective date of this Act, reference in any other Federal law to any agency, office, or part thereof, or officer so transferred or functions of which are so transferred shall be deemed to mean the department or officer in which such function is vested pursuant to this Act.

(e) Orders and actions of the Secretary in the exercise of functions transferred under this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the agency or office, or part thereof, exercising such functions, immediately preceding their transfer. Any statutory requirements relating to notice, hearings, action upon the record, or administrative review that apply to any function transferred by this Act shall apply to the exercise of such function by the Secretary.

(f) In the exercise of the functions transferred under this Act, the Secretary shall have the same authority as that vested in the agency or office, or part thereof, exercising such functions immediately preceding their transfer, and his actions in exercising such functions shall have the same force and effect as when exercised by such agency or office, or part thereof.

CODIFICATION

SEC. 11. The Secretary is directed to submit to the Congress within two years from the effective date of this Act, a proposed codification of all laws which contain functions transferred to the Secretary by this Act.

DEFINITIONS

SEC. 12. For the purpose of this Act—

(1) "Department" means the Department of Human Resource Development;

(2) "function" includes power and duty; and

(3) "Secretary" means the Secretary of the Department of Human Resource Development.

EFFECTIVE DATE; INITIAL APPOINTMENT OF OFFICERS

SEC. 13. (a) This Act, other than this section, shall take effect ninety days after the enactment of this Act, or on such prior date after enactment of this Act as the President shall prescribe and publish in the Federal Register.

(b) Notwithstanding subsection (a), any of the officers provided for in subsections (a), (b), and (c) of section 4 may be appointed in the manner provided for in this Act, at any time after the date of enactment of this Act. Such officers shall be compensated from the date they first take office, at the rates provided for in this Act. Such compensation and related expenses of their office shall be paid from funds available for the functions to be transferred to the Department pursuant to this Act.

S. 662—INTRODUCTION OF A BILL TO PROMOTE THE DEVELOPMENT AND REFORM OF PENAL AND CORRECTIONAL SYSTEMS

Mr. BELLMON. Mr. President, although Americans have exhibited a most profound concern over the crime problem in this country, we have seriously neglected a very vital aspect of the criminal justice system—the correction of the offender, so that he is able to become a useful, productive law-abiding citizen. Chief Justice Berger has said:

In part, the terrible price we are paying in crime is because we have tended—once

the drama of the trial is over—to regard all criminals as human rubbish.

Indeed, even though penal authorities espouse the theory of rehabilitation of the criminal, extensive or effective programs aimed at integrating the offender into society are in fact few and far between. Commonly, correctional programs simply "warehouse" the offender until his release. The President's Commission on Law Enforcement and the Administration of Justice reporting in 1967 on its extensive study of the national crime problem, described life in many correctional institutions as—

> At best barren and futile, at worst unspeakably brutal and degrading. To be sure, the offenders in such institutions are incapacitated from committing further crimes while serving their sentences, but the conditions in which they live are the poorest possible preparation for their successful reentry into society, and often merely reinforce in them a pattern of manipulation or destructiveness.

The consequence of this situation is our high rate of recidivism among offenders. Although statistics vary from area to area, from program to program, it is believed that an average of over 40 percent of the persons who have served time in our correctional institutions return to a life of crime upon release. It is also accepted that repeaters commit more serious crimes—one estimate is that four out of five felonies are committed by persons who have previously been convicted.

Mr. President, the Uniform Crime Reports of the FBI released August 13, 1970, includes on page 39 a chart showing that in the age group under 20, 74 percent of prisoners become repaters. In the 20-to-24 age group, the percentage of repeaters is 72 percent, and in the 25-to-29 age group, the percentage is 69 percent. A total for all ages is 65 percent.

The obvious implication of these statistics is that a reduction in the recidivism rate of offenders will result in a reduction of our crime rate. Such a reduction in recidivism will be achieved only with comprehensive reforms in our correctional programs.

At this time, corrections authorities are responsible for 1.3 million offenders per day; they handle some 2.5 million admissions per year. About 90 percent of those offenders who are incarcerated will one day return to the community. When viewing these numbers one can see the serious threat posed to society if the current state of correction practice is allowed to continue, and the current rate of recidivism is maintained.

Certainly there is no dearth of ideas for making our corrections systems more effective. The reports of the Johnson Crime Commission, the Joint Commission on Correctional Manpower and Training, and President Nixon's Task Force on Prison Rehabilitation are all full of recommendations proposed by leading authorities in the field.

It is generally conceded by these expert groups that we should base corrections in small facilities, designed for individualized treatment of different types of offenders. For the most part, this would mean a complete reconstruction program. Many of our present institutions are Bastille-like fortresses, housing thousands of inmates in an impersonal atmosphere, generally detrimental to rehabilitation.

The truth is no one knows for sure what works and what does not work in making good citizens out of lawbreakers. Therefore, before we begin massive investments in rebuilding prisons or in restaffing the system we need proven results to guide us toward an effective conclusion.

The Commissions also urged prerelease and aftercare programs to ease the transition of the offender from the institution back to the community, such as work release, halfway houses, and at the very least, parole. Currently, work-release and halfway house programs are available on a very limited basis in only a few areas. Even parole, the oldest form of prerelease program, is not available to 35 percent of the inmates released from the institutions. Again these are largely unproven theories. What is missing is demonstrated results.

The problem, Mr. President, is that we are dealing with theories. No coordinated nationwide effort has ever been made to find out what works and what fails in rehabilitating lawbreakers. Only through careful research and the development of an effective prison and postadjudicatory system can we begin to find our way to a workable approach. Further, although the operation of a correctional system is a responsibility of government at all levels, local, State, and Federal, over 90 percent of prisoners are housed in State correctional systems. Therefore, no matter how good a job the Federal Government may do in improving the treatment of prisoners in its own system, we will miss the mark unless a means is found to apply proven techniques at State and local level.

As a former Governor, I am painfully aware of the difficulty State government faces in appropriating funds to upgrade a State prison system. In all honesty, there is probably good reason for this reluctance, since up to now, no one has definitely been able to demonstrate what works and what does not work in dealing with prisoners. Since we have no proven guidelines, legislators tend to feel that money spent on prisoners is largely unproductive and, therefore, the less spent the better. Here, again, there is a great need to demonstrate means of achieving beneficial results.

Mr. President, I am today introducing a bill aimed at developing the basic knowledge of successful prison operation which is presently missing.

The bill is also intended to involve prison systems of all levels in the development of this information and in establishing a system of evaluating the results and disseminating the information throughout the government.

The bill establishes a Commission on Penal and Corrections Systems Development and Reform, composed of 17 Presidential appointees. The appointees would be experts in the field, and may include ex-offenders.

A State or States would submit a plan to the Commission for comprehensive correctional reform which would include provisions for the discipline, treatment, care, rehabilitation, education, training and motivation of inmates in innovative State or Federal prison systems. The plan provides research programs for the evaluation of efforts and for the determination of new ways to break the recidivist cycle. It provides that Federal funds granted to implement the plan would in no way supplant present funding by States or local governments for existing corrections programs.

After the period allowed for acceptance of plans, the Commission would select programs which appear most likely to succeed and would grant for implementation up to $15 million annually for each for a 5-year period.

The bill contemplates participation by Federal institutions. Any one facility would submit a plan for its own improvement to the Attorney General, He, in consultation with the Commission and the Director of the Federal Bureau of Prisons, would select five exemplary plans and make additional grants for up to 5 years. These grants would be over and above the general appropriation for the Prisons Bureau.

The advantage of this proposal is that it would promote the development of model systems. The provision requiring research programs to be a part of this development should advance our understanding and promotion of the most effective programs to treat the offender. All areas of the country would benefit from these models which they could emulate.

Until leaders of our Government and citizens of this country can be shown that effective prison reform is possible, it is extremely unlikely that the resources of this Nation will be adequately committed to the problem to achieve desired results. In fact, it would be a great mistake to expend additional sums of money on the problem until we have at least reasonable expectations of success.

This legislation is a necessary step toward nationwide reform of our prison system. Effective reform of our prison system is a necessary and major part of the national war against crime which this Congress launched last year.

The public is increasingly aware of this need, as demonstrated by an article entitled "The Shame of Our Prisons" in the January 18, 1971, issue of Time magazine. The article states in part:

> After decades of ignoring their prisons, Americans are slowly awakening to the failure that long neglect has wrought.

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

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

THE SHAME OF THE PRISONS

It is with the unfortunate, above all, that humane conduct is necessary.—Dostoevsky.

President Nixon calls them "universities of crime." Chief Justice Burger has become a crusader for their reform. Legislators have taken to investigating them—and citizens have finally begun to listen. After decades of ignoring their prisons, Americans are slowly awakening to the failure that long neglect has wrought."

It is not just the riots, the angry cries of 426,000 invisible inmates from the Tombs to Walla Walla, that have made prisons a national issue. Public concern is rooted in the paradox that Americans have never been so fearful of rising crime, yet never so ready to challenge the institutions that try to cope with it. More sensitive to human rights than ever, more liberated in their own lives and outlooks, a growing number of citizens view prisons as a new symbol of unreason, another sign that too much in America has gone wrong.

It is a time when people have discovered with a sense of shock that the blacks who fill prisons (52% in Illinois) see themselves as "political victims" of a racist society. It is a time when many middle-class whites are forced to confront prisons for the first time, there to visit their own children, locked up for possession of pot or draft resistance. A time when many judges have finally begun to make personal—and traumatic—inspections. After a single night at the Nevada State Prison, for example, 23 judges from all over the U.S. emerged "appalled at the homosexuality," shaken by the inmates' "soul-shattering bitterness" and upset by "men raving, screaming and pounding on the walls." Kansas Judge E. Newton Vickers summed up: "I felt like an animal in a cage. Ten years in there must be like 100 or maybe 200." Vickers urged Nevada to "send two bulldozers out there and tear the damn thing to the ground."

THE BIG HOUSE

It will not be easy to raze, much less reform, the misnamed U.S. "corrections" system, which has responsibility for more than 1.2 million offenders each day and handles perhaps twice as many each year. Since 1967, four presidential commissions, dozens of legislative reports and more than 500 books and articles have pleaded for prison reforms. But the system remains as immutable as prison concrete, largely because life behind the walls is still a mystery to the public. Most Americans think of prisons only in terms of the old "big house" movies starring James Cagney and more recently Burt Lancaster.

In fact, the corrections system is not a system at all. It is a hodgepodge of uncoordinated institutions run independently by almost every governmental unit in the U.S. Pacesetting federal institutions (20,000 prisoners) range from maximum-security bastilles like Atlanta Penitentiary to a no-walls unit for tame young offenders in Seagoville, Texas. The states offer anything from Alabama's archaic road gangs to California's Men's Colony West, one of the nation's two prisons for oldsters. There are forestry camps for promising men and assorted detention centers for 14,000 women. Some juvenile institutions are the best of the lot because reformers get the most political support at that level. But many areas are still so lacking in juvenile facilities that 100,000 children a year wind up in adult pens.

THE JAIL MESS

Two-thirds of all U.S. offenders technically serving time are actually outside the walls on parole or probation, but most offenders have at some point encountered the worst correctional evil: county jails and similar local lockups. Such institutions number 4,037—a fact not even known until last week, when the federal Law Enforcement Assistance Administration published the first national jail census. Jails usually hold misdemeanants serving sentences of a year or less. More important, they detain defendants awaiting trial: 52% of all people in jails have not yet been convicted of any crime. Of those, four out of five are eligible for bail but cannot raise the cash. Because courts are overloaded, unconvicted defendants may linger in crowded cells for months or even years.

To be sure, jails vary widely from two-cell rural hovels to modern urban skyscrapers. But the vast majority treat minor offenders—and the merely accused—more harshly than prisons do felons, who commit graver crimes. The jail mess is typified by New Orleans' Parish Prison, a putrid pen built in 1929 to hold 400 prisoners. It now contains 850—75% of them unsentenced. Money and guards are so short that violent inmates prey on the weak; many four-bunk cells hold seven inmates, mattresses smell of filth and toilets are clogged. Prisoners slap at cockroaches "so big you can almost ride them."

Jail conditions frequently breed hardened criminals who then go on to the prisons themselves, the second anomaly in a pattern that stands as a monument to irrationality. The typical U.S. felon is sentenced by a judge who may have never seen a prison and has no idea whether x years will suffice. Leaving the courtroom, where his rights were scrupulously respected, the felon has a good chance of being banished to one of 187 escape-proof fortresses, 61 of them built before 1900. Now stripped of most rights, he often arrives in chains and becomes a number. His head sheared, he is led to a bare cage dominated by a toilet. In many states his cellmate may represent any kind of human misbehavior—a docile forger, a vicious killer, an aggressive homosexual.

In this perverse climate, he is expected to become socially responsible but is given no chance to do so. He is told when to wake up, eat and sleep; his letters are censored, his visitors sharply limited. His days are spent either in crushing idleness or at jobs that do not exist in the "free world," such as making license plates for a few cents' pay an hour. In some states, he cannot vote (even after his release), own property or keep his wife from divorcing him. He rarely gets adequate medical care or sees a woman. Everything is a privilege, including food, that can be taken away by his keepers.

If he is accused of violating one of scores of petty rules, he is haled before the "adjustment council" without right to counsel. If he denies guilt, he can be punished for implying that his accuser guard lied; if he admits it, he may lose "good time" (eligibility for parole) and perhaps land in solitary. The lesson is clear: truth does not pay.

If he happens to be a rich criminal, a Mafia type, life in some prisons can be easy. Ill-paid "hacks" (guards) may sell him anything from smuggled heroin to a girlish cellmate. More often he is a complete loser; for him, prison is synonymous with poorhouse. Already angry at life's winners, he becomes even more insensitive to others in a doomed universe whose motto is "Do your own time": trust no one, freeze your mind, be indifferent. Unequipped for normal society, he may well be headed back to prison as soon as he leaves. In fact, he may come to prefer it: Why struggle in a world that hates ex-convicts?

Everyone knows what prisons are supposed to do: cure criminals. Way back in 1870, the nation's leading prison officials met in Cincinnati and carved 22 principles that became the bible of their craft. "Reformation," they declared, "not vindictive suffering, should be the purpose of the penal treatment of prisoners." Today, every warden in the U.S. endorses the ideal of rehabilitation. Every penologist extols "individualized treatment" to cure each inmate's hangups and return society's misfits to crime-free lives. But the rhetoric is so far from reality that perhaps 40% of all released inmates (75% in some areas) are reimprisoned within five years, often for worse crimes. Says Rod Beaty, 33, who began with a $65 forged check, became an armed robber, and is now a four-time loser in San Quentin: "Here you lose all sense of values. A human life is worth 35¢, the price of a pack of cigarettes. After five years on the inside, how can you expect me to care about somebody when I get outside?"

SLAVERY IN ARKANSAS

Without question, the U.S. boasts some prisons that look like college campuses—humane places that lack walls and shun official brutality. Guards chat amiably with inmates; men are classified in graded groups, promoted for good conduct and sped toward parole.

And yet, rehabilitation is rare. By and large, mere aging is the main cause of going straight. For inmates between the ages of 16 and 30—the vast majority—neither the type of prison nor the length of sentence makes any significant difference. The repeater rate, in fact, is rising. Something is clearly wrong with a system that spends $1 billion a year to produce a failure record that would sink any business in a month. Consider a random sample of prisons from the worst to the best:

Arkansas.—Whether in 110° F. summer heat or winter cold, 16,000 acres of rich southeastern Arkansas land will always be tilled. This is the Cummins Prison Farm, where 200 convicts stoop in the vast cotton fields twelve hours a day, 5½ days a week—for zero pay. Such are the wages of sin in what may be the nation's most Calvinistic state.

A virtual slave plantation in the 20th century, Cummins takes all kinds of errants and turns them into white-clad "rankers" who work or perish. Toiling from dawn to dusk, they move in a long line across the fields, supervised by a horseman in khaki and five unmounted "shotguns" (guards) who "push" the serfs along. At each corner of the field stands another guard, armed with a high-powered rifle. All the guards are convicts, the toughest at Cummins. Hated by rankers, the trustees are picked for meanness in order to keep them alive off duty. They are killers, armed robbers, rapists—ready to gun down the first ranker who strays across an imaginary line in the fields.

After three skeletons were dug up on the farm in 1968, national publicity moved the state to do a little fixing. Gun-toting trusties lost some power, 60 more free-world staffers arrived, $450,000 was allotted to replace some men and mules with farm machinery. Robert Sarver, head of the Arkansas penal system, is pushing hard for improvement against stiff odds. But Cummins still lacks any schooling, counseling or job training. For a college-trained social worker, the state pays only $593 a month; Cummins can barely attract civilian guards ($330). Says Sarver: "We can't guarantee a man's safety."

Last year U.S. District Judge J. Smith Henley ruled that imprisonment in Arkansas amounts to unconstitutional "banishment from civilized society to a dark and evil world." He ordered the state to reform Cummins by the fall of 1971 or face an order to close the place. But the evil world persists. With no pay, Cummins prisoners survive by selling their blood or bodies. To blot out the place, they sniff glue and gobble smuggled pills. Some mornings, 200 men are too stoned to work. Since gambling is pervasive, loan sharks top the prison pecking order. They charge 50¢ per dollar a week and swiftly punish defaulters. In a single month last summer, Cummns recorded 19 stabbings, assaults and attempted rapes. The worst of it is the privacy-robbing barracks, where 100-bunk rooms house all types, from harmless chicken thieves to homicidal sadists, and the young spend all night repelling "creepers" (rapists). "You're all there in the open," shudders a recently released car thief named Frank. "Someone's stinking feet in your face, radios going, guys gambling. You never really get to sleep. What's worse is the fear. There's no protection for your life. I kept thinking 'if' I get out—not 'when.'"

Indiana.—With its 40-ft. walls, the gray castle in Michigan City looks its part: a maximum-security pen for 1,800 felons, including teen-age lifers. Inside, the walls flake, the wiring sputters and the place is falling apart. Indiana spends only 1.5% of its state budget on all forms of correction.

Like many legislatures, Indiana's insists that prisons make a profit. Last year Indiana State Prison turned out 3.5 million license plates, among other things, and netted the taxpayers $600,000—no problem when inmates get 20¢ an hour. Inmates also provided the prison's few amenities. Many cells are jammed with books, pictures, record players and tropical fish in elaborate tanks. There are two baseball diamonds, three miniature golf courses, tennis, basketball and handball courts—all equipment paid for by the inmates' recreation fund.

The prison needs far more than play. It teems with bitter men, one-third of them black. Some of the toughest are young militants transferred from Indiana State Reformatory at Pendleton, where 225 blacks staged a sitdown last year to protest the prolonged solitary confinement of their leaders. Instead of using tear gas or other nonlethal weapons, Pendleton guards fired shotguns pointblank into the unarmed crowd, killing two blacks and seriously wounding 45. One official gasped: "They slaughtered them like pigs."

At Indiana State, Pendleton survivors and other young blacks grate against 245 guards, most of them middle-aged whites and some close to 70. This is a U.S. pattern: only 26% of all prison guards are younger than 34; only 8% are black. To compound Indiana State's age and racial tensions, only a third of the inmates actually work. Boredom is chronic. The prison has only 27 rehabilitation workers; job training is absurd. Since the state provides few tools, vocational classes make do with donated equipment: archiac sewing machines, obsolete typewriters, TV sets dating to Milton Berle.

Why not send some promising Indiana inmates to work or school outside? "Their victims would disagree," says Warden Russell Lash, a former FBI agent. Lash, only 29, is a good man hampered by his budget and the voters' fears. His first duty, he says, is "custody."

California.—Though it leads all states in systematic penology, California has the nation's highest crime rate. Critics also claim that the system is characterized by a kind of penal paternalism that becomes psychological torment. In a much touted reform, California judges give indeterminate sentences; corrections officials then determine each offender's fate according to his presumably well-tested behavior. Thus 66% of all convicted offenders get probation, 6% work in 20-man forestry crews, and only 13.5% of felons go to prison. Despite rising crime, California's prison population (26,500) has actually dropped by 2,000 in the past two years.

All this saves millions in unneeded prison construction. But it fills prisons with a higher ratio of hard-core inmates who disrupt the rest. And because of indeterminate sentences, California "corrects" offenders longer than any other state by a seemingly endless process (median prison stay; 36 months) that stirs anger against the not always skilled correctors. Says one San Quentin official: 'It's like going to school, and never knowing when you'll graduate."

Something is not quite right even at the state's cushiest "correctional facilities" (bureaucratese for prisons), some of which could pass for prep schools. At no-walls Tehachapi, near Bakersfield, inmates can keep pianos in their unbarred rooms, get weekend passes and join their wives at "motels" on the lush green premises. Yet Tehachapi is full of repeaters, prison-dependent men who soon violate their paroles and return.

These days, California's black prisoners are rebelling at places like Soledad, a seeming garden spot in the Salinas Valley that looks like a university campus. Soledad's 960 acres throb with activity: tennis, basketball, weight lifting, a dairy, a hog farm. Inmates earn up to $24 a month turning out toilet paper and handsome furniture for the judges and prosecutors who got them the jobs. But for 180 rebels confined in Soledad's "X" and "O" wings, there is no play or work. Because they scorn prison rules, they are locked up tighter than lions in a zoo.

Many are blacks who see themselves as political victims; others whites who hate the blacks. Racial tension is so bad that some prisoners wear thick magazines strapped to their backs to ward off knife blades. In January 1969, the prisoners were allowed to exercise together in a small yard. Before long, a guard shot and killed three blacks. According to the guard's testimony before a Monterey County grand jury, the blacks were beating a white inmate. The guard said that he fired a warning shot, then killed the attackers. Though black witnesses insisted that there was no warning shot, the grand jury ruled justifiable homicide. At Soledad not long after that ruling, a white guard was thrown off a balcony to his death.

The accused killers are three unrelated blacks who call themselves the Soledad Brothers. They include George Jackson, one of the angriest black men. In one of his many despairing letters to Angela Davis, the black Communist, Jackson wrote: "They've created in me one irate, resentful nigger—and it's building."

COSTLY CAGES

The idea that imprisonment "corrects" criminals is a U.S. invention. Before the 18th century, prisons mainly detained debtors and the accused. Punishment itself was swift and to the point. Europeans castrated rapists and cut off thieves' hands; the Puritans put crooks in stocks and whipped blasphemers—then forgave them.

In 1790, Philadelphia's Quakers started a humane alternative to corporal punishment: they locked errants in solitary cells until death or penitence (source of penitentiary). Soon the U.S. was dotted with huge, costly, isolated cages that deepened public fear of those inside and reinforced a U.S. spirit of vengeance against prison inmates.

Caging has crippled the entire system. Burdened with vast forts that refuse to crumble (25 prisons are more than 100 years old), wardens cope with as many as 4,000 inmates, compared with the 100 that many penologists recommend. Archaic buildings make it difficult to separate tractable from intractable men, a key step toward rehabilitation. The big numbers pit a minority against a majority, the guards against the prisoners. Obsessed with "control," guards try to keep inmates divided, often by using the strong to cow the weak. The result is an inmate culture, enforced by fist or knife, that spurs passivity and destroys character.

Even though two-thirds of all offenders are on parole or probation, they get the least attention: 80% of the U.S. correctional budget goes to jails and prisons; most of the nation's 121,000 correctional employees simply guard inmates and worry about security. Only 20% of the country's correctors work at rehabilitation and only 2% of all inmates are exposed to any innovative treatment.

Federal prisons lead most of the U.S. in job training; yet few released federal inmates find jobs related to their prison work. With notable exceptions, like California, most states provide no usable training, partly because unions and business have lobbied for laws blocking competition by prison industries. At least one-third of all inmates simply keep the prison clean or do nothing. Most of them need psychiatric help. Despite this, there are only 50 full-time psychiatrists for all American prisons, 15 of them in federal institutions, which hold only 4% of all prisoners.

The failure of American prisons, humane or inhumane, to change criminal behavior is hardly their fault alone. The entire American criminal justice system shares the blame. It is perfectly human, if somewhat bizarre, for a criminal to see himself as a victim. The U.S. reinforces that defense: most crimes are committed for economic reasons by the poor, the blacks and other have-nots of a society that stresses material gain. In fact, only 20% of reported U.S. crimes are solved; half the crimes are never even reported. Since justice is neither swift nor certain, the caught criminal often sees his problem as mere bad luck in a country where "everyone else" gets away with it.

He has a point. Americans widely ignore laws they dislike, whether against gambling or mirijuana. The nicest people steal: roughly 75% of insurance claims are partly fraudulent. Uncaught employees pocket $1 billion a year from their employers. To poor offenders who go to jail without bail the system is unfair, and the legal process strengthens that opinion. If a man cannot afford a good lawyer, he is pressured to plead guilty without a trial, as do 90% of all criminal defendants. He then discovers that for the same crime, different judges hand out wildly disparate sentences, from which 31 states and the federal courts allow no appeal.

So the prison gets a man who sees little reason to respect state-upheld values. Even if he actually leaves prison as a reformed character, he faces hazards for which no prison can be blamed. In a Harris poll, 72% of Americans endorsed rehabilitation as the prison goal. But when it came to hiring an ex-armed robber who had shot someone, for example, 43% would hesitate to employ him as janitor, much less as a salesman (54%) or a clerk handling money (71%). This is obviously understandable; it also teaches excons that crime pays because nothing else does.

Even parole supervision is often cursory and capricious. Many parole agents handle more than 100 cases; one 15-minute interview per month per man is typical. The agents can also rule a parolee's entire life, even forbid him to see or marry his girl, all on pain of reimprisonment—a usually unappealable decision made by parole agents, who thus have a rarely examined effect on the repeater rate. To test their judgment, Criminologists James Robison and Paul Takagi once submitted ten hypothetical parole-violator cases to 316 agents in California. Only five voted to reimprison all ten men; half wanted to return some men but disagreed on which ones.

GROPING FOR CHANGE

Can prisons be abolished? Not yet. Perhaps 15% or 20% of inmates are dangerous or unreformable. Still, countless experts agree that at least half of today's inmates would do far better outside prison. President Johnson's crime commission advocated a far greater shift to "community-based corrections" in which prisons would be a last resort, preceded by many interim options designed to keep a man as close as possible to his family, job and normal life—not caged and losing all self-reliance.

Sweden provides a fascinating model. Each year, 80% of its convicted offenders get a suspended sentence or probation, but forfeit one-third of their daily pay for a period determined by the seriousness of their offenses. The fine can be a tidy sum. After Film Maker Ingmar Bergman angrily cuffed a critic two years ago, he was convicted of disturbing the peace and fined for a 20-day period. Total: $1,000.

Swedes who actually enter prison mostly work in attached factories, earning nominal wages to make products for the state. Some promising long-term inmates attend daytime

classes at nearby schools and colleges. All live in comfortable private rooms, furnished with desks and curtains, and are eligible for short, regular furloughs to visit their families. For several summers, groups of ten or so lifetermers have been given three-week vacations, accompanied by only two guards.

Most of Sweden's 90 prisons contain no more than 120 inmates; one-third of all inmates live in open institutions without bars or walls. Guns are unheard of, some wardens are women, and inmates often carry keys to their own rooms. The escape rate is high (8%), but fugitives are rapidly caught, and Swedes are more interested in the statistic that really counts: in a country where the average prison sentence is only five months, the repeater rate is a mere 15%.

With its small, homogeneous population, Sweden has advantages that cannot be duplicated in urban, congested, racially tense America. Even so, the U.S. is groping in the Swedish direction—slowly:

In New York City, a pioneering program started by the Vera Foundation waives money bail for offenders who can show job stability or family ties pending trial. Results suggest that perhaps 50% of jail inmates could be freed in this way, cutting the U.S. jail bill ($324 million per year) by half.

Kansas has heeded Psychiatrist Karl Menninger, a searing prison critic (*The Crime of Punishment*), and set up a felon's "diagnostic center" near the Menninger Clinic in Topeka. The state now sends all prison-bound felons to the center for exhaustive tests by four fulltime psychiatrists and numerous other experts. Result: half these men get probation. Among all such Kansas probationers, the failure rate has dropped to 25%, much less than in other states. Congress has approved a similar $15 million center in New York City to screen federal defendants after arrest.

North Carolina's innovating "work-release" program (also common in federal prisons) sends 1,000 promising inmates into the free world each day to function normally as factory workers, hospital attendants, truck drivers. Another 45 prisoners are day students at nearby colleges; one did so well that he got a faculty job offer.

Senator Mike Mansfield has introduced a bill that would pay up to $25,000 a piece to victims of federal crimes, then empower the Justice Department to sue convicted offenders to recover the money. States would get federal grants to copy the plan. Of all U.S. offenses, 87% are property crimes, and restitution as the entire punishment makes sense in many cases unless violence is involved. Variations include Sociologist Charles Tittle's idea: the state would repay victims immediately, then confine and employ property offenders at union wages, keeping half their pay and putting the rest in trust for their use upon release.

The big trouble is that penology (from the Latin *poena*, meaning penalty) is still an infant art given to fads and guesswork, like the 1920s reformers who yanked tens of thousands of teeth from hapless inmates on the theory that bad teeth induced criminality. Even now, penology has not begun to exploit the findings of behavioral scientists who believe that criminal behavior is learned, and can be unlearned with the proper scientific methods.

They know that misbehavior can be changed by "punishment" if a reward for good behavior follows very swiftly. If a reward (like parole) is delayed too long, they say, the subject forgets what he is being punished for, becomes aggressive and may go insane. In this sense, the Puritan use of stocks followed by forgiveness worked far better than U.S. prison terms, some of them as incredibly long as 500 or even 1,500 years. For many U.S. offenders, especially first-timers the mere shame of arrest and conviction is quite enough to prevent repetition.

Applying the principle of "response cost," some psychologists also say that a punishment must be in the same terms as the crime. Instead of fining a speeder, for example, they would immediately impound his car or license and make him walk home. Conversely, a cash theft might be dealt with not by jail but by a stiff fine equivalent to reparation. Another possibility for changing criminal behavior is "aversion therapy," which is used, for example, to cure bed wetting in children. Instead of chiding or coddling the child, the therapist has him sleep on a low-voltage electric blanket linked to a battery and a bell. Urine, which is electrolytic, then activates the bell, the child awakes and goes to the bathroom. A cure usually follows soon.

Since crime is often emotionally satisfying, a major problem is how to banish its thrills. One way is suggested by the work of Psychologist Ivar Lovaas with certain disturbed children who consistently try to mutilate themselves. He noticed that when the children went on a rampage, nurses warmly cuddled them and thus unconsciously rewarded their destructiveness. Instead Lovaas now jolts the kids with an electric cattle prod, often stopping the behavior pattern in hours or minutes. In his book *Crime and Personality*, Psychologist H. J. Eysenck offers a fascinating discussion of how certain depressant or stimulant drugs can be used to make a patient feel sick whenever he commits a specific antisocial act. "Given the time and resources," adds Psychologist Barry F. Singer, "a behavior-therapy program could make a bank robber want to vomit every time he saw a bank, could make an armed robber shudder every time he saw a gun."

Unhappily, all this seems remote. Only a fraction of 1% of the nation's entire crime-control budget is even spent on research. Beyond that, the system is mired in bureaucratic inertia and fiddle-faddle. Many exciting ideas are never institutionalized, the same problem that impedes school reform. In 1965, Psychologist J. Douglas Grant and his wife put 18 hardened California inmates (half of them armed robbers) to work studying how to salvage their peers. They blossomed into impressive researchers, skilled at statistics, interviews, proposal writing and the rest. Today, 13 of Grant's men are doing the same work outside. One former illiterate is getting a doctorate, one man heads a poverty-research company, two are federal poverty officials. Only one is back in prison. To Grant, this shows that criminals can be cured by trying their best to cure other criminals—an idea confirmed by many other experiments and self-help groups like Synanon and Alcoholics Anonymous.

But prison officials rebuffed Grant's idea, just as they do the work of other ex-convict groups seeking the same result. Instead of self-help, they favor trained officials working with fewer prisoners or parolees, a costly process that may well have little or no effect on the repeater rate. Thus skeptics wonder about efforts like the Federal Government's new $10.2 million Robert F. Kennedy Youth Center in Morgantown, W. Va., where 180 staffers work on a mere 200 teen-age offenders, two-thirds of them car thieves. After detailed classification (from "inadequate-immature" to "socialized-subcultural"), the kids are plunged into quasi-capitalism: an incentive system that pays each boy points and pennies for doing his chores and studies well. The pennies are used for room rent and other needs, the points for earning privileges. The idea is intriguing, but the yearly cost per boy is huge ($9,000 *v.* $6,000 in an average juvenile home), and the results are not yet clear.

25 CENTS ON THE DOLLAR

Criminologist James Robison, who does research for the California legislature, is among those who question the accuracy of many penal statistics. He even disputes the much-vaunted results of the California Youth Authority's Community Treatment Project, a famous experiment in which convicted juvenile delinquents were not confined but given intensive tutoring and psychotherapy. After five years, only 28% had their paroles revoked, compared with 52% of another group that was locked up after conviction. As a result, the state expanded the project and cut back on new reformatories, saving millions. Robison, though, has proved, at least to his satisfaction, that the experimenters stacked the deck by ignoring many of the kids' parole violations. He argues that most penal-reform funds are wasted on salaries for bureaucrats, who mainly worry about pleasing their bosses. "For every dollar spent on the criminal justice system," he insists, "we get back about a quarter's worth of crime control."

Given the facts of penal bureaucracy and sheer ignorance, critics like Robison sometimes wonder whether the only rational solution is simply to unlock all jails and prisons, which clearly breed crime and hold only 5% of the nation's criminal population while costing far more to run than all the crimes committed by their inmates. Pessimism is well founded, but the encouraging sign is that few if any Americans defend the system as it is. From the President to the lowliest felon, the nation wants a humane system that truly curbs crime. This is the year of the prisons, the year when Congress may double Federal spending (to $300 million) to spur local reform, the year when something may finally get done and Americans may well heed Dostoevsky's goading words.

Mr. BELLMON. Mr. President, Americans are not yet fully awake to the crisis and the desperate need and the opportunity for improvement of our prison system. As they become fully aware of the problem, demand for action will be overwhelming. The passage of this legislation will enable our Government to begin immediately to gather the basic practical knowledge and experience government at all levels must have to effectively cope with this problem, which is responsible for a large portion of crime in our Nation today.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 662) authorizing grants to be made to certain States and Federal institutions to assist such States and institutions in improving their penal and postadjudicatory programs, introduced by Mr. BELLMON, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 663—INTRODUCTION OF A BILL TO PROVIDE THAT LICENSES FOR BROADCASTING STATIONS BE ISSUED FOR A 5-YEAR TERM

Mr. CURTIS. Mr. President, I am today introducing a bill which would provide that a broadcaster's license would run for 5 years instead of the present 3 years. I believe this is in the public interest and it is my hope that the Committee on Commerce can give this proposal early and favorable action.

Mr. President, the regulations, paper work, surveys and other details which are required make the renewal of a license very burdensome upon the local broadcasters. At the present time the local broadcaster is required to make a com-

plete survey of his area to ascertain what listeners want. All of this has to be set down on forms and sent in to the Federal Communications Commission. It is time consuming. It is a financial burden, and it has placed an unreasonable load upon the managers of many small broadcasting stations.

Mr. President, the Congress and the entire Government, including the Federal Communications Commission, must realize that the local broadcaster is a public benefactor, not a public enemy. It is the local broadcaster who goes all out to serve his community in time of disaster. It is the local broadcaster who supports the many worthwhile causes in our various communities, by channeling the information to the public. It is the local broadcaster who tells us what streets or roads are impassible and when schools are to be closed. He renders a great service to the area.

The Members of Congress should have a special appreciation of the need to extend the period of the license of a broadcaster from 3 to 5 years because there are many of us who know what it means to run for office every 2 or 3 years. I believe that to free the licensee from this mountain of paper work at such short intervals will result in better broadcasting. Hours spent in filling out printed forms for the Federal Communications Commission are hours that are not spent in tending to the business of improving broadcasting. Government redtape does not improve any business.

We must also be mindful that there are still some in the Federal Communications Commission who are zealots and who want to regulate, censor, and direct because they think they know best. I happen to believe that the Federal Communications Commission should be a good traffic cop for our airways and not a censor or program director.

The requiring of the renewal of a broadcaster's license every 3 years places heavy burdens on the Federal Communications Commission. If this were spread to 5 years, the Commission would have time to do a better job both in determining what should be required of the broadcaster as well as in its consideration of the material submitted by a broadcaster.

Mr. President, I again express the hope that this proposal might have favorable action in the near future.

The PRESIDING OFFICER (Mr. ROTH). The bill will be received and appropriately referred.

The bill (S. 663). A bill to amend the Communications Act of 1934 in order to provide that licenses for the operation of a broadcasting station shall be issued for a term of 5 years, introduced by Mr. CURTIS, was received, read twice by its title and referred to the Committee on Commerce.

S. 664—INTRODUCTION OF A BILL TO AMEND THE UNIFORM TIME ACT OF 1966

Mr. COOK. Mr. President, on April 23, 1970, I introduced a bill which sought to amend the Uniform Time Act of 1966 to provide that daylight saving time be used from Memorial Day to Labor Day rather than from the last Sunday of April to the last Sunday of October. An identical bill had been introduced in the House by Congressman TIM LEE CARTER of Kentucky. Neither bill was acted upon.

The reasons for the proposed amendment have not changed. School children, both suburban and rural, are forced to walk dark streets and highways in order to catch school buses, thereby exposing themselves to potentially hazardous situations.

Farmers also are hindered in their work by being forced to work in darkness, since the functions of nature do not conform to the mechanics of a timepiece. The widespread support from residents of many areas throughout this region has indicated to me that such an amendment would be of great benefit to thousands of citizens, while creating inconvenience for very few.

Therefore, because of the great need and the widespread support for such a change, I am reintroducing the amendment to the Uniform Time Act of 1966 to reduce the period of daylight saving time from Memorial Day to Labor Day, and I urge the Senate to act on this extremely necessary proposal.

I ask unanimous consent that my introductory remarks of April 23, 1970, be included in the RECORD.

The PRESIDING OFFICER (Mr. ROTH). The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 664) to amend the Uniform Time Act of 1966 to provide that daylight saving time be used from Memorial Day to Labor Day, introduced by Mr. COOK, was received, read twice by its title and referred to the Committee on Commerce.

The remarks presented by Mr. COOK are as follows:

S. 3750—INTRODUCTION OF A BILL TO AMEND THE UNIFORM TIME ACT OF 1966

Mr. COOK. Mr. President, the 89th Congress enacted the Federal Uniform Time Act of 1966. The legislation divided the United States into eight standard time zones. It further provided that on the last Sunday in April the time is advanced 1 hour until the last Sunday in October. In effect, Congress has given us 6 months of daylight saving time.

The issue of uniform time and daylight saving time has been debated many times in the past. I have no quarrel with the general principle of a uniform time in this commercial and industrial era. However, there are equally important needs in this country which must also be considered.

For example, my own State of Kentucky is geographically located at the far western end of the eastern time zone. Further compounding this problem, a portion of Kentucky quite logically belongs in the central time zone. This situation causes peculiar hardships and difficulties, especially during the months of May and October.

In both suburban and rural sections of Kentucky, our young children have to walk on dangerous streets and highways to catch school buses in the early darkness of the fall months. There is no reason to expose them to this hazard the entire school year.

The forgotten man in our country, the farmer, also suffers under the hardships of these black mornings. Many a farmers has wryly stated that "chickens and cows don't observe daylight saving time." Unfortunately, the farmer has to start working when the needs of his livestock and crops require it—rather than by the artificial time on his clock.

Mr. President, I do not propose a repeal of the Federal Uniform Time Act because it does have some merit. What I propose is to amend the 1966 act so that daylight saving time prevails only in that period from Memorial Day to Labor Day. My bill would not repeal uniform time, but merely make it more sensible. It would reduce daylight saving time from the present 6 months to little more than 3 months. It would protect our school children who must now travel the highways during the dark, fall mornings. If passed, it would also provide the farmer an additional 3 months to farm according to nature.

Mr. President, on December 16, 1969, the distinguished Congressman from Kentucky's Fifth Congressional District, the Honorable TIM LEE CARTER, introduced H.R. 15276 in the House. Because of both the need for such change in the law and the favorable reception it received, I am offering it for consideration in the Senate.

S. 666, S. 667, AND S. 668—INTRODUCTION OF CALIFORNIA WILDERNESS BILLS

Mr. CRANSTON. Mr. President, I have the privilege today to introduce bills to designate three new additions to America's wilderness system. All three areas lie within the State of California and all are part of our national park system.

These bills were first introduced in the 90th Congress by my distinguished predecessor, Senator Thomas H. Kuchel, whose bill which created the San Rafael Wilderness in California was the first legislation to add lands to America's wilderness system under the 1964 Wilderness Act.

The approval of these three bills by the 92d Congress will complete congressional action on all of Senator Kuchel's wilderness proposals for California. Thus, I hope they pass not only because they will set aside for posterity some magnificent stretches of unspoiled wilderness but also as a tribute to an exceptional Californian who served his State and Nation with honor and distinction in the U.S. Senate.

In the 91st Congress the bills were introduced by the distinguished chairman of the Senate Interior Committee, Senator JACKSON. Senator George Murphy and I were cosponsors.

Our national wilderness system is an encouraging indication of our society's growing environmental awareness. The designation of certain lands for public use, enjoyment, and recreation dates back into the 19th century when Yellowstone was made our first national park in 1872.

But the idea that it is important to keep lands in their native state, without changing or modifying them to ease human access or to fit camping or other recreation needs has been widely accepted only recently.

The reasons for this changing social attitude obviously can be found in the polluted air of our cities and in the esthetic denigration of our countryside. America needs places where the air and water are clear and pure, where the

sounds of nature are not muffled by the clamor of auto engines, where forests are not defiled by billboards or powerlines.

But a deeper reason for preserving wilderness areas is that such areas are the true face of nature. In this age when wise men begin to fear that manmade changes in the environment may have unleashed forces which will make the planet uninhabitable even by man himself, we all sense the need to keep at least some space, some land, the way it was before human consumption of power and other resources began to modify the biosphere. How fanciful is it to suggest that these forests and granite peaks may someday be the laboratories where scientists of some advanced ecology and genetics will wage the struggle for human survival? I do not know.

But I do know that I want to see our wilderness system expanded.

The three bills I introduce today are the specific National Park Service proposals. I am well aware that there is objection to the boundaries proposed by the National Park Service. The Sierra Club and other wilderness and conservation groups advocate that each of these proposed wildernesses be expanded substantially.

I am introducing the National Park Service proposals simply because I believe that this is the best way to bring the questions to hearing before the Senate Interior Committee. I know that the Interior Committee will give adequate consideration to all of the testimony in behalf of various boundary proposals and that the committee will make a fair and honest decision about what boundaries are best. I, myself, want to hear the matter debated at committee hearings before I make up my mind about which boundaries are preferable. Thus, I expect that there will be some modifications in the bills I introduce today. Boundaries aside, I believe everyone will agree these wildernesses should be designated, and I am pleased to place them on the agenda for congressional action.

S. 666—LAVA BEDS WILDERNESS AREA

Mr. President, I introduce, for appropriate reference, a bill to designate certain lands within the Lava Beds National Monument as wilderness.

Lava Beds is located in the northeastern corner of California adjacent to the Tule Lake National Wildlife Refuge, one of the seasonal stops for migratory birds along the Pacific flyway. The volcanic formations and lava flows are of relatively recent origin, with the most unique feature being the cinder cones rising 100 to 500 feet and several ice caves.

Historically, it is important as the site of one of the last clashes in the Far West between the Indians and the U.S. Army. In 1872–73, the Modoc Indians engaged in a desperate and futile struggle to regain their homeland, fighting their final battles from a stronghold created out of the natural lava formations.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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

The bill (S. 666) to designate certain lands in the Lava Beds National Monument in California as wilderness, introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands in the Lava Beds National Monument, which comprise about nine thousand one hundred and ninety-seven acres and which are depicted on a map entitled "Recommended Wilderness, Lava Beds National Monument, California", numbered NM–LB–3227E and dated August 1967, are hereby designated as wilderness. The map and a description of the boundary of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. The area designated by this Act as wilderness shall be administered by the Secretary of the Interior pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented and the applicable provisions of the Wilderness Act.

S. 667—LASSEN WILDERNESS AREA

Mr. CRANSTON. Mr. President, I introduce for appropriate reference a bill to designate certain lands within the Lassen National Park in California as wilderness.

Lying at the southern end of the Cascade Range and along the northeast corner of the Sacramento Valley, Lassen Park contains the most recently active volcano in the United States. Rising to 10,457 feet, Lassen Peak's last period of activity began in 1914 and continued periodically for 7 years. Stark, devastated areas filled with volcanic debris exist side by side with lush coniferous forests, untouched by volcanic activity. In addition, the park contains mud pots, hot springs, and fumeroles, evidence of continuing subterranean activity.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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. 667) to designate certain lands in the Lassen Volcanic National Park in California as wilderness, introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 667

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132(c)), certain lands in the Lassen Volcanic National Park, which comprise about seventy-three thousand three hundred and thirty-three acres and which are depicted on a map entitled "Recommended Wilderness, Lassen Volcanic National Park, California", numbered NP–LV–9013 and dated August 1967, are hereby designated as wilderness. The map and a description of the boundary of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. The area designated by this Act as wilderness shall be administered by the Secretary of the Interior pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the applicable provisions of the Wilderness Act.

S. 668—PINNACLES WILDERNESS AREA

Mr. CRANSTON. Mr. President, I introduce for appropriate reference, a bill to designate certain lands within the Pinnacles National Monument in California as wilderness.

Pinnacles National Monument lies 125 miles south of the San Francisco Bay area in one of the coastal mountain ranges, the Gabilan Mountains. Noted for its tall pinnacle rock structures, the monument was once the site of an ancient volcano which rose to the height of 8,000 feet. Wind and water erosion, combined with the movements of two large faults, carved the unique spires and created the narrow canyons which contain two talus caves. The semiarid land is covered primarily by the dry, leathery chaparral which has been relatively untouched. Within the monument exist the habitats of many species of wildlife, including the endangered peregrine falcon and the golden eagle.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD.

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. 668) to designate certain lands in the Pinnacles National Monument in California as wilderness, introduced by Mr. CRANSTON, was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in accordance with section 3(c) of the Wilderness Act of September 3, 1964 (78 Stat. 890, 892; 16 U.S.C. 1132 (c)), certain lands in the Pinnacles National Monument, which comprise about five thousand three hundred and thirty acres and which are depicted on a map entitled "Recommended Wilderness, Pinnacles National Monument, California", numbered NM–PIN–9014 and dated September 1967, are hereby designated as wilderness. The map and a description of the boundary of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

SEC. 2. The area designated by this Act as wilderness shall be administered by the Secretary of the Interior pursuant to the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the applicable provisions of the Wilderness Act.

S. 673—INTRODUCTION OF A BILL TO INCREASE THE PERSONAL EXEMPTION FROM $750 TO $1,000

Mr. HARTKE. Mr. President, I introduce, for appropriate reference, a bill to amend the Internal Revenue Code of

1954. This bill will increase the exemption presently allowed individuals for themselves and their dependents from $750 to $1,000 after 1973. The current $750 exemption, that is, the figure the exemption will reach in 1973, was provided by the Tax Reform Act of 1969. In the 23 years since the exemption was set at $600 by the Revenue Act of 1948, the cost of living has risen by 65.9 percent—based on the average level of consumer price indexes in 1948 when compared to the 1971 figures. Thus, the $600 figure must be raised to $995 if it is to match the purchasing power of the $600 exemption had in 1948.

The years since the enactment of the income tax law have seen a number of adjustments made in the amount of exemption allowed. During the 1942–47 period, the exemption was $500 per person. It was admittedly inadequate, but the demands of a wartime budget upon a strained Federal Treasury necessitated its continuance until 1948. It was my feeling that the $600 figure may have been more realistic when it was instituted in 1948 than it is today, but the probability is that it was not adequate even then. Today, it is grossly inadequate. Thus, for a family of four, the personal exemption would have to be raised to $3,980—$995 times four—to provide the same purchasing power as the $2,400 figure—$600 times four—provided in 1948.

The Bureau of Labor Statistics recently published a research study in which it indicated what it cost an urban family of four to live in 1970. The study shows that for the middle-income family the urban average family cost was $10,664. The most for the lower income family was $6,960 and the higher income family budget amounted to $15,511. Certainly these figures indicate, on their face, the basic inadequacy of the $2,500 exemption for a family of four in view of the ever-increasing cost of living.

It is generally accepted that the property line for a nonfarm family of four is slightly less than $3,800. Yet, it is today possible for such a family to fall just below that line and still have to pay Federal income tax on as much as $1,200 of income. My proposal would have the effect of exempting a family of four from Federal income taxation until their adjusted gross income exceeded $4,000.

The most frequently heard objection to the bill that I submit today is not that it is not needed, but that it would decrease Federal revenue out of proportion to the social gain to be achieved. But the resultant increase in purchasing power will, in fact, have the effect of increasing tax revenues. It has been estimated that personal expenditures represent over 60 percent of the gross national product. Thus, it can be expected that when these additional funds are put in the hands of consumers the incomes and profits of the grocer, clother, appliance dealer, and other small businessmen will be increased, thereby allowing the Treasury to recoup its initial loss.

The economic well-being of the family unit should be of vital concern, not only to the breadwinner of the family but also to the entire Nation. The average family is today beset by increases, not only in Federal taxes, but also State and local levies. Moreover, inflation is rapidly eating into the fixed incomes of all families. The purpose of my proposal is to increase the economic stability of the all-important family unit by permitting it a realistic level of tax-free income.

The PRESIDING OFFICER (Mr. PACKWOOD). The bill will be received and appropriately referred.

The bill (S. 673) to amend the Internal Revenue Code of 1954 to provide for an increase in the amount of the personal exemptions for taxable years beginning after December 31, 1973, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Finance.

S. 674—INTRODUCTION OF A BILL TO AMEND THE CONTROLLED SUBSTANCES ACT

EIGHT BILLION AMPHETAMINES ARE FAR TOO MANY

Mr. EAGLETON. Mr. President, today I introduce for myself, Senator MCINTYRE, and 33 cosponsors a bill to tighten control over the manufacture and distribution of amphetamines and amphetamine-like substances. My proposal would move these dangerous substances—the so-called "pep pills" and, in high dosages, "speed"—from schedule III to schedule II of the new Comprehensive Drug Abuse Prevention and Control Act.

Last October, when the Senate considered this new drug law, I introduced an identical measure as an amendment to the drug bill. The Senate approved it by a 2½ to 1 margin, with only 16 dissenting votes. Regretfully, despite strong Senate sentiment in its favor, the amendment failed to survive the conference. The conference did agree to move liquid injectable methamphetamines to the stricter schedule II. But tightening control over liquid injectable methamphetamines sidesteps the problem almost entirely. Nearly all amphetamine and methamphetamine pills and powder can be easily diluted and injected. Young people still get the pills and powder, and they can still dilute and inject them.

At the heart of the "speed" problem is the fact that these dangerous amphetamine drugs are vastly overproduced in relation to the legitimate medical needs—and the four drug companies that produce the basic ingredients show no inclination toward curbing their production voluntarily.

Let us take a closer look at the production and availability situation. Each year 5 to 8 billion dosage units of these substances are produced in this country, although the House Select Committee on Crime received testimony to the effect that legitimate medical needs are in the thousands of dosage units annually.

The American Medical Association recognizes only two "noncontroversial" uses for amphetamines—the treatment of a rare sleeping sickness, narcolepsy, and the treatment of hyperkinetic children. And even the treatment of hyperkinetic children with amphetamine drugs has come under fire, prompting the Nixon administration to convene a panel to investigate this practice.

It is true that amphetamines are also prescribed for diet control and for the relief of mild depression and fatigue. But these uses are subject to serious controversy within the medical profession—and over-prescription has led to a situation in which medicine chests across the Nation are stocked with a variety of "ups" and "pep pills" to be self-administered by family members.

More disturbing than over-prescription, however, is the fact that half of the legally produced amphetamine drugs in this country are diverted into illegal channels. That means 4 billion dosage units of admittedly dangerous drugs get out of the regulated stream each year. Certainly we delude ourselves if we claim that the way we do it now is "regulation" of dangerous drugs.

We have known for awhile about some of the debilitating effects of high dosage amphetamine use. We have known that each injection causes euphoria and hyperactivity. We have known that as the user "comes down" he may suffer a paranoid reaction or other personality disorder. We have known that "speed" users subject themselves to successive "ups," over a period of several days, resulting in such harmful side effects as hepatitis, malnutrition, brain damage, damage to unborn children, and even death.

But even as we were considering the new drug law, new and disturbing returns were coming in. Consider these late developments:

A team of doctors in Los Angeles has found that "speed" use is tied to a potentially fatal disease of the arteries—periarteritis nodosa. Untreated, nearly 90 percent of the victims of this disease die within 5 years.

Dr. David E. Smith, director of the Haight-Ashbury Clinic in San Francisco, reports that young people are turning to heroin—a depressant—as an antidote to the "strung out" effects of "speed."

Clearly, the "speed" problem is worth worrying about.

First of all, we have to face the fact that as long as vast quantities of these drugs are available to virtually anyone for virtually any purpose, they will be abused. My proposal would change this situation, cutting back on the vast oversupply of amphetamine drugs while insuring that adequate supplies are available for legitimate needs.

Under the new drug law, the Attorney General is directed to set manufacturing quotas for substances in schedules I and II. These quotas are to reflect the legitimate medical, scientific, research, and reserve needs of the country. My proposal, by placing amphetamines and amphetamine-like substances in schedule II, would allow the Attorney General to set critically needed quotas for these "speed drugs."

In addition to requiring manufacturing quotas for amphetamines, this proposal would have other effects as well—all designed to more strictly control the manufacture and distribution of these drugs.

First, moving amphetamine-like substances up to schedule II would make it illegal for any person to distribute these drugs without a written order issued by

the Attorney General. These written orders are already required for all narcotic drugs distributed in this country. And this procedure has reduced the diversion of legally produced narcotics into illegal channels to an irreducible minimum.

Second, amphetamines could only be dispensed by a physician with a written prescription—and a doctor's permission would be required for a refill of the prescription.

Finally, my proposal would tighten the import and export restrictions on amphetamine-like substances. It would become illegal to import amphetamines unless the Attorney General found it necessary to provide for the medical, scientific, or other legitimate needs of the country.

With regard to the exporting of amphetamines, my proposal would permit exporting only when a permit has been issued by the Attorney General. This would prevent, for example, the continuation of the current practice whereby vast quantities of "speed" pills are being shipped to Mexican border towns—and smuggled back across the border to be sold on the streets of our western cities.

I want to point out that this proposal is not intended to protect only the so-called "speed freak." This bill, along with the voluntary self-restraint of prescribing physicians, will also cut back on abuse by the weight-conscious housewife, the weary long-haul driver, and the young student trying to study all night for his exams.

This bill has the support of the American Psychiatric Association, the American Public Health Association, and the National Association of Secondary School Principals. The Senate itself is already on record against these "speed" drugs. We have another opportunity in this session to let our constituents know that we are aware of the "speed" problem and that we are committed to doing something about it.

The PRESIDING OFFICER (Mr. PACKWOOD). The bill will be received and appropriately referred.

The bill (S. 674) to amend the Controlled Substances Act to move amphetamines and certain other stimulant substances from schedule III of such act to schedule II, introduced by Mr. EAGLETON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 675—INTRODUCTION OF A BILL TO PROTECT ALL STATE POLLUTION CONTROL LAWS FROM PREEMPTION UNTIL SUBSTITUTE FEDERAL STANDARDS ARE ADOPTED AND ENFORCED

Mr. CRANSTON. Mr. President, I introduce, for appropriate reference, a bill which would protect all State pollution control laws from preemption until substitute Federal standards are actually adopted and enforced.

I feel strongly that every effort must be made to insure a clean environment. The smog that fills our air and the filth that pollutes our waters must be removed as soon as possible. State antipollution laws have grown out of citizen demands for a clean environment. Congressional action should foster, not frustrate, these State laws.

The need for the bill I am introducing was made clear by the effect of the recently enacted Clean Air Act on California's laws governing emissions from airplanes. In 1969, after extended legislative consideration, California enacted a law governing aircraft emissions. On January 1, 1971, the effective date of the California law, the Los Angeles Air Pollution Control District cited over 100 violations of the aircraft emissions law. California was, however, prevented from prosecuting these violations because the Clean Air Act which also went into effect on January 1 wiped out California's law. It may be a year or longer—possibly 2 or 3 years—before Federal aircraft emission standards are adopted and enforced. Meanwhile California must wait. This is a deplorable situation.

Federal preemption has also wiped out a noise pollution ordinance enacted by Burbank, Calif. Burbank adopted an ordinance prohibiting jets from taking off from the Hollywood-Burbank Airport between the hours of 11 p.m. and 7 a.m. The law was struck down by the Federal courts on the ground that the Congress had implicitly preempted regulation of all aircraft noise by granting the FAA authority to set noise regulations for aircraft. The FAA, however, has never regulated the total amount of noise generated by an airport.

Federal laws must not wipe out State antipollution laws without providing adequate substitutes. California and other States where the problems of environmental pollution are greatest cannot afford to delay their fight against pollution while the Federal Government determines what standards it desires to enforce. Particularly in States like California the growing problems of pollution do not permit such delays, which endanger the health and safety of its citizens. When State pollution control laws are abolished before the adoption and enforcement of Federal regulations, the effort to clean up our environment suffers an unwarranted and unjustifiable setback.

All of our States must be permitted to adopt and enforce laws to protect the health and safety of their citizens. Congressional control of interstate commerce must not be used to preempt State health and safety laws unless the Congress provides the citizens of those States with adequate Federal protection against the hazards which prompted those laws. While the Congress and executive take time to establish Federal antipollution standards, the carefully established State standards should remain in force.

Where State antipollution standards are more stringent than Federal standards, they should remain in force. Once the Federal Government has acted, however, the continued enforcement of State antipollution laws may be unconstitutional in some cases. If, for instance, California was permitted to enforce more stringent aircraft emission standards once a Federal standard was adopted, it could in effect be setting a national standard due to the interstate character of airplane travel. Where more stringent State standards can be constitutionally enforced, I will urge the Congress to include provisions in potentially preemptive legislation to permit the continued enforcement of those standards.

Last year, the Congress adopted my amendment which permitted California to adopt more stringent fuel content standards than the standards adopted by the Federal Government. Earlier, in 1967, the Congress adopted the Murphy amendment which permitted California to enact stricter auto emission standards than the standards established by the Federal Government.

State-Federal cooperation is essential to clean up our air and clean up our water. When Federal action leads to the abolition of State antipollution laws, the health and safety of all citizens is impaired. We cannot afford to waste precious time fighting our jurisdiction. The State and Federal governments must work together for a clean environment.

The PRESIDING OFFICER (Mr. ROTH). The bill will be received and appropriately referred.

The bill (S. 675) to provide that State laws or regulations with respect to certain environmental matters shall not be preempted or nullified by Federal law until such time as regulations in lieu of such State laws or regulations are put into effect by or pursuant to Federal law, introduced by Mr. CRANSTON (for himself and Mr. TUNNEY), was received, read twice by its title and referred to the Committee on Public Works.

Mr. TUNNEY. Mr. President, I join in introducing a bill to fill an unfortunate gap in the enforcement of laws against pollution of our environment—the gap which results when State regulations are preempted by Federal statutes without comprehensive Federal regulations.

The need for this bill is particularly acute in California where the public outcry against pollution has resulted in State laws against pollution in many forms. Polluters must not be allowed to escape the enforcement of these laws simply because there is a timelag between the enactment of Federal laws and the adoption of enforceable standards under those laws. For example, we must not let the history of laws regulating aircraft emissions be repeated with other types of pollution. In 1969, California took the lead in enacting a law governing emissions from airplanes, yet could not enforce it because the Federal Clean Air Act preempted California's law even though there are as yet no Federal standards under the Federal law which can be enforced.

We must no longer permit the irony which exists when cities and States which take the lead against pollution are penalized instead of supported by Federal action. I am particularly concerned when strict State regulation ends up replaced by no regulation as has happened in California. The courage of State and local officials in enacting tough antipollution laws and ordinances must not be rendered fruitless by Federal action. Coordination of efforts against pollution at all levels—Federal, State, and local—is an

absolute necessity if we are to save and preserve our environment.

This bill is only a stopgap measure, however, made necessary by the delays which inevitably accompany new Federal action in this field. The more important task, and one that cannot be avoided, is the enactment of laws which will permit States and local governments to work together with the Federal Government to adopt the most stringent controls against pollution.

As a member of the Air and Water Pollution Subcommittee of the Public Works Committee, I intend to give particular attention to the problem of securing an effective partnership by all levels of government against pollution.

S. 676—INTRODUCTION OF A BILL TO AMEND THE FOOD STAMP ACT OF 1964

Mr. STEVENS. Mr. President, I introduce for appropriate reference a bill that will amend the Food Stamp Act of 1964 to allow certain eligible households in my home State of Alaska to use food stamp coupons for the purchase of ammunition.

The purpose of the bill is to allow those Alaskans in the remote parts of the State who rely on subsistence hunting for the bulk of their diet to purchase rifle and shotgun ammunition for this purpose. In these areas where the cost of living can be 50 to 100 percent higher than Anchorage—and Anchorage has a cost of living 25 to 50 percent higher than Washington, D.C.—it is imperative that we do everything possible to assist these people to obtain an adequate diet.

Mr. President, when a person pays 30 cents for a small can of milk, 50 cents for a box of salt, or $11 for 50 pounds of flour from a village store and must still pay a high freight rate to have the staples delivered to his homesite, something must be done. My bill will help relieve this tremendous economic burden by allowing the purchase of ammunition with food stamp coupons. It is obvious that by allowing these Alaskans to purchase ammunition to shoot game for subsistence they will be able to supplement their basic diet to assure an adequate food intake.

The IRS in an administrative order has recognized the unique Alaskan problem by allowing Alaskans in remote areas to purchase rifle and shotgun ammunition through the mail. It would seem that we should carry this one step further and allow them to purchase the needed ammunition for subsistence hunting with food stamp coupons.

My bill would allow this.

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

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

The bill (S. 676) to amend the Food Stamp Act of 1964 in order to permit eligible households living in remote areas of Alaska to use food stamp coupons for the purchase of ammunition, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Food Stamp Act of 1964 is amended by adding at the end thereof a new section as follows:

"AUTHORITY OF CERTAIN ELIGIBLE HOUSEHOLDS IN ALASKA TO USE COUPONS FOR THE PURCHASE OF AMMUNITION

"SEC. 17. Notwithstanding any other provision of this Act, members of eligible households living in the State of Alaska shall be permitted, in accordance with such rules and regulations as the Secretary may prescribe, to purchase ammunition with coupons issued under this Act if the Secretary determines that (1) such households are located in an area of the State which makes it extremely difficult for members of such households to reach retail food stores, and (2) such households depend to a substantial extent on the use of firearms to kill game for food. As used in this section, the term 'ammunition' means ammunition for rifles and shotguns."

S. 677—INTRODUCTION OF A BILL RELATING TO JURISDICTION FOR ALASKA RAILROAD SUIT

Mr. STEVENS. Mr. President, I introduce for appropriate reference a bill that will authorize the U.S. District Court for the district of Alaska to hear, determine, and render judgment on the claim of the State of Alaska that the Goldstream forest fire near Fairbanks, Alaska, which occurred in August 1966, was approximately caused by the negligent operation of the Alaska Railroad. The State seeks to collect for damages done to the land which was burned and for the cost in controlling and extinguishing the fire.

Upon discovery of the fire in August 1966, men and materials were rushed to the fire. The cost to the State of Alaska as billed by the United States was $266,225.23. However, because the State claims that the fire was proximately caused by the negligent operation of the railroad, an instrumentality of the United States, the U.S. District Court for Alaska seeks the authority to hear and determine the claim of the State.

The PRESIDING OFFICER (Mr. BAKER). The bill will be received and appropriately referred.

The bill (S. 677) to confer jurisdiction on the United States District Court for the District of Alaska to hear and determine the claim of the State of Alaska for a refund of a sum paid to the United States for firefighting services; introduced by Mr. STEVENS, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 679—INTRODUCTION OF A BILL RELATING TO PENALTIES FOR OBSTRUCTION OF NAVIGABLE WATERS

Mr. STEVENS. Mr. President, I am introducing legislation today which will increase the penalties for violations of the Refuse Act of 1899. This venerable law is an important part of the effort to halt abuse of the Nation's waterways.

Alaskans have witnessed the ineffectiveness of laws whose penalties are less than the value of the violation. Foreign fishermen have repeatedly penetrated American waters secure in the knowledge that fines imposed on them will be far less than the profits of their expeditions.

The Refuse Act of 1899 penalizes a different abuse of our waterways—chemical abuse. With a maximum penalty of $2,500, the act is ineffective against large-scale violators who find it profitable to break the law when the penalties are small.

About 27,000 Alaskans participate in the commercial fishing industry. Thousands more enjoy Alaska's coastline and inland waterways. Every Alaskan feels a strong commitment to keeping the Nation's waters clean. With this bill the maximum penalty will be raised to $100,000, and repeated infractions will be treated as separate violations each day they continue. For those who carelessly contaminate our waters, we must up the ante.

The PRESIDING OFFICER (Mr. BAKER). The bill will be received and appropriately referred.

The bill (S. 679) to amend the act of March 3, 1899, relating to penalties for wrongful deposit of certain refuse, injury to harbor improvements, and obstruction of navigable waters, introduced by Mr. STEVENS, was received, read twice by its title, and referred to the Committee on Public Works.

SENATE JOINT RESOLUTION 29—INTRODUCTION OF A JOINT RESOLUTION DESIGNATING NATIONAL PEACE CORPS WEEK

Mr. SCOTT. Mr. President, the Peace Corps is 10 years old this year. In recognition of this decade of achievement, I am today introducing a joint resolution authorizing the President to proclaim and designate the week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week." I am pleased to have the distinguished majority Leader (Mr. MANSFIELD) joining me as a cosponsor in this effort.

Mr. President, the Peace Corps is in keeping with the best American tradition of helping others to help themselves. Over 45,000 of our fellow citizens have responded to the challenge of service and sacrifice, At this moment, nearly 9,000 volunteers of all ages, backgrounds and aptitudes are continuing this work of helping people in other countries lead fuller lives and build a more promising future.

As Federal agencies go, the Peace Corps is neither old nor large, but it has inspired and given hope far beyond its size and experience. As it has worked, the Peace Corps has learned. In response to the changing needs of a changing world, the Peace Corps has chartered new directions to meet these needs.

While continuing to rely upon the ideal of voluntary service, the Peace Corps has sought to provide host countries with the specific skills needed for their development. It has sought to work in closer partnership with these countries so that they can play a major role in the devel-

opment and implementation of Peace Corps programs.

Today, Peace Corps volunteers in 60 countries contribute almost 400 different skills, improving crops, building schools, establishing small businesses, vaccinating children, teaching, farming, designing, plumbing, welding—and just plain helping, helping and hoping that they are making a difference in the lives of their new neighbors.

This help has, perhaps, been best recognized by the host countries themselves. Requests from the host countries for volunteers are on the upswing. At the same time, Americans are coming forward to meet this challenge with renewed vigor. Applications for volunteer service overseas are once again increasing.

Now, the President has recognized the contribution of the Peace Corps and the eagerness of Americans to participate in a broader spectrum of similar programs at home as well as overseas. Regardless of what form this broadened opportunity for voluntary service will assume, the Peace Corps volunteers will continue to be identified with the best America has to offer. I would hope that the Peace Corps would continue to be a viable entity within the framework of the new agency which President Nixon has proposed. In this spirit, I urge prompt and favorable consideration of my joint resolution recognizing the Peace Corps' first 10 years.

The PRESIDING OFFICER (Mr. ROTH). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 29) to provide for the designation of the calendar week beginning on May 30, 1971, and ending on June 5, 1971, as "National Peace Corps Week," and for other purposes, introduced by Mr. SCOTT for himself and Mr. MANSFIELD, was received read twice by its title and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 385

At the request of Mr. GRIFFIN, on behalf of the Senator from Florida (Mr. GURNEY), the Senator from North Carolina (Mr. ERVIN) was added as a cosponsor of S. 385, to preserve the concept of the neighborhood school in American public elementary and secondary education.

S. 555

At the request of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. HART), the Senator from Oklahoma (Mr. HARRIS), and the Senator from North Dakota (Mr. BURDICK) were added as cosponsors of S. 555, the Older American Community Service Act.

S. 564

At the request of the Senator from Oregon (Mr. PACKWOOD), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), and the Senator from Wyoming (Mr. HANSEN) were added as cosponsors of S. 564, to promote the exploration and development of geothermal resources through cooperation between Federal Government and private enterprise.

S. 575

Mr. COOK. Mr. President, I have today decided to cosponsor the bill S. 575, introduced by Senator RANDOLPH of West Virginia, which would extend the Appalachian Regional Commission program.

I have been informed by the White House staff that the President's revenue sharing proposal, as I now understand it, would in no way alter the structure of the ARC, but simply reroute the funds for the program through the State governments. Thus there is no conflict between this bill and President Nixon's revenue sharing proposal.

Thus I am happy to join with Senator RANDOLPH in support of this bill to extend the ARC program, which has been of immeasurable value to the people of the Appalachian region.

At the request of the Senator from West Virginia (Mr. RANDOLPH), the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 575, the Appalachian Regional Development Act Amendments of 1971.

ANNOUNCEMENT OF HEARINGS ON COMPUTERS, DATA BANKS, AND THE BILL OF RIGHTS

Mr. ERVIN. Mr. President, I am pleased to announce that the Subcommittee on Constitutional Rights has now rescheduled hearings on Computers, Data Banks, and the Bill of Rights. These will commence on Tuesday, February 23 at 10 a.m., and will continue on February 24 and 25, March 2, 3, and 4 and March 9, 10, and 11. They will be held in room 318 of the Old Senate Office Building every day except March 2 when they will be in room 1202 of the New Senate Office Building.

The subcommittee had planned to conduct hearings last October to consider the effect on individual rights of Government data banks and computer information techniques. I outlined for the Senate the purpose and scope of the subcommittee's study on September 8, 1970.

Unfortunately, the pressure of the Senate business made it impossible for the subcommittee to conduct the hearings with the full attention this vital subject requires. For that reason they were postponed until this time.

It has become increasingly clear that unless we take command now of the new technology with all that it means in terms of substantive due process for the individual who is computerized, we may well discover some day that the machines stand above the laws. By then, it will make no difference who mans the systems or what political party makes use of them, for the pattern of mechanized surveillance will have become so institutionalized throughout our land that it may defeat the ingenuity of the God-given powers of man to alter our national course. "Liberty" will then sound only as a word in our history books, the lamented dream of our Founding Fathers.

It was with these concerns in mind that the subcommittee initiated its Government-wide survey and investigation of computers and data banks. The overall goal of our hearings and studies therefore is fourfold: To learn, first what Government data banks have been developed; second, how far they are already computerized or automated; third, what constitutional rights, if any, are affected by them; and fourth, what overall legislative controls, if any, are required.

We shall hear experts in computer technology discuss for us the development and application of computer systems as they affect the constitutional rights of individuals and the use of political power in the United States

Leadoff witnesses on February 23 will be Prof. Arthur R. Miller of the University of Michigan Law School and author of "The Assault on Privacy," a comprehensive analysis of this problem just published this week. Others in the field of computer technology will include invited representatives of the computer industry, including on March 3, Robert Henderson, vice president of Honeywell Corp. and on February 23, an official of the International Business Machines Corp. Robert Bigelow, attorney and chairman of the Committee on Computers and Society of the Association of Computing Machinery, and professor of computer science Caxton C. Foster will testify on March 10.

A major State computerized information system will be discussed on March 10 by Dr. Robert Gallati, director of the New York State Identification and Intelligence System. Furthermore, in his capacity as chairman of the Project Search Privacy Committee, he will discuss a major and singular report on a proposed national Federal-State computerized information system under the auspices of the Department of Justice.

While much of the current controversy revolves around computerization of law-enforcement information systems and data banks on special groups, there are other data-banking devices which concern every American, for they are essential to the lives of millions. Two of these are the social security number and the driver's license. The complaints received by the subcommittee indicate that these are two major problem areas of privacy and confidentiality.

It is becoming all too clear that these are common means of computerizing individuals and thereby locating them, investigating them, monitoring their activities for many purposes, and possibly invading their privacy and violating the confidentiality of the personal records stored in government and private computers.

The Secretary of Health, Education, and Welfare, Elliot Richardson, has recently expressed his concern about this and reported that he is studying the possibility that the social security number may be too broadly used. In a letter to me on September 15, 1970, he states:

> Social Security numbers are currently being used throughout industry and government as a means of clearly identifying individuals and avoiding the confusion and mistakes which can arise when a number of individuals have common or similar names. These numbers provide a unique means of identification applicable to most individuals in the United States . . .: Despite . . . restrictions, the Department is concerned that if the Social Security number were used too

broadly, such widespread use and dependence upon the number might lend itself to abuses of individual privacy. Because of this concern, the Social Security Administration is currently reviewing the policies governing the issuance, maintenance, and usage of the Social Security number.

The subcommittee has invited Secretary Richardson to discuss this study of the uses of the social security number on March 11, as well as the various data banks used or sponsored by his Department. An invitation has also been extended to Secretary of Transportation John Volpe to appear on March 11 and discuss the Department's computerized national data bank of driver's license holders. This system contains information on all Americans whose licenses have ever been revoked; denied, withdrawn or suspended for any purpose.

As a data program established and expanded by Congress, one of concern to all Americans, and one developed and used cooperatively by Federal, State, local, and private agencies, this system should provide a useful example of the benefits and problems created by computer technology within the federal system.

Mr. President, beyond the constitutional and legal issues presented by the impact and uses of computer technology, there is a more profound question confronting the country. This is the extent to which the new computer science and information management techniques equip politicians with rapid and efficient tools for programs which have political ramifications for our entire society. Instant blacklisting, rapid cross-country exchange of dossiers, million-name master indexes, and scientific surveillance can easily become the order of the political day in this era of systems analysis and applied scientific management techniques.

These are practices suggested by the scope of some present Federal programs and they go to the heart of the constitutional exercise of first-amendment freedoms for every person in our society.

Since the issues here are of momentous concern, I believe they merit the careful scrutiny of this subcommittee and the Senate. The hearings, therefore, have significance in several ways, for they look to the way the power of government will be exercised over the individual in decades to come—they look even to the fate of our liberty in this century.

The subcommittee's concern has been particularly prompted by increasing public interest and complaints about unwarranted governmental invasion of personal privacy through official surveillance and note taking on the political and personal activities of citizens who have broken no laws.

I am reluctant to attribute unsavory political motives to these programs, but there is no doubt that they were human responses to political forces at work in our society and in our Government. These official monitoring actions have been undertaken in the pursuit of a number of high sounding Federal programs, worthy in their inception. But, because of their scope, they threaten in operation to become, and in some cases actually have grown to be, monsters of the laws, stalking the privacy and trampling the first-amendment rights of individual citizens.

For example, there are the so-called civil disturbance prevention programs of the Army and other military services which were believed to require surveillance over lawful political activities of civilians. There are all the other "counterintelligence" programs which, justified or not, the armed services believe require surveillance and compiling of dossiers on civilians. These military activities have been discussed at length as each new revelation is made by agents who conducted the surveillance.

To get to the bottom of these complaints and learn how widespread the practices are, who authorized them and why; whether or not they continue today and under what restrictions, the subcommittee will hear a number of former military intelligence employees and agents describe their surveillance of citizens. We have invited Mr. Christopher Pyle to testify on February 24. Mr. Pyle is a lawyer and political scientist who has written widely on his experiences and observations while serving in the Army Intelligence Command.

Other agents will include Ralph Stein, who served in the civil disturbance analysis division in the Counter-Intelligence Command at Fort Holabird.

John M. O'Brien, who reported his monitoring of law-abiding citizens including political figures in Illinois, will appear on February 24, 1971, and will be accompanied by Alexander Polikoff, attorney for the plaintiffs in the suit against the Army for unwarranted surveillance of citizens in Chicago.

On February 25, Prof. Morris Janowitz, chairman of the Sociology Department, University of Chicago, will discuss such issues as the impact on the military services of their involvement in activities beyond their jurisdiction.

A number of organizations and private citizens will also testify on February 25 about their experiences and reactions to such Government programs.

On March 2, 3, and 4 we shall hear representatives of the Secretary of Defense describe the programs of each of the armed services and component agencies of the Defense Department with respect to note taking and record keeping of the activities of civilians who have no dealings with the Department of Defense. In addition, they will report to us on the contents, purpose and maintenance of the Army Investigative Records Repository, a basically manual system which contains dossiers and reports on over 7 million Americans who have had reason to deal with the Department of Defense for personnel, counterintelligence, criminal, or other purposes. Since this is another major information system which is significant for many Federal programs, I believe a study of the transfer, exchange, retention and use of records in it will guide the subcommittee in its analysis of other programs.

I hope the Defense Department witnesses will enlighten Congress in considerable detail on the reasons for the unprecedented reports of spying and surveillance on political figures and on politically-active citizens. I hope that they will describe in considerable detail the administrative actions they have taken—

First. To prevent unconstitutional excesses of power in the future;

Second. To purge completely each of their information systems of any reports they may have improperly compiled on civilians, at least over the past 20 years;

Third. To rescind in each of the services the vaguely-worded directives and memoranda issued at all levels and the regulations purporting to authorize excessive grants of surveillance powers in matters beyond the proper interests of the millitary.

We hope also to discover from these witnesses who else in the Federal Government received and data-banked the information compiled by the Army and other services, and what has been done to review and—where necessary, to purge—the files of those agencies.

In this aspect of the subcommittee study, the basic question at issue is the power of the executive branch to monitor the activities of individuals when there is no probable cause to believe they have committed a crime. The largest segment of such persons will be the political dissidents of all shades of political opinion who disagree intellectually and actively with Government policies or who associate with those who do. This is not a new problem in Government. We have known political blacklists before. The efficiency with which it is done now makes it a vital constitutional problem as never before.

While I find myself at loggerheads with many of these Americans, both with respect to their ideas and with respect to the means used to express those ideas, the vitality of our political system and the first amendment rights of all of us now and in the future depend on the extent to which their rights are protected.

For this reason, the subcommittee has extended an invitation to the Attorney General, as chief legal officer of the Government, to discuss for the Congress what constitutional power rests in the executive branch and its respective department heads to conduct surveillance over such persons and to enter them in Federal data banks of the Justice Department and other agencies of government.

I believe these hearings will better enable the public, the press, the Congress and executive branch officials to understand the needs and purposes of government and the constitutional limits in our society to uses of the power of that government. It is my hope that the hearings will help Members of Congress respond quickly and effectively to complaints of invasion of privacy and to propose and act upon any remedial legislation which is found necessary.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter inviting the Attorney General to appear before the subcommittee.

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

FEBRUARY 2, 1971.

Hon. JOHN N. MITCHELL,
The Attorney General,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: The Constitutional Rights Subcommittee, in continuation of its study of unwarranted invasion of privacy, has now scheduled hearings to study the impact on the Bill of Rights of federal data banks on citizens. The hearings will focus on two aspects of this subject which are of urgent concern to Congress and the public. One is the extent to which the constitutional rights of citizens may be violated by executive department programs requiring intelligence data banks for monitoring the political attitudes, beliefs, and personal behavior of law-abiding Americans. The second, and broader problem, is the extent to which the requisites of due process are being observed in the increasing governmental use of computers to run nationwide information systems on individuals.

As chief legal officer of the Federal Government, your opinion on these constitutional issues would be both vital and invaluable to the Congress as it seeks to determine the need for legislation in this area of the law. Therefore, the Subcommittee hereby extends to you an invitation to present your views on this subject on Tuesday, March 9 at 10:30 a.m. in Room 318 of the Old Senate Office Building.

The Subcommittee would like to know what constitutional authority executive branch officials possess to order or conduct surveillance and to acquire information on lawful political activities, personal beliefs, and private lives of citizens where no probable cause exists to believe they are guilty of any crimes. Your opinion as Attorney General on this issue is especially important since the Subcommittee's government-wide survey of such federal programs has elicited varied interpretations of authority by officials who cite in turn the Constitution, Presidential directives, statutes, or other rationale. So far, these responses have been conflicting, confusing, at times highly dubious, and in several instances, downright implausible. I believe your testimony on the power of the executive branch departments, including that exercised by the Justice Department, will clarify the constitutional and legal issues immeasurably.

One program of major concern has been the Army's collection, analysis and maintenance of information on civilians in its so-called civil disturbance prevention program. During our investigation of charges of violation of First Amendent rights, Congress has been informed that the Army has cut back its efforts and will henceforth depend on the Justice Department for certain information on individuals and events in this program and for cooperation in covert surveillance. It would be most helpful to learn from you the degree to which the Justice Department has indeed assumed responsibility for this program and for others of concern to the military, as well as for the surveillance of law-abiding citizens which the Army heretofore has deemed necessary.

Secondly, we should appreciate a description of the interdepartmental Delimitation Agreements governing the respective roles of the Armed Services and the Justice Department in investigation of civilians and in retention of dossiers in non-criminal cases. It is hoped that your discussion will include the basis for these agreements and the reason for them.

In the Subcommittee's study of the problems raised by computerized government files on individuals, it would be most helpful if you or your representatives would elaborate on the Department's October 1, 1970 reply to my letter of June 9, 1970. We should like to know what, if any, due process guarantees surround computerization of your major systems, including the National Crime Information Center and Project SEARCH.

In this connection, I believe the recent report by the Law Enforcement Assistance Administration indicates a highly commendable initiative and concern by your Department for the right to privacy in computerized data systems. Issued at a time when computerized dossiers are causing increased public alarm, this report on privacy considerations in Project SEARCH provides valuable insight and offers worthwhile recommendations which should be studied by every Congressional committee and by all federal and state officials contemplating data systems.

The Subcommittee will therefore welcome for the hearing record a description of the Project SEARCH report together with an account of the future plans for the nationwide computer law-enforcement program envisioned by Project SEARCH.

Your testimony, by defining the constitutional scope of the executive power, should guide and enlighten both the Executive Branch and the Congress. Only if all of the facts are candidly set forth by government will any excesses in these programs be limited and will the current public fears be allayed about unwarranted surveillance and official invasion of personal privacy.

I believe you will agree that the interest of the Administration can only be served and the preservation of liberty enhanced by a better public understanding of the needs of government and their relation to the constitutional rights of citizens. I hope you will find it possible to accept this invitation to appear before the Subcommittee and assist us in our investigation.

With kindest wishes,

Sincerely yours,

SAM J. ERVIN, JR.,
Chairman.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate again go into executive session to consider two nominations, both of which were reported earlier today by the Finance Committee, I believe, unanimously.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana? The Chair hears none and it is so ordered.

AMBASSADOR AT LARGE

The assistant legislative clerk read the nomination of David M. Kennedy, of Illinois, to be Ambassador at Large.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

U.S. GOVERNOR OF THE INTERNATIONAL MONETARY FUND, U.S. GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT, GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK, AND U.S. GOVERNOR OF THE ASIAN DEVELOPMENT BANK

The assistant legislative clerk read the nomination of John B. Connally, of Texas, to be U.S. Governor of the International Monetary Fund for a term of 5 years; U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; Governor of the Inter-American Development Bank for a term of 5 years; and U.S. Governor of the Asian Development Bank.

Mr. MANSFIELD. Mr. President, these offices are usually held, to the best of my knowledge, by the Secretary of the Treasury. It is for that reason that the nominations were brought up at this time.

The PRESIDENT pro tempore. Without objection, these nominations are confirmed.

Mr. MANSFIELD. Mr. President, I move that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

LEGISLATIVE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Senate resumed the consideration of legislative business.

VAS YOU EVER IN ZINZINNATI?

Mr. PROXMIRE. Mr. President, the other day the distinguished Senator from Ohio (Mr. TAFT) had printed in the RECORD, page 1606, a sprightly column from the Cincinnati Enquirer. The burden of the piece was that since I want to get the U.S. Government out of the supersonic transport business the rest of the country should boycott Wisconsin dairy products because, as the columnist put it, "Wisconsin cows are dirty animals."

My first reaction was to come to the defense of the noble Wisconsin dairy animals, which were slurred by columnist Bob Brumfield.

But that would make as much sense as defending Beethoven as a composer, Babe Ruth as a ballplayer, or the distinguished junior Senator from Ohio as a solid citizen and promising new Senator.

My next reaction was to question the beauty of the Ohio River, the prowess of Woody Hayes or the usefulness of the buckeye.

But, alas, upon final reflection I have decided that my best recourse is to permit the good citizens of the Queen City to enjoy the humor of their morning newspaper jester without interference. To err, after all, really is human.

ORDER OF BUSINESS

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

THE ROLLS-ROYCE FINANCIAL CRISIS VERSUS THE LOCKHEED AIRCRAFT FINANCIAL CRISIS

Mr. PROXMIRE. Mr. President, Saturday's New York Times contained an article by Anthony Lewis, the Times correspondent in London. Mr. Lewis commented on the fact that while most capitalistic nations are now cushioning their

defense industries from the consequences of competition, the British Government under Prime Minister Heath was refusing to do so in the case of the Rolls-Royce financial crisis.

Several ironies concerning this situation occur to me.

The United States Government, in the home of free enterprise and rigorous competition proposes to spend at least $800 million over and above any contractual obligation the Government has, to bail out the Lockheed Aircraft Co. This is being done here by an alleged conservative administration which constantly uses the language of free enterprise, private initiative, and competition in describing its policies.

The British Government, albeit under a Conservative Prime Minister, which has nationalized its major basic industries—transportation, power, coal, and others—and which vigorously supports a national health service, family allowances, and the abolition of poverty—is unwilling to bail out Rolls-Royce, its most prestigious private industry.

Prime Minister Heath is willing to see the forces of competition work. He takes the position that private enterprise should be rewarded for its successes and suffer the penalties of its failures.

How ironic to have an American administration follow the practices of bailout and subsidy while a British Government holds firm for competition and free enterprise.

But the ultimate irony may just be around the corner. Rolls-Royce is in trouble over failure to meet both time and cost commitments on its engine for the Lockheed commercial aircraft.

This Rolls-Royce failure may confront Lockheed Aircraft with yet another crisis. As Pentagon officials reported to me only a few months ago, Lockheed's basic problems in 1970 were over her commercial aircraft business.

The ultimate irony will be another plea from Lockheed for Federal and Pentagon sustenance. This time there will be no hiding the fact that another Pentagon bailout of Lockheed with public funds and taxpayers dollars is nothing more and nothing less than a public subsidy to a private concern for failures in its commercial business.

We would not only be bailing them out over their defense failures but over their private failures as well.

The defense of this country, the procurement of weapons systems, and the efficiency of our industrial system would all be far better served if the Pentagon would let the private competitive enterprise system function.

There should be arm's-length, competitive bargaining. Success should be rewarded. Failures should suffer. Bailouts should stop.

We might then finally get a weapons system which was produced on time, according to its specifications, and at the original price for which it was negotiated.

I ask unanimous consent that the article by Mr. Lewis concerning how competitive breezes are blowing in Great Britain, be printed at this point in the RECORD.

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

THE USES OF FAILURE

(By Anthony Lewis)

LONDON, FEB. 5.—A perceptive American lawyer remarked here recently on how the governments of supposedly capitalist nations cushion key industries nowadays—protect big companies, when they are though vital to the economy, from the consequences of their own inefficiency. "In those areas" he said, "failure is not allowed."

That can no longer be said of Edward Heath's Britain. The Conservative Government's decision to let Rolls-Royce die means that no management in this country can now count on public money to save it.

The message is a rough one, not difficult for other troubled giants of British industry to understand. More well-known company names may be on the bankruptcy lists before long. Overnight, the business climate has become less comfortable. That is just the way Prime Minister Heath wants it, for unlike most big businessmen he really believes in ruthless competitive enterprise.

But the message is not for management only. It is just as much a warning to greedy or ambitious union leaders. The Rolls-Royce drama will affect the whole British strategy against rising wages and prices. And it might suggest a thought or two to American economists and politicians worrying about inflation.

A fundamental reason for the inflation raging in most Western economies, it is now widely agreed, is that the balance of bargaining power between unions and management has somehow gone askew. Even with unemployment at high levels in the United States and Britain, companies are giving way to wage demands that would have been dismissed as fantastic a few years ago.

Why? Sir Fred Catherwood, a businessman who directs the National Economic Development Council, suggests one reason: industry in developed countries has become much more capital-intensive.

When a factory had large numbers of workers toiling away on simple machines, the employer could wait out a strike because it saved his biggest expense the payroll. But now he may have millions sunk into an automated production line, and more into a sophisticated distribution system. The capital cost is so high that it really hurts to stop production. He will pay a great deal to avoid a strike.

Whatever its origin, the evident imbalance in bargaining power has led more and more people to favor some form of governmental fixing process. Jawboning, incomes policy, formal controls—all these have support now among businessmen and economists who not long ago shuddered at such restraints on market forces. They simply see no other realistic way to prevent dangerously destabilizing inflation.

Mr. Heath, a committed opponent of Government intervention and controls, has been trying to work out an alternative anti-inflation policy. It consists of exhortation in the private sector and firmness in the public, applied in an ad hoc way to push the level of wage settlements gradually down.

That was the logic behind the Government's touch stand against workers in the nationalized electrical industry before Christmas, and it is the reason for the continuing refusal to offer more than 8 per cent to the postal workers who have been on strike for nearly three weeks. It is the basis of appeals that officials have been making to private employers to stand firm against big wage claims.

A few months ago no serious economic analyst thought Mr. Heath's strategy could work. Now many would concede that it does have some chance of lowering the level of settlements and thus reducing the rate of inflation. There is a distinct sense of company backbones stiffening against union demands.

The reason for the Heath policy's chance of success is not only, or mostly, rhetoric. It is the growing awareness of union members that British companies with excessive wage bills may very easily go under. That was why employes of British European Airways rejected their leaders' war cries and called off a long dispute without victory. They were afraid of mass layoffs.

International competition provides a much sharper spur here than in the United States. The British airline or manufacturer of washing machines knows that it can be beaten in its home market by someone just across the channel. President Nixon's threat to lift quotas in the Bethlehem Steel price dispute showed a shrewd awareness of the value of foreign competition. But American industry is more safely dominant in the home market, and Wilbur Mills is trying to increase its protection.

Most of the experts still doubt that Mr. Heath's ad hoc inspiration and occasional fact-finding boards will do the trick on inflation. They think he will have to have general guidelines and some formal incomes apparatus before long. But the sudden death of Rolls-Royce could add a new factor, chilling the unions' wage zeal along with the business climate. Political toughness may pay—and not only in Britain.

ORDER OF BUSINESS

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

PROTECTION OF AMERICAN FORCES IN SOUTH VIETNAM

Mr. GRIFFIN. Mr. President, between now and May 1, 50,000 more U.S. troops will be withdrawn from South Vietnam under a schedule already announced by President Nixon.

It has been indicated that an announcement concerning additional troop withdrawals can be expected in April.

As we continue to wind down U.S. involvement in that unpopular war in Southeast Asia, it becomes even more important that the flanks of a dwindling number of U.S. troops remaining there, be protected.

In that context, Mr. President, special significance attaches to the announcement last evening by the South Vietnamese Government of an important military undertaking on its part aimed at Communist sanctuaries and certain enemy concentrations in Laos.

If, as planned, this limited military operation succeeds in thwarting an enemy buildup—if it frustrates plans for a major enemy offensive during the months ahead, then it will contribute mightily to a swifter rate of U.S. troop withdrawals from Southeast Asia. And I am convinced, Mr. President, that most

Americans and most U.S. Senators support that objective, regardless of their politics and regardless of their individual positions in the past concerning the war.

Earlier today, Robert J. McCloskey, spokesman for the Department of State, issued a statement concerning the military movement into Laos. I ask unanimous consent that the text of his statement be printed in the RECORD.

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

STATEMENT BY ROBERT J. MCCLOSKEY

Last evening the Government of the Republic of Viet-Nam announced in Saigon that elements of its armed forces have crossed into enemy occupied territory of Laos to attack North Vietnamese forces and military supplies which have been assembled in sanctuaries close to the border of South Viet-Nam. These sanctuaries lie between the 16th and 17th parallels and comprise concentrations which are an important part of the Ho Chi Minh Trail system. Our Military Command in Viet-Nam has announced the limits of the U.S. military participation.

The decision of the United States to assist is based on the following policy considerations:

1. No American ground combat forces or advisors will cross into Laos.

2. The operation will be a limited one both as to time and area. The Vietnamese Government has made it clear that its objective will be to disrupt those forces which have been concentrated in this region for use against South Vietnamese and United States forces located in the northern military regions of South Viet-Nam, and to intercept or choke off the flow of supplies and men during the dry season which are designed for use further south on the Ho Chi Minh Trail in South Viet-Nam and Cambodia.

3. The operation will promote the security and safety of American and allied forces in South Viet-Nam and is consistent with statutory requirements. It will make the enemy less able to mount offensives and strengthen South Viet-Nam's ability to defend itself as U.S. forces are withdrawn from South Viet-Nam. It will protect American lives.

4. This ground operation by the South Vietnamese against the sanctuaries thus will aid in the Vietnamization program. The withdrawal of American forces from Viet-Nam will continue. During the month of April President Nixon will announce further withdrawals.

5. The measures of self-defense being taken by the Republic of Viet-Nam are fully consistent with international law. A report to this effect is being made by the Republic of Viet-Nam to the President of the Security Council of the United Nations, to the Geneva Co-Chairmen, and to the government which comprise the International Control Commission.

6. This limited operation is not an enlargement of the war. The territory involved has been the scene of combat since 1965. The principal new factor is that South Viet-Nam forces will move against the enemy on the ground to deny him the sanctuaries and disrupt the main artery of supplies which he has been able to use so effectively against American and South Vietnamese forces in the past.

7. The United States has consistently sought to end the conflict in Indochina through negotiations. President Nixon specifically proposed last October that there be (a) a cease-fire throughout Indochina, (b) a negotiated timetable for the withdrawal of all forces, (c) immediate release of all prisoners of war, (d) an international peace conference for all of Indochina, and (e) a political settlement. This continues to be the policy of the United States.

8. The Royal Lao Government has issued a statement, which, while critical of the current military action points out that the "primary responsibility for this development rests on the Democratic Republic of Viet-Nam which has violated international law and the 1962 Geneva Agreements. The Democratic Republic of Viet-Nam has violated and is continuing to violate the neutrality and territorial integrity of the Kingdom of Laos." The United States Government continues to favor the neutrality of Laos and the restoration of the situation contemplated by the 1962 Geneva Accords in which all foreign forces would be withdrawn from Lao territory. A new Indochina conference as proposed by President Nixon could accomplish this objective.

Mr. GRIFFIN. Mr. President, two veteran commentators on international affairs, David Lawrence of U.S. News & World Report and Joseph Alsop of the Los Angeles Times syndicate, have caught the drama and the ironies of the situation in Southeast Asia in recent articles. I ask unanimous consent that their commentaries be printed in the RECORD at this point.

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

[From U.S. News & World Report, Feb. 8, 1971]

FIGHTING TWO WARS

(By David Lawrence)

For the last five years, the executive branch of our Government has been fighting two wars—one in Vietnam, and the other at home in both houses of Congress, where certain members have lined themselves up in a manner that has unwittingly given the enemy aid and comfort.

The United States has demonstrated over the years its deep interest in assisting other peoples. In World War I, we sent our men and armament to help defend countries which were attacked by totalitarian governments. We did the same in World War II. We then signed the North Atlantic Treaty pledging aid to the free nations of Europe against aggression. We joined the forces of the United Nations to repel the invasion of South Korea by North Korea. We ratified the Southeast Asia Treaty and undertook to defend countries in that area.

We met the test again when South Vietnam was the victim of an aggression by North Vietnam. Red China and the Soviet Union backed the Hanoi Government and provided North Vietnam with the munitions, military supplies and advisers to carry on the conflict.

America has shown the world that it does keep its pledges and that it is still interested in helping small nations defend themselves. But after years of fighting in Vietnam, somehow there has arisen inside this country not just a new isolationism but a complete indifference to the humanitarian principles which have actuated American policy. The feeling has developed that the United States should stay at home and selfishly confine itself to its own borders just as it did prior to World War I.

If a debate on this question occurred when there was no war in progress, it could be regarded as an academic discussion. But when, in the middle of a war, resolutions are introduced in the Congress of the United States calling for withdrawal of American forces on a certain date—while speeches are made criticizing American operations abroad—the enemy derives encouragement and brushes aside all suggestions for a peaceful settlement. North Vietnam refuses to make any concessions because it feels that inside America there is no disposition to continue the war. By insisting on bringing home all troops by a fixed time, several members of Congress are saying, in effect, that the United States is surrendering and giving up its objectives and soon will be pulling out of Asia altogether.

President Nixon is pursuing a schedule of gradual withdrawal of American forces coincident with the "Vietnamization" program. An army of at least a million men is being built up in South Vietnam in the expectation that the people there will be strong enough to defend their own country against further attacks. But even though it has been decided that practically all American troops will be taken out of Vietnam within the next two years, there are members of Congress who demand that this be done in a few months. Thus, more stimulus is given to the enemy.

When, for instance, the United States Army sent some servicemen in civilian clothes into Cambodia to recover two damaged helicopters, the Defense Department was promptly accused of violating a pledge that "combat" troops would not be ordered into that country. Some members of Congress persisted in charging that the Administration was breaking its promise and was "expanding the war."

The President of the United States is Commander-in-Chief of our armed services. He has announced that our troops will be withdrawn and that any measures necessary to protect them while they remain in South Vietnam will be taken.

Under the Constitution, the President has the right to direct the operation of the armed forces. Congress, on the other hand, has passed a law banning the use of funds for the maintenance of combat troops and advisers in Cambodia. But when recent incidents in Cambodia are examined in detail, it becomes evident that the law was not violated and that the exigencies of military tactics prompted the action.

It is most unfortunate that military strategy during a war should be criticized by members of Congress and the enemy be given the impression that the public is not supporting the armed services. The idea is conveyed that the United States is getting ready for a virtual surrender and will take no further interest in Southeast Asia.

President Nixon, however, intends to keep a residuary force in South Vietnam—just as the United States has done in South Korea—and it may remain there several years. Its presence will be a warning to North Vietnam not to commit further acts of aggression.

Meantime, the policies of the United States abroad have been hurt by those Senators and Representatives who have openly denounced their own Government. For five years, the executive branch has really been fighting two wars and, despite opposition at home, has won the admiration of thoughtful people in the free nations throughout the world.

[From the Washington Post, Feb. 8, 1971]

COURAGE OF A PRESIDENT

(By Joseph Alsop)

Anyone with on-the-spot knowledge of the long cherished aspirations of the Allied high commands in Saigon, can figure out the cause of all the recent commotion. If all goes well, the South Vietnamese are going to do what the Americans and South Vietnamese ought to have done four years and more ago.

In other words, South Vietnamese troops are going to try to cut the Laos trails near their point of origin, in the area of mountains and deep valleys across the Laos border from the Khe Sanh plateau. An air bridgehead will obviously have to be established inside Eastern Laos, to insure supply and local air support. This will also be needed as an

anchor position, from which to conduct operations against the Laos trails themselves.

The American role will be precisely what it has been in Cambodia since our ground troops withdrew from the sanctuaries. In other words, primarily because we have not given the South Vietnamese enough "assets" of their own, U.S. tactical aircraft, certain numbers of helicopters, and probably some transport aircraft, will be used to support the South Vietnamese forces on the ground.

If this is what in fact has been under preparation, it speaks volumes about the cool courage of President Nixon. To begin with, there is always an inherent risk in any such military operation. In recent months, to be sure, the North Vietnamese have regularly run away, or have been heavily defeated, whenever the South Vietnamese forces have taken the offensive. Yet the risk is still there, and it is real.

To go on with, a good many members of the President's own administration are more worried about upsetting Senator J. W. Fulbright, than they are concerned about the great interests of the United States. And Senator Fulbright and many of his colleagues, in turn, are downright eager to be proved right by an American defeat in war, and will loath being proved wrong by U.S. success in Southeast Asia.

The President's decision has been a lonely one, then. If we had given the South Vietnamese enough "assets", they could have done the job entirely on their own. But we failed to do so, so the President has had to decide.

As to the stakes in the game, they can only be described as beyond exact calculation. If the operation has been correctly described, in fact, and above all, if the operation succeeds, the effect on Hanoi's policy and warmaking potential can very easily be decisive.

The reasons for this should be obvious to anyone but some U.S. senators and the members of their claques. Last spring, please remember, the President's brilliant Cambodian gamble cut Hanoi's seaborne supply line, through Sihanoukville, which had long nourished all the enemy forces in the lower two-thirds of South Vietnam.

Now the obvious intent is to cut the other remaining supply line, from North Vietnam down over the Laos trails, and furthermore, to keep this line permanently cut. If this is done, the disaster for Hanoi can be measured by the frenzied efforts Hanoi has been making to build up and to expand the Laos trails' carrying capacity, ever since the Cambodian supply line was lost.

In January, for instance, Hanoi moved 8,000 tons of supplies into the Laos trail-pipeline. This was exactly twice the comparable supply movement of January a year ago. Again, this year's manpower movement down the Laos trails is estimated at 50,000 North Vietnamese troops of various types. And this, again, is twice the manpower movement of last year.

The result has been a very large concentration of North Vietnamese in Southern Laos and Cambodia. Every one of them is dependent for survival on the Laos trails. The enemy four divisions in Cambodia find food enough in the rich countryside. But they cannot really survive as military units without military supplies and replacements.

The 70,000-plus North Vietnamese soldiers, engineer troops and trail-maintaining coolies in South Laos, even need trucked-in food for survival. That is why 60 per cent of January's 8,000-ton supply movement was composed of truckloads of rice.

In sum, somewhere between 120,000 and 130,000 North Vietnamese are now threatened with the loss of their unique and irreplaceable lifeline. Every one of them is an invader and occupier. Every one of them is where he is today, in flagrant violations of Hanoi's most solemn treaty obligations. If those simple facts had been properly responded to four years ago, the war would have been over long since.

SENATORS COOPER AND CHURCH ON "FACE THE NATION"

Mr. CHURCH. Mr. President, Senator COOPER and I were privileged to appear yesterday on the CBS television and radio network program, "Face the Nation." The questioning focused on the continuing American role in the Indochina war. Among other things, we discussed a proposal to declare it our national purpose to achieve a full and complete withdrawal of all American Armed Forces—land, air, and naval—from Indochina, including all American prisoners of war.

I ask unanimous consent that the full transcript of the CBS program, "Face the Nation," be inserted here in the RECORD.

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

FACE THE NATION

(As broadcast over the CBS Television Network and the CBS Radio Network, Feb. 7, 1971)

Guests: Senator JOHN SHERMAN COOPER, Republican of Kentucky; Senator FRANK CHURCH, Democrat of Idaho.

Reporters: George Herman, CBS News; Peter Lisagor, Chicago Daily News; Marvin Kalb, CBS News.

GEORGE HERMAN. Senator Cooper, Senator Church, you are coauthors of an amendment designed to keep the war confined to South Viet Nam. South Vietnamese troops, with American air support, are now fighting in Cambodia, and according to this morning's dispatches possibly in Laos now, as well. Does either one of you now propose new Congressional action such as setting a final timetable for full American withdrawal from Indochina? Senator Cooper, first.

Sen. COOPER. No, I am not at this time.

HERMAN. Senator Church.

Sen. CHURCH. I think that these are options that we may come to, but the first thing I want to find out is what's going on out there.

ANNOUNCER. From CBS Washington, Face the Nation, a spontaneous and unrehearsed news interview with two members of the Senate Foreign Relations Committee, Senator John Sherman Cooper, Republican of Kentucky, and Senator Frank Church, Democrat of Idaho, co-sponsors of last year's Cooper-Church Amendment, limiting American military involvement in Cambodia. The Senators will be questioned by CBS News Diplomatic Correspondent Marvin Kalb, Peter Lisagor, Washington Bureau Chief of the Chicago Daily News, and CBS News Correspondent George Herman.

HERMAN. I think I will come back first once again to Senator Cooper, because I am interested in your sort of flat idea that you do not propose anything. Is it that you are not disturbed by what is going on, or is it that you think there is no rightful place for the Senate at this moment?

Sen. COOPER. Well, of course I'm disturbed, but—and I do not say that I will not yet propose some amendment and perhaps with Senator Church, but at the moment I think that we've gone about as far as we can, legislatively. Our chief influence will be in our debate and in our expressed opinions toward whatever is to happen in Cambodia, Laos and Viet Nam.

LISAGOR. Either one of you or both of you—your amendment, as well as everything else on the Hill, says that the President can do almost anything to protect American forces in Indochina. Under that umbrella, doesn't that invalidate every restriction that Congress may put upon the President?

Sen. CHURCH. No, Peter, I don't think so at all, because our Amendment, as it is written into law, simply says that no funds shall be available for the purpose of introducing American ground combat troops into Laos or into Cambodia, or for using American military advisers in Cambodia. There is no qualifying language; it's true that constitutionally the President may have some power as Commander-in-Chief to protect American forces against an immediate threat, or to undertake a rescue mission, or to make a probe, a quick probe, or something of that kind. But there is nothing in the law, nothing in the Cooper-Church Amendment, which would permit the sending of an American army into Cambodia again, as one was sent in last April and last May.

KALB. Senator Church, you mentioned a moment ago you wanted to find out what's going on. Well, you are both members of the Foreign Relations Committee. A little over a week ago you were briefed by the Secretary of State, you have access to the Administration—is this all being done in secrecy—shouldn't you know what is going on?

Sen. CHURCH. Well, yes, of course we should. John, you're first.

Sen. COOPER. Yes, I think——

Sen. CHURCH. John speaks for the administration.

Sen. COOPER. Well, I don't know, but I'll be glad to. I think that one of the problems now and will be the problem from now on with respect to Viet Nam is the attitude of trust between the Congress, particularly the Senate because of our special responsibilities, and the Administration. I think that is more important than anything else, and so I believe it is a duty of the President, the duty of the Secretary of State, to advise the Foreign Relations Committee, the leadership, and the Armed Services Committee. I think if we do that there will be greater confidence and trust in the purpose of the Administration to withdraw troops.

KALB. They haven't been doing that?

Sen. COOPER. Yes, in some degree, but we have not been advised about Laos or before about Cambodia.

Sen. CHURCH. I would say that we have been briefed but we are always one briefing behind. We get a description of everything that has gone on until the latest operation, and then we learn about the latest operation in the paper. Now, Secretary Rogers was in to brief the Committee just a week ago, yet he said nothing about the mass movement of troops up onto the Laotian frontier.

KALB. Why not?

Sen. CHURCH. Well, I just assume that he either chose not to as Secretary of State, or that he was under instructions not to make the disclosure.

LISAGOR. Senator Church, on this question of trust, the President has said repeatedly that he is getting out of Viet Nam, he is withdrawing troops, he has announced withdrawals, he's kept those promises. Why don't you trust him that he is getting out altogether? Why are you exercised about actions that appear designed in his language, and in the Defense Secretary's language, to facilitate the withdrawal of those troops?

Sen. CHURCH. Peter, I have never said that the President does not mean to come out of Southeast Asia. If he does really intend to do what he seems to be saying, namely, that he is going to turn the war back to the Vietnamese, through the orderly withdrawal of all American forces from Southeast Asia, and if he sticks with that, come what may, then I think that an opportunity is developing for ending this long and acrimonious debate over the war. I think that perhaps an opportunity is emerging for joining hawks and doves, Democrat and Republican, Congress and the President together, in a declara-

tion of national purpose to bring us out of this war united.

LISAGOR. What shakes your belief in that, then?

Sen. CHURCH. Well, the problem that many of the war critics have, the difficulty they have, is that so many believe that Vietnamization is simply a method for changing the modality of the war. In other words, many feel that while the President may be winding the ground war down, he's increasing and extending the air war, he's simply changing the form of American participation in a war that will go on indefinitely, and, indeed, in a war that is now extended to new fronts, in Cambodia and possibly in Laos.

LISAGOR. But the Congress eliminated the inhibitions against the air war in Cambodia. You had it in your original amendment, as I understand it, but in the conference it was eliminated. Why, Senator Cooper, was it taken out?

Sen. COOPER. It was taken out simply because the Congress wouldn't accept it, the House wouldn't accept it. I may—Frank, if I may, I'd like to say this, that I do believe the President intends the withdrawal of our forces, I believe that. I've talked to him, and I believe him, but beyond that I believe the facts show it; 165,000 troops have been withdrawn, and by May first it will be approximately, I think, 265,000 troops withdrawn, nearly half the troops. I believe also that—what—any kind of withdrawal, whether it's the one proposed fixing a date or the President's method, you'd have to use some operations to defend the withdrawal, such as going on now. Now, it seems to me the real problem is—I believe him—the real problem is—is whether, because of failure to consult, that others do not believe him, and so I think that's a question of trust. And I would hope that once—that the President would say I intend to withdraw all the troops, not just simply the ones that I promised, but I intend to keep up an orderly withdrawal, I'll withdraw all troops——

HERMAN. Including Air Force units?

Sen. COOPER. Yes, and I think that would clarify the situation and will be very helpful.

Sen. CHURCH. I not only agree with Senator Cooper in that regard but I feel that it would greatly strengthen the proposition to make it a joint declaration on the part of Congress and the President so that we could all understand what the end objective is. You see, you, Peter, mentioned what's the trouble—why the continued distrust and the continued debate over the war. I think the trouble is that there are so many similarities in our present involvement in Cambodia, with earlier phases of our involvement in Viet Nam. It's kind of like stepping out into a quagmire. Of course, no one questions the good intentions or sincerity of the President—I certainly do not—but I didn't question the good intentions and sincerity of previous Presidents. Now you can step out into a quagmire and say you are only going to sink to your ankles, and then when you sink to your knees you can say you are only going to sink to your hips, but when you get up close to your chin, then you get worried about losing face, and pretty soon you're saying that we can't afford a setback in Cambodia, and the next thing you know we're in Cambodia and it has become another Viet Nam.

HERMAN. I think that is the prime question which I'm not sure we have yet tackled all the way, and that is—is this withdrawal, is this pullout, to be unconditional? Will we withdraw all forces from Viet Nam if Cambodia goes communist, if Laos goes communist, if Vietnamization does not seem to be working? In other words, I think this was implicit in—when you said if the President continues. The question is, will he, and will you, accept a pullout which amounts to—whether disguised or not—a defeat?

Sen. COOPER. May I respond to that? First, I see somewhat—I see a distinction between the operations under President Johnson's administration and this administration. And I do not say this because of any partisanship, but it was continually an escalation under President Johnson's administration, except the stopping of bombing. Now on one hand, we are having military operations in Cambodia, and I believe—I believe the facts show that there'll probably be operations in Laos.

But on the other hand, troops are being withdrawn. So I think that is the distinction. Let me say this, and I'll be very brief. My belief about the President's authority under these circumstances is this. The Tonkin Bay Resolution was repealed by the Congress. I do not consider he has any authority to fight for Cambodia, or for Laos, unless the Congress gives him that authority. He does have authority to use military operations to continue to withdraw our forces.

And that's the reason I say I believe with Senator Church, if we have a declaration that he will continue without any—any—any cause that would restrict him, to withdraw our forces, simply protect them as we withdraw. If he'd come to Congress if it became necessary to do anything else, I think it would clear the air; I think it would be immensely helpful.

HERMAN. Senator, I'm not sure I understand you. You would be in favor of pulling out, as I gather it, even if there were a defeat in store for United States aims?

Sen. COOPER. Yes, if the President feels that we should do more than that, then he can come to the Congress. That's—that's what we've been saying. That's what Senator Church and I——

HERMAN. I think we just have to give Senator Church a chance to——

Sen. CHURCH. Let me say that my answer to that is, it has always been, clear. I think there's nothing more we can do for them out there. We've been there five years; we've substituted our army for theirs to defend South Viet Nam. We've armed a million men and trained them. They're five times as numerous and five times as strong as the enemy in the field against them. There comes a time when this force has got to take over, and if there isn't the spirit there with such a numerical and military advantage, then there's nothing we can do. We can't stay there indefinitely and protect that country with our soldiers.

KALB. Do you—do you really believe, Senator, that this administration, or any—GOP, Democratic—could accept a visible American defeat in Indochina after having invested this much blood and treasure—these many years?

Sen. CHURCH. Marvin, if we're going to undertake to maintain an empire in the world, and to fight wars in distant countries way out on the periphery, then we've got to learn what the British learned long ago, that there are some reversals that are necessary to take. When a war becomes irrational, when the costs of war go out of all proportion to any benefits that can occur, then you've got to face up to the reality of the situation and make your adjustment.

LISAGOR. Well, Senator, it seems to me you're talking about an unreality, not a reality, because President Nixon has said repeatedly that he does not plan to preside over a defeat in South Viet Nam. And in that connection, have you discussed with the administration at all this joint declaration that you've been talking about here?

Sen. CHURCH. Well, I don't think that this declaration Senator Cooper and I have discussed has been formalized to that degree. But regardless of how the President may phrase it, he has said that we are coming out of the war. That means that there will come a time, Peter, sooner or later, when it's going to be up to the Vietnamese to defend their country, when it no longer will be an American responsibility.

I think the American people are ready, and have long since been ready, to accept that fact. And so if we can be clear that the overriding objective is the orderly withdrawal of our troops and the transfer of the war back to the Vietnamese, then I think the American people would be prepared to say they are willing to live with the consequences. We'll not leave them naked in front of the enemy, but immensely strong. And if they have the spirit to fight for their country, they can defend their country, and they can save their country.

KALB. Well, in this connection Senator, do you feel that the United States should now be providing air support to South Vietnamese units, even in small numbers at this stage, in Laos?

Sen. COOPER. I have no problems at all with it, if it's—if it's meant to protect—interdict supplies and men coming down the Ho Chi Minh Trail to supply the enemy. That's a perfectly good operation militarily, and I don't see anything in the law that prohibits it. I do say that there's a great danger in it. If you move troops in there and stay there, and as Senator Mansfield said, perhaps influence Thailand to get in there, it poses a great danger. That's the reason I say that I hope the President—I believe he will carry out that principle—and know that I believe the only authority he has is to protect our troops. Nothing else.

KALB. But about a month ago—about a month ago you said yourself that when similar American air operations for South Vietnamese units in Cambodia were taking place, that that was a violation of the spirit of the law—your own amendment. Now if this happens in Laos, what's the difference?

Sen. COOPER. Well, let me say—I did say that and I said it on the basis of the reports I'd read in the newspaper. I was later briefed on what had happened, and it was an interdiction of supplies from the seaport. Upon that basis I had to say that I'd been wrong in what I said. But I'm still insisting that that is the only right that we do have—is to interdict supplies and men coming down these trails. If it goes beyond that, and to the support of either Cambodia or Laos, it's gone beyond not only the purpose of our amendment; it's gone beyond, I believe, the constitutional powers of the President. And I'd be happy to say so.

Sen. CHURCH. Marvin, didn't you see in the paper just yesterday a big sign that was apparently on the border of Laos saying American personnel goes no further—or go no further——

KALB. On the ground.

Sen. CHURCH. On the ground. Well, that is a result of the Cooper-Church Amendment. I'm glad it's in the law. The law now prohibits the extension of our involvement on the ground in Indochina into either Laos or Cambodia or Thailand. I'm glad the law stands that way. But there is no prohibition written into the law relating to air operations. I have to confess that. It's the truth.

KALB. And Senator Cooper acknowledges that——

Sen. COOPER. But the whole scope of the debate in our amendment was to keep saying we shall not get engaged in a war in Cambodia or Laos, and that spirit still persists.

LISAGOR. So you—both of you senators accept the idea that an immaculate war can be fought in Cambodia and Laos through the use of air power. And in connection with my question, I'd like to remind you that the prisoners-of-war in North Viet Nam are basically fliers who had been flying over North Viet Nam. Do you believe, as the administration seems to be, that you can reduce this to an air power operation?

Sen. CHURCH. I don't think either one of us has said that here.

LISAGOR. But you've——

Sen. CHURCH. No, I think what we've said is that the law, as it now stands, does not prohibit the use of air power, and as I understood Senator Cooper, he said he thought air power could be used properly, under the present circumstances, only in connection with the interdiction of supplies that feed into South Viet Nam. Now that's quite a different thing from saying that we have testified in favor of the immaculate use of air power in Cambodia and Laos.

LISAGOR. But the administration, Senator, is using the argument that they are protecting American forces; if you'll forgive me, that's the argument they constantly use. It isn't so much interdiction as protecting American forces. Senator Cooper, in the debate you said we have forces in Japan, in Germany, in Thailand, in Formosa and other places; so the President could, in the name of protecting forces, involve us in all kinds of little piecemeal wars, could he not?

Sen. COOPER. Of course he could, and I've never approved that, and I've never said it. And I haven't said it here today. I've simply said that the President, in my view, not only by any amendments but constitutionally, is limited to the withdrawal of our troops. And he cannot—he can use air operations for limited purposes, to interdict men and supplies, but in my view not all over Cambodia and Laos, and not put troops in there.

And there is a distinction; it's terribly hard to make it, because anything you do in those countries is bound to have some influence to protect them. But as long as the President adheres to his purpose, that's the reason I think he ought to say so. I think that he could stay on valid grounds.

HERMAN. Do you believe still, in the light of all the evidence, in the light of what Senator Stennis said after his briefing by Secretary Laird, that it might be—you remember, he said it might be necessary to relax Cooper-Church to allow in some ground controllers into Cambodia. Do you still believe that our planes in Cambodia are doing only interdiction and no close support work of the Cambodian forces?

Sen. COOPER. I agree with it on the briefing I had about the movement up Route Four—they were certainly doing some close support, but again it was the interdiction of this single route. Now, I know it's difficult to make a difference. It really depends upon what faith we have in the President, it depends upon his adherence to not only the letter of the law but the spirit of the law, and I think we have to give it a chance, at least until May first when he's going to withdraw troops, to see what actually happens.

KALB. Senator, the administration makes no secret of the fact that it is providing close-in air support. The Secretary of State said at his last news conference the United States will provide to the fullest extent possible air support.

Sen. CHURCH. Marvin——

KALB. This seems to be an artificial distinction.

Sen. CHURCH. Marvin, this is the reason for the continuing concern about the war. It's not the question of whether the law restricts the use of air power—I think clearly it does not—now that's clear. But the question is how far can you go with the use of air power without committing American prestige in such a way that, despite all the good intentions, we don't sink in that quagmire I spoke of a few minutes ago, that we don't end up sinking in it. Now that's a very grave risk, and that's why those who have opposed the war, those who have thought, as I have thought for years, that the war was a mistake, are terribly concerned when the boundaries of the war keep being extended further and further into Indochina. But this could be—our doubts could be set to rest, I think. An opportunity is present in this year, in this 92d Congress, to lay the doubts, if the President is willing, on the one hand, and the Congress is willing, on the other, to join in a declaration that our overriding purpose is to come out of this war, to withdraw our forces, all of them, and I think if that is the end purpose and we are clear on that, we might come out of this war together instead of a bitterly divided country, and we might avoid a period of recrimination of the kind that took place in the aftermath of the war in Korea. We might avoid a new period of Joe McCarthyism in this country, if we could find a way to come out together.

LISAGOR. Would you put a date on it, Senator?

HERMAN. I was just going to say—I'll join my question to yours, Peter—that's a lot of mights—will you put a date on it and do you see it in prospect or any movement towards that?

Sen. CHURCH. Of course, it's a lot of mights, but it is a very big thing to hope for and to work for; nothing comes easy that's worthwhile; and I just see an opportunity for doing this. Now, if it's there, then let's see if we can't find the way to put hawk and dove together again on one perch and unite the country on a common policy for coming out of this war.

LISAGOR. But we didn't——

Sen. CHURCH. What could serve the country better than that?

LISAGOR. But on the question of dates, Senator, would you put a date on this?

Sen. CHURCH. I don't think the Congress will legislate a date. In the first place, the President has refused to give his consent to that kind of legislated date. In the second place, it really doesn't matter that much. If you took all of the bills that came to Congress setting dates last year and put them in a sack and jumbled them up together and threw them out on a table, the average date you would have come up with would not have differed very much from the actual pace of withdrawal, 3,000 men a week, that has been going on for the past 18 months. So I think that the most important thing is to be clear on the end objective, and then as long as the President makes reasonable progress, at the same rate as the last 18 months, let's say, I think the American people would be willing to accept it as long as they know that the end purpose is to bring us out of this war.

KALB. Senator Cooper, I'd like to direct your attention to another foreign policy problem in the Middle East.

Sen. COOPER. Yes.

KALB. The State Department has just said that this Friday, this coming Friday, the Big Four in New York will begin discussions of supplementary guarantees to a possible peace in the Middle East, and that obviously means a peace-keeping force. Would you favor American troop participation in a Big Four peace-keeping force in the Middle East?

Sen. COOPER. I would say if we could reach some agreement in the Middle East which would show promise of a settlement and avoid the confrontation that might occur between the U.S. and the Soviet Union, yes, I would.

HERMAN. But if that wasn't—does not seem just a temporary, better than nothing, but not really promising final solution, would you agree to it as a temporary expedient?

Sen. COOPER. Yes, because if war breaks out again, and with the expansion of aid that's been given to Egypt, and the change that's been made, I think it would be a very deadly war, not only for the countries involved, Israel, but for the countries—the possibility of the United States and the Soviet Union coming into conflict.

LISAGOR. Senator Cooper, do you see no inconsistency in wanting to withdraw American troops from Indochina, all of them, and get them out as soon as possible, and being willing to support a possible involvement of American troops on the ground in the Middle East?

Sen. COOPER. That's for peaceful purposes in the Middle East. We're in a situation where we might become involved anywhere in the Middle East. I don't want us to be involved.

LISAGOR. All of our involvement is in the interest of peace, Senator, I've never heard one yet that hasn't been.

Sen. COOPER. This would be a peace-keeping mission, and I certainly want to make a difference between that and—I hope—for a moment I'll go back to Viet Nam. I know you've raised questions about contradictions and all that. I can simply say that I believe that we are withdrawing, the rate of the casualties has gone down, the cost has gone down. It's a hopeful sign. On the other side, if the Congress and myself, as a member of the Senate, and Senator Church, we intend to speak out against anything beyond the immediate defense of troops and to withdraw. I do.

HERMAN. We have about 40 seconds left. What I'd like to know is do you see Congress and the President drawing closer together or getting more entangled in loopholes and arguments?

Sen. CHURCH. That depends upon the course that both sides are willing to take. I see a possibility for our coming together and coming out of this war united, and a possibility of negotiating an end date for doing it that would accomplish the release of our prisoners of war.

HERMAN. I'd like more a prophecy than a possibility. Do you think it's going to happen?

Sen. CHURCH. I live with hope.

HERMAN. You live with hope. Senator Cooper, do you think that Congress and the United States are coming—and the President are coming closer together?

Sen. COOPER. I think it can if we believe each other, and if each side acts toward each other with openness and faith and trust.

HERMAN. Thank you very much, Senator Cooper and Senator Church, for being with us here today on Face the Nation.

ANNOUNCER. Today on Face the Nation, Senator John Sherman Cooper, Republican of Kentucky, and Senator Frank Church, Democrat of Idaho, were interviewed by CBS News Diplomatic Correspondent Marvin Kalb, Peter Lisagor, Washington Bureau Chief of the Chicago Daily News, and CBS News Correspondent George Herman.

DEFOLIANTS IN VIETNAM

Mr. CHURCH. Mr. President, in recent weeks two disturbing articles have appeared in the American press on the possibility that military defoliants widely used in Vietnam by American military forces have contributed to the deaths of innocent Vietnamese.

On December 31, 1970, an account appeared in the Los Angeles Times which indicated that "90 infants and young children reportedly died in a 4-month period in a Montagnard refugee hamlet in South Vietnam that had been sprayed with a defoliant."

On January 28, 1971, a more comprehensive article on the same incident appeared in the Village Voice of New York City.

Both accounts were written by Los Angeles Times' Correspondent Bryce Nelson and are based on information stemming from the Herbicide Assessment Commission of the American Association for the Advancement of Science.

Mr. President, the articles give a shocking account of a grisly harvest in

human life that may well have resulted from our reckless use of defoliants.

The articles deserve a reading by every Senator. Accordingly, I ask unanimous consent that they be printed at this point in the RECORD.

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

[From the Los Angeles Times, Dec. 31, 1970]

DEATHS OF 90 VIET CHILDREN AFTER USE OF DEFOLIANT TOLD

(By Bryce Nelson)

CHICAGO.—Ninety infants and young children reportedly died in a four-month period in a Montagnard refugee hamlet in South Vietnam that had been sprayed with a defoliant, it was learned Wednesday at the American Assn. for the Advancement of Science meeting here.

The group's herbicide assessment commission, which visited the hamlet in August, 1970, is trying to determine if there is a link between the deaths and spraying in 1969.

The commission is now examining hair samples of mothers from the hamlet and others near the scene of the spraying. It has not yet made any determination about whether the spraying of herbicide near that hamlet actually caused the deaths of the 90 children.

The hamlet, the name of which is not available, originally had a population of about 350. It is located in Quang Ngai province.

DEATHS NOT MENTIONED

The commission issued a report on the effects of the military use of herbicides in South Vietnam on Wednesday, but made no mention of its investigation of whether herbicides were causing the deaths of humans.

The spraying, which was believed to have been done with the herbicide "Blue" which contains arsenic, was designed to kill crops being grown on nearby hillsides. But some apparently reached a nearby pond from which villagers take their water.

The Army spraying program in South Vietnam has gone on intensively for the last five years to eliminate forest cover and to destroy crops believed to be used to feed the Viet Cong or Viet Cong sympathizers.

The U.S. government has consistently maintained that these defoliants affect plants only.

In a not-yet released commission document on interviews prepared with those in Vietnam who believe themselves affected by spraying, the following notation is found: "Ninety people (20% of the population) have died here in four months, most of them in the period of last September to last December from exposure to spraying and drinking water contaminated with herbicide after spraying operations last September and October. Airplanes flew over here spraying directly in this village. People were affected even though they carefully boiled the water . . . but the fact that proved that these people died due to herbicides is that the deaths did not continue long after the planes no longer sprayed. Personnel of the Provincial Health Service also believe that people died here due to herbicides."

One of the reasons that the commission did not make any judgment on this case is that the group also received reports from Vietnamese who were not adversely affected by direct applications of herbicides.

Wednesday the 530-man AAAS council with six dissenting votes, passed a resolution calling for the immediate discontinuation of all herbicides in Vietnam.

TU MY'S CHILDREN: DEATH BY DEFOLIATION?

(By Bryce Nelson)

Ninety infants and children in the South Vietnamese hamlet of Tu My are reported to have died in the autumn of 1969 after U.S. aerial spraying of the herbicide "Blue" on the hamlet and the pond from which the villagers drew their water supply.

The Herbicide Assessment Commission for the American Association for the Advancement of Science (AAAS) visited the hamlet in August of 1970 and ascertained that children had died in the hamlet. The Commission is currently conducting scientific studies of hair from mothers in the hamlet to determine if arsenic (the main active ingredient of "Blue") is present. The U.S. military continues extensive use of the herbicides "Blue" and "White" in South Vietnam and Laos.

Since the Commission has made no scientific determination yet whether the herbicide spraying actually caused these deaths, it did not mention this incident in its widely publicized report on the military use of herbicides which it presented at the AAAS meeting in Chicago in late December. But the facts that the Commission is conducting such an investigation and that a large group of children may have been killed by U.S.-applied herbicides are largely unreported by the press.

Tu My is a Montagnard refugee camp located a few miles from Quang Ngai in an area controlled by the South Vietnamese government in Quang Ngai province (the same unfortunate province which contains My Lai). The spraying is believed to have been ordered to kill crops grown on adjacent hillsides.

The Army has sprayed intensively in South Vietnam for the past half dozen years to eliminate forest cover and to destroy crops which are believed to be used by the Vietcong or Vietcong sympathizers. The U.S. government has long asserted that the defoliants affected only plants, not humans, and has not given credence to NLF claims that 200 South Vietnamese are killed annually by herbicides.

A not yet released Commission document containing interview material with Vietnamese contains the following notation: "Ninety people (20 per cent of the population) have died here in four months, most of them in the period of last September to last December, from exposure to spraying and drinking water contaminated with herbicide after spraying operations last September and October. Airplanes flew over here spraying directly in this village. People were affected even though they carefully boiled the water. . . . But the fact that proved that these people died due to herbicides is that the deaths did not continue long after the planes no longer sprayed. Personnel of the Provincial Health Service also believe that people died here due to herbicides."

One of the Commission members who visited the affected hamlet, Harvard Medical School Professor John Constable, points out that "from a political point of view, it is of great importance that people in Vietnam think their friends and relatives have been killed by herbicides, even if it is not scientifically provable."

The Quang Ngai hospital ordinarily admits only a couple of persons a month from the Tu My area, Constable said, but in November and December of 1969 it admitted 36 children; at least 10 of these are believed to have died. Constable rules out the possibility that the children were suffering from dengue. The children were admitted to the hospital with such diagnoses as gastric disorders, pneumonia, infection, malaria, diarrhea, and anemia. Tu My residents told the Commission that people and animals drinking the water and animals eating grass (such as water buffalo) were affected after the spraying. Constable said the Commission was not able to find other evidence of large group epidemics which might be related to herbicides, although the Commission did receive reports of adverse effects on small numbers of individuals in other locations. One of the reasons the Commission did not make any judgment on the Tu My deaths is that it also received reports that applications of herbicides had not affected humans in some other locations. Constable noted that the Commission had tried to be "very cautious" in stating its scientific conclusions. (Reactions to herbicide spraying could depend on a variety of factors, including the agent used, the size of the dosage, the method of ingestion, and individual tolerance to the chemical.)

In the Commission document, prepared from interview material, are several comments from Vietnamese who believed that spraying caused deaths in their villages. One mother stated "Two of my children died after eating manioc exposed to herbicide, which went gradually into their livers and blood." Another said, "My son was three years old and died in November. He seemed drunk because of the medicine sprayed by an airplane." In another location, a Vietnamese stated: "Two people died here from drinking water contaminated by a herbicide two years ago."

The Commission was hampered in assessing the actual damage done because the areas most affected by herbicides are under Vietcong influence and thus unsafe to visit. In the Commission's report, Dr. Constable pointed out that the rate of stillbirths among humans in Tay Ninh province (which the Commission did visit) was much higher than that reported elsewhere in Vietnam. Tay Ninh province has been heavily sprayed with Agent "Orange," one component of which is 2,4,5-T. The U.S. government banned use of "Orange" in Vietnam in April, six months after it was publicly revealed that large doses of 2,4,5-T caused much higher incidences of birth defects in mice and rats. The Commission report noted that the highest rate of stillbirths in Vietnam was in 1967, the year of maximum herbicide spraying.

The Commission report pointed to an unusual increase in two birth defects—cleft palate and spina bifida (incompletely enclosed spinal cord)—recorded at a Saigon hospital. The Commission said there was no scientific proof that herbicides had caused such defects but urged further study of possible causal connections including a "careful autopsy of monsters and other stillborns" and of those with congenital abnormalities who died.

Without being informed by the Commission of the possibility that herbicides may be connected to the deaths of humans in Vietnam, the 530-member Association for the Advancement of Science Council still passed, with only six dissenting votes, a resolution recommending immediate discontinuation of the use of all herbicides in Indochina. It would have been unthinkable for the AAAS Council, a cautious and conservative body, to have passed such a resolution a couple of years ago. The resolution stated that "there is now strong evidence that the anti-plant chemicals used for defoliation and crop destruction in Vietnam have seriously damaged the ecology of that country and may be a serious threat to the health of the Vietnamese people and particularly to the health, livelihood, and social structure of Vietnam's hill tribes (Montagnards)."

It now seems clear that the U.S. military began large-scale defoliation in Vietnam without knowing much (or perhaps caring) about the effect of massive applications of herbicides on humans, on other animals, or even on forests and crops. There has been some indication that the White House will order a halt to spraying in Vietnam when existing stocks are depleted, but this is hardly soon enough for the Vietnamese civilian who feels his family's health will be ruined by continued spraying.

The only way the United States can escape the repeated charges that its use of herbicides is killing Vietnamese children and is doing catastrophic harm to the ecology of Vietnam is to stop spraying *now*.

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business, with statements therein limited to 3 minutes, be extended for not to exceed an additional 15 minutes.

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

Is there further morning business?

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

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, immediately upon the conclusion of the remarks of the able Senator from Oklahoma (Mr. BELLMON), there be a period for the transaction of routine morning business of not to exceed 30 minutes, with statements therein limited to 3 minutes.

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

ORDER FOR RECESS FROM CLOSE OF BUSINESS TOMORROW UNTIL 11:45 A.M. WEDNESDAY, FEBRUARY 10, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until 11:45 a.m. on Wednesday next.

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

ORDER FOR RECOGNITION OF SENATOR AIKEN ON WEDNESDAY

Mr. BYRD of West Virginia. I ask unanimous consent that upon approval of the Journal on Wednesday morning next, if there is no objection, and following the recognition of the majority and minority leaders, the able Senator from Vermont (Mr. AIKEN) be recognized for not to exceed 15 minutes.

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

ORDER FOR RECESS FROM WEDNESDAY TO THURSDAY, FEBRUARY 11, 1971

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Wednesday next, it stand in recess until 12 o'clock meridian on Thursday.

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

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ADDITIONAL STATEMENTS

ADOPTION OF RULES BY COMMITTEE ON APPROPRIATIONS

Mr. ELLENDER. Mr. President, pursuant to section 133(b) of the Legislative Reorganization Act of 1946, as amended, the Committee on Appropriations, at its organizational meeting held today, adopted rules governing the committee's procedures.

I ask unanimous consent that the text of the committee rules, as adopted, be printed in the RECORD, as required.

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

RULES GOVERNING THE PROCEDURE OF THE SENATE COMMITTEE ON APPROPRIATIONS, ADOPTED PURSUANT TO SECTION 133(b) OF THE LEGISLATIVE REORGANIZATION ACT OF 1946, AS AMENDED

1. MEETINGS

The Committee will meet at the call of the Chairman.

2. QUORUM

a. *Reporting a bill.* A majority of the members must be present for the reporting of a bill.

b. *Other business.* For the purpose of transacting business other than reporting a bill or taking testimony, one-third of the members of the Committee shall constitute a quorum.

c. *Taking testimony.* For the purpose of taking testimony, other than sworn testimony, by the Committee or any subcommittee one member of the Committee or subcommittee shall constitute a quorum. For the purpose of taking sworn testimony by the Committee three members shall constitute a quorum, and for the taking of sworn testimony by any subcommittee one member shall constitute a quorum.

d. *Ex officio members.* In determining if a quorum is present ex officio members appointed pursuant to paragraph 5 of Rule XVI of the Standing Rules of the Senate shall not be considered.

3. PROXIES

Votes may be cast by proxy when any member so requests.

4. ATTENDANCE OF STAFF MEMBERS AT EXECUTIVE SESSIONS

Attendance of Staff Members at Executive Sessions of the Committee shall be limited to those members of the Committee Staff that have a responsibility associated with the matter being considered at such meeting. This rule may be waived by unanimous consent.

5. BROADCASTING AND PHOTOGRAPHING OF COMMITTEE HEARINGS

The Committee or any of its subcommittees may permit the photographing and broadcast of open hearings by television and/or radio.

6. AVAILABILITY OF SUBCOMMITTEE REPORTS

When the bill and report of any subcommittee is available, they shall be furnished to each member of the Committee twenty-four hours prior to the Committee's consideration of said bill and report.

7. POINTS OF ORDER

Any member or ex officio member of the Committee who has in charge an appropriation bill, is hereby authorized and directed to make points of order against any amendment offered in violation of the Senate rules on the floor of the Senate to such appropriation bill.

THE PRESIDENT'S ENVIRONMENT MESSAGE

Mr. SCOTT. Mr. President, today we received from the President the most comprehensive set of proposals for the protection and enhancement of the Nation's environment ever made to the Congress. There was a forecast of this in the state of the Union message when the President listed restoration and enhancement of our natural environment as the third of his six great goals. But nothing said previously does justice to the broad sweep of the measures placed before us today.

Rather than describe these proposals, I draw attention to just the main categories of initiatives in the message:

MEASURES TO STRENGTHEN POLLUTION CONTROL PROGRAMS

Charges on sulfur oxides and lead to supplement regulatory controls on air pollution;

More effective control of water pollution through a $12 billion financing program and strengthened standard-setting and enforcement authorities;

Comprehensive improvement in pesticide control authority; and

A Federal procurement program to encourage recycling of paper.

MEASURES TO CONTROL EMERGING PROBLEMS

Regulation of toxic substances;

Regulation of noise pollution; and

Controls on ocean dumping.

MEASURES TO PROMOTE ENVIRONMENTAL QUALITY IN LAND USE DECISIONS

A new and greatly expanded open space and recreation program, bringing parks to the people in urban areas;

A national land use policy;

Adjustments in our tax policy to foster our land use goals;

Substantial expansion of the wilderness areas preservation system;

Advance clearance of power plant sites; and

Regulation of strip mining.

FURTHER INSTITUTIONAL IMPROVEMENT

Establishment of an environmental institute to conduct studies and recommend policy alternatives.

STEPS TOWARD A BETTER WORLD ENVIRONMENT

Expanded international cooperation; and

A World Heritage Trust to preserve parks and areas of unique cultural value throughout the world.

This strong and far-reaching message demonstrates the wisdom of the strengthened arrangements in the environment area the administration has

made in the last 12 months. The President used the Council on Environmental Quality effectively to draw together this legislative program and the new Environmental Protection Agency gives us the base we need for the new and expanded programs proposed for the control of pollution in many forms.

I have personally been delighted with the excellent appointments made by the President to head these agencies—Mr. Russell Train as Chairman of the Council on Environmental Quality and Mr. William Ruckelshaus as Administrator of the Environmental Protection Agency—and I will do everything I can to help give them the support they will need in their assignments.

The 15 or more legislative items listed in the President's message will call for careful consideration and recommendations by six or more of our committees, including Public Works, Commerce, Interior, Agriculture, Finance, and Foreign Relations, again illustrating the broad sweep of the recommendations. I invite Senators to give early attention to the issues involved for there is ample evidence that the country will expect decisive action this year in this area. I anticipate both that we will have constructive contributions to make and that these contributions will come from both sides of the aisle.

But what is important for us all and for the Nation is that the President in today's environment message has set before us an agenda that is on the same scale as the problems, that has some very important innovations, and that gives hope of turning the corner on the pressing problems of pollution and degradation of the environment. I am most interested in the proposals to use market forces to abate pollution—as with the taxes on sulfur oxides and lead in gasoline—to use Government contract policy to promote recycling, to strengthen State powers over land use to protect the environment and guide development, and toxic substances such as mercury, and ocean dumping.

to head off emerging environmental problems such as noise, pollution from

I congratulate the President and his associates on the broad vision of this message and commend it to the Senate, to the country, and to a world that is increasingly coming to view the problems involved as we view them.

SENATOR ROBERT C. BYRD COMMENDED FOR AID TO YOUTH

Mr. RANDOLPH. Mr. President, many of the columnists commenting on the recent election of my colleague, Senator BYRD, Democrat, of West Virginia, to the post of Senate majority whip resorted to stereotypes. They depicted him as a coldly efficient, totally dedicated worker, and devoid of warmth and humor. We in the Senate will agree with the former descriptions, but those of us who know Senator BYRD will take issue with the latter. It is, therefore, gratifying to see that the Washington Post, in its Sunday, February 7 edition, published an article which displays another facet of the West Virginia Senator's makeup. It is a human story involving an American University student, Miss Scarlet Cheng, who with the help and encouragement of Senator BYRD is assured of the opportunity for a college education. I commend Dorothy McCardle for seeking out such human interest material. Mr. President, I ask unanimous consent that this article be printed in the RECORD.

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

SENATOR'S STUDENT

Sen. Robert C. Byrd (D.-W. Va.) was called off the floor of the Senate a few days ago to get a first-hand report from an 18-year-old Chinese girl on her marks at American University.

"I received three A's and two B's for the first semester of my freshman year," Scarlet Cheng told the newly elected majority whip of the Senate.

Sen. Byrd patted her shoulder as approvingly as if she were one of his own daughters. Actually, he is the parental figure in her life today and is keeping a promise he made to Scarlet's late mother to send the young girl through college.

Sen. and Mrs. Byrd first met Scarlet and her mother several years ago when they visited Chinese restaurants in Shirlington and then in Vienna. Later they saw more of Scarlet when she was a straight A student at the Vienna, Va., public school.

Four years ago Scarlet's mother was told she had terminal cancer and decided to go home to Taiwan to die.

As she and Scarlet boarded their plane, they received a letter from Sen. Byrd. In it, he pledged to send Scarlet to college if she did well in the American high school in Taipei and if she agreed to go to American University here.

Sen. Byrd has a special feeling for American University. He got his law degree with honors there in 1963.

After Scarlet's mother died, she notified Sen. Byrd and he established a scholarship fund for her as he had pledged to her mother. He used fees which he received for conducting seminars on the legislative process at American University and also from lectures he gave around the country.

The scholarship established by Sen. Byrd is for tuition of $2,000 a year for four years.

Two years ago when a pay raise went into effect for all U.S. senators—Byrd voted against the raise—the Senator established another philanthropy. He sent word to public and parochial high schools in West Virginia that he would use his pay raise to give every high school valedictorian in his state a $25 U.S. Savings Bond annually.

PRESERVATION OF WETLANDS RESOURCES

Mr. SPONG. Mr. President, competition among the many, often incompatible uses of our coastal lands, poses a growing threat to our basic ecology. Thousands of acres of tidal wetlands already have been lost to the advance of housing and industrial developments, dredging operations, and garbage and trash dumps. I believe there is a strong national interest in safeguarding the wetland resources that remain; for that reason, I recently submitted testimony against a proposal to fill marshlands near Big Point Marsh on the Chickahominy River in James City, Va.

Mr. President, I ask unanimous consent to have printed in the RECORD my statement at a hearing before the Corps of Engineers on this project.

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

STATEMENT OF SENATOR WILLIAM B. SPONG, JR.

Mr. Chairman, I regret that another commitment prevents me from being present for your hearing today on an application to dredge two channels and three canals, and fill marshlands near Big Point Marsh in the Chickahominy River in James City County. While I cannot attend the hearing, I have expressed concern on several occasions over the rapid destruction of the nation's wetlands, and believe that the issuance of a permit for the project in question would amount to a refutation of the national commitment to preserve these valuable resources.

Competition among the many, often incompatible uses of the coastal region poses a serious threat to our basic ecology. Thousands of acres of tidal wetlands already have been lost to the advance of housing and industrial developments, dredging operations, and garbage and trash dumps. It is in the public interest to safeguard our remaining wetland resources from the kind of environmental devastation that accompanied the exploitation of our land resources.

There is ample precedent for denying the pending application. Only eleven months ago, the Department of the Army directed the Chief of Engineers to revoke a permit issued for a landfill project at the mouth of Hunting Creek in Northern Virginia. That decision was based on a judgment that continuance of the permit—and the subsequent construction of high-rise structures—would change the characteristics of the environment, adversely affect fish and wildlife of the Potomac estuary, and make it difficult if not impossible to restore the area to a more natural condition.

Conflicting testimony was submitted to the Corps of Engineers on the impact of the Hunting Creek landfill on aesthetic, and fish and wildlife values. There is no such conflict in the pending application. Both the Bureau of Sport Fisheries (Fish and Wildlife Service), and the Department of the Interior, have concluded that the loss of 48 acres of Chickahominy wetlands would be detrimental to the natural reproduction of shellfish, finfish, bird, and animal populations in the area. It is my understanding that the Virginia Institute of Marine Science is in accord with that finding.

The Corps of Engineers, prior to issuing a permit, is required by the Fish and Wildlife Coordination Act to consult with the U.S. Fish and Wildlife Service with a view to the conservation of wildlife resources. However, in my judgment, the Corps' responsibility extends beyond such consultation. The factors to be considered by the Corps in applications of this type are ably set forth by Mr. Robert E. Jordan, III, Special Assistant to the Secretary of the Army for Civil Functions, in a letter dated April 2, 1970, to Senator Jennings Randolph, Chairman of the Senate Public Works Committee. Mr. Jordan said:

"Presently our permit regulations include requirements for specific evaluation of the effects of proposed non-federal works not only on navigation, but fish and wildlife, water quality, conservation, pollution, aesthetics, ecology and other environmental factors; in other words, all relevant factors pertaining to the public interest in environmental quality."

The policies set forth by Mr. Jordan in his letter to Senator Randolph recently have been confirmed by the United States Fifth Circuit Court of Appeals (*Zabel* v. *Tabb*, 430 F 2d 199 (5th Cir. 1970).

In deciding that the Corps of Engineers should not limit its consideration of permit applications to possible interference with navigation, the Court cited the National Environmental Policy Act of 1969 and a March,

1970, report of the House Government Operations Committee, in addition to the Fish and Wildlife Coordination Act. The Court held there is no doubt that a permit can be denied on the grounds of conservation, even absent any effect on navigation.

Subsequent to the decision in *Zabel* v. *Tabb*, the Senate Public Works Committee expressed an intent to review early in the 92nd Session of Congress the basic statutory authority of the Corps of Engineers. A primary purpose of the review is to determine whether the Corps' authority should be revised to give greater emphasis and a more adequate formula for incorporating environmental values into decisionmaking.

In view of the important role of wetlands to the food chain for marine life, it is imperative that Virginia develop procedures to cope with the impending confrontation between economic development and the need to preserve its coastal resources. Efforts are in progress to develop both state and federal legislation which would establish the machinery necessary to manage state wetlands.

Meanwhile, there is ample justification and precedent for the Corps of Engineers to deny the permit at stake in this hearing. I urge the Corps, in the name of conservation and wise environmental management, to act accordingly.

OCEANS

Mr. MONDALE. Mr. President, the grim story of the methodical pollution of the oceans continues to unfold. In just recent weeks and months, we have seen a massive oil well fire in the Gulf of Mexico—and the wells are still ablaze; a tanker collision off the Golden Gate Bridge that blackened San Francisco waters with a vast oil spill; a tanker wreck in Long Island Sound that spewed 386,000 gallons of oil.

Meanwhile, the U.S. Navy is trying to get permission to dump some 50,000 tons of outmoded explosives, rockets, propellant-type boosters, projectiles, and scrap into the Atlantic and Pacific Oceans.

In the most dramatic statement to date of the dangers from this accelerated pollution of the sea, the February issue of Reader's Digest carries an article entitled "Stop Killing Our Oceans," written by the Senator from Wisconsin (Mr. NELSON).

Last year, Senator NELSON introduced two bills to put a halt to the ravaging of the ocean environment. One would require ecological studies and permits on all proposed ocean dumping and would ultimately ban all such dumping. The second bill would declare a moratorium on the drilling of new oil wells in the ocean, putting all untapped oil into a national trust to be held until we develop the technology to avoid further Santa Barbara-scale disasters from offshore oil drilling. Last September, the President endorsed the concept of Senator NELSON'S ocean dumping control bill.

Tuesday, Senator NELSON reintroduced both the ocean dumping control bill and the new oil well drilling moratorium bill. It is hoped that the administration will support and work for these important measures and that Congress will now put the matter of stopping ocean pollution at the top of its agenda and act on the proposed legislation.

I ask unanimous consent that Senator NELSON'S excellent article be printed in the RECORD.

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

[From the Reader's Digest February 1971]

STOP KILLING OUR OCEANS

(BY SEN. GAYLORD NELSON)

In the Atlantic Ocean, about 7000 feet off the sunshine-and-salt-spray wonderland of Miami Beach, there is a man-made phenomenon mockingly known as the "Rose Bowl." The Rose Bowl is a large, bubbling splotch of ugly brown that sprawls over those blue-green waves. It is raw sewage piped out from Miami Beach and three other nearby communities. As yet, only rarely do wind and tide combine to wash the debris back onto the beaches. Meanwhile, for those who can stand the stench, fishing around the Bowl is reported to be excellent.

Ordered 11 years ago by Florida's health department to treat its sewage, Miami Beach is now considering its first step—extending the discharge pipe one mile farther out to sea. But will this do any good? In fact, Durbin Tabb, marine biologist at the University of Miami, says that because of prevailing winds, extending the pipe means the sewage is just going to be blown back inshore on somebody else's beach.

Southeast Florida is booming, with a megalopolis of ten million people predicted within 20 years. But the Rose Bowl is an ominous sign of big trouble ahead for that supposedly limitless resource on which the Florida economy is built—the sea and the beaches.

Fishermen, divers and others whose lives are entwined with the sea report similar situations all along America's coastlines. Examples:

Filter-cigarette butts, bandages and bubble gum have been found in stomachs of fish caught near New York City's sewage-sludge dumping ground, as close as eight miles out in the Atlantic. Meanwhile, some beaches in northern New Jersey, near the Atlantic shipping lane into New York harbor, have been turned into a nightmarish scene of plastic bottles, broken dolls, tar from oil slicks, even dead animals.

On Galveston Bay in Texas, people are sometimes driven from their waterfront homes by the stench from thousands of decaying fish, dead from pollution.

Around Panacea, Fla., on the Gulf Coast, crab fishermen are coming in with only a tenth of their catch of five years ago. Meanwhile, land developers fill in and destroy hundreds of acres of fertile marsh areas, the Army Corps of Engineers plans to cut new waterways, and not far away industry pours poisonous wastes down once-wild rivers into the Gulf.

Rimmon C. Fay is a marine biologist who has been diving in the Pacific off Los Angeles for years Now he finds the area a wasteland, and when he turns over rocks "it's foul and putrid underneath."

Batches of mackerel caught off central California last year contained so much DDT that they were impounded by federal health officials as unfit for human consumption.

The Vital Shallows. Throughout history, man has believed that at the sea's edge his power to destroy stopped and nature's invincibility began. Even Rachel Carson, in her 1951 book *The Sea Around Us*, saw the oceans as one last haven, safe forever. How could it be otherwise when the oceans are so vast that continents are mere islands in their midst, so deep that a Mount Everest could be lost beneath their surface? How does one pollute a volume of 328 million cubic miles? How poison an environment so rich that it harbors 200,000 species of life?

Yet some marine biologists now say grimly that, unless we act, the current accelerating pace of ocean pollution will put an end to significant life in the sea in 50 years or less. This would be a catastrophe, posing grave consequences to a world dependent on these vital resources for food, raw materials, recreation and, in the near future, probably even living space.

The vulnerability of the marine environment becomes dramatically clear when we stop to realize that even though the oceans blanket three fourths of the earth, their productivity is limited mostly to the rich waters over the continental shelves, narrow bands of undersea land extending from coastlines. Eighty percent of the world's saltwater-fish catch is taken from these shallow coastal waters, which make up only a tiny fraction of the total sea area. In addition, almost 70 percent of all usable fish and shellfish spend a crucial part of their lives in the estuaries—the coastal bays, wetlands and river mouths that are 20 times more fertile than the open sea, seven times more fertile than a wheatfield. Cut the chain of life in these areas, destroy the myriad bottom organisms, pollute the continental-shelf waters and you also eliminate the vital ocean fisheries.

Already pollution or overfishing, and sometimes both, have gouged fisheries around the world. The once-mammoth sardine fishery off California is now gone. The croaker, a popular food fish, has virtually disappeared from a large portion of its native East Coast waters.

Meanwhile, in our greedy rush to create more land, the vital U.S. coastal wetlands are being dredged and filled for highways, industry, bridges, waterfront homes—to the tune of almost 900 square miles in 20 years. In spite of scientists' warnings, this continues at an accelerating pace from Galveston to Chesapeake Bay. At the same time, what estuaries remain are fed 30 billion gallons of sewage and industrial wastes every day. These poison fish, choke out oyster and clam beds, render the bays and wetlands unfit for anything.

Dumping Grounds. While the vise tightens on the critical inshore areas that lace our coastlines, pressure builds also on the ocean beyond. In 1968 alone some 48 million tons of solid wastes were taken out by barge and ship, and dumped in ocean waters off the United States—some 470 pounds for every person in the country. These wastes include garbage, waste oil, dredging spoils, industrial acids, caustics, cleaners and sludges, airplane parts, junked automobiles, spoiled food, even radioactive materials. During his two papyrus-boat trips across the Atlantic recently, author-explorer Thor Heyerdahl sighted plastic bottles, squeeze tubes, oil and other trash that had somehow been swept on the currents to mid-ocean. On some days, the crew hesitated to wash because of the amount of pollution.

One big new proposal calls for piping the concentrated wastes of up to 50 industries in the Delaware River Valley 80 miles out to sea. But marine biologist Howard Sanders, of the Woods Hole Oceanographic Institute in Massachusetts, says that wastes could wreak even more havoc on low-tolerance life in the almost unvarying environment of the deep sea than in a backyard stream.

Regulations are very loose. The "letters of permission" handed out by a chief regulator, the U.S. Army Corps of Engineers, for dumping more than three miles off our coasts are, the Corps admits, "really an acknowledgment that the permittees can do what they please when they get outside our jurisdiction." As yet, no one really knows who has what rights and responsibilities in the ocean environment. State, federal and international jurisdictions remain in their historically chaotic tangle.

Perhaps more than any other problem, the dramatic oil-well blowouts in the sea and the oil-tanker breakups have begun to awaken us to the total inadequacy of our present ocean policies. The list of places where oil has blackened beaches, killed thousands of

birds and posed lingering threats to marine life is already long: Florida, the Gulf Coast, New England, New Jersey, Puerto Rico, southern California, southern England. We do not possess the technology to contain the oil from ocean disasters. Yet oil-carrying tankers are being built to gigantic scale, increasing the risks of monumental spills. And by 1980, if present trends continue, we shall be drilling 3000 to 5000 new undersea oil wells each year. According to a report issued by the President's Panel on Oil Spills, we can then expect a Santa Barbara-scale disaster every year.

Radioactivity from the fallout of early nuclear tests can still be found in any 50-gallon sample of water taken anywhere in the sea. Investigators of a massive die-off of sea birds near Britain recently found unusually high counts of toxic industrial chemicals used in making paints and plastics. The worldwide use of toxic, persistent pesticides is having serious adverse effects on many species of fish-eating birds and birds of prey over vast portions of the earth, and there is evidence that these poisons can also attack marine phytoplankton, a food fundamental in the chain of ocean life.

The conclusion is unavoidable. If tough, intelligent action is not taken now, we will make of the oceans the same mess we have made of the land. And the greatest losers of all will be the people—of America and the world.

NEW HORIZONS?

Although the day is tragically late, there is still hope. But make no mistake. Turning back the massive assault on the sea will be a tremendous task, involving dramatic, expensive modifications in our policies and priorities and requiring nothing less than the declaration of a national policy to protect the oceans. The first three steps:

1. By 1975 we must end all dumping of wastes into the sea, the Great Lakes and the coastal areas of our rivers and bays—except for liquid wastes treated at least to levels equal to the natural quality of the ocean waters.

As Athelstan Spilhaus, president of the American Association for the Advancement of Science, has said, "We are running out of an 'away' to throw things away." Our only choice now is to put our technology to work at finding ways to recycle wastes back into the economy.

2. We must prohibit any new activity—such as building offshore jetports or cities—until we have set tough controls to avoid the kind of chaos and destruction now apparent on land. For once the public must be fully informed and consulted at every step, in deciding, for example, whether to allow marine industry, with all its paraphernalia, to create a new sea horizon, or whether the huge new supertankers will be permitted in our waters.

As for offshore oil wells, we should halt all drilling in ecologically sensitive areas, such as the Santa Barbara Channel. And we should prohibit new drilling anywhere until there is convincing evidence that it will not harm the marine environment, and until we have the technology to contain oil spills. Up to that point, all untapped oil and mineral deposits under federal jurisdiction in the sea should be held unexploited. But this must be done by setting up a National Marine Resources Trust, which I have proposed.

3. We must halt the reckless dredging and filling of priceless wetlands, and the carving up of oceanfront in the name of "progress." We must provide funds to set aside more of our coastline for public recreation.

Faced with a crisis, Massachusetts, Maryland and the San Francisco Bay area, among others, have taken first steps toward outlawing the "right to destroy," which has, in effect, been claimed by private-interest lobbies, and have set new standards to protect remaining wetlands.

The question is: Will action be taken in this session of Congress? Fortunately, Administration officials and legislators of both parties have become increasingly aware of the urgent need. Under the provisions of the Marine Environment and Pollution Control Act, which I am re-introducing this year, the federal government would take on major new responsibilities to protect the ocean environment under U.S. jurisdiction. A national standard would be set which the states could follow in their own parts of the seabed. This kind of legislation would be only a beginning in saving our oceans. "Environmental quality" policies will be adopted only when Americans demand them, and make their demand crystal-clear to the land developers, the oil interests, Congress, and government at every level.

Finally, all nations together must establish an International Policy on the Sea that sacrifices narrow self-interest for the protection of this vast domain that is a common heritage of all mankind. It is a task that, for the future of man, must be of the highest priority; a challenge that will test our intelligence as a species, our decency as human beings, our sense of moral responsibility to generations yet unborn.

EDUCATION RESEARCH VITAL

Mr. PACKWOOD. Mr. President, a significant and vital segment of President Nixon's message on educational reform last year called for the establishment of a National Institute of Education. I am pleased to join with the distinguished Senator from Vermont (Mr. PROUTY) in sponsoring S. 434 to accomplish this important objective.

In creating a National Institute of Education in the Department of Health, Education, and Welfare, S. 434 would provide a mechanism whereby systematic research and experimentation can be conducted to allow us to better understand the nature of the learning process and the most effective methods of encouraging learning. It will also lead us to a closer examination of what we expect of our educational institutions, and what it is that we commonly call a good education.

Americans have always been proud of their educational system, and rightly so. But during the decade of the sixties Americans have come to realize that we do not really have equal educational opportunity in America. It had been assumed until the late sixties that a good education is inevitable so long as the pupil-teacher ratio is low, the school buildings and facilities are adequate, the teachers are college educated, and a certain amount of innovation is permitted in curriculum and instructional techniques. But apparently there are many other aspects of the learning process that we have failed to recognize, aspects of cognitive development which may be the missing links in our efforts to provide our children with a good education. The President's message cited results from the 1966 Equal Educational Opportunity Survey—the Coleman study—to demonstrate that the relationship between school characteristics and levels of learning is not very significant.

A great deal more research is needed in such areas as motivation, achievement, and cognitive development. In spite of the billions of dollars we've poured into educational improvements in the last decade, we still do not know how children learn, what works best in helping children to comprehend and to think, and what produces or encourages a desire to learn.

In Oregon, we have 356 school districts and 38 institutions of higher learning. I want every student at every level in my home State to have the opportunity to reach the optimum in achievement. This cannot be done unless we better know the needs of the students and the most effective way to communicate with them. One key element in bridging this gap is to invest more dollars in research. I am appalled that less than 1 cent of every Federal dollar spent for education is earmarked for research. By contrast, 5 cents of every dollar spent for national health care goes for research and 10 cents of every dollar spent for national defense goes to research.

The proposed National Institute of Education would conduct, support, and coordinate education research, collect and disseminate education research findings, provide training in education research, and construct education research facilities. Creation of this Institute would recognize and spearhead our efforts to first, determine what a good education is, and second, see that every American child receives a good education that will enable him to realize his full potential. In short, we must reorder our priorities to give education and educational research the priority which they properly deserve.

ST. ANSELM'S COLLEGE CONTRIBUTES TO LAW ENFORCEMENT EDUCATION

Mr. McINTYRE. Mr. President, I have just received from St. Anselm's College, in Manchester, N.H., a letter outlining an important effort on their part to upgrade law enforcement in New Hampshire through education.

Mr. Robert J. Collins, vice president of the college as well as director of law enforcement programs, has informed me that St. Anselm's will offer this spring more than half a dozen courses dealing directly with the problems of law enforcement. These classes will range from a study of modern history to general psychology and urban geography. Also included will be courses in evidence, sociology of the family, criminal investigation, and case preparation and police interrogation.

Mr. Collins also informs me that beginning in the fall of this year, St. Anselm's College will increase significantly its offerings in the law enforcement education field by introducing a 4-year program leading to the bachelor of science degree. Courses will be open to qualified police officers and laymen interested in law enforcement careers.

Mr. President, St. Anselm's College is no "johnny-come-lately" to the field of law enforcement education. As early as 1958 this small New England college was assisting the police of the city of Manchester by providing classrooms and other facilities for training purposes.

In recognition of the expanded and vital role policemen play in our society

today, St. Anselm's in 1962 began offering as a part of its college program courses on the various aspects of law enforcement.

In line with this pressing need for more law-enforcement education, I am heartened to note that the Law Enforcement Assistance Administration of the Department of Justice has awarded the Governor's commission on crime and delinquency a grant of $1,331 retroactive to August 1970.

This grant, designed to enable comprehensive upgrading of police and criminal enforcement facilities throughout the State, will help fund the training of police personnel in new and specialized crime control methods, the equipping and establishment of a statewide integrated communications system, and a comprehensive juvenile delinquency program.

The Governor's commission also has made proposals which include plans for upgrading personnel and facilities in the State and county prison systems, programs for reform of the criminal law and procedure, and new approaches—including the establishment of halfway houses—to the State's probation, parole, and rehabilitation systems.

Mr. President, in a speech nearly a year ago to the Knights of Columbus in Exeter, N.H., I emphasized that all across the Nation we need to increase the size of our police forces, but that escalation of police strength must be qualitative as well as quantitative.

I said at that time:

> We must train them better. After all, we expect our policemen to know the law, be first aid experts, family counselors and sociologists. We expect them to have the wisdom of Solomon, the patience of Job, the strength and agility of Jim Brown.

With the work in the private sector exemplified by the excellent law-enforcement education concept advanced by St. Anselm's College, and with increased governmental efforts to improve our law-enforcement apparatus, we can begin to make meaningful progress in our common fight against crime.

I congratulate St. Anselm's for the contributions they have already made to the city of Manchester and the State of New Hampshire, and I wish them the best of luck as they embark on this new program leading to a degree in law enforcement.

THE ADVANCEMENT OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, for the past 4 years I have urged the United States not merely to celebrate human rights but to advance them by ratifying the Genocide Convention.

In 1945 the allied powers of the Second World War took the first steps in laying the foundations for a better world order. They adopted the Charter of the United Nations, and in the preamble reaffirmed their faith "in the equal rights of men and women." Three years later in the Universal Declaration of Human Rights these same countries again affirmed their commitment to human rights:

> All human beings are born free and equal in dignity and rights.

At the same time they declared that—

> Recognition of the equal and inalienable rights of all . . . is the foundation of freedom, justice and peace in the world.

It was a testament to the inherent worth of man that those United Nations had joined together to uproot totalitarianism and restore liberty. They had founded a new order on the principle of the equality of man.

How far have we come in developing this international law of human rights? Over 20 major human rights conventions have been adopted by the United Nations, the International Labor Organization, and UNESCO. A few of them are in force among the parties which have acceded to them. Unfortunately, sadly, and puzzling, the United States is a party to only two of them and this has been activated only in the last couple of years. We are still not a party to such major conventions as the Convention on the Abolition of Forced Labor, the Convention on the Political Rights of Women, the Convention on the Elimination of Racial Discrimination or the Convention on the Prevention and Punishment of Genocide. Nor have we as yet signed, no less ratified, the two international covenants on civil and political rights and economic, social, and cultural rights.

Our failure to advise and consent to the Genocide Convention is a failure we must now correct. We cannot afford to delay any longer. The United States must accept the opportunity and obligation to lead the great struggle for human rights. I urge the Senate to delay no longer in acting on the Convention on the Prevention and Punishment of Genocide.

MOUNTAIN STATES TELEPHONE IN WYOMING

Mr. HANSEN. Mr. President, because of Wyoming's wild west image which carries over from the old days, and of which we are very proud, to talk of communications in our State often conjures up in the minds of strangers—the Pony Express, Indian smoke signals, cavalry semaphore flags, or the Wells Fargo stage lines.

However, Wyoming over the past 15 years has been a leader in new and modern innovations for personal and business communications—in large part through the progress of Mountain Bell's Wyoming operations.

For instance, Universal Emergency Calling—911—came to Wyoming before any other area west of the Mississippi River. The 911 conversion in Gillette, Wyo., was the first of 10 in the State. At present, Wyoming has two-thirds of the 911 installations in the Rocky Mountain area.

Also, the "Dial Tone First," a revolutionary coin telephone service, was put into service in Cheyenne in 1970. Cheyenne was the first telephone exchange west of the Mississippi to offer the service at that time. Cheyenne still has the only telephone exchange in the Rocky Mountain area to provide it.

At the end of 1955, there were only 93,000 telephones in service in Wyoming. That number has almost doubled today, with more than 182,000 in service; and although only 59 percent of the Wyoming telephones in 1955 had dial service, we now have 100 percent dial service.

Mountain States Telephone in 1955 handled less than 4 million long distance calls for Wyoming people. The number increased to almost 13 million last year.

The cost to Mountain States of the upgraded service to our State has been significant. In 1955, the company paid, in Wyoming, about $5.1 million in wages and salaries, and in 1970, paid out about $10.1 million in wages and salaries. Back in 1955, Mountain States spent $4.6 million on construction, in 1960, $7.2 million, in 1965, $9 million, and $14.8 million in 1970. This totals about $124.5 million since 1955.

Mountain States in 1970 paid $6.2 million in operating taxes, or about $35 per telephone. This is substantially up from the $1.8 million total, or $21 per telephone, paid in 1955 for the company's Wyoming operation in operating taxes.

Dial telephone service became available to 100 percent of Mountain Bell's Wyoming customers in January 1966. Since 1955, the company has added 42 additional central offices in our State.

Improved Mobile Telephone Service began in Wyoming in August 1966. The IMTS provides dial telephone service in vehicles in place of manual service requiring operator assistance.

Touchtone was unavailable in 1955, but is now available to eight Wyoming exchanges.

Wyoming is a land of beautiful wide-open spaces. We are grateful that Mountain Bell operates in our State to shorten the distance for communications with loved ones and business associates.

THE SILVER CO.—A GOLDEN ANNIVERSARY

Mr. McINTYRE. Mr. President, in these days when our front pages are often filled with economic hardships, business recession, high unemployment, and concern for the future we sometimes forget that dedication, hard work, and involvement in the community still can bring success.

The Silver Co., of Manchester, N.H., has just celebrated its 50th anniversary. This company was started in Manchester in 1920 by two young men, Henry R. and Morris Silver, who had arrived in this country only a few years earlier with their family from Russia.

Silver Bros. Co., Inc., originally a wholesale produce and grocery business, now engaged exclusively in beverage distribution. In 1947 Henry and Morris established a bottling plant in Manchester for Cott Beverages. Eventually the Cott beverage business expanded to the formation of Cott Corp. with several plants in the eastern section of the country. The Silvers sold their interest in Cott Corp. in 1967 but have retained ownership of Cott Beverages, Ltd., in Montreal, Canada.

Both men have several other business interests, each being owners and direc-

tors of seven corporations. Both men have devoted and continue to devote their efforts in many civic, fraternal, educational, religious, and philanthropic enterprises.

Morris Silver is president and Henry Silver a director of the 100 Club of New Hampshire, an organization which provides money for widows and children of policemen and firemen killed in the performance of their duties.

This type of activity is almost routine for the Silvers. Morris, who is chairman of Manchester's Planning Board, a member of the New Hampshire State Prison Board of Trustees and Parole Board, has a distinguished record of interest in and support of public servants. Henry R. Silver, a member of Manchester's Industrial Council, the board of trustees of Spaulding Youth Center, chairman of the Boy Scouts special funds committee, and assistant treasurer of the Pine Haven Youth Center, has an enviable reputation of devotion to formation of the young. And both men have received many honors for these and other civic-minded and philanthropic activities.

The list of organizations to which Morris volunteers his time and money are almost too numerous to mention. He is a director of Manchester's United Fund, Sacred Hospital, American Red Cross, National Muscular Dystrophy Associations, United Cerebral Palsy, Goodwill Industries of America, Crotched Mountain Rehabilitation Center, Spaulding Youth Center, and he is executive vice president of the Merrimack Valley Navy League. Moreover, he is a member of the Board of Directors, Bentley College, Boston, and of the President's Advisory Council, Brandeis University. He was named a fellow of Brandeis at the 1970 commencement. He and Henry are co-donors of the Silver Wing of Brandeis' Science Building. At a special testimonial Morris was named 1970 Man of the Year by Temple Adath Yeshurun, Manchester.

Henry R. Silver received the 1967 Brotherhood Award from the New Hampshire Chapter, National Conference of Christians and Jews, in recognition of his work in the development of interfaith understanding and his involvement in civic, fraternal, religious, and philanthropic endeavors. More recently the Boy Scouts honored him by naming a New Hampshire campsite after him. Henry is a member of the National Board of Trustees, National Jewish Hospital at Denver, past chairman of New Hampshire Bonds for Israel, for both of which causes he raised the highest amount of money in the history of the State. His dedication to higher education is as distinguished as his brother's. He is a member of the President's Advisory Council, Brandeis University, and the College of Business Administration, Suffolk University. He is national chairman of the $2 million fund raising campaign for the new Library and Resource Center, Nathaniel Hawthorne College. A close friend of the late Richard Cardinal Cushing, Henry worked diligently for one of the cardinal's greatest interests, handicapped and retarded children, giving, among other things, a party every year for 15 years for the children at Kennedy, Memorial Hospital.

Mr. President, this is a distinguished career the Silver Brothers have written. It has meant much to the growth of New Hampshire and New England. It is the kind of dedicated contribution to our well-being that I wanted to bring to the attention of the Senate.

THE BILL RIORDAN SUCCESS STORY

Mr. MATHIAS. Mr. President, the first time Bill Riordan arrived in Salisbury, Md., to open a retail dress shop, there were four tennis courts—all with cracked cement and grass growing about. The tennis-playing community numbered not more than a dozen.

Today, there are more than 40 tennis courts, a Michael R. Riordan Outdoor Tennis Center, a civic center built for tennis which houses 3,500 fans; and when most people around the world mention indoor tennis they immediately think of Salisbury, Md.

On February 21, from noon to 4, the TV airwaves across the Nation will transmit the U.S. indoor tennis championship from Salisbury. Representatives from 18 nations of the world—from both the free world and the Communist countries—will compete for the world indoor title and for more than $220,000 in prize money.

The great historic and sports event owes its popularity and success to a man, and to a city. The city of Salisbury; the man—Bill Riordan.

There are few small towns like Salisbury that have the charm of a southern community and the metropolitan culture of a big city. It is the county seat of Wicomico County and has a population of about 19,000. It is a city of great civic pride, industrial progress, and enlightened government.

Until its recent celebrity—the new winter capital of American tennis—Salisbury was well known for its many local specialties. It is, for example, the headquarters of the Delmarva Peninsula's thriving poultry industry—the Del Mar-Valous chickens—the metropolis of the Eastern Shore, and a center of American history.

Sports events on the peninsula have always been famous and have included gunning and sailing as well as the annual Soft Crab Derby at Crisfield; but, since 1964, tennis has joined the list as a favorite.

Few towns of this type could be host to an international tournament. But ask the many international players who have played there—as they stayed with the families in the area—of the warmth, hospitality, and charm of Salisbury. It is a city which every American interested in our culture, tradition, and countryside beauty must visit.

Salisbury and Maryland owe a great deal to Bill Riordan—for that matter, the entire Nation owes him its gratitude—for it is he who brought Salisbury into the tennis limelight and into the hearts and memory of many.

It all started back in 1964 when the 7th Regiment Armory in New York City, where indoor championships had been held for 60 years, was in need of repair. It was then when the U.S. Lawn Tennis Association—USLTA—asked Bill, who sponsored successful tournaments—including one in Salisbury—to take on the indoor tourney for just that 1 year. Bill accepted. Eight years and eight tournaments later, Salisbury is still playing host to the Indoor World Tennis Championship under the constant aggressive and devoted leadership of Bill Riordan.

It took an unusual man—a man who had a love of tennis, the love of a city, and the belief in an only in America success story. Bill Riordan was all this—and more. He has followed tennis since the age of 10. He played for the Georgetown University tennis team No. 2. His role as a tennis builder has given him numerous honors: Sports Magazine Annual Service Award; Maryland Salesman of the Year; and a berth on the USLTA Executive Committee, among others.

This year tennis fans will again see the two finalists of last year—Cliff Richey and Illie Nastose. It will surely be a great tournament. We wish Mr. Riordan well. Marylanders and tennis fans are proud of Bill Riordan and its charming city, Salisbury.

A New Yorker article of March 12, 1966, has become a classic source of information on this subject. 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:

THE SPORTING SCENE

Down through the years, the Seventh Regiment Armory, the red brick Victorian fortress that guards the middle reaches of Park Avenue, has connoted, for sports followers, the United States Indoor Tennis Championships. In 1898, their first year, they played at Bray's Hall, in West Newton, Massachusetts, but when they were resumed, in 1900, they were awarded to the Seventh Regiment Tennis Club of New York, and the Armory became their permanent residence. Only once in the next sixty-three years were the championships held elsewhere—in 1941, in Oklahoma City, the home town of Don McNeill, the National Indoor champion of 1938 and one of the tournament's regular contenders. A rather large number of people, I gather, are under the impression that the "Indoors," as the championships are called, are still held at the Armory, but the fact is that their venue is now Salisbury, Maryland, and has been since 1964. That winter, because the Armory was undergoing a thorough renovation, the tournament was shifted to Salisbury for a year, on a stopgap basis, but the Salisbury people did such an altogether remarkable job, infusing new life into what had become a rather arid event, that the Lawn Tennis Association simply could not take it away.

The new winter capital of American tennis is an old, semi-Southern town of eighteen thousand inhabitants on the Eastern Shore of Maryland, on the Delmarva Peninsula. Until its recent celebrity, Salisbury was known chiefly as the headquarters of the peninsula's thriving poultry industry. (The local breed, naturally, is called Del-Mar-Valous chicken.) Wilmington, Delaware, the nearest large city, is a hundred miles north, and Baltimore is a hundred and ten miles northwest. Allegheny Airlines, however, operates a puddle-jumper service to Salisbury en route to Washington, and last month when I went down the morning before the 1966 championships began. I took the flight that leaves at seven forty-five and reaches Salisbury just before nine. Only one other passenger got off there—a tall good-looking young fellow with a slight European accent.

Since there was but one taxi and we were both heading for the Wicomico County Youth and Civic Center, where the tournament is held, we quickly got to meet each other. He turned out to be Dmitri Sturdza, the No. 1 ranked player in Switzerland, who had flown to New York from Paris the evening before. For the international tennis player, he was outfitted in the height of modesty; he carried no rackets and only two were tucked in his luggage. In the lobby of the Civic Center, a big, new, curved-roofed structure, we stopped to study the board on which the draw for the singles had been painted. I knew that an extremely strong field was entered, but not until then did I appreciate just how strong it was. The draw went as follows (the parenthical interpolations are mine):

Arthur Ashe, Jr. (U.S.A.), Jaidip Mukerjea (India).

Stan Smith (U.S.A.), Ian Crookenden (New Zealand).

Tom Edlefsen (U.S.A.), Juan Gisbert (Spain).

David Power (U.S.A.), Cliff Drysdale (South Africa).

Ronald Holmberg (U.S.A.), Dmitri Sturdza (Switzerland).

John Pickens (U.S.A.), Ronald Barnes (Brazil).

Eugene Scott (U.S.A.), François Jauffret (France).

Richard Dell (U.S.A.), Manolo Santana (Spain).

Dennis Ralston (U.S.A.), Boro Jovanovic (Yugoslavia).

Mike Green (U.S.A.), Tomaz Koch (Brazil).

Frank Froehling III (U.S.A.), Luis Arilla (Spain).

Bitsy Harrison (U.S.A.), Rafael Osuna (Mexico).

Charles Pasarell (U.S.A.), Joaquin Loyo-Mayo (Mexico).

Winner of Roger Taylor (G.B.) vs. Lenny Schloss (U.S.A.), Torben Ulrich (Denmark).

Robert Lutz (U.S.A.), Nikola Pilic (Yugoslavia).

William Tym (U.S.A.), Jan-Erik Lundquist (Sweden).

I was a third of the way down the list when I began to realize that each match in the opening round was bringing together an American player and a foreign player. (Taylor, though, defeated Schloss in their elimination match, and so two foreign players met in the first round in that bracket.) I couldn't remember anything like this before in an American competition, and I was musing that it constituted one of the greatest draws I had ever seen when Sturdza said that very thing. "At Wimbledon," he added, "you will find players from all over the world, of course. But to have players representing thirteen different countries in a tournament with only thirty-two places, and an indoor tournament at that—this is really amazing. Everyone is here except the Australians, and look where we are! In a little country town most of us had never heard of."

As it happened, two foreign players, Koch and Drysdale, and two Americans, Pasarell and Holmberg, reached the semifinals. (Sturdza, incidentally, gave Holmberg a very good match in the first round before going down 6–3, 6–4.) In the semis, Pasarell defeated Koch in four sets and Holmberg defeated Drysdale in five, and so we had an all-American final, which Pasarell won in three extended sets. There was a lot of excellent tennis during the championship, but, looking back, I would say that the star of the show was Salisbury. To begin with, as a place to play and watch tennis the Wicomico Civic Center is far superior to the Armory, on whose dark wood floor the matches had a sort of phantom quality, for it was almost impossible for a spectator to follow the ball as he peered down from the balcony through the dim lighting and the fog of cigarette smoke, and not much easier for the contestants. The Civic Center provides not only a much better surface—an emerald-green canvas, like the one the touring pros use, is stretched over the wooden floor—but infinitely better visibility as well, partly because of the canvas and partly because of the up-to-date illumination and the enforcement of the prohibition against smoking. Furthermore, on this, my first visit to Salisbury, it struck me that the tournament had much more of a championship flavor there than it ever had in its metropolitan days. For tennis, the Civic Center accommodates thirty-five hundred people, and on the last three days, when the buffs came in from Richmond, Norfolk, Washington, and Baltimore, there wasn't an empty seat. They were wonderful galleries, too, full of knowledge and appreciation. Finally, I cannot remember attending a more capably organized tennis championship in some time. Until the Indoors, the biggest sports event on the Delmarva Peninsula was the annual Soft Crab Derby at Crisfield, and it is clear from the tender, loving care Delmarvans have lavished on the championships that they prize them properly. Myself, I would not want the Indoors to be played any other place.

A closeup study of Salisbury's development into what might be called the Green Bay of tennis brings to mind those patly formula success stories in the business sections of the news magazines. "For years James Crawley, a partner in a small South Bend printing company, was convinced that the most antiquated instrument in the modern automobile was the windshield wiper," such an account will begin. "In 1964, after all the major automobile manufacturers had expressed complete disinterest in his electronically operated, faster-than-the-eye device, Crawley set up a four-man plant in his garage to produce his Hyper Wyper." And so on *ad astra*. These accounts annoy me because, for one thing, they make me feel like a sluggard, and, for another, everything the hero does works out with an ease and dispatch that little resemble reality as I know it. The trouble is that every now and then things *do* happen this way, and Salisbury's rise in tennis is such a case. The hero of the story is William F. Riordan, a crisp gregarious Main Street merchant in his mid-forties. Ideally, Riordan should be a native Salisburian, but the fact is that he is a transplant who grew up in Forest Hills and New Rochelle, the son of a retail merchandising man who was president of Stern's. After the last war, Riordan, a graduate of Georgetown, went into retail merchandising himself in New York. "I was moving along well," he told me in one of his infrequent breathing spells during the Indoors, "but the pace was killing me. My wife and I had a lovely home in Essex Fells—where I never got to. I was stuck in town just about every night entertaining this account or that account." In 1952, Riordan made the break and went to Denver; then, in the summer of 1954, after searching nine months for a small store in a small town, he bought the Fashion Shop, a three-story women's-apparel store, in Salisbury.

The only thing about the town that disappointed him was the almost complete absence of tennis. There were four asphalt courts in the main park, but they were badly cracked. A few grownups used them, but no boys or girls ever did—an intolerable situation for Riordan, who had bumped into tennis in Forest Hills at an early age, had played on his college team, and had continued to make the game a large part of his life. After three under-tennised years in Salisbury, he decided to start a program to develop junior players. Five boys answered the call. He took the class the first day, and when the two men who had volunteered to split the teaching with him did not appear for their classes, he ended up by running the entire program himself. Later that summer, he inaugurated the Wicomico County Junior Championships, but it was all he could do to round up sixteen boys and sixteen girls. A year later, however, the boys' championship required a draw for thirty-two places and the girls' championship a draw for sixty-four. Next spring, the park courts were resurfaced and lights were installed, and two more asphalt courts were built to help take care of all the youngsters who now wanted to play. "That summer—the summer of '59," Riordan recalls, "the Pony League, the baseball league for boys of thirteen and fourteen, put a clause in each kid's agreement to the effect that if he played baseball he couldn't play tennis, Right on top of that, our program gained a more positive recognition. Plans were then in progress for building the Civic Center, and the county commissioners asked me to serve as a director. I told them I would only if provision were made for indoor tennis courts, and they all answered, 'Of course,' 'Naturally,' 'What else?' Then I knew I was home. Schopenhauer, you know, said that all great ideas have to go through three stages. First, ridicule; then, violent opposition; and, third, acceptance—as if the idea had been a self-evident truth in the first place. That fitted our experience perfectly."

Riordan inevitably became involved in the Maryland Tennis Association and the Middle Atlantic Lawn Tennis Association. When he became chairman of the Middle Atlantic's Junior Development Committee, in 1960, there was no money in the treasury, and he concluded that the best way to raise some was to put on a compact indoor tournament, limited to a field of eight, at the Civic Center. He scheduled his tournament—the Middle Atlantic Indoor Championship—for the week before the 1961 National Indoor Championships, at the Seventh Regiment Armory. Looking around for a name player to lend his event a touch of prestige, Riordan remembered that Dick Savitt, the former Wimbledon champion, had two legs on the Indoors trophy and would be trying hard to gain permanent possession of it by winning the tournament a third time. The idea of tuning up for his quest in an uncomplicated but formal competition was put to Savitt, and he came to Salisbury, won the tournament, and then returned to New York and retired the championship trophy by defeating Whitney Reed in the final. The Middle Atlantic's Junior Development Committee cleared fifty-five dollars from that first promotion. Next winter, when Jon Douglas was the winner, the tournament made twenty-six hundred dollars, and in 1963, when Chuck McKinley beat Gene Scott in the final, thirty-one hundred dollars. That year Riordan persuaded John Sharpe, an Australian residing in New York, to compete, and promptly renamed the event the Salisbury International. By issuing three free tickets to all junior and senior high-school students in Salisbury—one ticket for each student and two for his parents—Riordan assured the tournament of large audiences on the Saturday, two thousand students turning out for the afternoon matches and three thousand adults in the evening. Indoor tennis, even in major cities, seldom draws crowds of that size, paid or free, and the town's obvious enthusiasm was the principal reason the chairman of the National Indoor Championships approached Riordan at the grass-court championships at Forest Hills that summer and asked him if Salisbury would be interested in putting on the Indoors the coming winter, while the Armory was under repair. Riordan's first reaction was bearish. To stage the tournament would require twenty thousand dollars, he calculated, and he was not certain that Wicomico County was geared for that kind of operation, but in the end the challenge of mer-

chandising a big-time tournament overrode this consideration. Riordan entered a bid for the 1964 Indoors, and Salisbury won out, it is reported, over St. Louis, Chicago, and Jackson, Mississippi.

After the town's first excitement at landing an authentic national championship had worn off, Riordan found that raising the necessary funds was every bit as difficult as he had anticipated. "When we tried to sell boxes for a minimum of a hundred dollars," he remembers, "everybody kind of yawned. The doctors were an exception. They're the country's best sports fans, and they were with us all the way." Riordan at length got support from the business community. The Salisbury *Times*, the Wayne Pump Company, and the Eastern Shore Public Service Company each bought a five-hundred-dollar box, and on the eve of the championship, when he was still two thousand dollars short, he sold the advertising space on the scoreboard for that amount to Delmarva Poultry Industry, Inc. That first year, however, Riordan scored a really tremendous coup. For the first time ever, the Indoors (to be explicit, the singles final) was nationally televised. Sports Network paid only five hundred dollars for the rights, but the important thing, to tennis people, was that a hundred and sixty-five stations carried the match. (McKinley defeated Ralston in five sets.) In this moment of triumph, the late James Dickey, then the president of the U.S.L.T.A., declared that the 1964 Indoors were the greatest boost tennis had received in a decade, and he forthwith again awarded the tournament to Salisbury. In 1965, Sports Network paid five thousand dollars to televise the final, a brilliant match in which Lundquist defeated Ralston in four sets. Their duel ran an hour and twenty-five minutes over its scheduled airtime, but Sports Network carried it all, and the last hour of the match was watched by around fourteen million people, the largest audience in history to view a tennis match in this country. Unfortunately, this proved to be a sort of Pyrrhic victory. The extra airtime, which was unsponsored, cost Sports Network approximately a hundred thousand dollars, and it was not inclined to take on the telecast in 1966. Riordan approached the other networks, but the C.B.S. sports division was involved in arranging a new contract with the National Football League, and A.B.C. and N.B.C. were interested in televising the Indoors only under their own conditions. (A.B.C. wanted the final to be pushed up to Saturday, and N.B.C. indicated that it might not show a taped version until a month later.) These Riordan was not prepared to accept. As a result the 1966 Indoors were televised only on the Eastern Shore, though edited tapes were subsequently shown in a few large cities. In a day when most of the overlords of sport will do anything to please the overlords of broadcasting, Riordan is to be admired for refusing to distort a distinguished event simply to accommodate television.

The most surprising feature of the championship was the early elimination of four of the players most heavily favored—Santana of Spain, the victor at Forest Hills last September and, at Salisbury, the top-seeded foreign entrant; Lundquist of Sweden, who was the defending champion; Ashe, our most promising young player, who had returned in late January from Australia, where he had been the sensation of the tournament season; and Ralston, our first-ranked player and the top-seeded American at Salisbury. Santana went out in the second round, losing in straight sets, 6—4, 6—3, to Scott, who played an almost perfect match. This upset had hardly been digested when first Lundquist and then Ralston were also beaten in the second round—Ralston in three hard-fought sets by Koch, and Lundquist in straight sets by Lutz, a substantial eighteen-year-old freshman from the University of Southern California, who is our current National Junior champion. (Until the semifinals, all matches were best of three sets.) Ashe lasted only a round longer before being put out by Drysdale, 6—3, 8—6. In a way, Ashe's showing was not entirely unexpected, for, after six months of practically uninterrupted competition, he is patently over-tennised. Moreover, Ashe, who is nearsighted, was wearing glasses—an experiment he had started only a week before, at an indoor tournament in Philadelphia; it was evident from the way he was hitting the ball all over the racket face that it will take him a while yet to get used to glasses. (He does not intend to wear them for outdoor play.) While upsets are far more common in indoor than in outdoor tennis—service counts so very much on the fast indoor surface that a man riding a hot serving streak can often beat a superior opponent—it is difficult to remember an indoor championship in recent years in which so many players of international rank were dispatched so swiftly.

After the elimination of the big guns, the role of favorite shifted to Pasarell, a sturdy six-footer from Santurce, in Puerto Rico, who—to use a golf phrase—plays out of the University of California at Los Angeles. In winning that Philadelphia tourney just before the championship, Pasarell had defeated both Ashe and Lundquist, and in breezing through his first three matches at Salisbury without even being carried to a deuced set he looked solid indeed. He was serving marvelously well, but since he generally does—only Ashe among our amateur players has a more powerful serve—this attracted less attention than the high quality of the rest of his game, his return of service in particular. He was pounding it back as aggressively as he did last summer in defeating both Emerson and Stolle at Merion, and Stolle once again at Forest Hills. Pasarell's main shortcoming has been his inconsistency. His game climbs peaks and stumbles into valleys from week to week, sometimes from day to day, and when he gets into a tight corner against an opponent he is not certain he can beat, his confidence frequently deserts him.

In the semifinal in the bottom half of the draw, he came up against Koch, the twenty-year-old Brazilian left-hander from Rio Grande do Sul, the state adjacent to Uruguay, where most of the German immigrants to Brazil settled. In describing Koch, a tall, pleasant young man who looks like a concert pianist, the word tennis people customarily use is "gentle." In the past two years he has several times been on the verge of breaking through in a big tournament, and old tennis hands, when they discuss why he hasn't managed it, blame his gentleness. As one Hemingwayesque commentator expressed it, "There comes a time in every match when you've got to slam the ball at your opponent's head to win a big point, and this Koch kid just won't do it." While he is not a power hitter, like Ashe and Pasarell, Koch is severe enough, and in making his way to the semifinals by defeating Ralston and Osuna in two of the most interesting matches of the tournament, he played exceedingly sound stuff, volleying low returns especially well and winning the pivotal points by passing up the theatrical shot in favor of the intelligent one. The big question in his match with Pasarell was whether he would be able to handle the Puerto Rican's service—a considerable assignment indoors since, apart from its speed, it carries a heavy spin, which, accentuated on a canvas surface, causes the ball to break with extreme sharpness. At the start, Koch could not cope with it at all. In dropping the first set, 6–3, he did not even succeed in putting the ball in play until Pasarell's fourth service game. In the second set he began to adjust to the big, jumping service. Indeed, in the twelfth game he got to game point—and set point—against it. Pasarell, however, pulled out of the jam with two huge aces, and went on to take the set, 8–6. In the third set, Pasarell was leading, 4–3, in games, with his own service coming up, when suddenly the prospect of victory appeared to unnerve him. His service started to wobble, and, playing a succession of weak, hurried ground strokes, he lost the game at love. Koch, heartened by this turn of events, broke through Pasarell again in the twelfth game and took the set, 7–5. The fourth set was a serving duel all the way, each man holding without much trouble until Pasarell broke Koch in the seventeenth game. During this protracted set, Pasarell's return of service had been much too passive, but in this game he at long last went on the attack, and at 30–30 hit two superb returns—a raking forehand that Koch barely got his racket on and volleyed into the net, and an acutely angled cross-court backhand that went for a clean placement. Pasarell now led, 9–8, and had only to hold service for the match. Here he was all resolution, and went out in a most convincing style.

Holmberg, Pasarell's opponent in the final, has long been one of the ranking enigmas of tennis. No contemporary amateur possesses more natural ability than this portly young man out of Brooklyn, who gained a place among our top ten players nine years ago, when he was only nineteen. Great things were expected of him, and at one time or another he *has* beaten all the champions, but on the important occasion—and to a much greater degree than Pasarell—he generally has a woeful time holding his confidence and his concentration. Holmberg is frequently the Wodehouse golfer who is thrown off his game by the roaring of the butterflies in a nearby meadow. In the third set of his match with Drysdale, for instance, he was bothered by the movement of the ball boys, concerned about the height of the net (he twice had the net-cord judge check it), and completely nonplussed when a woman in the stands could not find her seat. It was typical of him that, in an excellent position to wrap up the fourth set and the match, he suffered a lapse very much like Pasarell's against Koch, dropped his serve by netting three volleys in a row, and then lost the set. However, it should be noted that in winning the fifth set, 6–4, he displayed a coolness and a basic assurance I had never before seen him exhibit against an opponent of world class after losing his grip on a match. As a result, Holmberg reached the final of a major championship for the first time in his fairly extensive career. As I watched him warm up with Pasarell, the thought went through my mind—as it must have gone through the mind of many other spectators—that if sheer talent were the only requisite in competitive tennis, Holmberg would by now be as familiar a finalist as Roy Emerson, his almost exact contemporary. No one has a better eye for the ball, a surer sense of the racket head, or more facile reflexes. Blast the ball at him as he comes in to net, and, with an effortlessness that borders on indolence, he simply flips his racket to the angle he wants and dispatches the perfect-plus volley. His ground strokes are pretty and his service, though less graceful, is fast and effective. Maybe all he has ever needed is someone like Harry Hopman to drive him hard, make him run, polish his thinking, and shore up his determination.

Since Pasarell is also an attractive strokes player, there was a chance we would be treated to an exceptionally good final, but we were not that lucky. The meaningfulness of the occasion for both men seemed to have the effect of constricting their moves and their shotmaking. Neither played nearly as well as he had earlier in the week, and there ensued a very dull match in which service bulked much too large, even though both Pasarell and Holmberg were serving much less explosively than they usually do. Pasarell

won out, 12–10, 10–8, 8–6, mainly because he returned service a shade less tentatively than Holmberg in the critical passages. There was a sameness about all three sets. Early in the first one, service breaks were exchanged, and then games followed service until Pasarell broke Holmberg in the twenty-first game. He then served out shakily for the set. In the second set, both men held service—quite easily, most of the time—until the seventeenth game, which Holmberg dropped at love; on all four points he failed to get his first ball in, and Pasarell jumped on his second serve. Again, Pasarell, even after holding triple set point, had trouble going out on his service, but eventually he did. The third set offered a slight change in format, both men moving in from the base line, and returning service more assertively. Pasarell twice lost his service immediately after winning Holmberg's, but after breaking through once again, in the thirteenth game, to lead, 7–6, he fought back from 0–40 and, ripping off five fine points in a row, was finally home. One of my reasons for recounting the progress of this match in such a lapidary manner is to underline the difficulty Pasarell so often encounters in controlling his serve when a set is his for the taking. He produces the stroke so correctly and so easily that he should be all aplomb in such situations, and perhaps now that he has at length won a major championship he will gain the confidence he needs. It is really *all* he needs to be a truly first-class player and one who, in this important Davis Cup year, could be a tremendous asset to the American team.

As I have remarked, the most impressive aspect of the championships was the beautiful way Salisbury put them on. There were always large crowds at the daytime sessions, for this year, as in the past two years, junior high and senior high-school classes from all over Wicomico County, instead of attending their usual gym class, were bussed to the Civic Center to watch the matches. Each group saw about an hour's tennis before making way for another group. With this exposure to summit tennis, the Salisbury area has become a real hotbed of the game. This past summer, eight years after Riordan's first call for volunteers drew a mere five boys to his original program, seven hundred and eleven boys and girls registered for the instruction classes. The biggest problem today is finding qualified instructors, and Riordan must depend mostly on former students. This still gives him quite a competent staff, for nine of the top twenty players in the current Maryland state rankings are from Salisbury. Incidentally, two state boys' champions are local products—Jack Stevenson, the sixteen-and-under champion, and Riordan's son Billy, the twelve-and-under champion. Salisburians play not only good tennis but mannerly tennis. If you throw your racket, you are suspended for a day, and when a youngster does this, he simply walks off the court without being told to.

At the moment, there are nineteen outdoor courts in Salisbury. There will soon be twenty, for Riordan has just moved into a new house and will be building a court. The house fronts on the Wicomico River, and when I called on him there, I deduced that the lovely view of the river had dictated his choice. I should have known better. "A tennis court should properly run north and south, you know," he told me as he walked me out into his expansive back yard. "I can, you see, put a court in here very nicely, but, boy, it took lots of looking to find this place! You'd be surprised how few houses in Salisbury are built on lots that run north and south."

COASTAL ZONE AND ESTUARINE MANAGEMENT ACT

Mr. McINTYRE. Mr. President, during the past 2 years, the United States has taken great strides in recognizing the need for protecting and enhancing our natural environment. The implications of this recognition are immense. Even with all that remains to be done, we are among the first major nations in the industrialized world to face up to the fact that man's activity can mean the end of life as we know it.

America is the first to undertake the development of a national policy to correct environmental damage and to commence a reevaluation of national priorities in order to improve it. Much, of course, still remains unrealized, and our commitment must still be strengthened. But our progressive recognition of the nature of environmental quality bespeaks what is best in America. For it bespeaks a sensitivity to natural beauty and life that has characterized our Nation through most of its history. Perhaps it best indicates our hopes for the future.

Much has been done in practical terms. If we have not yet achieved final solutions, we have recognized that our methods of consumption are wasteful at best and fatalistic at worst. And we have embarked, however haltingly, on a course that will permit the reorientation of our consumption to bring it closer in line with our realization of the limited nature of our resources.

This is manifest in our current effort to recycle wastes and recover lost resources. Technological feasibility is no longer a question; it is a matter of time. This realization is also apparent in our unfinished effort to identify and eliminate environmental toxins from our pattern of consumption. The only question here is our individual willingness to share in the commitment.

Yet I must repeat that we have only scratched the surface. Both our scientific knowledge and our technological base are currently inadequate to insure a final solution. So we continue, halting yet exuberant, toward a goal of which we are increasingly certain.

We passed in the last session a broad new law to control air pollution and I am confident that we will pass this year a comprehensive program for water pollution control in our Nation's navigable waterways. A little farther off in my opinion, but nevertheless in process, is long-awaited legislation to control and reduce the waste of our natural resources through refinement of our solid-waste handling systems.

There is one area, however, that has had too little attention. Our coastal areas are in great danger. It is here that most of our other environmental problems come to a focus. Into these coastal zones come the concentrated waterborne wastes of thousands of inland cities. And it is along these coastal zones that our largest metropolitan areas are concentrated with a consequent concentration of air and water pollution problems. Here also we find the greatest pressures of population pressing for more and more land development.

Yet it is precisely in our coastal zones that our recognized jurisdictional lines break down drastically to prevent the comprehensive planning and regulation that is necessary to protect these areas from utter despoilation. We must act; and we must act now.

A quotation from the recent National Estuarine Study indicates the magnitude of our present crisis:

> Except for a few in Alaska, every one of the nation's estuaries has been modified by man. Twenty-three percent have been severely modified, fifty percent have been moderately modified, and twenty-seven percent slightly modified.
>
> We conclude that it is in the National interest . . . to initiate *now* a positive approach to protection, restoration, and sound use of the natural resources of estuaries.

Due to the nature of the estuarine ecology, it is now beyond doubt that we must initiate an aggressive campaign to implement this suggestion. Another excerpt from the Study points out the uniqueness of this fragile and threatened ecosystem:

> Estuaries contain a combination of fresh water and sea water nourished by nutrients from the land and from the sea. They are richer than either by itself. Their diversity supports an enormous wealth and variety of fish, birds, mammals, and other living organisms.
>
> Estuaries have a form of natural beauty found nowhere else. They constitute the only open, wilderness-type areas in the vicinity of the largest metropolitan areas of our nation. Thus, preservation of estuaries would help fulfill one of our major goals—the provision of places for getting out of doors to enjoy nature near the concentrations of our people.

To allow the further deterioration of our estuarine areas would amount to no less than a repudiation of our national heritage and a scandalous loss of a national treasure.

It is for these reasons that I join with the distinguished Senator from South Carolina (Mr. HOLLINGS) in introducing a bill which I sponsored with Senator Tydings during the last Congress, the Coastal Zones and Estuarine Management Act of 1971. The bill will provide the basic framework for a comprehensive plan to protect, preserve, and restore our Nation's estuarine environment. It is designed to counteract what I consider the major stumbling block to a national coastal zones policy: the lack of cooperation and comprehensive planning among the various levels of government having jurisdiction in these areas.

The bill establishes a program to assist the State and local governments in forming coastal zone management agencies and for framing a master plan for their coastal areas. These plans, of course, will be required to meet specific standards and to incorporate the areas of Federal law which are designed to eliminate the various pollutants which threaten these areas.

Another feature of this plan will create a national advisory commission to review the activity of coastal management agencies and evaluate the master plans which they submit. The commission will also report periodically on new trends, problems, and possible solutions affecting our estuarine and coastal areas.

A third and highly significant feature of the bill will authorize grants for up to 66 percent of cost to States that acquire coastal lands for recreational or other public purposes. With over 50 mil-

lion people a year presently using the coasts for recreational purposes, it is essential that lands be set aside to guarantee a legacy of useful shoreline to the general public.

Lastly, the bill calls for appropriations for planning grants to States of 12 million for fiscal year 1972 and for grants to cover the costs of implementing State master plans at a level of 50 million for fiscal year 1973. Also provided for are appropriations of 6 million a year for fiscal year 1972–76 for grants to States to cover the costs of purchasing and operating estuarine sanctuaries as field laboratories.

The bill, I believe, provides the basis for a sound beginning in our effort to preserve, restore, and enhance our Nation's estuarine resources. I do not contend that this is the complete answer; but I do feel that it meets a critical need and will be flexible enough to encompass such further Federal legislation as may be necessary.

I urge Senators to join with me in pressing for enactment of this vital program. We must act now.

HUMPHREY CALLS FOR GREATER YOUTH ROLE IN POLITICS

Mr. HUMPHREY. Mr. President, when I was Vice President and sat as President of the Senate, I helped start the Senate youth program, and I served it as honorary chairman.

Two elected high school student body officers from each of our 50 States and the District of Columbia are selected by their chief State school officers to come to Washington as delegates to the Senate youth program. Each delegate receives a $1,000 scholarship.

Young people such as these are our hope for a better tomorrow. We must do our best to get them involved in the political processes, take advantage of their ideas, their imagination, their social conscience and, yes, their dreams.

We must demonstrate to them that the system can work. Convince them by example that if you want to see government made more responsive to your wishes, you have got to get involved.

You cannot build a better society by dropping out . . . by standing on the outside shouting epithets and throwing rocks. You have got to come in and work at it.

Democracy is a living thing that must be constantly nurtured. You cannot expect it to survive if all you are willing to do is go to the polls in November.

These young people visiting us this past week with the Senate youth program are more than sunshine patriots. They are the fabric from which a better America will be woven.

Mr. President, I ask unanimous consent that my remarks to these young leaders be printed in the RECORD. I was privileged to address the participants in the Senate youth program at the luncheon meeting in the Franklin room of the State Department on Friday, February 5, 1971.

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

REMARKS OF SENATOR HUBERT H. HUMPHREY, UNITED STATES SENATE YOUTH PROGRAM, FEBRUARY 5, 1971, WASHINGTON, D.C.

The election of 1972 will have within it the unpredictable, unknown and unmeasurable element of the newest of the new voters—the 18-year-olds, the 19-year-olds, and the 20-year-olds.

And the politician who assumes these young people will vote as their parents tell them to are in for a rude awakening.

The politician who ignores them is in for defeat.

The politician who hopes to win their support must speak to the future and a vision of a better tomorrow.

The election of 1972 has as many unpredictables as the election of 1948.

Young voters are not going to be satisfied with the old politics of carping criticism and partisan attack.

They are going to want in their candidates people who speak to the ideals of young America.

Men and women who give young people a chance to participate in the building of the America of tomorrow which will be theirs.

The founders of our nation were not afraid of the young voter—many were young themselves—and they wanted young people involved in government. That's why our constitution provides a person can be a congressman at the age of 25, a Senator at 30 and President of the United States at 35.

I was only 32 myself when I made my first try for public office. I was a political science instructor at Macalester College and thought I knew a lot about politics. So I ran for mayor of Minneapolis. I lost . . . but I learned a lot. And two years later, I ran again. This time I won.

When I quit my teaching job at Macalester to become mayor, I looked at it much the same as you might view the Senate youth program that brought you here today.

I did not plan to be away from the campus very long.

I wanted to help my home city and in the process get some practical experience and insight into American government.

I didn't get back to the classroom as quickly as I had expected. From being mayor of Minneapolis I went to being a U.S. Senator and then Vice President.

When I found myself out of public office two years ago, I did the natural thing and went back to school. I taught at Macalester and the University of Minnesota until last year.

The campus changed a lot in those years. And so has politics.

But student power in politics is nothing new, although it is more extensive and explosive than ever before.

When I ran for Mayor of Minneapolis, the backbone of my support came from people of college age.

They called us Humphrey's diaper brigade.

And we went on to build a progressive, liberal party in Minnesota.

In the past few years, the American people have suddenly been awakened to the very real force which young people in politics can represent.

This irresistible urge to participate is fired by the refusal of the youth of our country to accept the flaws in our society, and I think it is fundamentally healthy.

I say to the political leaders of either party who find this development troublesome, and who are alarmed because this generation can neither be bought nor ignored—get with it, or get out of the way.

I say to the young people—if you are to be true to your own self, listen to your conscience, and then wade in and seek a meaningful experience in practical, real politics.

You can't change things by standing on the outside yelling about it and throwing rocks. You've got to get involved.

I think it's time we brought students directly into our political life. Not just stuffing envelopes or running mimeograph machines in campaigns, but helping to shape policy.

We already have a limited program of congressional fellowships and internships, but we've got to do more, and not just in the Congress but on all levels of Government.

What I am talking about is a greatly expanded program of practical political education and participation.

This would be a program to place college juniors and seniors in the offices of local councilmen, legislators and Members of Congress.

They will serve as key aides to these officials, participating in the legislative and political activities, including behind-the-scenes, and generally sharing the good and the bad things of public life.

This is for the student who takes seriously the responsibility of being a citizen in a free society and wants to do something about it.

I want you to start at the proverbial grass roots and work and learn your way up.

Learn how day-to-day politics works, starting in the precincts and wards, moving on up to city hall and the county courthouse and the statehouse.

Just as you're a better United States Senator if you've first been a city councilman or mayor or legislator, so you, too, can do a better job if you've had experience at other levels of government.

You've got to know the system before you can do anything about it.

I want you to work with a ward leader, a mayor, a legislator, a governor.

I want you to learn how the Senate works, how the House of Representatives works, how the State Department and the Federal Communications Commission and the other executive agencies work.

I want you to learn statecraft—but I want you to learn the nitty-gritty, too—the plodding day-by-day grinding away that spells political action and public policy.

I would hope that, as a result of this training, more of you would make politics and government your career.

A similar plan—based on a proposal I made during my 1968 presidential campaign—is being tried on an experimental basis on a local level by eight colleges. It started last month and is foundation supported. I plan to introduce legislation in Congress soon for a national pilot program for youth in politics.

What I have in mind would be an elitist program, attracting only the best qualified, most dedicated students.

I'll leave the exact qualifications to the experts—but I'll tell you one thing: If I were the admissions director, I'd pay a lot less attention to the test scores than I paid to commitment.

I'd leave the S.A.T. scores to the computers.

I'd be looking for fresh ideas . . . Imagination . . . social conscience . . . Yes, and dreams—and the determination to make impossible dreams come true.

I think both our political parties would benefit from this program. I think the country would benefit.

American politics can't live on pablum or geritol. It needs the continuing nourishment of ideas, dissent, debate, commitment and participation.

To the serious student, our political system today obviously is not broadly based enough . . . not attracting the best talent and not responsive enough to this nation's deeply felt needs.

Your generation has articulated and brought to the forefront of the American conscience what many of us have felt for many years.

Our present political structure need not be destroyed to build a better one. But it must be reformed and modernized.

For too many people of both your generation and mine, politics is a dirty word.

Maybe that's what's wrong with our country.

Let me tell you something: Politics is just as dirty and just as clean, just as good and just as bad, just as honorable and just as mean, as you—as we—the people, make it.

If you want to make it better, get into it.

To put it another way, "If you're not part of the solution, you're part of the problem."

With passage last year of the 18-year-old vote for national elections, and the Congress and several state legislatures trying to extend that to all other elections as well, the motivation and opportunity for young people to get involved has never been greater.

But not everyone in government welcomes this new involvement of youth in politics.

The Internal Revenue Service has threatened already hard-pressed colleges and universities to strip them of their tax exemptions if they give their recently enfranchised students a chance to learn to work "within the system."

To do so could have the effect of placing a tax on the exercise of fundamental constitutional rights.

The time has come for the Congress to take a fresh look at the ban on political activity by charitable organizations under the Internal Revenue Code.

We are witnessing a new phenomenon, the public interest law firms. Historically, the lawyer's client was a private individual or a company; but now we have a new, young breed of lawyers who want to represent not some private interest, but the greater public interest.

Probably the best known of these public interest lawyers is Ralph Nader.

Along with this is another hopeful development—the recent mushrooming of grassroots citizens groups concerned with civil rights, conservation, consumer, poverty, and other problems afflicting our society.

The corporations they confront can deduct the costs of litigation, "government relations" (meaning lobbying) and public relations (institutional advertising) as "ordinary and necessary" business expenses.

And if it is government that these citizen groups challenge, taxpayers' money is used to hire lawyers and public relations men to fight them.

But the citizen groups would stand to lose their tax exemption—as has already happened in at least one case—if they, for example, launch an advertising campaign to point out the ecological hazards of some corporate or governmental venture.

To deny them tax exemption is to strip David of his slingshot while leaving the corporate-government Goliath armed to the teeth.

It is easy enough to say government must become more responsive to all citizens and more inviting for the young, but we already in government cannot do it alone.

We need your help.

That means pointing out the problems for us, telling us what must be done and then keeping after us until it gets done... and done right.

And it means taking a hand in doing the job.

It means you'll have to get involved. Today, more than ever before, your country needs you.

It needs new ideas and your vigor, your energy and your heart. You have it within your power to build a brave new world—if only you will work at it.

REPUBLICAN NATIONAL CHAIRMAN

Mr. BELLMON. Mr. President, one of our colleagues, the junior Senator from Kansas (Mr. DOLE), was recently elected chairman of the Republican National Committee. As we in the Senate know so well, the Senator from Kansas will bring an abundance of energy, enthusiasm, and dedication to his new position. His voice will be heard in the highest councils of our Government, throughout the Nation, and of course, in this Chamber. Kansas and the Republican Party will greatly benefit from his new role.

A newspaper published in my home State, the Pryor, Okla., Daily Times, recognized in December that the Senator from Kansas was destined to provide leadership for his party. I ask unanimous consent that an editorial published in the Daily Times be printed in the RECORD.

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

EDITORIAL: DOLE RISING POWER

Senator Bob Dole of Kansas is a rising power in the Republican ranks in Washington. He has earned the gratitude of the Nixon Administration by his aggressive support of Presidential policies at times when the Senate leadership of the Grand Old Party, who are supposed to be the chief spokesmen and defenders of the Administration, deserted Nixon.

As a consequence of his loyal support, he has an excellent relationship with the Nixon Administration that will be beneficial to Dole as a Senator and to Kansas, the state he represents.

While The Times does not necessarily agree with Senator Dole on many issues, being of Democratic persuasion, we admire him for his loyalty to the President, his outstanding ability and his keen insight into the political situation. He realizes that the best way to serve his home state is to help those who are in a position to help Kansas. This should remind Oklahomans of another Senator who was so fond of saying and proving "I'm against any combine Oklahoma ain't in on."

Dole is on the Senate Public Works Committee and has evidenced considerable interest in the development of the Arkansas River.

At one time the late Senator Robert S. Kerr and the late Senator Andrew Schoeppel of Kansas were working together to take navigation to Wichita, Kansas. If this could be done it would increase the water freight traffic and Oklahoma would benefit accordingly.

We are hopeful that Senator Dole can convince the Corps of Engineers of the feasibility of this project. He has shown he is against any combine Kansas "ain't in on."

U.S. INVOLVEMENT IN LAOS

Mr. HART. Mr. President, the South Vietnamese Government has sent troops, supported by U.S. air personnel, into Laos.

As this is being written, I have no information to indicate the extent of this newest incursion.

Whether or not the "incursion" becomes an "invasion," only those who grasp at fine lines of distinction will argue that because no American foot soldiers crossed the border the U.S. is not involved in the effort.

Whether or not the incursion is severely limited in time and scope, the expansion of the war at a time we are reportedly attempting to withdraw from the conflict is both appalling and depressing.

It is appalling because in the name of deescalation we are increasing the violence. It is depressing because it appears that we have learned little from past history.

The problem goes beyond the stepped-up bombing in Cambodia and Laos to the basic concept of Vietnamization of the war.

That concept is based on equipping the South Vietnamese for war rather than pressing for a negotiated peace.

Under such a policy, there should be little surprise that efforts to negotiate an end to the fighting and a return of our men held prisoners have met with no apparent success.

Under such a policy we can withdraw "with honor" only if our assigned agents are able to continue the war after our departure.

More disturbing, under such a policy it apparently is justifiable to spread the war in order to buy time for what can only be an apparent "honorable withdrawal."

Perhaps that is too harsh an implication to direct toward the policy of Vietnamization, but pushing the war from South Vietnam into Cambodia and Laos will not end the conflict, but only move it from one area of action to another.

While such a move may buy time to permit the appearance of a withdrawal which allows the Thieu-Ky government to continue in power, it does not insure a permanent "honorable" solution.

And if honor is a part of the goal, I suspect world opinion, however one may define that elusive concept, will not be fooled by a strategy which spreads the pain of war in return for a withdrawal which is "honorable" only in appearance.

World opinion will not be fooled by a strategy which buys time for the sake of appearance but in reality threatens the future of Cambodia and Laos. And, for the very same reason, as pointed out in a column by Stanley Karnow in today's Washington Post, our responsibility in widening the war increases pressure for a continued U.S. presence in Southeast Asia.

If we are so concerned about honor, we might better ask ourselves what honor there is for an affluent Nation which cannot feed all its people?

What honor is there in having a large number of persons unemployed?

Where is the honor in a nation of decaying cities?

What honor will the world give a nation which has been warned but does nothing to reverse the trend toward a divided society, toward a future of armed suburbs and a no-man's land in the city?

We may all be honorable men, but honor is in the eye of the beholder, whether the person be a refugee from a bombed Cambodian town, a resident of a U.S. ghetto or a hungry child.

In my eye, honor demands we set a date certain for withdrawal of all troops from Southeast Asia, negotiate return of our POW's and get about correcting those inequities at home with which no affluent Nation can exist—with or without honor.

Mr. President, I ask unanimous consent that Mr. Karnow's column be printed in the RECORD.

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

THE MAN IN THE MIDDLE

(By Stanley Karnow)

One of the major casualties of the expanding Indochina War may well be Prince Souvanna Phouma, the tenacious Prime Minister of Laos. And his downfall, like the collapse of Cambodia's Prince Sihanouk last year, could have significant consequences for all of Southeast Asia.

The current expansion of the Indochina conflict into Laos has put Souvanna Phouma on the spot. For it is serving to reinforce the right wing Laotian army officers who, with the encouragement of their counterparts in Saigon and Bangkok have been striving for years to oust him in order to set themselves up as direct clients of the United States.

The potential rise of these officers not only jeopardizes the fragile equilibrium that has thus far kept the war inside Laos relatively limited. But their takeover would torpedo the 1962 Geneva agreement that established the convenient fiction of Laotian neutrality and, as a result, it could conceivably touch off a whole new chain of reactions in the area.

In the first place, the creation of a right wing regime in Vientiane is bound to tempt the Chinese Communists to strengthen the forces they already deploy in northwestern Laos. Peking is estimated to have more than 14,000 men engaged in building roads in that corner of the country at present.

The breakdown of the Geneva accords might also prompt the Russians, who have been trying to walk a tight rope in Laos, to adopt a tougher line as a way of competing with their Chinese adversaries.

More important, an end to the myth of Laotian neutrality would be a signal for the North Vietnamese, who currently have about 100,000 troops in Laos, to drop the pretense of observing the cease-fire line they have generally honored until now and push on towards the Mekong River Valley.

Such a move on Hanoi's part would pose an obvious threat to the American air bases on or near the Thai border. Moreover, it would spur the ties to deepen their involvement in Laos, presumably with U.S. assistance.

To a large extent, therefore, the fate of Laos at the moment may be the key to whether the war is going to spread beyond the Indochinese peninsula to other parts of Southeast Asia—and whether, in that event, President Nixon can effectively stick to his promise to reduce the American commitment to the region.

So, as it has periodically in the past, the quaint and charming little kingdom of Laos is again playing a decisive role in international affairs as a result of its unfortunate geographical location.

It was precisely to transform Laos into a neutral buffer rather than let it become a battlefield that the 14 Geneva signatories, among them the United States, the Soviet Union, Red China and North Vietnam, agreed to a Laotian coalition government with Souvanna Phouma as the man in the middle of of the muddle.

The coalition was never much more than an ambiguous contrivance that mainly existed on paper. Yet it was respected by the world powers because the alternative, a polarization of the rival factions inside Laos, would have ignited a more explosive situation.

Consequently, both the North Vietnamese and their indigenous Pathet Lao satellites have been careful to avoid breaking relations with Souvanna Phouma and even go through the motions of negotiating with him, thereby indicating that they at least recognize his government.

By the same token, both the United States and the Soviet Union have acted jointly to discourage the right wing Laotian army officers from toppling Souvanna Phouma. In April 1964, the American and Russian ambassadors in Vientiane even restored the Prince to office after his ouster by Gen. Kouprasith Adhay, the local army commander.

But Kouprasith and his associates, who dream of receiving massive doses of American aid like the generals in Saigon and Bangkok, have never ceased gunning for Souvanna Phouma. Only international support for the prince has prevented them from achieving their objective.

Now, according to reliable reports, the Laotian officers are delighted by the South Vietnamese thrust into Laos in the hope that it will wreck the Geneva Accords, undermine Souvanna Phouma and lift them into power.

Since the South Vietnamese foray is being made with U.S. backing, President Nixon is ultimately responsible for tilting the balance in Laos and extending the war further than it has already gone—which is much too far.

THE CURIOUS LIBERAL VIEW OF SOUTHEAST ASIA

Mr. MILLER. Mr. President, the Washington Sunday Star of February 7 contains a most perceptive column by Crosby S. Noyes. His analysis of the current debate on the Southeast Asia operations should be required reading for those who wish a true perspective of the viewpoints. I ask unanimous consent that the column, entitled "The Curious Liberal View of Southeast Asia," be printed in the RECORD.

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

THE CURIOUS LIBERAL VIEW OF SOUTHEAST ASIA

(By Crosby S. Noyes)

The anger of the liberals over recent developments in Southeast Asia defies rational analysis.

What is it that they want? What do they really feel? What would they do if they were making the decisions about our policy in Asia?

The answers, I submit, are not nearly as simple as they seem. The fatal weakness of the liberal position at this point is that it is inherently a minority position, not because the government or the majority of the country is reactionary and warlike, but because what the liberals recommend could not be adopted by any American government.

The one consistent characteristic of liberal thinking today is that of dissent—not from any particular policy, but from any policy that has the slightest chance of success. When it comes to Southeast Asia, the failure of American policy has become a primary article of faith to practicing liberals.

The anger at the present course of events is real enough. There is little that happens in this country or abroad that does not fuel their sense of exasperation and dismay. Their capacity for dire prediction is limitless.

The liberals are even angry at each other. The peace movement, they complain, is dead, killed off by the machinations of a devious administration. Even the peace bloc in the Senate seems to be showing new signs of indecision and impotence.

And meanwhile, of course, everything is going to hell in a handbasket.

The Cambodians, despite all the predictions, are showing signs of determination in resisting the invasion of their country by North Vietnam. The South Vietnamese are said to be invading Laos with the object—just imagine it—of breaking up Communist supply lines into their country. And worst of all, the Americans are helping them, even while claiming that they intend to withdraw the bulk of their forces in Vietnam as quickly as possible.

Small wonder the liberals feel betrayed. This is hardly the scenario they had in mind when the Senate doves pushed through the Cooper-Church amendment last summer. And if, in the end, they were unable to limit the use of American air power in supporting actions in Laos and Cambodia, why surely the administration should have understood what they meant to do.

But what is it exactly that they did intend? The liberal lexicon is a bit murky when it comes to practical policy, but a few solid points show through the rhetoric.

They would, presumably, prohibit all help for Cambodia and Laos and for the South Vietnamese operating in these countries. They also would set a firm date for the end of the American involvement in Vietnam—including the withdrawal of all American troops and support for the Vietnamese army. And finally, they would pull the rug out from under the "unrepresentative and repressive" government in Saigon and set up in its place a coalition willing to come to terms with Hanoi.

Or would they?

The curious thing about the Senate liberals is that while they readily make ruinous suggestions about what others might do, they show little zest for putting such suggestions into effect. The chances, for instance, of extending the Cooper-Church amendment to cover the use of American air power in Cambodia and Laos are rated at practically zero.

If you ask them, furthermore, whether they really would prefer to see a Communist government in control in Cambodia or Laos, they will say of course not. If you ask them who would be served by a public timetable for an American departure from Vietnam, they change the subject. If you ask them whether they consider the government in Hanoi more representative and less repressive than the one in Saigon, they say it is beside the point.

More than anything else, one feels, there is an apprehension that it may all work out—that the disaster they have been predicting so relentlessly over the years may not actually come about. It is, quite obviously, a luxury which only the opposition can afford. And the liberals at this point seem devoutly attached to their opposition role.

NEWS BLACKOUT ON SOUTHEAST ASIA MILITARY ACTIVITIES

Mr. PELL. Mr. President, I have been deeply disturbed, as have many other Senators, over the prolonged news blackout imposed by the administration on our major military activities in Southeast Asia.

Indeed, the distinguished assistant majority leader, the junior Senator from West Virginia, expressed the concern of many when he raised questions here in the Senate last week regarding the news blackout.

Neither I nor any other American, I am sure, would ask that any information be made public that would in any way endanger the lives of our servicemen in Southeast Asia. In fact, concern for the safety of our servicemen has been cited by the Department of Defense as the reason for the extraordinary news blackout.

I cannot but remark, however, on the contrast between the administration's news policy during the Cambodian incursion of April 30, last year, and during the current military campaigns. Senators will recall that on April 30 last year, the President on national television informed the American people that even as he spoke United States and South Vietnamese forces were moving across the international boundary into the territory of Cambodia. He subsequently announced on national television, to the American people and the world, precisely how far into Cambodia those troops would penetrate and the deadline for their complete withdrawal.

Did those early, open announcements of U.S. military activities last year pose any threat to the safety and security of our servicemen? To the contrary, the administration has proclaimed the entire operation to have been a complete and unmitigated success.

I find it difficult indeed to understand why it was possible in 1970 to give the American people full and timely information on a major military operation, while in 1971 such full and timely information is considered a threat to the security of our servicemen.

Perhaps there are reasons for the difference; there may well be circumstances that fully justify such a dramatic change in information policy. If there are, those reasons should be presented without further delay to the American people, whose sons are fighting this war and whose dollars are paying for it.

TRIBUTE TO HAROLD A. SYMES BY SENATOR JENNINGS RANDOLPH

Mr. RANDOLPH. Mr. President, on Friday, February 5, 1971, Harold A. Symes, professional staff member of the Committee on Public Works, retired. This one-sentence statement really expresses much. Hal, as we know him, has spent 18 years as a printer with the Government Printing Office, 6 years with other congressional committees, and has served the Public Works Committee as its printing editor for the past 7 years.

During his years with the committee, he has assisted the Members and his professional staff colleagues in the handling of the Air Quality Act of 1963, the Motor Vehicle Air Pollution Control Act of 1965, the Air Quality Act of 1967, the Clean Air Act Amendments of 1970, the Solid Waste Disposal Act of 1965, the Resource Recovery Act of 1970, all of the biennial authorizations for rivers and harbors-flood control, and the Federal-Aid Highway Acts of 1964, 1966, 1968 and 1970, the Highway Beautification Act of 1965, the Highway Safety Act of 1966, the Appalachian Regional Development Act of 1965, and the Public Works and Economic Act of 1965 and their 1967 and 1969 amendments.

There is no way of accurately determining the number of volumes, pages, and words which it has been his duty to shepherd through the legislative process. Without him, the committee would have functioned, but with him, it functioned so much better. His ability and diligence, his dedication to his assigned tasks facilitated the important work of the Committee on Public Works. But more than his commitment to his assigned job, he shall be most remembered for the manner in which he carried out his responsibility, always with pleasantness, with kind words, and with great understanding for the needs of others. No matter how complex the particular job, no matter how short the time limit and how impossible the working conditions, he always delivered and with a smile.

While it is true that no man is indispensable, he will be missed by the members of the committee and his colleagues. We wish him a happy, healthy, and rewarding retirement. I know from having worked with this man that this will not be a period of unproductiveness and idleness. He is too active and too involved to sit. Following a brief vacation, we will again see Hal Symes doing something for people because that is the way he lives.

All of us who have been involved in the life of the Congress, are aware of the professional camaraderie of the printers on the Hill, and Hal Symes has been a printer's printer.

ANALYSIS OF AIRPORT USE PROBLEMS

Mr. BAKER. Mr. President, I invite the attention of Senators to an article entitled, "Will You Lose Your Right To Fly?" which was published in the October 1970 issue of Popular Mechanics magazine. I found it to be a very interesting analysis of the airport use problems facing general and private aviation. The author, Mr. Frank A. Tinker, suggests several alternative steps which might be taken to alleviate the problem while safeguarding the right of a large number of Americans to own and fly their own aircraft. 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:

WILL YOU LOSE YOUR RIGHT TO FLY?

(By Frank A. Tinker)

(NOTE.—The author has been flying for 30 years—combat in World War II and Korea, airlines, charters and freight ferries to Alaska. A former director of the Airline Pilots Assn., he says: "Most airline pilots are looking for constructive answers rather than banishment of private flyers. After all, most are weekenders themselves.")

We had been cleared for final approach to the single runway available at this major, supposedly modern, airport. Several small private aircraft were also in the pattern for the same runway as we reported our heavy cargo craft three miles out. One was almost ready to turn on final, a turn that would put him squarely in our path. Surely he would be told to go around the pattern.

But he was not.

"Piper three six Foxtrot, you are cleared to land," came the instruction from the tower. Cautiously, sensing the error that had been made, the Piper acknowledged and began his turn.

There was no time for further tower talk. The aircraft were already in dangerous proximity. I gave our bird climb power, asked the copilot to bring up the gear, and turned abruptly to avoid the light plane.

At that point we could have filed a report of a near miss, as all pilots were invited to do by the Federal Aviation Agency in 1969, without fear of retribution. However, like many other pilots concerned over the public hysteria about mid-air collisions, we decided against it. It seemed to us that any such report, instead of being used to correct the real cause of aerial traffic jams—in this case, inadequate airport facilities—now merely adds to a misunderstanding which threatens to eliminate private aviation as we have known it here in America.

Such an unfortunate ban can be effected in several ways: by restrictive order or by requiring such expensive equipment that the ordinary light-plane owner cannot afford it. Recent "scare stories" about congestion and mid-air accidents, many woefully inaccurate, have created the emotional climate for such unreasonable actions. It would be unfortunate if hysteria were to govern our aviation policies now since the only real cure for aviation's growing pains—an advanced technology within reach of all—seems well on its way.

Last year, despite the clear language of a federal statute that ". . . there shall be no exclusive right for the use of any landing area or air navigation facility upon which Federal funds have been expended," the main airports in New York (La Guardia, Kennedy and Newark) and Washington National were virtually closed to all aviation but airlines. This was done by requiring reservations before landing, with so many slots being awarded to airlines beforehand that few spaces were left for the private or business pilot. In addition, the Port of New York Authority levied a landing fee—to apply only to nonairline craft—five times its previous level.

Senator Long of Louisiana has called for the relegation of private aviation to "pastures." Recently, stringent controls have been proposed by the FAA for 22 high-density terminal areas around the country, with another 98 apparently on a list to follow. These controls would require expensive electronic equipment on even the smallest aircraft operating in these areas, commit all aircraft to complete ground control regardless of weather, and compress their flights into shallow layers of airspace. These proposed rules, according to Sen. John Tower of Texas, "would result in the death of general aviation."

But these proposals only continue a long trend, that of transferring control of flights from cockpit to ground, from pilot to government employees.

The public thinks the reason is congestion—and its link with mid-air collisions. Last year FAA towers handled nearly 60 million aircraft movements, a large percentage at a relatively few main terminals. This congestion is anything but new.

PM and this writer called attention in 1960 to the situation at Chicago's Midway Airport. Causes of crowdinig then were much the same as now—overscheduling of flights, inadequate airports, marginal technical and radio facilities. One factor not a large cause was small private aircraft. Even then private planes were almost never caught in the maelstrom of a major airport.

Obviously, overworked air controllers agree: The "sick-strikes" which they called in 1969 and 1970 to protest crowed and inadequate facilities at major airports occurred *after* private craft were eliminated from those ports. As for safety, the FAA itself has stated that limitations on private craft using the ports "were intended to provide relief from excessive delays at certain major terminals. They were not, as some persons concluded, intended to correct a safety problem."

Crowding, however, has been made synonymous with the mid-air collision. Certainly there is a problem aloft. More than

1000 "near-misses" were reported in 1968—although no concrete definition of a near-miss exists. In that year there were two collisions between airliners and private craft and in 1969 there were three, with 132 fatalities. These made headlines—although the number of deaths is less than the average *every day* on our highways.

Most near-misses and collisions did not involve airlines. Some occurred while applying agricultural chemicals, hearding horses, or spotting fish. Twenty private craft collided in 1968 while in poorly defined traffic patterns, usually on final approach. Most of these happened at small airports. Probably none could have been prevented by the restrictions now proposed.

The current attack on private aviation has been the first to recommend the virtual grounding of any part of our civilian fleet. How well qualified are the critics? Even large newspapers seldom have an aviation specialist. Much of the information they print about accidents is highly speculative, obtained mainly from airline sources. When a DC–9 and a Piper Cherokee collided near Indianapolis last September, a typical headline was "Small Plane Rams Jet." Even the *New York Times* said the small plane "struck" the DC–9's tail. The jet, however, was traveling at a speed several times that of the Cherokee, which would make it difficult, for the latter to "ram" or "strike" the DC–9. In a similar collision between a Cessna 150 and a DC–9 near St. Louis in 1968 the CAB found that the airline pilots "could have sighted the Cessna in time to avoid the collision. The Cessna crew could not have been expected to see and avoid the DC–9."

More important, the probable cause of this accident was found to be a combination of inadequate VFR separation standards and the absence of an orderly traffic pattern.

A widely quoted newspaper supplement story (*Parade*, Jack Anderson) claimed that in the Indianapolis collision the private plane was making a landing pass at the airport. The National Aviation Trades Assn. indignantly pointed out that the light plane was 20 miles from the airport at the time of collision.

Even the terms "private" or "general" aviation may be misleading. General aviation includes not only the weekend flyer in a light plane—who may hold either a student permit or an airline transport rating—but aerial applicators, air taxis and 6600 multiengined company-owned planes. About 1000 private jets and 1200 turboprops fly in this nonairline fleet which numbers about 133,000 aircraft. There are 10,000 airports in the United States, only one in 20 served by a major airline, and almost as many people move between cities by private aircraft as by airline. Thus the question might easily be posed—which is "private" and which "public"?

Controls are overrated as accident preventives. The same rules that provide altitude separation between planes also *confine* them to specific levels and create whatever crowding results there. Having to follow airways from one navigational aid to the next compresses traffic into narrow bands of airspace. The first serious mid-air collision was due in part to the precise navigation of the two airliners involved, which came together in an uncrowded airway over the Grand Canyon.

In busy terminal areas all flights are under radar surveillance and ground control. Yet during 1968 there were 58 near misses between planes which were both under "positive control." The worst mid-air accident in history occurred when two airliners collided over New York while being directed by controllers. Last year two jets nearly collided in positive control airspace 22,000 feet over Pennsylvania.

The FAA has recently proposed that in terminal areas all flights above a very low level be under ground control. Both private and airline pilots have turned thumbs down on the FAA scheme, saying it is too complicated, compresses traffic at low levels, clogs radar screens with transponder blips and imposes an additional burden on already overworked controllers.

The main crisis arises in terminal areas and at lower levels of flight when different classes of aircraft are operating there simultaneously. The solution is to get high-performance craft into and out of airports, passing safely through the levels where this "mix" occurs. To do this, "flight corridors" have been suggested by both private and airline pilot associations. Similar corridors, long used by military planes, permit traffic to pass through such areas, yet do not close them to other craft. Positive control is required only for planes using the corridors.

This would reduce the outlay for sophisticated equipment which today threatens to ground many private planes. A transponder with the many channels required by air traffic control now retails for nearly $1000, installed. Many-channeled communications equipment is already mandatory for planes using airports with towers. Anticollision devices could add astronomical costs.

If general aviation's uphill battle is won it probably will be with technological advances.

Airports have been modernized in many places, with equal and separate facilities for both airlines and general aviation. Traffic patterns are separated, different terminals are provided and conflict between the two classes of planes is rare. In terminal areas, where the crush of traffic makes parallel facilities inadvisable, "reliever" airports have helped—and more are scheduled—to take pressure off main terminals and still provide convenient locations for business and private pilots.

Aloft, the need for transponders may be alleviated by the improvement of ground radar sets capable of discerning *all* targets more clearly. Most important is the development of height-finding radar. Today's sets provide only the direction and distance of the target, but others soon on the market will indicate the plane's altitude. Such tools, unlike restrictions will greatly improve the safety factor of aviation.

Along the airways, congestion is already being relieved by another advanced aid, the "area-navigation" system. Using on-board computers aircraft can navigate almost directly to their destination instead of following crowded air lanes.

The ultimate anticollision tool, an airborne system which will warn pilots against dangerously close aircraft, is also well along in its development. An elaborate electronic collision-avoidance system is favored by the airlines, but this would work only when all aircraft were similarly equipped and the present cost is about $50,000.

General aviation favors a cheaper, simpler pilot warning indicator. The Electronic Research Center of NASA in Boston recently showed such a device. It operates from lights aboard the planes, the flashing of which is picked up by grids on the windshields of other craft. Position of the lights on these grids indicates the other craft's direction. Highly visible stroboscopic lights, whether or not a part of a warning system, have been recommended by all parties and are being widely installed.

Several long-standing weaknesses remain to be improved, however. One is cockpit visibility—even in new jets. Near Milwaukee, in 1968, the pilots of a Convair 580 were advised three times by controllers that they were overtaking another target but, because of insects on the windshield they could not see a Cessna 150 until they plowed into it.

There is also the increased attention airline pilots must pay to items within the cockpit during descent and takeoff.

"That controller had better get everybody out of the way when we come in," confessed a friend who flies a DC–8. "I'm not looking outside 10 percent of the time during an approach."

Finally, airline scheduling during peak demand hours still creates much terminal congestion. Airlines cater to passenger's normal desire to fly during daylight. Some major terminals are thus almost deserted after midevening. If airline flights could be spread more evenly over the day and night, crowding and hazard could be reduced immediately.

All these are realistic solutions, well on their way into practice. Barring general aviation from public airspace, regimenting all flights, and hiking the cost of flying needlessly are shortsighted answers at best. Over the long run, they would indeed return private aviation to the pastures—but is that where we want it?

THE CRISIS OF HEALTH CARE

Mr. PACKWOOD. Mr. President, the so-called crisis of health care will be a much debated issue during this Congress. It is hoped that any legislation which may be forthcoming will stand on its own merits and not the emotional backlash which too often prevails.

Several months ago, the senior Senator from Iowa (Mr. MILLER) warned against Congress being stampeded into rash action, action which we would come to reject.

Because the speech is as timely now as it was then, I ask unanimous consent that Senator MILLER's remarks of May 27 at a Dental Honors Convocation in Iowa City be printed in the RECORD.

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

ADDRESS BY U.S. SENATOR JACK MILLER (IOWA)

It is a privilege to have been invited to address this Dental Honors Convocation.

This College of Dentistry, which has been such a big part of your life for the past several years, is one of the foremost in the nation, offering courses undreamed of when the first dental school in the United States was organized in 1840. At that time and until 1870, physicians practicing some dentistry and apprentice training remained the chief source of supply of dental care in the nation.

As you stand on the threshhold of a dental career, you can take pride in the realization that you are among the best equipped to meet the duties and responsibilities of your chosen profession our nation has ever produced.

Since our society today is becoming increasingly concerned about health care and services, it was suggested that I address my remarks to one or more aspects of the health field, rather than to the future of football or ROTC at UI. Accordingly, I plan to take a broad brush approach to the subject and also to delve into some areas of special interest to your profession.

"SICKNESS" IN THE HEALTH CARE INDUSTRY

America's $60 billion-a-year health care industry has been described as our "fastest-growing failing business." And there is more than a degree of truth in that assessment.

Last July 10, President Nixon declared: "We face a massive crisis in this area and unless action is taken both administratively and legislatively to meet that crisis within the next two to three years, we will have a breakdown in our medical care system which could have consequences affecting millions of people throughout the country."

The President said he knew when he took office that health care was a serious national problem but found the problem was much worse that he had realized.

The decade of the '70s began this year with three major congressional committees, including the Senate Finance Committee on which I serve, examining into this industry's sickness.

Some are predicting that the end result of the investigations by these committees will be some form of a national health insurance plan to cover all Americans by the end of the 1970s. And there are predictions that this will come about as early as 1975.

If such a scheme is adopted, it will have widespread repercussions in the health field. It would amount to what could be considered a nationalization of the industry—with all its attendant controls, regulations, and, of course, paper work.

THE DENTAL SERVICE CORPORATION

The speed at which this concept has been developing was at the heart of the Iowa Dental Association's action earlier this month in establishing a dental service corporation—really a dental insurance company.

This corporation, as you may know, will come into existence within 90 to 100 days and offers you, the dentists, an opportunity to control your own destinies and to avoid having to deal directly with the government or other carriers.

This corporation is a dental care version of the medical Blue Shield-Blue Cross groups serving as the intermediary between doctors and government in Medicaid and Medicare programs. The IDA action appears to be recognition that some kind of dental insurance seems inevitable.

Dr. Robert E. Glenn of Burlington, the Iowa Dental Assocation's president, has said that the dental service corporation "may be our last hope for control of our own profession."

Dr. John Goodrich of the State Health Department has added a comment which bears repeating:

"With the increasing activity in the prepaid dental care area, from union-management contract negotiations now and very likely with some form of national health insurance in the future, the profession can no longer wait."

I will have a few additional remarks later relating to the national health insurance proposal, although you have among you one of the experts in this area, Dr. Galagan, the dean of this College of Dentistry, who is a member of the American Dental Association's special Task Force on National Health Programs.

On that point, I can assure Dr. Galagan that I will be vitally interested in the recommendations relating not only to the areas of national health insurance but those involving the Association's policy and programs. I am also extremely interested in the recommendations of the Task Force on modifications of future dental practice that are foreseeable from the current discussion on national health insurance.

INCREASED DEMAND FOR SERVICES

Our so-called "affluent society" today is more demanding than was ever visualized back at the turn of the century. Health care service is being strained to the breaking point by the population explosion. Because people are better educated and enjoy a higher standard of living, they understandably are making greater use of health services and facilities. Many have come to regard health care as more of a right than a privilege. As Charles B. Womer, director of the Yale-New Haven Hospital in New Haven, Conn., has observed, in looking at the changing attitude in America toward health in recent years:

"We have grown from the point at which medical care is a privilege to where it is a right. We've made it a human right, but we've not quite made it an economic right. It's as if the fire victim were being made to pay the fire company for its services."

INCREASING COSTS

One out of seven Americans is admitted to a hospital each year. The total bill annually for the nation has jumped to $22.5 billion, double what it was seven years ago. The basic charge for a hospital room is up 82 percent in five years, and in some recent years, it has been climbing five times as fast as the cost of living.

The costs are traceable to higher wages for health personnel, the growing number of personnel needed, the price of progress in health care, the increasing cost of equipment and supplies, some degree of inefficiency and duplication of services resulting from unforeseen demand, and, of course, inflation.

The Federal Government itself has aggravated these problems. Indeed, it is primarily responsible for inflation.

For one thing, the cost of hospital services has risen more than four times as fast as the increase in the cost of living since Medicare and Medicaid went into operation in 1966. The two programs will cost about $13 billion this year, some $5 billion more than was forecast when they were enacted. The cost overrun is now projected at $36 billion for the 10 years of this decade alone.

With Medicare and Medicaid, the Federal Government assumed a major responsibility to help pay the hospital and medical bills of all over 65 years of age, regardless of their ability to pay, and all of the poor regardless of age. The impact of this new federal role can be seen by contrasting public and private expenditures for personal health care in fiscal years 1960 and 1969:

Total public and private outlays grew from $23.2 billion to $52.6 billion, while the federal portion rose from $2.4 billion to $12.4 billion. Thus, the federal share of total outlays increased from 9 to 24 percent; the share met by state and local governments remained at about 12 percent; and private outlays dropped from 79 to 64 percent. Projections indicate that these trends will continue.

The rapid growth in demand for medical services generated by the new federal programs and rising population has not been matched by the quantity of health resources and the efficiency of the nation's health system. The result: a sharp upward spiral in the price of medical care, imbalances in the availability of health resources, a growing awareness of the limited capability of the present health system to deliver services effectively, and deep concern that there will be a deterioration in the quality of health services.

SHORTAGES OF HEALTH CARE PERSONNEL

That the demand for services has far outstripped the steadily increasing supply can be seen in the shortages which exist in the health personnel field:

It is estimated that there are 100,000 professionally active dentists in the nation at this time—with 96,500 engaged in practice and 3,500 involved in research, teaching or administration. Of the 96,500 practitioners, approximately 92,500 are self-employed, private practitioners. The current shortage of dentists is estimated at 17,000 to 20,000.

Estimated shortages in other health professions fields: physicians, 50,000; registered nurses, 150,000; optometrists, pharmacists, podiatrists, veterinarians, 26,000; allied health occupations (medical, dental and environmental), 253,000.

As in the case of medical schools, colleges of dentistry are not turning out nearly enough graduates to meet the needs; nor, for that matter, are there enough students enrolled at the present time: 16,008 in the nation's 53 dental schools, with graduates this year in the area of 3,400.

What is worsening the situation even more is that dental and medical schools are undergoing a financial crisis. Part of this, but only a part, is attributable to the tight budget of the Federal Government resulting from excessive tax relief demanded by a majority of the Congress in exchange for tax reform under the Tax Reform Act of 1969.

THE FEDERAL GOVERNMENT AND DENTAL CARE

The Health Manpower Act of 1968, the successor to the Health Professions Educational Assistance Act of 1963, brought together the various sources of federal support for the construction of new health professions schools, rehabilitation of existing school basic institutional grants distributed on a formula basis of all eligible schools and used for operating purposes, special project grants that are competitively distributed and used for particular purposes specified in the law, and a loan-scholarship program for students enrolled in health professions schools.

Appropriations for institutional grants under the Health Manpower Act totaled $66 million in fiscal 1969, $105 million in fiscal 1970, and $113.6 million has been requested for fiscal 1971.

Some 235 schools, including the dental colleges, are in competition for these grants.

I am well aware that the American Dental Association has gone on record in support of funding of this section to the level of authorization in fiscal 1970 ($117 million) and will probably do the same for the coming fiscal year ($168 million).

This is understandable, because this section of the authorization act is, in many ways and in the opinion of the professional, the the key to federal participation in assisting health professions schools weather the financial crisis from which they now suffer. Because the number of schools eligible for the grants is steadily growing, the increased appropriations have not had the impact on individual schools which might have been expected. In fact, individual dental schools generally received about the same level of grants in fiscal year 1970 for operational support ($24 million, Iowa $257,500) as in fiscal 1969 ($22 million, Iowa $242,500) with only a little increase expected for fiscal 1971. During this period, two of the nation's dental schools—St. Louis University and Loyola University of New Orleans—have closed their doors. The American Dental Association says it knows of at least five more schools that are actively considering also closing down.

One of the problem areas for the next year or so is student loans and scholarships, with indications that the health professions will receive lesser amounts. Total appropriations in the loan areas for fiscal year 1969 were $15 million; this was stepped up to $15.9 million in fiscal 1970, but only $12 million has been requested for fiscal year 1971. Congress may up this amount, however.

The decrease of these funds is tied to the announced intention of the Administration to consolidate existing loan funds into the Office of Education guaranteed loan program which, it is hoped, will result in an expansion of student loans.

The inclusion of loan funds within the Health Manpower Act recognizes that professional health education is not only expensive in itself, but these costs come on top of those of four years of undergraduate education, during which time a student has often already made use of NDEA grants or Office of Education guaranteed loans. If substantial assistance is not available during the professions school years, as you well know, the tendency is to close off the health professions to all except those from well-to-do families—an undesirable result, both for the professions and the nation.

I realize there is some doubt in the professional schools that the substitution of Office of Education guaranteed loans for the direct Health Manpower loan fund will work. You are concerned, as we all are, with the fluctuations of the money market and the prevailing high interest rates which combine to make many banks reluctant to grant loans

of this kind, and may continue to cause this reaction even with the additional incentives the Administration has agreed to provide. Also there is the feeling that the banking industry should not be the one deciding how many young people, and from what income levels, will be afforded the financial support necessary to seek doctorates in dentistry or medicine. However, I am hopeful the guaranteed loan program will work the way it is planned.

In fiscal 1969, some 6,400 dental students obtained funds from the direct loan program. It is estimated that, in fiscal 1971, only some 2,200 will be able to do so. Actuarial indications are that if the Congress would fully fund the loan section for the next several years, it would then be all but self-sustaining because of the re-payments that would be flowing back. The trouble is that the money isn't there, because of the excessive tax relief to which I earlier referred.

The situation with respect to the scholarship funds is similar to that of direct loans. It is estimated that the fiscal 1971 budgetary requests would reduce the number of scholarships available to dental students from 3,700 in fiscal 1970 to 3,400 in fiscal 1971.

Construction funds appropriated under the Health Manpower Act came to $75 million for fiscal 1969, $118 million for fiscal 1970, and the same amount has been requested for fiscal 1971. Since the law's inception in 1963, dental schools have been annually allocated about 20 percent of the appropriated funds for all of the health professions. However, during this period, nine new schools have been established. In addition, a number of existing schools have undertaken extensive rehabilitation and expansion programs. I note that our own College of Dentistry, in fiscal 1969, received $7 million under this construction section for a new clinical sciences building, the largest single grant ever received from any source by Iowa University.

One component of the National Institute of Health is the National Institute of Dental Research. It is, in terms of the fiscal base, by far the smallest of the NIH institutes. Funds earmarked for NIDR came to $30 million in fiscal 1968, $40 million in fiscal 1969, and $28 million in fiscal 1970.

These tight budget figures are being duplicated in most other programs in all the federal agencies, and I understand the concern many feel over them. However, when those in control of the Congress make number one priority the granting of tax relief ranging from 2 percent for the $50,000–$100,000 income bracket to 70 percent in the lowest bracket, these are the results.

The usually non-fatal character of dental disease, and its consequent lack of "drama", traditionally places dental research in an unfavorable position with private philanthropic agencies compared with such illnesses as heart disease, cancer, muscular distrophy, and the like. NIDR, consequently, plays a more significant role in supporting the totality of national dental research than some of its sister institutes do within their own fields. It is estimated that as much as $8 of every $10 available for dental research in the United States comes from NIDR grants.

For fiscal 1971, the Administration is requesting $34.5 million for NIDR, up from $28 million for this year. This is the largest percentage increase for any institute. The bulk of the increase, however, will not be for grants but for direct contracts and is identified as being for the program of the National Caires Task Force, which is dedicated to the elimination of tooth decay.

Another program affecting the dental profession is the Allied Health Professions Personnel Training Act, which begin operation in 1967. This is directed toward supporting federal participation in the effort to increase the number of auxiliary health personnel such as medical technologists, dental hygienists, dental assistants, occupational therapists, X-ray technicians and the like. The range of coverage of the law is such that some 330 schools are considered eligible for grants.

The appropriations—$14 million in fiscal 1970—are used for construction of teaching facilities, basic and special improvement grants to schools, traineeship grants for teachers, and grants designed to stimulate experimentation in the creation of new types of health technologists.

This program expires on June 30, but the Administration has asked for an extension and broader coverage which will add hundreds of additional schools to the 330 already eligible.

The need for dental auxiliaries is pressing. Currently, there are approximately 17 hygienists and 101 assistants for every 100 practicing dentists, and I know professional opinion is unanimous that the number should be doubled.

MEDICARE AND MEDICAID

As you know, there is little dental participation under Medicare. Some oral surgery is covered, but most dental services are specifically excluded, and the total amount of money spent under Medicare for dental care has thus far been too small for the Social Security Administration to measure.

The recent Social Security bill passed by the House does include one minor revision of current regulations that will affect dentistry to a small degree. The revision, if accepted by the Senate, will permit coverage of the hospital expenses of a dental patient who, in the opinion of the attending dentist, must be placed in a hospital while receiving the necessary care because of the patient's advanced age, general disability or other condition that would make office treatment inadvisable. The revision would not cover the charges for the dental services rendered—only the hospital charges.

Some 35 states have some provision for dental services within their Medicaid law. Most are quite limited, however, although costs are estimated to run around $120 million annually. Overall, about five percent of all Medicaid funds, both federal and state, go for dental services.

PREVENTIVE PROGRAMS

Because most kinds of dental problems are readily preventable, the dental profession has long attempted to persuade the public sectors to adopt preventive programs, especially those aimed at children.

And the American Dental Association believes that a provision should be included in the Medicaid law to encourage states to spend the dental portion of the money primarily on preventive services for children. Such an amendment was approved by the Senate Finance Committee in 1965 and accepted by the Senate as a whole; however, it was subsequently eliminated by the Conference Committee between the two houses.

The American Dental Association was the prime mover in the enactment, in 1967, of the Pilot Dental Care Projects program for needy children. The purpose was two-fold: to assist in giving badly needed care, and to experiment with various ways of providing these services most efficiently. Unfortunately, the program has never been funded with the necessary $5 to $7 million, and I regret this Congressional short-sightedness at a time when the federal government is paying out twenty times more money for services to repair the preventable damage done by oral disease.

THE FUTURE

Coming back again to the nation's health care crisis, there is a lot of talk about creation of a tax-paid system of free medical care for all Americans—the so-called national health insurance scheme.

If the health industry doesn't do a better job of controlling costs and offering better service to a discontented public, this talk could take the form of action—unwise though I think it would be. Congress can be stampeded into very rash and unfortunate action—just as happened when Medicare and Medicaid were rushed through on the basis of terribly inadequate cost estimates and equally inadequate legislative research. Now we are trying to pick up the pieces.

Before Congress takes on anything more, it should clean up the mess it has made and take a hard look at the problems arising from the nationalization of health care in other countries. I am thinking particularly of Sweden, which nationalized its health services in 1955, where experts have warned that its health bills could consume the country's entire budget in 20 years.

I am reminded of a remark made by Dr. Roger O. Egeberg, assistant secretary of the Department of Health, Education and Welfare:

"If we can't handle Medicaid and Medicare, how are we going to handle a national health financing system?"

And the remark of William H. Flanagan, a Roanoke, Va., hospital director: "The government has never run anything and controlled costs. Why should they take this over?"

The proponents of national health insurance are unusually silent about the cost, but the price tag for the plan seemingly receiving the most support—and an organization has now being set up to lobby for it in Washington—has a minimum price tag of $40 billion. Many feel it is much too low.

They are also silent on how much it would take in higher taxes. However, if a $40 billion plan was based on Social Security taxes, it would cost at least double the present tax load.

These are not pleasant thoughts, but it sometimes is well to think the unthinkable in order to prevent doing the undoable.

In conclusion, I would leave this thought with you. The increased role of the federal government in the health care field has been very dramatic—perhaps too dramatic. And the federal government will have a very big role to play in the future. Nevertheless, if our society is going to continue, and, with all its defects, it is still the best in the world, most of the nation's needs for manpower, services, and facilities in this field will continue to be borne by the states, local communities, and non-governmental institutions and organizations. This is in the best traditions of our country, and I am most confident that the members of the dental profession will carry their share of the burden capably and compassionately.

SECOND ANNUAL ENVIRONMENTAL MESSAGE

Mr. DOLE. Mr. President, today President Nixon has proposed a far-reaching and comprehensive program for improving our environment. In his second annual message to the Congress on the environment, President Nixon has recommended action to strengthen existing pollution control programs, such as our water quality and pesticide programs, and to provide controls for other environmental concerns such as noise, ocean dumping, and toxic substances. His program also calls for much greater weight to be given to environmental factors in decisions affecting land use. He has proposed that major emphasis be placed on urban area "parks for the people," and to the preservation of open space and wilderness areas. His proposals also provide for greater protection of historic buildings, assurance that the location

of powerplants are consistent with environmental protection, and control on the surface and underground effects of mining.

President Nixon's proposals are responsive to the heightened concern of our Nation for cleaning up pollution and for halting further degradation of the environment. In 1970, the administration and the Congress together made meaningful progress, and in 1971 we must press forward even more vigorously on a bipartisan basis to address the problems identified in the President's message.

The President's Council on Environmental Quality has taken the lead in identifying major environmental problems and in developing proposals to deal with them effectively. Leadership in implementation of the National Environmental Policy Act by Federal agencies has been provided by the Council through issuance of regulations requiring careful consideration of environmental factors in all activities of the Federal Government.

The new Environmental Protection Agency, created by the President to administer Federal pollution control programs, is becoming a major force in the Nation's campaign against pollution. It was directly involved in the establishment of a nationwide water quality permit system under the Refuse Act of 1899, one of the administration's major environmental initiatives of 1970.

Last year, the Congress passed a bold and sweeping antipollution measure, the Clean Air Amendments of 1970. This law, incorporating both recommendations of the President and features added by the Senate Public Works Committee, of which I am a member, should serve in many respects as a model for the type of legislation we will need to deal with other environmental problems. For example, the Federal Water Pollution Control Act needs the same type of across-the-board updating given to the Clean Air Act.

The President's program includes comprehensive proposals for improving our water quality program and proposals in many other areas—in some cases, areas in which the Congress has never before acted. President Nixon's bold and thoughtful program warrants careful congressional consideration. The Congress shares his concern for protecting the environment from man and protecting man from environmental threats. The President's message is a valuable contribution to this cause and to Congress deliberations.

As President Nixon stated, we must have a national decade of dedication to "restoring the environment and reclaiming the earth for ourselves and our posterity." His first message last year marked the beginning of this dedication, and this year's message points the way to further progress and achievement of our goal.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The time set aside under the previous order for the transaction of routine morning business having now expired, morning business is concluded.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER (Mr. ALLEN). The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9 to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, so far, I have not spoken on the pending motion, which is a motion made by my colleague from Alabama who is now the present occupant of the chair. I have exchanged views with different speakers in the Chamber regarding it and have participated in that way; but so far as making a statement of my own, I have not done so.

This matter has been coming up over the years. It is with us again. I believe there are some good and cogent reasons why this so-called cloture rule should not be further modified. It has been modified many times over the years. As a matter of fact, I am sure it is well known that until World War I there was no cloture rule.

A great many people in this country, when they think of rule XXII, have the idea that it gives the right to Senators to debate at length and to be cut off from debate only by a two-thirds vote.

That rule does not give that right. It is a limitation on the right which has existed ever since this Republic was founded. As a matter of fact, with the exception of a very short time in the early days of the Republic when, I believe, as I recall it, the "previous question" was tried out a few times. With the exception of that experience, which was found to be unfavorable, there never was any limitation upon debate in the Senate until rule XXII was amended back in 1917. At that time there was a long, drawn-out debate on the question of arming our merchant ships before we got into World War I.

If I remember it correctly, that debate was led by the Senator from Wisconsin, Mr. LaFollette. An outstanding liberal, he was joined by others. They debated that bill. There was no provision for cutting them off by cloture. It was after that experience that the movement started in the Senate to provide for cloture.

I may say, with reference to the amendment of rule XXII back in 1917, in connection with arming our merchant ships before we got into the war, one of the leaders of that movement for cloture was the Senator from Alabama, Mr. Underwood, and he was joined by others, which provided for a cutoff provision. Even that applied only to the bill or resolution that was pending and did not apply on the motion to bring up a bill.

The cloture motion has been amended materially on two subsequent occasions, once in 1949 and again in 1959. I was in the Senate when those two debates came up and when the rule was amended. I think I am correct in saying that in both instances they were worked out by agreement and not by imposing cloture.

But attempts have been made from time to time to change the cloture rule. Most of the efforts have been to make it a simple majority.

In one of the later amendments, in 1959, we changed it from a constitutional two-thirds majority to two-thirds of Senators present and voting. In other words, it had to be two-thirds of the entire membership of the Senate previous to the above change in order to invoke cloture.

We tightened that provision in order to change the rule and make it apply to motions to take up, as well as to bills and resolutions that have been introduced. Most of the efforts, as I say, have been to make it a simple majority but it has never been lowered below the two-thirds majority level.

The effort now is, as I understand the proposal, to make it 60 percent, or if all Members are present and voting it would require 60 affirmative votes to invoke cloture.

This question has often come up at the beginning of a new Congress. That is usually done because of the contention by some that we start anew; but every time that question has come to a final determination in the Senate, it has been decided that the Senate is a continuing body and that the rules from the previous term of Congress come over to the new term so far as the Senate is concerned.

Nevertheless, we continue to have these proposals and now we are confronted with one that would make it easier to control discussion in a nation that owes its very existence to free speech and the other liberties which have been cherished and safeguarded since we became a sovereign people.

Again the expression "filibuster" is being hurled about. It always has ugly implications.

In the last century it was used to designate a buccaneer or armed adventurer, or anyone on land or sea who waged a private or irregular war. This connotation is somewhat overdrawn in a legislative chamber where it has come to mean obstruction. Yet, it remains with us as part of the language.

In a filibuster, as we have come to

know it, a Senator keeps talking and talking to prevent a bill from coming to a vote.

But the opposite word, or antonym of filibuster, which is cloture, must have a distasteful sound also sometimes to Americans devoted to constitutional freedoms. Let me say that I am not always opposed to cloture, when it is invoked for just and reasonable cause under the rules of the Senate as they permit at the present time.

A prolonged, nonsensical obstruction of Senate business, which opens the Senate to ridicule, should never be tolerated.

Cloture was made part of the Senate rules about the time of World War I. Senator Oscar Underwood, of Alabama, was one of those who led the fight for it.

In fact, it was southerners primarily who put in the rule to make it possible to curb a filibuster. But very wisely they said it should not be done by a simple majority vote. The requirement that cloture be approved by two-thirds of the Members present and voting has been in effect for some time now, with the changes that have been made, as I mentioned.

I think that rule XXII is a very good rule as it stands now and should be left alone.

Mr. President, I imagine that had I been a Member of the Senate in 1917, I would have joined with those other southern Senators who sought a reasonable way to cut off an unreasonable debate. That is what rule XXII is aimed at. I think they worked out a very good rule in rule XXII. I think the amendments that have been made to it in subsequent years have been good. And I think that rule XXII as it stands today is a good rule and should remain in effect.

However, cloture has not always been regarded in a charitable way by Members of this body who believed in strict adherence to the Constitution. The elder Senator Henry Cabot Lodge, of Massachusetts, who served in this Chamber with distinction from 1893 to 1924, once had something to say on this subject.

Mr. President, Henry Cabot Lodge was known as a solid Representative with solid views. He was not from the South. He was from New England. However, he had a national viewpoint. On the subject of cloture, he once said:

> Cloture is a gag rule. It shuts off debate. It forces all free and open discussion to come to an end. Such a practice destroys the deliberative function which is the very foundation for the existence of the Senate. It was the intent of the framers of the federal Constitution to obtain from this chamber of Congress a different point of view from that secured in the House of Representatives.

Let me say that I have some reservations about this and am not unalterably opposed to stopping or limiting debate in all cases.

However, Senator Lodge and many others before and since have felt that careful and thorough consideration of legislation is more often needed than is the limitation of debate. It is no wonder, therefore, that the Senate of the United States has become known and revered as the last bastion of free and untrammeled debate.

Let me inject another comment here, which may help to clear up some doubts in the minds of many people about the operations of the Senate.

Though southerners are considered the foremost advocates of the filibuster, as we know it, history shows that it is not the special province of legislators from any one section of the country, or either political party.

Some of my colleagues who wish to reform the cloture rule so as to limit debate engaged in filibusters as recently as the last session of Congress when it suited their purpose to do so.

I believe in the session of Congress before the last session, as I recall, we had a filibuster led by Senators whom a great many people referred to as liberals. I do not like to use the term "liberal" or "conservative" because I believe every Member of the Senate votes his convictions without regard to the label that is attached to him. Filibusters were led by Senators who vigorously opposed filibustering according to their own statements.

I called attention in a short colloquy with the Senator from Louisiana (Mr. LONG) the other day to the time when former Senator Morse, who sat right over there, broke the record as of that time for filibustering. I believe that the Senator from South Carolina (Mr. THURMOND) exceeded the time used by former Senator Morse following that time.

Former Senator Morse was one of the Members of the Senate who most bitterly opposed filibustering when he did not need to use it himself. He stood in the Chamber and broke the record. And I think he was rather proud of that record. I do not remember whether he accomplished all that he wanted to or not. Anyhow, he did it more or less on a dare. I think there was a little difference between the former Senator from Oregon and the majority leader, or perhaps it was the minority leader at that time. I do not recall the year. However, the leader on the Republican side asked the then Senator from Oregon how long he was going to speak.

My recollection is that Senator Morse said: "I will speak as long as I want to. That is my own business. Of course, I do not assume it will be very long."

Former Senator Knowland said: "What do you mean by that?"

The former Senator from Oregon said: "I am not going to tell anyone how long I am going to speak. Perhaps I do not know how long I am going to speak, but I am going to speak as long as I want to."

He then proceeded to speak for, if I remember correctly, 24 hours without stopping.

I could go on and give many instances in which those who most strongly urge a change of the rules of debate so that cloture would be easier, and changing the rules so that a simple majority can cut off debate, utilize debate whenever they see fit. I do not question their right to do so.

There is another matter we have often heard about. We hear about legislation being destroyed by reason of the filibuster. I have never made any exhaustive search of bills that were killed by reason of a filibuster or bills that were passed by reason of cloture being voted, but I have heard it said on the floor of the Senate many times by Senators in whom I have complete reliance that never was a good bill killed in filibuster nor was a bad law ever stopped by reason of cloture or the utilization of rule XXII, one way or another. I do not say that is true but I have heard that statement.

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

Mr. SPARKMAN. I yield to the Senator from Louisiana for a question.

Mr. LONG. I ask the Senator if it is not correct that controversial bills which do contain merit and are stalled by rather lengthy debate are often far better bills when they come back to us, in that many undesirable features have been removed and better features have been provided. Is it not true that a great number of times a bill which carried a particular name was a far better bill when it became law than when it was first passed by the House of Representatives, for example?

Mr. SPARKMAN. Yes; the Senator is correct. I wish to relate an example and I do not think I have had this experience in the Senate. I recall one time when I was a Member of the House of Representatives there was an able Representative from Atlanta, Ga., named Bob Ramspeck. I am sure the Senator from Louisiana remembers him. He was the chairman of the Committee on Civil Service and Post Office in the House of Representatives at that time. I was a member of that committee when I first entered the House. My friend from West Virginia, Jennings Randolph, was there at the same time. Bob Ramspeck had a very important bill relating to civil service and matters of that kind. He brought the bill out of committee and to the floor of the House of Representatives. Amendments were added, eventually the previous question was ordered, and debate was brought to an end; but the bill had been so rewritten that Representative Ramspeck voted against his own bill, and he was the chairman of the committee that had brought it to the floor of the House. It is true that bills are often changed and changed materially.

Furthermore, I have noticed that many times a bill may be brought out one year and not passed. Maybe it will run into extended debate, and weaknesses in the bill are pointed out. Perhaps next year they will try again, and a good bill is worked out as a result of the bill having been gone over the year before and because of debate on the floor of the Senate.

Certainly, it cannot be said that because a bill is offered we have to accept it. We have a right to insist on bills being improved. I know the Senator has several bills in his committee or will have very shortly that he had there last year and which were pending when the last Congress adjourned sine die on January 2. I simply offer the prediction that the Senator from Louisiana will be bring-

ing back to the floor of the Senate some of those same measures, which undoubtedly will be greatly improved.

Mr. LONG. Mr. President, if the Senator will yield further, I might say to him that we talked last year about the so-called family assistance plan that was passed by the House of Representatives and upon which we did not have time to legislate in the Senate in the closing days of Congress. I am led to believe that the House has now seen a number of defects in that bill, and that they hope to send us a much better bill this year than the bill they sent us last year. Many of the problems that developed could not have been anticipated in the House-passed bill last year and answers could not be found for some of those problems in the previous session. This year, having given the matter better consideration, we can see the problems better and provide better answers and refinements than we could have before. So it may be that we will have a better bill because we had the opportunity to work with it.

In connection with the medicare bill, people talk about medicare and they say they were for it long before it became law. However, if one will look at the bill as it came to us on the floor of the Senate and what we recommended in committee, it will be observed that when it finally became law it had only certain basic features that were identical. For instance, I might refer to the idea that there should be a new tax and that the program should provide a certain amount of care for aged people. But the way in which it was to be provided, the way the fund was to be administered, and the way that the services were to be provided were modified drastically. In many respects one could say that the same care would never have been there if one had looked at the two bills in the same fashion, because they were so far apart.

Mr. SPARKMAN. I am sure that is correct. Proceeding further in connection with what the Senator has said, it could well have been the case with the end of the session near and feeling so strong that we should have a bill, that had a simple majority provided for cloture, cloture might have been invoked to put through that bill.

Mr. LONG. So often a Senator will say, "We have to do something. Let us vote for this or let us vote for that." They may not want to hear any more debate, but in many cases it would be better if we had more consideration of bills.

Mr. SPARKMAN. The Senator is correct. That is what the Senate was intended to do. The Senate was a body that was added against the wishes of many people who were active in connection with the Constitutional Convention and the setting up of a Federal Government. Thomas Jefferson and those who followed his thinking felt that there should be just one body and that that one body should be the body that was elected by the people, a body that was close to the people, and a body that should have full power.

The discussions that went on in connection with the adoption of our Federal Constitution constitute one of the great occurrences of all history. I refer to the attention that was given to the Constitution by the leaders of the Government and those in the States. In the drafting of the Constitution they gave the matter great consideration and, after all, they were following more or less an unchartered course. They had no pattern by which to go, such as our Constitution has given many other nations since that time. They had to hammer it out of their own experiences with the British Government and with their own logic and safeguards for freedom which they developed in that discussion. Stark discussions took place in the Constitutional Convention among the leaders and they came back with a suggested Constitution, and in developing the first 10 amendments, the Bill of Rights, and working up a gentlemen's agreement to the effect that if the States would adopt that Federal Constitution in the very first session of Congress, the amendments would be taken up and submitted to the States for approval.

We know that was done, and so when we think of the Constitution, we think of it and the Bill of Rights as being one and the same. It did actually become that, but it had to come in two parts, very much, as the Senator has said, the way a bill is developed on the floor of the Senate. Among those leaders were what we call the Democratic group, I suppose. Actually, they thought of themselves as being Republicans, because they wanted a republic set up. Many of them felt there ought not be a second body. But the second body was established as a check on the hasty action of the first body.

The House of Representatives has always had the previous question—that is, the right of a Member at any time to move the previous question. When the motion was made for the previous question, the motion had to be acted on, and if a majority voted in favor of it, that cut off debate right then and there. A vote would have to be taken on it.

As I said a few minutes ago, the only time we have ever had anything like that was, I believe, in the very early days of the Government under the Constitution. They tried it out for a few years. They tried out the system of having the previous question. But it did not work satisfactorily. They did away with it and they left this Chamber with the right of unfettered debate, until the cloture rule, rule XXII, was agreed to in 1917.

Mr. LONG. Mr. President, will the Senator yield further for a question?

Mr. SPARKMAN. I yield.

Mr. LONG. Is it not true that every citizen, in one respect or another, is a part of a majority, and that every citizen, in many respects, is a part of a minority? This can be illustrated a thousand different ways. The Senator from Louisiana speaks here as a Senator from a State. In that respect, one might say, I am here as a minority of two. We have two Members of this body to represent the State of Louisiana, and 98 others to represent the other States. Thank the Merciful Lord that the Constitution provides a State cannot be deprived of its territory without the consent of that State. So we are protected from the other 98 Senators in that respect. Of course, that is true of every other State. The two Senators from that State are protected and the State is protected because the property of that State cannot be denied that State.

When one speaks here as part of the majority party, he often finds himself in a minority in that he comes from a certain section of the country where people tend to look at an issue in a certain way, where they might have certain interests in common. Whereas, the majority may have conflicting interests. The same thing is true in many other respects. If one believes in a power beyond himself, if he is a religious person and believes in a Supreme Being, then he is in the majority. But then if one looks at the particular religion to which he might subscribe, he finds himself in a minority, because he is in a group that feels one way about it, while another group feels a different way about the same question.

So one has rights as a majority and minority Member. One can feel secure in those rights he regards as part of a majority, but is it not right that all of the rights he may possess as a part of a minority are every bit as precious as those rights he holds as part of a majority?

Mr. SPARKMAN. Of course, those rights are. I think that is something people overlook when they look at the right of unlimited debate. We do not have the right of unlimited debate unless it is limited by cloture. In other words, there is a way of limiting debate in the Senate, and it is set primarily for the purpose of protecting the minority.

Of course, it has been said, all down the course of history, that the majority can be the most tyrannical power in the world, and it can run roughshod over anybody who stands in its way. I was reviewing recently some English history that was most interesting. In fact, in the days of Charles I and Oliver Cromwell, Charles I, of course, tried, through his strength, to rule things the way he wanted them. All the Members of the Parliament did not want it that way, and so it turned out that he came to the forefront as a leader. He was not a particular leader up to that time, but he became one, and he became one more powerful when he learned how he could use a majority to carry out things in the way he wanted them, absolutely but regardless of the rights of the minority. Through different methods he controlled the Parliament as long as he found it satisfactory to work with it. Then he dissolved the Parliament and he ran things the way he wanted to, because he learned how he could get control of the majority. That has happened all down through history.

Our forefathers who wrote the Constitution wrote it in such a way that they felt the minority would be protected. They knew the minority needed protection from a tyrannical majority, as any majority can be.

Mr. LONG. Mr. President, I will ask the Senator if he will further yield?

Mr. SPARKMAN. Yes.

Mr. LONG. Is it not inherent in our way of doing business and our way of government that a citizen should be protected from laws that adversely affect him by at least three standards? One is that a law has to be approved by one House of the Congress in which the Members were elected by popular vote. Then it has to go through a second House in which each Member has at least two representatives from that State. Then it must be approved by a President, who is elected by the people in a nationwide election.

It was thought that many bills could meet the test of one of two of those standards, but it was required that they would have to meet the test of all three. Even so, from time to time we have been confronted with some very bad laws.

Can the Senator really think of a law that did more damage or harm to our Republic, at more cost, and to look with more discouragement upon the kind of government that we hold so dear, as the Reconstruction Act which was passed shortly after the Civil War? I will ask the Senator if that was not described by the President who vetoed that unhappy legislation as a bill of attainder directed at the people of an entire section of this Nation.

Mr. SPARKMAN. I think the Senator is correct. I think historians generally have come to accept that view—that it was an effort of the majority, what had become a majority by the rule of war, using that power to crush down a minority. Of course, the Senator and I both know how it did crush down a great part of the country, and how it remained more or less a crushed colony, we may say, for a long, long time.

Thank goodness, there came a time when we were able to start getting back on top, and I think we have done very well. But our forefathers had to go through those dreadful days, and then the time came when we were able to fight our way back to the top.

Mr. LONG. But was it not true that the entire Nation suffered because the majority was able to work its will without compromise, and because the minority, who realized the Reconstruction Act was unwise legislation, did not have the power or the tools available to them to defeat that nefarious piece of legislation?

Mr. SPARKMAN. I fully agree with the Senator's statement.

Mr. LONG. Then would it not be well to point out that where those who have done violence to our form of government by denying adequate consideration of legislation and have had their way in the heat of passion, the Nation has tended to suffer for it?

Mr. SPARKMAN. Yes, certainly it has. And, by the way, as I said a few minutes ago, most people think of southerners as being those who stand against weakening the so-called antifilibuster rule. We do it because we know what it means for the minority to be pushed down and crushed by a ruthless majority; is that not correct?

Mr. LONG I thank the Senator. I quite agree with him.

Mr. SPARKMAN. Mr. President, Franklin L. Burdette, an educator and an authority on this subject who has been critical of filibustering, admitted that legislative obstruction—or prolonged debate, as some might term it—might well be justified in certain cases. In an article, entitled, "Filibustering in the Senate," which he wrote for the Princeton University Press in 1940, Dr. Burdette declared:

> To the politician interested in practical use of the doctrine of inalienable rights, obstruction is a recourse of more than passing value. It is an effective if incalculable defense against oppression and overbearing authority. It may lie unused for years and then, in a moment of emergency, serve to good purpose in the cause of freedom.
>
> It may defeat the hand of greed of the ambition of irresponsible officials without resort to more violent means.
>
> Such are the schools of thought which in America have provided a century and a half of argument about the merits and the evils of filibustering. Obstruction is a weapon, and like all weapons it is dangerous. Yet in the lives of nations as of men there are times when weapons are a safeguard, and it is indeed a high degree of civilization in which they are useless.

Opponents of the two-thirds rule may say it is undemocratic. But should we be governed solely by majority rule? The framers of the Constitution did not think so. If we lived in a democracy subject always to the rule of 51 percent, or even of three-fifths, dangerous consequences might result.

The Constitution prohibits majority rule in certain instances. For example, it requires a two-thirds vote of the Senate to ratify a treaty, two-thirds vote of both Houses to override a veto, two-thirds vote of both Houses to pass Constitutional amendments, two-thirds vote of the Senate for impeachment, and two-thirds vote for each House to expel a Member.

It is especially significant to us here today that two-thirds is the prevailing fraction in the Constitution—not three-fifths.

The two-thirds requirement for cloture is in keeping with the great tradition of our country that minorities should always be protected. If two-thirds of the Senate is truly determined, it can break a filibuster under the present cloture rule.

Any modification of the two-thirds vote necessary for cloture would deprive the smaller and less-populous States of a precious instrument their Senators now have available to prevent the passage of legislation that might be dangerous to the interests of their constituents.

I can think of several cases in which a so-called filibuster might not only be justified but worthwhile. For example, if the President tried to impose his will upon the Senate so as to undermine seriously our traditional system of checks and balances.

Or the Senate might be confronted with a vital question of constitutional right, such as a bill of doubtful constitutionality which would endanger the rights of the States or individuals.

A ruthless majority is just about the worst thing that could happen to this country. That is why there are so many safeguards in the Constitution to protect minorities, including a wide system of checks and balances.

But it can best be done under the two-thirds formula in the Senate. There is a great deal of misunderstanding about our XXII. Many people think that it permits filibustering. That, of course, is not true.

Rule XXII was adopted, as I mentioned a few minutes ago, to make it possible to stop filibusters by limiting debate. It does not permit filibustering, but it does set up a method for limiting debate when two-thirds of the Senators vote in favor of such a motion. I can see no reason to weaken it now. It is fair; it is reasonable.

Under our system of government, the majority should and does rule. But minority rights are sacrosanct under the Constitution, which contains many restraints upon majority rule.

The majority may not take my property without due process of law, or quarter troops in my house without my consent. The Constitution also holds that the right of trial by jury may not be taken away by the majority.

Let us see this issue before us in its true light.

We are not dealing with a simple change in the procedural rules of the Senate. It is much more than that.

We are dealing with the fundamental principle of the rights of the States as defined by the Constitution.

We are undercutting the carefully wrought system of checks and balances, which is all-important to our freedom as a Nation.

We are threatening—or would be—to compromise the effectiveness of the greatest refuge of oppressed minorities, the U.S. Senate, the last remaining forum where unpopular views may find full and free expression.

Yes, we are being asked to downgrade the Senate itself as an institution; to cripple the deliberative purpose the Constitution meant that it should serve; to make it subject to the whims of a temporary majority; and to surrender a part of our dignity and power as lawmakers.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. SPARKMAN. I yield.

Mr. STENNIS. Mr. President, I say to the Senator that I have not had a chance to hear all his argument, but as I entered the Chamber I heard him talk about the checks and balances in our Government. It is a matter that not ordinarily is written about in the newspapers and is not in the new books on the subject. Does not the Senator think, from his long years of experience, that the principle of checks and balances is the heart of and one of the finest, strongest, and most wholesome aspects of our constitutional system of government?

Mr. SPARKMAN. I think the Senator is absolutely correct.

Before the Senator entered the Chamber, I pointed out that when our forefathers were trying to write a charter for a new and free government, they had no pattern to go by. They had only their experiences under British rule and the cold logic they had learned as a result of at times good rule and other times

tyrannical rule; at times a benevolent governmental attitude, and at other times a tyranny; and they were trying to guard against it.

Of course, when the Constitution was written, it was something new, not just to us but to the whole world as well. I believe it was Gladstone who said it was the greatest work of man. Many believed that it was divinely inspired.

As a matter of fact, I may say to the Senator from Mississippi that when I was in law school, studying constitutional law, the dean of the law school, an old, gray-haired man who had loved the law all his life, taught us constitutional law. He genuinely believed that the men who wrote the Constitution were inspired from on high. Certainly, they did have inspiration, much of it coming from their own experience, much of it from their own thinking.

It is really marvelous to think about the great minds that our country fortunately had at that time, people who would work seriously, sincerely, and devotedly in trying to set up a government that would best serve the people of this country. They devised this system of checks and balances, and the Senator from Mississippi and I, as well as all the other Members of the Senate, know how well those checks and balances have worked. And we would not disturb them.

As a matter of fact, some of the heaviest debates on the floor of the Senate sometimes arise from the fact that perhaps we in the legislative body decide that the Executive is trying to push something over on us, or that the Judiciary is trying to write law that we are supposed to write. I suppose they sometimes think—particularly, I am sure, the Executive thinks—that Congress is trying to do things that ought to belong to the Executive.

We have many differences here; but, nevertheless, by and large, the system of checks and balances works remarkably well; and it is a system that is designed to protect, we might say, the minority from the tyranny of the majority.

Mr. STENNIS. I heartily agree on that point.

The Senator mentioned the executive power. I am not referring to a particular president, much less the present President, but under our system, the Chief Executive can block Congress by vetoing a bill; and it takes two-thirds of each House to overcome the one-veto vote that he cast. However, in turn, if we did not have rule XXII, the Executive, through his influence and power—and you have to give him a great deal of power—could run a bill through here, through his influence over both Houses, any particular day, on successive days, and that would be the end of that issue and question, except for rule XXII. Is that not correct?

Mr. SPARKMAN. The Senator is correct.

Mr. STENNIS. And more than 200 million people could be committed then to the hard, written law of a policy that had been aired and discussed very, very little if it were not for the minority power on this floor which is brought about by rule XXII. No one here is more familiar with that than is the Senator. But many people have not studied the subject enough; and, with all deference, Senators coming here, not having served, do not have a chance to fully appreciate just what rule XXII does. Is that correct?

Mr. SPARKMAN. The Senator is correct.

I know that I have been most fortunate, and sometimes I think I may have had an advantage in that I served first in the House of Representatives. I know how business is done there—and I am not being critical of it. It was designed to operate that way.

I am not going to mention the bill, but I recall an instance in which the President asked for a bill, and it was in extreme times. The House debated that bill probably a few hours. When a bill comes up in the House, the general way for it to come up is under a rule. A rule is granted by the Rules Committee, and it goes to the House. If it is adopted by the House, the debate, time, amendments, and so forth, are all controlled by the terms of that rule. So whenever an important bill comes up, there may be a rule providing for 4 hours of debate among 435 Members, and at the end of the 4 hours, a motion could be made for the previous question.

If the majority vote in favor of the previous question, debate is cut off, it is over with, and the House has acted.

I recall a bill that came here from the House under such a procedure. Senator Taft of Ohio, as I recall, was sitting right across the aisle from the Senator from Mississippi. Senator Taft did not like that bill, and he stood on the Senate floor and spoke against it, and spoke cogently. A few other Senators rallied to his support, and they were able to stop the enactment of that bill. I have often thought what the effect would have been had we passed that bill.

I see no reason why I should not identify the bill. When the railroad employees went out on strike, it was a bill to induct them into the armed services, put them into uniform, and make them run the railroads. We hated to see the railroads stopped. We wanted something done. I have often thought of the stand former Senator Taft made on the floor of the Senate with a few colleagues. I see my good friend BOB GRIFFIN from Michigan in the Chamber. He served in the House. I am not sure that he was there at that time but he served later and he knows the procedures in the House. He knows the difference in the procedure there and the procedure here. It was intended to be that way. The House was supposed to have the procedures it has. The Senate was supposed to have the procedures it has in order to be the deliberative body.

Mr. STENNIS. If I may ask a question there, the bill to which the Senator refers was an incident which happened before I had the privilege of being a Member of the Senate.

Mr. SPARKMAN. It was in 1945 or 1946.

Mr. STENNIS. It was before I came here, or shortly thereafter. As I understand it, in that bill, it was to conscript the railroad workers and put them in the Army and make them run the trains under orders. It was not what we would call a formal filibuster but just an uprising on the floor of the Senate that was so determined, coupled with the power that they could extend that debate on and on that generated the opposition without extended debate; is that not correct?

Mr. SPARKMAN. That is correct. May I say in that connection, that while the debate was pending, the President came up to speak to a joint session of Congress and while he was speaking a message came to him that the strike had ended and the men had gone back to work. It was an unusual circumstance, but, nevertheless, it illustrates what can be done by a minority who feel so strongly about a matter.

Mr. STENNIS. It illustrates further the fact that the rule existed and did not have to be invoked.

Mr. SPARKMAN. That is correct.

Mr. STENNIS. It met the situation in such a forceful manner that the bill was not only defeated but the strike was broken; was that not true? That really led to the breaking of the strike.

Mr. SPARKMAN. Yes, that is right.

Mr. STENNIS. I do not know how the Senator could give a better illustration, but in the 25 years which have elapsed since that time and the growing power of the Executive, and he does not, I know, refer to any one specific President or any other; but the enormous power now that the executive branch has, once these many billions of dollars have been appropriated, is it not all the more necessary to have these checks and balances which is not a check without rule XXII; and is it not all the more important that we have it here for use, if necessary, just as a check on the power of the executive branch of the Government?

Mr. SPARKMAN. Well, the Senator is right——

Mr. STENNIS. Far more than usual.

Mr. SPARKMAN. That is right. By the way, I had something to say a little earlier about people thinking that the southerners are the typical filibusters but that it has been done by many others. The Senator from Louisiana (Mr. LONG) brought in a subject that I think probably accounts for the fact that southerners are so jealous of having this right of the minority protected as it was constitutionally designed, because at one time we were the defeated part of the country. He brought up the well-known reconstruction acts and those other things back there. We became a minority and felt that we had been badly treated; is that not true?

Mr. STENNIS. That is very true. That is a great part of the picture.

Mr. SPARKMAN. We are nationalists today but, nevertheless, we cannot, if we wanted to, get rid of some of that feeling in our hearts in favor of protecting the minorities.

By the way, way back in 1890, 1892, 1894—somewhere along there—there was brought up in Congress what was called the force bill. Does not the Senator remember them?

Mr. STENNIS. The force bill, yes.

Mr. SPARKMAN. There was a terrific debate on that. The senior Senator

from my State, John T. Morgan, who has the longest period of service of anyone from Alabama except our recent colleague, Senator Lister Hill, stood on this floor and fought that day and night and day and night.

Of course, back in those days, a filibuster was not the same as it is today. Today, when a Senator speaks, he can be compelled under the rules to stand at his desk and to remain on his feet. If I should sit down now, I would lose the floor. I cannot yield to anyone else for another speech. But, back in those days, a Senator could yield to anyone he wanted to and let them make a separate speech. He could also send a whole book up to the desk and ask the Secretary to read it. He could even leave the Chamber. He could take all kinds of privileges. So it was not too difficult to conduct a rather vigorous filibuster in those days.

But, anyhow, I have heard all my life about the great debate that Senator John T. Morgan carried on. The principal protagonist for the force bill was Senator Henry Cabot Lodge. By the way, I quoted him a few minutes ago. He came out strongly for no restrictions whatsoever on the Senate and no limitations on debate. He said that was the way freedom was protected.

Mr. STENNIS. Well, as a matter of fact, the Senator illustrates many good things which have gone by over the years but we do have restrictions here on debate with one group to indefinitely hold up things here.

Would the Senator give his main objections now to the difference between the rule as it exists now, requiring two-thirds of those present and voting, and the so-called three-fifths? That is something that is not fully understood. The Senator from West Virginia has proposed a modification to that three-fifths rule to require three-fifths of all those constitutionally elected. I would like to have the Senator comment for the RECORD here, so that whoever reads the RECORD will get the full explanation of the present rule and the proposed rule.

Mr. SPARKMAN. I did discuss that to some extent earlier, in which I pointed out that prior to 1917 there was no limitation on debate and no way to cut it off. The House has the "previous question" rule, whereby debate would be cut off by a majority vote of the House if someone makes the motion. I do not remember clearly but I think the same thing was true—I think I am correct in saying back in the very early days of our operation under the Constitution, that the Senate tried out the "previous question," just for, maybe, a couple of years. It did away with it. It would not work. It was not what they wanted. Until 1917, there was no way to limit debate. There was no such thing as a cloture rule. In 1917, the Senator will remember, President Wilson had requested Congress to give him the right to arm the merchant marine, the ships that were carrying freight to Europe and passengers, and so forth; and there was a filibuster which was led by Senator LaFollette and joined in by others. President Wilson referred to them as a little band of willful men.

Former Senator Underwood of Alabama proposed on the floor of the Senate—and he was one of the leaders in that endeavor—that we adopt some kind of rule that would make it possible to limit debate. That rule was written primarily by southerners who felt that the minorities could be amply protected and we still have a way of cutting off debate.

The rule was later modified a couple of times. When the rule was first adopted, it did not apply to a motion to take up. I think I am correct in saying that the rule could not be applied so as to invoke cloture on a matter such as we are discussing at this time if the original rule were still in effect.

In 1949 and again in 1959 the rule was amended. The Senator from Mississippi was a Member of the Senate at that time. He and I remember both occasions. We remember that the rule did not apply to motions, but only to bills and resolutions. The Senator remembers that we gave in on that in exchange for a change in the number of Senators to be required from a constitutional two-thirds—that, is two-thirds of those Members elected to the Senate—to a mere two-thirds of those present and voting. We dropped that constitutional two-thirds majority. It is now a simple two-thirds of Senators present and voting.

Both of those changes were worked out by agreement in the Senate. Of course, there was a good long period of speechmaking. Nevertheless, we worked those changes out and they were agreed to in the Senate.

The proposal contained in the pending Senate resolution would cut the requirement from two-thirds of those Senators present and voting to 60 percent.

In other words, if all 100 Senators were present and voting, it would require 67 to cut off debate. However, if the pending proposal should be adopted, it would require only 60 to cut off debate. This is an easing up on the protection that the Constitution gives to Congress.

Mr. STENNIS. Mr. President, rule XXII is still in effect, and it offers protection to the minority. However, is it not true that by and large the most vigorous attacks on rule XXII have been made by Senators who want to permit just a majority to cut off debate, which would be the equivalent of the previous question that the Senator mentioned a moment ago?

Mr. SPARKMAN. The Senator is correct. One thing that strikes me as rather strange—and I count every Senator as my good friend and I do not mean to be critical of any of them—is that I often think that the group that is generally in the minority in the Senate with respect to their views on legislative matters are those who fight the very rule that protects the minority. We have protection here. We have the checks and balances and the other protections given to us in the Constitution.

We do not agree to a treaty by a simple majority. It takes a two-thirds vote.

We do not submit constitutional amendments to the States by a majority vote. It take a two-thirds vote of each House.

The Senate is given the power to impeach. However, that cannot be done by a majority vote in the Senate. It takes a two-thirds vote of the Senate to do it. There are also other things that require a two-thirds vote.

We are trying to protect the minority. The able Senator from Mississippi was a judge in his State. I do not know whether the State laws in his State are completely in accord with the State laws in Alabama. However, I venture the assertion that the Senator from Mississippi, when he was a judge, did not have the right to tell a majority of the jury that they could convict a person accused of crime.

In my State, we have to have a totality. In other words, there cannot be one doubt on the part of the jurors.

Mr. STENNIS. Mr. President, that is considered a check and a balance, a protection, and a safeguard of the rights of the people in the administration of justice and the application of the law. There must be a unanimous verdict.

Mr. SPARKMAN. Absolutely.

Mr. STENNIS. Mr. President, returning to this matter concerning which the Senator gave an illustration about the debate over the arming of the ships, Woodrow Wilson was President of the United States at the time. The Senator from Alabama and I were boys at that time. However, we remember something about that debate.

The then Senator from Alabama, former Senator Underwood, debated that matter. I remember hearing him make a speech in favor of rule XXII. I did not know much about what he was talking about. However, I listened very closely.

I suppose now that the President of the United States can arm ships without stopping for congressional approval, because times have changed so much. The President would assume that he had implied consent.

Mr. SPARKMAN. Mr. President, times have changed. In those days, wars were started by formal declarations of war.

I was a Member of the House of Representatives on December 8, 1941, the day after the day that the late President Roosevelt said will live forever in infamy. I was there when President Roosevelt came to Congress and solemnly asked Congress to declare a state of war. Congress voted to declare war on Japan. It voted to declare war on Germany. In the course of the next few days, Congress voted to declare war on several other countries. We declared a formal declaration of war.

It was certainly that way in Woodrow Wilson's time. However, we know that today war can break out and we would have to move in a hurry.

Mr. STENNIS. Mr. President, referring to rule XXII and the protection of the minority, I remember that in the very last part of last year's session of Congress, we had up for consideration the appropriation bill that included the SST. The Senator from Wisconsin, within his rights under rule XXII as now written, and with some support, extended the debate and fought that bill on the floor. He conducted a filibuster.

When the Senate tried to break that filibuster and apply the two-thirds vote, is it not true that the vote of those Senators who oppose the application of rule XXII and are in favor of extended de-

bate, even though they were in favor of the SST, enabled the Senator from Wisconsin to continue?

Mr. SPARKMAN. I am sure that is true. I was on the same side as the Senator from Mississippi. I was supporting the SST program. The Senator from Wisconsin was speaking against it. If there had been no other consideration, of course, it would have seemed natural for me to vote against the position of the Senator from Wisconsin.

But I just do not believe in disregarding the rights of minorities and running over them in that way.

Mr. STENNIS. In other words, the Senator from Alabama, the Senator from Mississippi, and other Senators voted as we did in connection with that bill in order to sustain the right of the Senator from Wisconsin.

Mr. SPARKMAN. The Senator is correct. We voted to sustain his right to continue to resist.

Mr. STENNIS. As a matter of fact, after two efforts to cut him off, he was able to get an adjustment in part of his position that did not do injury to the Department of Transportation, and the matter was temporarily settled on that basis. That is the most recent application of the wisdom of rule XXII.

Mr. SPARKMAN. The Senator is correct.

Mr. STENNIS. That shows that the rule works in wartime, it works in connection with railroad strikes, and it works in many other ways.

Mr. SPARKMAN. It is a safety valve.

Mr. STENNIS. It is a safeguard.

Mr. SPARKMAN. I used to work in a sawmill. I do not know whether the Senator from Mississippi has ever been in a sawmill or not.

Mr. STENNIS. Many times.

Mr. SPARKMAN. In a sawmill, there is a boiler and they get the steam up to a certain pressure. After reaching a certain degree, if the pressure were to go much higher, there would be a danger of explosion, and to prevent that there is a safety valve.

Mr. STENNIS. I also have helped to fire the engine, and it had a governor on it to keep it from running away. This rule keeps the Senate from running away.

Mr. SPARKMAN. While the Senator is here I wish to refer to a man in history that I know the Senator admires greatly. He was the founder of that great university where the Senator attended law school, the University of Virginia.

Mr. STENNIS. That is correct.

Mr. SPARKMAN. I am talking about Thomas Jefferson. Thomas Jefferson took a very firm stand on this question. Thomas Jefferson did not want a Senate; he wanted everything done in the House of Representatives by Representatives who were elected by the people. He made a statement, and what he said indicates he would oppose limiting debate in the Senate were he alive today. I am sure he would be in the vanguard of those of us who are fighting for full freedom of debate, that is, against relaxing rule XXII.

In his famous Manual of Parliamentary Procedure, Thomas Jefferson said:

> The rules of the Senate which allow full freedom of debate are designed for the protection of the minority, and this design is part of the warp and woof of the Constitution. You cannot remove it without damaging the whole fabric.

Does the Senator agree that that is a very strong statement?

Mr. STENNIS. Yes, and it is a very fine statement. I appreciate the Senator presenting that statement at this time. It is a quotation from a man who was not given to the use of idle words.

Mr. SPARKMAN. That is correct.

Mr. STENNIS. I think Thomas Jefferson was the greatest political philosopher this country has ever produced. I favor lighting his monument. As a tribute to him there are those who want to light up the Jefferson Memorial at night.

Mr. SPARKMAN. Yes, indeed.

Mr. STENNIS. Time has proven that he hewed to the line in his political thinking and in his political philosophy.

The Senator has pointed out that Thomas Jefferson objected to the Senate being composed of nonelected Members. Time has swung around to where Senators are now elected by the people as Jefferson advocated in the beginning.

Mr. SPARKMAN. Yes. Thomas Jefferson was not in this country during the Constitutional Convention. I believe he was in France representing us there.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Those who believed in a very strong central government instead of a federalized government were in favor of that, but, of course, Jefferson was against anything like that.

The Senator knows this old story. I have related it before but it might be well to relate it again in connection with Jefferson's position here. The quotation may have had something to do with Jefferson's quote in his book on parliamentary procedure.

Mr. Jefferson came back to this country in the period between the drafting of the Constitution and the time when the various States were to vote on it.

Mr. STENNIS. That was a most critical period in our history.

Mr. SPARKMAN. The Senator will recall the debate, or perhaps I should say discussion, that went on among some of our best minds of that day, Hamilton, Madison, Monroe, and a great many others. They were patriots and great mental giants. They worked out a statement as a result of that.

Mr. STENNIS. Yes.

Mr. SPARKMAN. There were those who objected to the Constitution not including the guarantee of rights corresponding with those set out in the Declaration of Independence, or at least against those things about which they were complaining with respect to George III. They were complaining that these matters were not set out in the Constitution, thereby guaranteeing perpetuity of those rights to the people of this country. They worked out an agreement whereby those 10 items which we call the Bill of Rights were to be submitted in the form of 10 amendments just as soon as the Government was organized and Congress met. As the Senator knows, in the first session of Congress the Bill of Rights, or the first 10 amendments of the Constitution were agreed to and they became a part of the Constitution, just as if they had been written into the Constitution.

Mr. STENNIS. That was attributed directly to Thomas Jefferson.

Mr. SPARKMAN. And Edward Randolph and George Mason.

Mr. STENNIS. They were able to get that reservation and that understanding.

Mr. SPARKMAN. That is correct.

Mr. STENNIS. The Bill of Rights has become one of the main cornerstones of the entire framework of our constitutional government, and to it is attributed the longevity and the workability of our Government.

Mr. SPARKMAN. The Senator is absolutely correct.

I was going to relate the old story that took place between the drafting of the Constitution and its submission to the States. Mr. Jefferson came back to this country. He was a friend of George Washington. The story is that they were drinking tea and visiting one another. Jefferson asked George Washington, "Why in the world did you set up a Senate?"

Jefferson had just poured tea into his saucer. Mr. Washington asked, "Why did you pour that tea in your saucer?"

Mr. Jefferson said he had done so to cool the tea.

Mr. Washington said, "That is the reason we set up the Senate, to cool off things that come over from the heated up House."

Apparently he came to believe in that and wrote the words I just read from his book on parliamentary procedures.

Mr. STENNIS. Again, if the Senator will yield, that illustrates, too, the foresight, basic wisdom, and soundness of the political thinking of Thomas Jefferson. I am glad the Senator related the story.

Mr. SPARKMAN. I was just going to add this comment before yielding the floor. This is more or less a comment about Jefferson.

Mr. STENNIS. Mr. President, I wish to thank the Senator for yielding to me. If the Senator will excuse me for just a few minutes, I have to leave the Chamber, but I will be back shortly.

Mr. SPARKMAN. I thank the Senator for the contribution that he has made. I am not as nearly through my speech as I thought I was. I see I still have some more.

Mr. STENNIS. I thank the Senator.

Mr. SPARKMAN. I referred to what President Jefferson said. I want to quote it again:

> The rules of the Senate which allow full freedom of debate are designed for the protection of minority, and this design is part of the warp and woof of the Constitution. You cannot remove it without damaging the whole fabric.

Can we give this up without irreparable injury to the cause of free speech? Should we dare risk the consequences of tampering with the Constitution at this fountainhead of free speech—the U.S. Senate?

I do not think we can. I do not think we should.

Now, Mr. President, I wish to be more explicit as to the thoughts that I have summarized in the foregoing remarks.

For more than a half century now our Nation has had exposure to, and experience under, rule XXII limiting debate in the Senate. We must never lose sight of the fact that prior to 1917 there was unlimited debate in the Senate and our Nation passed through perhaps its greatest periods of tension, emergency, growth, and expansion in that time.

Public reaction to the cloture rules of the last 52 years may be difficult to ascertain or evaluate on a nationwide basis. It has been my experience, however, that when the true assets and constitutional aspects of the rule are explained to the people there is an understanding of the reasons for maintenance of the rule. I am not saying in this statement that the word "filibustering" carries a popular connotation per se or in common parlance. The wisdom of the rule, however, is a different thing. One justification is in the Constitution itself, where the two-thirds formula applies to the ratification of treaties, impeachment proceedings, overriding a Presidential veto, and in other instances in that great document. The two-thirds requirement is merely reflected again in rule XXII in the truly serious matter of cutting off debate in the Senate. As a matter of fact the Constitution mentions three-fourths rather than two-thirds respecting the States necessary to ratify an amendment to the Constitution.

There they give the smallest minority of any, or, I should say, the largest requirement of any in order to protect a minority. One-fourth of the States plus one can prevent the adding of an amendment to the Constitution of the United States, even though it has gone out of the Senate by a two-thirds vote and has gone out of the House by a two-thirds vote. Two-thirds of both Houses of Congress can act to promulgate the amendment, and yet one-fourth of the States plus one can knock down that amendment. So the Constitution, I think, shows that its great regard is for the protection of a minority against what could be a tyrannical majority.

A proposal for cloture by majority rule which may be applicable in the House of Representatives in view of its nature under the Constitution and in view of its preference for the previous question rule, is completely out of place for use in the Senate. The Senate should not resolve itself into a simple majority-dominated body when under the Constitution and by all its traditions and precedents it is a deliberative and continuing body, less susceptible to the emotions of sudden and perhaps arbitrary, majority rule.

Let me say at this point I do not want to be understood as saying that the proposal which seeks to submit itself to us does provide for a simple majority. Let me say, in all fairness, the proposal is to cut down the vote from a two-thirds majority to a three-fifths majority, or, from the makeup of the Senate at the present time, if all Senators were present and voting, it would cut down the vote from the required 67 Senators to 60 Senators in order to cut off debate.

By the same token, if the Senate is not disposed to proceed under the principle of unlimited debate, under which it operated and functioned well for 111 years from 1806 to 1917, then it should use the two-thirds formula which is a generally accepted standard for evidencing determined or strong feeling to cast aside something which in our American way of thinking is of vital importance. Three-fifths or 60 percent may sound rather close to two-thirds, yet the difference in votes could be important and the formula is not in keeping with the historical and better standard of two-thirds for such important action.

When I hear complaints about extended debate or a filibuster preventing certain legislation from passing, and people who lose an issue are prone to criticize anything that was a major factor in their loss, I think of all the benefits that have come to the country through extended debate. This question is not centered in civil rights legislation alone.

As the Senator from Louisiana knows, not too many years ago, practically all of the filibustering centered around various so-called civil rights measures that the majority sought to then impose. But one who thinks the majority of occasions for extended debate arose from civil rights legislation is bound to be wrong. There have been many, many other causes that have come up in the Senate. I have known some of our most liberal Senators to stand here and debate at length on matters that they believed in, and never once did I vote to cut them off, because I do not believe they should have been cut off. I thought they had the right to speak.

I remember one time standing here, I think on the question of the sand dunes in Indiana, and this was before all the present talk about ecology and environment, and so forth. We had some dedicated Senators here, among them Senator Paul Douglas of Illinois, who wanted to preserve those sand dunes. Without knowing too much about it, I felt rather sympathetic about it.

I like to see nature preserved where it can be. I think it is good for mankind. But Senator Douglas, though he was always against filibusters, as I recall—his seat was right back here—he stood right there and conducted a filibuster right to the very closing hours of that Congress, and we went home with unfinished legislation because of that filibuster.

I could go on and name occasion after occasion involving similar matters.

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

Mr. SPARKMAN. I yield.

Mr. LONG. Is it not true that in the previous Congress, the issues that took the largest period of time were the debates over the defense of the country and the construction of an antiballistic missile defense system?

Mr. SPARKMAN. Yes.

Mr. LONG. That is an enormously important question. There is a good deal to be said for both sides. I do not know whether or not anyone described that as filibustering, but it was an issue that well deserved the lengthy discussion that was directed to it, and it was appropriate that it should have been debated at length.

The other issue that took the greatest period of time, if I recall correctly, was the right of the President to put troops into Cambodia.

Mr. SPARKMAN. That went on 7 weeks.

Mr. LONG. Yes.

Mr. SPARKMAN. I never did vote to stop them, and I am sure the Senator from Louisiana did not vote to cut off debate.

Mr. LONG. Of course, from the point of view of some of us, it was a simple issue of whether the President was the Commander in Chief; if he was, it seemed to some of us that he had the right to send the troops over there.

Mr. SPARKMAN. Yes.

Mr. LONG. But that matter was debated for 7 long weeks in the Senate, and those Senators had a right, if they wanted to, to debate that very important issue and explain their views with regard to it. So they debated for that long period of time.

No one is arguing now that those two prolonged debates should have been cut off with a cloture motion requiring an immediate vote. But the best argument I could make for it, if I were trying to make my case on the need for changing the Senate rules to rush the business before the Senate through to a vote, I suppose would have to be on the two proposed constitutional amendments that were considered.

As a practical matter, if the Senators who favor those two constitutional amendments had cared to join together and vote to demand that we shut off debate, assuming they had ever had a two-thirds majority to pass that measure, the same two-thirds could have cut off debate. The Senate cannot be blamed, nor can the opponents of the measure be blamed, if those favoring the measure could never agree on a time when they wanted to join to shut off the debate. If they did not have a two-thirds majority, they could not have passed that measure anyway.

Mr. SPARKMAN. That is right.

Mr. LONG. The Constitution would not have let them pass it.

Mr. SPARKMAN. The Senator is correct. The same two-thirds required to pass those amendments could have exercised the power they had to shut off debate.

Mr. LONG. Mr. President, will the Senator yield further?

Mr. SPARKMAN. I yield.

Mr. LONG. Is it not true that during the time the Senator has been here, we have changed these rules regarding debate in the Senate several times?

Mr. SPARKMAN. Yes.

Mr. LONG. We changed them in 1949 to say that you could apply a cloture motion to anything. Prior to that time, it could not be applied to a number of things, like a motion to proceed to consider, or to the reading of the Journal and things of that sort. Then it was

changed to permit a mere two-thirds rather than a constitutional two-thirds to shut off debate. Then the rule was changed to require that all debate must be germane. It was changed with regard to the requirement of making a Senator take his seat in the event someone thought he was proceeding out of order. There have been several changes of this rule about debate in section XXII.

Mr. SPARKMAN. That is, not necessarily on rule XXII itself, but bearing upon it through another rule.

Mr. LONG. Yes. The rules of debate in the Senate.

Mr. SPARKMAN. That is right.

Mr. LONG. Including the way in which debate could be brought to a close.

Mr. SPARKMAN. That is correct.

Mr. LONG. It has been changed several times. But those changes have come about by the orderly, thoughtful procedure of referring the matter to the Rules Committee, permitting it to be studied, and bringing out a suggestion, or referring the matter in a reorganization act to some other committee, and, after thoughtful consideration, bringing it before the Senate and the Senate proceeding to approve the kind of suggestions that were worked out which could meet with acquiescence in this Chamber.

This approach of trying to deny the committee the right to consider changes in the rules of the Congress, trying to run roughshod over someone, has been going on for many years. Someone has contended it was the late Walter Reuther who fathered this movement in its incipiency, and that at that time it had civil rights as its objective. I do not know if that is true or not, but I do know that this thing has been going on for a decade now.

It has occupied about the first month of every session for the last 10 years, and nothing has been accomplished. So far as I can see, it has been the greatest waste of time, a measure to try to use the bum's rush approach to try to pass something that could not meet the test of the thoughtful processes of the Senate rules, requiring that a measure be referred to the committee and reported back, and that the Senate proceed with it in an orderly fashion.

I ask the Senator if he can think of anything that has entailed more waste of time than debating this poorly drawn, ill-considered approach, where one would do violence to the orderly processes spelled out in the rules for Senate action.

Mr. SPARKMAN. I think the Senator is absolutely correct. Every 2 years, when the Senate organizes, we start hearings, say, a month or 2 months before we come back up here, about rule XXII changes. Sure enough, on the opening day, action is taken to hold up proceedings and offer to change the rules, and particularly rule XXII; and that is the procedure we are going through now. The Senator is correct; it is lost motion.

Mr. LONG. I thank the distinguished Senator. As a matter of fact, is it not correct that back when HUBERT HUMPHREY was the majority whip in the Senate, the argument was made that we had to change the rules by doing violence to Senate procedure, and that that had to be done in order to pass a civil rights law? And is it not correct that notwithstanding the failure of the effort to change the Senate rules, the Civil Rights Act of 1964 was enacted, and everything that could meet with a majority vote in the Senate was accomplished in that Civil iRghts Act of 1964, so that the argument that you have to change the rules in order to pass a bill is completely erroneous, and has no merit?

Mr. SPARKMAN. The Senator is correct. I am not certain, but I believe back in 1957 the Senate passed some kind of a civil rights bill without cloture. In 1964, they passed the voting rights bill, I believe; was it not?

Mr. LONG. 1964 was the big civil rights bill. That was what I would call the omnibus civil rights bill.

Mr. SPARKMAN. That was the Civil Rights Act of 1964.

Mr. LONG. Then a year later, in 1965, the voting rights bill was brought before us.

Mr. SPARKMAN. That is right.

Mr. LONG. Again at the beginning of that session it was argued that the rules needed to be changed in order to pass a voting rights bill.

Mr. SPARKMAN. That is right.

Mr. LONG. I, for one, strongly maintained at that time that the Senate could act on a voting rights bill without changing the rules. By invoking cloture under the existing rules the Senate did pass the voting rights bill. So I ask the Senator, Is it not true that those who have contended that you must change the rules or, otherwise, you cannot pass a particular bill, have been proved wrong?

Mr. SPARKMAN. The Senator is absolutely correct. Furthermore, I think it disproves something else, and that is that the southern Senators are concerned about this because of civil rights. A few minutes ago when the Senator from Mississippi was in the Chamber, I made reference to an exchange that the Senator from Louisiana and I had had earlier, stressing that southerners are in favor of checks and balances in our Government. Southern Senators are in favor of observing the various provisions of the Constitution to protect the minorities. Incidentally, most of them are two-thirds provisions. We mentioned them earlier: Two-thirds to ratify a treaty, two-thirds of each House to give to the States a constitutional amendment; that is, to propose to the States and let them pass on it. I pointed out that when it goes to the States, three-fourths of them have to ratify in order to make it part of the Constitution. In other words, whereas, in all these other things one-third plus one can control the situation, can protect the minority, in the case of States, one-fourth plus one can protect the minority.

We believe in the checks and balances of government, and we believe in the checks that have been written into the Constitution—two-thirds this, two-thirds that, two-thirds something else. We think the two-thirds rule evolved pretty much in the same way, that it is a good rule, that it has worked well, and that it should be left alone.

Mr. LONG. I ask the Senator whether or not it is correct that history will demonstrate that a majority, on the spur of the moment, is capable of doing some very foolish things?

Mr. SPARKMAN. I mentioned to the Senator from Mississippi an incident that once occurred here. I was in the House of Representatives at the time. It was just about the time I came to the Senate or just before. President Truman had been greatly provoked by a railroad strike, and he could not get any satisfaction from the parties to it. He was a strong-minded man—and still is. He believed in things running right, and he was terribly provoked, and I suppose he lost patience. He asked Congress to pass a law conscripting the striking railroad workers into the armed services, putting them in uniform, and making them run the trains.

The House passed the bill quickly. It came to the Senate. A great conservative, Robert Taft of Ohio, stood right over there and led the fight on that measure because he felt that it was running over the minority, that it was not the way things were supposed to be done under the Constitution of the United States. I will never forget the fight he waged. Others joined him. He stopped it cold in the Senate.

I know of other measures that have been stopped here. Of course, the House acts quickly. It is supposed to. It is built that way. They have the previous question method of proceeding. They have a Rules Committee that can set absolutely the extent of time that can be devoted to debating a measure.

If the Rules Committee comes out with a rule that provides 4 hours of debate, after which a motion may be made for the previous question, they go in and debate 4 hours, and a motion for the previous question is made, and that closes it out. There is nothing more to it. Some of the most important and heaviest bills that have been passed by Congress have come from the House under a rule that may have given 6, 8, 10, or 12 hours of debate—not often more than that—and have come over to the Senate, where it is supposed to go through the cooling process. That is part of our setup. That is part of the setup our Government has, as our forefathers designed it. I think it has been a good thing, and I am in favor of it and am in favor of continuing it.

Mr. LONG. I thank the distinguished Senator.

Mr. SPARKMAN. Mr. President, when I hear complaints about extended debate or a filibuster preventing certain proposed legislation from being passed, and people who lose an issue are prone to criticize anything that was a major factor in their loss, I think of all the benefits that have come to the country through extended debate. This question is not centered in civil rights legislation alone. In fact, we have gotten away from civil rights legislation. I suppose that practically all the civil rights legislation has been passed. Certainly, it has been passed with a two-thirds cloture rule in effect. It goes much further than civil rights

legislation. It goes deeply to the long-range principles of sound government.

Irrespective of whether one is a liberal or a conservative, a Democrat or a Republican, instances can be shown in which extended Senate debate, and the education of the people of the Nation in the issues involved, contributed to the long-range good of the Nation.

Let us take the matter, for example, from the standpoint of liberals. George Norris, a great liberal, ably utilized extended and exhaustive debate to prevent the passage of proposed legislation that he did not want. I remember quite well his conducting a filibuster involving something right near my own home—Muscle Shoals. A proposal was made several years after the end of World War I, when the Muscle Shoals development really began, to sell that development, which was built for national defense, to private enterprise.

One of the bidders was Henry Ford. Many of the people there very badly wanted it sold to Henry Ford. I recall when he said that if he got hold of it, there would be a city 45 miles long up and down that river. Naturally, the people looked forward to that kind of development. But Senator Norris felt that it was something that belonged to the people of this country and should be used for the benefit of the people of the entire Nation, and he stood on this floor and conducted a filibuster to prevent the Government from selling Muscle Shoals.

Extended debate also enabled Senators Robert Taft and Claude Pepper to prevent President Truman from drafting striking railway workers into the Army as I mentioned earlier. Senators who opposed the two-thirds requirement of rule XXII nevertheless utilized the rule fully in the filibuster against the communication satellite bill in 1962. A filibuster back in 1876, when there was no provision for cutting off debate, killed a bill that would have suspended existing election laws. That was in the case of the famous Hayes-Tilden presidential election. Other instances could be cited easily to show that filibusters do not deserve to be referred to by liberals as an evil in themselves. Many instances can be given to show that filibusters have been used by liberals to protect liberal causes.

But more than that, the truth is that extended debate is an invaluable protection for every minortiy group in the Nation whether a political, economic, racial, religious, or other minority.

So much in the history of the Senate is back of, or in support of, the principle of full and extended debate, that any threat to suspend the rules or to make more liberal the cloture rule should be viewed with concern and in full appreciation of the long history of this subject before action is taken.

Mr. President, I have given considerable study to the history of the rules of the Senate. This study has led me to the firm conviction that from the very start of the First Congress in 1789, it was the fundamental intent of the Senate that there be unlimited debate of substantive issues. No cloture rule was adopted until 1917. The 17-year period, from 1789 to 1806, is also excluded in our assessment of the long period of unlimited debate in the Senate because in that period, the Senate did recognize the "previous question" rule. As I have mentioned before, for all intents and purposes, these 17 years were also a period of unlimited debate of substantive issues because the "previous question" rule at that time was by no means as broad as it is in the House of Representatives today. When it was put into the Senate rules in 1789, it went in in its then normal concept, which was not as a device to close debate but to avoid or suppress an undesired decision or to avoid an embarrassing or delicate discussion.

Shortly after the First Senate met, the Committee on Rules was appointed. It is interesting to note that in the very first report, they suggested that provision be made for Chaplains and that the Chaplains of the House and Senate be of different denominations and interchange their positions on a weekly basis. This resolution was adopted. Accordingly, it is appropriate to note that the resolution providing for the Senate Chaplain preceded the adoption of the Standing Rules of the Senate.

As a matter of fact, it is most interesting to read the history of the Senate in its beginnings. Remember, there was no precedent, there was no procedure that had gone before. There was nothing to go by. They simply had to cut their way through as they went. It was during those first early years that there developed the division, if I may use that term, between the Senate and the Vice President. We had a Vice President—Vice President John Adams—and there was nothing to define the relationship between the Vice President and the Senate. They simply had to feel their way along. Of course, we know something about the relationship of the President with the Senate. President George Washington came up to the Senate one time to see if he could not help along a treaty of some kind. Apparently the meeting did not go too well, because President George Washington went back to the White House and vowed that he would never come up here again on any Presidential matter, and he did not.

So our early forefathers, in the constitutional republic which they had set up, had to feel their way along quite carefully. There were no committees. For several years there were virtually no committees. They did set up one or two of the most important—maybe primarily for housekeeping—but the general practice was that when some matter came up that required committee attention, a committee would be appointed to attend to it, more or less an ad hoc committee.

Shortly after the First Senate met, a Committee on Rules was appointed. I believe I have discussed that already, about the elected chaplains of the House and Senate.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Alabama yield at that point?

Mr. SPARKMAN. I yield.

Mr. BYRD of West Virginia. The Senate met on April 6, 1789.

Mr. SPARKMAN. Yes.

Mr. BYRD of West Virginia. It immediately appointed a committee of five to formulate rules under which the Senate could operate.

Mr. SPARKMAN. That is correct.

Mr. BYRD of West Virginia. That committee of five was made up of lawyers entirely.

Mr. SPARKMAN. That is right.

Mr. BYRD of West Virginia. That committee of five reported back on April 16, did it not, with 19 rules?

Mr. SPARKMAN. Nineteen standing rules; yes.

Mr. BYRD of West Virginia. Those 19 rules were, as I recall it, not only adopted, but the words "be observed" were specificated—to the effect that the rules would "be observed."

Mr. SPARKMAN. Yes.

Mr. BYRD of West Virginia. Is it not correct that, with the exception of about three of the first 19 rules, the rules are retained to this day pretty much in their original verbiage?

Mr. SPARKMAN. Yes; they are largely a part of our standing rules.

Mr. BYRD of West Virginia. As I understand it, there have been only about six codifications and revisions of the rules since 1789.

Mr. SPARKMAN. I do not know that. I should think that would be right.

Mr. BYRD of West Virginia. I think, depending upon just what is meant, there have been between four and six readoptions and revisions of the rules since April 16, 1789. However, of those original 19 rules, 16 are among the 44 Standing Senate Rules we have today and quite like the original verbiage in which they appeared in 1789. Is that correct?

Mr. SPARKMAN. The Senator is right. By the way, two of those rules, I believe rules VIII and IX, dealt with this "previous question" that I mentioned, that they did try out for a short period of time, but not in the same way as it operates in the House. It was more or less a protective matter, whereby they could cut down on anything, cut out anything, or they could stop anything that was going on they did not think was right.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator for yielding. May I say that I have listened and I shall continue to listen to his very learned statement with great interest.

Mr. SPARKMAN. Mr. President, I thank the distinguished Senator from West Virginia.

Rules VIII and IX reorganized the previous question as a motion and limited the motions that may be made when a question was before the Senate by the following language:

> When a question is before the Senate, the only motions that are in order are for amendment, the previous question, postponement, to commit, or to adjourn.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield further, is it not true that the last revision of the Senate rules occurred in 1884?

Mr. SPARKMAN. Mr. President, I am not certain. I would certainly take the Senator's statement on that. I know that he has studied it.

Mr. BYRD of West Virginia. Mr. President, the previous major revisions

were in 1868, 1820, and 1806, from the standpoint of reverse chronology.

Mr. SPARKMAN. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, does this not indicate that the Senate has, over the years, been very reluctant to make sweeping changes in the Senate rules?

Mr. SPARKMAN. The Senator is correct.

Mr. BYRD of West Virginia. Mr. President, does it not also indicate that these standing rules have evolved over a period of time and are based on experience and are worthy of the deep veneration which is shown by all Senators?

Mr. SPARKMAN. The Senator is correct.

I pointed out awhile ago that in developing our Constitution and in getting the new legislative system started—after all, there never had before been a government set up such as our Government—the three executive departments were provided with adequate checks and balances between them. The framers of our Constitution simply had to hammer the thing out as they went along.

I think the best testimonial to the soundness of this procedure is the point the Senator brought out that there have been so few fundamental changes in that regard.

I have referred to the previous question. The question that next follows is just what did the use of the previous question as it was defined and interpreted at that time mean? The best answer to this is found on page 454 of the Senate manual which is on every Senator's desk and which sets forth section 734.5 of Jefferson's Manual. It reads:

> The proper occasion for the previous question is when a subject is brought forward of a delicate nature as to high personages, etc., or the discussion of which may call forth observations which might be of injurious consequences. Then the previous question is proposed; and in the modern usage, the discussion of the main question is suspended, and the debate confined to the previous question. The use of it has been extended abusively to other cases; but in these it has been an embarrassing procedure; its uses would be as well answered by other more simple parliamentary forms, and therefore it should not be favored, but restricted within as narrow limits as possible.

Jefferson compiled his celebrated manual during the time he served as Vice President and President of the Senate, 1797 to 1801. It is obvious to anyone reading the above quotation that he, the sage of Monticello and the Presiding Officer of the Senate, interpreted the previous question as limited to a very narrow field.

Jefferson's expressed fears about the expansion of the previous question rule and the bad consequences to which it could lead if it were applied in other fields such as substantive legislation, no doubt reflected the sentiment which caused the Senate in 1806 to abandon the rule entirely. This abandonment has lasted now for 160 years.

The late senior Senator from Georgia in the rules debate on January 31, 1963, placed in the CONGRESSIONAL RECORD a scholarly document prepared by Dr. Joseph Cooper, a professor of political science, which traced all of the uses and attempted uses of the previous question in the Senate during its 17 years of authorization under the rules the author, whose accuracy has not been contested, concluded:

> The previous question was not understood functionally as a cloture mechanism—was not designed to operate as a cloture mechanism—was not in practice used as a cloture mechanism.

I commend the late Senator from Georgia for his forethought in placing this important and scholarly work in the RECORD for future reference. To my mind that document together with the statement of Thomas Jefferson which is on page 454 of the Senate manual and is at the reach of every Senator every day, should dispel beyond any shadow of a doubt any thought or any suggestion even that a cloture rule existed in the Senate prior to the year 1917.

THE 1917 ERA

What happened in the Senate in 1917 has been taken more or less for granted merely on the basis of the result; namely, rule XXII. I think that the circumstances surrounding the original adoption of our cloture rule are important and should be borne in mind for a better balanced perspective in considering the present issues. Let us examine these circumstances briefly.

As war developments with Germany became intense in 1917, President Wilson advised Congress in personal appearance on February 3 of the severance of diplomatic relations with that nation. This, of course, caused general anxiety concerning the lives as well as the property of Americans on the high seas.

Congress was in a congested state near the end of a session and there were charges that Republicans had purposely delayed supply bills by filibustering to force the President to call a special session. Among the bills introduced in this congestion was a bill authorizing the President to arm merchant vessels and to protect American citizens in their peaceful pursuits on the high seas. This bill passed the House of Representatives quickly under a rule recommended by the Rules Committee allowing but 3 hours of debate. The vote was 403 to 14.

When this popular war period measure came to the Senate, it met the determined opposition of 11 Senators.

The second session of the 64th Congress was rapidly coming to a close and speed in the Senate would be required to enact the measure into law. Instead the Foreign Relations Committee did not report the bill until dangerously near the end of the session and the vigorous oppositon of these Senators with their right of unlimited debate, made it obvious that the bill could not pass. On the morning of the last day of the session, 75 Senators joined in a statement that they favored passage of the bill, but the net result was that they could not vote for it due to the filibuster by the opposition.

President Wilson immediately issued a statement that was widely circulated in the press, bitterly condemning the fact that a handful of 11 Senators could nullify the obvious desire of more than 500 Members of a Congress that numbered 531. He added that a little handful of men "have rendered the great Government of the United States helpless and contemptible."

The leaders of this filibuster were Senators William J. Stone of Missouri, James A. O'Gorman of New York, Moses E. Clapp of Minnesota, and Robert M. LaFollette of Wisconsin.

President Wilson called a special session of the Senate which convened on March 5, 1917, and stayed in session until March 16th. The first session of the 65th Congress started April 2, 1917. One of the first things that the Senate turned to in the special session was the adoption of a cloture rule. A committee of 33 Senators, on the same day of President Wilson's statement, had already made public a signed pledge to support a cloture rule. This committee was headed by several well-known men, namely, Senators Joseph T. Robinson of Arkansas, Henry Cabot Lodge of Massachusetts, William E. Borah of Idaho, and Furnifold McL. Simmons of North Carolina.

Senator Thomas S. Martin of Charlottesville, Va., was the Democratic leader. Three days after the special session started, March 8, he presented a resolution as formulated by a committee of five Democrats and five Republicans which became rule XXII, the cloture rule.

Senator LaFollette vigorously opposed the rule, and his speech has been quoted on numerous debates in the Senate in recent years on liberalizing the rule thereby placing greater restrictions on unlimited debate in the Senate. One quotation that I like especially is as follows:

> Sir, the moment that the majority imposes the restriction contained in the pending rule, that moment you will have dealt a blow to liberty. You will have broken down one of the greatest weapons against wrong and oppression that the members of this body possess.

The Senate passed the Martin resolution on March 8, 1917, after 6 hours of debate by a vote of 76 to 3. This was a very overwhelming vote. Needless to say the statement of President Wilson and the intensity of feeling over the armed ship bill filibuster had much to do with both the numerical nature of this vote and with a cloture rule having been brought up at all.

As adopted in 1917, rule XXII was as it is today—cloture by two-thirds of those Senators present and voting. On March 17, 1949, the Senate changed the requirement to a constitutional two-thirds, that is to say two-thirds of those Senators duly elected and seated. On January 12, 1959, however, in a movement led by the then majority leader and former President of the United States, Lyndon B. Johnson, the Senate went back to the original two-thirds of those present and voting standard adopted in 1917. Under the rule, 16 or more Senators may file a petition for cloture and it lies over 1 full day. Thereafter, 1 hour after the Senate meets on the following day but one, a vote is taken and, if passed

by two-thirds, cloture is invoked. Thereafter each Senator is limited to 1 hour.

It is a bit ironic, but true, to observe that had the cloture rule been in effect in the Senate when the armed shipping bill filibuster was in progress, it could not have been used to save the bill because the following day but one would have thrown the vote beyond the expiration of the 64th Congress and the bill would have died.

It is also ironic that the cloture rule was adopted under pressure of a war emergency in the administration of Woodrow Wilson when it was thought that this radical step was needed to provide the authorization to arm ships and later it was determined that the President had this authority without resort to legislation. Thus the tampering with the Senate rules was a useless gesture. Wilson himself in his quiet and scholarly moments of writing in his book on constitutional government stated:

> The informing functions of Congress should be preferred even to its legislative function. The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but more than that, that the only really self-governing people is that people which discusses and interrogates its administration. The talk on the part of Congress which we sometimes justly condemn is the profitless squabble of words over frivolous bills or selfish party issues. It would be hard to conceive of their being too much talk about the practical concerns and processes of government. Such talk it is which, when earnestly and purposefully conducted, clears the public mind and shapes the demands of public opinion.

The significant thing, in our consideration of an alleged need to change the Senate rules governing debate, is not whether there have been occasions when some time has been wasted by what Woodrow Wilson called "profitless squabble of words," but whether the ultimate effects of these incidents have been harmful.

The record will show that many bills against which extended debate was directed ultimately were passed, and I believe careful study would reveal that in most instances the legislation was improved by the cooling off period.

In the entire history of the Senate no great host of bills has been completely blocked by filibuster. These include the force bill of 1890, which would have provided for Federal supervision of elections; the armed ship bill of 1917 which, as I have indicated, turned out not to be needed after we declared war on Germany and several civil rights bills including the omnibus and extremely far-reaching bill of 1966.

Four poll tax bills were talked down and it later developed that this was more properly a judicial field than a legislative one. Three antilynching bills were defeated. They obviously infringed on the police powers of the States, entering the area which Alexander Hamilton said would be so troublesome that he could not conceive of Federal officials attempting it. Two fair employment practices were defeated but finally passed.

Defeat of these and a few other bills is the net cost of past filibusters. And what is the threat of future losses which makes a rules change at this time seem so urgent to some of its advocates? All that we hear basically is "majority rule" and it is just that kind of majority rule which can cram through Congress legislation which actually threatens the broader rights of all the people to which Patrick Henry referred as the "precious jewel—public liberty."

Debate can be ended now by a vote of two-thirds of the Members of the Senate present and voting. If a national emergency, such as that which Woodrow Wilson thought existed in 1917, should demand prompt action on some legislation, I am confident that more than two-thirds of the Members of this body would cooperate in silencing obstructionists. Enough votes also would be obtainable to stop a filibuster even in peacetime against obstruction of any truly vital legislation.

Therefore, Mr. President, I see no need to change the present two-thirds cloture rule. I am opposed to the resolution which would require only a three-fifths vote to invoke cloture and I am by the stronger reasoning opposed to Senate Resolution 7 which would invoke cloture by a majority vote.

The more we tamper with rule XXII the more we endanger the stability and balance which the Senate gives to our form of government.

In my opinion there exists no emergency situation requiring consideration of this question other than a feeling among several Senators that there should be a liberalization of the rule. For a half a century rule XXII has stood the test of time for the good of the Nation both as a protection for minorities and as a means of slowing down hasty and sometimes emotional legislation. It is my firm position that the rule should remain intact.

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

Mr. SPARKMAN. I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able and distinguished Senator from Alabama for the fine presentation he has made here today. If the Senator would yield so that I may ask a few questions, I would be grateful.

Mr. SPARKMAN. I am glad to yield to the Senator from South Carolina for that purpose.

Mr. THURMOND. Is it not true that the Senate is really the last forum that allows unlimited debate in our entire process of government?

Mr. SPARKMAN. That, Senator, is correct.

Mr. THURMOND. Is it not true that in the House of Representatives debate is limited and there is hardly time for a full discussion in depth of many intricate and important matters that deserve to be penetrated and brought to the attention of the American people?

Mr. SPARKMAN. Did the Senator say in the House of Representatives?

Mr. THURMOND. Yes, in the House of Representatives.

Mr. SPARKMAN. That is true. In fact, in the bill I just referred to, which was the bill under which President Wilson sought to arm the merchant vessels before the beginning of World War I, that recommendation was made to Congress in person by President Wilson. The House took it up almost immediately and passed it with only 14 dissenting votes. It was debated for 3 hours in the House because over there, as I explained a while ago, time is controlled by a rule which comes out of the Rules Committee that sets the time of debate. On that occasion, the matter was debated for 3 hours in the House of Representatives.

Mr. THURMOND. And because of the great number of Members in the House of Representatives—it is now 435 Members—is it not true that there would not be time for them to express themselves, and that the only real debate to bring issues properly before the American public is in the Senate?

Mr. SPARKMAN. That is correct.

Mr. THURMOND. Legislation moves through the House of Representatives under tight restrictions on debate. Is it not true we cannot overlook the fact that there have been occasions when partisan politics and dictatorial control allowed significant legislation to be gaveled through the House with little expression of Senate views?

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. Does the Senator know of any real reason why these rules should be changed? Does the Senator know of any important piece of legislation in the history of this country that has not been passed because of rule XXII?

Mr. SPARKMAN. No; I do not. I do not know of any important good legislation that has ever failed to pass because of rule XXII. A while ago in an exchange with the junior Senator from Louisiana, it was brought out that it used to be said that southern Senators were interested in rule XXII because of civil rights legislation. Well, all the civil rights legislation has been passed in recent years with rule XXII in existence.

I have contended that we, in our section of the country, are interested in this rule because we know what it is to be subjected to conditions that required minority protection, and we are in favor of protecting minorities.

Mr. THURMOND. Is it not true that no one can contend that when any southerner participates in debate it is for the purpose of stopping civil rights, because, as the Senator has just stated, civil rights legislation on just about every conceivable subject has already been passed; and does not this prove further that southern Senators who opposed limiting debate during civil rights legislation were doing it on a principle and not necessarily to stop civil rights legislation?

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. Is it not true that when we have extended debate on this subject it tends to focus national attention on the subject under debate and creates debate, for instance, in various communities, States, and in various universities, colleges, and high schools, and it gets people to thinking on important issues and vital matters and it serves to concentrate the attention of the American public on those issues?

Mr. SPARKMAN. It certainly invites public participation.

Mr. THURMOND. Do not thousands of people become aware of issues facing the country and frequently write their Senators as a result of debates going on here, and as a result of debate that takes place back there, which is a reaction to the debate here, it brings expression from voters, constituents and people back home, which is very helpful to Senators? So on crucial issues this is really one way a Senator has to consult his constituency during the course of debate and it is a privilege which would be denied to him if legislation were rushed through the Senate, legislation which could be of paramount importance to the country.

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. Is it not true that if the Senate really wishes to end debate it could do so with a two-thirds vote, and there is no reason, why if legislation is that important to the Nation, we should not have a two-thirds vote?

Mr. SPARKMAN. The Senator is correct. It is one of the protections which is given several times in the Constitution.

Mr. THURMOND. Is it not true that this rule has been in effect for a great number of years?

Mr. SPARKMAN. Ever since 1917.

Mr. THURMOND. Is it not true that we have gone through World War I, World War II, the Korean war, and now the war in Vietnam, and we have gone through many emergencies and periods of depression and we have gone through prosperity, and during all those periods the Senate has not found it necessary to change rule XXII to meet the exigencies of any occasion?

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. Some opponents of rule XXII have argued it is too difficult to get two-thirds of the Senate to rule on debate and they propose the change to three-fifths. That is what is now pending, but this is nothing but the technique, hoping to weaken the rule bit by bit; for if this rule is changed to three-fifths, does not the Senator feel the next move would be to change it to an even lower figure and finally get to a majority, as they have in the House?

Mr. SPARKMAN. Yes. Of course, we know that a great many legislative bodies do that right now.

Mr. THURMOND. If that day comes, is not the Senate practically on the same basis as the House? It will not be the great forum for debate to inform the country on vital and important matters, and will not the country be the loser if such a step takes place?

Mr. SPARKMAN. That is right.

Mr. THURMOND. Is it not true that extended debate, under our present rules, conforms really not with the wording but with the spirit of the American Constitution, and that it is one of the very strongest practical guarantees we have for preserving the rights which are guaranteed to us in the Constitution?

Mr. SPARKMAN. The Senator is correct.

Mr. THURMOND. Is it not true that in this Chamber alone, as Adlai Stevenson expressed it:

> Are preserved, without restraint, two essentials of wise legislation and of good government—the right of amendment and of debate. Great evils often result from hasty legislation; rarely from the delay which follows full discussion and deliberation. In my humble judgment, the historic Senate—preserving the unrestricted right of amendment and of debate, maintaining intact the time-honored parliamentary methods and amenities which unfailingly secure action after deliberation—possesses in our scheme of government a value which cannot be measured by words.

Those are the words of Adlai E. Stevenson, Vice President of the United States, the grandfather of the present distinguished Senator from Illinois; and do not those words seem to make good sense today?

Mr. SPARKMAN. They certainly do.

Mr. THURMOND. Prof. Lindsay Rodgers said this:

> As the much vaunted separation of powers now exists, unrestricted debate in the Senate is the only check upon presidential and party autocracy. The devices that the framers of the Constitution so meticulously set up would be ineffective without the safeguard of senatorial minority action. . . . Abolish cloture and the Senate will gradually sink to the level of the House of Representatives where there is less deliberation and debate than in any other legislative assembly.

Does not that statement make sound sense and does it not embody the very heart of what rule XXII has stood for all down through the ages?

Mr. SPARKMAN. I agree with the Senator.

Mr. THURMOND. I believe a few moments ago the Senator quoted Woodrow Wilson, or at least referred to him.

Mr. SPARKMAN. That is right.

Mr. THURMOND. Is it not true that in his doctoral thesis called "Congressional Government," written impartially before he was stricken by Presidential ambitions, he made a statement which I think is of great significance to the Senate. He said:

> The Senate's opportunity for open and unrestricted discussion and its simple, comparatively unencumbered forms of procedure, unquestionably enable it to fulfill with very considerable success its high functions as a chamber of revision.

There is a man who later became President of the United States, who made this statement when he had no Presidential aspirations, when he had no Presidential ambitions. He made it because he was a deep student of history and he was an astute scholar and he felt it was important to keep freedom of debate in the very essence stated by him as being of importance to this country.

It seems to me that Senators should hearken back to that great President, Woodrow Wilson, when they vote on this important matter. Is not that true?

Mr. SPARKMAN. The Senator is right.

Mr. THURMOND. Mr. William S. White, in the "Citadel," made a very important statement, which I think should go in this RECORD, when he said:

> And those who mock the Institution . . . might recall that the public is not always right all at once and that it is perhaps not too bad to have one place in which matters can be examined at leisure, even if a leisure uncomfortably prolonged. Those who denounce the filibuster . . . might recall that the weapon has more than one blade and that today's pleading minority could become tomorrow's arrogant majority.

I believe the Senator brought out that point in his discussion.

Mr. SPARKMAN. That is right.

Mr. THURMOND. That some of those who are pressing today to limit this debate and have taken the position that they are interested in minorities really handicap themselves in the future when they try to stand by minorities, because what they feel will be accomplished by many in this debate will fly in their face and give less protection to minorities in the years ahead.

Mr. SPARKMAN. The Senator is right.

Mr. THURMOND. I was interested in a statement made here by Senator HUMPHREY. Senator HUMPHREY was one of the great leaders of civil rights here in the Senate when he said:

> If I were to teach again a course in government, I would say if you really want to know the kind of manners and rules of conduct that you ought to have to assure the meaning of the First Amendment, particularly, as it comes to free speech, and the rights to redress for your grievances, the freedom of the press, the freedom to assemble . . . the Senate of the United States represents that in its fullest measure. And in that alone, it's worthwhile. If nothing else, that would make it a very worthwhile American institution.

I would like to ask the Senator, is it possible to really have complete freedom of speech here, it is really possible to properly inform the American people, if this great forum, the only forum in the whole process of government, is going to be handicapped now and be restricted to a three-fifths instead of a two-thirds vote to amend the rules? Would we not be placing a great handicap on freedom of speech in this country if that action were taken?

Mr. SPARKMAN. I think so.

Mr. THURMOND. I wish to thank the able and distinguished Senator for his answers to the questions I have just propounded.

Mr. SPARKMAN. I thank the Senator from South Carolina, and I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is ordered.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

THE PRESIDENTIAL STRATEGY IN INDOCHINA

Mr. TUNNEY. Mr. President, Laos has now become the latest burying ground for both American troops and President Nixon's "Vietnamization plan."

The President is making a colossal error of judgment and misleading the country if he believes that this expedition into Laos by the South Vietnamese

Army will result in a shortening of the war in South Vietnam. He should have learned by now that there is no such thing in Indochina as a military operation that is "limited in time and space." When we first became involved in the quagmire of South Vietnam, it was with the thought that this involvement would also be limited in both time and numbers. That was more than 10 years and 45,000 American lives ago.

The President has again bypassed the Congress and the American people in placing the United States on the path to an ever expanding war throughout Southeast Asia. The next step will, no doubt, be Thailand, and the rationale for expansion will, no doubt, be the same as it was for Cambodia and for Laos.

Our movement of South Vietnamese troops in Laos merely amounts to another widening of an already hopeless war; a war that is killing our youth, draining our treasure, and dividing our country.

It is clear from the blackout that surrounded this operation that the President intends to ignore both the expressed sentiment of the Congress and the hopes of the people of America by further escalating our involvement in Indochina.

We cannot afford a further widening of this war. We cannot afford one more death in Southeast Asia, and we can certainly not afford the President's lack of candor in dealing with the Congress and the country.

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. PACKWOOD. 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. PACKWOOD. Mr. President, the Senator from California has just touched upon our policy in Vietnam. I do not intend to quarrel with the statement of the Senator from California. I do support the President's position in Vietnam, but I think it is quite obvious that whether or not we support or do not support our President in Vietnam at the moment, we shall soon be out of the war in Indochina, and we should look forward to the problems we are going to face in this Nation and in this world over a longer period of time.

To that end, I ask unanimous consent to have printed in the RECORD an address by Richard Gardner, who is the Henry L. Moses professor of law and international organizations at Columbia University School of Law. Professor Gardner was formerly in the Department of State with the Johnson administration, and last October 8, at Arlie House, made a very thoughtful and very provocative speech relating to the peaceful solution of international conflicts.

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

THE LONG ROAD TO WORLD ORDER—FIVE PROBLEMS AND TEN TASKS

(By Richard N. Gardner)

Let me begin with five problems we need to think about as we plan for world order over the next quarter century.

First, how do we relate our proposals to the post-Vietnam mood of the American people. Those of us who want to involve the United States in a network of international agencies now find ourselves confronted with demands to reduce U.S. foreign commitments. If we are to rebuild support for practical steps toward world order, we will have to distinguish internationalism from interventionism. We will have to do a better job of explaining that the best way to reduce excessive U.S. commitments may often be not through unilateral disengagement but rather through the sharing of responsibility with other countries in regional and global institutions. Internationalism of this kind is not interventionism. It is a substitute for interventionism.

Second, how do we relate our proposals to U.S. national interests? Concern with national sovereignty is still with us. Many people are worried that as we move into these international institutions, we're giving up something. We have to explain much more persuasively than heretofore that the so-called sovereign state in today's world is no longer sovereign in any meaningful sense; even a superpower like the United States no longer has the power to protect the security of its citizens or assure their prosperity in isolation. Therefore, we really gain control over our destiny as we pool our sovereignty with other nations in these international institutions. It is not a question of giving something up unilaterally. It is a matter of getting back the capacity to manage our affairs by means of mutual restraints and reciprocal concessions worked out with other countries under multilateral auspices.

Third, how do we make our proposals seem possible? One of the things I find most distressing about the mood of our country today, and this is particularly true among young people, is the pervasive sense that things are hopelessly out of control. We have so many people running around as prophets of doom. Heaven knows, there's enough to be alarmed about, whether it's the environmental problem or the arms race or the income gap between rich and poor, but I do not agree with the doomsayers that there is no hope. It is tragic that anyone who gets up these days to make bold proposals of the kind this group has been making for years risks the danger of being ruled out of court as "utopian." So it is more than ever essential that we come up with not just grand designs, but with realistic methods of implementing them. A good approach in these matters is a big target, a rather distinct target date, and a timetable for getting there, (e.g., 20 years to abolish tariffs in stages of five percent a year). Many of our national and international problems will seem manageable if we give ourselves time but use the time to move steadily and inexorably in the right direction.

Fourth, how do we make ourselves politically effective in our own country? I cannot think of a time in recent years when the commitment of the United States Government to building durable institutions of world order was at a lower ebb. You see it in the absence of major U.S. initiatives at the U.N., in Congressional actions on the trade bill and the I.L.O. budget, and in the Administration's appointments to General Assembly delegations. Perhaps it's time for the world order and U.N. groups in this country to raise their voices a little—almost every other special interest group is doing so. Moreover, we ought to focus more on the nuts and bolts question of how to become more politically effective in Congress, the State Department and the White House.

Fifth, what does the U.S. do if other countries aren't playing? I'm reminded of the story of the mother who is watching her little son on a see-saw in Central Park. He's with a playmate on the see-saw and all of a sudden this four-year-old, not thinking of the consequences, suddenly decides to get off the see-saw. The see-saw comes up and hits his arm, the playmate goes tumbling down on the ground, and the mother rushes up and says: "Johnny, I've told you a hundred times not to get off a see-saw unilaterally!" The question I'm posing is: Can we get off the see-saw unilaterally if some of the other players are not playing the world order game? If so, how? We have to face the fact that the attitudes of some countries toward strengthening the U.N. in peacekeeping and development are not exactly encouraging. What do we do if their opposition effectively blocks progress?

Having raised five general problems about planning and policy-making for world order, let me suggest ten major tasks of international institution-building which might be the focus of your discussions in this conference:

1. DISARMAMENT

In the McCloy-Zorin Agreement, the United States committed itself to General and Complete Disarmament. Do we really mean it? Is "GCD" a "serious subject"? One has the impression that most people in the U.S. Government today don't think so. It's obvious that GCD is not something possible in this decade, but would it not be useful to resume serious research and international discussion on the subject—particularly on the kinds of international institutions that would have to go with it? This could be done at the official level in Geneva or in informal, non-official study groups like Pugwash. Moreover, more thought needs to be given to the international machinery appropriate for various partial measures, such as a SALT agreement or seabed disarmament.

2. PEACEKEEPING AND PEACEMAKING

I offered some suggestions in Foreign Affairs recently ("Can We Revive the U.N.?," July, 1970) on how the United Nations might be made more effective as a peacekeeping and peacemaking agency. We need to consider as a matter of urgency how to bring mainland China into the U.N. while still assuring self-determination for the people of Taiwan, and how to bring the divided states into the organization. We need fresh thinking on how far one can really build up the U.N.'s peacekeeping and peacemaking capacity by institutional innovations as contrasted with an essentially *ad hoc* approach. We need new attention to measures to rationalize the procedures of the Security Council and General Assembly and improve the effectiveness of the Secretariat.

3. OUTER SPACE

So far our institution-building with the Russians in this area has been very modest. We have participated with them in the World Weather Watch and we have had some modest bilateral cooperation in information exchange, but nothing you would really call a joint venture. Perhaps the time has come when both countries would see significant budgetary savings and political advantages in a pooling of effort. To preserve the security of the launch sites, could the two countries launch elements of a space station separately and then assemble them in outer space? Is this technically sound? Is it politically sound? And should it be U.N.-ized?

4. THE SEABED

The Nixon Administration's proposals in this area have been most constructive. They envisage an important new international

agency for the regulation of activities on the deep ocean floor. But the international approach here faces formidable political opposition. Many Latin American countries seem reluctant to give up their more extensive claims both in the ocean floor and territorial waters and the Soviet Union remains adamantly opposed to any international regime and any international organization that would engage in licensing and rule-making in ocean space. How can we bring these countries around? What are the compromises that might be offered? If we can't bring them around, can we go forward with something like the Nixon Treaty on a less than universal basis? What happens if you have a Nixon-type treaty without the Russians and they find a nice little submerged mountain in deep ocean space and start drilling on it?

5. THE INTERNATIONAL MONETARY SYSTEM

Many people now urge that the International Monetary Fund should gradually develop into a world central bank. Have we really thought through all the implications of this for the management of our domestic economy and foreign policy? The corollary of giving up our role as world banker and substituting the IMF is that we accept a commitment that increments to world liquidity will be exclusively from internationally-issued money (SDRs) and not from the perpetuation of U.S. payments deficits. Are we really prepared to play the game by those rules? Would we get enough liquidity that way, given the conservatism of some of the Europeans and other people who wield important decision-making authority in the IMF? Would not the IMF also need authority to influence the exchange rates, the domestic economic management, and the foreign expenditures of surplus and deficit countries? Will we—and other countries—be ready for this in the foreseeable future?

6. WORLD DEVELOPMENT

Considering all the obstacles, we have created an impressive array of international agencies in this field. We have begun to develop international performance standards for the rich and for the poor. We enforce them on the poor—or try to—by granting or withholding credit, but how do we enforce them on the rich? How do you build really effective sanctions on the rich countries to give the one per cent of GNP the Pearson Commission says they ought to give. And how do you get the recipient countries to take more effective measures in such matters as food production, birth control, and broader sharing of the benefits of development? Bilateral aid has generally failed to solve these problems. Can multilateral institutions be more successful?

7. INTERNATIONAL TRADE

The strong revival of protectionist sentiment in the United States threatens now to plunge the world into, if not a trade war, at least a new cycle of trade restrictions. There is a widespread feeling on the part of American labor and American business that international institutions such as GATT and OECD have not adequately protected U.S. trade interests. The traditional principle of non-discrimination has been seriously eroded by the European Economic Community and its association agreements with European, Middle Eastern, and African countries. It will be further eroded by the EEC's enlargement. If we are to avoid slipping back to protectionism, if we are to restore momentum toward free trade, we will need to consider ways of making GATT and OECD more effective than they have been in the past. GATT in particular needs to review its ground rules and strengthen its sanctions against non-complying members. Obviously, the political obstacles to such reforms will be formidable.

8. ENVIRONMENT AND POPULATION

Rather belatedly, the U.N. system is now developing action programs in these vital areas. But the system's effectiveness is diminished by the historic pattern of specialization among the different agencies and by the lack of strong central leadership. In the years ahead, we will need to strengthen the authority of the central executive in dealing with the Specialized Agencies, perhaps by a formal constitutional charge, perhaps by using the U.N. Development Program as the source of funding for population and environment activities. In addition, we might consider the creation of new U.N. policy-making bodies more in accordance with contemporary needs—an International Development Council in place of ECOSOC and a new Council on Science, the Environment and Social Problems. The latter would include population and urban problems within its mandate. It would deal with problems as important for developed as well as developing countries, and would thus help remedy the almost total preoccupation of ECOSOC and the Specialized Agencies with the developing countries. This reform could have important political benefits by demonstrating to the people of the developed countries that the U.N.'s economic and social work can be directly helpful to them. Incidentally, everything I know of Soviet attitudes suggests that they would look with sympathetic interest on such a reform.

9. HUMAN RIGHTS

Our agenda here is clear enough. We need to build political support for U.S. adherence to U.N. Human Rights Conventions, like the Genocide Convention, from which we have so far remained aloof. Still more important, we need to create more effective measures of human rights implementation at the international level. A most promising first step could be the proposed High Commissioner for Human Rights. The hard question here is whether to create this kind of universal system of human rights implementation in the face of strong opposition from the Communist countries, or whether to concentrate for the time being on regional approaches, using the Latin American and European institutions for human rights protection.

10. COMMUNICATIONS

This is a much neglected area. If we are serious about building effective institutions for the management of global problems, we need new ways to build understanding between nations, races and ideologies. We have all this exciting new technology, such as communication satellites, but I don't see any exciting proposals coming out of Washington or anywhere else on how to use the technology to advance us toward world order. As a modest first step, the U.N. should be given free use of the INTELSAT facilities for its operational and informational requirements. U.N. members should be encouraged to carry a minimum amount of U.N. and foreign programs on their national television and radio networks.

The greatest obstacle to progress in international cooperation, as Lester Pearson has reminded us, is "faintness of heart and narrowness of vision." It is up to groups like this to point the way for government leaders who still suffer from these all-too-common disabilities.

AMENDMENT OF RULE XXII OF THE STANDING RULES OF THE SENATE

The Senate continued with the consideration of the motion to proceed to the consideration of the resolution (S. Res. 9) amending rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alabama (Mr. ALLEN) to postpone until the next legislative day the consideration of the motion of the Senator from Kansas (Mr. PEARSON) that the Senate proceed to the consideration of Senate Resolution 9, a resolution to amend rule XXII of the Standing Rules of the Senate with respect to the limitation of debate.

Mr. STENNIS. I thank the Chair.

Mr. President, it seems that the sponsors of this resolution have—I would not say abandoned it, but, still, they have left it here on the floor. I am in opposition to this change in rule XXII, because I think that time and experience over the decades have proved that rule XXII is needed and is sound in operation. It has withstood one assault after another on this floor for the last 25 to 30 years without being emasculated, as some would wish, and without being drastically changed, even though there has been some change. During that period of time we have gone through some of the most far-reaching changes in the history of the world. Not only our nation but the entire civilized world as well has gone through some of the most revolutionary changes—politically, economically, and scientifically—that the world has ever known. In fact, no other period of recorded history begins to compare in magnitude with the changes, the new problems, and the new developments that we have had since World War II ended, for example.

The assaults on rule XXII to repeal it, in effect, have had the backing of very powerful organizations, political, economic, and otherwise. It has been debated through many elections, over and over, for the last 30 years, and has been debated on this floor repeatedly. Still, it has withstood all major assaults and has not been substantially changed in this period. I think that in itself proves that the second thought of the American people is that we need some kind of safeguard, some kind of check and balance, that is effective but still does not totally block legislation or block change. If it had not been for the background of the strength of rule XXII which I have described briefly, it would long since have been swept away or would have been modified greatly.

Mr. President, I am speaking on this matter because of its importance, not because I have to speak. The sponsors of this rule change are not here. They are not making any fight for it. Frankly, I think that when the matter went over until after the forthcoming recess, without any real attempt to get a vote, it was an admission right there of lack of strength, and I detect a growing disinterest in this proposal to change the rule.

I do not believe there is a feeling in this Chamber or in the country that there is any need for a change. But, on the other hand, the second thought of the people tells them that there must be some kind of restriction, a road block, upon the swift and emotional passage of legislation, however good its proponents may think it is and its purposes may be.

I think the people understand a great deal about filibusters of the various types we had here in December.

I was opposed to those who were trying to block the bill's passage. I was one of the floor managers of the bill. It contained appropriations for the Department of Transportation.

However, much as I wanted the bill to pass, I did not vote to cut off debate, because I thought it would be an abuse of rule XXII. The need was not great enough. As I said earlier today, in respect to Senator SPARKMAN'S remarks, there was an adjustment of that matter that served a practical purpose. It was carried over until the interim time, and the subject matter will be taken up again.

I use this as a most recent illustration of the practical operation of rule XXII as now written, and that time it was used by so-called liberals. They were in the minority, but it was used by the so-called liberals in their fight. I make no unkind reference to them in these remarks. I made none during the prolonged speeches here on that bill.

Rule XXII is a part of the Senate and, more than any one bill or any policy and more than any other year or anything else, it is the basic principle of passing legislation that differentiates the Senate of the United States from the House of Representatives. No one has more respect than I for the House of Representatives and its Members and the principles it represents—fresh from the people; elections every 2 years; high-minded, earnest, energetic people; hard-working; reflecting, as they should, primarily the most recent mood of the country and the most recent policies that are jelling as they come from the sentiments of the people. But we know by long experience that there need be a check, that there need be a second look, that there need be time for commonsense to operate and for facts and conclusions to percolate and get through a broader base of thought in the American people, and that is what the Senate is if it has a rule that permits such procedures. There are 100 Members of the Senate, and on a close vote, just about almost the same as flipping a coin, that is when there can be immature consideration of a subject with not enough deliberation. I do not think that the people want to take that chance.

One of the reasons I had aspirations to come to the Senate was that it seemed to be organized groups—and I speak with all deference to their motives if they are good—but organized groups were going to take over this country, well organized, well financed, and intelligently led, recommending their segment of the economy, or the populace, or the movement, or whatever it was, and pounding away, often in unison, at the elected representatives of the people.

I still think that is the greatest challenge to our system of government that exists today. I frankly think it is gradually getting stronger, and that their pressures are getting greater. Even though opinion of all kinds has its place, and expression has its place, they are getting to be more and more effective, and are naturally becoming more effective in putting the pressure on those men who are elected every 2 years and those men who are elected every 6 years.

But, apart from that, there must be a body somewhere in this country—and the logical place is in the Senate—where there will be a chance for a second look. I believe strongly in the commonsense of the ordinary people of this country, but, at the same time, very often they have to take a second look or a second thought in order to be at their best to use their commonsense, as I term it. So I think that the Senate is the fundamental basis of our Government. The Senate is the bedrock upon which the Government rests, the idea of a chance for more extended debate. We do not have unlimited debate. We do have a rule that will cut off debate and force a vote. But the Senate does stand upon the principles I have already enumerated.

Unfortunately, rule XXII has become associated with civil rights battles. In past years it has become such a symbol, of being in opposition to civil rights bills. Well, certainly that is not the issue now. All those bills have been passed and most any kind of amendment that anyone could think of was put on and they became law, and we have moved on beyond that.

Rule XXII has fallen in with the term filibuster which, in the first place, is not understood and carries a bad connotation in the minds of many who have not looked into it carefully enough.

So, taking this second look at what is in rule XXII and what is in a filibuster, I am reminded of the words of a leading columnist who wrote for a good long while, way out in front of everyone else, Mr. Walter Lippmann, who is now in retirement but is known as a forward-looking man, one of tremendous capacity, and a very fluent writer.

He said:

> The filibuster under the present Rules of the Senate, conforms with the essential spirit of the American Constitution.

That is a very significant statement.

He said further:

> It is one of the very strongest practical guarantees that we have for preserving the rights which are in the Constitution.

Mr. President, I was not a friend of Mr. Lippmann. I knew him, but only in passing. I am not espousing his causes. He does not need anyone to espouse them for him. But he was up front in his knowledge of public opinion, of legislation, and the soundness of government. He is of unquestioned integrity and has a very fine talent.

He said that it conforms with the essential spirit of the Constitution and then as a practical matter that it is one of the very strongest practical guarantees we have for—for what, now?—for preserving the rights which are in the Constitution. That pertains to the rights of all the people. I do not believe I have ever found such a fine and quick summary in one part of a sentence in such a sweeping way which sums up rule XXII as being a confirmation of the essential spirit of the American Constitution and also a practical guarantee for preserving the rights which are in the Constitution.

Mr. President, this is no idle matter. This debate has droned on. It has been unspirited, perhaps, without much immediate interest. The proposal seems to have fallen by the wayside. But I think the time is well spent—and I mean every word of this—the time is well spent, indeed, to take the time to examine the fundamentals of our constitutional government and the principles upon which it is built and to see if we really have to make this drastic change in the rule after all. I do not believe that we do.

Mr. President, I feel strongly obligated to take every opportunity afforded me to try to convince the Members of this body of the great dangers of amending Senate rule XXII on the limitation of debate beyond what its terms now provide. I have heard it said, it is two-thirds now, so why not make it three-fifths, as that would be a better way and more workable to those forces who have been through all this many times.

We know that the main proponents of taking down rule XXII—the limitation of taking it down to reduce the vote required—are those who are working for a majority vote which means that the majority can, in effect, impose the "previous question." That is their goal. That is their object. We will not be relieved one 2-year term of their efforts to destroy entirely this provision for ample and extended debate. They will not rest until that matter is totally changed and there will be nothing left of the rule requiring more than a majority.

It is so clear and so plain that that is their purpose and their goal that we might as well meet it head on now and stand on this reasonable provision in the rule that has served us so well.

I am firmly convinced of the merit of the point of view I advocate, and have been seeking means of presenting it in such a manner as to more clearly set it forth as entirely a matter of principle, separate and distinct from any associated ideas that deal with expediency in the mechanics of legislative procedures.

Mr. President, I want to separate it entirely from any stigma that might have been attached through a misunderstanding of the word "filibuster" and disassociate rule XXII from any particular subject matter concerning what was loosely called civil rights bills. I am sure in my mind that if we could strip the matter of all extraneous aspects, and let the principle itself stand forth alone to be judged, then this body will leave rule XXII unchanged, to remain as the very keystone which prevents the Senate from failing in its true and historic mission.

So I have been asking myself what those extraneous matters may be, and how to remove them from the discussion.

All of us except the few new Members have been involved in a number of recent cases of extended debate. In each, of course, there has been a side that prevailed and one that did not. Each Senator has shared both victory and defeat, and the debate at times has been forceful and heavy. Some scars may have

been left by these events, and perhaps some impatience or frustration for the time being. It would be human to blame a frustration on rule XXII rather than to accept the premise that the issue being advocated was not flawless. These feelings should not influence the considered judgment of this body as to rule XXII, but perhaps they are present as extraneous factors, and need to be identified and consciously swept aside.

If there is any emotional aspect of any kind that contributes at all to clouding the issue, then it must be cast aside. I believe, and many of my colleagues share the belief, that civil rights is an emotional aspect that is clouding this issue even though it is no longer logical that it should.

Mr. President, I cannot believe that just because we were tied up here for a few days and parts of some nights in December and because some naturally wanted to go home or had plans that were interfered with and they were unable to do what they had planned to do, or even lost an opportunity to spend a longer interval at the end of the session at home, that that should be a basis for changing the basic framework of the U.S. Senate.

I do not believe that the people, even though they get a little impatient with us at times, would let an incident which, after all, was a very small incident interfere with and change the basic framework of their institution, the U.S. Senate, and allow it to be so drastically altered—not just changed, but really altered—and basically destroyed, I think, as the forum that does have a last chance to take a second look.

I would like very much to have the merits of a two-thirds vote on cloture to simply stand and be judged on their validity, divested of any bias or bitterness that might consciously or unconsciously exist. I believe that the merits of the rule as now written are overwhelmingly persuasive.

It occurred to me that we might take the discussion out of its modern time frame and context, and look at it for a few minutes as our predecessors of 50 or more years ago looked at it.

I think this will be a contribution to the debate. I would like to quote from comments made on the floor of the Senate in June 1918, some by Senators whose membership dated back into the previous century. No doubt they had a few frustrations of their own in those days. One must assume so. It was, however, long before there was any connection between civil rights legislation and extended debate, for it preceded by many years the series of civil rights bills of our times.

In order that we might see the subject as our distinguished predecessors of that day saw it, I shall quote some from the debate of June 1918, as it was discussed in the report of the Committee on Rules and Administration in 1947, 80th Congress, Report No. 87.

Mr. President, we like to refer to things that were new when we first came to the Senate. That was the first year I was a Member of this fine body. This battle was being debated then. This fine collection of thought over the previous years is from that time.

The occasion of the debate was the first attempt to change rule XXII, which had been adopted in 1917, the previous year, and which required two-thirds vote for cloture. The change would have imposed more severe limitations on debate. The comments of the Senators of that day are pertinent and revealing, and for us, at least, are unencumbered by the kinds of extraneous matter that today might be distracting in making a judgment on merit alone.

Mr. President, I emphasize that this is not the debate in which rule XXII was originally adopted in response to the situation that has already been discussed here concerning the shipping bill. That occurred in 1916, I believe. In 1917 for the first time rule XXII was passed. The very next year there was an attempt made to amend it. The quotations I have are taken from the debate that ensued at that time.

Many of the basic problems of Government are the same. However, this was a time far removed from the more immediate considerations of the so-called civil rights bills or the so-called evil name of filibuster.

The Honorable William Alden Smith, a Senator from the State of Michigan during the period in 1907 to 1919 said in that debate:

The proposed new rule is intended to curtail the individual right and power of Senators. How can a Senator represent his State appropriately in a crisis if a few Senators may decree in caucus and then absent themselves, leaving the State to its fate, shorn of the power to be effective?

I have never seen the present rule abused. I have been impatient at times with Senators, but good has come to the country in most instances as a result of our liberal latitude in debate.

Much good and no harm has come from unlimited discussion here; and, to curtail it and deprive ourselves of this power and privilege, it seems to me, is not called for by any situation now existing.

The instances where this rule of unlimited debate has been abused and has worked to the disadvantage of the Government are very rare indeed and the cases where it has been of tremendous advantage to the Government and to the people of the United States can be counted by hundreds and hundreds.

The Honorable James K. Vardaman, a Senator from Mississippi during the time 1913 to 1919, said:

In the instances used by the Senator, unlimited debate was simply a means of killing time, and defeating the rule of the majority, which is contrary to the very genius of our Government.

The Honorable Mr. Smith of Michigan then said:

No; unlimited debate, as I define it, was such a protracted and prolonged discussion as to bring acutely to the minds of Senators the necessity of composing that particular situation.

The longer I stay here the less I speak. Some of the best men who ever served in this body have grown to dislike verbal controversy.

Men get over the fascination of their own speech; but if the occasion should require, or if some injustice was sought to be done, unlimited debate would be a very desirable and potential weapon to reside in the senatorship.

It is not that a Senator wishes to be heard at great length; it is the power to defend his State, which you are attempting to curtail.

Take away the right of unlimited debate and you take away the one great distinguishing characteristic of senatorial procedure.

The previous quotation was from the Senator from Michigan.

The Honorable Jacob H. Gallinger, a Senator from New Hampshire during the period 1891 through 1921, said:

A great deal of agitation had been heard at varying times concerning the necessity for having some rule that would limit debate. There were those of us who did not think any rule at all was necessary. There were others who thought a somewhat drastic rule necessary. I speak now advisedly, as a member of the Committee on Rules, when I say that that rule was adopted as a compromise rule, and assurances were given that if it should be agreed to—as it was, without any controversy—it would end this matter of so-called cloture legislation. It has answered its purpose.

During my somewhat protracted membership of this body a few filibusters have been engaged in. I was the victim of one of those filibusters, Mr. President. A bill in which I was deeply interested, which had been debated for weeks in this body, as I remember it, was at the end of a session defeated by filibuster.

At that time, I felt very keenly on the subject but, when I came to look it all over, I was led to the conclusion that the evils that grew out of our present system were insignificant compared to the benefits that grew out of it.

I think I have myself participated in two filibusters during the time I have been a Member of this body, and I have never had occasion to regret it. I believed that they were justified. I believe that great good came to the country because of those protracted discussions.

Now, Mr. President, I turn to the great State of Massachusetts and the late famed then Senator, Henry Cabot Lodge, who served in this body from 1893 to 1924:

This is a general rule to limit all debate, indiscriminately, on every measure, whether trifling or of the gravest importance, affecting the Constitution, the welfare of the entire country, or the interests of a section of the country, or what may be the vital interests of a single State. Mr. President, I believe that a rule of that kind is thoroughly unsound in principle, and I think we ought to retain in the Senate the general debate and the latitude of debate which we now have.

The case for free debate in the Senate has never been better stated than in a paragraph I am about to read from a well-known book. It is there said:

"It is the proper duty of a representative body to look diligently into every affair of government and to talk much about what it sees. It is meant to be the eyes and the voice, and to embody the wisdom and will of its constituents. Unless Congress have and use every means of acquainting itself with the acts and the disposition of the administrative agents of the Government, the country must be helpless to learn how it is being served; and unless Congress both scrutinize these things and sift them by every form of discussion the country must remain in embarrassing, crippling ignorance of the very affairs which it is most important that it should understand and direct.

"The informing function of Congress should be preferred even to its legislative function. The argument is not only that discussed and interrogated administration is the only pure and efficient administration, but more than that, that the only really self-governing people is that people which dis-

cusses and interrogates its administration. The talk on the part of Congress which we sometimes justly condemn is the profitless squabble of words over frivolous bills or selfish party issues. It would be hard to conceive of there being too much talk about the practical concerns and processes of government. Such talk it is which, when earnestly and purposefully conducted, clears the public mind and shapes the demands of public opinion."

That, Mr. President, is taken from Congressional Government, pages 303 and 304, written by the present President of the United States [Woodrow Wilson], and I think it would not be easy to find a more powerful exposition of that necessity for debate which, I think, is infringed on by this proposed rule.

That was the late Henry Cabot Lodge, a Senator from the State of Massachusetts, who served as a Member of this body for 31 years. He was speaking then in opposition to a proposed change in what is now rule XXII that had been enacted the year before.

Now, I refer to a Senator from another State and what he had to say in that same debate. This is a man who was not from the South, the late former Senator and later President of the United States, Warren G. Harding. He was a Senator from 1915 to 1920. He was elected President while he was a Member of this body. He said:

I have been hearing about the reformation of the Senate since I first entered politics; and it was rather an ironical thing the other day that one of the most emphatic speeches made in favor of adoption of this rule was uttered by the very latest arrival in this body.

I have been observing the Senate at close range now for 3 years. I came with the notion that the Senate "fiddled" away a great deal of valuable time in debate, and I am still of that opinion; but the debate that needlessly consumes the time of the Senate is not reached by the proposed rule.

I want to feel that the Senate still controls its destinies. Moreover, the new cloture rule is ample. I am opposed to the so-called reformation of the Senate in the name of a war measure.

But the reformation of the Senate has long been a fad. I came here myself under the impression that there ought to be cloture and limitations on debate; and the longer I sit in this body, the more convinced do I become that the freedom of debate in the United States Senate is one of the highest guaranties we have of our American institutions.

Mr. President, that is very significant. Here is this new Senator from Ohio telling exactly what his experiences were. He said that after he came here and saw the operation he changed his mind. He was a man of no small caliber. He became the leader of his party and was elected President of the United States.

I have seen men—and I am not referring to names—come here and want to change the rule and vote to change it. The unhappy part was that they had made promises that that would be their position. They would come here and look at the situation differently but they were already committed, they were already bound, and they had to carry out their word.

I can think of one man who came to the Senate pledged to vote to make it a majority or at least much more different than two-thirds for cutting off debate under rule XXII. When the time came for the vote, he so voted. But he announced to the people of his State that he had carried out his promise, that he would be a candidate for reelection when the time came, but he had changed his mind about rule XXII and he wanted to tell them in advance that instead of running on a platform to change rule XXII, he would have in his platform the next time a promise not to change it. That gentleman was later elected and became floor leader of this body, and he was the acting floor leader when I came here.

I continue to read the quotation from Warren G. Harding:

Mr. President, before I take my seat I wish to say that the length of a speech is not the measure of its merit.

While the Senate may not listen, because the Senate does not listen very attentively to anybody, I discover, though Congress may not be apparently concerned and though the galleries of this body may not be filled to add their inspiring attention, I charge you now, Mr. President, that the people of the United States of America will be listening. This is the one central point, the one open forum, the one place in America where there is freedom of debate, which is essential to an enlightened and dependable public sentiment, the guide of the American Republic.

Mr. President, someone might say that that was a long time ago and that time has changed so much and that the guidelines of his thinking should not have weight. Just a few moments ago I read a quotation from a man who wrote a column and who was regarded as a great thinker in his day. For many years he was considered to be No. 1. I refer to Mr. Lippmann. I read a quotation by Mr. Lippmann just a few moments ago.

For a comparison of what he said and what the previous quotation from the Senator said, I shall read again what Mr. Lippmann said:

The filibuster under the present rules of the Senate conforms with the essential spirit of the American Constitution, and it is one of the very strongest practical guarantees we have for preserving the rights which are in the Constitution.

Another great American mind brings forward the same thought 50 years later.

From that debate I quote another famed Senator of his time, Hiram W. Johnson a Senator from California, 1917–45:

But in this day, Mr. President, there is something else that I see as well. I see that we have transmuted in the past 14 months our Republic; I see that upon which we have prided ourselves in the past, that of which we have boasted in the past, that which we have taken unto ourselves and loved during all of the years that this Nation has been a nation—has been transmuted under the exigency and the emergency of war, and rightly so, into an autocracy as powerful as any autocracy upon the face of the earth.

But, Mr. President, there is another day coming as well, and in transmuting our Government temporarily in the fashion that we have done, there is no reason why any man of wisdom, of foresight, with an atom of statesmanship, should not prepare against that day when it will be his duty and his obligation as great as is the obligation today to win this war, to bring back this Republic into its own, and make this Government as it has been in all the years of the past.

It is that day when we must finally face the ultimate issue and restore this Government to its pristine purity and its pristine glory and to its original character—it is this day I guard against now by permitting not the entering wedge in this body and with its Members, so that they could not do fully freely, wholly, absolutely, and successfully their duty when the day shall come.

The last place in all this world where freedom obtains, the place where freedom of speech may be abused, abused, abused, and abused again, but the last free forum in that day will then have been destroyed, and we here this day will have commenced and made easy that destruction.

Mr. President, I have here a quotation from the late Charles E. Townsend, a Senator from the State of Michigan, 1911 to 1923, in that same debate:

It will be a sad day for our Republic when the Senate ceases to be a free and open forum.

Not cloture but intelligent deliberation is the present need. This is an insidious attempt, as it seems to me, to limit debate and confine it according to the wishes of people not connected directly with the Senate.

Mr. President, since I have been a Member of the Senate I have never seen, except during the last days of a Congress, any bill defeated, by a filibuster, or otherwise, which a majority of the Senate earnestly desired to pass. It has never been done, and it cannot be done. The will of the majority properly determined can always be exercised, not on the minute, not a given hour possibly, but at some time during the session, and it always will be so.

Public sentiment! Senators seem to be fearful of public sentiment. The only sentiment that I have to face is that of my constituents. I object, Mr. President, to having any Senator or number of Senators place any restriction upon me in the exercise of my duties as a representative from my State.

When I was a Member of the other House, to me one of the attractive features of service in the Senate was that there was an opportunity for debate and full consideration. I did not expect to abuse that privilege, and I never have done so.

Most new Senators are instinctively for reforming the rules.

We have been in the habit of condemning long speeches sometimes, and I confess that at times I have criticized them, too; but I have recalled that subsequent events have shown that many Senators were right in appealing to the Senate to consider the question under discussion, and it was their duty to make those appeals to the Senate if by doing so they had any hope of changing the sentiments of the Senators.

James E. Watson, a Senator from Indiana, 1916–33:

If this had been the rule of the United States Senate after the adoption of the Constitution and the formation of the Union many of the great orations that challenged the attention of mankind and fashioned the policy of the Republic would have been but partially delivered.

If this had been the rule of the United States Senate for the first 50 years of its existence John C. Calhoun would not have been able to thunder forth the doctrines in which he believed; Hayne could not have announced on the floor the ideas which he so eloquently espoused; Henry Clay would have been unable to deliver in full any one of the score of speeches that accomplished so much for his country; and Daniel Webster, imperious orator of American history, could not have blazed the pathway of the future in that historic utterance in which he announced the essential policies of the Republic if its institutions are to endure, for on the floor of the United States Senate and in the

open forum of debate he in a sense shaped the destiny of the Republic and molded the future of the Nation.

Mr. GALLINGER. Speaking for 8 hours.

Mr. WATSON. And 8 hours, the Senator from New Hampshire informs me, he spent in delivering that masterful oration.

If this had been the rule of the Senate even in our day, the great debates that have occurred upon the financial and economic problems which have engaged the thought and attention of the Republic could not have taken place to the full.

Why, Senators, we are not children; we are men. We are not engaged in some sport in which a man is limited to a certain number of strikes; we are Senators, chosen because of supposed ability, fitness, and character to measure up to the great demands of statesmanship, to grapple with the eternal verities that underlie all progress and all enduring government, and why should it be thought that we must place a limitation upon ourselves else we shall trample upon the rights of the people by too great speech?

Asle J. Gronna, a Senator from North Dakota, 1911–21:

In my judgment this rule is an insidious effort to throttle free speech in the Senate. It is an effort to shackle the membership of this body; it is the forerunner of boss rule; it is the keystone to the foundation of a political machine. It matters not what time is alloted to any Member, the rule in itself is autocratic; it is despotic; it is contrary to democratic principles of a free government.

Reed Smoot, a Senator from Utah, 1903–33:

The passage of this resolution means that running debate will be closed in the future, and I say now that there has been more information given to Senators, actual information, information that affected the votes of Senators, more real information gained, in a running debate where questions are freely asked, than there is in all the set speeches that were ever made in this body.

James D. Phelan, a Senator from California, 1915–21:

It is the history of this body that there are empty beaches occasionally when a Senator exceeds what, in the judgment of the absentees, may be a reasonable time limit. I believe it was held in the House of Commons that, whereas a man had a right to speak, he had no right to be heard.

The Senate rules serve by arresting hasty action. Members of the House have appealed to me to save the power of the Senate on which the Members of the House themselves so often rely. On it the country relies to have time to deliberate and if necessary protest.

Men are carried away by passion, heat, and rancor, and they enact laws thoughtlessly; again they enact laws ignorantly. Debate restrains passion; debate restrains heat; debate restrains rancor, and at the same time debate commands deliberation. Therefore I oppose the arbitrary rule and stand for the power and dignity of the Senate which has served the country so well in this war.

Frank B. Brandegee, a Senator from Connecticut, 1905–24:

Mr. President. I look at this right of debate not as a right, much less a privilege, which we are conferring upon ourselves as a matter of favor. I look upon it as a right which attaches to the sovereign States of this Union, each of which is represented here by two Senators, and whose sole method of putting its case before the people of the United States and before this body is through the voice of its two Senators.

So I say that this is the forum of the States. This is a federated Government, in which the States reserved the right of equal suffrage in the Senate of the United States, and made that the only provision of the Constitution which never should be subject to amendment.

Those Senators from all those areas of the country outside the South represented essentially the same thought. It is supposed to be the South that is against a change in rule XXII. These Senators all presented their wise counsel and judgment in those days.

Seven years later, in March of 1925, Charles G. Dawes, who had on that day taken the oath as Vice President, addressed a special session of the Senate. With reference to Senate rule XXII, he advocated a change, saying:

That rule which at times enable Senators to consume in oratory those last precious minutes of a session needed for momentous decisions, places in the hands of one or of a minority of Senators a greater power than the veto power of the President of the United States, which is limited in its effectiveness by the necessity of an affirmative two-thirds vote. Who would dare to contend that under the spirit of democratic government the power to kill legislation providing the revenues to pay the expenses of government should, during the last few days of a session, ever be in the hands of a minority or perhaps one Senator? * * * Who would dare maintain that in the last analysis the right of the Senate itself to act should ever be subordinated to the right of one Sentaor to make a speech?

I personally remember when Vice President Dawes was sworn in. I remember when he made that speech, and I remember something of the reaction, at least, of the press throughout the country. My point today is that even though he was earnest and sincere and thought that he had impressed the Senate and impressed the country, on close examination it was decided by the Senate and by the people. There have been many elections in the last 50 years. It was decided by the people as a whole that they wanted to keep this safeguard. They wanted this body to be a forum where minorities would be protected, when a majority, acting sometimes under emotion and sometimes under presure, would have a checkrein on it. In other words, they wanted to keep the main mudsill of this body, which makes it different from all other legislative bodies.

So here we are, 50 years later, after the momentous changes to which I referred a minute ago. No 50 years in all of recorded history begin to compare with those years. Here we are. We still have this rule on the books, in substantially the same form in which it was when it was discussed here by Mr. Dawes, the late honored Vice President of the United States.

It could not have been here if there had not been a need for it, if it had not operated for what was thought to be in the best interests of the country, not for individual Senators—it is not a personal matter. It could not have been here if it had not been, or thought to have been, in the best interests of our country, essential for sound policymaking and for the passage of the wiser kind of legislation.

The editor of a monthly publication called "The Searchlight of Congress" wrote to each Member of the Senate, asking for a statement of opinion on Vice President Dawes' proposal, and printed the replies, from which the following quotes are taken:

William E. Borah, a Senator from Idaho, 1907–40:

I do not know what changes Vice President Dawes proposes with reference to the Senate Rules. In a general way it seems that he would adopt strict cloture. I am opposed to cloture in any form.

I have never known a good measure killed by a filibuster or a debate. I have known of a vast number of bad measures, unrighteous measures, which could not have been killed in any other way except through long discussion and debate.

There is nothing in which sinister and crooked interests, seeking favorable legislation, are more interested right now than in cutting off discussion in Washington.

James Couzens, a Senator from Michigan, 1922–36.

While I am a comparatively new member and not a good parliamentarian, it seems to me that rule XXII, as amended March 8, 1917, is sufficient cloture.

When the importance of the occasion seems to demand it, all that has to be done is: Sixteen Senators making such a motion, same being approved by two-thirds of the Senate, they can prevent a filibuster. Two-thirds of the Senate should be required, otherwise the majority might ride roughshod over the minority at any time.

Mr. Dawes has not pointed out any real inquiry that has occurred to the country because of the rules he complains about. I would be interested in specific information of the damage that has been done.

Smith W. Brookhart, a Senator from Iowa, 1922–33.

I do not think the Senate rule of unlimited debate will be materially changed. It is this rule that makes the United States Senate that one great open legislative forum in all the world.

The rule sometimes delays good legislation, but never kills it. Good legislation always comes back, and finally wins. The rule kills a great deal of bad legislation. That class of legislation which cannot stand the light of publicity will always be killed by unlimited debate.

Furnifold McL. Simmons, a Senator from North Carolina, 1901–31.

I am utterly opposed to Mr. Dawes' views on this subject. After 24 years in the Senate, I am satisfied that the rules which prevent arbitrary cloture of debate have been a great protection against ill-advised legislation and have brought about that thoroughness of discussion which is impossible under the rules of procedure obtaining in the House of Representatives.

Under the present rules of the Senate two-thirds of the Senate can at any time restrict debate within reasonable limits, When Mr. Dawes becomes familiar with the rules of the Senate I think he will become less radical in his views.

Royal S. Copeland, a Senator from New York, 1923–38.

I can quite understand why a citizen of Nevada might want to have the rules changed. Nevada has 77,000 population, and yet it sends 2 Members to the United States Senate. If New York were represented in the same proportion, it would have 144 Members in the United States Senate instead of 2.

Here is another thing to think about: The States of New York, Pennsylvania, Illinois, and Michigan pay 60 percent of the Federal taxes. The combined representation of these

States in the Senate is one-twelfth of the total. Therefore, these States are totally submerged so far as voting power is concerned.

New York State has as great a population as 18 other States combined. It exceeds the combined population of Arizona, Colorado, Delaware, Florida, Idaho, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oregon, Rhode Island, South Dakota, Utah, Vermont, Wyoming, Maine and Nebraska.

Add to these 18 States 7 other States—Arkansas, Louisiana, West Virginia, Washington, South Carolina, Maryland and Connecticut, and it will be found that these 25 States, controlling 50 of the 96 votes, have a majority vote in the Senate. These States represent less than 20 percent of the total population of the country and they pay not more than 10 percent of the Federal taxes. Mr. Dawes' cloture rule would give this minority in population and financial standing absolute control of the Senate.

In 1926, a resolution was again submitted to further limit debate. It was not brought to a vote, and the following are telling arguments against it, which are extracted from the debate:

Joseph T. Robinson, a Senator from Arkansas, 1913–37:

The filibuster has been invoked comparatively few times in the history of the country, and every time it has been invoked and proved successful it has been justified in the judgment and in the conviction of the public. If it had not been for the filibuster that the Senator from Alabama himself waged, which he led and of which he boasted, we would not have been able to defeat a bill which authorized the Federal Government to permit judgments in damages against counties and municipalities for no alleged wrongful act, a bill which took away from the local governmental institutions the few remaining powers which they are permitted to exercise.

The force bill would have become a law but for the organized and persistent opposition of Senators who saw in its provisions dangers to the fundamental institutions of this Republic. They defeated it by fighting and falling back and fighting again uitil the hosts which were assaulting them realized that the attack had failed. Never since has a Congressman or a Senator said that armed forces of the United States shall be planted about ballot boxes and men and women who exercise the power to vote shall be under the coercion and intimidation of men with bayonets in their hands. The force bill and all that was associated with it went by for all time and a filibuster in the United States Senate accomplished it.

Mr. Reed of Missouri:

The late Senator Lodge, sponsor for what is called the force bill, years afterward, indeed, only a year or two before his lamentable death, stated to me upon the floor of the Senate that he was convinced that the force bill was wrong and that the result of the filibuster had been a great blessing to the country.

Mr. Robinson:

Of course, the rules could be amended and improved, but that, Mr. President, is not the question. The proposition is, Shall the voice of the people through their Senators be stifled and suppressed? I care not whether Senators come from New England or from the South, whether they come from the West or from the East the proposition is that here is one forum which, under traditions and precedents, affords an opportunity for the public to have expression of its views through the representatives of the people.

Should we adopt the rules that apply in the House of Representatives as advocated by the Senator from Alabama, instead of correcting whatever evils may be found in the Senate rules insofar as the public interest may be concerned, we would give impetus, momentum, and power to forces that do not want open expression of opinion or free discussion anywhere.

It is far better, sir, for that flag and all it typifies, far better for the Constitution of the United States, far better for this body and the body at the other end of the Capitol, far better for the millions who are the victims or the beneficiaries of our wise or improvident action in legislating that legislation should proceed slowly and under safeguards, rather than hastily and in darkness.

When I recall the fact that under the rules of the House of Representatives one man on one side and another man on the other side, frequently both of them, really agreeing as to the proposition in dispute, actually control all the time that is allotted; that no Member may speak except by permission of someone else, and that his only remedy is to print in the Record a speech which frequently he himself does not comprehend and which nobody on God's earth will ever read, I am willing to vindicate this forum of open debate where fools may be arrogant, but where men who have studied problems still have a chance to speak.

James A. Reed, a Senator from Missouri, 1911–29:

Cloture means the granting of a power. Whenever you grant a power you must assume that the power will be exercised. So, when we discuss this proposed rule, we must do so in the light, not of how it may be exercised so as to do no harm, but we must consider how it may be exercised to do harm.

I need not pause to add to the argument already made, that when it is proposed to bring in a great measure involving the expenditure of vast sums of money, if it be a bill for the appropriation of money, or a bill for the collection of taxes from the entire country, affecting intimately the industries of the country, an hour's debate upon such a bill is utterly insufficient, utterly inadequate, and that a rule limiting debate to one hour would mean the end of debate. The truth is that this measure, if adopted, will empower a majority to throttle freedom of speech upon this floor and enable sinister and wicked measures to be carried to consummation without the country being advised of the inequities they bear.

Gag rule is the last resort of the legislative scoundrel. Gag rule is the surest device of the rascal who presides over a political convention and proposes to accomplish something which will not bear discussion. Gag rule is the thing that men inexperienced in legislative proceedings always advocate at first, and if they have any sense, nearly always retire from as gracefully as possible after they have seen it in operation.

There is justification for unlimited debate in this body. I am getting a little tired of hearing about the sacred rights of the majority; that this is a country ruled by the majority; and that the majority has the right to have its way. This is not a country ruled by the majority. This is not a country of majority rule. The Constitution of the United States was written in large part, to prevent majority rule. The Declaration of Independence was an announcement that there are limitations upon majority rule.

The rights to life, liberty, and the pursuit of happiness were declared in the Declaration to be inalienable rights. They could not be given away by the citizen himself. Much less could they be taken away by temporary agents, sitting in legislative bodies, holding a limited authority of brief duration.

THE CONSTITUTION

The Constitution itself is a direct limitation upon the majority rule. "You shall not take property without due process of law," says the Constitution, and before we can take that safeguard away what must we do? We must obtain not a majority by this body, not a majority of the House of Representatives, but a two-thirds majority in each House concurring in a resolution, and that resolution must be approved by three-fourths of the States. What about majority rule in connection with that proposition?

The right to trial by jury cannot be taken away by majority rule. The right for the habitation of the citizen to be free from unreasonable searches and seizures cannot be taken away by majority rule. If it could have been so taken away Volstead and his like would have invaded every home in America and fanaticism would have thrust its ugly face into every home of the land long ago. Before you can trample upon certain rights of the American people you must have more than a majority, sir, and I believe it to be true that there are certain rights which, even by amending the Constitution of the United States, we cannot take away from the citizens of the United States.

Majority rule! Where is the logic or the reason to be found back of majority rule except in the mere necessity to dispatch business? The fact that a majority of 1 or 10 vote for a bill in the Senate is not a certification that the action is right. The majority has been wrong oftener than it has been right in all the course of time. The majority crucified Jesus Christ. The majority burned the Christians at the stake. The majority drove the Jews into exile and the ghetto. The majority established slavery. The majority set up innumerable gibbets. The majority chained to stakes and surrounded with circles of flame martyrs through all the ages of the world's history.

Majority rule without any limitation or curb upon the particular set of fools who happen to be placed for the moment in charge of the machinery of a government! The majority grinned and jeered when Columbus said the world was round. The majority threw him into a dungeon for having discovered a new world. The majority said that Galileo must recant or that Galileo must go to prison. The majority cut off the ears of John Pym because he dared advocate the liberty of the press. The majority to the south of the Mason and Dixon's line established the terrible thing called slavery, and the majority north of it did likewise and only turned reformer when slavery ceased to be profitable to them.

THE PUBLIC BUSINESS

Oh, but somebody says—and we have heard it ad nauseam, indeed, until the gorge would rise in the gizzard of an ostrich at the sheer idiocy of the statement—'we must speed up the public business. We must enact more laws.' We must not consider them. We must not analyze them. We must not talk about them. Of course, if we cannot talk about them we ought not to think about them. There are a good many men who do a good deal of talking in favor of stopping talking who never stop long enough talking themselves to do any thinking themselves.

What we need to do is to stop passing laws. We have enough laws now to govern the world for the next 10,000 years. Every crank who has a foolish notion that he would like to impose upon everybody else hastens to some legislative body and demands that it be graven upon the statutes. Every fanatic who wants to control his neighbor's conduct is here or at some other legislative body demanding that a law be passed to regulate that neighbor's conduct.

FREEDOM

What is it that has made this race great? it has not been the proud blood of any illustrious ancestry; it has not been because we could trace our lineage back to kings and a royal household; it has not been because of

the peculiar graces or abilities of those immigrants who came to our shores and from whose loins we are sprung. It is simply because for once in the history of the world the chains were taken from the arms, the shackles from the brain, the shadows of fear were dissipated by the sunlight of liberty and freedom, and every brain of every human being, great or small, was at liberty to function, every arm and every limb was at liberty to move. So we unleashed the latent powers of a race of people; and from the cottage of poverty there came forth the genius, and from the house of the man of humble estate there emerged the child who could turn the dull and inexpressive canvas into pictured harmony of color, light, and shade, and paint the rainbow's mingling hues and marvelous tints.

From the cottages of the impoverished, from the homes of ancestors who had been enslaved and enthralled, there came forth children who in the full liberty of our civilization were able to attack every problem and to undertake every great vocation of life; so that within one generation of time we produced here orators whose words of flame could fire the hearts of all the people of this land; poets whose words will be read so long as men shall love the music of our tongue, and a citizenry who have defended our soil and our flag with unexampled valor in every contest of this Republic. All these triumphs of intellect, all these great advances in the arts and in the sciences, all our wondrous advance in wealth are due to one great fact; that we have allowed the individual in this land the opportunity to develop, the opportunity to express himself.

FREE DEBATE

Mr. President, what has this to do with the question I am discussing? Everything, sir. Before any law to bind 110,000,000 people could be passed it should somewhere be subjected to free debate; somewhere it should encounter opposition; somewhere the fires of keen intellects should burn their heat about it and test it for its metal; somewhere and somehow it should be determined by all that the intellect can do and all that the tongue can express whether the particular law which is proposed is fit to be fastened upon 110,000,000 people who think they are free and who once were free. That one forum reserved of all the places in the world is the Senate of the United States. Here a man can stand and express his views until exhaustion comes. And what of it? Some rules of common sense and decency and gentlemanly conduct have their effect. Not in all the nearly 16 years I have sat in this body have I ever seen but two or three instances of what might be really called a filibuster.

Time and time again I have seen the opportunity under the rules for the minority to have stood and obstructed legislation, but as soon as debate was fairly over they have invariably given way and the vote has come. In the two or three instances which I remember a very simple expedient was adopted. Freedom of speech was not denied, but continuance of speech was demanded. It was insisted that the bill was before the Senate and that the opponents or advocates of the bill should speak for or against it and that no other business should intervene.

We have been told here of two or three bills—one of them the force bill. The force bill, if it had been enacted, would have kept alive the fires of hatred between the North and the South almost as bright and as keen and as hot as they were at the close of the great civil strife.

NEW MEXICO AND ARIZONA

Another example: It was sought here to admit New Mexico to statehood as a partisan measure and under a constitution that had been written by the corporations of New Mexico. It was insisted upon the other hand that New Mexico should not come into the Union except under a fairly adopted constitution, and that at the same time Arizona should be received. What happened? One or two men stood here and held their ground; and a short space of time, a few months, rolling by, both States were received into the Union with proper constitutions.

Sir, I know it is popular to attack the Senate. So many an ass has stood and brayed at the lions. He who would claim for this body perfection would prove himself a fool. But the more imperfect we are, the more we need to counsel and to take advice. The less we know, the more we ought to strive to know. There may be some men of such supernatural power of intellect that they can gain nothing by the discussions their fellows may produce; but I have never seen an important bill upon the floor of the Senate, unless there was some political organization in control determined to pass it without the dotting of an "i" or the crossing of a "t," that has not been amended and amended to its benefit.

A FREE FORUM

As long as we can keep this forum free, as long as a vigorous and determined minority can prevent the passage of a statute, so long this country will be safe, reasonably safe, at least, for no great act of treachery can ever be consummated where there are not some brave souls to stand in its resistance and to stand to the end.

But strike down this safeguard of public discussion, apply the gag, and imagine, if you please, that it is to be applied only to pass good measures, only to accomplish the virtuous and the wise and the holy, only to bring the thing of rectitude; imagine that, if you please. He is a fool, he is every kind of a fool, that has ever cursed this earth or cursed himself, who thinks that any power will always be used wisely and justly. Power is almost invariably abused.

Has there ever been one of those important measures discussed on the floor of the Senate when it was not found that many changes were necessary, when the proponents of the measure have not been willing to accept amendment after amendment? Why should there not be some place in this country where the virtues or the iniquities of proposed legislation could be exposed without gag, without rule, without limit; some place where every public act must come under the surveillance of men who have complete freedom of speech, so that the good that is in it may be properly exemplified and the evil that exists may be properly exposed?

Mr. President, when one is attempting to chart a path to follow in the future, it is always helpful to look into the past, to see how the path led us to where we are today.

We have looked back at the views of our predecessors of some 50 years ago. They are revealing and persuasive. They show us that then, as now, the principle of freedom of debate stood out like a beacon showing the way—the way toward wisdom and justice in legislation, and sound and mature thinking reflected in policy.

Then, as now, there were efforts to turn the path toward restricting debate, in the name of progress, or more accurately, expediency. Those efforts were strenuously resisted by wise and farseeing men from all parts of our country. Mr. President, again the Senate must reaffirm today and tomorrow what was recognized in the past, and reject modification of rule XXII. The future will again show, as it has shown in the past, that we were wise in protecting freedom of debate—not unlimited debate, but a reasonable restriction of debate in the Senate.

LAOTIAN STRATEGY

Mr. DOLE. Mr. President, the critics of the President, as usual, have been unable to wait for the facts or the results before taking to television, radio, and the press to denounce the South Vietnamese sweep into Laos.

Unfortunately, the media have again given them credibility they do not deserve.

For instance, even though no American ground troops or advisers are participating in the Laotion operations, we hear charges of a widened war.

Even though North Vietnam invaded Laos years ago, and even though Laos is a vital part of their supply line, we hear demands for an immediate pullout.

Mr. President, in the last 6 years the North Vietnamese have used the Ho Chi Minh trail to move into South Vietnam the fantastic total of 630,000 men; 100,000 tons of food; 400,000 weapons; and 50,000 tons of ammunition.

Can anyone say why this should be allowed to continue? Can anyone say why the North Vietnamese should always be allowed to pick the time and place and size of the attack?

Mr. President, there is no doubt but that this South Vietnamese offensive will knock the North Vietnamese off balance—in fact, it may well make it impossible for them to launch any sort of major attack within the next year.

It is not a generally known fact, but the North Vietnamese usually take from 3 to 6 months to plan a major offensive. This South Vietnamese offensive can easily throw any North Vietnamese timetable for future attacks completely out of kilter.

Mr. President, with a full understanding of the circumstances in mind, can anyone deny the worth of this operation? Can anyone deny that it will not hasten the progress of the Vietnamization program and thereby hasten the withdrawal of troops from Vietnam?

To sum up, there are no American ground forces involved in this action. It is limited in time and in scope. It will strengthen the security of South Vietnam and hasten American withdrawal.

Those—who have demanded immediate withdrawal from Laos and who have again sought to divide and polarize our Nation on an issue that affects all Americans—should think again.

The President is withdrawing our Nation—with courage and with honor—from the morass of Southeast Asia, into which the McNamaras and Cliffords and O'Briens of another administration led us.

Those who supported them and the policies of that administration then should exercise some restraint and some understanding now.

Mr. President, let me repeat that as of May 1, under the leadership and direction of President Nixon, some 265,000 Americans will have been withdrawn from Southeast Asia. I suggest, as I have many times on this floor, that this is a change in direction. This is a change for

the better. This is a deescalation of the war.

I certainly recognize the right of Americans to differ and question the motives of no one in this body who may have a different view. But from time to time I question the judgment of those who feel that before any military move is made in Southeast Asia it should be cleared by this or that Senator or this or that committee.

This is a military operation. The operation is in accord with the so-called Church-Cooper resolution adopted by this Congress late last session. It is in accordance with a previous directive of the President himself that there shall be no American ground forces in Cambodia or in Laos. And I need not remind those present that the President has announced six troop withdrawals, and has kept his word on each of the six. In fact, he is ahead of schedule insofar as withdrawing Americans from South Vietnam is concerned. He has said he would, and he will, in April of this year announce further troop withdrawals. As I indicated, on May 1 some 265,000 Americans out of a high of more than 540,000 will have been withdrawn from South Vietnam. This will include, for the most part, a great majority of the combat troops.

There are those who criticize this action into Laos involving only South Vietnamese ground troops, and there were those who criticized and second-guessed the action into Cambodia last year. There in Cambodia, President Nixon kept his word, and as a result of that action in Cambodia, American casualties have been reduced, not by 10 percent and not by 20 percent, but by between 60 and 70 percent, because the sanctuaries in that area were cleaned out.

I know of no one in this body who wants the war to continue for 1 day or 1 hour longer than necessary, and I would hope everyone in this Chamber wants the war to end, if possible, at an earlier date than anyone may anticipate. But I can foresee the resumption, particularly in the Senate, of the debate on whether or not the President should have this power and Congress that power, who has this power and who has that power, and how we can circumscribe the powers of the President.

We have a grave responsibility in Congress. We have a grave constitutional responsibility as Members of Congress and as Members of this body in the conduct of foreign affairs. The President also has a grave responsibility as Commander in Chief and as the Chief Executive of this Nation. He has grave responsibilities, including the overwhelming and probably the sole responsibility for the protection of American lives and property, whether in uniform or civilian, anywhere in the world. It is a responsibility and a power that no President can exercise lightly.

I would only suggest, Mr. President, that before we rise in quick condemnation of this administration or this President, we should look at the record: I would suggest that the President is entitled to this much and would also suggest that those who criticize the President today should look at the record.

Yes, look at the record in Cambodia. Look at the record of troop withdrawals. Look at the record of the scaling down of American bombing in Southeast Asia. And then look at the record in the 1960's—in 1963, 1964, 1965, 1966, 1967, and 1968—when we had a real escalation of the war in Southeast Asia, not by President Nixon but by Presidents Kennedy and Johnson.

As a Member of the House of Representatives at that time, I supported those Presidents, as I support this President. The junior Senator from Kansas also recognizes that we are on the threshold of a 1972 political campaign. I recognize that there are those who seek the office of President who feel it necessary to take issue with President Nixon, whether it be on the war or the domestic front. But I do suggest to those who are so quick to condemn that they review their own records and review their own votes, and then look at the facts and make a judgment. But, let me repeat, there are no American ground combat forces or advisers in Laos now, and none will be in Laos. The operation will be a limited one, both as to time and area.

The operation will promote the security and safety of American and allied forces in South Vietnam and is consistent with all statutory requirements. The ground operation by the South Vietnamese forces will aid our Vietnamization program, and American troop withdrawals will continue.

So far as the Senator from Kansas knows, that is what everyone seems to want. No one has suggested that we send more American forces to Southeast Asia, and I have not heard many suggest that we have a unilateral withdrawal or some fixed timetable determined by Congress. There are some who may suggest that approach; but, as I recall the debate on the so-called amendment to end the war, from the time the original amendment was offered until it was finally defeated by this body, the date of withdrawal was changed five times. As I said then to the sponsors of that amendment, if the Senators themselves cannot make up their minds on a day for withdrawing troops from Southeast Asia, if the sponsors of the amendment find it necessary to change that date four or five times, why should we rob the President—any President, Democrat or Republican—of that option, of the right to change his mind, of the right to make the determination?

I would say again that there comes a time when we cannot and should not give the enemy license to determine where the attack will be made, when it will be made, and what the response will be from the other side.

The Senator from Kansas believes that when the facts are in, this operation will have been successful, and the success of this operation will mean an earlier withdrawal of American forces.

It has been suggested that some would like President Nixon to accept defeat in Vietnam. Perhaps this generates some of the criticism. The Senator from Kansas believes that the President has a positive program; that the President has been successful; that the President has kept his word to the American people and to Congress; that the President has followed the dictates of the so-called Cooper-Church resolution and, more important, his own directive, which preceded the Cooper-Church resolution by several months, and that the President will continue to do so.

So I support the incursion or the invasion or the action or the sweep into Laos by the South Vietnamese forces. I support the American air participation, perhaps for the same reasons some oppose it, for the same reasons some criticize it, but, I believe, I support it with more validity, because I happen to believe that this will bring about a quicker end to the war in Southeast Asia and that it will bring about a quicker withdrawal.

To those who seem concerned about the plight of North Vietnam, I would only ask, "What has North Vietnam ever done to indicate a willingness to negotiate?" It was hinted, first, that if we would announce a troop withdrawal, they would go to the table. We have been at the table now for a long, long time. It has been suggested that perhaps if we would withdraw a larger number of troops, they might discuss the prisoners of war and the Americans missing in action in North Vietnam, South Vietnam, Laos, and Cambodia. This they have failed to do. They have failed to give our American prisoners humane treatment in accordance with the Geneva accords. Frankly, I can think of nothing they have done to help reach a negotiated settlement of the war.

Last October 7, the President, in speaking to the American people, suggested a cease-fire. In that proposal, and as a part of that proposal, the President suggested the return of American prisoners of war and Americans missing in action. The President also endorsed the concept of total withdrawal, withdrawal of all American forces—ground forces, support forces, all American forces—as part of an overall settlement.

The President did the same in September of 1969, in New York, when he spoke before the United Nations. Again he endorsed the concept of total withdrawal of ground forces and of support forces.

Perhaps it is time for the President to ask—or for someone on the President's behalf to ask—the critics of the President: "What do you propose to do? How do you propose to disengage from Southeast Asia?"

It is easy, of course, to criticize the President's policy, but the Senator from Kansas is convinced that, while there has been a deescalation of the war, there has been an escalation of the criticism and an escalation of the rhetoric. It also seems to the Senator from Kansas that those who criticize the President's policy are given much more credibility than they deserve by the media.

Is it wrong to support the President, whether he be Democrat or Republican—Kennedy, Johnson, or Nixon? Is it wrong to support President Nixon when he is disengaging in Southeast Asia? Or is it only right to criticize the President? Are the American people entitled to hear both views or only the criticism and only the escalated rhetoric? The facts are on the side of the President, and the facts

will remain on the side of the President, because he is committed to peace in Southeast Asia. There will be further troop withdrawals.

I regret not being here earlier, when statements were made by the junior Senator from California, and when he said that Laos has now become the latest burying ground for both American troops and President Nixon's Vietnamization plan.

I would only suggest that the record be reviewed, that President Nixon's record be reviewed, compared, contrasted with the record of previous Presidents in Southeast Asia.

Let there be no mistake about it: Every Senator, every Member of the other body, wants peace. No one party or no one Senator has a corner on that market.

Perhaps it might be well if hearings on the Southeast Asia policy were held in South Vietnam, where a firsthand review of some of the problems in South Vietnam and some of the difficulties faced by American troops could be obtained.

Mr. President, in closing, let me again say that if this sweep into Laos is successful, perhaps those who today so roundly criticize the President will stand to applaud him at the appropriate time.

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

The PRESIDING OFFICER (Mr. CRANSTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

PRESIDENT NIXON'S ENVIRONMENTAL QUALITY MESSAGE

Mr. COOPER. Mr. President, in transmitting to Congress today a second environmental message the President has established an historic pattern of great importance. The submission of a Presidential environmental quality message containing so many innovative legislative proposals for congressional action represents clearly, not only the commitment of this administration to the protection and enhancement of the environment, but a response to the public concern we have all seen expressed so strongly in the past several years. The President's actions will be recorded in history as initiating the substantive redirection of our country toward the salvation of our natural environment. This may be recorded as the most significant historical fact of the 1970's.

The proposals taken together represent the broadest sweep of environmental legislation ever submitted to Congress from any source. They are innovative and, if enacted, will have tremendous consequences for good. The list alone is evidence of the comprehensiveness and innovative thinking supporting these proposals:

First. National land use policy act;

Second. Powerplant Siting Act of 1971;

Third. Mined Areas Protection Act of 1971;

Fourth. Land and water conservation fund amendments;

Fifth. National Housing Act amendments;

Sixth. Amendments to Surplus Property Act of 1944;

Seventh. Tax reforms for better land use;

Eighth. Water quality control—four bills;

Ninth. Federal Environmental Pesticides Control Act of 1971;

Tenth. Noise Control Act of 1971;

Eleventh. Environmental financing authority;

Twelfth. Sulfur oxides charge;

Thirteenth. Tax on lead and gasoline;

Fourteenth. Marine Protection Act of 1971; and

Fifteenth. Toxic Substance Control Act of 1971.

In the reception of this message the Congress undertakes its large responsibility which will be met.

I am sure that the Committee on Public Works, on which I serve as ranking minority member, will give those elements of the President's proposals before the committee the fullest consideration and expenditions attention. Historically, our committee, under the chairmanship of Senator RANDOLPH and Senator MUSKIE, the chairman of the Subcommittee on Air and Water Pollution, has taken the lead in efforts to control the pollution of our environment. I am sure that the committee will give the public full opportunity to comment in hearings on all proposals and the committee will bring back to the Senate legislation of great significance.

As recently organized, the committee has added five new members; Senator BEALL, of Maryland, Senator BUCKLEY, of New York, and Senator WEICKER, of Connecticut, have been added to the minority. Senator TUNNEY, of California, and Senator BENTSEN of Texas, have been added to the majority. These new members will bring to the committee new spirit and fresh insight, as well as continue the bipartisan spirits of cooperation for which the committee has been noted, and which is absolutely essential if we are to respond adequately in the public interest.

I express again our appreciation for the leadership of the President in sending his comprehensive message on his environmental program to the Congress, and in the commitment he has made to the Nation on this subject, vital to the life and well-being of the people.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement on the administration's 1970 environmental program.

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

THE ADMINISTRATION'S 1970 ENVIRONMENTAL PROGRAM

The Nixon administration has made environmental quality a major objective right from the beginning. Early in 1969 the President established a cabinet committee on the Environment. He chose as his first official act of the decade his signing into law of the National Environmental Policy Act. This Act in Title I declares our national environmental policy and sets up an "action force" procedure in Section 102 designed to bring all Federal Agencies into line with this policy. Title II of the Act established the Council on Environmental Quality in the Executive Office of the President to act, as the President has said, as "the nation's conscience on the environment."

Just one short year ago, President Nixon, in his 1970 State of the Union Message, declared "the goal of the seventies to be a new quality of life in America." He went on to say "the great question of the seventies is, shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land, and our water?"

"Restoring nature to its natural state is a cause beyond party and beyond factions. It has become a common cause of all the people of America."

And these things were said by the President at a time that America was still not "that" concerned about the environment. Polls did not show it as one of the top ten major issues.

On August 29, 1970, however, a Gallup Poll was released which indicated that public concern over air and water pollution had moved between June 1 and August 1 of last year, from tenth place to fifth place as the most important problem facing the nation—and was perceived even at that time by the American public as more important than racial problems, crime and teenage problems.

Just before the election a poll in Ohio showed that on statewide issues air and water pollution were of primary concern to the people. And this was borne out in the November 3 election. Voters approved over seventy-five percent of the proposed environmental bond issues of State and local governments.

On December 26, 1970, a nation-wide poll released by Louis Harris and Associates showed that Americans now rate pollution as "the most serious problem" facing their communities today. And TIME magazine named the environment as "the Issue of the Year."

It was fitting, too, that the President chose the Clean Air Act of 1970 as his final bill to sign on the last day of the year 1970. President Nixon appropriately said: "I think that 1970 will be known as the year of the beginning in which we really began to move on the problems of clean air and clean water and open spaces for the future generations of America."

"I think 1971 will be known as the year of action."

The administration significantly altered its organizational structure during the year to handle the problems of the environment. We have, as the President described it, "first, the Environmental Quality Council under the chairmanship of Russell Train. The Council advises the President on the policies which should be recommended to the Congress and to the nation."

"And there is the Environmental Protection Agency, established by Congress late in 1970, where Mr. Ruckelshaus is Administrator. This is the enforcement agency of our Administration." In essence, new proposals are recommended by the Council, submitted by the President to the Congress, enacted by the Congress and enforced by the Environmental Protection Agency.

The days of the western frontier where resources could be wasted and our wastes discharged irresponsibly are gone forever. We are now developing a new awareness and a new attitude—not those of endless abundance and endless waste, but those of a mature, responsible society.

PRESIDENT NIXON'S RECORD ON THE ENVIRONMENT

February 11, 1969: The President directed his Science Advisor, Dr. Lee DuBridge, to convene a panel of scientists and engineers to recommend ways of restoring the beaches and water around Santa Barbara and to study

the geological engineering aspects related to the Santa Barbara oil spill.

May 29, 1969: Established the Cabinet-level Environmental Quality Council and the Citizens' Advisory Committee on Environmental Quality.

November 20, 1969: Announced restrictions on the use of DDT and certain other hard pesticides. Later, on April 15, 1970, the Department of Agriculture announced the suspension of almost all registered uses of liquid formulations of the weed killer pesticides 2,4,5-T. On June 18, 1970, Secretary Hickel flatly banned the use of 16 pesticides on any Interior Department lands (about 70% of all publicly owned lands).

November 20, 1969: At a Cabinet-level meeting, the President discussed with the Presidents of the automobile industry, his plans for tougher auto pollution standards and a Federal Government program to develop a pollution-free unconventional automobile.

January 1, 1970: The President picked the first day of the decade to sign into law the National Environmental Policy Act, establishing the three-man advisory group, the Council on Environmental Quality.

January 15, 1970: Announced agreement between the Federal Government and the Dade County Port Authority to search for a new South Florida jetport location to save the Florida Everglades from environmental damage.

January 20, 1970: Announced through the Departments of Health, Education, and Welfare and Transportation a program to sharply reduce smoke emissions from aircraft jet engines. Representatives of all the Nation's airlines hope the program will be substantially completed by late 1972.

January 22, 1970: The President made the environment the center-piece of his State of the Union message, including a $10 billion clean waters program, stiff air pollution regulations and new financing methods to purchase open spaces and park lands. (Specific points are outlined in the President's 37-point environmental program to Congress of February 10, 1970).

January 29, 1970: Announced the appointment of Russell Train as Chairman, Robert Cahn and Dr. Gordon MacDonald as members of the three-man Council on Environmental Quality.

February 4, 1970: Issued an Executive Order to eliminate air and water pollution caused by Federal facilities, a $359 million program to be completed by the end of 1972. The order also required that all new Federal facilities built in the future must be pollution free. The President said, "As the Federal Government considers and institutes further pollution abatement measures in the future, it can do so with the confidence that it has first moved to sweep its own doorstep clean."

February 10, 1970: The President sent a most comprehensive 37-point environmental program to Congress. Highlights included a $10 billion clean water program with Environmental Financing Authority, stiff regulations and fines for air and water polluters, tight auto emmission deadlines to be met, regulation of gasoline compositions and additives, and a $327 million program for funding expansion of our national park system ($127 million more than has even been proposed).

March 5, 1970: Published an Executive Order placing specific authorities and responsibilities to comply with the Environmental Policy Act for protection and enhancement of environmental quality.

March 26, 1970: The President met with Laurence Rockefeller, Chairman of the President's Citizen's Advisory Committee on Environmental Quality to review the Committee's new publication giving the man on the street practical tips to fight pollution and improve the environment.

April 15, 1970: The President proposed to Congress, legislation to prohibit dumping of polluted dredge spoils in the open waters of the Great Lakes and to initiate a $70 million program to build sludge disposal pens beginning with the 35 most polluted harbors of the Great Lakes.

April 15, 1970: The President directed the Chairman of the Council on Environmental Quality to study and report back to him, methods of phasing out ocean dumping of sewage and toxic materials.

April 25, 1970: The President's staff spent this sunny Saturday afternoon cleaning up the debris along a section of the Potomac River shoreline to set an example of volunteer efforts to improve the environment.

May 19, 1970: The President proposed to Congress a special tax on lead additives in gasoline to encourage industry to provide low or non-leaded gasoline.

May 20, 1970: The President sent to Congress legislation and to the Senate internatitonal treaties, all aimed at stopping marine pollution from oil spills.

June 11, 1970: The President sent legislation to Congress cancelling oil leases in the Santa Barbara channel granted by the previous Administration, creating a marine sanctuary in the area damaged by oil drilling where the oil blowout occurred in January 1969.

July 9, 1970: The President sent reorganization plans to Congress to form a new Environmental Protection Agency for the first time properly organizing the Government to fight pollution on an integrated basis and a National Oceanic and Atmospheric Administration.

August 10, 1970: The President transmitted to Congress the First Annual Report of the Council on Environmental Quality. This comprehensive report, assessing the state of the environment, represents the first time in the history of nations that a people had paused, consciously and systematically, to take comprehensive stock of the quality of its surroundings.

October 4, 1970: Through the office of Science and Technology, the Administration released a report entitled "Electric Power and the Environment" recommending a program to resolve environmental problems in meeting electric power needs.

October 6, 1970: The President issued an Executive Order transferring certain functions within the Department of Commerce to further implement Reorganization Plan No. 4 which established the National Oceanic and Atmospheric Administration.

October 7, 1970: The President transmitted to Congress the Ocean Dumping Report prepared by the Council on Environmental Quality. The study recommends legislation to ban the unregulated dumping of materials in the oceans.

October 16, 1970: Following up on his May 20, 1970, message to Congress concerning oil spills, the President asked Secretary Volpe to head a U.S. Delegation to NATO's Committee on the Challenges of Modern Society Oil Spills Conference to be held November 2–6 in Brussels.

October 26, 1970: Through the General Services Administration, the President requested regulations be issued requiring all federally-owned vehicles to use low-lead or unleaded gasoline. Also suggested to the Governors of the 50 states to take similar steps.

October 26, 1970: The President signed H.R. 11833, the Resource Recovery Act of 1970. This bill amends the Solid Waste Disposal Act to provide financial assistance for planning, construction and operation of resource recovery and solid waste disposal systems.

November 6, 1970: The President announced his intention to nominate Mr. William D. Ruckelshaus as the first Administrator of the Environmental Protection Agency. This new Agency won Congressional concurrence on October 2, 1970, and became effective by law on December 2, 1970. (Mr. Ruckelshaus was unanimously confirmed by the Senate and later sworn in by Chief Justice Burger on December 4, 1970).

December 23, 1970: The President issued an Executive Order requiring every industry discharging effluents into the nation's water to receive a permit to be granted by the Environmental Protection Agency certifying that their effluent meets high state and federal water quality standards. It is estimated that 40,000 industries are affected by this action through the United States. Fines up to $2,500 per day per violation are applicable under the existing Refuse Act.

December 31, 1970: As his last official act of 1970, the President signed the clean Air Act of 1970, calling 1970 the year of the beginning in which we really began to move on the problem of clean air and clean water and open spaces for the future generations of America. In signing the bill which calls for a 90% reduction of emission from automobiles, the President called for 1971 to be the "year of Action."

January 19, 1971: The President cancels construction of the Cross-Florida Barge Canal.

January 22, 1970: The President lists Environment as one of the major programs in his State of the Union Message and specifically mentions land use and parks to the people program.

ENVIRONMENT EXCERPTS FROM THE STATE OF THE UNION MESSAGE

Tonight I shall present to the Congress six great goals. I shall ask not simply for more new programs in the old framework. I shall ask to change the framework of government itself—to reform the entire structure of American Government so we can make it gainfully responsive to the needs and the wishes of the American people.

If we can act boldly—if we seize this moment and achieve these goals—we can close the gap between promise and performance in American government. We can bring together the resources of this nation and the spirit of the American people.

In discussing these great goals, I shall deal tonight only with matters on the domestic side of the nation's agenda. I shall make a separate report to the Congress and the nation next month on developments in foreign policy.

The third great goal is to continue the effort so dramatically begun last year: to restore and enhance our natural environment.

Building on the foundation laid up in the 37-point program that I submitted to Congress last year, I will propose a strong new set of initiatives to clean up our air and water, to combat noise, and to preserve and restore our surroundings.

I will propose programs to make better use of our land, to encourage a balanced national growth—growth that will revitalize our rural heartland and enhance the quality of life in America.

And not only to meet today's needs but to anticipate those of tomorrow, I will put forward the most extensive program ever proposed by a President of the United States to expand the nation's parks, recreation areas and open spaces in a way that truly brings parks to the people where the people are. For only if we leave a legacy of parks will the next generation have parks to enjoy.

THE 1971 ENVIRONMENTAL PACKAGE

The Administration is committed to a vigorous program of cleaning up air and water pollution, preventing new environmental problems, and improving our ability to deal with land use problems. To control water pollution, the Administration is proposing a 3-

year $6 billion financing program and greatly strengthened and streamlined enforcement procedures. To control harmful emissions of sulfur oxide pollution, the Administration is proposing a tax on sulfur emissions. The proceeds from this tax will be used in an Environmental Trust Fund, providing money for new environmental and conservation programs. The Administration is also proposing a comprehensive pesticide control bill and new authority to control noise.

It is not enough to clean up existing pollution. It is also important to prevent problems from becoming serious in the future. Legislation will be proposed to provide controls over new toxic substances being introduced into the environment. Also legislation, based on the recommendations of the Council on Environmental Quality's report on ocean dumping, will be submitted to control disposal of wastes in the marine environment.

Of special importance will be a proposed land use policy to encourage States to plan for development in key areas. To supplement this national policy, a number of tax incentives to use our land more wisely and to preserve buildings of historical significance will be submitted. This, coupled with increased funds for open spaces and parks and new legislation to provide advanced clearance for power plant siting and to control strip mining, will provide Government with the tools to deal effectively with land use problems.

NATIONAL LAND USE POLICY

Land use is currently influenced by a welter of competing, overlapping government institutions and programs, private and public attitudes and biases, and distorted economic incentives. The National Land Use Policy proposal will call upon the States to bring some order to land use by identifying and developing methods for exercising State control over (1) areas of critical environmental concern (e.g., the coastal lands, lands fronting on rivers and lakes of Statewide importance); (2) large scale development and areas impacted by major growth-inducing facilities (e.g., major airports and highway interchanges, major recreational facilities); and (3) development needed in the regional interest which local regulations may otherwise exclude or unreasonably restrict (e.g., charitable institutions such as hospitals and universities, waste treatment facilities, multi-family housing). Much discretion will be left to the States to evolve their own methods for implementing it. The program would begin at about $20 million and rise to $45 million in Federal grants over four years.

COASTAL WETLANDS

Coastal wetlands are being lost at an alarming rate due to dredging, draining, and filling activities. Wetlands serve as sources of food and breeding grounds for over two-thirds of all marine species in the waters surrounding the United States. They provide needed habitat for migratory waterfowl, shore birds, and other wildlife. Proposed tax code changes will tend to shift the burden of full costs to the developer by limiting depreciation deductions, deductability of carrying charges and related tax benefits. By removing tax benefits, an incentive would be created to divert construction away from the ecologically valuable wetlands to other sites.

OPEN SPACES AND PARKS

The major thrust of the President's open space program is to bring parks to the people. The open space grant program of HUD is being completely redesigned to give special emphasis to center city acquisitions and to neighborhood-sized parks. Funding will be at the $200 million level, compared with $75 million under the old program. Additional changes are being proposed for the open space grant programs of the Land and Water Conservation Fund. These, too, will require States to give more careful consideration to the location of recreation facilities nearer to or within urban areas. Full funding for programs under the Fund will result in an appropriation of $380 million for acquisition and development of recreation lands, the largest amount in history for parks.

POWERPLANT SITING

The power shortage in late summer highlighted the need for power producers to project needs and plan for facilities further in advance and to get clearance of the environmental aspects of these facilities. Under the proposal, a single agency with responsibility for the certification of specific power plant sites and transmission line routes would be established in each State or region. Utilities would be required to identify for the appropriate agency needed electric energy generation and transmission needs ten years in advance of the commencement of construction of required facilities. These requirements would be reported annually with rolling projection figures. Utilities would identify the range of sites under consideration for power plants five years before construction is planned to begin. And they would need to apply for certification for specific sites, facilities, and transmission line routes two years in advance.

HISTORIC PRESERVATION AND REHABILITATION

Changes in the tax code are proposed to minimize the difference in tax settlement between demolition and rehabilitation of buildings. Present preferred treatment for demolition results in the destruction of many older buildings of architectural character that could have been renovated and saved. By providing accelerated depreciation benefits to owners who substantially rehabilitate their structures, it is hoped that a wider variety and appeal in urban structures will result. Additional new provisions are being proposed to benefit the owners of buildings on the National Register of historic buildings. These would allow 5 year write-off of renovation expenditures and would invoke tax penalties for the demolition and substantial alteration of such historic structures.

WATER POLLUTION LEGISLATION

The 1970 proposal to authorize $4 billion in Federal grants for construction of waste treatment facilities over a 4-year period (a $10 billion program when other funding sources are counted in) has been expanded. The Administration will now propose a $6 billion Federal grant program over the next three years (in all, a $12 billion program). The Congressional appropriation of $1 billion for FY 1971 in effect adopted the President's 1970 proposal on a one-year basis.

The President will resubmit his proposal to create in the Federal Government an Environmental Financing Authority to purchase waste treatment plant construction bonds from any municipality otherwise unable to see them on reasonable terms.

The legislation will again provide for extension of the Federal-State water quality program to all navigable waters. (At present it covers only interstate waters.) It will also provide again that water quality standards should include specific effluent standards for each individual source and that Federal enforcement authority be streamlined and expanded to include both intrastate and interstate violations. It will provide statutory deadlines for achievement of water quality standards, Federal standards for hazardous substances, special standards for new industrial facilities to insure that available technology is fully utilized to protect water quality, authorization for legal actions by private citizens against violators of standards, and authority for the Administrator of EPA to require periodic reports on the nature and amount of effluent from those discharging into waterways.

PESTICIDES

A comprehensive revision of our laws on pesticides has been developed. Use of the more dangerous pesticides will be controlled by requiring that they be applied only by qualified personnel and in some cases that written permission be obtained for each application of the pesticide. The bill will also provide for experimental registration and temporary suspension of pesticides and will allow tolerance levels to be set for the amount of particular pesticides in the environment.

NOISE REGULATION

Excessive noise from airplanes, vehicles, construction equipment, and machines is at the threshold of becoming a major environmental problem. Noise produces annoyance and stress and can damage hearing and cause other adverse health effects. We propose that basic noise control authority be given to the Environmental Protection Agency. That proposal would authorize EPA to establish noise generation standards for vehicles, machinery, and other products; to approve noise standards set by the Federal Aviation Administration for aircraft; to approve the noise configuration of federally aided ariports; and to require the labeling of noise characteristics of certain products. The Environmental Protection Agency will also perform noise research and provide assistance to other Federal and State agencies.

OCEAN DUMPING

A report by the Council on Environmental Quality last year indicated the potential adverse impacts from ocean dumping. The President endorsed the Council's recommendations for a national policy to protect our oceans. In particular he endorsed the recommendations to phase out harmful practices and encourage land-based recycling and reuse of waste materials. The report called for, and the President is now submitting, legislation that would ban unregulated dumping of materials in the oceans and strictly limit or prohibit the dumping of harmful substances. A permit from the Environmental Protection Agency would be required before dumping could proceed and issuance of the permit would be based upon the materials involved, their potential damage and the area of proposed dumping.

QUESTIONS AND ANSWERS ON NATIONAL LAND USE POLICY

Q. How can the Administration purport to tell States what to do with their lands when in other areas programs are being decentralized and decision-making is being returned from Washington to the States?

A. Under the Administration proposal the Federal Government will ask the States to identify certain limited areas where the problems of land use regulations are most critical, e.g. the coastal lands and lands around major airports. Our proposed policy will direct States to take some responsibility for exercise of land use control in these areas, recognizing that the problems tend to be too big for any one local government. Just as in air and water quality legislation, States are to be asked to bear major new responsibilities for problems which have outgrown the small units of government which traditionally deal with them. If anything, we are asking the States in this proposal to take back and exercise powers which they have under the Constitution but for the most part don't exercise.

Q. Isn't the land use proposal a watered-

down version of the Jackson Bill, involving less land?

A. The Jackson Bill would require States to develop plans covering most of their land areas, and including industrial, commercial, residential and other development. If a State considers that it has the capacity and desire to go beyond the requirements of our proposed policy without dissipating its efforts it is, of course, free to do so. But we are most concerned with protecting the very critical ecological areas, and controlling development where development pressures tend to get out of hand.

Q. Isn't this an anti-city proposal which would have States telling cities how to zone?

A. The proposed law will require coordination with plans developed for metropolitan areas. The proposal will attempt to strike a balance between problems of local concern (which probably include 99 percent of all zoning and other development decisions) and the legitimate needs of larger areas to have important scenic and historic areas preserved, to have coastal wetlands protected, or to have a new hospital or university sited, etc.

Q. Isn't the control of land a local, rather than a Federal problem under the Constitution?

A. Under the Constitution, power to control land use is reserved to the States. But we must recognize that there is a national concern for many areas, e.g. the Everglades, our coastal lands and waters, lands along our major lakes and rivers. Federal programs have a great deal of impact upon land use in these and other areas. For their efficient administration many Federal public works programs require that development be better controlled and planned, not by the Federal Government, but by the States, and we are proposing that States, not the Federal Government, accept the responsibility for doing this job.

QUESTIONS AND ANSWERS ON COASTAL WETLANDS PROTECTION

Q. Why is the coastal zone legislation of last year not being resubmitted?

A. The Coastal Zone Management Bill was an early attempt to deal with problems of land use policy in one of our most critically important environment areas—the coast and surrounding waters. The National Land Use Policy Act announced today encompasses the intent and approach of that Act and extends the responsibility for proper land use planning and regulation given to States beyond the coastal areas to include all environmentally important land types and categories.

Q. Won't these proposals discourage beneficial development of coastal wetlands with recreation facilities, boat marinas, shellfish culture, etc?

A. The proposals will not prohibit any such development, but rather will require that the developer pay the full costs to society of the alteration of wetlands, including the loss of inhabitat for important species. Many of the facilities now being placed in wetlands are located there because land costs are low and to not reflect the full cost to society; most of these can be readily located in nearby areas.

QUESTIONS AND ANSWERS ON OPEN SPACE AND WILDERNESS

Q. Is the HUD program really anything more than an increased funding level for the old program?

A. Yes. The open space program has been completely redesigned to provide additional benefits and incentives to those urban areas which are presently suffering most from the shortage of open space. Administrative changes, in conjunction with new flexibility under the New Communities Act will place in HUD the opportunity to make an important new initiative to get parks to where people live, work, and relax.

Q. Why did the President increase the HUD program substantially rather than give it all to the Land and Water Conservation fund?

A. The annual authorization level for the fund was recently increased from $200 to $300 million and states need time to gear up to this new level. The President believes that the most urgent need for open space is in our cities, where HUD has been active with their program for a number of years. Finally, the New Communities Act signed into law recently by the President gives to HUD a considerable degree of flexibility in its programming that it did not have before.

QUESTIONS AND ANSWERS ON POWER PLANT SITING

Q. What effect do you believe the proposed Act will have on "brown-outs" and other shortages of electric power recently experienced?

A. This Act will establish the institutional framework necessary to properly resolve on a timely basis questions of energy need and environmental quality as they arise in connection with the nearly 300 major new facilities that will be needed to meet projected demands. The 10-year advance planning requirement, when added to an average construction period of seven years, means that we will be planning our national needs up to 17 years in advance of energy production. This long-range understanding, combined with the required certification of facilities, sites, and routes under the Act, will provide the needed environmental safeguards without jeopardizing energy supply.

Q. How will the Act resolve bitter disputes between environmental groups and electric utilities?

A. At the present time, environmental concerns have delayed numerous power generation and transmission facilities from being constructed. As the need for more reliable electric power increases and the threat of shortages becomes real, many of these situations will become "build or brown-out" alternatives where the choice is between environmental degradation or inadequate electricity. This Act would prevent such situations by providing for the timely resolution of environmental questions well in advance of the necessary date for power generation.

Q. Will this bill provide the "one-step" resolution of all issues for the public utilities?

A. The bill goes further in this direction than any other proposal that has been considered by the Congress. The certifying agency is to have power to determine all issues except those, which, by Federal law, require the approval of specialized agencies. These include air and water quality and radiation safeguards, which will continue to require decisions by the empowered agencies. However, even in those areas where due to needed expertise the decision of the certifying agency cannot be final, that agency is empowered to expedite the decisions made by other agencies and may act on behalf of the utility to assure prompt decision.

QUESTIONS AND ANSWERS ON HISTORIC PRESERVATION AND REHABILITATION

Q. Won't these changes result in old decaying buildings in our cities?

A. The result will be quite the opposite. Where older buildings are now left to deteriorate until a decision is made to demolish, these new provisions would encourage the owners to renovate and rehabilitate. Structures that are unsound or otherwise undesirable will still be removed and replaced with new construction. Also, the destruction of old buildings to make large unattractive parking areas in downtown areas will be less attractive because rehabilitation benefits will be available. The condition of rental residential structures should also improve.

Q. Don't your historic preservation provisions really favor the wealthy?

A. No. Many historic buildings are within the price range of moderate income families, but problems of financing and loan guarantees have prevented many of them from being able to own such a residence. These provisions would provide new benefits for such people. Historic buildings often have high maintenance costs and are expensive to renovate. Taxpayers should be given incentives to meet these costs and preserve our historic buildings in good condition. Some of the suggested tax changes would not act as benefits to the owner at all, but would penalize destruction or substantial alteration of a structure that he owns.

QUESTIONS AND ANSWERS ON WATER POLLUTION LEGISLATION

Q. Isn't the proposal for $6 billion in Federal grants over three years proof that the President's proposal for last year for $4 billion over four years was inadequate as many claimed?

A. No. In both cases, the amounts proposed have been based upon the best available estimates of what is needed to enable communities to meet water quality standards. Since the time of the 1970 proposal, some standards have been tightened and others are expected to be tightened; some estimates have been revised; and costs have increased. The important point is that the President wants to provide the money that communities need to meet water quality standards. We need to act now to prevent further delays in meeting standards and further increases in costs.

Q. Isn't your proposal for construction grants still less than Senator Muskie's proposal?

A. (Muskie proposed $2.5 billion per year over five years, a total of $12.5 billion Federal money.) The new proposal is very close to the Senator's proposal, i.e., $2.5 billion rather than $2.0 billion a year, but it does not extend over as many years. Instead, the President's proposal provides for a reevaluation in 1973 of needs for 1975 and subsequent years. Of course, the true test will be the willingness of Congress to appropriate the full amounts authorized.

Q. Wasn't the Environmental Financing Authority proposal rejected and criticized by the Investment Banker's Association, the National League of Cities, and the U.S. Conference of Mayors last year?

A. In the brief Senate hearings last year on the EFA proposal, these organizations did raise some questions and concerns with respect to the EFA proposal. Responses by the Treasury Department to their questions and criticisms indicated that they were based on misunderstanding either of the proposal or of the effects which would follow from its adoption. We are still convinced it is a sound and important proposal, and we believe we can demonstrate this to the Congress and the public. The EFA approach is clearly less costly to Federal, State and local governments than the alternative of Federal guarantees or interest subsidies on tax exempt bonds.

Q. How do the enforcement provisions relate to the Refuse Act permit program announced last December?

A. The Refuse Act, which prohibits discharges into navigable waters without a permit from the Corps of Engineers, will be used as a supplement to the Federal enforcement authority currently contained in the Federal Water Pollution Control Act. However, use of the Refuse Act does not elimi-

nate the need to strengthen and streamline Federal enforcement authorities in the Federal Water Pollution Control Act itself. A swift administrative mechanism, coupled with much more substantial fines than are allowed under the Refuse Act, are needed to maximize our effectiveness in backing up State enforcement efforts.

Q. Aren't effluent standards a license to pollute?

A. Definitely not. There is a wide agreement that more precision is needed in our water quality standards. Without precise standards applicable to each individual discharger, it is often difficult to prove violations of water quality standards. In addition, it is often difficult for industries and municipalities to determine precisely what is required in order to achieve compliance with the standards. Effluent standards will help to minimize individual discharges and to insure that the collective discharges of various facilities along a particular waterway will be kept within the limits needed to protect water quality.

Q. What are your proposed deadlines for achievement of water quality standards?

A. Roughly the same as the deadlines in the new Clean Air law—a maximum of about four years from the time that effluent requirements are established. This time is based on available technology and feasible construction schedules.

QUESTIONS AND ANSWERS ON PESTICIDES

Q. Will the new bill, if passed, make it easier to ban particular pesticides, such as DDT?

A. The bill does provide for a less cumbersome procedure of suspension and cancellation than is in the present law. It also provides for a temporary suspension when the Administrator of EPA has reason to believe a pesticide is harmful, providing him a chance to make a careful determination of hazard.

Q. Will the new bill solve some of the problems raised by the recent court decisions on DDT and 2,4,5–T?

A. Yes. The bill contains new provisions relating to public hearings and comments which will answer most of the criticisms raised by the recent court decisions.

Q. What is the most important difference between the President's bill and the existing law?

A. The most important difference is that the new bill provides a mechanism for ensuring that the actual application of pesticides will be done wisely and safely. The existing law relies almost entirely on label, but it is clear that many people ignore the labels.

Q. Will the new bill restrict the freedom of farmers to use pesticides?

A. It will not restrict their freedom, but it does provide that in order to use the more dangerous pesticides they must either know how to use them safely or hire someone who has this knowledge. In the case of highly dangerous pesticides it requires that written permission be received from an approved pest control consultant before the pesticide can be applied.

Q. Will the bill, if passed, discourage the development of new pesticides?

A. The bill should not have this effect, since it provides for a pesticide to be registered for the same length of time as is permitted under existing law. It also allows for experimental registration of a pesticide which should be a significant safeguard for both industry and the public.

HEARINGS SCHEDULED FOR FEBRUARY 17, 1971, ON ALASKA NATIVE LAND CLAIMS SETTLEMENT LEGISLATION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the distinguished Senator from Washington (Mr. JACKSON) on hearings to be scheduled for February 17, 1971, on Alaska native land claims settlement legislation.

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

STATEMENT OF SENATOR JACKSON

Mr. President, hearings have been scheduled for February 17, 1971, before the Senate Interior and Insular Affairs Committee on legislation relating to the settlement of the Alaska Native land claims. The hearings will begin at 10:00 A.M. in Room 3110 of the New Senate Office Building.

Witnesses testifying before the Committee will include—Governor William Egan of Alaska, Secretary Rogers C. B. Morton of the Department of the Interior, and representatives of the Alaska Federation of Natives. The Committee will receive and print as a part of the hearing record statements which other persons or organizations may care to make.

ORDER FOR RECESS TO 11 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR BAKER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, immediately following approval of the Journal, if there is no objection, and after any remarks by the majority and minority leaders, and any transaction of unobjected to items on the Consent Calendar, the able Senator from Tennessee (Mr. BAKER) be recognized for not to exceed 30 minutes to introduce a bill and to conduct a colloquy.

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

ORDER FOR RECOGNITION OF SENATOR HARTKE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon expiration of the time utilized by the able Senator from Tennessee (Mr. BAKER) on tomorrow, the able Senator from Indiana (Mr. HARTKE) be recognized for not to exceed 15 minutes.

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

PROGRAM

Mr. BYRD of West Virginia. Mr. President, the program for tomorrow will be as follows:

The Senate will convene at 11 a.m., following a recess.

Following approval of the Journal, if there is no objection and the recognition of the majority and minority leaders under the order of January 29, and following the disposition of any unobjected-to items on the consent calendar, the able Senator from Tennessee (Mr. BAKER) will be recognized for not to exceed 30 minutes to introduce a bill and conduct a colloquy.

The Senator from Tennessee (Mr. BAKER) will be followed by the able Senator from Indiana (Mr. HARTKE) who will be recognized for not to exceed 15 minutes.

The able Senator from Indiana (Mr. HARTKE) will be followed by the able Senator from Oklahoma (Mr. BELLMON), who will be recognized for not to exceed 15 minutes.

Following these orders for recognition of Senators, there will be a period for the transaction of routine morning business of not to exceed 30 minutes, with a time limitation of 3 minutes on statements by Senators.

RECESS UNTIL 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 11 a.m. tomorrow.

There being no objection (at 5 o'clock and 8 minutes p.m.) the Senate recessed until tomorrow, February 9, 1971, at 11 a.m.

NOMINATION

Executive nomination received by the Senate February 8 (legislative day of January 26), 1971:

OFFICE OF ECONOMIC OPPORTUNITY

Phillip Victor Sanchez, of California, to be an Assistant Director of the Office of Economic Opportunity, vice Frank Charles Carlucci III.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 8 (legislative day of January 26), 1971:

DEPARTMENT OF THE TREASURY

John B. Connally, of Texas, to be Secretary of the Treasury.

INTERNATIONAL MONETARY FUND; INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT; INTER-AMERICAN DEVELOPMENT BANK, AND ASIAN DEVELOPMENT BANK

John B. Connally, of Texas, for appointment to the offices indicated:

U.S. Governor of the International Monetary Fund for a term of 5 years and U.S. Governor of the International Bank for Reconstruction and Development for a term of 5 years; a Governor of the Inter-American Development Bank for a term of 5 years; and U.S. Governor of the Asian Development Bank.

DIPLOMATIC AND FOREIGN SERVICE

David M. Kennedy, of Illinois, to be Ambassador at Large.