

It further revealed the subversive aspects of the Maoist drug drive as having three basic aims: to finance subversive activities abroad; to corrupt and weaken the people of the Free World and to destroy the morale of U.S. servicemen fighting in Southeast Asia.

SAME WARNING FROM AUSTRALIA

Meanwhile, in a pamphlet published on Nov. 11, 1971, the Australian Citizens for Freedom, reported that "at least 65 per cent of the world's illicit narcotics come from the Communist-occupied Chinese mainland."

The Australian organization estimated that the Maoist drugs exceeded US\$800 million annually.

COL. EDWARD C. WEST

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 4, 1972

Mr. GAYDOS. Mr. Speaker, on April 30, just past, the brilliant military career of Col. Edward C. West came to a close with his retirement. Up to that date, starting on June 9, 1970, Colonel West served as district engineer of the U.S. Army Engineer District, Pittsburgh. He brought to this assignment a mind keenly honed by his undergraduate work at the U.S. Military Academy at West Point; by his studies at Massachusetts Institute of Technology, where he obtained a master's degree in civil engineering, and at Georgetown University, where he obtained a master's

degree in business administration; and by completing resident courses at several advanced service schools. He came to Pittsburgh from an assignment in Washington as Assistant Secretary of the General Staff, Office of the Chief of Staff, U.S. Army.

Colonel West has given his personal attention to a number of projects, proposed projects and studies within or influencing my 20th Congressional District. Possibly the most pretentious is the Monongahela-Youghiogheny River Basin study, which, by the middle of the decade, will come up with a positive determination of the needs and problems of the basin. Concurrently, he was concerned with two proposed reservoirs in advanced design stage in two of the upper arms of the Monongahela River. These are located outside my district, but if constructed would be beneficial in elimination of the many floods that now cause severe damage in the lower and middle reaches of the Monongahela River. The newest approach to avoidance of damaging floods is the practice of flood plain management—control of construction in flood plains by zoning and building codes. The district has a flood plain management service branch which makes the necessary studies and explains to local valley communities how to put these controls into effect. The studies for Allegheny County have been started and are scheduled for completion next December.

Colonel West's involvement with environment may well be the activity of his

final tour of duty that will have the most lasting effect. During this past fiscal year he served as chairman of the Environmental Quality Committee of the Pittsburgh Federal Executive Board. He recruited committee membership from the executive staffs of a number of Federal, State, and county agencies. Under his leadership, the committee planned, developed, and staged the First Tri-State Environmental Symposium, providing a confrontation of representatives of government agencies concerned with environment and local environment-oriented citizen groups. The symposium was successful. It served the long-range goals established by Colonel West's committee: to inform the public as to what government machinery is available for protection and improvement of the environment; and to find out from the public some of the environmental problems that need solving. The FEB Environmental Quality Committee will not have Colonel West's leadership in the future; but the momentum gathered in its first year will insure its continuance as a substantial force in the community.

Colonel West's retirement is a loss to the Corps of Engineers, the Department of the Army, and Federal Government service. On the other hand, his acceptance of an executive position in a local engineering firm is an enrichment to the community. His creativity, vision, and professional capacity are such that he will surely enhance his reputation as one of the men who make things happen in the tri-State area.

SENATE—Monday, May 8, 1972

The Senate met at 12 noon and was called to order by the Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois.

PRAYER

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

Eternal God, we thank Thee for that knowledge of Thyself which lights our life with eternal splendor and for everything around us which communicates Thy presence—the greatness and glory of nature, the lives of noble men, the thoughts of Thee in words, in symbols of stone and glass, in music, the reverent moods and solemn ceremonies and in holy silences. We thank Thee, too, for the pressure of daily duties, for health and strength for sudden insights and seasons of quickened thought and firm resolution.

Grant to all in the Government of this Nation faith and wisdom and courage to serve the higher causes of justice and peace. Increase our faith to believe that if we seek first Thy kingdom and righteousness, Thou wilt provide all lesser needs. Preserve us as a people whose God is the Lord. Amen.

DESIGNATION OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. ELLENDER).

The assistant legislative clerk read the following letter.

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 8, 1972.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. ADLAI E. STEVENSON III, a Senator from the State of Illinois, to perform the duties of the Chair during my absence.

ALLEN J. ELLENDER,
President pro tempore.

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

THE JOURNAL

Mr. SCOTT. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, May 5, 1972, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

Mr. SCOTT. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar, under "New Report."

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

The ACTING PRESIDENT pro tempore. The nomination on the Executive Calendar, under "New Report" will be stated.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

The second assistant legislative clerk read the nomination of Harald Bernard Malmgren, of the District of Columbia,

to be a Deputy Special Representative for Trade Negotiations, with the rank of Ambassador.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed.

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

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

LEGISLATIVE SESSION

Mr. SCOTT. 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.

MESSAGES FROM THE PRESIDENT

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

REPORT OF U.S. CIVIL SERVICE COMMISSION—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Post Office and Civil Service:

To the Congress of the United States:

I am hereby transmitting the United States Civil Service Commission's Annual Report for fiscal year 1971.

The report encompasses a year marked with considerable progress and innovation in Federal personnel management. Among the year's highlights were significant liberalizations in retirement and health benefits; increased emphasis on employment opportunities for returning Vietnam veterans; a strengthened program in equal employment opportunity for minorities and women; considerable progress in job evaluation policy and personnel management evaluation; and preparations by the Commission to implement the Intergovernmental Personnel Act of 1970 which should bring a new partnership between Federal, State, and local governments.

These improvements resulted from the joint action and cooperation of the Commission, the Congress, the executive agencies, employee organizations, and the President. I therefore hope you share my pride in these achievements which not only have made the Government a better employer but have also provided sharpened government responsiveness to the changing social and economic needs of the American people.

RICHARD NIXON.

THE WHITE HOUSE, May 8, 1972.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. STEVENSON) laid before the Senate messages from

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the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of Senate proceedings.)

WAIVER OF THE CALL OF THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rules VII and VIII, be dispensed with.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

THE NOMINATION OF JEFFREY M. BUCHER TO FEDERAL RESERVE BOARD

Mr. PROXMIER. Mr. President, with great regret, because I have very high respect for Federal Reserve Board Chairman Arthur Burns, nevertheless, I think he is in the process of packing the Federal Reserve Board with inexperienced amateurs, untrained in economics, and ill equipped for the complex issues facing the economy. I am talking about the nomination of Los Angeles Banker Jeffrey M. Bucher, as Governor of the Federal Reserve System.

President Nixon announced bad news for the American economy when he nominated Los Angeles Banker Jeffrey M. Bucher to a vacancy on the Federal Reserve Board. Mr. Bucher is no doubt an able man in other fields, but he is totally and completely unqualified to serve on the Federal Reserve Board.

This is the second weak appointment to the Fed in 3 months. While the President nominates members of the Fed, it is obvious that Reserve Board Chairman Arthur Burns has a lot to say about who gets on the Board.

The Bucher nomination seems to be part of a deliberate plan to replace professional economists on the Board with unqualified amateurs who can be easily dominated by Chairman Burns. I can only conclude that Dr. Burns is more interested in building a personal power dynasty than with getting the best economic judgment needed to run the Federal Reserve System. Such an exercise in personal empire building can only weaken the Board and produce tragic results for the American economy.

I have great respect for Dr. Burns. In my view, he is the best appointment made by the administration and I strongly supported his nomination. But Dr. Burns has only one vote. We should have men of comparable stature to insure a well-balanced monetary policy.

The pattern of downgrading the Fed was first established last February when

the administration appointed Mr. Jack E. Sheehan to fill a vacancy on the seven-man Board. Sheehan was a former naval officer and businessman with no professional experience in economics or monetary policy prior to his appointment.

I strongly opposed Mr. Sheehan's nomination. I will contest Mr. Bucher's nomination even more strongly when he comes before the Senate Banking Committee on May 12.

I have no doubt that Mr. Bucher is a fine man, an able lawyer, and a competent banker. But there are literally thousands of professional economists who are more qualified to serve on the Board.

The Federal Reserve Board is the most important and powerful economic agency in our Government. Its decisions affect the lives of every American. A mistake in judgment can plunge our economy into deep recession or a runaway inflation.

For these reasons, it is essential that we get the best economists we can find to serve on the Board. We would not dream of putting a nonlawyer on the Supreme Court. Why, then, should we put a noneconomist on the Fed?

Putting an unqualified banker on the Fed is like starting a midget as middle linebacker for the Washington Redskins.

Why has the President ignored the many capable economists in this country in favor of an obscure banker with no professional experience in economics? Such an obviously weak appointment can only invite speculation of a political payoff. Whatever the reasons, the Federal Reserve System is far too important to be entrusted to unqualified amateurs.

In many ways, Mr. Bucher's appointment is even worse than Mr. Sheehan's. Mr. Bucher replaces Dr. Sherman Malsel, one of the best housing economists in the country and a man who profoundly understands the impact of monetary policy on the housing industry.

Mr. Bucher has nowhere near the credentials of his predecessor. He has been a lawyer and a banker during his entire career. Moreover, even his banking experience has been narrowly confined to trust management—a subject far removed from the complex monetary issues considered by the Federal Reserve Board.

Mr. Bucher also comes from a giant California bank. His appointment can only lend fuel to the charge that the Fed is run by big bankers to the detriment of small banks and the rest of the economy.

Previous administrations under President Kennedy and President Johnson have wisely upgraded the competence of the Fed by appointing able economists. The present administration is taking a giant leap backward by restoring bankers and businessmen to their former positions of power. This is the same type of leadership which produced recession and unemployment.

Mr. President, the Federal Reserve now has four trained and competent economists among its seven members. The appointment of professional economists to the Board has resulted in a considerable improvement in the conduct of monetary policy. True, the Board has still made mistakes. But the magni-

tude of those mistakes is nowhere near as great as the disastrous blunders committed when businessmen and bankers dominated the Board. Anyone conversant with Friedman and Schwartz' monumental work, "A Monetary History of the United States," must realize the grievous policy errors made by the Board. For example, during the 1929-33 depression when the unemployment rate reached 25 percent, the Fed incredibly permitted the money supply to shrink by 33 percent thus exacerbating the economic decline and sending the country into the worst depression in its history. Many economists feel the erratic stop and go monetary policy pursued by the Fed in the 1950's—a policy which William McChesney Martin characterized as "leaning against the wind"—was largely responsible for the three recessions suffered during that period. Every time the Fed was leaning one way the economy had turned around and was also leaning in the same direction. With bankers and businessmen calling the shots, untrained in professional economics, the Fed, on balance, exerted a destabilizing influence on the economy during the 1950's.

The Fed has had a much better record in the 1960's. The professional economists appointed to the Board brought a new sophisticated and a better sense of timing which kept it from making major mistakes. The two recessions experienced in the 1960's and early 1970's have not been nearly as great as the three recessions suffered in the 1950's.

One of the most difficult problems in monetary economics is measuring the lag effects of monetary policy actions. Policy actions taken today will not have an impact until sometime in the future. How long is the lag? How is it distributed over time? How do we forecast economic conditions ahead of time so that our policy actions today are in harmony with future economic conditions. These are enormously complicated and technical problems. The Federal Reserve has one of the best staffs in Washington to analyze these complex issues. But only the members of the Fed can decide the course of monetary policy. I do not believe an amateur can make an informed decision on the many technical issues surrounding monetary policy. Why should we settle for an amateur when there are so many competent professionals?

This is no time to play politics with the Federal Reserve System. Our economy cannot afford to have untrained men on the Fed; we need the best economic brains we can get. Mr. Bucher simply does not have the experience for the job. He should, therefore, be rejected by the Senate.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. STEVENSON) laid before the Senate the following letters, which were referred as indicated:

PROPOSED SUPPLEMENTAL APPROPRIATION (S. Doc. No. 92-73)

A communication from the President of the United States, transmitting a proposed

supplemental appropriations for the fiscal year 1972, in the amount of \$650,000, for the Senate (with an accompanying paper); to the Committee on Appropriations and ordered to be printed.

PROPOSED AMENDMENT OF NATIONAL SCHOOL LUNCH ACT

A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the National School Lunch Act and the Child Nutrition Act of 1966 (with accompanying papers); to the Committee on Agriculture and Forestry.

PLANS FOR WORKS OF IMPROVEMENT IN CERTAIN STATES

A letter from the Acting Director, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, plans for works of improvement in Georgia, Kansas, Louisiana, South Dakota, and Tennessee (with accompanying papers); to the Committee on Agriculture and Forestry.

REPORTS ON NUMBER OF OFFICERS ON DUTY WITH HEADQUARTERS, DEPARTMENT OF THE ARMY

A letter from the Secretary of the Army, transmitting, pursuant to law, reports on the number of officers on duty with Headquarters, Department of the Army and detailed to the Army General Staff, as of March 31, 1972 (with accompanying reports); to the Committee on Armed Services.

PROPOSED AMENDMENTS OF TITLE 10, UNITED STATES CODE

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to amend title 10, United States Code, to authorize educational institutions where units of the Senior Reserve Officers' Training Corps are maintained to be reimbursed in recognition of reasonable costs incurred by them in support of ROTC programs (with an accompanying paper); to the Committee on Armed Services.

REPORT ON OBLIGATIONS IN, FOR, AND ON BEHALF OF CAMBODIA

A letter from the Assistant Secretary for Congressional Relations, Department of State, transmitting, pursuant to law, a report on obligations in, for, and on behalf of Cambodia, for the third quarter of 1972 (with an accompanying report); to the Committee on Foreign Relations.

LIST OF REPORTS SUBMITTED BY THE GENERAL ACCOUNTING OFFICE

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a list of reports submitted by the General Accounting Office, during the month of April, 1972 (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONTRACT WITH TEXAS INSTRUMENTS INC.

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with Texas Instruments Incorporated, Dallas, Tex., for a research project entitled "Mine Air Monitor" (with an accompanying document); to the Committee on Interior and Insular Affairs.

PROPOSED CONTRACT WITH UNITED AIRCRAFT RESEARCH LABORATORIES

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed contract with United Aircraft Research Laboratories, East Hartford, Conn., for a research project entitled "Development of a Boring Machine Cutter Instrumentation Program" (with an accompanying document); to the Committee on Interior and Insular Affairs.

REPORT OF NATIONAL LABOR RELATIONS BOARD

A letter from the Chairman, National Labor Relations Board, transmitting, pur-

suant to law, a report of that Board, for the fiscal year ended June 30, 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF FEDERAL ACTIVITIES IN VOCATIONAL REHABILITATION AND RELATED FIELDS

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of Federal activities in vocational rehabilitation and related fields, for the fiscal year 1971 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT ON EDUCATIONAL RENEWAL

A letter from the Chairman, National Advisory Council on Education Professions Development, transmitting, pursuant to law, a report entitled "Report on Educational Renewal" (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. STEVENSON):

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

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR THE ASSUMPTION OF WELFARE COSTS BY THE FEDERAL GOVERNMENT

"Whereas, The welfare costs of the several States have risen in such alarming proportions that the available means of obtaining revenue by the states are proving insufficient to meet such costs; and

"Whereas, It is the responsibility of the federal government to provide to its citizens on public welfare a minimum income to satisfy their food, clothing and housing needs; now, therefore, be it

"Resolved, That the General Court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing for the assumption of all welfare costs of the several states by the federal government; and be it further

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

"House of Representatives, adopted, April 6, 1972.

"Senate, adopted in concurrence, April 12, 1972."

Resolutions of the Senate of the Commonwealth of Massachusetts; to the Committee on Foreign Relations:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION SETTING A DATE FOR COMPLETE U.S. WITHDRAWAL FROM SOUTHEAST ASIA

"Whereas, The most recent stepped-up bombing of the people and territory of North Vietnam is a dangerous escalation of our role in the Indochina war; and

"Whereas, This move is a flagrant and direct violation of the declared policy of the Nixon Administration to wind down the war; and

"Whereas, The national interest would be best served by setting at once a date for the immediate and complete withdrawal of all materiel and armed forces—land, sea and air—in and over all of Southeast Asia; and

"Whereas, This step is the best and most promising assurance that American prisoners of war now in North Vietnamese hands will be at the earliest time released; now, therefore, be it

"Resolved, That the Massachusetts Senate respectfully urges the Congress of the United States to prepare at once legislation desig-

nated to accomplish the aforesaid objective and requests the President of the United States to expedite the implementation of such action; and be it further

"Resolved, That copies of these resolutions be transmitted by the Clerk of the Senate to the President of the United States, to the presiding officer of each branch of Congress and to each member thereof from the Commonwealth.

"Senate, adopted, April 26, 1972."

A telegram, in the nature of a petition, from Myrtle M. Mikkelsen, of Minneapolis, Minn., in support of Security Council action; to the Committee on Armed Services.

A resolution adopted by the Board of Selectmen of Brookline, Mass., praying for immediate action to terminate the war in Indo-China; to the Committee on Foreign Relations.

A resolution of the National Association of Retired Civil Employees, of Shreveport, La., praying for the enactment of legislation relating to the obtaining of adequate medical needs at reasonable cost for retirees and annuitants; to the Committee on Labor and Public Welfare.

A resolution adopted by the Southeastern Association of Regulatory Utility Commissioners, Atlanta, Ga., praying for repeal of the Federal Refuse Act of 1899; to the Committee on Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BOGGS (for himself and Mr. ROTH):

S. 3581. A bill to amend the Federal-Aid Highway Act, 23 U.S.C. 121, and for other purposes. Referred to the Committee on Public Works.

By Mr. ANDERSON:

S. 3582. A bill to amend the Highway Safety Act of 1966 to provide for highway safety programs on Indian reservations, and for other purposes. Referred to the Committee on Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BOGGS (for himself and Mr. ROTH):

S. 3581. A bill to amend the Federal-Aid Highway Act, 23 U.S.C. 121, and for other purposes. Referred to the Committee on Public Works.

Mr. BOGGS. Mr. President, my distinguished colleague (Mr. ROTH) and I today are introducing legislation designed to regulate the disposal of highway construction wastes at sea or in this Nation's navigable waters.

The bill, an amendment to the Federal-Aid Highway Act, would require the consent of the Governor of a State potentially affected by the dumping of such wastes in the State's waters or adjacent to the State's waters. Without that consent, no Federal payment could be made under the Federal-Aid Highway Act for the highway construction work.

Mr. President, the need for this legislation is being amply demonstrated in the Philadelphia area and in my own State of Delaware.

Last week, I called the attention of the Senate to the fact that the city of Philadelphia and the State of Pennsylvania are planning to remove 1.8 million cubic

yards of sewage sludge in preparation for the construction of Interstate Highway 95 south of Philadelphia. This sludge has been accumulated in lagoons for many years. Several methods of disposing of this sludge have been discussed, but one in particular alarms me. It would involve barging the sludge down the Delaware River and Bay and dumping it in the Atlantic Ocean off Delaware and southern New Jersey.

This action could severely damage our clam and oyster beds, our fishing grounds, and ultimately our beaches and wetlands. Ninety percent of the cost of this work, under present law, would be financed from the highway trust fund. I think the Federal Government should not finance a program that might severely pollute Delaware's most precious natural resource.

Other disposal techniques are possible. The sludge might be burned, converted into fertilizer, or processed through a land-disposal technique. There are obvious difficulties with all these proposals, but I believe any of them would be less damaging than ocean disposal.

The possibility that the ocean disposal route might be chosen is given credence by the fact that the city of Philadelphia twice a week disposes of sewage sludge by dumping it in the Atlantic.

The Subcommittee on Air and Water Pollution, on which I am privileged to serve, held hearings on this subject a year ago at Rehoboth Beach, Del. That hearing clearly demonstrated the severe damage that had already resulted from sewage-sludge dumping off Delaware.

There is legislation that has passed the Senate which would rectify this situation. It would establish a rational method for evaluating the possible environmental damage of ocean disposal. It would prohibit damaging dumping and require permits for all other ocean disposal.

Unfortunately, this bill remains in a conference committee where the differences between it and a similar House bill have not been resolved.

Mr. President, I would not want it thought that by introducing this legislation we are trying to stop construction of this highway. That is not the case. We fully realize the importance of this proposed road.

Rather, our interest is in protecting our environment and making certain that no State's ecology is threatened by actions over which it has no control.

Mr. President, I ask unanimous consent that the text of the bill be printed at this point in the CONGRESSIONAL RECORD.

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

S. 3581

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

SECTION 1. Section 121 of Title 23 of the United States Code is amended to add a new subsection (f) as follows:

"(f) No payment shall be made under this chapter for that part of the cost of construction related to the production or transportation of any materials to be deposited or discharged into the navigable waters of the United States, the waters of the contiguous zone, or the oceans unless such de-

posit or discharge has been approved by the Governor of the State (1) in which the navigable waters where such deposit or discharge will occur, or (2) contiguous with that portion of the waters of the contiguous zone or the ocean where such deposit or discharge will occur. This requirement shall be supplementary to any requirements under the Federal Water Pollution Control Act, as amended, or the Marine Protection Act, as amended."

ADDITIONAL STATEMENTS

DEALING WITH MISUSE OF DRUGS

Mr. HUGHES. Mr. President, I have recently had the opportunity to examine a new book entitled "Dealing with Drug Abuse: A Report to the Ford Foundation," published by Praeger, Inc., of New York. In my judgment, this study is a solid contribution to society's understanding of and response to one of our most perplexing concerns, drug use and abuse.

The report accurately portrays drug abuse not as a single problem but as a confusing complex of individual and social problems. Those of us who have studied, heard testimony, and prescribed legislative action on the problems of drug misuse must agree with the authors that there are no easy answers.

As the authors of the study point out, it is "a monumental task to get the country to focus on the real evils of drug abuse and to attack them rationally without contributing to the creation of even greater ones." An effective response will require not more fear, scare tactics, and emotionalism, but a realistic assessment and reliable information. This study is an excellent contribution toward that end.

The report was prepared by a team of consultants headed by Washington attorneys Peter Barton Hutt and Patricia M. Wald, who were commissioned by the Ford Foundation in 1970 to survey nationwide efforts to cope with drug abuse and recommend appropriate areas for foundation support. The first chapter contains a summary of findings, conclusions, and recommendations of the study, and the remaining chapters consist of staff papers on particular topics such as the psychopharmacology of drugs, drug education, an economic analysis of the heroin market, Federal expenditures for drug abuse control, drug experiences as altered states of consciousness, and a description of the British program of heroin maintenance clinics.

The authors of the study recommended the establishment of a private, independent Drug Abuse Council to sponsor research, finance evaluation of treatment and educational programs, analyze public policy, and disseminate information. The council, in the words of the report, would strive to become "a vitally needed center of excellence" and seek "to obtain the factual information needed to provide a basis for sound policy and to disseminate to the public and to persons in key policy positions the best knowledge available in the field and the best analysis of this knowledge as it pertains to current programs."

The recommendation was favorably received by several foundations and,

after some further study and planning, the Drug Abuse Council was formally announced on February 15 of this year. Dr. Thomas E. Bryant, former Director of the Office of Health Affairs in OEO, was named President, Bethuel M. Webster, former president of the Bar Association of the city of New York, was named chairman of the board. The council will be supported by the Ford Foundation, the Carnegie Corp., the Commonwealth Fund, and the Kaiser Family Foundation.

Mr. President, those of us who have been concerned with the problem of drug abuse and addiction know only too well that a sound governmental response to the problem will be achieved only with the help of an informed, enlightened public. The Drug Abuse Council, with the support of some of the Nation's leading foundations, is already serving in that cause with professional skill and dedication. I wish it well, and I urge all Americans, especially Members of the Senate, to read the report entitled, "Dealing With Drug Abuse."

MEMORIES OF BEALE STREET

Mr. BAKER. Mr. President, music provides a particularly personal key to understanding the spirit of America, for the soul of our Nation is expressed in the songs of its people.

To commemorate the richness and diversity of our country's musical heritage, this week, May 7-14, has been declared National Music Week.

At this time I think it is especially appropriate for us to reflect on that uniquely American contribution to the world of music known simply as the blues.

Beale Street in Memphis, Tenn., is famed as the place the blues began. It was on this "Main Street of Black America" that the immortal W. C. Handy gave birth to the blues.

Those Memphis melodies have had profound national and international influence and appeal. Thousands will gather in Memphis on May 11-13 to celebrate at the Memphis Blues and Jazz Festival.

The creative spirit of the historic thoroughfare of Beale Street was expertly captured by the noted Memphis community leader George W. Lee in an address delivered recently before the West Tennessee Historical Society.

Mr. Lee is widely respected as a thoughtful and articulate author and commentator. He is senior vice president and director of Atlanta Life Insurance Co. and editor of the magazine the Vision.

George Lee was recently honored by the Memphis City Council as one of that city's most outstanding citizens. He is a dedicated civic leader and a close personal friend.

I ask unanimous consent that Mr. Lee's address be printed in the RECORD.

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

MEMORIES OF BEALE STREET (By George W. Lee)

Echoes of the gorgeous and melodramatic past of Beale Street drifts across the sea of time, echoes building upon echoes, like

winged music through eternity. Beale Street was a mile of vice and commercial ambition, of sweet melody and of comedy, enjoyed by the Negroes and made famous by the Negroes. It is where the blues began. Where they will end nobody knows.

Beale Street music is really an inverted expression in song of the sorrow which the heart cannot tell in its own futile terms, but must borrow out of travesty and fervent plaint the wails out of which Handy drew his own great songs. His songs have made indelibly articulate the ideas and moods of his times, of the people of Beale Street in that era. Out of this curious little street, as of some miasmic dream of a paved Congo, rises the jerky pantomime of plaint and plety, suppression and sensuousness which was the outer soul of the plantation Negro come to the American town.

Unlike other hectic modernisms that have lived a swift and furious life and then faded out, these songs of sorrow, flowing in quick tears and laughter straight from the unhappy fear of man still hangs like tinsels on a half lighted Christmas tree. The true test of music is how long it can echo down the corridors of the years and baffle the mist of time; how long it can remain in the memory of man; how long it will be followed by mankind with admiration and devotion.

A million songs have flown with the drift of the wind, a million songs have gone down the runways to oblivion, but only a few have withstood the test of time and remained sweeter and brighter as the years flowed by, but the music of Beale Street still remains a distinctive gift to the American treasury of song.

More than 50 years have passed since Handy wrote the "Memphis Blues." It was then and is now the first and only art score ever produced in American music. Its mood and melody inspired the "St. Louis Blues," "The Beale Street Blues," and thousands of other blues songs that have moved in a medley of music to Paris, to Singapore, and then back to a shot-gun house in the mud flats of East Street. "The St. Louis Blues" still holds its place as one of the twelve great songs in American music. Rising out of the bosom of Beale Street's steaming pavement are man's other authentic contributions to Americana. Such institutions as the gravy trains, the honky tonks, the slow drag, and the possum-mala which takes us right into the heart of folk life.

Beale Street was home to Robert R. Church, a staunch and honest power in Republican politics, the roving dictator of the Lincoln belt; the home of Roscoe Conkling Simmons, picturesque orator who rose on a hot June day in Chicago, cried out: "And now I am permitted to speak of my captain. With eyes and heart I examine him. I watch him on the bridge. I note him most when the storm is wild," and thus seconded the nomination of Herbert Hoover in 1932.

It was adopted home to Dr. J. E. Walker, who laid the foundation for the Universal Life Insurance Company, the second largest capital stock or risk capital business enterprise owned, and controlled by Negroes in America. It was home to Mack Harris, noted card shark; Dr. Scissors, the "herb medicine man"; "Ten Dollars" Jimmy; Cornelius Coleman; "Bad Sam" and Jimmy Turpin, the back-out men of the gambling dens; home of Ben Griffin and "Cousin Hog;" home of Louise Cook, exponent of the "snake hip," who developed a specialty dance of sensuous artistry in which the graceful movement of her muscles, free from the lascivious postures of the honky tonk dancers, captivated her audiences; home to the midnight marauders and seductive concubines; a street of pawn shops "where golden balls glisten in the sun" sang Handy, "enough to pave the new Jerusalem;" where Jewish vendors stretched their wares across the storefronts and glib-tongued barkers called to the passersby to

"come in and view the bargain"; where men of African descent waged a relentless battle to keep the white community's attention focused on one of its foremost unfinished pieces of business—that of insuring minority groups of their rightful place at the starting line and to keep the white community's attention focused on the fact that our economy cannot prosper and is indeed in danger when equal participation is denied a sizable group of its people.

Beale Street was the main street of Negro America where the pulse of Negro America beat highest, where richly red, dark brown women, hang jawed country rubes mixed with spruce urban Negroes in an atmosphere pungent with barbecued pig, alive with loud and plaintive music of those who sit around in the cafes trying to ease their souls with ready made song. The night cries of care-free people, the midnight serenaders twanging on their guitars, blended with the traffic noise to create a sound triumphant. Back of the sound of this red-hot syncopation lies the plantation Negro who, if he was sometimes lost in the vast apathy of a decaying system, was also often impelled to seek Beale Street where it was always Saturday night. On Saturday night they came from Arkansas, north Mississippi, east Alabama, and west Tennessee. They arrived in the early morning in their wagons, in Fords, on horseback. They bargained for clothes in the pawn shops, bought groceries in piggly wiggly, barbecued pig at hog nosed restaurants and chattering cafes, then gathered at a vacant spot called the Wagon Tongue at Beale and Second, and entertained the crowds with their banjos and harmonicas, their jug bands, and country preachers barking at the edge of the crowd. And at sundown they left to cross the Arkansas Bridge or journey down the Hernando Road to their cabins in the cotton and in the sweltering river bottoms. Such were the people and institutions that caused Handy to sing: "I would rather be there than any place I know."

It is probable that the early activities of R. R. Church on Beale Street had much to do with making it the center of commercial life for black people. He took to the river in early childhood under the guidance of Captain C. B. Church, one of the best known navigators on the Mississippi. While in Captain Church's employ he rose from cabin boy in 1855 to steward on the *Victoria* and sailed to Memphis in the year that the town was occupied by Federal troops. The crew fell into the hands of Union soldiers and Church fell into the hands of freedom.

In 1881 it became necessary to float a large issue of compromise bonds in order to rehabilitate the shattered finances of the city. Church promptly put up \$1,000 for the first compromise bonds. His benefactions to the inhabitants of Beale Street were many. In 1905 he built a bank for the black citizens. He secured the possession of a valuable tract of land on the street and transformed it into a large pleasure ground. He built an immense concert hall and auditorium on it and planted hundreds of trees to make a sylvan retreat in the midst of a bustling city.

Beale Street was not without its church going population, where black people's accomplishments in song and speech were exercised. The Beale Street Baptist Church was the first brick church even built for black people in America. It mothered all black churches in Memphis. Under the leadership of Reverend R. N. Countee it started on a course that carried it through thirty years of internal strife. When Reverend Countee was elected pastor he made secret societies the object of many bitter attacks in his sermons, exposing their rituals and secret work from the pulpit. Reverend Countee built a church down on Turley Street and a two-story residence along side of the

church for himself. He had made so many enemies among members of the secret societies and they were so hot on his trail that he dared not go out of doors after dark. So he built a chute that extended down from his bedroom window on the second floor of his house to the church window on the side next to his residence. When he went to church at night to hold services he would slide down the chute into the church. He had also had a contraption made to pull himself back up the chute when the services ended.

Beale Street is easy to describe. It is a crooked little thoroughfare that rises out of the swirling vortex of a treacherous whirlpool in the bosom of old man river and crawls up the slippery bluff at what was once an interesting point of the river. In 1860 before the coming of the railroads to the South when the river was the main artery of travel, passengers by the thousands landed at the foot of Beale Street. There was dancing and music down there by night. Men stood before polished counters with their feet on brass rails while smiling bartenders served them rounds of drink. Long bearded gamblers sat in poker rooms risking small fortunes at cards. Roustabouts with their britches rolled up to their knees and flashing cotton hooks in their hands rolled cotton bales down the jumpy gangplank of the Robert E. Lee and other packets that plowed the stream. But this was not all of Beale Street, it continued to ramble for a crooked mile through the busy heart of Memphis and then lose itself in the mud flats of East Street.

The block from Hernando to Fourth Street was generally considered as underworld. Here a gay and raucous night life that included gambling and street walking and every kind of vice known to the demimonde flourished in the noisy and congested block in which guitar players strolled up and down filling the night with music in which blind men sang on the street corners, lifting their souls up from the steaming pavements. On the south side of Beale Street, sprawling in the middle of the block was Pee Wee's Place. A colorful nightspot as full of items as a department store, one of which had the dubious distinction of being called Hadden's Horn; it was a leather device used by the management to keep smart gamblers from using crooked dice. They had to drop the dice in the horn before they could roll them. It was named after Pappy Hadden, the colorful mayor of Memphis who sometimes rode down Beale Street on a mule. Not long ago as I walked slowly down the street my heart grew heavy with a sad sweet pain as I watched two house painters swing from the ladders leaning against the brown facade of a building and paint out a name. The movement of their brushes seemed to swing in perfect harmony with the music of an electric piano that blared forth from a nearby cafe:

"Feeling tomorrow like I feel today
Feeling tomorrow like I feel today;
Gonna pack my trunk and make my get-a-way."

As my eyes followed the wild rush of the paint brushes across the top of the building I could see a few of the letters cutting through the white paint like brave soldiers determined not to be blacked out. Then another swish of the brushes and the few letters were gone. Of course, I knew what had been written there. The words etched in the heart of every Beale Streeter—Pee Wee's Place. As I stood there in the gathering dusk I had a desire to step forward and pin a badge of blue ribbon on the door.

Pee Wee's offered Handy just the kind of emotional background he needed for fathering the unconscious creation of the Negro folk. Negroes from the cotton fields and sweltering river bottoms came there to lay down their burdens of work and woe and

step into a neat lazy shuffle to raise their voices in wailing melody while weariness, nostalgia and abandon combined to shape their impromptu songs.

Wallace Saunders, engine wiper, was often among those who came to Pee Wee's Place. He followed the common customs of its habitués when he concocted a few crude verses about Casey Jones, famous railroad engineer. From these original scores, the immortal Casey Jones song was fashioned. Out of this same atmosphere came one of the first vague outlines for the Frankie and Johnny songs. Frankie had brought her man, Johnny, to Memphis to buy him a \$100 watch and chain, but when Johnny saw the brown girls around Pee Wee's all dressed up in fancy blue gowns he had his first temptation to do Frankie wrong.

Other habitués of Pee Wee's were Casino Henry and Mac Harris, Beale Street's greatest card sharks. Henry was a round faced black man who chewed gum constantly and walked always in the middle of the street. Mac was a tall brown man who wore his mustache twisted at the ends, a wide hat cut in the center, an english walking frock, pen striped trousers, and patent leather shoes. He looked very much the gentlemen of affairs. It was in 1894 that Henry and Mac played their famous three-day game, with a small fortune at stake it was a game of nip and tuck until both fell exhausted onto a lounge.

North on Beale Street was the famous hole-in-the-wall. It had a very clever way of eluding the whiskey raiders that sometimes swooped down upon the place. Every morning, all the liquor in the house was packed into garbage cans and rolled out in front of the place. A look-out was stationed nearby. When a customer came in search of whiskey he paid his money over the counter to the white jacketed attendant behind the counter who signaled to the look-out, and when the customer came out he was given a half pint, fished out of the can. The look-out took up his post until he saw the garbage man coming, then all hands got busy rolling the cans back inside to keep the garbage man from picking them up and dumping their contents into the truck as trash.

What makes Beale Street memorable is that it was here that the musical heritage of the southern negro has been preserved through the activities of a group of band and orchestra leaders who haunted the colorful night spots strung out along the main stem. Beale Street, then, is the birth place of the only music that has its roots in the American soil. Up from the docks of the Mississippi River, up from the saloons, the bawdy houses on Beale, up from the honky tonks, the gaudy palaces of pleasure, up from the white cotton fields and the sweltering river bottoms, accompanied by banjo strumming, guitar twanging and hand clapping, rose the sorrow songs of black people.

Band masters on Beale Street emphasized the native and nationalistic element of these songs and sent their echoes in a medley of songs around the world. The late W. C. Handy set them to music and with a golden trumpet pressed to hot lips gave them everlasting voice. Beale Street was the breeder of a line of musicians, each fifth one a small genius, such as Sam Thomas who organized the first Beale Street band just after the Civil War. During his lifetime he won the distinction of being one of the greatest E Flat Cornet Players in America; followed by James Harris who became one of the country's greatest violinists and Robert Baker who organized a band in 1880.

Out of this group came one of the most brilliant band leaders that Beale Street has ever produced—John R. Love who played an inspiring part in the musical progress of the blues. A great instructor in music was professor G. P. Hamilton who organized

classes in band music. From one of his classes came William Bailey, one of the world's greatest clarinet and saxophone players, and Johnny Dunn whom Handy gave the great opportunity when he had him play at the midnight show at the Lafayette Theater in New York. Out of this same musical atmosphere came George Duff and Erskine Tate, two of the most successful orchestra leaders of their day. Another great orchestra leader was West Dukes, who came to Beale Street just after the Civil War. However, the greatest of these early day orchestra leaders was Jim Turner who discovered W. C. Handy. Jim Turner was a trick violin player and could imitate anything on the violin. For a time Turner and Handy traveled with the Maharry Minstrels. Turner had a spot as a violinist. For years he controlled the dance music in Tennessee, Arkansas, Louisiana, and Alabama. Later, with the aid of Handy, a large and efficient body of musicians was organized from which a dozen bands could be sent out from Beale Street in one night.

Charlie Bynum was the first orchestra leader on Beale Street to play the blues, but not realizing their potential commercial value he never thought of trying to set them to music. J. Lubrie Hill and George Duff were the organizers of the Georgia Minstrels. J. Lubrie Hill wrote and organized and staged the Darktown Follies which played at the Lafayette Theater and on Broadway in 1913. There was Jimmy Lunceford and his band who traveled over the entire country and toured Europe. Other musicians from Memphis who helped the blues and Beale Street to become famous were Lil Hardin, later to become the wife of Louis Armstrong; Alberta Hunter, the first to popularize St. Louis Blues at the old Chicago Vendrome; Gus Cannon, banjoist and blues singer who composed the song "Walk Right In" which was later recorded by many bands; Ma Rainey, one of the most recorded of the original blues singers; Bessie Smith, greatest of the blues singers; Calvin Newbern and still others.

Of the latter day musicians that grew out of this atmosphere are "Hot Buttered Soul" Isaac Hayes. "It is doubtful even now that many musicians outside of the music business," says William Thomas, "know just how far Isaac Hayes has traveled, that his last three record albums grossed nearly five million dollars, that he earns up to \$30,000 for an evening's work, that within the space of a few months he made the fashion pages of "Gentlemen's Quarterly," the cover of "Jet Magazine," the music columns of Rolling Stones, and the feature sections of newspapers around the country, that he has carried his own music movement into such a diversity of places as the Apollo Theater in Harlem, the Plaza Motel in Manhattan, the Soul Bowl in New Orleans, and the Hollywood Bowl in Los Angeles." Not long ago in New York City he received a standing ovation when he won a Grammy award for the best original score written for a motion picture or television score.

Millions of youngsters and oldsters alike, around the country, have danced to Rufus Thomas's hit records, "Do the Dog," "The Funky Chicken," and "The Push and Pull." He has been a singer, comic, tap dancer, song writer, talent show director, master of ceremonies, disc jockey, and he is the father of the famed, pretty Carla Thomas, who also records for Stax. There are still others such as Booker T. and the M. G.'s, B. B. King, who has been labeled king of the blues all over the country. He won a Grammy award in 1971 for his performance and was nominated in 1972 for his performance. Aretha Franklin, the Nation's soul queen who is perhaps the most sought after soul singer on the American scene has won a Grammy award for five straight years for the best rhythm and blues female performer for "Bridge Over Troubled

Waters." The Barkays, Jr. Walker and the Allstars, Johnny Ace, Al Hibbler, Hank Crawford, William Bell, Bo Legs Miller, Memphis Slim, who is now the rage of Paris.

All of these came out of the mood and melody of Beale Street music that Handy made immortal by setting it down on music paper. Much have been written about Handy's life. It is a tale of three streets—Beale Street, Market Street in St. Louis, and Broadway in New York. But from the dust of Beale Street rose the legend of a man where he first pressed his trumpet to hot lips and a song rose with the drift of the wind. "I Hate To See That Evening Sun Go Down." Now Handy has gone and many of the others have crossed the Great Divide. But when the last sun goes down on the Judgment Day it will reveal three bright musical mansions in the sky. The one on the right for George Gershwin, built out of Rhapsody in Blue, the one on the left for Stephen Foster, built out of my Old Kentucky Home, and a shaft of lightning will thwart the inky sky and reveal in the center the one for W. C. Handy, built out of the Memphis Blues, the St. Louis Blues, the Beale Street Blues, resting on the solid foundation of those who sow in tears shall reap in joy. St. Peter standing in the doorway must have extended his hand in fellowship and said to Handy: "You have captured the attention of art and music entrusted her charms to your joyous care. The Memphis Blues, the St. Louis Blues, the Beale Street Blues are more than songs; they are shining, loving symbols that only the heart of man can understand."

Beale Street today is a ribbon of blue. Its face resembles that of Hard Hearted Hanna who put her last dime in the collection plate. But despite the bulldozer of the Housing authority that has reduced it to shambles in order to make way for the building of a great tourist center to attract people from all over the world, yet Beale Street still lingers in a dreamy atmosphere half alive, half forgotten, but it is there like the ghost of Banquo and it won't down.

What the late Governor Paterson said about the river, I think it could be said about Beale Street. I think Beale Street won't fade out ever because Beale Street, in my judgment, has a soul, not as mortals have, but one of its own. I am sure it has a voice and the undertone is one of sadness for the river boats that are no more, for its black river giants with broad backs and bulging muscles, who have faded beyond the dreamy mist of the Mississippi River, of sadness for the passing of the richly red, dark brown lovely women who bartered their favors to plantation whites and plantation blacks for whole cotton fields pressed into silver coins. It is one of sadness for the fearless black man who, during the yellow fever epidemic, when the population was reduced from 40,000 to 19,600, stayed on the job during the crisis. And of those who remained in the fever ridden city 14,000 were Negroes. And of the 5,600 whites who braved the fever, 4,204 died. The blacks remained in the city, fought the fever, buried the dead and guarded the business houses against the looters until the passing of the fever and the whites return.

I think this Beale Street music we call the blues will in time constitute a rough foundation of a new American culture. So, if Memphis permits the potentials of Beale Street to be sealed up and made infertile by prejudice, then it will have missed its chance to channel into a wonderful future a musical heritage that would make it and Beale Street a great tourist center, rivaling New Orleans' Bourbon Street, San Francisco's Fisherman's Wharf, and New York's Tin Pan Alley. If the future of Beale Street remains on the drawing board, static and lifeless, when history speaks it will say the glory that was Greece, the grandeur that was Rome, the blues that was Beale.

J. EDGAR HOOVER

Mr. SYMINGTON. Mr. President, last month two outstanding newspapermen in my State, Dale Freeman, editor of the Springfield News & Leader, and one of his foremost staff writers, Frank Farmer, had what in a way has turned out to be a historic interview with a great American—the late J. Edgar Hoover.

In the belief that this interview will be of interest to the Senate, I ask unanimous consent that it be printed in the RECORD.

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

[From the Springfield (Mo.) News & Leader, Apr. 23, 1972]

J. EDGAR HOOVER 77, NOT READY TO QUIT FBI SOON

(By Frank Farmer and Dale Freeman)

At 77, John Edgar Hoover has no plans—now or in the near future—to step down as director of the Federal Bureau of Investigation.

"I have never equated age with my ability to be director of the FBI," says the man who has headed the Justice Department's investigative arm for the past 48 years. "I think I should be judged on performance on the job."

"My health is excellent," the redoubtable and controversial Hoover said in an exclusive interview with a News and Leader reporting team.

"I am on the job every day and my vigor and enthusiasm are undiminished. As long as my health continues to be excellent and the attorney general and the President desire me to serve our nation, I plan to remain as director of the FBI."

Hoover was asked a total of 14 questions, ranging from his possible plans for retirement to national security to the morals and mores of the youth of today.

He also spoke up at length on the future of the FBI, the courts, communism, the New Left and violence in America. And he put in several good words for the young folks.

While Hoover expects the work of the FBI to increase in proportion to the population of the nation, he says he does not desire or foresee that the bureau's task will ever become more than it is today—investigative.

"The FBI is not a national police," he said. "I have always opposed a national police system."

How, then, does he propose to slow and, hopefully, stop, the rising trend toward more and more violent crimes?

The citizen is the key, he believes: "Crime will never be reduced until every citizen understands that he, himself, has a firm and unending duty not only of obeying the law himself, but also encouraging others to do the same."

The FBI chief has no hesitation in speaking out boldly in regard to America's future.

"I am extremely optimistic about America's future," he said.

And he is equally adamant that there can be no compromise, no co-existence, with the Communist world. Communism is "diametrically opposed to the concept of freedom and justice which have given meaning of life in our society," he said.

Nor does he believe, as many lawmen have indicated, that the increased complications of life in the United States must of necessity become more restrictive. The Constitution, Hoover said, "remains a viable instrument of meeting the changes not alone of today but also of the future. As Americans, we can be truly thankful for the wisdom and vision of our Founding Fathers whose

genius brought forth this great document of government."

Perhaps surprisingly, for the severe, conservative man he has been pictured, Hoover voices great confidence in the youth of America. The 18-year-old voter does not frighten him; to the contrary, he believes the responsibility of the vote "does much to make an individual feel part of his community, to awaken civic pride and responsibility and to create a maturity of judgment."

"I think America should be extremely proud of its youthful generation," he said. "Nothing distresses me more than to hear adults bitterly assailing our youth for being irresponsible and lacking in dedication and courage."

"There are a small minority—represented by a few extremists—who seek to tear down our constitutional form of government. They have resorted to violence, such as bombing military installations and government buildings."

"But they do not represent the vast majority of our youth. I find that most young people today are alert, intelligent and deeply concerned about their country. They seek to take their rightful place in the future leadership of this country."

He has not, however, relaxed his vigilance in regard to the "threat of the New Left."

"These New Left extremists pose a serious problem for the nation today," he declared, adding, "We follow the pathway of violence at great national peril."

As for his plans to insure continued sound operation of what he created after being named Director of the Federal Bureau of Investigation in 1924, Hoover replied:

"I feel the future of the FBI rests, to a large extent, on certain basic principles which have long been a part of our organization. For example, the FBI is non-political and has performed effectively under both Democratic and Republican presidents."

"Our personnel are selected and promoted strictly on the basis of merit. Still another operating principle is the confidential nature of our files. A citizen furnishes information to the FBI and he can have confidence that this data will not be misused. Most important also is the principle that the FBI, in conducting investigations stays strictly within its jurisdiction. There must be a basis in law for us to undertake any investigation. This prevents the FBI from becoming a Gestapo-type police."

"I feel that if our current basic operating principles are followed in the future, the FBI will not only continue to be a highly effective investigative agency, but also remain a servant of the people."

Here is the full text of the questions and answers as submitted by Mr. Hoover, other than those already answered in full:

Q. Since the FBI has been the standard by which all other law enforcement agencies are gauged, how would you project the agency's role in this nation as we approach 300 million persons and the corresponding criminal problems?

HOOVER. The FBI plays a highly important role in American life. As the investigative agency of the United States Department of Justice, it has the responsibility of protecting our citizenry against the criminal who commits federal crimes and the subversive. I hope that this role of the FBI will continue in the years ahead and that, based on our work, we will continue to receive the approbation and support of our citizenry. We expect that all areas of our work will increase in proportion to the increase in population.

Q. As the Uniform Crime Reports constantly remind, crime continues to rise steadily and at an alarming rate in the U.S. To what forces do you attribute this trend and what do you think will be required to stop it?

HOOVER. Most important in the rise of crime is the growing permissive atmosphere in our

society which says in essence: "Let a person do what he wants." This means, unfortunately, that some individuals have little respect for our laws and the rights of others. The home, the school, the church are vital in encouraging the individual, especially the young person, to realize that besides privileges and rights he also has duties and responsibilities. Crime will never be reduced until every citizen understands that he himself has a firm and unending duty not only of obeying the law himself but also of encouraging others to do the same.

Q. If all efforts at reversing the trend fail, what will be the ultimate action that will have to be taken by our government, our society or both?

HOOPER. To my mind, the nation is taking effective steps to reduce the crime rate. For example, in recent years the law enforcement profession has remarkably improved its ability to meet the criminal. In January, 1967, for example, the FBI instituted the National Crime Information Center (NCIC). The NCIC is a computerized index of documented information concerning crime and criminals which not only has the capacity to store vast quantities of information but also instantly retrieve it on demand. In this way, NCIC computers, electronically linked with control terminals serving municipal, state and federal law enforcement agencies in 50 states, the District of Columbia, and Canada, are applying the skills of technology to the criminal problem. Another example is the opening this year of the FBI's new training academy at Quantico, Va., some 35 miles south of Washington, D.C. This facility will enable the FBI to provide training, not alone to its own personnel, but also to increasing numbers of local law enforcement officers. I am confident that the "ultimate action" against crime must lie in the support by communities of their law enforcement agencies—giving them the personnel, financial ability, and citizen confidence they need to meet the criminal challenge. Also of vital importance is citizen effort to prevent crime. How many citizens, for example, have taken an interest in crime prevention programs? How many are willing to work with youth groups? We must work to make a better community not only through eliminating poverty, discrimination, disease, etc., but we must also do what we can to prevent crime. A serious problem today is the relationship of dangerous drugs to crime. Here is an area where citizen concern should be both intense and continuous.

Q. Will it be necessary for the FBI to expand its activities to encompass much more than the field of investigation, and thus become the control center of all law enforcement agencies in the Nation?

HOOPER. The FBI is not a national police. I have always opposed a national police system and this remains my position today. I do not want the FBI to become a "control center" for all law enforcement. The most effective law enforcement is our present system of local, state, and federal agencies, working in voluntary and fraternal cooperation for the protection of our citizens. Our goal must be to improve the quality of our law enforcement agencies, not to establish a national police.

Q. Some philosophers have bleakly spoken of the future of the United States, believing it has had a short and brilliant ascent to world leadership, but that we are foolish, shortsighted and lack the national character that will allow us to overcome our internal problems and continue to lead the world. How do you address yourself to the future of the United States?

HOOPER. I am extremely optimistic about America's future. I have an abiding faith in the basic principles of liberty, justice, and constitutional government which underlie this nation. America has made mistakes. We have weaknesses, some of them serious. We

have deficiencies. What nation in history hasn't? The key point, to my mind, is not that we have room for improvement, but that, as a people, we recognize our weaknesses, that we are concerned about them, and, above all, that we are working in a democratic way to overcome them. The future of this nation rests in the character of its people—and I believe in their integrity, honesty, and willingness to work for the common goal of freedom and justice.

Q. It would seem that the two great world powers, the United States and the United Soviet Socialist Republics, are modifying their ideological positions; it would seem that somewhere down the road, the two ideologies would cross. Thus, the average American who is proud of his heritage as a sovereign individual is concerned. Will his way of life be tainted by communism but remain primarily democratic, or will his role as a free man someday be totally subjugated by the Communist world?

HOOPER. Communism is a totalitarian way of life which destroys the inherent liberties of man. As such, it is diametrically opposed to the concept of freedom and justice which have given meaning to life in our society. As long as Americans sincerely believe in human dignity and the supremacy of law, they will never accept the atheistic tenets of communism.

Q. As government and its affairs become more complicated, it would appear that government would have to be more restrictive in every facet, rather than less restrictive. Thus, do you think that democracy, our Constitution, can continue to serve mankind as it has for nearly 200 years, and why or why not?

HOOPER. I am a firm believer in democracy. Today our nation is no longer the rural society of many decades ago. We are becoming increasingly more urban, industrial, complex, and interrelated as a society. Obviously, new problems, some of serious proportions, have arisen. However, I believe that the constitutional principles of government, as embodied in the Constitution and our laws, are entirely adequate to serve our nation in the days ahead. A free government is responsive to the needs of the people. We make or repeal laws. Our Constitution, through the amending process, remains a viable instrument of meeting the changes not alone of today but also of the future. As Americans, we can be truly thankful for the wisdom and vision of our Founding Fathers whose genius brought forth this great document of government.

Q. The national average age, demographers tell us, is lowering. Politics being what it is, and youth being what it is, what do you visualize as more and more voters of younger and younger age go to the polls?

HOOPER. I have complete faith in the judgment of our youthful voters. The recent constitutional amendment allowing individuals 18 years of age to vote, for example, has enfranchised many new voters. These young people through their vote can now actively participate in making vital decisions on local, state, and federal levels. In my opinion, the voting privilege does much to make an individual feel part of his community, to awaken civic pride and responsibility, and to create a maturity of judgment. These newly enfranchised young voters can no longer feel that they have been "left out," that their elders are making decisions without consulting them. These young people thereby are encouraged to work "within the system"—not, as a few of them have advocated, to destroy this nation through extremism and violence.

Q. Student violence on campuses has considerably declined in recent months. Does this mean the threat from New Left extremism has declined?

HOOPER. Since the academic year 1969-1970, student military on campuses, such as

bombings, the seizure of buildings, the kidnapping of school officials, has declined considerably. However, we must not be lulled into believing that New Left extremism has disappeared. Early in 1970 many of the extremists, especially those associated with the Weatherman (the extremist wing of the former Students for a Democratic Society), started dropping underground. By underground is meant that these young people changed their names, utilized aliases and disguises, moved clandestinely from one location to another. In this underground, bomb factories were established, where homemade bombs were fashioned. As a result, there have been incidents of violence directed against government buildings, military installations, and office buildings. These New Left extremists pose a serious problem for the nation today.

Q. We hear a great deal about urban guerrillas in the country today. What about them?

HOOPER. In the New Left and among black extremist groups there are urban guerrillas who are attacking our society through violence. In addition to the Weatherman, there is, for example, the Black Panther Party. This party, which is now composed of two warring factions, advocates violence and has been engaged in guerrilla warfare.

Q. Isn't violence today one of our key national problems?

HOOPER. Most emphatically. Unfortunately, there exists a small minority of individuals who feel that if they cannot have their way they are ready to resort to violence. These are the individuals and groups which often resort to civil disobedience. They look upon violence as something "constructive" and "positive," needed to bring about changes in society. Nothing could be more untrue. Violence usually begets more violence. It causes hatred, dissension, and bitterness. What we need today is a greater respect for the law and our democratic processes of government. We follow the pathway of violence at great national peril.

NOTABLE COMMONSENSE ON GUN CONTROL LEGISLATION

Mr. HRUSKA. Mr. President, the subject of gun control is a perennial issue in Congress, as it is with the American people.

An article on this subject, published last month in the *Daily Nebraskan*, the newspaper of the University of Nebraska, has recently been called to my attention. Written by a student at the university, John Vihstadt, the article is particularly notable for its maturity of approach and plain commonsense. I take pride in the fact that commonsense is especially prevalent in young people from Nebraska.

The writer of the article discusses the specter of the "gun lobby," which a number of proponents of gun control laws blame for their inability to achieve the goals they seek. "The real gun lobby is the grassroots owner of a firearm," says Mr. Vihstadt, with clarity and accuracy. This point was underscored last November through the public response to a gun control debate on the program "The Advocates" carried on public television. There were 31,000 viewers who wrote to express their opinion on whether there should be a national ban on private handgun ownership. Some 83 percent of the writers, or 25,690 members of the public, opposed such a ban.

Regarding the impracticability of strict gun control measures, Mr. Vihstadt points out with considerable logic that:

The criminal—is not about to surrender his weapon voluntarily, much less have it registered by the police.

Mr. President, I believe the article will be of interest to all Senators and to the American people, so 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:

DIFFERENT DRUMMER

(By John Vihstadt)

Various politicians and sociologists of the liberal left these days are crying out in anguish at what they fear is the administration's "sensitivity" to the Bill of Rights and the supposed all-too-ready eagerness of the American people to compromise it when they feel their personal safety or sensibilities may be subject to violation.

It appears, however, that these same liberals are not above doing a little compromising of their own when it comes to the second amendment of the Bill of Rights, and with it, the constitutional right to keep and bear arms.

Alarmed at growing crime in the United States (although apparently not enough to take the handcuffs off the police and put them back on the criminal), the well-meaning leftists have proposed a bevy of bills in the Congress (right now in various stages of passage) dealing with gun control.

They range from Congressman Emanuel Celler's, D-N.Y., bill to require all firearms owners to obtain either a federal gun ownership permit or a state permit that meets rigid federal standards, to bills which would prohibit the importation, manufacture, transfer and transportation of handguns, except by law enforcement officers, military personnel and a select government-chosen group of licensed dealers.

Rep. Abner Mikva, D-Ill., claiming that "registration in and of itself is not going to be sufficient," introduced several bills which would prohibit private possession of handguns through a process of "creeping confiscation." Indiana Democrat Birch Bayh has proposed a bill to outlaw any gun, domestic or foreign, which has no sporting purpose.

And Sen. Ted Kennedy, praising arms registration efforts, claims "it will tell us how many guns there are, where they are, and in whose hands they are held." This statement reveals, of course, precisely why *not* to have universal registration. Should this data be collected, the results could be nationally disastrous if it fell into the hands of those who would lead us into despotism and tyranny. Like information was gathered by Hitler and Lenin while in the process of seizing power in their respective countries.

Also hopping on the gun registration, licensing and confiscation bandwagon are the leftist Americans for Democratic Action, the ultra-liberal National Council for a Responsible (?) Firearms Policy and the Fellowship of Reconciliation, an organization of left-wing clergy. The Fellowship has sponsored full-page advertisements in newspapers crying "Disarm America's citizens—ourselves. The country needs a much stiffer gun control law. Insist that all private ownership of guns be outlawed, that the guns now around be collected and destroyed."

It should be obvious to all that to compromise any of the ten amendments to the Constitution in effect compromises the entire Bill of Rights. Liberals and the press arise with righteous indignation and vehemently proclaim the sanctity of freedom of the press guaranteed by the first amendment, if the slightest effort is made to curb publication of anything they deem to be in the public interest. This is as it should be, but the second amendment, no less than any of the other nine, deserves the same consideration. The "monstrous" gun lobby so frighten-

ingly depicted by the liberal press is a mere figment of the imaginations of the Ramsey Clarks, the Joseph Tydings, the Birch Bayhs, the Ted Kennedys, the John Lindsays and other creatures of the left whose stated intention is to disarm America's people. The real gun lobby is the grassroots owner of a firearm, who views with as much alarm any attempt to adulterate his rights guaranteed by the second amendment as the press does any attempt to sacrifice its right under the first amendment.

Furthermore, if gun control is completely foreign to the American spirit and in violation of the Constitution, it is also completely impractical and unenforceable as well. The criminal—and most armed crimes are committed by the criminal, not the average citizen—is not about to surrender his weapon voluntarily, much less have it registered by the police.

The way to curb gun-oriented crime and lawlessness is plain: enact laws prohibiting bond or bail for armed crime; mandatory, nonpardonable and nonparolable extra sentences for conviction of armed crime; a new attitude by the courts of this country that the civil rights of the criminal are not more sacrosanct than those of the victim.

And, last but not least, a higher national social conscience dedicated to stamping out the breeding places of crime—our slums—and the redirection of the schools of crime—our prisons.

Gun control is not the answer to a safer and saner America—the solution is tougher law enforcement and a commitment to social betterment for all.

A "FIRST CHANCE" FOR THE HANDICAPPED

Mr. MCINTYRE. Mr. President, we are always interested in seeing what effect our votes in the Senate have, and especially how they help people. I would therefore like to call the attention of my colleagues to a very successful program for handicapped children operating in Brattleboro, Vt., with the help of Federal funds. All of us in New England should be proud of this program.

When Congress passed the Handicapped Children's Early Education Assistance Act in 1968, this area was designated as one of only 24 throughout the Nation to set up a preschool center for handicapped children. Now in its third year, more than 50 children are attending two Federally-financed "First Chance" centers in this area, and are learning preschool skills and receiving physical therapy and individualized help.

I would like to share with Senators an interesting article which describes this program in greater detail. Written by Marge Runnion and entitled "A 'First Chance' for Brattleboro Youngsters," the article should make us all proud of the role we have played in making this worthwhile program possible.

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:

HANDICAPPED PROGRAM: A 'FIRST CHANCE' FOR BRATTLEBORO YOUNGSTERS

(By Marge Runnion)

A smiling little boy runs up and throws his arms around a visitor's legs in a cordial, pint-sized hug. Across the room, a small girl in pink slacks balances herself carefully on a slanting board. Five other children run around the room in a circular game of tag,

while still another little boy sits watching happily.

To all appearances, it's a perfectly normal pre-school scene: noisy, happy, busy, and a bit chaotic. Actually, it's a playroom at the "First Chance" center for handicapped children here in Brattleboro.

The friendly boy, for example, is severely retarded, and at four years of age required two months to learn his name. The little girl doing a balancing act on the plank is crippled by cerebral palsy, and the five-year-old lad who is watching with such keen interest is sitting down because that's all he is able to do. He has progressive muscular atrophy, which means he is gradually losing all ability to move his own body.

Until a couple of years ago, these pre-school, handicapped youngsters would have had no place to go within hundreds of miles for the education, training, and social experiences which they all so badly need. Now, they do. More than 50 children this year are attending two Federally-financed First Chance centers here and in Saxtons River, where they are learning pre-school skills, receiving physical therapy and individualized help, and, at the same time, quite obviously having the time of their young lives.

Whether they will continue to do so after this spring, no one yet knows for sure. They are both the beneficiaries and possibly the victims of Federal Money—beneficiaries, of course, in the obvious sense that a federal grant has made their education possible, but perhaps victims too in the sense that the experiences which now mean so much to them may end when the grant ends. And in the case of First Chance, that cut-off day is June 30.

"I hope we're not going to have to close," says Bob DeVoid, director of the First Chance centers, "but we do have to prepare for the possibility. The trouble is, there just isn't much money available these days, either in Washington or elsewhere."

However, both DeVoid and his staff are hopeful that funds will be found, perhaps not all from one source but from foundations which might support different aspects of the First Chance program, and from various other sources such as state aid. At present, no fees are charged for any child, and DeVoid would like to keep it that way.

Aside from the nagging financial concerns, the First Chance center at the corner of Oak and High Streets is a busy, thriving, active place that gives no indication that its operation is only a few years old.

It all started in 1968, when Congress passed a bill called the Handicapped Children's Early Education Assistance Act. It was cosponsored by the late Sen. Winston L. Prouty of Vermont, and through his efforts, this area was designated as one of only 24 throughout the nation to set up a preschool center for handicapped children.

A staff was organized here and planning began, under the sponsorship of the Brattleboro Town School District and the Health Care and Rehabilitation Services of South-eastern Vermont. (These groups, it might be noted, officially "sponsor" First Chance, but do not provide any funds for it.) On Sept. 18, 1969, six children were enrolled in a group at St. Michaels Episcopal Church. Four more were entered in a satellite center in Townshend.

During that first year, enrollment tripled, from 10 to 30 children; and now, midway through the third year, 57 children are attending the two centers in Brattleboro and in Saxtons River. Children formerly in the Townshend center are now bused to Brattleboro.

CENTER GROWS TOO

Thanks to the efforts of a grateful parent, the Brattleboro center's headquarters also have grown as much as its enrollment. It had become evident by last spring that more spacious headquarters were badly needed.

Therefore, as an expression of appreciation for the training that his own child had received at the center, a local man purchased the former nursing home at 2 Oak St. for First Chance's new headquarters.

Both staff and parents pitched in to refurbish the handsome old building in time for September opening of school. Walls were painted; furniture, carpets and a refrigerator were donated by various parents, and several fathers even made bookcases and shelves for the classrooms.

Much of the therapy equipment is handmade too, which as Bob DeVoid points out, has enabled the center to have facilities which would otherwise be far beyond its budget.

There are bars, for example, to help a blind child with uncoordinated body movement to walk. There is a large plexiglass screen on which images can be projected to help an autistic (extremely self-isolated) child to relate to things outside himself. And there is a carefully constructed one-way window in a classroom so that children may be observed without distraction from an adjoining hall. Often this device is also used to make videotapes of a child's work, which are then shown and discussed later with his parents and other staff advisers.

Sixteen of the younger children come to morning sessions at the Oak Street center, and 13 slightly older children attend an afternoon session. During each period every child has at least 30 minutes of individual special attention with a teacher or therapist, while also enjoying such traditional preschool joys as group play and juice-and-cracker time in the big old-fashioned kitchen.

INDIVIDUAL TRIUMPHS

All these activities go on simultaneously in what appears to be effortless coordination and informality. Yet each child's progress is being noted and recorded, and each scene reflects a series of small, individual triumphs for the young participants.

On a typical morning recently, for example, seven children in the large playroom were busily exploring the fascinations of a sandbox, a domestic corner with toy stove and refrigerator, and a pile of blocks. A Downs Syndrome (Mongoloid) child shared her sand toy with a deaf youngster, and a little retarded boy proudly announced his name that it had taken him two months to learn.

In another room, the Brattleboro center's coordinator, Arthur Schubert, worked with six children who have language problems. Sitting with them on the floor, he "sold" them bright imitation oranges and bananas, helping them buy their fruit with toy money and using this absorbing play to teach them sentence patterns and word usage.

The autistic lad, Jay, was an eager member of this group. A year ago, this youngster's self-isolation was so extreme that, at age 3, he used only four words, would not identify even with his parents, and would touch no one nor even sit near other children. Now, he has a 1,000 word vocabulary, and can enjoy group activities.

At one point that morning, he and his teacher laughed together at a joke, and Jay tumbled into his teacher's lap for a hug—a large triumph indeed for a boy who, a year ago, could not stand to be touched by anyone.

THERAPY AT WORK

In still another room, the center's fulltime physical therapist, Elizabeth Harris, worked with the boy handicapped by muscular atrophy. Lying face down on a pad, he too achieved a triumph by lifting each leg an inch or two off the floor, which evoked exclamations of praise from DeVoid and Mrs. Harris, and a happy stream of chatter from the boy.

A very small boy, whose paralyzed spine

is supported by a leather body brace, sat nearby on the floor, waiting his turn with Mrs. Harris. At one point, he toppled over on to the soft pad, and said "Help."

"Help!" said the physical therapist jokingly, giving him a tickle and a hug. "What do YOU need help for?" As she helped him to sit upright again, he was all smiles, and the therapy continued.

Throughout the center, the observer senses this almost tangible atmosphere of compassion without sentimentality or pity.

"Actually, we're probably more structured here than you'd find many regular schools to be," explained DeVoid. "Maybe even strict at times when it's necessary. We have to insist on positive acceptable behavior because the whole point is to establish a pattern in which a child can learn."

Children come to First Chance through a variety of ways, probably the most numerous being referrals from their doctors. During the past two years, the center also has offered screening tests for all three- and four-year-olds in the area, and still other children have been channeled into First Chance by the preschool screening given to slightly older children by the area's public schools.

Staff members include three full-time teachers with master's degrees in special education (Schubert in Brattleboro and Jim Machleid and Susan Brandon in Saxtons River) plus therapists and professional assistants. In addition, there is frequent consultation with physicians, psychologists and neurologists in Boston, Burlington, and even as far away as the University of Michigan.

OTHER PROBLEMS NOTED

Not every youngster who attends the two centers is as seriously handicapped as those mentioned so far. Some are merely a year or two behind the developmental norm for their age, due to cultural deprivation or other, sometimes obscure, causes. Some have relatively minor speech or body coordination problems. Nearly all these children will eventually be able to enter regular school classes, DeVoid says, provided they receive help while they are still very young.

"Otherwise," he says, "their parents are going to wear out the steps of principals' offices trying to find out why they can't learn."

DeVoid added that he himself has been surprised at the number of children who do need help. "We started with 10 kids," he says, "and now we have 57, plus 40 more that the tests show should be looked into. We could keep the institutionalization rate down if we could just get these children when they are 3 or 4 years old."

Brattleboro pediatrician John Trumper enthusiastically confirms these views.

"First Chance is the best thing that's hit this area in years," he said. "It's both long-term and immediately effective, and it's going to make such a tremendous difference in what happens to these kids later on. It's the envy of the whole state."

Dr. Trumper added that most people are not aware of the need for such a program unless they have a handicapped child themselves. Yet the need still exists, he said, "and the best spent dollar you can have is something like this where the money is spent for those who really need it by those who really care."

His enthusiasm is shared by many parents, who feel, as one father put it, that "there are so many kids like ours who can make it if they just have this help."

HELPING EACH OTHER

Another parent, Mrs. Irene Burtis, pointed out that besides the obvious advantages of receiving special therapy and training in preschool skills, the children also benefit greatly just from being with each other.

"All the children help each other, and they learn that other kids have problems, too," she said. "It's wonderful to see the cooperation

between the kids themselves, and between the children and the teachers."

This attitude of cooperation also extends to parents, as evidenced by the fact that recently Mrs. Burtis and others have formed a Parents of Handicapped Children group to discuss mutual experiences and problems. Another important purpose, Mrs. Burtis said, is to contact other parents whose children are not yet in First Chance, who may also welcome someone with whom to talk and share their feelings.

"So often people with a handicapped child just sort of hibernate," said a mother in the group. "They don't know what to do, and they may even feel sort of embarrassed. They usually seem immensely relieved to find that there are other people they can talk to who really are interested."

For these people, and certainly for their children, First Chance has been just what its name implies: a first chance to receive regular help, treatment and interest in problems that society as a whole tends to overlook or ignore. One parent summed it up quite simply when she said, "For me, it's hard to even imagine what the last two years would have been like without it."

THE GENOCIDE CONVENTION AND THE UNITED NATIONS DECLARATION OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, over the past 5 years I have raised virtually ever conceivable argument in support of ratification of the Treaty for the Prevention and Punishment of Genocide. I have listened to criticism of the treaty and have found little or no substance to it.

It seems to me that our refusal to endorse the Genocide Convention has been inconsistent with our past position of leadership in the world community on humanitarian issues. When critics of the convention argue that ratification would entangle the United States in a complex international agreement detrimental to our own interests I am amazed.

The United States forthrightly affirmed the basic rights and dignity of all men when we proudly endorsed the United Nations' Declaration of Human Rights. At that time we sought to place ourselves on record as extending to all men the rights of life, liberty, and equality which Americans hold so dear.

Yet, as the American Government continues to ignore the treaty to outlaw genocide, I begin to question our resolve when we sign the Declaration on Human Rights. If we sincerely agreed to protect those basic rights, how can we not condemn attempts to abrogate those rights through mass murders. What greater violation of human rights exists?

Certainly, our hesitation in ratifying the Genocide treaty is inconsistent with our position of leadership within the U.N. Therefore, I urge Senators to move swiftly to ratify this worthy treaty.

WELFARE REFORM

Mr. RIBICOFF. Mr. President, it is long past time for welfare reform to take its place at the forefront of the Senate's priorities for action.

As I have already indicated, the Finance Committee welfare proposal is inadequate, inequitable, and inefficient.

True reform is embodied in a family

assistance plan which requires States to make supplemental payments to hold recipients harmless against cutbacks, which provides for Federal uniform eligibility payment standards and administration, and which provides suitable jobs at a decent wage for those able to work.

The present welfare system is a catastrophe. No amount of patching up will suffice. It demeans the recipients, encourages family disintegration, discourages work, and provides inadequate payments. We in the Senate should concentrate our efforts on passing a more adequate version of the House-passed H.R. 1.

It is imperative, therefore, that the Senate have an opportunity at the earliest possible moment to enact welfare reform.

This morning's Washington Post editorial clearly points out the failings of the Finance Committee proposal and the need for supporters of welfare reform to join together.

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

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

WELFARE REFORM (FINANCE COMMITTEE STYLE)

Ten days ago, by a vote of 10-4, the Senate Finance Committee tentatively approved a substitute measure for Mr. Nixon's Family Assistance Plan. That means there are now three welfare measures with strong political support contending for congressional passage: the House-passed and administration-backed version of the Family Assistance Plan which has been considerably altered since Mr. Nixon introduced it in 1969; Senator Ribicoff's variation on that measure which retains many of the better features of the original Nixon plan and adds some improvements of its own; and this most recently devised Finance Committee alternative which is different in kind, not just in degree, from what Mr. Nixon originally set out to do.

Because none of these three measures can be expected to attract sufficient support on its own to pass in the Senate, it is evident that any legislation passed in the current session must represent an accommodation between supporters of two of these three bills. And it now seems evident, too, that any such accommodation will have to be made between supporters of the Ribicoff and administration bills. That is because the Finance Committee bill, devised mainly by Senator Russell, departs so sharply and fundamentally from the principles invoked by the White House in behalf of its own measure that no amalgam of the two seems possible. For our part, we do not consider this entirely bad news, having hoped (and urged) for some while now that backers of the administration and Ribicoff legislation would get down to the business of fashioning a sound and desirable single bill on which they could agree.

That alternative avenues for a White House accommodation with the Finance Committee's variation are closed off seems obvious—to say the least—from the administration's public response on its unveiling. We quote from remarks made by Secretary Richardson at the White House and echoed in other administration assessments of the Russell Long bill: "... a \$9 billion step backward ... into the leaf-raking schemes of the 1930s ... to the present patchwork of welfare contradiction and injustice, the Senate Finance Committee version would, at massive costs create a new jumbo of overlapping Federal and State programs ... it would distort private market incentives, create a massive per-

manent force of [federal] employees and subject recipients to government intrusion into private life never before experienced in this country."

While we are inclined to agree with the assessment, it seems to us worth observing that the proposal itself is surprising in several respects as the handiwork of men who regard themselves as "conservative" on this issue (all the committee Republicans voting broke with the President); and it also strikes as particularly illustrative of the way in which certain assumptions about the poor can lead sober men to the most incautious and reckless of judgments. The principal assumption which underlies this bill is that the poor in this country are poor because they refuse to take available jobs. It is an assumption which is hard to square with what is known about the skill levels, job opportunities and unemployment rates as they affect the poor—especially poor blacks and/or women—who are the particular target of the Finance Committee's "reform." It is also an assumption hard to square with the fact that generally wherever job programs have been tied into welfare disbursing programs, the voluntary demand for work and work-training on the part of welfare recipients has exceeded the available supply.

Nevertheless, from this assumption flows the rest of the committee plan—which simply abolishes benefits for those whom the committee considers employable. Women whose children are above six years of age and who are themselves heads of family are included among these employable persons. Neither they nor their children will receive benefits except as a wage for the parent's work. Work includes partially subsidized (by the federal government) jobs at sub-minimum wage levels in the private sector or jobs paying \$1.20 an hour with the employer being the federal government itself in the form of a new corporation which has created jobs. The corporation could oblige workers, in turn, to take certain jobs in the private sector for which it would actually pay the \$1.20 hourly wage. Mothers of children under six would be exempted from these provisions, but the way in which the committee has chosen to fund and define this part of the program would result in severe economic hardship—starvation terms, in fact—for many. For those who did work at the makework "jobs" created by the federal government and hedged with an incredible array of taxes, rebates, allowances and the rest, the incentive to work to improve one's condition would be practically nonexistent. By making payment to oneself and one's children dependent upon taking such a job, the committee has created only an incentive not to starve. Its measure would make much work effort beyond that disappointing and even costly to the welfare recipient.

Given its assumptions (and its mood), the majority of Finance Committee members might well have merely settled for cutbacks in the present program. What is rather surprising is that it instead decided to produce this massive and costly job creation and wage subsidy proposal. Presumably that effect is entirely in keeping with the view that welfare recipients nowadays are largely people who refuse to work. But the consequences of the proposal are interesting and surprising chiefly because they run—one would think—so directly contrary to the conservative values held by so many of the men who crafted the proposal. An enormous federal expenditure, the creation of a mind-boggling new federal bureaucracy with authority to intervene in private lives and private sector markets in an unprecedented manner, the congressional go-ahead for a mechanism that must distort wage structures and drastically interfere with the workings of the labor market, a proposal which would all but indenture certain citizens to federal employment and give them very little incentive or means to really move

ahead—all this is demonstrable in the committee proposition. It is, in its way, a New Deal program gone insane.

Our editorial voice may not be—to put it mildly—what you would call the most persuasive or heeded voice in conservative circles. But we would urge those legislators who are beguiled by the committee alternative to consider whether it does not do violence to terribly important principles—principles that in a way transcend the simple, current definitions of liberal and conservative, "left" and "right." In our view, an honorable, practical and decent alternative can be fashioned from the other two bills now before the Senate—one that both the administration and Senator Ribicoff's backers should be able to support. We intend to become more specific about such a proposal in the days ahead. The Finance Committee alternative has made such a measure all the more urgent and it has suggested, too, that we all could do worse than go back and re-examine what objectives, what values we have in mind for this country when we talk about welfare reform.

HANDS UP FOR HEADSTART WEEK

Mr. McINTYRE. Mr. President, I invite the attention of Senators to a special commemoration which begins today in my State of New Hampshire. By proclamation of the Governor, the week of May 7-13 1972, has been declared "Hands Up for Headstart" week. All citizens have been urged to join in the observance by contacting local Headstart centers, inquiring about the program, and attending a center open house.

I wholeheartedly support this salute to Headstart. All reports indicate that it has been very effective in better preparing our preschool children in low-income areas for full participation in the education process. I have consistently supported this program in the past, and hope to have the opportunity to do so again very soon when the bill to extend the program comes before the Senate.

The evidence of community acceptance of Headstart has been brought to my attention many times. I think a great deal of credit for this success should go to those in each State who are responsible for administering the program. I am especially proud of the fine Headstart projects operating in my State of New Hampshire, and I would like, therefore, to pay particular tribute to the very able directors of these projects: Fred Hill, Jr., Tri-County Headstart—Coos, Carroll, and Grafton Counties; Mrs. Ann Weddleton, Belknap-Merrimack County Headstart; Donald Hutchinson, Hillsboro County Headstart; Elizabeth Beckett, Strafford County Headstart; Richard Yturregui, Rockingham County Headstart; and William Marcello, Sullivan-Cheshire County Headstart.

I ask unanimous consent that the proclamation by the Governor of New Hampshire, declaring May 7-13 "Hands Up For Headstart" week, be printed in the RECORD.

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

HANDS UP FOR HEADSTART WEEK, MAY 7-13, 1972

Whereas, the purpose of Head Start is to provide the child with a feeling of self worth by providing positive social, nutritional, physical, emotional and educational experiences and benefits and;

Whereas, Head Start attempts to develop better parent-child relationships by involving parents in the program through Parents Policy groups and classroom participation and;

Whereas, Head Start should be available to all eligible New Hampshire families through adequate funding, and;

Whereas, it is an objective of Head Start to inform the citizenry of its goals and objectives;

Now, therefore, I, Walter Peterson, Governor of the State of New Hampshire, do hereby proclaim the week of May 7-13, 1972 as "Hands Up For Head Start" week in New Hampshire and urge all citizens to join in the observance by contacting local Head Start centers, inquiring about the program and attending a center open house.

QUORUM CALL

The ACTING PRESIDENT pro tempore. Is there further routine morning business?

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

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

The second assistant legislative clerk proceeded to call the roll.

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

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

SELECT COMMITTEE TO STUDY QUESTIONS RELATED TO SECRET AND CONFIDENTIAL GOVERNMENT DOCUMENTS

The ACTING PRESIDENT pro tempore. If there is no more routine morning business, the Chair lays before the Senate a resolution coming over under the rule, which the clerk will state by title.

The assistant legislative clerk read the resolution (S. Res. 299) by title, as follows:

A resolution to establish a select committee to study questions related to secret and confidential Government documents.

Mr. JAVITS. Mr. President, I have consulted with both leaders about this resolution, which, it will be recalled, arose in the course of discussions and proceedings which are now a matter of public record, to the extent that the Senate has decided they should be a matter of public record, which took place last week in closed-door sessions.

Mr. President, I think it is fair to say that this represents an orderly procedure, on a high level and on a completely ad hoc basis, to endeavor to deal with the problems which the Senate considered.

The language of the resolution, Mr. President, is very simple, intentionally, and very broad, intentionally. Indeed, in order to encompass all questions which would possibly be raised, rather than to complicate the resolution with specifics—because I think that with the kind of ad hoc committee which would act, we are better off leaving the committee with a broad mandate and with the opportunity to make recommendations in almost every direction they wish—I would be prepared, if Senators were willing, to amend the resolution which I have pro-

posed for myself and the number of cosponsors whose names are printed by substituting, on page 2, line 7, by substituting for the words "classification, declassification, or reclassification" the same words which appear in the resolution at page 2, lines 3 and 4, to wit: "secrecy, confidentiality, and classification."

It seems to me that if we did that, it would encompass all questions of the classification of papers by various Government departments and even the invocation of executive privilege, if the committee chose to extend its authority to that extent, and it really should satisfy everybody that the committee should be seized of everything that we had every right to look into as a House of Congress.

I would hope very much that, one, the resolution could be acted on today. I do not think it is precipitate. It does not try to do anything substantive. Senators have had a chance to look at it in order to assure themselves of that fact. Second, I would hope that Senators who feel it needs to be amended or changed to be made more specific will also support it on the ground that its general quality is its own commendation and leaves a change up to the committee itself, which will be a committee of high level.

For myself, I would say, one, that the subject involves an urgent need to be looked into; two, it needs the kind of action which only a high level committee could give it on an ad hoc basis.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. JAVITS. Mr. President, may I ask the Chair what the time situation is in the discussion of this matter?

The ACTING PRESIDENT pro tempore. The resolution is debatable until 2 o'clock this afternoon.

Mr. JAVITS. And is there any limitation of time in which each individual Senator may be heard?

The ACTING PRESIDENT pro tempore. There is no time limitation.

Mr. JAVITS. I thank the Chair. I was not going to preempt the floor, but, with the indulgence of the Senate, will gladly yield.

I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I wish to commend the Senator from New York for pressing this matter. As the Senate knows, he had much to do with the action in the committee on this subject, but there were some members—at least one member—who did not wish the committee itself to attach this kind of provision to that resolution, and I think the procedure the Senator from New York and his cosponsors are suggesting is the better one.

I want to ask a question. While this primarily relates to documents and information that come to the committees, the Senate, and to individual Senators, as in the case of the Senator from Alaska, does he conceive that this excludes the overall problem of classification generally which arose, as the Senator knows, during the course of the debate?

Mr. JAVITS. I do not think so at all. I think the last clause and the laws and rules relating thereto, and as I hope to change it, with the Senate's consent, to "secrecy, confidentiality, and classifica-

tion of Government documents, and the authority therefor," will include every question I can think of as a lawyer which can arise.

Mr. FULBRIGHT. I wanted the record to be clear that that is what the Senator from New York conceives of. It seems to me that this committee would be of assistance to the Subcommittee on the Separation of Powers headed by the Senator from North Carolina that is dealing with legislation in the field of executive privilege. These are complementary, it seems to me, and this kind of committee would perhaps be of help to that committee—not that I think that committee necessarily needs any, because I think it is a competent committee, but I think it is necessary to reestablish normal relations between the legislative and executive branches of government.

Mr. JAVITS. I thank my colleague. I want to emphasize the fact that a committee that has as broad a mandate to make recommendations and look into a subject as this committee has the privilege of doing nothing, or doing some of something, or leaving it to another committee. I think the situation which we faced last week illustrated the need for this kind of calm deliberations on the part of the Senate. Knowing the leaders as we both do, I think there is no doubt that the committee will be found satisfactory to the Senate. I think its virtue is that it does not necessarily have to do anything, but it commits the problem to the kind of group that can be constructive in whatever way the Senate needs to be assisted.

I yield now to the Senator from California.

Mr. CRANSTON. I thank the Senator for yielding.

As the distinguished Senator from New York knows, I have proposed three amendments to his resolution, a resolution that I have joined in cosponsoring. The first amendment was designed to cover the matter of the executive privilege and the interest of Congress in securing certain information and reports which may be in the hands of the Executive.

It is my understanding that the amendment offered this morning to his own resolution by the Senator from New York, if incorporated into the resolution, would cover that matter of executive privilege and of the interest of Congress in and its possible right to secure information that may be available to the executive branch. Is that correct?

Mr. JAVITS. I would like to say "yes" to that, but I add immediately the caveat that there is nothing in this resolution which would make the committee either consider that question or report on it. I want to make that very clear.

Mr. CRANSTON. Yes.

Mr. JAVITS. The resolution is broad enough to cover the issue, but that does not mean that this committee would deal with it. They may decide that this is something they do not want to deal with, and they are completely at liberty not to. I must confess my feeling that because the question is one of such sensitivity, it would be well to enlist the best aid we

have in its consideration. Sometimes the best answer is silence. So, while the answer to the Senator's question is "yes," I must add that that does not mean they will do anything whatever about that subject, or any other. But we will have asked them to look into everything, including that.

Mr. CRANSTON. I understand and accept that answer. I have consulted with the Senator from Arkansas (Mr. FULBRIGHT), who was the cosponsor with me of that proposed amendment, and with that understanding, and the understanding that the resolution will be amended as the Senator from New York has indicated, we will not press that amendment.

I would like now, if I may, to ask about the area covered by the second amendment I have proposed. The second amendment would request the committee proposed by the Senator from New York in his resolution to consider establishing an enduring mechanism for dealing with this general problem of classification, declassification, and secrecy. Is it the understanding of the Senator from New York that that action would be within the purview of the proposed committee that he suggests be established, that they could consider doing that and act in their own wisdom on that aspect of the problem?

Mr. JAVITS. There is no question about the fact that, again, the answer is precisely the same, but again with the caveat that they may choose to do nothing about it.

The Senator will notice they are asked, if they wish, to give us recommendations or proposed guidelines with respect to those recommendations. Certainly they do what the Senator suggests in his amendment if they wish, but I have to add the latter, because, knowing the nature of the subject and the committee, I cannot assure the Senator they will. I can only assure the Senator they can if they wish.

Mr. CRANSTON. I accept that answer and I shall not press that amendment.

The third amendment I have proposed would provide that until the committee has established an enduring mechanism, if it finds it wise to recommend that that be done and the Senate then acts, until such time the committee established by the Senator's resolution would be instructed to consider any documents in the possession of any Senator and make a recommendation in regard to classifying or holding classified or declassifying all or part of any such material in the hands of any Senator or group of Senators who wish advice on how to handle it. It is my understanding that the Senator's resolution actually would not preclude any Senator or group of Senators from going to that committee for advice on what to do about any papers in their possession, but it would not require, however, that such committee give any such advice if it did not choose to do so. Is that correct?

Mr. JAVITS. That is correct. I give no authority to the committee to deal with a matter of that character, which means setting up a negative ambit. As a matter of fact, I think it would be very difficult

for me to do it. I would not impose such a burden upon them.

However, with 10 such prestigious Members of the Senate, if they wished to counsel any Senator, and the Senator wished to follow their counsel, it seems to me, first, if they wished to offer counsel, and second, he decided to follow it, that would give that Senator a very strong position with the Senate. But that is quite outside the terms of the resolution. It seems to me if the committee picks 10 people in whom I know Senators would feel confidence, and a Senator were to say, "Look, I have a very sticky problem, will you give me advice as to how to handle it," it would seem to me they would. And having given their best advice as to how he could handle it and preserve his constitutional immunity, if he then follows that advice, I should believe, if I were the Senator's lawyer, that he would then have a strong standing with the Senate on the question as to whether he had abused his constitutional immunity.

However, this is strictly outside the terms of the resolution; but he could take advantage of the fact that such a committee existed if they were agreeable.

Mr. CRANSTON. I thank the Senator. In part because of the statement of the Senator from New York, whom I respect very much, and in part because of some questions which the Senator from North Carolina (Mr. ERVIN) has raised. I shall not press that amendment. So I now support the amendment of the Senator from New York in its present form, with the understanding that he will revise it in the manner he suggests.

Mr. JAVITS. I thank the Senator. I advise the Senate that I will make the amendment, but the leaders felt, in a matter of such a nature, we ought to have an expression of feeling from Senators as to what they thought about it before taking such a step.

Mr. ALLOTT. Mr. President, will the Senator yield for a question or two?

Mr. JAVITS. I yield.

Mr. ALLOTT. First of all, I have a rather technical matter, which arose out of a situation I had several years ago.

I am informed by the Parliamentarian that the committee should probably, in the first and second lines, eliminate the word "select," since the Senate is not selecting the actual membership of the committee.

Addressing this part of the inquiry to the Chair, am I correct in my understanding of the views of the Parliamentarian?

The PRESIDING OFFICER. That was the concept of the words "select committee."

Mr. ALLOTT. I suggest to the Senator that, while it may not be an earth-shaking deal, it might be wise to make that change.

Mr. JAVITS. I certainly shall eliminate that word. Might I ask, if the Senator will indulge me, could I get the advice of the Parliamentarian if the words "ad hoc" would be appropriate for such a special committee?

The PRESIDING OFFICER. The Senator could make it a special committee or a special ad hoc committee.

Mr. JAVITS. I thank the Chair. I shall certainly eliminate the word "select."

Mr. ALLOTT. I thank the Senator. Referring more directly to the subject matter, I think the Senator has been wise in his selection of a special committee. It would be, then, a special committee?

Mr. JAVITS. Yes.

Mr. ALLOTT. To study questions related to secret and confidential Government documents.

Does the Senator have in mind that this would cover all questions relating to secret and confidential Government documents, including the purloining or theft of those documents, and the position that a Senator would be in if he knowingly accepted documents of a highly classified nature which were known by him to have been stolen?

Mr. JAVITS. I think my answer to that would be "Yes," if the committee wished. I might tell the Senator that I had quite a difference with my own staff about using the word "committed." The word "committed," which I use in the resolution, I have used advisedly, because I did not wish to take cognizance of any other means of acquisition but a commitment, either to the Senate or a Member thereof, which would mean some lawful delivery or lawful possession. Therefore, by using the word advisedly, it seems to me I also include the opposite of that word, and the committee could, if it wished, consider what ought to be done about documents that are not committed to the Senate or any Member thereof and yet they are in possession of a Senator, because they also are called upon to deal with the laws and rules relating to—and so forth.

It seems to me that, one, I should not give acceptance, as it were, in terms of resolution, to any unlawful means of gaining possession, but that the committee should, nonetheless, be able to consider all laws and rules relating to any kind of possession, and that is what I tried to sum up in the last clause.

Mr. ALLOTT. Since our sessions last week, I have not had an opportunity—and I do not have the staff—to explore this question; but I stated last week that I was thinking, also, of a thorough analysis of the British system. I believe it is called the Secret Papers Act.

Mr. JAVITS. That is correct. It is something like that.

Mr. ALLOTT. Something of that type. Friends have told me that it is a very fine document.

But the Senator from New York knows of my concern—not only for this administration but also for administrations to come, whether they are Democrat or Republican—with respect to the situation an administration may face unless it can be assured of more stringency in the inviolability of its really secret documents. So what the Senator has in mind also would include the purloining or theft of documents, the coming of those documents to a Senator who had knowledge thereof, and all matters of that type.

Mr. JAVITS. Yes. Again, if the committee wished.

Mr. ALLOTT. If the committee wished. In my opinion, if the committee did not

wish to explore that subject, the committee would, in fact, just be chipping off the top of the iceberg in this matter.

I have one other question—and I am not a nit-picker, as the Senator knows. The 60-day period does bother me. I know of the Senator's desire to move this matter and to get some action on it. Frankly, I could not have supported the three amendments that were placed in here by the Senator from California because, in my opinion, they weight the whole disposition of the committee study. But I am considering the fact that this matter has been talked about for years—I suppose the Committee on Foreign Relations has discussed it many, many times; I am not a member of that committee, but the Senator is—and that various people on the Hill have looked at it for a long time. We have 15 appropriation bills to dispose of before June 30. We have the pending legislation to dispose of. We have the Kleindienst nomination. Then, from June 30 until July 17, Congress will be in recess for the Democratic National Convention. We will be back here approximately a month, and then there will be 10 days for the Republican Convention. Hopefully, we will not have to come back, but I am not that optimistic as yet.

In view of this schedule, does not the Senator think that this special committee really should have a longer life tenure than 60 days? I would regret very much if the committee had to meet a few times and had to depend entirely on staff work and did not have the opportunity of really beating out among themselves the fundamental questions which I think this country faces today. Does not the Senator think that a longer period would be more advantageous, even if the final report of the committee did not come in until late in the fall?

Mr. JAVITS. Would the Senator do me the greater honor of listening to me very carefully?

Mr. ALLOTT. I always do.

Mr. JAVITS. I think I can persuade the Senator that what I have in mind is proper. One cannot say that it should be 60 instead of 61 or 59, but I think it is the right approach, and I will explain why.

I think what we are really doing is establishing a threshold operation. If the committee feels that it is the body to do this job, it will come in and seek more time and will get it. There is no question about that. On the other hand, the committee very well may decide that this is a question of which other committees ought to be seized—Judiciary, Foreign Relations, Armed Services, or any combination of them; also, that perhaps other things ought to be done in the Senate with respect to this matter. Therefore, as a threshold committee, in order really to give us a blueprint for the way we ought to approach this matter—I thoroughly agree with the Senator that they cannot possibly come out in 60 days with any mature resolution on this subject which will be satisfactory to the Senate and the country—I do believe that in 60 days a committee at this level can chart the way we ought to go. They will advise that they will handle it, that other

committees should handle it—or whatever way they think we ought to go.

Therefore, I think it would tend to be reassuring to Senators, perhaps, who would not wish it locked into this kind of ad hoc committee but would rather have the freedom to say, "Let every committee handle it on its own," or whatever argument they wish to use. Sixty days seems to me to be just about the outside parameter on both sides—that is, not too short so that they really cannot do anything and not so long as for anybody to feel that "they are locked in, they are seized of this, they are the only body that is going to do it, so I have to make a permanent decision if that is where I want to entrust it."

I suggest to the Senator that this is about the right prescription for now, bearing in mind that the committee will tell us where they think we ought to go.

Mr. ALLOTT. With respect to the threshold concept, I would not object to the 60-day period. I think it is important to remember that this is not a legislative committee; neither do I think it should at this point—at least, in a 60-day study period—recommend specific legislation, because it is a far more complicated and difficult subject.

The Senator from New York mentioned several committees, and I should like to add very quickly two others. One is the Appropriations Committee and another is the Joint Atomic Energy Committee, both of which are highly involved in the same areas of classified documents that the committees of which he spoke are involved.

I think that a threshold is about all that any committee could do. I will not specify, but it occurs to me that this matter certainly should be reviewed in full by the Committee on the Judiciary, because much of the matters in there actually pertain to the judicial process and enforcement of laws. There are other aspects, of course, and other committees also might wish to look at it. If this proposal should go forward to change any laws, or if we were to enact laws which would have the effect of changing customs or patterns of behavior in handling these matters, I think that the proper committees in Congress should be the ones to do it rather than a select committee.

Mr. JAVITS. I am very grateful to my colleague.

Mr. ALLOTT. I appreciate the Senator's yielding.

Mr. JAVITS. Mr. President, in response to my own view as to what we ought to do, I should like to inform the Senate that, for my part, I am ready to see the resolution acted upon, up or down. But if Members feel that they wish to have it referred to the calendar, of course I would certainly not waste the Senate's time by taking another hour to get that done. It will be done automatically at 2 p.m. So I will yield the floor because I do not want to preempt the floor, as another hour is left, to talk about the matter. If Members are willing to see it acted on today, it will be, and I am perfectly satisfied, no matter how the Senate deals with it, but if Members wish to put it on the calendar, it is easy to get that done.

Mr. ROBERT C. BYRD. Has the Senator modified his resolution in accordance with the suggestions made during this colloquy?

Mr. JAVITS. I will be happy to do that now or later. I am sort of following the advice of the leadership, to see how many Members feel about the whole thing, before putting it in final form. I am ready to do that at any time before it goes on the calendar or before it is acted on, but I thought it would be better to see how Members felt about it.

Mr. ROBERT C. BYRD. My thought was that if the Senator would modify his resolution at this point there might or might not still be objection to action on the resolution today.

Mr. JAVITS. All right, Mr. President, am I at liberty to modify my resolution?

The ACTING PRESIDENT pro tempore (Mr. STEVENSON). The Senator from New York has that right.

Mr. JAVITS. Then I modify the resolution as follows:

On page 1, line 2, strike out the word "select."

On page 2, line 7, strike out the words "classification, declassification, or reclassification," and insert in lieu thereof the words "secrecy, confidentiality, and classification"—with a comma after secrecy and a comma after confidentiality.

The ACTING PRESIDENT pro tempore. Will the Senator send his modification to the desk?

Mr. JAVITS. I will.

The ACTING PRESIDENT pro tempore. The resolution is so modified.

Mr. HRUSKA. Mr. President, I rise to suggest that this resolution should be placed on the calendar so that the Senate can have additional time to consider it on the merits. I rise for the further purpose of announcing that, in due time, when the matter is brought before this Chamber, and unless those who are a little more senior either in service in the Senate or those who are a little more senior in the handling and processing of this general subject, preempt my right and my opportunity to do so, I intend to move that this resolution be referred to the Committee on the Judiciary, where it belongs.

Mr. President, this is not a new subject. It is not a subject which has been neglected by this body in the past. In the last five Congresses that I remember, those immediately preceding this, this subject has come up for consideration in one form or another. The history books tell us that this struggle over procedures, in the first place to classify and in the second place either to respond or not to respond to either judicial or legislative process, first started at the time of George Washington.

Mr. President, it is a regrettable fact of life that constitutional powers in this country are abused from time to time. The rights and privileges granted under our Constitution are not foolproof. That is why the statement is also made that with every constitutional right comes a constitutional responsibility.

The Constitution, for example, provides for freedom of speech and freedom of press. Less explicitly but with equal force, the Constitution establishes the President as our country's Chief Execu-

tive, with the inherent power to ask executive privilege regarding information in his position in the executive branch. The President's power also extends to the related authority to classify information according to the harm which its widespread knowledge would cause the country.

The Senator from New York has highlighted the problem of overclassification by introducing Senate Resolution 299. It has already been altered from its original text so that it will embrace not only classification but secrecy and confidentiality of Government documents, as well as the authority for classifying and for establishing guidelines.

Mr. President, I would suggest there are a number of reasons why this matter should not be approached by a resolution or by the formation of an independent committee, commission, or other body, especially at this particular time.

I would name as one of the reasons for this that the President has issued a new Executive order on the classification system which will become effective on June 1 of this year. It has been filed with Congress. It is Executive Order No. 11652, signed March 8, 1972. It contains a complete revamping of the system which now exists for the classification of documents in the executive branch.

It is my recollection that this kind of Executive order first came into being shortly after World War I. The first basic and fundamental Executive order on this subject was promulgated by President Harry S. Truman, I believe in 1947 or 1948. It was superseded by a revision by President Eisenhower in 1953—Executive Order 10501—and that has stood—not in its original form but as modified in various of its features by President Kennedy and by President Johnson. Now President Nixon has issued this complete revision which supersedes in its entirety Executive Order 10501, as amended.

By reasons of this new order, we are going to get a fresh hold on this matter of classification. There have been hearings held by the Armed Services Committee in the other body on this matter and on H.R. 9853, which has to do with the establishment of a commission for the continuing review of classification procedures in the executive branch. On March 13 of this year, Ralph Erickson, Assistant Attorney General, Office of Legal Counsel, in the Justice Department, testified before the other body and made a very good case for the holding in abeyance of any measure which interjects the legislative branch into this complex subject until such time as the new Executive order has become effective and the results are known.

The title of that bill, H.R. 9853, says that it is to provide, under the National Security Act of 1947, for a continuing review and study of the measures that should be taken with respect to the designation and protection of information within the Department of Defense and certain other agencies which affect the national security. Its first sentence, marked section 501, says that there is to be established a commission to be known as the Commission on Information Protection and the National Security. It

goes on to tell the Commission's purposes, what it shall have as its powers, functions, and so forth. It is somewhat reminiscent of Senate Resolution 299. It is quite clear that the other body has been working on this question also.

There is another measure pending before the Senate, S. 1125, dealing with one aspect of this particular subject. The bill would provide that an employee of the executive branch summoned or requested to testify before any agency of Congress who intends to exercise executive privilege shall not refuse to appear on this ground. In no case shall an employee assert executive privilege unless he presents a statement signed by the President personally requesting him so to do.

If any Member of this Senate is interested in supplementing his reading list and enjoying a weekend or some evenings in intellectual pursuit, it might be well for him to pursue the hearings held on this bill on July 27, 28, 29, and August 5, 1971, by the Senate Separation of Powers Subcommittee, entitled "Executive Privilege: The Withholding of Information by the Executive."

May I be so presumptuous as to suggest that my colleague start with the text of the remarks of the Honorable Dean Acheson, who testified on this bill in an inimitable style and with devastating effect on the error of choosing some little facet that has a superficial imprint in this vast area of activity of the three departments and saying, "We will rearrange this."

Speaking from the point of view of a man who was there and who devoted the balance of his life to the consideration of the problem, a man who is regarded as especially experienced in the purview of the Department of State as well as in the practice of law, the Honorable Dean Acheson laid out a very splendid analysis of such effort.

With all due regard to the Senator from New York as the author of the pending resolution, substituting Senate Resolution 299 for the proposal mentioned in the text of Dean Acheson, I believe that a reading of that statement alone would convince any reasonable man that this subject deserves and must have more study and deliberation and expertise than the formation of a committee to report within 60 days or, Mr. President, within 160 days. It will take more than that.

There is another reason why we should not go forward with this resolution and if it should be placed on the calendar and eventually referred to the Judiciary Committee.

Mr. President, we must envision what this would do to our regularly established order of doing business. Here is a subject which has been considered by the Judiciary Committee, not once, but many times in recent years. Let me say that it is being considered currently, because July and August of last year are past of the current Congress. It is within the express jurisdiction of the Judiciary Committee. Five full days of hearings were held last summer, with 600 pages of testimony. The list of witnesses is notable.

I ask unanimous consent to have printed in the Record the names of the

notable witnesses, distinguished legal scholars, and experienced people, who testified on this question only last year.

There being no objection, the list of names was ordered to be printed in the Record, as follows:

Acheson, Hon. Dean, former Secretary of State; Covington & Burling.

Berger, Raoul, Esq., Concord, Mass.

Bundy, William P., Massachusetts Institute of Technology, Center for International Studies.

Buzhardt, J. Fred, general counsel, Department of Defense.

Dorsen, Norman, professor of law, New York University School of Law; general counsel, American Civil Liberties Union.

Fulbright, Hon. J. William, a U.S. Senator from the State of Arkansas.

Harriman, Hon. W. Averell, former Ambassador to Great Britain and to the Soviet Union.

Keller, Robert F., Assistant Comptroller General of the United States.

Moss, Hon. John E., a Representative in Congress from the Third Congressional District of California.

Reedy, George, Fellow, Woodrow Wilson International Center for Scholars, Washington, D.C.

Rehnquist, William H., Assistant Attorney General, Office of Legal Counsel, Department of Justice.

Roth, Hon. William V., Jr., a U.S. Senator from the State of Delaware.

Rusk, Hon. Dean, former Secretary of State; professor of international law, University of Georgia.

Salans, Carl F., acting legal advisor, Department of State; representing the Honorable William P. Rogers, Secretary of State.

Swan, Alan C., professional lecturer in law, Graduate School of Business, University of Chicago.

Symington, Hon. Stuart, a U.S. Senator from the State of Missouri.

Tunney, Hon. John V., a U.S. Senator from the State of California.

Wellford, Harrison, associate, Center for Study of Responsive Law, Washington, D.C.

Mr. HRUSKA. Mr. President, here we have a matter under the jurisdiction of the Subcommittee on the Separation of Powers, under the leadership of the chairman of the subcommittee, one of the most highly respected and regarded Members of this body, the senior Senator from North Carolina (Mr. ERVIN). He is not here today. The chairman of the parent Judiciary Committee also is not here today. They are absent on what we sometimes call official business. It has to do with the electoral process, a common affliction these days. At any rate, they are not here. It seems to me that we will by this resolution, which the sponsors are now willing to have voted on, block out of the jurisdiction and dominion of the Committee on the Judiciary this subject which is so fundamentally and inherently within that committee's expertise.

Mr. President, I would suggest that this would be viewed in a very dim light indeed by the chairman of the Judiciary Committee and the chairman of the Subcommittee on Separation of Powers. Indeed, such a step would be viewed in a very dim light by members of other committees who might be subjected to this type of treatment.

The supporters of Senate Resolution 299 would argue that no action has been taken in this field in the past, and that we want action and we want it now.

Mr. President, it does not work that way in this body. This is not the only

fundamental proposition pending in this Congress that has not been resolved. There are many others. And may I suggest that is one reason why the Senator from North Carolina has not been able to proceed in this session with these hearings before the Separation of Powers Subcommittee on S. 1125, the subject of which he has given much time to in the last year or year and a half, is that he has stood on his feet in this Chamber starting on about January 21 or January 22 and almost unremittably has been here advocating or opposing either one major measure or another. When one does that, there is not much time to get into the study of a fundamental proposition like this one. There just is not time. And this is not the only measure to suffer this fate. This is not new, I say with due deference to any difference of opinion on this subject.

All we have to do is to cast our eyes at history. From time to time there have been many Members of the Congress who have risen to say that this matter must be attended to and that it must be attended to now, that we must reach a final solution now and forever. It does not work that way either. In the final analysis, there has always been a reconciliation of differing viewpoints on the part of the executive department which resists in some instances the furnishing of documents and of witnesses; and on the part of the Congress when there is a demand for the processes which issue to the executive branch to furnish these materials.

These are some of the reasons why, first of all, this resolution should be put on the Calendar and given considerable deliberation and study.

The opportunity should be taken to refer this proposal to the Judiciary Committee for its consideration. That is where it belongs.

Let me suggest that just by reading some of the opening parts of the testimony of Ralph Erickson, who appeared on March 13 in the other body in connection with the hearings on H.R. 9853, the complexity of this subject is apparent:

First, I will outline the existing classification system and its historical antecedents, and set out the most significant provisions of the new Executive Order No. 11652 issued by the President last week. Then I will discuss the legal basis for the issuance of Executive Order No. 11652 and its predecessors, and two related areas of the law. Finally, I will speak generally to the appropriateness of and the need for congressional action such as H.R. 9853 in the areas covered by the new Executive Order No. 11652.

Then he proceeded to testify on those three categories.

His final category—congressional action—is especially relevant and I ask unanimous consent that the text of Mr. Erickson's remarks on this subject be printed at this point in the Record.

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

TESTIMONY OF RALPH ERICKSON

I would like to address myself to the important question whether congressional action, in addition to the executive action already taken, is desirable at this time, with

particular reference to H.R. 9853. It should be noted at the outset that Congress can, if it wishes, legislate in much of the area now occupied by the new Executive order. While meaningful discussion of the limits on congressional power in this area can be conducted only in the context of particular legislative proposals, it can be noted as a general matter that the constitutional doctrine of executive privilege is one limit on the power of Congress to legislatively determine the extent of protection of information by the Executive branch of our government.

For a number of reasons it is my belief that executive action is preferable to congressional action in this area, except in the extreme circumstance where executive action has proved unsatisfactory and the Executive is unwilling or unable to undertake necessary corrective measures. Whatever the wisdom of the assignment, our Constitution largely confides the conduct of the nation's foreign affairs and the maintenance of the national defense to the Executive. Because it is the Executive who must usually act for the nation in these areas, it is also the Executive who is in the best position to judge when such action requires secrecy in order to succeed. From the very beginning of this nation, it has been recognized that the President must sometimes decide to act in secrecy in order to promote the national interest. This is true even though it may impede the flow of information to the public. Justice Stewart, in the *New York Times* case, made the following remarks about who must resolve this conflict:

"I think there can be but one answer to this dilemma, if dilemma it be. The responsibility must be where the power is. If the Constitution gives the Executive a large degree of unshared power in the conduct of foreign affairs and the maintenance of our national defense, then under the Constitution the Executive must have the largely unshared duty to determine and preserve the degree of internal security necessary to exercise that power successfully. It is an awesome responsibility, requiring judgment and wisdom of a high order. I should suppose that moral, political, and practical considerations would dictate that a very first principle of that wisdom would be an insistence upon avoiding secrecy for its own sake. For when everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion. I should suppose, in short, that the hallmark of a truly effective internal security system would be the maximum possible disclosure, recognizing that that secrecy can best be preserved only when credibility is truly maintained. But be that as it may, it is clear to me that it is the constitutional duty of the Executive—as a matter of sovereign prerogative and not as a matter of law as the courts know law—through the promulgation and enforcement of executive regulations, to protect the confidentiality necessary to carry out its responsibilities in the fields of international relations and national defense."

Executive Order No. 11652 demonstrates the advantages of executive action in this area. Its provisions reflect the best judgment of the agencies in the Executive branch most concerned with the national defense and foreign affairs on how to solve the problems everyone agrees exist. If the new rules governing classification and declassification prove inadequate in any respect, amendments can readily be made. Administrative problems have proved troublesome in the past. The National Security Council and the new Interagency Classification Review Committee established by Section 7 of the new order are in an excellent position to study and assess the effectiveness of the security programs instituted pursuant to the provisions of the new order. If the Council or

the Committee finds failings in these programs, immediate corrective action can be taken.

Unless the bodies charged with administering the new order fail in their assigned tasks, a commission such as that established by H.R. 9853 would be duplicative and unnecessary. Before such legislation is passed, clearly the administrators of Executive Order 11652 should be given the unfettered opportunity to establish that it will prove effective.

Mr. HRUSKA. Mr. President, may I suggest also that in the hearings held last summer before the Separation of Powers Subcommittee, to indicate the terrific scope, breadth, and depth of this subject, there was placed in the record of hearings at page 50 an article which was published in the *Law Review* of the University of California at Los Angeles, volume 12 of that publication, written by Raoul Burger. It is a long article, and it is scholarly. It is almost encyclopedic in its treatment of the subject. The article starts at page 50 of the hearings and goes to page 203, so that it is more than 150 pages in length. It is a most informative document, and it seems to me that should provide an idea of the very complex nature of this subject on which 10 Senators will be asked to undertake a threshold consideration to provide a blueprint or plan of where we are going on this subject in just 60 days.

Before the committee proposed by Senate Resolution 299 could be organized and begin hearings, or even to formulate plans for hearings, a good part of that 60 days would be over. Before any time could be given to the subject matter by that committee we would find that the 60 days would be gone. Make it 90 days and it would not be much different because of the great demands upon Members of this body for their time in the many other matters that face us for consideration and action.

The Senator from New York well remembers the formation of the Select Committee on Equal Educational Opportunity. That was formed some 3 years ago. It has had two extensions, and a third will be requested in executive session this afternoon or tomorrow. So here we are 3 years and several million dollars later in a very ambitious program where time has been at a premium. There has been a notable absence of committee members from committee meetings. I believe that this Senator was among the most derelict in that regard. But it is not because we are not interested in the subject, it is not because we think it is not important, and it is not because we do not want to develop a good record and committee report. There are just too many demands on our time to get to everything that is assigned to us.

Yet now we have a subject where the Committee on the Judiciary has devoted a good deal of time not only to developing a threshold but a firmly paved sidewalk and driveway to that threshold. The committee is prepared to continue that study and make recommendations, all in due time. We will gain no additional time by forming a new commission or committee in the spirit and tenor contained in Senate Resolution 299. It defies the repeated experience that this body has encountered in similar efforts

and similar assignments on varying subjects.

I say all of this with due respect to the senior Senator from New York because he knows my regard for him is high, and he knows I consider his knowledge and approach to things in a parliamentary way are certainly of the highest order at times. But in my limited experience such a step as he proposes just would not be productive. Beyond that I would think there would be resentment on the part of the chairman of the Subcommittee on Separation of Powers for plucking out the corpus of their business a subject to which they have given important time over the last 10 or 12 years.

Certainly, we have the hearings conducted by the Senator from North Carolina (Mr. ERVIN) in connection with military surveillance and the collection of intelligence information, the hearings last summer, and the hearings started as long ago as 1957 and 1958, relating to "The Power of the President to Withhold Information from the Congress," which are encyclopedic also.

Perhaps we will again be confronted with the comment, "But no action flowed therefrom." Mr. President, a decision was made and that decision was not to attempt to formalize rules in this very difficult field because they will lead only to more trouble than we have now. Just to illustrate, in his opening sentence, Dean Acheson said of S. 1125, the bill which was before him in his testimony of July 28, 1971:

Whatever the purpose of its sponsors, its practical consequences could be to cause useless friction within the Government of the United States, hamper the conduct of one of its most vital functions, and increase the harassment of and difficulties of the President and those citizens who are serving their country in the executive branch as well as gentlemen serving it in the legislative and judicial branches. A similar bill applied to employees of those branches would raise questions which might give both the Congress and the country pause and recollection of both Robespierre and the late Senator Joseph McCarthy.

He goes on to consume more space, perhaps as much as a half a page, in connection with that matter. I ask unanimous consent to have printed in the RECORD the last two paragraphs on page 260 and the first two paragraphs on page 261 of the July 28, 1971, hearings before the Subcommittee on the Separation of Powers of the Committee on the Judiciary.

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

SEPARATION OF POWERS—EXCERPT

What then is accomplished by the bill beyond the customary resolution seeking information described by Justice Sutherland? The answer, I fear, is the possibility of infinite harassment and embarrassment of both the President and a succession of unhappy employees bearing their superior's statements that what is required of each is incompatible with the public interest. This letter of the President would not, of course, excuse the employee from appearing and testifying, else why require him to present it "at the time executive privilege is asserted"?

With what relish one can imagine Senator Joseph McCarthy conducting these examina-

tions without judge or defending counsel. Television would, of course, occupy half the hearing room; the press the other half. The employee's duties, relations with the President, with other employees in the White House, the State Department, and representatives of foreign governments, his qualifications for his duties, past experience, social life, and friends would all receive attention. He would be asked about matters he had worked on, although not the substance of them, aside from the one on which he was summoned, and long arguments would be provoked about whether the President's letter provided exemption from answering extraneous questions irrelevant to its principal subject.

As summons might follow summons as fast as committee clerks could get them out with the aid of the Congressional Directory and these witnesses followed one another with letters asserting privilege, what a picture could be created of a President in the center of a web of secret machination. What a picture presented to the world of a government as bizarre, absurd, and divided by tragic vendettas as the King of Morocco's birthday party.

In short, what a hell of a way to run a railroad.

Mr. HRUSKA. Mr. President, I wish to say at the conclusion of my remarks what I said at the outset. It would be my hope that Senate Resolution 299 would be placed on the calendar, there to await an occasion when the Senate can properly address itself to this matter, at which time it would be my present intention to make a motion either to lay it on the table or to refer it to the Committee on the Judiciary where it properly belongs. At that time hopefully we would have the presence and the advice and counsel of others on the Committee on the Judiciary. They are not present now through no fault of their own, but are engaged in other activities of the Senate.

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

Mr. JAVITS. Mr. President, will the Senator withhold his request?

The PRESIDING OFFICER (Mr. HARRY F. BYRD, Jr.). Does the Senator withhold his request?

Mr. HRUSKA. I withhold my request.

Mr. JAVITS. Mr. President, I wish to be recognized. The Senator really has only 2 o'clock today to occupy the time of the Senate. I do not intend to let the matter go that long because people have other things to do and obviously any Member can carry us up to 2 o'clock without a quorum, and there is no need to put the Senate to that trouble.

I would like to speak briefly in response so that the RECORD which Senators read may be available on both sides of the issue, the Senator from Nebraska having spoken to the merits of adopting the resolution at length. But before I do that, I ask unanimous consent that a committee print be prepared of the resolution as I have modified it.

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

Mr. JAVITS. Mr. President, when I am through, unless other Senators wish recognition, I shall ask unanimous consent that the resolution go to the calendar; but I wish to point out the following factors: One, I hope very much the leadership will call this resolution up

promptly, precisely because we are now almost compelled to act on this matter.

It is interesting that the record of the Senator from Nebraska (Mr. HRUSKA) of the committee action on bills which may have been introduced to deal with the Penal Code provisions for violations of the classification of documents goes back to the late 1950's. We had two secret sessions last week and a tremendous flap over the fact that one Member of this body used his constitutional immunity to disclose the so-called Pentagon papers, which interested the whole country enormously.

Obviously, the subject is not going to wait for another period of years, whether the Senator from Nebraska wishes that or not.

Second, aside from that, we will probably be faced with an amendment by the Senator from Idaho (Mr. CHURCH)—he has already announced it—to the State Department authorization bill on the question of classified documents, and the Senate will again be in the position which it was in the other day, not really having the benefit of as much information and the pros and cons as it should.

Finally, we are in a very critical period in our national life and the life of this country in terms of our foreign relations. We are in a very serious phase of Vietnam—extremely serious. No one knows how that will go. The documents which may be available on that subject, which were the immediate, inciting cause of the secret sessions of last week, become of supreme importance; and I doubt very much that the questions are simply going to sit around and wait. They are going to demand an answer. We can only have the heat and exacerbation of tempers which result from issues of this kind, where a Member of this body may be wishing to seek his constitutional immunity and saying, "You give me no other course," or we can get the light of reason and authority of the leadership in terms of trying to deal in some way with these vexing problems on the part of the Senate.

Finally, there is no question that it is a deeply agitating question in the country where the people are being denied information, either on classification or through the exercise of the doctrine of executive privilege. At a time of such crisis as this, when one of the great charges is that people are not being adequately informed, the matter could hardly remain in limbo very long.

Finally, the Executive order itself which is referred to indicates the broad scope of the substantive part of this question, quite apart from what should be put in the Penal Code. Obviously, the Judiciary Committee has jurisdiction over what goes in the Penal Code, but it hardly has jurisdiction—certainly not exclusive jurisdiction—over what the Senate does about a document which may be denied or which may be classified or of which one Member of this body may come into possession in such a way that it places an inhibition on him by reason of classification by the State Department. To argue that the Senate cannot strike those manacles from its wrists without the Penal Code is an inconceivable doctrine that cannot and will not stand up.

The matter we are dealing with is a wide-ranging one. Those with authority to impose a classification of "top secret" are not only the Office of the President, but the Central Intelligence Agency, the Atomic Energy Commission, the Department of State, the Department of the Treasury, the Department of Defense, the Department of the Army, the Department of the Navy, the Department of the Air Force, the U.S. Arms Control and Disarmament Agency, the Department of Justice, the National Aeronautics and Space Administration, and the Agency of International Development.

So the Agency for International Development, for example, has a superior standing to the Senate of the United States, and that is what we are asked to perpetuate.

When it comes to the classification of "secret," which stands in the same light, let us see who can stamp the classification of "Secret" on documents: The Department of Transportation, the Federal Communications Commission, the Export-Import Bank of the United States, the Department of Commerce, the U.S. Civil Service Commission, the U.S. Information Agency, a subordinate agency of the Department of State, the General Services Administration, the Department of Health, Education, and Welfare, the Civil Aeronautics Board, the Federal Maritime Commission, the Federal Power Commission, the National Science Foundation, and the Overseas Private Investment Corporation.

All of those agencies, if they classify a document, make a Senator use his constitutional immunity if he is going to use it, and it puts the whole Senate in a twilight zone if it is going to do anything about it, with respect to its procedures. The situation is simply intolerable under present conditions, and the Senate, in my judgment, cannot, and I hope will not, wait.

But the Senator has exercised his privilege very properly. The debate, if continued until 2 o'clock, would result in this matter going to the calendar anyway. So unless the Senator from Nebraska (Mr. HRUSKA) wishes to speak again—obviously he does—I will, at the moment when the debate is finished, ask unanimous consent that the resolution go to the calendar.

Mr. HRUSKA. Mr. President, just an observation or two so that they will be in context with the observations made by the Senator from New York.

Among other things, it has been suggested that we are in a critical period. Certainly now, with these international conferences at the highest level in prospect, and some already having been had, the questions that arise should be answered.

But, Mr. President, they have been answered again and again in similar critical periods of our history. There is not anything in the passage of Senate Resolution 299 that will assist in that regard whatsoever. There is not any question—I know of no authority that would say that there is any question—about the President's right to classify documents. That is so well grounded that it does not require the citation of authority beyond the Con-

stitution. However, I would refer the Senator to the very persuasive opinion of Mr. Justice Stewart in the New York Times case last year, 403 U.S. 729.

It is not correct to say that because the new Executive order includes all of the agencies that are listed, every one of those agencies is superior to the Senate in the matter of having available to it classified documents. The fact is that there are two different propositions involved here. The assertion of confidentiality and secrecy of records is one thing, and that can be done only by the executive department. Nobody else can do that. Then we move over into the matter of executive privilege, which comes to function only at that time when the executive department is confronted by a request for information from either the legislative or judicial branch. And it is at that time we find the confrontation which is bothering some people.

I would like to commend the point of view that Mr. Acheson testified to when he was asked by the Senator from North Carolina (Mr. ERVIN):

Do you conceive of the Executive privilege as being an absolute right on the part of the President?

His answer, after going back to the treason trial of Aaron Burr and citing an incident which has formed the precedent ever since, was:

Therefore, of course, the President's executive privilege has to be balanced against the interest which is being sought to be furthered by the testimony or papers required. If that interest is solely the interest of the Senate in attempting to run foreign negotiations, I should think that it would lose. The President is the constitutionally empowered officer to conduct these negotiations, and neither the judiciary nor the legislative branch has the interest or the power or the duty or the right to inquire into them, certainly while they are being conducted.

The situation might be different if the Senate was exercising its constitutional power to make a treaty by ratifying it.

And then he goes on to indulge in a little discussion in that regard. But he concludes:

But I may say . . . that the conception of a tripartite government being conducted in a manner in which each branch is supposed to be implacably at war with the other branches, and will push its rights to an extreme, seems to me a rather dim view to take of the Constitution. I haven't the faintest doubt, in fact my own experience has given me enough knowledge on this subject to say, that in no case has basic information as such ever been declined so far as the Senate Committee on Foreign Affairs or indeed other committees are concerned. What has been denied is the production of this information in an ex parte adversary proceeding, either in open hearings or in that greatest of all frauds, the so-called executive hearing, where secrecy hardly outlasts the hearing hour itself, before everything said or produced is given to the press.

The purport of that testimony, if read in its full context, is that there is, in the main, an agreement and a harmony between the executive and the legislative branches. While it cannot be said that the Executive power on the part of the President is absolute in this field, it can be said with equal persuasiveness that the power of the Congress for disclosure of documents is not absolute, either. It is

not true that these agencies mentioned in the Executive order occupy a superior position to the Senate of the United States. Documents are not withheld from Congress just because they are classified. The classification forbids general public disclosure. This decision has always been made by the executive branch, and it does not place them above Congress. We have always been able to request and receive classified information, except in the rare case when executive privilege is asserted.

Insofar as the criminal penalties and sanctions that are imposed in this field are concerned, they arose back in about 1950. I ask unanimous consent to have printed in the RECORD at this point title 18, section 793, subsections (f) and (g) of the United States Code.

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

TITLE 18—EXCERPT

(f) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance note, or information, relating to the national defense, (1) through gross negligence permits the same to be removed from its proper place of custody or delivered to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or (2) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of its trust, or lost, or stolen, abstracted, or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer—

Shall be fined not more than \$10,000 or imprisoned not more than ten years or both.

(g) If two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be subject to the punishment provided for the offense which is the object of such conspiracy. (June 25, 1948, ch. 645, 62 Stat. 736; Sept. 23, 1950, ch. 1024, title I, § 18, 64 Stat. 1003.)

Mr. HRUSKA. There we have statutes imposing criminal penalties which consist, Mr. President, of a fine of not more than \$10,000 or imprisonment for not more than 10 years. We have other criminal sanctions contained in title 50, War and National Defense.

The passage of those criminal sanctions and the approval of those actions by Congress was on the assumption and on the basis that the President could and would classify documents. When the trust, imposed upon any official in the Government with reference to a particular document that is governed by this classification is violated, it is punishable. The point is, there is a classification that must be made and will be made, whatever act we are going to pass in Congress, and Congress knows that and it has lived with it. The only point of friction is on occasion when a demand is made for a certain bit of testimony, a certain piece of paper or a lot of papers, and the executive department says, "No, we cannot do that. We cannot do that because it is not in the public interest to do it."

It is those isolated instances—and they

are not as numerous as some would lead us to believe, in comparison with the vast number of requests which are compiled with—which do cause a little discomfort and sometimes a little unhappiness on the part of those who feel they ought to have the documents. That annoyance must be measured against the larger picture and against other considerations, some of which will come out as we get into the subject further.

Mr. JAVITS. Mr. President, by way of concluding this discussion, I hope very much we will not get into a situation of the President's men versus Congress' men. That was really the purpose of my resolution. I hope we do not have any such confrontation.

Finally, Mr. President, I shall do my utmost, and I hope very much that other Senators will feel the same way, to have this resolution brought up very shortly.

Our calendar is not all that crowded right now. The matter really cries for decision, as we have seen from the secret sessions and from the feeling which is abroad respecting the crisis in which our country is placed and the problems involving the foreign relations and other committees.

Therefore, Mr. President, there being only 15 minutes more to go, I ask unanimous consent that the resolution be placed on the calendar.

The PRESIDING OFFICER. Is there objection?

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

Mr. JAVITS. I yield.

Mr. HRUSKA. This Senator is highly appreciative of the last remarks of the Senator from New York. I had it firmly in my mind that he would not have in his pattern of action here, as a result of what he has done with this resolution, the bringing about of confrontation. He is, as are many of us, too aware of the devastation and the disadvantage to the country and its well-being which could result to want that to happen, and I am glad of that assurance, although I had assumed it throughout. This is a much larger problem than that, and I appreciate the Senator's understanding once again.

Mr. JAVITS. I thank the Senator.

The PRESIDING OFFICER (Mr. McIntyre). Without objection, the resolution is placed on the calendar under General Orders.

CONCLUSION OF MORNING BUSINESS

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

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

Under the previous order, the Chair lays before the Senate the unfinished business, S. 3526, which the clerk will state.

Mr. ROBERT C. BYRD. Mr. President, will the Chair withhold that briefly?

For the purpose of the RECORD and for the future guidance of the Senate, may I ask the question of the Chair, has morning business been closed?

The PRESIDING OFFICER. Morning business was closed when the resolution was placed on the calendar.

Mr. ROBERT C. BYRD. Mr. President, I would like to have that question further clarified. I think it is important for the future guidance of the Senate.

It was my understanding that there was an order under which there would be not to exceed 30 minutes for the transaction of routine morning business. It is also true, of course, the resolution coming over under the rule, that Senators had up until the close of the morning hour—the first 2 hours—for a discussion of that resolution which came over under the rule.

That matter has now been disposed of. Under the order, it would be my impression that the time for the transaction of any other morning business with the exception of the discussion of the resolution which came over under the rule, would have transpired at the end of the 30-minute period because of the order with respect to the time limit thereon. But I would hope that I am correct in my statement that the actual closing of morning business did not occur until the disposition of the resolution which came over under the rule, and that such statement, by the Chair, with reference to the close of morning business, should immediately precede the laying before the Senate of the unfinished business.

The PRESIDING OFFICER. The Senator is correct. Reading from page 453 of Senate Procedure:

Resolutions coming over from a preceding legislative day, or which have gone over a legislative day, are laid before the Senate (on the next legislative day) for consideration, following the order of introduction of concurrent and other resolutions, as a part of the morning business, and morning business is not closed until such resolutions are disposed of (or until the end of the Morning Hour).

So the Senator is correct.

Mr. ROBERT C. BYRD. I thank the Chair.

FOREIGN RELATIONS AUTHORIZATION ACT OF 1972

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The legislative clerk read as follows:

A bill (S. 3526) to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The Senate proceeded to consider the bill.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate stand in recess, subject to the call of the Chair.

The motion was agreed to; and at 2:02 p.m. the Senate took a recess, subject to the call of the Chair.

The Senate reassembled at 2:09 p.m. when called to order by the Presiding Officer (Mr. BEALL).

ORDER FOR ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in adjournment until 12 noon tomorrow.

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

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS AND LAYING BEFORE THE SENATE OF THE UNFINISHED BUSINESS TOMORROW

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, there be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes; at the conclusion of which the Chair lay before the Senate the unfinished business.

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

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum, and this could very well be the final quorum call of the day.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

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

AUTHORIZATION UNTIL 5 P.M. TODAY FOR SECRETARY OF SENATE TO RECEIVE MESSAGES FROM HOUSE OF REPRESENTATIVES AND FOR COMMITTEE TO FILE COMMITTEE REPORTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, until 5 p.m. today, the Secretary of the Senate may be authorized to receive messages from the House of Representatives and committees may be authorized to file committee reports.

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

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for tomorrow is as follows:

NOMINATIONS

Executive nominations received by the Senate May 8, 1972:

IN THE NAVY

The following-named officers of the Navy for temporary promotion to the grade of rear admiral in the staff corps indicated subject to qualification therefor as provided by law:

Supply Corps

Eugene A. Grinstead, Stuart J. Evans
Jr., William M. Oller
Wendell McHenry, Jr.

Civil Engineer Corps

John R. Fisher

IN THE AIR FORCE

The following-named Air National Guard of the United States officers for promotion in the Reserve of the Air Force, under the appropriate provisions of section 593(a), title 10, United States Code, as amended.

Major to Lieutenant colonel

LINE OF THE AIR FORCE

Roland E. Ballow, XXXX
Leland J. Bernasconi, XXX-XX-XXXX
Dean T. Biggerstaff, XXX-XX-XXXX
Harold H. Blackshear, XXX-XX-XXXX
James R. Blackwell, XXX-XX-XXXX
Robert B. Blamires, XXX-XX-XXXX
Edward W. Boggs, XXX-XX-XXXX
Bobby Z. Brannum, XXX-XX-XXXX
Robert V. Carter, XXX-XX-XXXX
John B. Conaway, XXX-XX-XXXX
Albert J. Cooper, XXX-XX-XXXX
Charles S. Cooper, III, XXX-XX-XXXX
Ray N. Crete, XXX-XX-XXXX
Joseph N. Dietrich, XXX-XX-XXXX
Charles K. Evers, XXX-XX-XXXX
Kenneth O. Gabriel, XXX-XX-XXXX
Homer C. Gober, Jr., XXX-XX-XXXX
Robert J. Gordon, XXX-XX-XXXX
Edward J. Graham, XXX-XX-XXXX

Fillmore V. Hall, XXX-XX-XXXX
Richard O. Hoyt, XXX-XX-XXXX
Joseph A. Kazek, XXX-XX-XXXX
Jack W. Kier, XXX-XX-XXXX
Charles A. Machemehl, Jr., XXX-XX-XXXX
George C. Melloy, Jr., XXX-XX-XXXX
Clyde E. Millington, XXX-XX-XXXX
Donald O. Neary, XXX-XX-XXXX
Joseph Orear, XXX-XX-XXXX
Edward E. Parsons, Jr., XXX-XX-XXXX
John E. Patterson, Jr., XXX-XX-XXXX
Robert Pettinga, XXX-XX-XXXX
George D. Quick, XXX-XX-XXXX
Harold L. Rhoades, XXX-XX-XXXX
William D. Root, XXX-XX-XXXX
Donald J. O'Rourke, XXX-XX-XXXX
Arda J. Roy, Jr., XXX-XX-XXXX
Stanley J. Schill, XXX-XX-XXXX
Sanford T. Shephardson, XXX-XX-XXXX
Fred O. Smith, XXX-XX-XXXX
Luther L. Smith, XXX-XX-XXXX
Richard Suhay, XXX-XX-XXXX
Donald D. Thompson, XXX-XX-XXXX
Hughey S. Williford, Jr., XXX-XX-XXXX
David P. Witmer, Jr., XXX-XX-XXXX
Billy J. Yeiser, XXX-XX-XXXX
Leslie A. Young, XXX-XX-XXXX

CHAPLAIN CORPS

Robert O. Williams, XXX-XX-XXXX

MEDICAL CORPS

William E. Riecken, Jr., XXX-XX-XXXX
Donald E. Wallis, XXX-XX-XXXX

CONFIRMATION

Executive nomination confirmed by the Senate May 8, 1972:

OFFICE OF THE SPECIAL REPRESENTATIVE FOR
TRADE NEGOTIATIONS

Harald Bernard Malmgren, of the District of Columbia, to be a Deputy Special Representative for Trade Negotiations, with the rank of Ambassador.

The Senate will convene at 12 o'clock noon. After the two leaders have been recognized under the standing 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. At the conclusion of routine morning business, the Chair will lay before the Senate the unfinished business, S. 3526, a bill to provide authorizations for certain agencies conducting the foreign relations of the United States, and for other purposes.

The question before the Senate at that time will be on the adoption of amendment No. 1175, offered by the distinguished Senator from Mississippi (Mr. STENNIS). There is no time agreement thereon or on any other amendment or on the bill itself.

There could be rollcall votes tomorrow afternoon. Whether or not the Senate will proceed to lay the Stennis amendment aside to take relatively noncontroversial amendments remains to be seen.

ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move in accordance with the previous order that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and at 2:15 p.m., the Senate adjourned until tomorrow, Tuesday, May 9, 1972, at 12 noon.

HOUSE OF REPRESENTATIVES—Monday, May 8, 1972

The House met at 12 o'clock noon.

Dr. Jack P. Lowndes, president, Home Mission Board, Southern Baptist Convention, and pastor, Memorial Baptist Church, Arlington, Va., offered the following prayer:

"O send out Thy light and Thy truth: Let them lead me."—Psalms 43: 3.

We need Thy light to guide us in the life of our Nation. We pray, therefore, for Thy presence to give strength to these our elected leaders who meet here. Help them to gain help from Him whose strength is made perfect in man's weakness.

Give us grace, O Lord, to see our failure but not to be defeated by them. Help us to use our difficulties to serve Thy good purpose. Help us to be able to answer yes to Thy rollcall concerning our faithfulness to our duty. In Thy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries, who also informed the House that on May 5, 1972 the President approved and signed bills of the House of the following titles:

H.R. 8817. An act to further cooperative forestry programs administered by the Secretary of Agriculture and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and joint resolution of the House of the following titles:

H.R. 13591. An act to amend the Public Health Service Act to designate the National Institute of Arthritis and Metabolic Diseases as the National Institute of Arthritis, Metabolism, and Digestive Diseases, and for other purposes, and

H.J. Res. 1174. Joint resolution making an appropriation for special payments to international financial institutions for the fiscal year 1972, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amend-

ments of the Senate to the bill (H.R. 9212) entitled "An act to amend the provisions of the Federal Coal Mine Health and Safety Act of 1969 to extend black lung benefits to orphans whose fathers die of pneumoconiosis, and for other purposes."

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 5199. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Miami Tribe of Oklahoma and the Miami Indians of Indiana in Indian Claims Commission dockets Nos. 255 and 124-C, dockets Nos. 256, 124-D, E, and F, and dockets Nos. 131 and 253, and of funds appropriated to pay a judgment in favor of the Miami Tribe of Oklahoma in docket No. 251-A, and for other purposes; and

H.R. 10880. An act to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 11417) entitled "An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corpora-