tion made between the arts and the humanities in the original legislation. They're a single ball of wax, even if there was a mechanical convenience in separating them for administrative purposes. So, let's talk about the whole humanistic operation as embracing the arts, in addition to such disciplines as history, archaeology, anthropology, literature, philosophy and jurisprudence, which are traditionally assigned to the humanities. I'd include the social sciences among them. But that may be a more controversial position.

In the protracted struggle to secure recognition for the humanities as worthy of direct national assistance (of the sort already granted the natural sciences), many compelling arguments were advanced by some of our most distinguished citizens. It was pointed out how seriously we'd lagged in this respect. It was noted how great an imbalance had gradually been created by the neglect of humanistic studies in our recent concentration on the spectacular potentialities of scientific research. To control the vast physical forces we were unleashing, it was contended, we urgently needed to know more about ourselves and about the lessons of the past, as they bear on the present and future of mankind.

Evidently, our legislators were sufficiently convinced, in principle, to *authorize* such an endeavor. But only just, in the face of so many other demands, they've given its implementation thus far an exceedingly low priority. (Having been previously chastened, the two endowments are now seeking combined program appropriations of no more than 13 million for fiscal 1970.)

My own impression is that the case for beefing up the humanities today is, if anything, even stronger than it was in 1965. We're confronted by a growing value crisis in Western society. As perhaps never before, young Americans are questioning many of the basic assumptions their elders had taken for granted. The more militant among them, especially on college and university campuses, exhibit signs of rejecting these earlier accepted premises *in toto*. Yet if some of us in the older generation complain that they're acting recklessly, without troubling first to become knowledgeable about our common heritage, how deeply have we, ourselves, examined it?

A spirit of alienation is abroad in the land, not limited to any one age group or any one race. Protests—and confrontations—multiply. Some of them appear contradictory. Others seem curiously trivial. And it's often contended that most of them are primarily concerned with dissent, as such; that they don't add up to a constructive alternative which can then be backed by responsible action. These are the typical symptoms of a society in the process of being torn from its accustomed mooring. But what's to replace those norms that are being so widely challenged?

One major function of the humanities, I take it, is to provide a solid base for change, so that we don't in our haste simply repeat follies of the past which experience has demonstrated can lead to disappointment or worse. With honorable exceptions, how many contemporary humanists have been performing that function? How many have allowed themselves to become beguiled by pseudoscientific attitudes, as the fashion of the moment, or have turned increasingly career-oriented, at the expense of transmitting a humanistic vision from one generation to the next?

Is it possible that over the last half century or more the humanities in America have emerged as more and more of an esoteric study for specialists and that we may now be paying the price for this trend in a widespread feeling that they have no practical application to our daily lives? As I see it, in essence the National Foundation on the Arts and the Humanities was set up to help correct that dangerous misapprehension. Thirteen million dollars won't go far. But at least it's something about which we can write our congressmen.

STUDENTS WHO DO NOT MAKE HEADLINES

HON. JOHN H. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 24, 1969

Mr. DENT. Mr. Speaker, in this day of dissension, disinterest, and disloyalty, it is refreshing to learn of a group of college students who still believe college is a place of learning, growing, and serving.

I salute, and I believe Congress will salute, the students at Thiel College in Greenville, Pa. These students may be called squares and scornfully labeled as not very hep. The loudmouthed, bewhiskered few that take over, refuse to learn, to grow, or to serve, cannot understand that they will only get out of life what they put into it. If they sow discontent, they will harvest discontent. If they sow disrespect, they will harvest disrespect. If they practice power and violence, they will reap the same. The laws of nature being what they are, for bad seeds sown one can expect more thistles and thorns than the fruits of good will.

The students at Thiel College represent, not the minority, but in fact the great majority of children. Left alone they can and will make their grievances known, they always have. They will do what needs to be done whenever and wherever the need is known.

The following editorial sums up the case for the Thiel College so very well:

STUDENTS WHO DO NOT MAKE HEADLINES

It's high time somebody investigated the unconventional behavior of students at tiny Thiel College in Greenville, Pa.

A group of Phi Theta Phi fraternity brothers staked a walkathon through more than a dozen nearby communities and raised $1,630 which they donated to Children's Hospital in nearby Pittsburgh.

The Chi Omega sorority sisters have adopted a Navajo Indian girl in New Mexico and contribute to her support. At Christmas time they sing carols at the St. Paul Home for the Aging.

Thiel students raised almost $1,000 for college-related charities and the local Community Chest. They are regular donors at the Greenville Hospital Blood Bank.

Each week a group of Thiel students visits St. Paul Children's Home to tutor orphans. The Sigma Phi Epsilon fraternity house is the scene of an annual Christmas party for these youngsters.

Students teach Sunday evening parish classes at St. Michael's Church. In the summer they paint, repair and do odd jobs in Greenville community centers to help create a better atmosphere for local youngsters.

SENATE—*Wednesday, June 25, 1969*

The Senate met at 12 o'clock noon, and was called to order by the President pro tempore.

Maj. Walter Kennedy, divisional secretary, Indiana headquarters, the Salvation Army, Indianapolis, Ind., offered the following prayer:

Gracious and Eternal God, Thou who art from everlasting to everlasting.

We bow our heads and our hearts before Thee in grateful adoration, for Thou art a great God and worthy of our praise. We give Thee thanks for men and women who are dedicated to public service.

Awaken all of us gathered in this Chamber this day to our need of Thee that our talents and energies may be used to meet the great needs of our country and of the world.

Create within us a divine discontent so that we are dissatisfied with life as it is. Give us wisdom to continue with dignity and confidence to enact laws based upon the great principles laid down by our Founding Fathers.

We further pray, O Heavenly Father, that You will give Your continued strength to the President, to his Cabinet, and to the Congress of our beloved United States.

Through Jesus Christ, our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, June 24, 1969, be dispensed with.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

EXECUTIVE SESSION

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

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

DEPARTMENT OF JUSTICE

The PRESIDENT pro tempore. The clerk will state the nomination under "New Report."

The legislative clerk read the nomination of Robert B. Krupansky, of Ohio, to be U.S. attorney for the northern district of Ohio.

The PRESIDENT pro tempore. Without objection, the nomination is considered and confirmed, and the President will be so notified.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of legislative business.

There being no objection, the Senate resumed the consideration of legislative business.

NO TAXATION WITHOUT REFORM LEGISLATION

Mr. METCALF. Mr. President, our tax system is supposed to be based on the premise that the more money a man makes, the more taxes he pays. Yet when we examine statistics of people in high-income brackets, we find a complete breakdown in the fairness of the individual income tax.

For example, in 1967 there were 155 tax returns with adjusted gross incomes above $200,000 on which no income tax was paid, including 21 returns with incomes above $1 million. But these figures do not measure the full degree of tax escape at this level. As former Assistant Secretary of the Treasury Stanley S. Surrey pointed out when he testified before the House Committee on Ways and Means on February 27, these figures only reflect adjusted gross income and not actual incomes. This means that items such as tax-exempt interest, full capital gains, excess percentage depletion, farm tax losses, excess real estate depreciation, and intangible drilling expense deductions were not included in the total amount of income when searching for the number of individuals with incomes above $200,000 and $1 million who are now paying no tax. Figures for those who escape tax in this group would be even more startling if excluded items such as I have just listed were added to adjusted gross income figures.

The point of all this is that a 10-percent surtax imposed on someone who has substantial income but files a nontaxable return is not going to do anything to curb inflation. Even under the new math 10 percent of zero is still zero. So when we get right down to it, those who are already suffering from the injustices of our existing tax system are being asked to take on an additional inequitable burden. They are being asked to bear practically the full load for the surtax.

As I have stated before, I do not intend to vote for a bill to extend the surtax unless I have before me at the same time some meaningful tax reform legislation. The action taken yesterday in the House of Representatives indicates that a majority of the Members of that body feels the same way that I do. I suppose if I had to adopt a motto for the extended debate that is certain to take place in the Senate over this issue, it would be: "No taxation without reform legislation."

(At this point, Mr. ALLEN assumed the chair.)

WINNERS OF THE 1969 McGEE SENATE INTERNSHIP CONTEST

Mr. McGEE. Mr. President, each year I sponsor a competition for Wyoming high school juniors in which a panel of disinterested judges selects winners, one boy and one girl, to spend a week in my office in Washington. The contest is designed to stir up interest among high school students in national and international questions.

The competition is limited to juniors in high school with the thought in mind that their essays would stir interest on their part that they could carry back to their high schools during their senior year. Always I have found the winners to be students of high merit, who have a great interest in their Government and its affairs, and who are students of exemplary conduct. This year is certainly no exception.

This is the seventh year for the competition. The 1969 winners of the McGee Senate Internship Contest are with me in Washington. They are Miss Debbie Davidson, of Burlington High School, Burlington, Wyo., and Pete Williams—who has a namesake in this body—of Natrona County High School, Casper, Wyo.

I wish to pay special tribute to the caliber of the competition they represent, for this, indeed, was one of the high years. The subject of the essays this year was "Our President: How Should We Choose Him?" Frankly, it was a study of our electoral college system. The essays were constructive and contributed a great deal to my own thinking. I quickly add that were their ages to permit it, I think the two winners could make a valuable contribution to a discussion of this question on the floor of the Senate.

Mr. President, it would take considerable time to relate the accomplishments of these two outstanding students, but let me say a few words about each. Debbie, who maintains a straight 4.00 grade average, has been a class officer all through school thus far, and served as vice president of her student council and president of her class this past year. Pete ranks very near the top in a class of 609 at Natrona County High School, where he is president of the National Honor Society and a student senator, as well as one of three students elected to represent the young people of his student community on a committee which also includes nine adults and which is designed to improve the dialog among students and adults.

Mr. President, I ask unanimous consent that the essays written by Debbie Davidson and Pete Williams be printed in the RECORD.

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

ELECTION OF A PRESIDENT?

(By Debbie Davidson, Burlington High School, Burlington, Wyo.)

"It becomes more apparent with every election that a less complicated, more streamlined voting system is needed,"[1] stated the late President Eisenhower. This is only one of the *numerous* outcries against the present election method. Each voting year this problem is seen more vividly by hundreds of voters. More and more Americans are realizing that it is not only time for a change, but time for *action*.

Careful study and consideration of the election process of a President convinces me that the best and most appropriate change in this system would be to abolish the Electoral College and use the "direct election method." I think the Electoral College should be eliminated because it is unable to give accurate results; it is unfair to minorities in the various states; it is unjust to the majority popular vote; it is hazardous and can lead to violence in the settling of disputes; and it can easily break down as a result of misfortune or outright fraud.

The Electoral College has, in almost every election in our history, distorted the popular vote because of its unit-vote system. Comparing two extreme examples one notes that in "1860 the vote for Stephen A. Douglas equaled 74 per cent of Abraham Lincoln's popular vote, but less than 7 per cent of his electoral vote. Yet Franklin D. Roosevelt in 1936 had about 60 per cent of the popular vote, but 98 per cent of the electoral vote."[2]

This distortion of popular vote is especially unfair to minorities in the states. No Republican in Georgia, no Democrat in Vermont, no minority party member in any state can depend on his vote being counted. Far worse, their votes are often tallied against them, thus the almost 3,000,000 popular votes cast for Thomas E. Dewey in New York in 1944 were converted in the Electoral College to votes for Franklin D. Roosevelt. Inevitably, the canceling of votes cast for minority parties helps maintain the unwanted essentially one-party areas such as the "Solid South."[3]

Yet, the Electoral College may also be unjust to these same majority parties because at any time a President may be elected with fewer popular votes than another candidate. This was evidenced in 1876 when Samuel J. Tilden, the Democratic candidate, received a majority of the popular vote, but Rutherford B. Hayes clinched the election by a single electoral vote—185–184. Twelve years later Benjamin Harrison became President even though Grover Cleveland had 100,000 more popular votes.[4]

Besides being inaccurate and unjust to various groups, the system is hazardous and can lead to violence in the settling of disputes. At least twice the country has come close to pandemonium when the Electoral College floundered. One instance occurred in the 1800 election when Republican candidates Jefferson and Burr drew the same number of electoral votes. No doubt existed that the electors intended Jefferson for the presidency and Burr for the vice-presidency, but the final vote had to be cast in the House according to law. "Because of violent feeling

[1] Norman Cousins, "Our Election-Day Paper Curtain," *Saturday Review*, (June 8, 1968), 34.

[2] James MacGregor Burns, "The Electoral College Meets—But Why?" *Direct Election of the President*, XXI, No. 4 (1949), 170.

[3] *Ibid.*

[4] James I. Dolliver, "History Of The Electoral System," *Presidential Election Reforms*, XXV, No. 4 (1953), 115.

against Jefferson, it took thirty-six ballots in the House to break the deadlock."[5] The above example clearly indicates the future possibility of one President finishing his term without a new President to succeed him—Result: Stock market crash? Nuclear war? Anarchy with its accompanying violence? Can we risk these possibilities?

Included with this possible chaos and other faults is the fact that the Electoral College can easily break down as a result of misfortune or outright fraud because electors are not bound legally to vote for the man they are pledged to support—precedents exist for independent action. In a close race electors might die or become ill leaving confusion which could easily result in numerous arguments.[6] Then, too, the chicanery of secret intrigues are always possible when the decision falls to the House; the election might be bought over by the opposition throwing the whole process into a mock procedure. For instance, in 1800 the opposing party, the Federalists, tried to induce Jefferson to agree to retain Federalist officials in return for their support in the disputed election. Also in the election of 1824, Andrew Jackson was defeated by John Quincy Adams in a contest decided in the House of Representatives. Jackson had a plurality of the popular vote cast, but at that time the electors in Vermont, New York, Delaware, South Carolina, Georgia, and Louisiana were chosen by the legislatures, and no popular votes were recorded in those states.[7]

At the beginning of our democracy, perhaps the Electoral College was necessary for the transition from kingly rule to democratic rule. The founding fathers probably knew that there needed to be some check on the elections of the President because the people with their old ideas and customs, poor communication systems, and little or no education were not ready for the responsibility of a "direct election." Yes, the Electorial College was probably the best answer then, but times have changed! It is now ineffectual, undemocratic, and outdated as was shown in the preceding paragraphs. We are now ready for the *Direct Election of the President!*

Perhaps the strongest point in favor of this process is that the people are now accustomed to the idea of democracy. They want to know that their vote actually counts in the election of the President no matter how small of a minority they represent. Perhaps this is the reason the percentage of people voting in the U.S. is lower than that in numerous other countries who have fewer democratic rights. With a direct vote, hopefully this situation will change. Possibly, we would again begin to realize that THE PEOPLE ARE THE GOVERNMENT, and that by voting for the man of their choice they are adding their voice to the government of the United States.

By directly electing the President, the candidate chosen by the majority of the people (the one with the most popular votes) would always become the new President. It is important to us who still believe in the ideals of our Constitution that the people elect their Presidents as they do their governors, their Congressmen, their mayors, and other political officers; thereby, not allowing the ludicrous possibility of a minority President making decisions that affect the future of the majority.

In conclusion, this system would take away most of the inefficiencies, hazards, and injustices of the Electoral College. The preceding facts against the Electoral College illustrates election possibilities of confusion, disorder, dispute, and political unfairness. Fortunately, thus far, we have avoided a national crisis. However, as important as law and order is in our lives today, we cannot leave it a matter of mere chance any longer. We, the people, need to control our government and I feel this can best be done through the *direct election of our president!*

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OUR PRESIDENT: HOW SHOULD WE CHOOSE HIM?

(By Pete Williams, Natrona County High School, Casper, Wyo.)

In May of 1787, about forty men sat in a hot room in Philadelphia. They argued, planned, debated, wrote, created, and drafted for four months. At the end of this period of time, they submitted their work to the public for approval. They called it the Constitution of the United States of America, and this document laid down the fundamental workings of American democracy. But one of the touchiest points of the Constitution was the establishment of the electoral college. It has most recently come under fire since Richard M. Nixon squeaked by former Vice-President Hubert H. Humphrey in a neck-and-neck race for the highest office in the land. Nixon's lead over Humphrey was hardly overwhelming. The figures had to be read to four and five significant digits before Nixon's lead became apparent. Yet Nixon did score a substantial majority of electoral votes, which at best seems an inconsistency. Many Americans are now asking themselves and their Congress, "Our President: How Should We Choose Him?"

We chose our most recent president, Richard Nixon, by using the status quo—the electoral college which was formed by the "Founding Fathers" at the Constitutional Convention in 1787. They had a great deal of trouble deciding how the president should be chosen. Some favored electing him by having each state legislature cast one vote, but the representatives from the large states were opposed. Others wanted direct election by Congress, which was decided against because of violation of separation of power. Direct popular election was vetoed because it was feared that a popular president might seize power. Finally it was concluded that the president should be chosen, as stated in Article II, Amendment XII, by electors equal to the number of Senators and Congressmen in each state who meet on the first Monday after the second Wednesday in December and vote according to the way in which their state voted. (However, as proven by time, the elector need not vote according to the whim of his state, as has happened about six times in United States history.) The president of the Senate then counts the ballots in the presence of Congress, and the person with a majority of electoral votes moves to the White House.

But the electoral college has had several problems in its history. Basically, it has enabled a president to be elected with fewer popular votes than his opponent. Such was the case when John Quincy Adams became president in 1824, even though Andrew Jackson had the popular vote. Similarly, Rutherford B. Hayes became president, yet Samuel Tilden had the popular vote as was the situation when Benjamin Harrison defeated the later president Grover Cleveland. The electoral college simply does not provide for an accurate determination of the people's will.

Back in 1787, without television, radio, widely circulated newspapers and magazines, the populace was not sufficiently well informed. The Constitutional Convention did not want the people to have direct vote. Alexander Hamilton, who favored government by an aristocratic few said,

"A small number of persons, selected by their fellow citizens from the general mass, will be most likely to possess the information and discernment necessary to choose proper candidates for the candidacy."[1]

Thus the electoral college is not responsive to the people, nor do the people have an equitable representation. Connecticut's total vote was six thousand more than Tennessee's in 1968, but the latter had three more electoral votes. In Alaska, there is one electoral vote for every 75,000 people. But in California, an electoral vote represents 393,000. Obviously, this gives less populous states like Wyoming a clear cut advantage. But democratically, no state, regardless of population, should have any advantage over any other state. The electoral college is an undemocratic element in a supposedly democratic society.

But to protest and disagree with the present system is inadequate. Alternatives and solutions must be proposed. Nationally, there have been four suggestions for replacing or repairing the electoral college declared by the 1967 American Bar Association commission to be "archiac, undemocratic, complex, ambiguous, indirect, and dangerous."[2]

The first proposal is to modify the status quo by having each state's electoral vote divided according to the popular vote. Now, all of the state's votes go to the majority winner in that state, regardless of how close an opponent comes to winning. But under the new system, the number of electoral votes a candidate receives would be directly proportional to his total state-wide vote. For example, in Wyoming, if Hubert Humphrey had received 100,000 votes in the last election, and Richard Nixon had won 50,000, Humphrey would have received two electoral votes (⅔ of the total vote) and Nixon one electoral vote (⅓ of the total vote). However, critics say that this idea would be harmful to America's two party system making it easier for minority parties to nibble at a majority of the leading candidate's vote.

A variation on this theme is a second idea supported by Senator Karl Mundt. Here the electoral votes would be rationed into districts, most likely concurrent with Congressional districts, and the winner in each state district would win the district's one vote. In addition, the overall winner would get two bonus points, similar to gin rummy. There are two basic problems here. First, this represents no change for a sparsely populated state like Wyoming. The winner would still get three electoral votes. In addition, this could cause large state political machines to gerrymander districts in favor of a certain political party.

The third proposal would merely abolish the electors. The state would have its election in the normal way, and the candidate with the majority of votes would automatically receive all of the state's electoral votes. The only change would be that there were no

[5] John B. Andrews "Plea for Direct Election," *Presidential Election Reforms*, XXV, No. 4 (1953), 118.

[6] Ruth C. Silva, "State Law on the Nomination, Election, and Instruction of Presidential Electors," *Direct Eelection of the President*, XXI, No. 4 (1949), 90–91.

[7] Dolliver, *loc. cit.*

[1] Metropolitan School Study Council, Bureau of Publications, *Participating in Presidential Elections*, (New York, 1964), p. 42.

[2] "Archaic and Dangerous," *Newsweek*, (Dec. 30, 1968), p. 23.

more electors or meetings on the first Monday after the second Wednesday in December. This, of course, is no significant change from the established procedure. The electoral votes would still determine the president, and hence the problems, as previously mentioned, would still remain.

By far the most significant and promising plan is to do away with the electoral system. The next president would then be chosen by direct popular vote, the winner being the candidate with forty percent or more of the votes. If no candidate were to receive that, a run-off election would be held between the top two plurality scorers. There would be several advantages to this plan. There would be no confusion over "unpledged" electors. There would be no more bias on certain "key state", nor would the wishes of people in different states be represented any differently in the total count. A vote in Alaska would have exactly the same influence as one in California. But most importantly, it would be absolutely impossible for a man to become president of the United States without the majority of Americans behind him. With a majority president in office, he would have more public backing and could perhaps be more productive.

But such a procedure would require a constitutional amendment. And when, as Tennyson said, "The old order changeth, yielding place to new", there would be a great deal of controversy and disagreement. As President Nixon noted, "The electoral system is deeply rooted in American history . . .".[3] It will take a great deal of public backing to persuade the President and Congress that a change is indeed in order. A Gallup poll after election day showed that no less than 81% of the populace favors direct election of the president.[4] Possibly, the task might not be as difficult as alleged.

Regardless of the system, the public is due for a change. This is not to say that the men of wisdom who framed our constitution were in error. On the contrary, they did what was best for the time. Thanks to their clear thinking, the Constitution has kept the United States intact for some 182 years. But part of the beauty of America is the politics of change. The Constitution is not a rigid, unyielding, task-master. It is a loyal servant that can bend to the needs of the times. This was immediately apparent when the Bill of Rights was added, and has continued to manifest itself in the form of no less than twenty four constitutional amendments. Now it is time for another change. The American citizen is better informed today than ever before in history. Through the mass media, he now knows the issues and answers of the candidates better than any of his ancestors. In other words, he is now adequately qualified to vote for the man who will make all the vital decisions for his country.

In 1787, the public was merely being educated, but it has continued to learn more and more about politics as the years have progressed. It is now time for the American citizen to be graduated from the electoral college and choose the president himself.

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3. "Archaic and Dangerous", *Newsweek*, December 3, 1964, pp. 22–23.

4. "Renovation Scheme", *Newsweek*, March 3, 1969, pp. 22–23.

5. "Electoral College: Reform Ahead?", *U.S. News & World Report*, March 3, 1968, p. 5.

[3] "Renovation Scheme," *Newsweek*, (March 3, 1969), p. 23.

[4] "Archaic and Dangerous," *Newsweek*, (March 30, 1968), p. 24.

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

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

DEPARTMENT OF DEFENSE—CONFLICT OF INTEREST

Mr. PROXMIRE. Mr. President, I ask unanimous consent to proceed for 5 additional minutes in the morning hour.

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

Mr. PROXMIRE. Mr. President, yesterday, I sent a letter to the Attorney General calling on him to act on testimony before the Subcommittee on Economy in Government, of the Joint Economic Committee. The testimony appeared to bring out what was a clear violation of the conflict-of-interest laws and regulations.

I enclosed pages 631 to 634 of the transcript of our hearings for June 10, 1969, when Mr. Merton Tyrrell testified, and I also referenced excerpts from a memorandum from Mr. A. E. Fitzgerald to Air Force Gen. J. W. O'Neill, which appeared on page 1044 of the transcript for Friday, June 13, 1969.

The testimony related to five Air Force officers who dealt with the Minuteman missile contracts. They retired and went to work for the company, the Autonetics Division of North American Rockwell or the parent company, where they had represented the Government on contracts the company held.

Two of the men were Air Force plant representatives at the company. A third was the guidance and control project officer in charge of the guidance systems the company was making. A fourth was in charge of the Ballistic Systems Division pricing for the Air Force before he retired and went to work for the company. A fifth was the general in command of the Ballistics Systems Division who dealt with the company on these contracts.

The problem is presented most forcefully in an excerpt from Mr. Fitzgerald's memorandum to Gen. J. W. O'Neill. In it he stated:

> In formulating a broad management improvement plan for Minuteman I believe you should consider the problem posed by the mass migration of Air Force officers into the management ranks of contractors with whom they have dealt.

Mr. Fitzgerald continues:

> The Air Force Plant Representative (AFPR) . . . who revoked our clearance at Autonetics is now a division manager at Autonetics. His predecessor, equally protective of the contractor's interest, is also now employed by North American Aviation. The procurement officer who blocked access by the Minuteman Program Control Office to Autonetics contract negotiation records is now employed by North American Aviation. The immediate superior of the project office who was excluded from Autonetics' plant is now employed by Autonetics. The officer cited to me as responsible for killing the cost reduction project I contracted to perform at Autonetics is now employed by North American Aviation.

It is quite clear that these officers represented the Government in connection with the Minuteman missile system and the guidance and control systems of the Minuteman missile with the North American Rockwell Co. and its Autonetics Division subsidiary. It is also clear that they went to work for the company following their retirement from the service.

Title 18, section 207 of the United States Code certainly appears to make such action illegal. It provides that anyone who has been an officer or employee of the Government and then "knowingly acts as agent or attorney for anyone other than the United States in connection with a judicial or other proceeding, application, request for a ruling or other" and I emphasize "other proceeding, determination, contract, claim, controversy, charge, accusation or other particular matter involving a specific party or parties in which the United States is a party or has a direct and substantial interest and in which he participated personally and substantially as an officer or employee, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, while so employed, shall be fined, etc."

It is clear that these men participated personally and substantially as officers of the Government in a wide variety of decisions affecting North American Rockwell.

As high-placed employees of the Autonetics Division of North American Rockwell and of the parent company which did some $668 million in defense work in 1968 there appears to be every reason to believe that they acted as agents for the company in connection with proceedings and contracts or other particular matters in which they were involved as specific parties when they were agents and officers of the U.S. Government.

It is one thing for a military or civilian officer of the Government to retire and go to work generally for a company doing business with the Government. It is another thing for those who represented the Government in the plant and in direct negotiation and supervision of contracts with a particular company to then go to work for that company.

As I wrote to the Attorney General:

> If this is not a conflict of interest, then the laws and the DOD directives are not worth the paper they are written on.

Mr. President, I ask unanimous consent that the letter I sent to the Attorney General and the excerpts from the transcript of the hearings which I mentioned be printed in the RECORD; as well as a letter I received from Mr. Barry Shillito, Assistant Secretary of Defense for Installations and Logistics.

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

CONGRESS OF THE UNITED STATES,
JOINT ECONOMIC COMMITTEE,
Washington, D.C., June 23, 1969.

Hon. JOHN N. MITCHELL,
Attorney General of the United States, Department of Justice, Washington, D.C.

MY DEAR ATTORNEY GENERAL: On Tuesday, June 10, 1969, the Subcommittee on Economy in Government of the Joint Economic Committee heard testimony from Mr. Merton Tyrrell, Executive Vice President of the Performance and Technology Corporation. Mr. Tyrrell had performed work for the Defense Department and the Air Force in connection with the cost efficiency of the production of the guidance and control systems for the Minuteman Missile. In the course of his work he had visited the plants of the contractor and conferred extensively with representatives of the Air Force and the company.

During his testimony, Mr. Tyrrell mentioned what he believed were the harmful effects on efficiency and costs when military or civilian Defense Department contracting, procurement, and plant representative officials go to work for the very firms where they have previously represented the Government on contracts held by these companies.

Under questioning by me Mr. Tyrrell gave a number of specific examples where the plant representatives of the Air Force retired and went to work directly for the company (Autonetics Division of North American Rockwell) where they had just been representing the Government on contract work for the Air Force. In this case, the four men mentioned by Mr. Tyrrell worked on the Minuteman contract for the Air Force and then went to work for the Minuteman contractor. Two of them had been plant representatives for the Air Force. A third was the guidance and control project officer for the Air Force. A fourth was in charge of BSD pricing for the Air Force before he retired and went to work for the company.

In addition to these four, a memorandum provided by the Air Force indicates that the General in Command of the Ballistics Systems Division who dealt with the company on these contracts, also went to work for the company. (See p. 1044, Friday, June 13, 1969 transcript of hearings).

In 1968, North American Rockwell, the parent company, was the 9th largest defense contractor and had contracts worth some $668 million in that year. As of February 1969, they employed over 100 retired military personnel of the rank of Colonel or Navy Captain and above.

I am enclosing copies of pages 631–634 of the transcript of the hearing where the testimony is given.

I am forwarding this testimony to you for action. If true, and I have no reason to doubt the testimony, these acts appear to be a clear violation of the conflict of interest laws, regulations, Executive Orders, and codes of ethics laid down by the Defense Department, the Civil Service Commission, and by the Congress. If these acts are not a violation then, contrary to the repeated representations and statements by the Defense Department, either the laws are toothless or their enforcement is feeble. If this is not a conflict of interest, then the laws and the DOD directives are not worth the paper they are written on.

I say this because when I made public the list of almost 2100 former retired officers of the rank of Colonel or Navy Captain and above who in February of this year were working for the 100 largest defense contractors, I received reassurances that the laws and regulations against conflict of interest were effective from no less a person than the Assistant Secretary of Defense for Installations and Logistics, the Honorable Barry J. Shillito.

Concerning these former officers, Secretary Shillito wrote,

"Their employment, as is the case of all of our approximately 700,000 retired military personnel, is covered by regulation and laws which are designed to prevent conflict of interest."

In reference to the conflict of interest statutes (P.L. 87–649, 87–778, and 87–849 plus the policies and procedures implementing them in DOD Directive 5500.7), Secretary Shillito said:

"We feel these controls are sound and are working."

I therefore urge you to take immediatae action in this case as well as any others brought to light by our hearings.

When government contracting officers and representatives—whether civilian or military—leave the government and go to work directly for a company where they have just been representing the government on contracts with that company, there certainly appears to be a prima facie case of a serious conflict of interest.

With best wishes.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

EXCERPTS FROM JUNE 10, 1969, HEARINGS OF THE SUBCOMMITTEE ON ECONOMY IN GOVERNMENT OF THE JOINT ECONOMIC COMMITTEE, PAGES 631–634

Senator PROXMIRE. Thank you gentlemen, very much.

Mr. Tyrrell, this is one of the most shocking examples of waste and extravagance that I have seen in the years I have been in Washington.

As I understand it, on Minuteman overall, we have been told by a witness before our committee last November, there was a profit of 42 percent on invested capital. Now, in your statement you refer to the harmful effects as you put it "of the switchover of personnel between Government and industry," the very thing Senator Goldwater and I were discussing, that is, procurement officials who go to work for the industry, and sometimes industry officials who come in and go to work in procurement. Can you explain what you mean specifically, how much of a problem was it on Minuteman—let me put it this way—first, how many Defense Department officials, civilian or military, made the switch over to the contractor?

Mr. TYRRELL. Well, in the area of the guidance and control area alone, there were a number of them. For example, the Air Force Plant Representative when we first arrived there, Colonel Roland, retired and went to work for Autonetics. Another Air Force Plant Representative while we were there, Colonel Yockey, retired and went to work for Autonetics.

Senator PROXMIRE. What jobs did these men hold in the Defense Department before they went to work?

Mr. TYRRELL. They were the Air Force Plant Representative who was locally stationed at the contractor's plant and who in effect headed up the administrative administration of the guidance and control contracts.

Senator PROXMIRE. Isn't there a law that prohibits a procurement official from going to work for the contractor with whom he is dealing within a period of two years?

Mr. TYRRELL. I am not a lawyer, sir, and I could not tell you if there is a law to that effect.

Senator PROXMIRE. At any rate, you know as a matter of fact that these men did work on the Minuteman contract for the Air Force?

Mr. TYRRELL. That is correct.

Senator PROXMIRE. And then went directly to work for the Minuteman contractor?

Mr. TYRRELL. That is correct.

Senator PROXMIRE. What were their jobs with the contractor when they went to work for them?

Mr. TYRRELL. Yockey I believe is a director of the business operations there.

Major Klecker, who was the guidance and control project officer, is assistant program manager at Autonetics.

I am not familiar with Colonel Roland's title.

Senator PROXMIRE. Are there other people whose names you could give us?

Mr. TYRRELL. Well, as I mentioned, Major Klecker, who was the project officer, went to work for Autonetics.

Additionally, when we first arrived there there was a Colonel Richard Cathcart who subsequently retired and went to work for Autonetics. And he was the head of the PSD pricing before his retirement.

Senator PROXMIRE. In your judgement, is this prevalent in defense industry in its relationship with the Defense Department?

Mr. TYRRELL. I think it is relatively prevalent. We see it quite frequently. And a number of personnel or military people do retire at a relatively early age, and they quite frequently go to work for the defense contractors.

Senator PROXMIRE. Is it your conviction that this is one of the reasons why there is a soft attitude toward cost overrun and why there isn't the kind of strict surveillance and discipline which you recommend?

Mr. TYRRELL. I think it probably relates to that. I am not sure whether it is the sole cause. I think one of the things that tend to create the softness as you phrase it is this team concept that I brought out in my statement, wherein they consider themselves all members of the same team. And it becomes rather difficult, then, for them to disassociate themselves. And I don't think it is conscious collusion as was pointed out by the Senator, it is something that has just evolved.

They are all part of the same group.

Senator PROXMIRE. Autonetics is a division of North American; is that correct?

Mr. TYRRELL. Yes, it is.

Senator PROXMIRE. And what companies made up the contract or team to which you refer on page 3?

Mr. TYRRELL. There were eight major associate contractors in the Minuteman program.

The Autonetics divisions of North American Rockwell is the guidance and control contractor.

The Boeing company is the integrating contractor, and produces some of the aerospace vehicle equipment.

The Thiokol Wasatch Division produces the first stage motor.

Aerojet General, Sacramento the second stage motor.

Hercules Bokas Works did produce the third stage motor.

Sylvania Electronics the electronics system.

The General Electric Systems Department the Mark XII re-entry system.

Avco Lycoming missile systems division the Mark XI re-entry.

Senator PROXMIRE. You say 490.4 million dollars was the original cost of the research and development for the Minuteman II as of 1962?

Mr. TYRRELL. That is correct.

Senator PROXMIRE. What were the total original estimates including R&D and production as of 1962?

EXCERPTS FROM DECEMBER 15, 1967, MEMORANDUM FROM A. E. FITZGERALD TO AIR FORCE GEN. J. W. O'NEILL INCLUDED IN HEARINGS FROM FRIDAY, JUNE 13, 1969

In formulating a broad management improvement plan for Minuteman, I believe you should consider the problem posed by the mass migration of Air Force officers into the management ranks of contractors with whom they have dealt. The AFPR who revoked our clearances at Autonetics is now a division manager at Autonetics. His predecessor, equally protective of the contractor's interest, is also now employed by North American Aviation. The procurement

officer who blocked access by the Minuteman Program Control office to Autonetics contract negotiation records is now employed by North American Aviation. The immediate superior of the project officer who was excluded from Autonetics' plant is now employed by Autonetics. The officer cited to me as responsible for killing the cost reduction project I contracted to perform at Autonetics is now employed by North American Aviation.

It is of course impossible to assess the effect of impending employment by contractors on the actions of officers still on active duty. I am sure that many of the individuals I have cited had no idea of going to work for North American at the time they were so vigorously protecting the interests of that company vis-a-vis the Government. On the other hand, it is perfectly clear to me that these same officers studiously avoided any action which might offend their ultimate employer.

Lest you accuse me of being unfair to North American and the officers they have employed, I concede that the condition I have described is not unique. Indeed, it is common enough to be our next national scandal. However, the fact that it is so widespread makes it imperative that the practice and its corrosive effect on our stewardship be controlled.

I believe publicity is the solution to the problem just cited. However, I do not have strong convictions on this point. I should like to discuss it with you further.

LETTER FROM MR. BARRY SHILLITO TO SENATOR PROXMIRE

ASSISTANT SECRETARY OF DEFENSE,
INSTALLATIONS AND LOGISTICS,
Washington, D.C., April 10, 1969.

HON. WILLIAM PROXMIRE,
Chairman, Subcommittee on Economy in Government, Joint Economic Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR PROXMIRE: In further response to your letter of 20 January 1969 concerning the employment of retired military officers by defense contractors, attached are letters from the final six of the 100 parent companies.

With all contractor replies now in, I would like to make some observations concerning the employment of approximately 2,100 senior retired military officers by the 100 top defense contractors. Their employment, as is the case for all of our approximately 700,000 retired military personnel, is covered by regulations and laws, which are designed to prevent conflicts of interest. In my view, our nation has great need today for the skills and professional expertise of our retired military personnel, both commissioned and noncommissioned. They are serving, after honorable careers in uniform, in positions of responsibility throughout our society. In this regard, I am mindful of the thousands of retired people who are in teaching and health and welfare positions, as well as other areas of public service. I am also aware of the contributions which retired people are making to industry.

There are several statutes, as you know, that limit the activities of both civilians and officers after leaving federal service, as well as while in the service. Those covering retired military personnel are more restrictive than those applicable to civilians. The adequacy of these statutes was the subject of congressional consideration in 1962 at the time of enactment of Public Laws 87-649, 87-778, and 87-849. These statutes are referenced, together with DoD policies and procedures implementing them, in DoD Directive 5500.7, a copy of which is attached. We feel these controls are sound and are working. I also feel there should be greater public knowledge of the many checks and balances which exist—government wide—in the acquisition of major weapons systems. Decisions governing major programs are made at high levels with participation by many individuals both military and civilian within the Defense establishment and are subjected to congressional reviews and scrutiny by the Comptroller General. The best weapon to guard against the possibility of impropriety or lack of objectivity is the continued application of the system of checks and balances provided by established legislative and executive processes of our government and in continued surveillance of our program and acquisition processes by Defense Department managers, by the Congress, and by others.

In my letter to you of 26 February 1969, I stated that additional information was being developed. All of our compilations are not yet completed. However, I believe the factors involved in current higher employment of retired officers by the top 100 defense contractors, as compared to 1959, can better be assessed by examining other related data now available that bears on the causes and provides a degree of perspective. For example:

1. INCREASE IN NUMBER OF RETIRED OFFICERS

In 1959, there were approximately 18,600 retired officers with the rank of Colonel or Navy Captain, or higher, receiving retirement pay. The total number of these officers employed then by the top 100 contractors, as reported in letters from those firms, was about 767, or about 4.1% of the total. In 1968 there were about 38,000 retired officers in the same category. Of these, based on letters recently received from the top 100 contractors, about 2,122 are currently employed by them or about 5.6% of the total. This apparent increase must be assessed in context with the increased numbers of business entities that now employ them, as well as other factors discussed below.

2. MERGERS AND ACQUISITIONS

It will be noted from the published lists of the top 100 firms for FY 1958 and FY 1968 there have been many mergers and acquisitions that in some cases compress the current total retired officer hirings into fewer firms, compared with 1959. Examples are McDonnell-Douglas and Ling-Temco-Vought. Other examples include, North American's merger with Rockwell-Standard; Litton Industries' acquisition of Ingalls Shipbuilding; Ford's acquisition of Philco, and many others. Also, there are about 131 more corporate or company entities listed under the 100 parent firms as covered in the FY 1968 list than in the FY 1958 list. Additionally, many acquisitions and consolidations may not be apparent from the firm names or from entities described in the FY 1968 published list of 100 firms and affiliates. This may occur when the acquired firm is absorbed within the acquiring corporation as an operating element and its government contracts and other sales commitments are executed in the name of the acquiring corporation, with no change in the corporate identity. These facts would tend to distort the comparison of present employment totals with the 1959 totals.

3. INCREASE IN BUSINESS ACTIVITY

I believe it is worth noting that for the 16 firms specifically mentioned in your recent statement, total dollar sales (defense and nondefense) increased from about $23.9 billion in CY 1958 to about $47.3 in CY 1968, almost double. This is due in part to the mergers and acquisitions mentioned above. In the same period, total employment of individuals by these firms increased from about 1,084,000 persons to about 1,608,000 persons, an increase of almost 50%. Although comparable employment figures for FY 1959 have not been compiled for most of the top 100 firms, it might be of interest to note that 89 of the 100 firms, which currently employ 2,073 of the listed retired officers, now employ a total of about 6,537,753 persons. This comes out to about .0003% of the total employees.

4. POSITIONS HELD BY RETIRED OFFICERS

It is clear from the recent contractors' letters that a large number of the listed officers are either employed in separate corporate entities or divisions that are entirely commercial in nature, or their position descriptions indicate non-defense activity. For example, the reply from American Telephone and Telegraph Company shows that of the nine retired officers listed, one is with the New York Telephone Company, two are with the Pacific Telephone and Telegraph Company, one with the Ohio Bell Telephone Company, and one is a methods specialist in restaurant management. There is a large number of positions that cannot, by their description alone, be categorized clearly as defense or non-defense in nature. However, of the operational entities below the parent corporate level (under which many of the larger firms have grouped retired officer employees) very few are engaged exclusively (100%) in defense work.

5. THE MILITARY RETIREMENT SYSTEM

Military career officers generally retire at much younger age than civilian employees both in Government and in industry. With many productive years remaining and frequently with heavy financial responsibilities, such as in providing educations for their children through the college level, the vast majority of these officers find it desirable or an economic necessity to seek employment after retirement. While many are specially qualified to continue their federal service in a civilian status, there are statutory restraints. In seeking private employment, they are frequently faced with age bars and "rigid promotion from within" policies of many firms. Thus, they are motivated to seek those types of employment for which they are particularly qualified and where there is a need for their expertise. One of these areas, of course, is the performance of functions incident to research, development and production of military hardware.

6. FEWER OFFICERS OF HIGHEST RANKS NOW EMPLOYED

While a few firms did not identify the specific ranks of the listed individuals either in the 1959 or the recent survey, it appears that approximately 249 retired generals and admirals were employed in 1959 by the top 100 defense contractors (FY 1958 listing). The recent survey discloses that the total number of retired officers in these ranks increased from about 2,580 in 1959 to about 3,485 in 1968.

7. INACCURACIES IN DATA

In compiling data from DoD records on dates of retirement and dates hired by contractors (mentioned in my 26 February letter to you), we are finding errors. Some contractors have incorrectly listed individuals as retired officers (drawing retirement pay). Evidence of this is contained in the attached letter of 25 March 1969 from Honeywell, Inc. Honeywell is rechecking its officer listings and expects that instead of 26 officers there may be no more than 5. We have noted other errors that are apparent on close examination of the listings, such as inclusion of lower ranking officers. These adjustments will reduce the 1969 employment totals. You will be informed of any corrections based on our review of service records.

In summary, this Department is fully aware of the concern expressed in President Eisenhower's farewell address to the nation in January 1961. He stated then that "we can no longer risk emergency improvisation of national defense; we have been compelled to create a permanent armaments industry of vast proportions," and that "we recognize the imperative need for this development." At the same time, he said, . . . "we must guard against the acquisition of unwarranted influence, whether sought or unsought, by the military-industrial com-

plex." In my view, the Department of Defense is fulfilling its share of responsibility to the nation that we all bear in this effort. I feel it is important, in this regard, that the Congress and the public be aware of the factors I have outlined that put in perspective the increased employment of retired officers by the top 100 contractors. I am concerned that without benefit of this additional information, some may gain the impression that there is an abnormal upsurge or serious disproportionate growth in employment of retired officers in this segment of our national economy. In my view, the facts do not warrant those conclusions. We respectfully request that this letter be placed in the Congressional Record in amplification of the information published on 24 March 1969.

As indicated in my earlier letter, additional information bearing on these questions will be furnished when compiled.

Sincerely,

BARRY J. SHILLITO,
Assistant Secretary of Defense,
Installations and Logistics.

Mr. PROXMIRE. Mr. President, in this latter record, Mr. Shillito assured me that existing laws and regulations are so effective that the Nation has little to concern itself about when almost 2,100 former, high-ranking military officers are working for the 100 largest defense contractors.

OUR ARMED FORCES HAVE BEEN IN EUROPE FAR TOO LONG

Mr. YOUNG of Ohio. Mr. President, as early as April 1963, I spoke out, urging the withdrawal of a large number of our troops from Western Europe. Since then I have on many occasions continued to urge that we reevaluate our military and naval requirements in Europe with a view toward bringing home hundreds of thousands of military personnel with their dependents, as well as thousands of civilian employees stationed in nations of Europe.

Today, more than 300,000 men of our Army, Navy, Air Force, and Marines are stationed in Europe with their 255,000 dependents. Of that number, 209,450 servicemen are stationed in West Germany, along with 146,000 dependents. All this, at great expense to American taxpayers, 24 years following the end of World War II.

In addition, there are more than 15,000 U.S. citizens who are civilian employees of our Armed Forces in Western Europe. Then, of course, in addition to these civilian employees, 12,534 dependents of such employees are in Western Europe, of whom more than 8,000 are in West Germany.

The time is long past due for us to withdraw at least four divisions of our Armed Forces from Western Europe. World War II was ended nearly 25 years ago. Are we going to police all Europe for another 25 years? Such a probability—and it is a probability—really seems preposterous.

The United States contributes approximately one-third of the manpower and almost 80 percent of the cost of defending Western Europe. The fact is that today the Western European nations are strong enough, both militarily and economically, to provide for a much greater share of their defense needs. Following the devastation caused by World War II, Western Europe completely rehabilitated itself, largely with money supplied by American taxpayers.

That seems to be our habit. We sent millions of men to Europe to crush Nazi Germany. Then, we provided aid to restore her. Now we are spending billions of dollars in Southeast Asia and are sacrificing the priceless lives of American youngsters. A few years hence, after the bloodletting stops, no doubt we shall be sending billions of dollars to restore Vietnam, which had been devastated by a civil war and then by our occupation.

West Germany is now a thriving and dynamic region of greatly expanded economic, political, and potential military capacity.

The United States is the only member of the NATO alliance that has met its commitment 100 percent. The only other NATO nation that has come up to even 80 percent of its commitment has been West Germany. Based on gross national product, West Germany is the third richest country in the entire world, ranking next to the United States and the Soviet Union. The West German mark is one of the world's strongest currencies.

Surely, it is outrageous and unthinkable that nearly a quarter of a century following the end of World War II, the United States continues to maintain 200,000 officers and men of our Armed Forces in West Germany. Just why should we be protecting this powerful nation in this manner and to this extent, particularly at a time when there is no threat of aggression from the Soviet Union, because that nation is having a hot time with Communist China and suffering battle casualties in military engagements along the border with Communist China?

West Germany has a conscription law which drafts some of its nationals for a period of 18 months only, while young American draftees are required to serve for 2 years. Furthermore, the total number drafted is insignificant compared with the draft in our Nation under our selective service laws.

Very definitely, the United States should withdraw troops from West Germany instead of sending more troops over to protect a country well able to defend itself.

The expense of maintaining our Armed Forces and their dependents in Europe accounted for $1.5 billion of our foreign exchange deficit in 1967. This is in addition to the more than a billion dollars spent annually in Western European countries by our servicemen and their families stationed there and by American civilians employed in Europe by the Department of Defense.

It is crystal clear that bringing hundreds of thousands of officers and enlisted men and their dependents home from Spain, Belgium, West Germany, and other European nations would reduce the drain on our gold supply and help to solve our balance-of-payments problem.

Furthermore, whatever men of our Armed Forces are sent to Western Europe for a tour of duty in the future should be sent for a period of not more than 13 months, and with no dependents. If there really is a need for our troops in Europe, then we should have a lean, trim, combat-ready force stationed there, not hundreds of thousands of men of our Armed Forces living like "squawmen" with their wives and children.

Many sergeants are living there with their wives and children. I know from experience as a private in time of war that the sergeants run the Army. Any sergeant who is worth his salt—and they are all worth their salt—would not have his wife and children there if there were an imminent danger of attack.

Furthermore, families of our officers, from captain on up to general officers, with their servants and fine homes, "never had it so good." Many of those officers buy Mercedes automobiles, paying for those foreign-made automobiles with American dollars. Anyone who goes to Garfinckel's department store can hear the chatter of the wives of majors and colonels who are buying luggage to go to Europe, looking forward to a luxurious life there.

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

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

Mr. YOUNG of Ohio. Following World War II, a bitter cold war was raging with the Soviet Union, and there was a threat of aggression which required the presence of our Armed Forces to deter the Russians. Stalin was then dictator of the Soviet Union. He is dead. The threat of military aggression by the Communists against Western Europe has all but vanished. The present rulers of the Soviet Union are no longer rattling their missiles. In fact, the Russians are veering toward capitalism. The Soviet Union is no longer a have-not nation. Its leaders now appear principally dedicated to the objective of raising the standard of living of their people.

Furthermore, it is the nuclear umbrella of the United States that provides the real protection for Europe and West Germany, not large numbers of ground troops. In addition, by our Operation Airlift we have proven we can airlift a combat-ready division to West Germany from the continental United States in a matter of hours.

The nations of Western Europe can today provide the necessary troops to defend themselves, instead of continuing to depend on us. Let their young men be conscripted and drafted into their own armed forces. Why should the lives and aspirations of our teenage young men be disrupted to form the first line of defense for the Germans and French? Under the shelter of our protection, these nations have waxed prosperous while our fiscal and monetary problems have grown steadily more serious.

We should immediately return at least half of the highly trained professional fighting men now stationed in Western Europe to the United States.

It is a stupid policy on the part of the Secretary of Defense and the generals of our Joint Chiefs of Staff to maintain in West Germany six of our best combat divisions, made up in large part of enlisted men and commissioned officers who are career soldiers. Undoubtedly, they are

the finest and best equipped soldiers who have served any nation under the bending sky of God.

Mr. President, the reduction in U.S. Armed Forces in Western Europe might very well induce the leaders of the Soviet Union to make a similar reduction in its military forces in eastern and central Europe. Such action would produce a significant easing of world tensions and go far toward helping to promote a peaceful settlement in Europe, and go far toward promoting the hope that all of us entertain—to live in a period of international peace and contentment.

THE HOSPITAL STRIKE IN CHARLESTON, S.C.

Mr. MONDALE. Mr. President, on May 15, 1969, a bipartisan group of 17 Senators wrote to President Nixon and urged him to use the prestige of his office to bring the hospital strike in Charleston, S.C., to a satisfactory resolution. The President has not responded to our appeal.

It is now June 25, and the strike continues. Tensions have heightened in Charleston, and there is an atmosphere which hauntingly reminds us of a similar strike in Memphis in another year.

My original concern in this matter has been intensified by a series of events occurring over the past several weeks.

As of Thursday, June 10, it appeared that the Charleston strike was near settlement, due in large part to HEW's recommendation of June 5 that the 12 workers, whose dismissal triggered the strike, be rehired. Then, on that day, the director of the hospital, Dr. William M. McCord, suddenly withdrew the formal offer to settle which the hospital had previously made. At the same time, it was reported in the Charleston newspapers that Secretary of Health, Education, and Welfare Robert Finch had been the object of political pressure and had given some assurance that he would take an independent look at HEW's position. This statement, which Secretary Finch did not repudiate, changed an encouraging situation into one which is now rapidly deteriorating.

This is most unfortunate. HEW has been negotiating with the hospital since July 1968 over a number of violations of civil rights laws, including violations of Executive Order 11246, which requires an equal opportunity employment policy on the part of Federal Government contractors. These violations are so substantial that it took a nine-page, single-spaced letter from a HEW official to Dr. McCord to list all of them.

This letter was written last September, but the situation is no different today. The evidence of the hospital's continuing failure to comply with Executive Order 11246 is particularly relevant to the issues in the strike, for it includes the firing of the 12 workers, the denial to blacks of opportunities for higher positions, and the failure to have an affirmative equal opportunity hiring program.

If HEW indeed intends to relax its pressure, its reasons for doing so are plainly, overtly, and shamefully political. For the record clearly shows that the hospital has failed to comply with the Executive order; and the law requires that Federal funds should be cut off if it does not come into compliance.

Mr. President, this is a very serious matter. There are thousands all over the country who are watching to see whether nonviolence can work in Charleston and whether justice will prevail. If the dispute is not settled, there is grave danger that frayed tempers and thinned patience lead to a tragedy in Charleston which could have the most serious implications for the domestic tranquillity of city after city around the Nation.

So this is not merely a labor dispute. It is a civil rights matter, and the good faith of the Government's civil rights policy is at stake—good faith which has already seriously been brought into question by recent actions involving schools and other Government contractors.

If this matter is to be resolved justly and expeditiously, it is essential that Secretary Finch publicly state that he intends to stand by HEW's original intention to enforce the Executive order. All rumors, leaks, and intimations to the contrary must be repudiated, so that the hospital officials and others in South Carolina will know exactly where they stand—that they must obey the law or lose their Federal funds. That is the only way this dispute can be resolved. I hope that Secretary Finch will take that path. It is so clearly the right and proper thing to do.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD:

First, HEW's letter to hospital officials concerning violations of Executive Order 11246.

Second, a telegram which I sent to Secretary Finch on June 14, 1969, asking HEW to stand behind its recommendation to the hospital that the 12 workers be rehired.

Third, an article entitled "Hospital Strike Now Political Football," written by Rudolph A. Pyatt, and published in the Charleston, S.C., News and Courier of June 15, 1969.

Fourth, an article entitled "Political Infighting Balks Charleston Hospital Pact," written by Bruce Galphin, and published in the Washington Post of June 16, 1969.

Fifth, an editorial entitled "Secretary Finch and the Charleston Strike," published in the Washington Post of June 18, 1969.

Sixth, an editorial entitled "The Charleston Strike," published in the Washington Post of June 18, 1969.

Seventh, an editorial entitled "The Charleston Cycle," published in the New York Times of June 23, 1969.

Eighth, an article entitled "Charleston Calm As Negroes March," written by James T. Wooten, published in the New York Times of June 23, 1969.

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

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Atlanta, Ga., September 19, 1968.

Dr. WILLIAM M. MCCORD,
President, Medical College of South Carolina, Charleston, S.C.

DEAR DR. MCCORD: Unforeseen circumstances prevented me from writing to you on the schedule I promised. I sincerely hope the delay has not been too inconvenient for you. I apologize for the length of this communication, but I am attempting to spell out all of our findings and recommendations as clearly and concisely as possible.

Our review was concentrated in three major areas. They were, a) Equal Educational Opportunities, b) Equal Health Opportunities, and c) Equal Employment Opportunities. I will list both our findings and recommendations for each of these areas of investigation.

EQUAL EDUCATIONAL OPPORTUNITIES

Findings

1. The Medical College of South Carolina had not established an affirmative program designed to attract Negro students.

2. There was no systematic or comprehensive recruitment program for predominantly Negro schools.

3. The minority community had not been informed of loans or scholarships that were available to them.

4. There were segregated housing advertisements on the college's bulletin boards.

5. Students were placed with practicing physicians for the purpose of receiving on-the-job training. It appears from reports that some of these physicians practiced racial discrimination.

6. The Medical College Hospital is owned and operated by the Medical College of Charleston. Physicians at the hospital have faculty status—all are white. In order to practice medicine in the hospital, physicians must be members of a specialty board. No Negro physicians in Charleston County are members of a specialty board. There are several Negro physicians in Charleston.

7. The School of Pharmacy places students for "apprenticeship" training with some pharmacies that engage in discriminatory practices.

8. The fraternities in the School of Pharmacy discriminate racially in membership requirements.

9. The School of Allied Sciences has affiliations with white schools only. This policy tends to limit the potential of the Negro students of the State of South Carolina.

Recommendations

1. That the Medical College catalogue, brochures, and other printed promotional material and applications clearly indicate the nondiscriminatory policy of the college.

2. That comparable action be taken to recruit Negro students to pursue a medical education at the Medical College. These steps should include:

a. Broad dissemination of information as to the availability of a medical education, and the availability of financial assistance to undergraduate colleges and to high school counselors (especially to Negro colleges and high schools) in the state, and to Negro colleges throughout the eastern and southeastern states.

b. Due to the history of discrimination, special efforts should be directed toward the pre-med advisors at Negro undergraduate colleges and possibly high schools to help motivate more Negroes and minority group members toward a medical career.

c. The Medical College might consider developing a recruitment team from all of its related schools (e.g., Pharmacy, Nursing, Allied Sciences, etc.) which could make concentrated recruitment efforts, some of which

would be directed specifically toward minority students. Various techniques should be developed which would have considerable potential for recruitment of minority group students including:

(1) Contact with Negro professional, civic, and social groups to elicit their help in recruitment, and in dispelling the image of the Medical College as a segregated institution.

(2) Promotion of visits to the Medical College by Negro pre-med students over the state.

(3) Visits to Negro college campuses by Medical College staff.

(4) Sponsorship of health-related career days, especially for Charleston County High Schools.

3. That the College assure itself that no arrangements are made between the college and private physicians for the purpose of teaching students when the physician discriminates on the basis of race in his practice.

4. That the Medical College assure itself that no notices for rental or sale of living quarters are posted or lists kept by the College unless such housing is available to all students without regard to their race.

5. That the School of Pharmacy assure itself that every pharmacy to which they refer a student for work in an "apprenticeship" arrangement, will accept those who are referred without regard to race.

6. That the fraternities that have engaged in racially discriminatory policies and practices be informed of the College's posture on civil rights and asked to change. If they do not comply, that the organization should be banned from campus by the administration.

7. That the School of Allied Sciences establish affiliations with Negro colleges in the state immediately in order to give all students of South Carolina an equal educational opportunity.

Since the School of Nursing has not previously enrolled non-white students, the following steps are recommended:

1. There are several non-white persons who have applied and have been admitted to study practical nursing. Persons in this category should be screened carefully as potentials for full professional training as graduate nurses.

2. That predominantly Negro schools be informed of the opportunities and policies in the School of Nursing.

3. That continuous attempts be made to identify students with potential at the high school level. Local Negro school counselors can be of great help in this endeavor.

EQUAL HEALTH OPPORTUNITIES

Findings

1. There were no written nondiscriminatory policy statements.

2. It was alleged that the clerk at the admission office called the floor and gave the nurse the race of the patient, and asked what bed assignment should be made. This suggests that room assignments might follow a racial pattern.

3. We were informed in the community that patients were shifted around to achieve a bi-racial mix in anticipation of the H.E.W. visit. When white patients complained about rooming with Negroes, the Negroes were moved.

4. No comprehensive or systematic methods have been used to notify all of the people of Charleston (both Negro and white) of the hospital's nondiscriminatory policy.

5. Mr. Porter, who was assigned the responsibility for civil rights, has not developed any kind of affirmative action program. The subject of civil rights has not been a formal part of the staff meeting agenda.

6. It was alleged that courtesy titles are seldom used and staff members are often rude to Negro patients at the clinics.

7. Service (non-paying) patients and private patients are separated and are alleged to be treated differently.

8. It was alleged that senior medical students attend to private patients, while junior medical students attend service patients.

9. There is some degree of desegregation in the wards, but the separation of the service and private patients has created an apparent imbalance.

10. From interviews and observation, private patients appear to have received better nursing and other care than service patients. The majority of the private patients are white.

11. Private patients have three visiting periods per day; service patients have only one. It was alleged that on one floor, a white patient's sister was allowed to visit while the Negro patient's sister was not allowed to visit.

12. It was also alleged that husbands of Negro patients are not allowed in the labor room, while husbands of white patients are.

13. In many parts of the hospital, it was found that there are still essentially "dual" restroom facilities, although "white" and "colored" signs have been removed. It is apparent that these signs have only recently been removed because outlines of the old signs are still visible. This suggests the possibility that old customs are still being practiced in the use of these facilities.

14. In the out-patient clinic, patients appear to be seen on a first-come, first-served basis, however Negro patients are told to wait in Room 18, while white patients are told to wait in Room 53. However, it was alleged that when an observer who appeared to be concerned with civil rights procedures was seen near the admitting station, patients were told to wait in either Room 18 or Room 53.

15. White staff members were observed acting in what appeared to be a rude manner to Negro out-patients. Courtesy titles were not being used.

Recommendations

1. That policy statements regarding nondiscriminatory practices be written and widely distributed immediately.

2. That room assignments be made at the admitting desk without regard to the patient's race.

3. That a daily racial census be taken and forwarded to the Office for Civil Rights each week for one month, and thereafter upon request.

4. Since everyone will not read distributed material, and since it is the responsibility of the administration to see to it that everyone understands his/her responsibility, it is recommended that seminars be conducted which include the following topics: (a) specifics of the application of Title VI to hospitals; (b) Title 45; (c) H.E.W. guidelines; (d) equal opportunity in hospitals and all health programs; (e) the Federal dollar and nondiscrimination; (f) the Civil Rights Act of 1964; and (g) civil rights obligations of staff members at all levels. A schedule of when and where these meetings are held should be kept for your record.

5. That discussions of developments in civil rights accomplishments be placed regularly on the agenda at staff meetings.

6. That all staff be specifically instructed about the necessity for the use of courtesy titles. The breach of this policy should be dealt with severely by the administration.

7. That the quality of service be equalized immediately as between private and service patients.

8. That waiting rooms be truly integrated.

9. That staff restrooms be posted as such and all staff be advised accordingly.

EQUAL EMPLOYMENT OPPORTUNITIES

Findings

1. Bulletin boards did not have Equal Employment Opportunity (EEO) posters.

2. Personnel policy statements did not reflect contractor's equal opportunity posture.

3. There was no Equal Employment Opportunity Officer.

4. Advertisements for employment do not reflect that the facility is an equal opportunity employer.

5. Recruitment and employment sources were not informed of contractor's posture on EEO.

6. The old established personnel policies and procedures precluded affirmative action, which was needed to guarantee equal employment opportunity.

7. Interview reports are evaluated by a clerk who does not have personnel experience.

8. Applicants are given a written test that has not been validated. For some job categories, the test is irrelevant.

9. Some job descriptions require in-house experience for jobs that minorities have not had the opportunity to get. There is no training program to fill this gap.

10. Department heads and supervisory staff are not conversant with the contractor's position regarding equal employment opportunity.

11. Employment patterns clearly suggest a stratification of employees with regard to race, i.e., administrative and professional positions are occupied by whites; nonwhites are concentrated in service and non-skilled categories.

12. The application for employment requires each applicant to submit a photo.

13. The contractor (Medical College of Charleston) has not taken appropriate steps to insure the compliance under Executive Order 11246 by the company building the new addition to the Medical College.

Recommendations

1. That there be a proper display of posters at key points such as main lobby, personnel office, and all employee bulletin boards.

2. That there be put in writing a firm equal employment opportunity policy statement to be disseminated to all department heads and supervisory personnel.

3. That an equal employment opportunity officer be appointed. This officer will assume the duties of, (a) disseminating information concerning equal employment opportunity; (b) keeping surveillance over the implementation of the equal employment opportunity policy; (c) planning equal employment opportunity actions and goals; and, (d) evaluating equal employment opportunity progress.

4. That all advertisements contain the tag line, "An Equal Opportunity Employer."

5. That all recruitment and employment sources be notified of the contractor's posture on equal employment opportunity. It will be desirable to receive an acknowledgement of this notification. This may be done by leaving space at the bottom of the letter for endorsement, or in any other manner which the contractor chooses.

6. That purchase orders contain a reference to Executive Order 11246. This will serve to notify sub-contractors of their responsibility to the prime contractor in accordance with Executive Order 11246.

7. That all personnel procedures serve to support affirmative action as exacted by Executive Order 11246.

8. That all department heads and supervisory personnel be made fully conversant with the contractor's position with regard to equal employment opportunity.

9. That training programs support the total equal employment opportunity effort.

10. That persistent efforts be made to break the old patterns of stratified racial employment which have concentrated white employees in administrative and professional positions, while shunting non-whites into the unskilled and service categories.

11. That the equal employment opportunity officer maintain a day-to-day file relating to the problems and progress of the implementation of the equal employment

opportunity policy of the Charleston Medical School.

12. That anything that would identify the applicant, and which might cause him/her to be subjected to discriminatory acts, not be a part of the application form. Such information should not be a part of the employee's personnel folder.

13. That the contractor (Medical College of Charleston) take the necessary steps to ensure that the building contractors who are currently constructing the new physical plant for the school, comply fully with the requirements of Executive Order 11246 in all phases of their employment.

In your response to the recommendations which are set forth above, it will be helpful if you will structure your reply so as to address yourself to each of the three areas separately. Upon receipt of your letter, this office will evaluate your response and then advise you of our findings.

Please let me say once again, on behalf of our staff, that we appreciate your cooperation and that of your entire staff on whom we called. Your personal concern and intentions to correct problem areas made our task much easier than it would have otherwise been.

Sincerely yours,

HUGH A. BRIMM,
Chief, Contract Compliance Branch, Office for Civil Rights.

JUNE 14, 1969.

Hon. ROBERT H. FINCH,
Department of Health, Education, and Welfare, Washington, D.C.:

I am extremely concerned about the continuing labor strife in Charleston, South Carolina, involving hospital workers and the city hospitals.

It is my understanding that the two sides were very close to a settlement of their dispute, due in large part to HEW's recommendations to hospital officials that the 12 workers whose dismissal precipitated the walkout be rehired.

However, on June 12, 1969, these hospital officials informed the union that their settlement offer was being withdrawn.

In light of this development, it is vitally important that HEW stand behind its original recommendation concerning the rehiring of these 12 workers. If the recommendation is withdrawn, there may be no end in sight to the strike.

I commend you and the department for your original recommendation in this matter, I urge you not to take any action which would prolong this potentially dangerous labor situation.

WALTER F. MONDALE,
U.S. Senate.

[From the Charleston (S.C.) News and Courier, June 15, 1969]

HOSPITAL STRIKE NOW POLITICAL FOOTBALL

(By Rudolph A. Pyatt)

WASHINGTON.—The 12-week-old Charleston Hospital strike has developed into a political football now being fumbled in the nation's capital.

Caught in the center of the scramble this week was Secretary of Health, Education and Welfare, Robert H. Finch.

Finch, in a familiar role since becoming head of HEW, found himself having to placate members of Congress who take a dim view of federal guidelines.

This past week Finch performed a nifty routine as he attempted to allay the fears of at least two members of the South Carolina delegation.

In the wake of an HEW letter to Dr. William M. McCord recommending certain changes to be instituted at the college and hospital, Finch found himself breakfasting with Rep. L. Mendel Rivers, receiving a letter and telephone messages from Sen. Ernest F. Hollings and giving assurances to Sen. Strom Thurmond.

The activity of those three members of the delegation produced some rather curious developments here. At the same time, the net effect of the attention given Finch by Thurmond and Rivers has had a damaging effect on negotiations in Charleston, a source close to the situation told this reporter.

When it appeared the strike at the two Charleston hospitals would explode into an embarrassing and violent episode, several members of the House and Senate pleaded with President Nixon to intervene.

Hollings, Thurmond and Rivers, silent until then, took exception to the "meddling" by their colleagues.

Still Hollings and Thurmond were guarded in their public comments on the strike and related matters. Rivers, after HEW agreed last month to investigate a complaint by 12 employes who had been fired by the Medical College Hospital, wrote a letter to Finch demanding that he review HEW's policies in handling the complaint.

Finch replied to Rivers' May 21 letter but the congressman complained "it wasn't satisfactory."

Meanwhile, HEW's contract compliance branch chief wrote a letter to Dr. McCord June 5 recommending that the dismissed 12 employes be rehired with retroactive pay.

Three key sections of that letter which was made public last week apparently spurred Rivers, Hollings and Thurmond into action while paving the way for a threatened strike of nurses and doctors at the Medical College Hospital.

In addition to the recommendation that the 12 employes be rehired, the letter also stated that a HEW investigation "has established one basic fact, which is, that the Medical College of South Carolina together with its hospital facilities is in non-compliance with the requirements of Executive (presidential) Order 11246."

The letter to McCord further stated: "in order to continue as a government contractor it will be necessary that the Medical College develop an affirmative action program in equal employment opportunity as set forth in the rules and regulations of the executive order."

After reading the letter, a member of the state's congressional delegation here, noting that Dr. McCord had requested that the letter be written, said it allowed the Medical College to put the onus on the federal government. "That way they (the hospital) could always say 'we had to yield to pressure from HEW in meeting these demands,'" the member reasoned, asking that he remain anonymous.

The letter from HEW's Hugh Brimm to Dr. McCord states in part:

"Pursuant to your request following our discussions on June 3 with you and members of your staff and Mr. Robert Alexander from Governor McNair's office, I am sending this communication."

But the most curious development Thursday was a strongly unequivocal statement by Leon Panetta, director of HEW's Office of Civil Rights.

"At this level of the office of civil rights, we are proceeding according to our letter to Dr. McCord," Panetta insisted. An aide to Panetta said he was fully aware of the meeting between Finch and Rivers earlier that day.

Just what Finch told Dr. McCord has not been determined.

Whatever it was may have had a key bearing on McCord's decision at the last minute not to rehire the 12 employes after all.

The offer to rehire the 12 was made last Monday but was withdrawn late Thursday.

A spokesman for the striking hospital workers, obviously disappointed over seeing the prospects for a settlement shattered, told this reporter Friday:

"We suddenly realized what happened. We know that Mendel Rivers, Fritz Hollings and Strom Thurmond applied pressure to the White House, and Finch, through Thurmond and Rivers makes this representation that he's going to investigate the matter personally. Meantime no funds would be withdrawn.

"So I gather that the real motivating factor for offering to rehire the 12 was based on the earlier HEW recommendation and for no other reason."

The Spokesman concluded: "McCord has gotten encouragement from somebody."

He added that is the feeling of the strikers that Finch's alleged statement is "indicative of a long, drawn-out and extended process during which time the Medical College of course will be able to continue without the 12 and still receive benefit of the funds.

"That sort of explodes the settlement right in our faces, whereas if there was an imminent threat of a withdrawal of funds, they would rehire the 12 workers."

Oddly enough, the administration ignored the requests of non-South Carolina congressmen to intervene in the strike but it now finds itself very much involved—apart from the question of unionization.

The involvement has become deeper, it appears, because of Washington politics. Secretary Finch, ever the politician—some say he has designs on the presidency—while saying what Rivers and Thurmond wanted to hear, may have succeeded in giving the Southern Christian Leadership Conference a new lease on life in Charleston. At the same time Thursday's events served to satisfy nurses and doctors who were reportedly ready to abandon the sick in favor of non-humanitarian principles in much the same manner as the strikers they have criticized.

On the other hand, Finch has not made a public statement about his conversations with Rivers, Thurmond or Dr. McCord.

But given Finch's past performances, he may respond to someone of more liberal bent by reminding them that the Nixon administration last week Wednesday announced plans for a major crackdown on government contractors who practice racial discrimination in jobs.

That in effect is what the June 5 letter to Dr. McCord is all about. Rehiring of the 12 employes is only part of the package, HEW officials say.

[From the Washington (D.C.) Post, June 16, 1969]

POLITICAL INFIGHTING BALKS CHARLESTON HOSPITAL PACT

(By Bruce Galphin)

Just before 6 p.m. last Thursday, leaders of striking hospital workers in Charleston, S.C., were in a jubilant mood. That night was to be the climax of their costly, 12-week-old walkout. A compromise settlement had been approved by all parties, and they were about to put it in writing.

Then an officer of the Medical College of South Carolina telephoned William Saunders, who as a member of the Charleston Community Relations Committee had helped forge the agreement.

A hitch had developed, the college officer said, and there wasn't any point in having the meeting until it was straightened out. He would call again the next day.

Forty-five minutes later, Saunders discovered what the hitch was. A messenger brought him a one-sentence note from Dr. William McCord, president of the Medical College and director of its hospital. It read:

"Please be advised that the offer to employ the 12 discharged workers made on June 9, 1969, is now withdrawn as of Thursday, June 12."

Firing the dozen black nonprofessional workers had triggered the strike, and rehiring them was an irreducible demand of the union—with the strong but coincidental support of the U.S. Department of Health, Education and Welfare.

So the strike continues. The union—Local 1199B of the Drug and Hospital workers—

and the Southern Christian Leadership Conference say they will escalate demonstrations. The longshoremen's union is talking of tying up the port of Charleston. Moreover, the situation is now ensnarled by Federal-state conflicts, Democratic-Republican feuding, and internal GOP squabbles.

What had happened to the settlement? Even Gov. Robert E. McNair—who reportedly had approved its terms two days before—is believed to have been caught off balance by McCord's reversal.

For one thing, South Carolina Republican state chairman Ray Harris made it a partisan. issue. He warned that voters would hold Democrat McNair and other officials accountable if the 12 workers were rehired. McNair may challenge Republican Sen. Strom Thurmond in 1972.

State Republicans also are embarrassed that a Republican-ruled HEW has taken a strong rehiring position.

Sen. Ernest F. Hollings and Rep. Mendel Rivers, Democrats, and GOP Sen. Thurmond made protestations to HEW. As a result, HEW Secretary Robert H. Finch said the rehiring proposal was subject to review—but that was no more or less than Atlanta compliance officials had said.

It was also reported that several doctors and nurses at the Medical College had threatened to resign if the 12 were rehired. Some doctors actively sought help through Republican Party contacts.

But the prime suspect, in the union's eyes, is Dr. McCord himself. Even in a state where anti-unionism prevails, few match his vehemence on the subject. He once told employes the union was only after their money, and on another occasion remarked: "I am not about to turn a $25 million complex over to a bunch of people who don't have a grammar school education."

The strike began with the March 17 firing of 12 Negro workers who, in Dr. McCord's view, deserted their posts but who in their own view, merely came to his office on free time to present grievances.

Within 11 days, more than 400 nonprofessional workers had walked out of the medical college and Charleston County Hospital. The basic issues include not just rehiring the 12 but union recognition, wages and grievance procedures.

In the meantime, and unknown to the workers, HEW had been conducting since last July 31 its own investigation of the Medical College—a routine check on whether it was meeting standards for Federal contractors. (The college receives about $8 million in construction money and $4 million for research and other grants.)

In a still-unreleased letter dated Sept. 19, 1968, Dr. Hugh A. Brimm of Atlanta, HEW's regional contract compliance chief, notified the hospital of nine "findings" relating to equal educational opportunities, 15 relating to equal health opportunities and 13 to equal employment opportunities.

Some of the "findings" were indisputable fact. Others were allegations. Some of the items:

All the physicians at the hospital were white, although there are several Negro physicians in Charleston.

The School of Pharmacy placed students for "apprenticeship" at institutions practicing racial discrimination.

"We were informed in the community that patients were shifted around to achieve a biracial mix in anticipation of the HEW visit."

Nonpaying patients—mostly black—allegedly received poorer doctors' and nursing care than paying patients—mostly white.

Personnel policies precluded action on equal employment. For example, some job descriptions required in-house experience in work from which Negroes had been excluded. There was no training program to allow Negro employees to upgrade skills.

"Employment patterns clearly suggest stratification of employes with regard to race: i.e., administrative and professional positions are occupied by whites; non-whites are concentrated in service and nonskilled categories."

Dr. McCord and HEW officials then engaged in months of correspondence, deadline-extensions and delays on a compliance agenda.

Coincidentally, the union filed a complaint about the firings with the Atlanta compliance office and, without realizing it, became a party to the deliberations.

On June 5, Brimm wrote McCord a letter stating that investigation had "established one basic fact, which is that the Medical College of South Carolina, together with its hospital facilities, is in noncompliance with the requirements of Executive Order 11426 . . ."

The letter said the hospital would have to adopt an affirmative equal employment program. "As a first step" of good faith, Brimm "recommended" rehiring the 12.

McCord had vowed never to rehire them, but an HEW order involving $12 million in Federal aid provided a face-saving out. He and the hospital trustees agreed to rehire the 12.

There also was progress elsewhere. Charleston's business and tourism had been crippled by SCLC's marches, boycotts and "shop-ins" and by the nightly curfew and the month-long National Guard presence. Mayor J. Palmer Gaillard appointed a committee to deal with the crisis, and it has played an important role in seeking a settlement.

The first breakthrough came in early June when the state announced it would raise the state minimum wage to $1.60 an hour July 1. The hospital workers now earn $1.30 or a few cents more, and it is believed the union would settle for the $1.60 figure.

Union recognition remained a problem. McNair maintains the state cannot recognize unions because the Legislature sets state workers' wages. (Actually the state does recognize several railroad unions, and Medical College trustees are empowered to set salaries). However, the union is willing to settle for less than full recognition—as it did in organizing New York hospital workers in 1959.

That left only the issue of grievances, and on June 5 negotiators reportedly agreed on a plan for worker-elected appeals panels.

Seemingly, the strike was all but over.

Then last Thursday came Dr. McCord's message withdrawing his agreement to rehire the 12 fired workers.

And by the weekend, the SCLC, the union local and the Charleston black community were preparing to renew demonstrations.

[From the Washington (D.C.) Post, June 18, 1969]

SECRETARY FINCH AND THE CHARLESTON STRIKE

Secretary Finch of the Department of Health, Education and Welfare holds a key to settlement of the bitter and potentially explosive six-week-old strike of hospital workers in Charleston, S.C. A word from him that he intends to enforce Federal guidelines against discrimination in employment, it seems, will provide the necessary spur to get the dispute settled. Early last week it appeared to have been settled until word reached Charleston that members of the South Carolina congressional delegation had persuaded Secretary Finch to hold off any fund cutoff.

Apart from the guidelines question, the dispute is important because it represents an effort by low paid public employes in the South who are usually black to use the machinery of collective bargaining to improve their lot. Traditionally, the South has resisted this extension of collective bargaining. A similar strike of black garbage workers in Memphis in 1968 was settled only after the assassination of Dr. Martin Luther King, Jr. As in Memphis, the Southern Christian Leadership Conference has intervened in Charleston on behalf of the strikers.

Complicating the Charleston dispute is the claim by Sen. Strom Thurmond (R-S.C.) that he has been able to persuade Secretary Finch before the latter departed for a vacation to withhold any fund cutoff "pending a personal investigation." Democrats Sen. Ernest F. Hollings and Rep. L. Mendel Rivers similarly have intervened. When word of their intervention reached Charleston, the understanding that had been carefully worked out between the two public hospitals and the union of hospital employes with the help of Gov. Robert E. McNair blew up. Union officials despair of putting the agreement back together again without word from Mr. Finch that he intends to enforce the employment guidelines, or failing that, without a call to other unions and civil rights organizations to broaden the dispute into a major national issue. Already, SCLC is planning night marches and "escalated" demonstrations to dramatize the matter.

The sticking point is the question of rehiring twelve employes whose discharge precipitated the strike. Among the dozen are the president of the union and its most active members. Governor McNair skillfully got around a previous refusal to bargain on wages by raising the applicable minimum wage from $1.30 an hour to $1.60 an hour. The union, in turn, was prepared to finesse the question of union recognition, but not the question of reinstatement. Although the trustees of the Medical College of South Carolina which operates one of the hospitals authorized the rehiring of the twelve, the president of the college, Dr. William McCord, said that he was not going to do so. Dr. McCord's announcement was made as word reached Charleston that a Federal fund cutoff was not imminent.

HEW's regional compliance office in Atlanta has come up with a list of 37 findings against the college hospital indicating a pattern of discrimination in treatment of patients, students and employes. Those allegations relating to employes are relevant to the strike, and all are a matter of concern as far as the expenditure of HEW funds is concerned. But the immediate issue is the strike. It should be settled in Charleston and not be allowed to take further national overtones. Secretary Finch can help accomplish this end by giving assurances that the guidelines will be enforced.

[From the New York Times, June 18, 1969]

THE CHARLESTON STRIKE

It takes no great cynicism to suspect political pressure on a high level in the lost opportunity for a settlement of the racially explosive hospital workers' strike in Charleston. On June 9 Dr. William McCord, president of the Medical College of South Carolina, announced that he was prepared to reinstate twelve Negro employees who had allegedly abandoned their posts by coming to his office to present grievances. In the following three days, agreement was reached on all other issues in the three-month-old strike, including a raise from the wretched $1.30 an hour which most of the 400 strikers were getting.

Then, on June 12, minutes before the jubilant principals were to sign the agreement with the blessings of Governor McNair, word came that Dr. McCord had withdrawn the offer to take back the workers.

If there was no explanation of Dr. McCord's arbitrary reversal in Charleston, there was a plausible explanation in Washington. Earlier in the day Senator Strom Thurmond and Representative L. Mendel Rivers of South Carolina had paid a call on Robert H. Finch, Secretary of Health, Education and Welfare. Secretary Finch was a key man in

the situation, since it was his department's apparent willingness to withdraw Federal funds from the state's hospitals for noncompliance with the Civil Rights Act which had in all likelihood induced in Dr. McCord the earlier mood of conciliation. The views of the two South Carolina statesmen on the subject of the strike were known to reflect those of the state's Republican chairman, who had warned that if the twelve workers were reinstated, Governor McNair and others would be held politically accountable. Senator Thurmond was able to come away with assurances by Mr. Finch that no Federal funds would be cut off pending a thorough investigation by the department, whose regional office had already found a forbidding list of violations.

If it is too much to expect Dr. McCord to account for his sudden about-face, it is reasonable to expect a clarification from Mr. Finch, who has been notably sensitive on racial problems in the past. Even now a strong statement from him, promising a swift probe and appropriate action, might induce another 180-degree turn by Dr. McCord.

[From the New York Times, June 23, 1969]

THE CHARLESTON CYCLE

Lingering prospects for an early settlement of the Charleston hospital workers' strike have been gravely jeopardized by the worst violence in the three-month history of the struggle. Although both sides share responsibility for the weekend flare-up, the rising tension in Charleston was foreseeable—and foreseen—and is the inevitable consequence of a chain reaction that started last week in Washington.

With a settlement apparently only hours away, Robert H. Finch, Secretary of Health, Education and Welfare, issued a statement that at the very least left up in the air the question of whether his department seriously intended to cut off Federal funds for two South Carolina hospitals unless they corrected certain violations of the Civil Rights Act reported by its own regional office.

The Secretary's call for another investigation, following a conference with Senator Strom Thurmond and Representative L. Mendel Rivers, was seen as a delaying action taken just as the strike was on the point of settlement. From that frustrating moment events took a highly predictable course: Dr. William M. McCord, president of the Medical College of South Carolina, went back on his agreement to reinstate the twelve workers, whose firing had touched off the strike. His action, arrogantly unexplained, triggered the decision of the Southern Christian Leadership Conference to "lift non-violence to a new level."

Charleston authorities in turn banned the proposed night march as inflammatory and were defied, with arrests following the defiance and rioting following the arrests.

Just as the vicious cycle started in Washington, it can be ended there. Let Secretary Finch state unequivocally that funds to the Charleston hospitals amounting to twelve million dollars, will be cut off for further noncompliance, and it is extremely probable that Dr. McCord will once more see the light—or at least feel the heat. There would be nothing unduly coercive in that approach; it was precisely to effect such compliance that the Civil Rights Act was passed.

[From the New York Times, June 23, 1969]

CHARLESTON CALM AS NEGROES MARCH—HOSPITAL STRIKE SETTLEMENT IS REPORTED IMMINENT

(By James T. Wooten)

CHARLESTON, S.C., June 22.—The second day of summer slipped serenely into this city's history with the peaceful integration of traditionally white churches and a noisy but non-violent parade through the quaint streets by striking Negro hospital workers and their supporters.

Although there has been no substantial abatement of the tensions that prompted a dusk-to-dawn curfew, strike leaders have shown a marked hesitancy to create confrontations that might result in arrests and violence. A short march last night ended when the police ordered the Negroes to go home, and in another demonstration today the marchers followed a route approved in advance by local officials.

As the result of a spur-of-the-moment idea, typical of techniques being used by the Southern Christian Leadership Conference in its campaign here on behalf of the striking workers, small groups of Negroes visited several all-white churches this morning. Except for a minor scuffle involving television newsmen and a non-churchgoer, there were no incidents.

SETTLEMENT SEEMS NEAR

The reluctance of Negro leaders to continue aggressive demonstrations in the tradition of previous campaigns is thought to be the result of an imminent settlement to the strike, which began March 20 when 12 Negro workers were discharged from the South Carolina Medical College Hospital.

According to informed sources nearly every issue in the dispute has been resolved to the mutual satisfaction of both Local 1199B, the all-Negro union pressing the strike, and officials of the college hospital and the county institution where Negro employes are also on strike.

It is known that on Friday afternoon, a few hours before the Rev. Ralph David Abernathy was arrested and jailed, Gov. Robert E. McNair spoke with representatives of the S.C.L.C., the organization founded by the late Rev. Martin Luther King, Jr. As a result of that conversation, there was an agreement on conditions for the settlement, including the re-employment of the dozen workers who were dismissed.

TWO WERE ARRESTED

That night, however, Mr. Abernathy, president of the conference, and an aide, the Rev. Hosea Williams, were charged with inciting to riot following a three-hour rally at a Negro church and both are being held in $50,000 bail. Their arrest, according to the sources, represents an unexpected impediment to a quick settlement of the strike.

Tomorrow, officials of the medical college are to meet in Atlanta with representatives of the United States Department of Health, Education and Welfare, which has already recommended that the employes be rehired, one of the primary demands of the workers. Other union requests, such as those for higher wages and a grievance system, have been met through a new state employe wage and classification system.

One theory about the caution of the civil rights leaders who have guided the long strike is that they have no desire to place Governor McNair in a position that would make a settlement appear to be a capitulation to their demonstrations and their demands.

CITE LACK OF LAW

The position of both the county and the state hospitals has been that there can be no negotiation with the union because there is no enabling statute that allows government institutions to deal with labor organizations.

That barrier apparently has been removed by the union's agreement to be satisfied with something a bit less than formal recognition, such as the willingness of the hospital to establish payroll contributions to an employes' credit union.

The remaining issue is the re-employment of the discharged workers. The board of trustees of the college hospital has agreed to do so on recommendation of the Health, Education and Welfare Department. However, the hospital's president, Dr. William M. McCord, has refused, saying that wholesale resignations of doctors and nurses will result if the workers are allowed to return.

The presence of Negroes in traditionally all-white churches this morning was, in most places, ignored by regular worshipers. One exception was St. Michael's Episcopal Church, the oldest in this peninsula city, where about 15 Negroes, including some children, were invited to an informal reception with punch and cookies in the church's parish house following the morning service.

As they left the sanctuary, television newsmen filming their departure were heckled and then attacked by a man in shirtsleeves who was angry at their presence near the church. A parishioner called the police, but another canceled the request and there was no further disturbance.

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

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House has disagreed to the amendments of the Senate to the bill (H.R. 11400) making supplemental appropriations for the fiscal year ending June 30, 1969, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MAHON, Mr. WHITTEN, Mr. ROONEY of New York, Mr. EVINS of Tennessee, Mr. NATCHER, Mr. FLOOD, Mr. BOW, Mr. JONAS, Mr. CEDERBERG, and Mr. DAVIS of Wisconsin were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the concurrent resolution (S. Con. Res. 17) to recognize the 10th anniversary of the opening of the St. Lawrence Seaway, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 12167. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; and

H.R. 12307. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (S.J. Res. 123) to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates, and it was signed by the President pro tempore.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were each read twice by their titles and referred or placed on the calendar, as indicated:

H.R. 12167. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes; placed on the calendar.

H.R. 12307. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1970, and for other purposes; to the Committee on Appropriations.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

REPORT ON EXPORT-IMPORT BANK INSURANCE AND GUARANTEES ISSUED IN CONNECTION WITH U.S. EXPORTS TO YUGOSLAVIA

A letter from the Office of the Secretary, Export-Import Bank of the United States, reporting, pursuant to law, the amount of Export-Import Bank insurance and guarantees issued in May 1969 in connection with U.S. exports to Yugoslavia; to the Committee on Banking and Currency.

REPORT ON PROPOSED ALTERATIONS AT THE GENERAL ACCOUNTING OFFICE BUILDING

A letter from the Acting Administrator, General Accounting Office, transmitting, pursuant to law, a prospectus for proposed alteration at the General Accounting Office Building, Washington, D.C.; to the Committee on Public Works.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on a study of the acquisition of peripheral equipment for use with automatic data processing systems, dated June 24, 1969; to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the Cispus Job Corps Civilian Conservation Center Under the Economic Opportunity Act of 1964, Randle, Wash., Department of Agriculture, Office of Economic Opportunity, dated June 25, 1969; to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A joint resolution of the Legislature of the State of Connecticut; to the Committee on Finance:

"SENATE JOINT RESOLUTION No. 9

"Resolution memorializing Congress to enact certain welfare legislation

"Resolved by this Assembly:

"Whereas the question of welfare assistance is of paramount importance to the entire United States of America; and

"Whereas the disparity of payments among the several states and the lack of national standards of assistance have created crisis situations in state fiscal management;

"Now therefore, be it resolved, That the Congress of the United States be memorialized to take immediate action to enact legislation which will include the following provisions:

"The financing by the federal government of all welfare payments throughout our nation; the establishment of uniform national standards for all welfare assistance; the continued administration by the individual states and towns of welfare from the local level and emphasis on training and incentive programs, as well as programs, as well as programs designed to reunite families receiving welfare assistance; and

"Be it further resolved, That the Clerks of the House and Senate cause copies of this resolution to be sent to the Speaker of the United States House of Representatives, to the President of the United States Senate and to the members of the United States House and Senate from Connecticut.

"CHARLES M. MCCOLLAM, Jr.,
"Clerk of the Senate."

"PAUL B. GROOBERT,
"Clerk of the House."

"Attest:

"ELLA T. GRASSO,
"Secretary of the State."

A resolution adopted by the city council, city of South San Francisco, State of California, concerning the taxation of State and local government bonds; to the Committee on Finance.

A telegram, in the nature of a petition, from the President, African American Repatriation Association, of Philadelphia, Pa., praying for a redress of grievances; to the Committee on the Judiciary.

A petition, signed by Mrs. Roscoe Smith, and sundry other members of the Antioch United Methodist Church, of Roaring Gap, N.C., praying for the enactment of legislation relating to pornography, and so forth; to the Committee on the Judiciary.

By Mrs. SMITH (for herself and Mr. MUSKIE):

A joint resolution of the Legislature of the State of Maine; to the Committee on Finance:

"JOINT RESOLUTION MEMORIALIZING CONGRESS TO REVISE THE PRESENT SYSTEM OF ADMINISTERING FEDERAL GRANTS

"We, your Memorialists, the House of Representatives and Senate of the State of Maine in the One Hundred Fourth Legislative Session assembled, most respectfully present and petition your Honorable Body as follows:

"Whereas, the Federal Government's preeminence in the income tax field has led to a greater need for unrestrictive sharing of such revenue with state and local governments by means other than its complex system of categorical grants-in-aid; and

"Whereas, the over development of categorical grant-in-aid programs has imposed stringent restrictions and conditions which are contrary to the needs and requirements of this State; and

"Whereas, the complexity of federal grant-in-aid programs creates administrative difficulties at the state and local level because of different matching, administrative, planning and reporting requirements; and

"Whereas, unless the trend toward restrictive categoric federal grants is reversed, these grants will so entwine themselves that the state's freedom of movement will be significantly inhibited; and

"Whereas, there is a need and justification for consolidation, simplification and revision of grant programs which will allow the State and its municipalities more opportunity to express their own initiative and reflect their specific needs and preferences; now, therefore, be it

"Resolved: That We, your Memorialists, most sincerely recommend and urge the Congress of the United States to enact legislation designed to consolidate, simplify and revise the existing system by which grants-in-aid are made available to the states by replacing the numerous individual categorical grants with fewer but more flexible tax-sharing programs or block grants which impose no qualifying conditions as to use, thereby restoring to the State and its municipalities the ability to more effectively meet its primary responsibility through the exercise of independent judgment and freedom to determine the needs of its people; and be it further

"Resolved: That a copy of this Resolution, duly authenticated by the Secretary of State, be transmitted by the Secretary of State to the Honorable Richard M. Nixon, President of the United States, and to the Senate and House of Representatives in Congress and to the members of the Senate and House of Representatives from this State.

"In Senate Chamber, June 12, 1969. Read and adopted, Sent Down for Concurrence, Ordered Sent Forthwith.

"JERROLD B. SPEERS,
"Secretary.

"House of Representatives, June 13, 1969. Read and adopted, In Concurrence.

"BERTHA W. JOHNSON,
"Clerk.

"Attest:

"JOSEPH T. EDGAR,
"Secretary of State."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MUSKIE, from the Committee on Banking and Currency, without amendment:

S.J. Res. 122. A joint resolution to provide for a temporary extension of the authority conferred by the Export Control Act of 1949 (Rept. No. 91-275).

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

H.J. Res. 790. A joint resoution making continuing appropriations for the fiscal year 1970, and for other purposes (Rept. No. 91-274).

By Mr. YARBOROUGH, from the Committee on Appropriations, with amendments:

H.R. 11582. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1970, and for other purposes (Rept. No. 91-278).

By Mr. NELSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 621. A bill to provide for the establishment of the Apostle Islands National Lakeshore in the State of Wisconsin, and for other purposes (Rept. No. 91-276).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 4229. An act to continue for a temporary period the existing suspension of duty on heptanoic acid (Rept. No. 91-279).

DEPARTMENT OF AGRICULTURE ANNUAL APPROPRIATION BILL—REPORT OF A COMMITTEE (S. REPT. NO. 91-227)

Mr. HOLLAND. Mr. President, for the Committee on Appropriations I submit the committee report on H.R. 11612, the annual appropriations for the Department of Agriculture and related agencies. The bill is reported with amendments.

Mr. President, I ask unanimous consent that the report of the committee, which contains no dissenting views, be printed.

The PRESIDING OFFICER. The report will be received, and the bill will be placed on the calendar; and, without objection, the report will be printed.

ADDITIONAL ASSISTANCE FOR AREAS SUFFERING A MAJOR DISASTER—REPORT OF A COMMITTEE—SEPARATE VIEWS (S. REPT. NO. 91-280)

Mr. BAYH. Mr. President, from the Committee on Public Works, I report

favorably, with an amendment, the bill (S. 1685) to provide additional assistance for areas suffering a major disaster, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the separate views of the Senator from Kansas (Mr. DOLE).

The PRESIDING OFFICER. The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Indiana.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

Keith S. Snyder, of North Carolina, to be U.S. attorney for the western district of North Carolina;

William R. Burkett, of Oklahoma, to be U.S. attorney for the western district of Oklahoma;

William L. Osteen, of North Carolina, to be U.S. attorney for the middle district of North Carolina;

Fred C. Sink, of North Carolina, to be U.S. marshal for the middle district of North Carolina;

John P. Milanowski, of Michigan, to be U.S. attorney for the western district of Michigan;

James W. Norton, Jr., of North Carolina, to be U.S. marshal for the eastern district of North Carolina;

Doyle W. James, of Colorado, to be U.S. marshal for the district of Colorado.

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. NELSON:

S. 2480. A bill for the relief of Anastassios Klepetsanis; to the Committee on the Judiciary.

By Mr. SYMINGTON:

S. 2481. A bill for the relief of Dr. Farid M. Fuleihan; to the Committee on the Judiciary.

By Mr. JAVITS (for himself, Mr. JACKSON, Mr. MAGNUSON, Mr. YARBOROUGH, Mr. AIKEN, Mr. BENNETT, Mr. BIBLE, Mr. CANNON, Mr. CHURCH, Mr. CRANSTON, Mr. DODD, Mr. EAGLETON, Mr. FANNIN, Mr. GOODELL, Mr. GORE, Mr. GRAVEL, Mr. HARRIS, Mr. HART, Mr. HATFIELD, Mr. HOLLINGS, Mr. HUGHES, Mr. INOUYE, Mr. MCCARTHY, Mr. MCGOVERN, Mr. METCALF, Mr. MILLER, Mr. MONDALE, Mr. MOSS, Mr. MURPHY, Mr. MUSKIE, Mr. NELSON, Mr. PELL, Mr. PROUTY, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. SCOTT, Mr. YOUNG of North Dakota and Mr. YOUNG of Ohio):

S. 2482. A bill to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases; to the Committee on Labor and Public Welfare.

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

By Mr. MUSKIE (for himself and Mr. GOODELL):

S. 2483. A bill to establish a system of general support grants to State and local governments; to allow partial Federal income tax credit for State and local income tax payments; to authorize Federal collection of State income taxes; to enlarge the Federal estate tax credit for State death tax payments; and to permit States or local taxing authorities to tax property located in Federal areas; to the Committee on Government Operations.

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

By Mr. INOUYE:

S. 2484. A bill to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of Hawaiian papayas; to the Committee on Agriculture and Forestry.

By Mr. HARRIS:

S. 2485. A bill to amend title 5, United States Code, with respect to civil service retirement credit for employees injured in line of duty, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MCGEE:

S. 2486. A bill to authorize the Secretary of the Interior to provide grants to the State of Wyoming to assist in a program to seal abandoned coal mines and to fill voids in abandoned coal mines; to the Committee on Interior and Insular Affairs.

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

By Mr. WILLIAMS of New Jersey (for himself, Mr. YARBOROUGH, Mr. CRANSTON, Mr. EAGLETON, Mr. INOUYE, Mr. MONDALE, Mr. RANDOLPH, and and Mr. STEVENS):

S. 2487. A bill to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. WILLIAMS of New Jersey when he introduced the bill appear under the appropriate heading.)

By Mr. CURTIS (for himself and Mr. HRUSKA):

S. 2488. A bill to amend section 4(h) of the Commodity Credit Corporation Charter Act so as to authorize the Commodity Credit Corporation to insure loans made to farmers for the construction on purchase of grain storage facilities for storage of grain on the farm; to the Committee on Agriculture and Forestry.

By Mr. HARRIS (for himself and Mr. BELLMON):

S.J. Res. 127. A joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., from May 15, 1971, through May 23, 1971; to the Committee on Foreign Relations.

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

By Mr. HARRIS:

S.J. Res. 128. Joint Resolution to authorize the President to issue annually a proclamation designating the 7-day period beginning on the first Sunday in April of each year as "Volunteer Week"; to the Committee on the Judiciary.

S. 2483—INTRODUCTION OF THE INTERGOVERNMENTAL REVENUE ACT

Mr. MUSKIE. Mr. President, I introduce, for appropriate reference, the Intergovernmental Revenue Act, on behalf of myself and Senator GOODELL. I ask unanimous consent that the text, a section-by-section analysis of the bill and exhibits be printed in the RECORD following these remarks. The bill and the exhibits were prepared by the Advisory Commission on Intergovernmental Relations, of which I am privileged to be a member. I am introducing the bill at the request of the Advisory Commission for purposes of discussion and further study.

Senator GOODELL has long been a strong advocate of Federal revenue sharing with the State and local governments, and has sponsored major bills on this subject in 1967 (H.R. 4070) and in this session (S. 50). The first title of the proposed Intergovernmental Revenue Act would create a system of revenue sharing that is closely analogous to that proposed by him in his S. 50 bill introduced earlier this year.

The central objective of the Intergovernmental Revenue Act is to help redress the fiscal balance of our federal system. It would do this by:

First, supplementing the tax base of States and localities, through a system of Federal general support payments; and

Second, encouraging States and localities to adopt stronger tax systems of their own, by establishing Federal tax credits for State and local income and estate taxes.

It is designed to put new life into our federal system by strengthening the fiscal base of States and local governments.

Urgently needed steps must be taken toward redressing the growing fiscal imbalance among the levels of our Government. This imbalance poses a grave threat to the integrity of our federal system of shared power.

While the Federal income tax has given the Central Government of this Nation a strong fiscal base, capable of growing as the economy expands, the fiscal base of our State and local governments, however, has not had the same strength and growth potential. Consequently, many State and local governments face a financial squeeze today, and have become increasingly dependent on Federal grant-in-aid programs in order to meet rising demands for public services.

The fiscal crisis that has followed is a product of rising State and local expenditures, outdated State and local tax systems and increasingly, interarea competition for a limited amount of tax dollars.

The current revenue-producing abilities of State and local governments cannot keep pace with rising public expenditures. Many of our State and local governments still have outdated tax structures. Only a minority have a built-in capacity to provide for revenue growth as the economy grows. Those States and municipalities with modern tax structures have suffered from interstate and interarea competition, losing affluent taxpayers to neighboring lower tax areas.

In sum, this is the problem of fiscal imbalance. It has been carefully documented by the Advisory Commission on Intergovernmental Relations in its landmark 1967 report, "Fiscal Balance in the American Federal System." That report made a number of major recommendations for reform many of which have been developed in detail in this proposed legislation.

One proposed remedy for this crisis concerns revenue sharing. Under that proposal, the Federal Government would distribute a portion of its tax revenues to States and localities without speci-

fying a particular use of the funds. The States and local governments receiving these payments would be free to determine for themselves how to use the grants. The Federal Government does not now provide this type of general support payments to States and localities, and instead makes grants-in-aid for specifically defined purposes, often with extensive controls.

The objective of distributing, from Federal revenues, percentage of personal income to States and local governments without Federal controls would be to provide greater vigor to State and urban governments. It would supplement these governments' local tax base, thus enabling them to strengthen their administrative apparatus, supply better public services, and meet pressing social needs more effectively.

General support grants to State and local governments date back 130 years, when the Federal Government on a one-shot basis, distributed the surplus accumulated in the National Treasury to the States. Today, many States have their own systems of revenue sharing with local governments analogous to proposals made for its adoption at the Federal level.

As a concept, revenue sharing has been endorsed by the National Governors' Conference, the National League of Cities, the U.S. Conference of Mayors, the National Conference of State Legislative Leaders, and the National Association of Counties. In the 90th Congress alone, over 110 Members of Congress sponsored or cosponsored over 90 revenue-sharing payments to States and local governments for fiscal year 1970. Under the distribution formula of the bill, it is estimated that on a nationwide basis about 49 percent of these payments would be allocated to States, 22 percent to major cities, 12.5 percent to urban counties, and 16 percent to the support of local schools.

A unique feature of this bill is that it combines revenue sharing with tax credits to reinforce the fiscal independence of State and local governments. Revenue-sharing supplements the tax base of States and localities. Tax credits help strengthen the tax base of States and localities, by creating an effective incentive for improving their tax systems.

To assist States in adopting or strengthening their own income tax systems, the bill authorizes the Treasury to collect State personal income taxes under terms mutually agreeable to the Secretary of the Treasury and the appropriate State officials.

The proposed income tax credit would result in an estimated Federal revenue loss of $2.6 billion in the first year of its operation. The offsetting State revenue gain is difficult to estimate, as it depends on how many States adopt the income tax or upgrade their existing income tax, but in the long run the State gains should exceed the Federal loss because the States will be collecting $1 for each 40 cents of Federal credit.

By combining revenue sharing with tax credits, the bill will help achieve the complementary objectives of supplementing and modernizing State and local tax systems. It will assist in assuring that States and localities keep up their own tax efforts after they begin receiving general support payments from the Federal Government. It will constitute an important step toward eliminating the serious interstate and interarea taxing disparities that have placed the most progressive taxing jurisdictions at a competitive disadvantage.

Mr. President, I hope that the bill can be given early consideration in the Senate. The fiscal crisis confronting our State and local governments is deserving of prompt resolution and this alternative is one well worth exploring.

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

The bill (S. 2483), to establish a system of general support grants to State and local governments; to allow partial Federal income tax credit for State and local income tax payments; to authorize Federal collection of State income taxes; to enlarge the Federal estate tax credit for State death tax payments; and to permit States or local taxing authorities to tax property located in Federal areas, introduced by Mr. MUSKIE (for himself and Mr. GOODELL), was received, read twice by its title, referred to the Committee on Government Operations, and ordered to be printed in the RECORD, as follows:

S. 2483

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intergovernmental Revenue Act".

DECLARATION OF POLICY

SEC. 2.(a) The Congress affirms that the governments of the United States and of the several States and their political subdivisions bear jointly and severally the duty and responsibility to safeguard the quality of American life; that the States and local communities have and must retain control over and primary responsibility for the provision of most domestic public services and facilities for the population of the Nation; and that to fulfill these commitments the States and their political subdivisions must have access to an equitable share of the Nation's fiscal resources which the Congress now commands and influences through the tax system of the Federal Government.

(b) Therefore, the Congress hereby declares it to be the policy of the United States to federalize the Federal income tax; to reduce impediments to the use of personal income taxes by the several States; to facilitate the exercise of adequate powers of taxation by the several States and their political subdivisions; and to provide general support payments to help States, cities, and counties to finance their own programs and set their own priorities to help solve their unique and most crucial problems.

TITLE I—GENERAL SUPPORT PAYMENTS TO STATES AND THEIR POLITICAL SUBDIVISIONS

DEFINITIONS

SEC. 101. For purposes of this Act—

(1) "Secretary" means the Secretary of the Treasury;

(2) "State" means the several States and the District of Columbia;

(3) "trust fund" means the General Support Trust Fund established by this Act;

(4) "taxable income" means taxable income as defined in Section 63 of the Internal Revenue Code of 1954 as shown by returns made by individuals of the tax imposed by chapter 1 of such Code;

(5) "total personal income" means the aggregate personal income for residents of a State as reported in the official reports of the Department of Commerce;

(6) "local revenue ratio" of a city or county means the ratio, for the most recent annual period for which usable data are available, between—

(A) the total receipts from all taxes imposed by such city or county; and

(B) the total receipts from all taxes imposed by the State and all its political subdivisions;

(7) "population ratio" of a city or county having a population between 50,000 and 99,999 shall be the percentage by which the population of the city or county exceeds 50,000; and

(8) "local school tax ratio" means the ratio between—

(A) the total receipts from all taxes imposed by public school systems which are administratively and fiscally independent of any other government and are classified for Census Bureau reporting of governmental data as independent school district governments; and

(B) the total receipts from all taxes imposed by such independent school districts and the State government.

GENERAL SUPPORT TRUST FUND

SEC. 102. (a) There is hereby established in the Treasury of the United States a trust fund to be known as the General Support Trust Fund. The trust fund shall consist of such amounts as may be appropriated to such fund as provided in this section.

(b) There is hereby appropriated to the trust fund, out of any money in the Treasury not otherwise appropriated, for the fiscal year beginning July 1, 1969, and for each fiscal year thereafter, an amount, as determined by the Secretary equal to the amount obtained by adding (A) 1 percent of aggregate taxable income reported on Federal individual income tax returns filed during the preceding fiscal year, and (B) 25 percent of State personal income tax collections for the preceding fiscal year and dividing the sum by two. In no event shall the amount so appropriated for any fiscal year be less than any amount appropriated for the preceding fiscal year.

(c) Beginning with the first quarter of the fiscal year beginning July 1, 1969, the Secretary shall, not less than once each quarter, transfer from the general fund of the Treasury to the trust fund the amounts appropriated by subsection (b). Such transfers may, to the extent necessary, be made on the basis of estimates by the Secretary of the amounts referred to in subsection (b). Proper adjustments shall be made in the amounts subsequently transferred to the extent that prior estimates were in excess of or less than the amounts required to be transferred. Computations by the Secretary under this section shall be final and conclusive.

(d) In each of the first three years following the enactment of this Act, the Secretary shall deduct an amount not to exceed 1 percent of the amount appropriated to the trust fund for the purpose of enabling the Secretary to carry out his duties and responsibilities, including the provision of any requisite statistical or data gathering activities required under this Act. The Secretary is hereby authorized to spend the amount so deducted for such purposes as in his discretion will facilitate the equitable distribution of the General Support Trust Fund established by this Act.

BASIC PAYMENTS

SEC. 103. (a) Subject to the provisions and qualifications of this Act, the Secretary shall, during the fiscal year beginning July 1, 1969,

and during each fiscal year thereafter, pay to each State from amounts appropriated to the trust fund for the fiscal year in which payments are made, a total amount equal to the entitlement of the State under section 104. Such payments shall be made in installments periodically during any fiscal year but not less often than once each quarter. Proper adjustments shall be made in the amount of payment to each State to the extent that payments previously made were in excess of or less than the amounts required to be paid. Adjustments in payments by the Secretary under this section shall be final and conclusive.

STATE ENTITLEMENT

SEC. 104. (a) The Secretary shall determine the basic entitlement of each State to an amount of the trust fund during the fiscal year beginning July 1, 1969, and during each fiscal year thereafter as provided in this section.

(b) The total entitlement for each State for each fiscal year shall be the amount equal to the amount appropriated to the trust fund multiplied by the ratio of the product obtained by multiplying the total resident population of each State for the fiscal year by the tax effort factor of each State and then dividing such product by the sum of such products for all States.

(c) For purposes of subsection (b), a State's tax effort factor for any fiscal year is the result obtained by dividing (1) the annual total of taxes plus the net profits from the operation of State-owned liquor stores collected by the State and its political subdivisions by (2) the total personal income of individuals residing in the State for a closely related annual period.

(d) For purposes of subsection (b), a State's tax effort ratio factor for any fiscal year is the ratio of the State's tax effort factor as defined in subsection (c) for the latest fiscal year to the State's tax effort factor for the immediately preceding fiscal year.

QUALIFYING AGREEMENTS WITH THE SECRETARY

SEC. 105. (a) In order to be qualified to receive the payments provided for by this Act, the Governor of a State, with the approval of the legislature, shall enter into an agreement with the Secretary to undertake—

(1) to adhere to the same methods of public scrutiny and debate over the use of funds and the same budgetary process, laws, and responsibility with respect to the fiscal control and accountability for all payments received under this Act as it does with respect to State funds derived from its own taxing powers and to report annually to the Secretary at such time as he may prescribe, on the disposition of such payments. This report shall include a five-year projection of State government expenditures. The Secretary shall have no power either to approve or disapprove State expenditures of payments received under this Act;

(2) to impose no restrictions on the use of funds distributed to political subdivisions which are not applicable to the use of funds which its political subdivisions derive from their own taxing powers other than to prohibit a political subdivision from spending any portion of the funds distributed to it for purposes which are in conflict with any State plan enacted into law dealing with the utilization and development of the State's human and physical resources or particular aspects thereof;

(3) to confirm by annual reports filed with the Secretary following each of the first three years after the effective date of this Act, that the State distributed to each city and county government for which an allocable share is specified in this Act, a total amount not less than the sum of the annual amount allocable to that government under this Act plus all amounts it received from the State during the State fiscal year that ended in calendar 1969 or to demonstrate to the satisfaction of the Secretary that any failure to meet this requirement is entirely offset by the intervening transfer from the local government to the State of financial responsibility for direct support of particular services or facilities;

(4) to adhere to all applicable Federal laws in connection with any activity, program, or service provided solely or in part from any funds received by a State or its political subdivisions under this Act;

(5) to make reports to the Secretary, the Congress, and the Comptroller General in such form and containing such information as they may reasonably require to carry out their functions under this Act; and

(6) to make the distributions out of the payments of the State entitlement received by it to certain cities and counties as provided under subsection (b) and to school districts as provided under subsection (e).

(b) Each State shall distribute in each fiscal year out of payments of the State entitlement—

(1) to each city and county having within its boundaries a population of 100,000 or more an amount not less than the product obtained by multiplying (A) the general support entitlement for the State under section 104 by (B) twice the local revenue ratio of the city or county; and

(2) to each city and county having within its boundaries a population between 50,000 and 99,999 an amount not less than the product obtained by multiplying (A) the general support entitlement for the State area under section 104 by (B) a fraction representing the product of (i) twice the local revenue ratio of the city or county, and (ii) the population ratio of the city or county.

(c) To encourage States to take the initiative in strengthening the fiscal position of major cities and counties and to maximize flexibility in the use of the authorized general support payments for meeting the particular needs of differing State-local fiscal systems, the Secretary shall accept an alternative plan for the use of general support funds made available to major cities and counties under this section provided the plan is enacted by the State legislature and conforms to at least one of the following conditions:

(1) each major city and county receives a total amount under the State alternative plan equal to or greater than the general support payment it would otherwise have allocated to it under the provisions of this section.

(2) The city and county councils or governing bodies, representing at least half of the cities and counties entitled to receive at least 50 percent of general support payments otherwise required to be distributed, concur by formal resolution, that the State's alternative plan will result in the use of general support funds that accords better with the requirements of the State and its cities and counties than could be achieved by distributing the funds to cities and counties in accordance with the formula set forth in this Act.

(d) The proposed State alternative plan as authorized in subsection (c) shall be submitted to the Secretary with such supporting information as he may require annually not later than 90 days preceding the fiscal year to which the plan pertains. In the event of the acceptance of such an alternative plan, its provisions shall govern the use of funds otherwise allocated by this Act to cities and counties.

(e) Each State shall distribute to school districts in each fiscal year out of the State entitlement an amount not less than the product obtained by multiplying the local school tax ratio by the amount of the State entitlement remaining after the distribution to cities and counties under subsection (b).

(f) Determination under this section of this Act shall be made by the Secretary on the basis of the most recent acceptable data available from the Department of Commerce.

POWERS OF THE SECRETARY

SEC. 106. (a) The Secretary is authorized to obtain from other Federal agencies statistical data, reports, and other materials which he deems necessary to discharge his responsibilities under this section, and Federal agencies shall carry out their statistical functions in such manner as will, to the maximum extent permitted by other applicable law, assist the Secretary in carrying out his duties and responsibilities under this section. For the first three fiscal years following the enactment of this Act, the Secretary shall reimburse, with funds provided to him in section 102(d), Federal agencies for the cost of providing any data which in his discretion are necessary for the proper administration of this Act. For subsequent fiscal years there are authorized to be appropriated sums sufficient to enable Federal agencies to provide information required by the Secretary for the administration of this Act.

(b) Whenever the Secretary finds, after reasonable notice and opportunity for hearing to the Governor of a State, that there is a failure by such State to comply substantially with any undertaking required by section 105, the Secretary shall notify the Governor that further payments under this Act will be withheld until the Secretary is satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments to such State under this Act.

JUDICIAL REVIEW

SEC. 107. (a) Any State which receives notice under section 106 that payments to it will be withheld may, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located a petition for review of the Secretary's action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The Secretary shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

(b) In accordance with the provisions of this subsection, the court shall have jurisdiction to affirm the action of the Secretary or to set it aside, in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive. However, if any finding is this consistent with preceding sentence and is not supported by substantial evidence, the court may remand the case to the Secretary to take further evidence, and the Secretary may thereupon make new or modified findings of fact and may modify his previous action, and shall certify to the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

REPORT BY SECRETARY

SEC. 108. The Secretary shall report to the Congress not later than the first day of March of each year on the operation of the trust fund during the preceding fiscal year and on its expected operation during the current fiscal year. Each such report shall include a statement of the appropriations to, and the disbursements made from, the trust fund during the preceding fiscal year; an estimate of the expected appropriation to, and disbursements to be made from, the trust

fund during the current fiscal year; and any changes recommended by the Secretary concerning the operation of the trust fund.

CONGRESSIONAL STUDY

SEC. 109. (a) The Appropriations Committee and the Finance Committee of the Senate and the Appropriations Committee and the Ways and Means Committee of the House of Representatives shall conduct full and complete studies, at least once during each Congress, with respect to the operation of the trust fund and its relation to the financing of State and local governments and report findings to each House, respectively, together with recommendations for such House, respectively, together with recommendations for such legislation as they deem advisable.

(b) This section is enacted by the Congress as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure in such House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

TITLE II—PARTIAL FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAX PAYMENTS

STATE AND LOCAL TAX CREDIT

SEC. 201. (a) Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 (relating to credits allowable) is amended (1) by renumbering section 40 as 41; and

(2) by inserting after section 39 the following new section:

"SEC. 40. STATE AND LOCAL INCOME TAXES

"(a) Allowance of Credit.—If an individual chooses to have the benefits of this section, there shall be allowed to such individual as credit against the tax imposed by this chapter for the taxable year, an amount equal to 40 percent of the State and local income taxes paid or accrued for such taxable year.

"(b) Definitions and Special Rules.—For purposes of this section—

"(1) State and local income taxes.—The term 'State and local income tax' means only—

"(A) a tax imposed upon the income of the taxpayer, after the deduction of an amount for personal exemptions and dependents allowances or the subtraction of a tax credit or credits equivalent in amount to the amount allowed for this purpose under part V of subchapter B of chapter 1 (relating to deductions for personal exemptions);

"(B) the taxpayer's distributive share of a tax imposed upon the income of a partnership of which the taxpayer is a member; and

"(C) the taxpayer's pro rata share of a tax imposed upon the income of an electing small business corporation (as defined in section 1371(b)) of which the taxpayer is a shareholder, by a State or any political subdivision thereof or by the District of Columbia. In the case of a separate return by a married individual, the amount of State and local income taxes imposed upon the income of such individual shall be determined under regulations prescribed by the Secretary or his delegate.

"(2) Change of election.—The choice as to whether an individual shall elect to have the benefits of this section may be made or changed at any time before the expiration of the period prescribed for making a claim for credit or refund of the tax imposed by this chapter for the taxable year with respect to which such State or local income tax was paid or accrued.

"(3) Adjustments on payment of accrued taxes.—If accrued taxes when paid differ from the amounts used by an individual as the basis for claiming a credit under this section, or if any tax paid is refunded, in whole or in part, such individual shall notify the Secretary or his delegate, who shall redetermine the amount of the tax for the year or years affected. The amount of tax due on such redetermination, if any, shall be paid by such individual on notice and demand by the Secretary or his delegate, and the amount of tax overpaid, if any, shall be credited or refunded to the individual in accordance with subchapter B of chapter 66 (section 6511 and following). In the case of a State or local income tax accrued but not paid, but used as the basis for claiming a credit under this section, the Secretary or his delegate, as a condition precedent to the allowance of such credit may require such individual to give a bond, with sureties satisfactory to and to be approved by the Secretary or his delegate, in such sum as the Secretary or his delegate may require, conditioned on the payment by the individual of any amount of tax found due on any such redetermination; and the bond herein prescribed shall contain such further conditions as the Secretary or his delegate may require. In such redetermination by the Secretary or his delegate of the amount of tax due from such individual for the year or years affected by a refund, the amount of the taxes refunded with respect to which credit has been allowed under this section shall be reduced by the amount of any State or local income tax imposed with respect to such refund; but no credit under this section, and no deduction under section 164 (relating to deduction for taxes), shall be allowed for any taxable year with respect to such State or local income tax imposed on the refund. No interest shall be assessed or collected on any amount of tax due on any redetermination by the Secretary or his delegate, resulting from a refund to the individual, for any period before the receipt of such refund, except to the extent interest was paid on such refund by the State or local government for such period.

"(c) CROSS REFERENCE—

"(1) for deductions of State and local income taxes, see sections 164 and 275.

"(2) for right of each partner to make election under this section, see section 703(b)."

(b) Section 275(a) of such code (relating to certain taxes not deductible) is amended by adding at the end thereof the following new paragraph:

"(6) State and local income taxes, if the individual chooses to take to any extent the benefits of section 40 (relating to State and local income taxes)."

TECHNICAL AMENDMENTS

SEC. 202. (a) The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1954 is amended by striking out the item relating to section 40 and inserting in lieu thereof the following:

"SEC. 40. State and local income taxes.
"SEC. 41. Overpayments of tax."

(b) Section 37(a) of such code (relating to retirement income) is amended by striking out "and section 35 (relating to partially tax-exempt interest) and inserting in lieu thereof "section 35 (relating to partially tax-exempt interest), and section 40 (relating to State and local income taxes)".

(c) Section 46 (a) (3) of such code (relating to amount of credit) is amended—

(1) by striking out "and" in subparagraph (B);

(2) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof, a semicolon and the word "and"; and

(3) by adding after subparagraph (C) the following new subparagraph:

"(D) section 40 (relating to State and local income taxes)."

(d) Section 703 of such code (relating to partnership computations) is amended—

(1) by relettering subparagraphs (D), (E), and (F) of subsection (a) (2) as subparagraphs (E), (F), and (G);

(2) by inserting after subparagraph (C) of paragraph (2) the following new subparagraph:

"(D) the deduction for taxes provided in section 164 (a) with respect to State and local income taxes;" and

(3) by amending subsection (b) to read as follows:

"(b) ELECTIONS OF THE PARTNERSHIP.—Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership, except that the election under sections 40 (relating to State and local income taxes) and 901 (relating to taxes of foreign countries and of possessions of United States), and any election under section 615 (relating to exploration expenditures) or under section 617 (relating to additional exploration in the case of domestic mining), shall be made by each partner separately."

EFFECTIVE DATE

SEC. 203. The amendments made by this title shall apply to taxable years beginning after the date of the enactment of this Act.

TITLE III—FEDERAL COLLECTION OF STATE INCOME TAXES

FEDERAL COLLECTION

SEC. 301. (a) Chapter 77 of the Internal Revenue Code of 1954 (relating to miscellaneous provisions) is amended by adding at the end thereof the following new section:

"SEC. 7517. Federal collection of State income taxes.

"(a) GENERAL.—Where the law of any State or possession of the United States imposes an income tax, on the request of the proper officials of such State or possession authorized to make such request pursuant to State law the Secretary or his delegate is authorized in his discretion to enter into an agreement with such State or possession, under which, to the extent provided therein, the Secretary or his delegate will administer and enforce such income tax in behalf of such State or possession.

"(b) COSTS.—As a part of any agreement entered into pursuant to subsection (a), the Secretary or his delegate shall require that such State or possession pay to the Treasury Department the cost of the work or services performed (including material supplied) in administration and enforcement of such tax."

(b) The table of sections for chapter 77 of such code is amended by adding after the item relating to section 7516 the following new item:

"SEC. 7517. Federal collection of State income taxes."

(c) Subsection (c) of section 7809 of such code (relating to deposit of collections) is amended—

(1) by striking out "and" in paragraph (2);

(2) by renumbering paragraph (3) as paragraph (4); and

(3) by inserting a new paragraph (3) immediately following paragraph (2) as follows:

"(3) Work or services performed (including material supplied) pursuant to section 7517 (relating to Federal collection of State income taxes); and"

TITLE IV—LARGER FEDERAL CREDIT FOR STATE DEATH TAX PAYMENTS

ALTERNATE CREDIT

SEC. 401. Section 2011 of the Internal Revenue Code of 1954 (relating to credit for State death taxes) is amended by adding at the end thereof the following new subsection:

"(f) ALTERNATIVE CREDIT.—

"(1) ALLOWANCE OF CREDIT.—In lieu of the credit authorized by subsection (a) for estate, inheritance, legacy, or succession taxes, the tax imposed by section 2001 may be cred-

ited with the amount of any estate tax actually paid to any State in respect of any property included in the gross estate (not including any such tax paid with respect to the estate of a person other than the decedent) of a decedent dying after December 31, 1971.

"(2) MAXIMUM AMOUNT OF CREDIT.—The credit allowed by this subsection shall not exceed the appropriate amount stated in the following table:

"If the taxable estate is—	The maximum credit shall be—
Not over $5,000	2.4% of the taxable estate.
Over $5,000 but not over $10,000.	$120 plus 5.6% of the excess over $5,000.
Over $10,000 but not over $30,000.	$400 plus 10% of the excess over $10,000.
Over $30,000 but not over $50,000.	$2,400 plus 16% of the excess over $30,000.
Over $50,000 but not over $100,000.	$5,600 plus 22% of the excess over $50,000.
Over $100,000 but not over $150,000.	$16,600 plus 24% of the excess over $100,000.
Over $150,000 but not over $500,000.	$28,600 plus 6% of the excess over $150,000.
Over $500,000 but not over $1,000,000.	$49,600 plus 7% of the excess over $500,000.
Over $1,000,000 but not over $2,500,000.	$84,600 plus 9% of the excess over $1,000,000.
Over $2,500,000 but not over $5,000,000.	$219,600 plus 12% of the excess over $2,500,000.
Over $5,000,000 but not over $8,000,000.	$519,600 plus 14% of the excess over $5,000,000.
Over $8,000,000 but not over $12,000,000.	$939,600 plus 15% of the excess over $8,000,000.
Over $12,000,000	$1,539,600 plus 16% of the excess over $12,000,000.

"(3) REQUIREMENT OF STATE CERTIFICATION.—"The provisions of this subsection shall apply in the case of the estate of a decedent dying before January 1, 1972, only if his death occurs after the Governor of the State imposing the tax for which the credit is claimed certifies to the Secretary or his delegate—

"(A) that the estimated annual revenue level of the death taxes of such State has been increased by an amount which is not less than the amount which the Secretary or his delegate shall have certified to the Governor as the amount by which (i) the estimated aggregate credits determined under this subsection on the basis of Federal estate tax returns filed during the calendar year 1968 from his State exceed (ii) the aggregate credits claimed under subsection (a) on such returns, and

"(B) that under the applicable provisions of law such increase in death taxes is effective with respect to estates of decedents dying before January 1, 1972.

"(4) DEFINITION.—As used in this subsection with respect to the District of Columbia, the term 'Governor' means the Commissioner of the District of Columbia."

TECHNICAL AMENDMENTS

SEC. 402. (a) Section 2011 (b) of the Internal Revenue Code of 1954 (relating to amount of credit for State death taxes) is amended by striking out "the credit allowed by this section" and inserting in lieu thereof "the credit allowed by subsection (a)".

(b) Section 2011 (e) of such code (relating to limitation in cases involving deduction under section 2053(d)) is amended—

(1) by striking out "subsection (a)" each place it appears in paragraphs (1) and (2) (B) and inserting in lieu thereof "subsection (a) or (f)(1)";

(2) by striking out "subsection (b)" in paragraphs (2)(A) and (2)(B) and inserting in lieu thereof "subsection (b) or (f)(2)"; and

(3) by inserting "in any case where the credit is determined under subsection (a)" after "subparagraph (A) of that paragraph" in paragraph (3).

TITLE V—TO PERMIT STATE AND LOCAL TAXING AUTHORITIES TO TAX PROPERTY LOCATED IN FEDERAL AREAS

SEC. 501. Title 4, United States Code, is amended by inserting after section 105 the following new section:

"§ 105A. Same; property tax

"(a) Subject to the provisions of subsection (b), no person shall be relieved from liability for payment of any otherwise applicable property tax levied by any State, or by any duly constituted taxing authority therein having jurisdiction to levy such a tax, on the ground that all or part of the property taxed is located in a Federal area. Such State or taxing authority shall have full jurisdiction and power to levy and collect any such tax in any Federal area within such State to the same extent and with the same effect as though such area were not a Federal area.

"(b)(1) Before a State or taxing authority may levy and collect a tax as provided in subsection (a), an agency designated for that purpose by the President must have certified that persons owning property subject to taxation under this section or living or working in areas under the exclusive Federal legislative jurisdiction within the State are afforded substantially the same rights, privileges, and tax-supported services as if the area were not under exclusive Federal jurisdiction. In no case shall such certification be given unless those persons permanently residing within such areas are afforded the same rights to vote and to hold public office as those available to persons permanently residing in such State outside of such areas.

"(2) The designated agency shall have the authority to revoke certification upon its determination that the State no longer adheres to the requirements of paragraph (1) of this subsection.

"(c) For the purpose of this section, a property tax means any tax imposed directly on, or measured by the value of, real or personal property or any interest in real or personal property.

"(d) Nothing in this section shall affect—

"(1) any of the rights, privileges, and protections afforded by section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 574); or

"(2) the provisions of section 408 of the Housing Amendments of 1955 with respect to the taxation of an interest of a lessee from the Federal Government in or with respect to any property covered by a mortgage insured under the provisions of title VIII of the National Housing Act in effect prior to August 11, 1965.

"(e) The provisions of this section shall apply only to taxes levied on or after January 1, 1971."

SEC. 502. The analysis of chapter 4 of such title, immediately preceding section 101, is amended by inserting between items 105 and 106 the following new item:

"105A. Same; property tax."

SEC. 503. (a) Section 107(a) of title 4, United States Code, is amended by inserting immediately after "105" a comma and "105A,".

(b) Section 108 of such title is amended by striking out "sections 105–110" and inserting in lieu thereof "sections 105, 105A, 106, 107, 108, 109, and 110."

(c) Section 109 of such title is amended by inserting immediately after "sections 105" a comma and "105A,".

SEC. 504. Section 1343 of title 28, United States Code, is amended—

(1) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon; and

(2) by adding after paragraph (4) the following new paragraph:

"(5) To secure equitable or other relief to prevent the collection of taxes contrary to the provisions of section 105A of title 4 or other provisions of law."

The material presented by Mr. MUSKIE follows:

SECTION-BY-SECTION ANALYSIS OF THE INTERGOVERNMENTAL REVENUE ACT

Section 1 provides that this legislation may be cited as the "Intergovernmental Revenue Act."

Declaration of policy

Section 2 affirms the "federal" character of the governmental system of the United States and contains the declaration of Congressional policy to federalize the Federal personal income tax, reduce Federal tax impediments to more intensive use of State personal income taxes, facilitate the exercise of adequate powers of taxation by States and localities and establish a system of general support (revenue-sharing) payments to the States and major units of local government.

Confronted with the diversity of objectives in fashioning a program to aid State and local governments, this legislation proposes that a variety of techniques including revenue sharing and income and death tax credits be combined into a remedial measure that will:

Redress the unequal distribution of taxable resources and thereby help create a fiscal environment that will enable States and localities to exercise wider latitude in determining their budgetary priorities.

Strengthen the financial base of State and local governments with revenue sources that grow as the national economy expands.

Reward States and major local units that go the extra mile on tax effort to respond to their own expenditure requirements.

Arm States with the revenue source that enables them to enlarge their fiscal flexibility, diversify their tax systems, and adjust the distribution of tax burdens for family size as well as other equity considerations.

Reduce State vulnerability to and political leaders concern with tax competition from other States based solely on their making intensive use of the personal income tax.

TITLE I—GENERAL SUPPORT PAYMENTS TO STATES AND THEIR POLITICAL SUBDIVISIONS

Section 101 defines several terms used in this title of the Act.

General Support Trust Fund

Section 102 establishes the General Support Trust Fund in the Treasury of the United States and provides for annual appropriations to the trust fund. The section directs the Secretary of the Treasury to determine the annual appropriation to the trust fund as an amount equal to either (a) the result obtained by adding (i) 1 percent of Federal individual taxable income and (ii) 25 percent of State personal income tax collections and dividing the sum by 2 or (b) the amount appropriated to the trust fund for the preceding year, whichever is greater. The last sentence of subsection (b) protects States and localities from a cutback resulting from a recession. The section also requires the Secretary to transfer from the general fund to the trust fund quarterly on the basis of estimates and subsequently adjust the trust fund transfers to reflect the precise formula determination.

In fiscal 1970 the appropriations to the

trust fund under this act would approximate $2.8 billion determined as follows:

[In billions of dollars]

(A) 1% of Federal Individual Taxable Income	3.8
(B) 25% of State Personal Income Tax Collections	1.8
Sum of (A) and (B)	5.6
Result of dividing sum by 2	2.8

Initially, growth in the State income tax collections factor will outrun growth in the Federal individual taxable income factor because of State tax rate increases and new State income tax enactments. Thus, in the near term, the general support fund will rise faster than the growth of the Federal individual income tax base. The trust fund appropriation will continue to grow at a fairly rapid pace even after all the States have entered the personal income tax fold because of the responsiveness of this tax to growth in the national economy.

This section further provides a percentage set aside, for the first three years following enactment, to be used by the Secretary of the Treasury to fulfill his administrative and data gathering responsibilities under this title.

Basic payments

Section 103 requires the Secretary of the Treasury to make quarterly payments from the trust fund to the qualifying States and adjust subsequent payments to reflect any previous over or under payments.

State area entitlement

Section 104 directs the Secretary of the Treasury to determine by formula, the amount of the entitlement to the trust fund for each State. The formula specified in this section allocates to each State area an amount that depends on the population and relative tax effort in each State. It recognizes that responsibilities are divided in different ways as between State and local governments in each State. Each State thus shares in the fund in proportion to its population and State-local tax effort—the respective indicators of a State's revenue needs and the response made to these needs.

The Secretary would obtain for each State its:

(A) resident population;

(B) tax effort, i.e., the result of dividing the annual total of State and local taxes plus profits of State-owned liquor stores by the total personal income of individuals in the State; and

(C) tax effort ratio, i.e., the result of dividing the current tax effort (B) by the tax effort for the previous period.

After multiplying each of the factors (A, B, and C) for each State, the products are added to determine the sum for the 50 States and the District of Columbia. This total becomes the denominator for calculating a ratio between each State's population-tax effort product and the total population-tax effort product for all States. The amount of the trust fund multiplied by this ratio for any State yields the amount of that State's entitlement.

The use of two tax effort factors in the formula provides a bonus to States which maintain and increase their tax effort. The factors also protect the National Government against attempts by States to replace State-local tax effort with funds from revenue sharing.

Qualifying agreements with the Secretary

Section 105(a) requires the Governor of a State with the approval of the State legislature to enter an agreement with the Secretary in order to qualify to receive revenue sharing payments. States would pledge to adhere to these conditions:

(1) Financial control and accountability over payments to the State of the same type the State gives to State funds;

(2) Preparation and submission to the Secretary of a five-year projection of State government expenditures along with a report on the disposition of revenue sharing payments in order to subject the spending of the funds to the usual budgetary processes. The Secretary has no power either to approve or disapprove the plan or the expenditures.

(3) Maintenance of the unrestricted character of the funds distributed to cities and counties, except that a State could prohibit cities and counties from spending the money for a purpose that conflicts in whole or in part with a State's plan dealing with the utilization and development of its human or physical resources.

(4) Confirmation by report to the Secretary that in each of the first three years after the effective date of the act that the State did not reduce its grants out of its own funds to eligible cities and counties because of the Federal aid assured to these governments under this act. It is thus the intent of the act that the States not reduce their grants out of their own funds to eligible cities and counties.

(5) Adherence to all Federal laws in connection with any activity or program supported by funds provided in this Act so that these funds do not perpetuate practices that conflict with national policy.

(6) Submission of reports as necessary to the Secretary, the Congress, and the Comptroller General to help them carry out their responsibilities under this act;

(7) Distribution of the funds within the State required under other provisions of Section 105, described below.

Distribution of State entitlement

Section 105 (b) requires each State to pay over to cities and counties of 50,000 population a portion of the State entitlement in accordance with a formula that varies the payment to each city and county on the basis of its local revenue ratio, i.e., the ratio between its tax receipts and the total tax receipts of the State and its localities plus State liquor store profits. The amount of local tax receipts is assumed to implicitly reflect variations in local tax effort.

Specifically, the pass-through requirement in this act provides that (a) cities and counties of 100,000-plus population receive an amount equal to the product of multiplying the State entitlement by two times the local revenue ratio, and (b) cities and counties of 50,000-plus population receive an amount equal to the product of multiplying the State entitlement by two times the local revenue ratio multiplied further by the percentage by which the city or county population exceeds 50,000. This population modification for the cities and counties in the 50,000 to 100,000 size class avoids the possibility of drastically different treatment for cities and counties just below and just above the minimum population of 50,000.

The 50,000 population cutoff figure is designed to reconcile the competing demands of "federalism" and "urbanism." By drawing the line at 50,000, Congress still leaves each State with considerable discretion in the allocation of revenue sharing payments to its units of local government, a policy that accords with the tenets of federalism.

By specifying payments to the 872 counties and cities above the 50,000 mark which account for approximately 75 percent of the nation's population, Congress includes virtually all of the local jurisdictions experiencing the most severe fiscal tensions. The use of the multiplier of two times the local revenue ratio is designed to reflect the national urgency of the urban fiscal crisis.

It is estimated that on a nationwide basis, this formula allocates 22 percent of the trust fund to cities and 13 percent to counties.

To encourage States to take the initiative in strengthening the fiscal position of cities and counties and to maximize flexibility in the use of general support payments for meeting the particular needs of differing State-local fiscal systems, this section requires the Secretary to accept an alternative State plan that meets either of two conditions:

(1) Each city and county will receive more under the State alternative plan than it is entitled to under the statutory formula; or

(2) An alternative State plan is accepted by formal resolution of the city and county legislative bodies representing, at one and the same time, half of those entitled to receive payments under the statutory formula, and those entitled to receive at least 50% of the amount designated by the statutory formula for cities and counties.

Under the second of these conditions, a State with the concurrence of cities and counties, may carry out a plan that would shift financial responsibility for a major function such as support for public schools or public assistance from the local governments to the State.

In recognition of the contribution that locally imposed school taxes make to aggregate State and local tax effort, Section 105(e) further designates part of the State entitlement for support of local schools. The amount spent for this purpose is determined by multiplying the payment to the State (after subtracting the amount allocated to cities and counties) by the ratio of separate school taxes to State and separate school taxes. It is estimated that on a nationwide basis this requirement allocates 16 percent of the trust fund to school support.

Powers of the Secretary

Section 106 directs the Secretary to obtain the requisite statistical data, reports and other materials he needs to discharge his responsibilities under this title. This section also gives the Secretary authority to reimburse Federal agencies for the cost of providing any data necessary to the administration of this act from the funds allocated for the Secretary by a percentage set aside in the first three years following the enactment of the act. It further authorizes appropriations after the first three years to support the continuing information requirements of the Secretary under this act.

This section also empowers the Secretary, after giving notice and conducting a hearing, to stop payments to a State that fails to comply with the agreements required under the act until such time as corrective action is taken.

Judicial review

Section 107 permits a State to file a petition for review of the Secretary's action in the appropriate United States Court of Appeals. The scope of the judicial review authority is spelled out and includes final appeal to the Supreme Court.

Report by the Secretary

Section 108 requires the Secretary to report to the Congress on the operation of the trust fund for the preceding and current fiscal years. He must file a statement of the actual and estimated appropriations and disbursements from the trust fund and may recommend changes in its operation.

Congressional study

Section 109 charges the respective Appropriations and Legislative committees of both the House and the Senate to conduct a full and complete study with respect to the operation of the trust fund at least once during each session of Congress. This section explicitly provides that the Congress retains the same rule-making authority with respect to these rules as it does with other rules.

TITLE II—PARTIAL FEDERAL INCOME TAX CREDIT FOR STATE AND LOCAL INCOME TAX PAYMENTS

Section 201 amends the Internal Revenue Code by renumbering Section 40 as 41 and

inserting a new Section 40 that permits individuals to elect, in lieu of deductions, to take full credit against their Federal income tax liability an amount equal to 40 percent of their State and local income tax payments. The section defines State and local income taxes so as to include only those that apply to net income (after personal exemptions and dependent allowances). It pins down the period in which the taxpayer changes his election of the Section 40 credit or deductions. It spells out the methods to be used in accounting for adjustments on payments of accrued taxes claimed as Section 40 credits. It also incorporates cross references and the necessary technical and conforming amendments to other sections of the Internal Revenue Code.

The effect of the partial Federal tax credit on State use of the income tax cannot be predicted with certainty. Nonetheless, the thrust of the credit will be to encourage greater State use of this revenue source. Assuming the credit stimulates State income tax effort to a moderate degree, the Federal revenue forgone during the second year of the operation of the credit may be more than offset by the increasing State income tax receipts. Once State income tax receipts pass this threshold, State gains should overshadow Federal revenue loss because the States will be collecting one dollar for each forty cents of Federal credit.

Section 202 contains technical amendments.

Section 203 makes the amendments to the Internal Revenue Code contained in this title effective with taxable years beginning after the date of the enactment of this act.

TITLE III—FEDERAL COLLECTION OF STATE INCOME TAXES

Section 301 adds a new section to Chapter 77 of the Internal Revenue Code to allow the proper officials of any State and the Secretary of the Treasury to enter into an agreement for Federal administration and enforcement of that State's income tax. It requires that the State pay to the Treasury Department the cost of any work or services performed as a result of the agreement.

If the States, on their part, evidence a willingness to enter into the agreements authorized under this section, the day may come when taxpayers of a State can discharge both Federal and State tax liabilities with a single set of tax officials. States have tended increasingly to conform their income tax laws to the Federal Internal Revenue Code. The prospects of working out a mutually accepted agreement have thereby been enhanced. Currently, several States are considering the enactment of a personal income tax for the first time. If the Secretary of the Treasury had this authority, one or more of these States might immediately take steps to enter into an agreement in order to avoid the cost of establishing its own income tax administrative machinery.

TITLE IV—LARGER FEDERAL CREDIT FOR STATE DEATH TAX PAYMENTS

Section 401 amends the Internal Revenue Code by adding a new subsection at the end of section 2011 to restructure and liberalize the Federal credit for State death tax payments in return for State enactment of: (a) an estate tax in States now using an inheritance tax in order to ease taxpayer compliance and tax administration burdens; and (b) revised estate tax rates to pick up the increases in the Federal credits so that their effect is to raise State revenue rather than to reduce State taxes.

Taxpayer compliance and tax administration are frequently difficult under the present system of Federal estate and gift taxes and State estate, inheritance, and gift taxes. Jurisdictional conflicts frequently arise. State revenue from death taxes fluctuates from year to year. This section replaces the present Federal estate tax credit for State death tax payments with a two-bracket credit. This two-step credit gives the States a larger part of the revenue produced by the lower tax brackets—taxable estates up to $50,000—and reserves for the Federal government the portion of the revenue produced by the larger estates. This section would make the liberalized credit applicable to decedents dying after December 31, 1972 to give States time to make appropriate adjustments in their tax laws to obtain the revenues involved. The budgetary impact of this section would build up gradually after the first few years.

Section 402 contains technical amendments.

TITLE V—PROPERTY TAXES IN FEDERAL ENCLAVES

Section 501 adds a new section 105A to Title 4 of the United States Code. This new section permits the imposition and collection of property taxes on privately owned real and personal property within Federal areas, such congressional consent to take effect (or terminate) State-by-State upon certification (made or withdrawn) by an agency designated by the President that persons living and working in areas under the exclusive Federal legislative jurisdiction within the State are afforded substantially the same rights and privileges and tax supported services as those available to other residents of the State.

Under the provisions of Title V the National Government would permit States and their localities to tax the personal property of private individuals located in areas under exclusive Federal jurisdiction. This privilege would be accorded only if the State could demonstrate to the satisfaction of the Department of Justice that all persons residing in such Federal enclaves enjoy the same rights and privileges accorded to residents of the State. Adoption of this provision would not result in a direct revenue loss to the National Government—it would, however, result in some personal property tax gain to those local governments that have Federal enclaves located within their jurisdictions.

In view of recent economic trends, the rise in local tax rates and an estimate that States and localities in 1961 would have gained about $10 million a year, it seems reasonable to estimate the current revenue gain would be on the order of $20 million annually.

Sections 502 and 503 contain technical amendments, and Section 504 establishes a legal remedy to prevent collection of unauthorized taxes.

INTERGOVERNMENTAL REVENUE ACT OF 1969

EXHIBIT A.—ESTIMATED FEDERAL TRUST FUND APPROPRIATION FOR FISCAL YEARS 1970, 1971, AND 1972 UNDER THE PROPOSED FORMULA FOR GIVING EQUAL WEIGHT TO 2 FACTORS—1 PERCENT OF FEDERAL TAXABLE INCOME AND 25 PERCENT OF STATE PERSONAL INCOME TAX COLLECTIONS

[Amounts in billions]

	1 percent of Federal taxable income (estimate)	25 percent of State income tax collections [1]	Trust fund, cols. 1+2+2
Fiscal year:			
1970	$3.8	$1.8	$2.8
1971	4.1	2.6	3.35
1972	4.4	3.5	3.9

[1] Assumes adoption of Federal tax credit proposal in 1969 and that its acceleration effect on State personal income tax collections is moderately strong as shown in exhibit E for 1970 and 1971 and that collections for 1969 are $7,200,000.

Source: ACIR staff estimates.

EXHIBIT B.—SUMMARY OF STATE-AREA ENTITLEMENTS WITH $3,000,000,000 OF SHARED REVENUE

State	Population, 1967		State-area entitlement				Percent effect of relative-effort provisions		Per capita personal income, 1967	
	Number (thousands)	Percent of United States	Amount (thousands)	Percent of United States	Per capita	Per $100 S–L taxes	As applied	Current effort only	Amount	Percent of U.S. average
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
United States	197,863	100.000	$3,000,000	100.000	$15.16	$4.88			$3,159	100
Alabama	3,540	1.789	47,490	1.583	13.42	6.93	−12	−10	2,163	68
Alaska	272	.137	3,750	.125	13.79	4.48	−9	−11	3,738	118
Arizona	1,634	.826	30,150	1.005	18.45	5.80	+22	+21	2,720	86
Arkansas	1,968	.995	27,720	.924	14.09	7.08	−7	−6	2,099	66
California	19,153	9.680	333,000	11.100	17.39	4.19	+15	+16	3,665	116
Colorado	1,975	.998	33,090	1.103	16.75	4.83	+11	+14	3,135	99
Connecticut	2,925	1.478	37,710	1.257	12.89	3.88	−15	−13	3,969	126
Delaware	523	.264	7,560	.252	14.46	4.27	−5	−7	3,642	115
District of Columbia	809	.409	10,410	.347	12.87	3.78	−15	−18	4,123	131
Florida	5,995	3.030	93,660	3.122	15.62	5.69	+3	+1	2,853	90
Georgia	4,509	2.279	62,100	2.070	13.77	6.13	−9	−9	2,541	80
Hawaii	739	.373	15,090	.503	20.42	5.02	+35	+28	3,331	105
Idaho	699	.353	12,570	.419	17.98	6.00	+19	+17	2,575	82
Illinois	10,893	5.505	126,600	4.220	11.62	3.90	−23	−19	3,750	119
Indiana	5,000	2.527	73,920	2.464	14.78	4.80	−2	−4	3,196	101
Iowa	2,753	1.391	41,220	1.374	14.97	4.49	−1	+5	3,109	98
Kansas	2,275	1.150	34,800	1.160	15.30	4.86	+1	+4	3,060	97
Kentucky	3,189	1.612	44,280	1.476	13.89	6.52	−8	−10	2,426	77
Louisiana	3,662	1.851	59,670	1.989	16.29	6.25	+7	+10	2,456	78
Maine	973	.492	14,910	.497	15.32	5.60	+1	+4	2,657	84
Maryland	3,682	1.861	58,320	1.944	15.84	4.87	+4	−2	3,421	108
Massachusetts	5,421	2.740	91,230	3.041	16.83	4.56	+11	+7	3,541	112

EXHIBIT B.—SUMMARY OF STATE-AREA ENTITLEMENTS WITH $3,000,000,000 OF SHARED REVENUE—Continued

State	Population, 1967		State-area entitlement				Percent effect of relative-effort provisions		Per capita personal income, 1967	
	Number (thousands)	Percent of United States	Amount (thousands)	Percent of United States	Per capita	Per $100 S–L taxes	As applied	Current effort only	Amount	Percent of U.S. average
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Michigan	8,584	4.338	$122,430	4.081	$14.26	$4.35	−6	−3	$3,396	108
Minnesota	3,582	1.810	63,300	2.110	17.67	4.95	+17	+17	3,116	99
Mississippi	2,348	1.187	36,930	1.231	15.73	7.92	+4	+6	1,896	60
Missouri	4,603	2.326	62,880	2.096	13.66	5.25	−10	−12	2,993	95
Montana	701	.354	11,340	.378	16.18	5.29	+7	+10	2,765	88
Nebraska	1,435	.725	19,290	.643	13.44	4.95	−11	−11	3,081	98
Nevada	444	.224	7,470	.249	16.82	4.43	+11	+7	3,583	113
New Hampshire	686	.347	9,690	.323	14.13	5.15	−7	−6	3,053	97
New Jersey	7,003	3.539	96,960	3.232	13.85	4.40	−9	−12	3,668	116
New Mexico	1,003	.507	16,230	.541	16.18	5.86	+7	+10	2,477	78
New York	18,336	9.267	367,380	12.246	20.04	4.38	+32	+25	3,759	119
North Carolina	5,029	2.542	70,200	2.340	13.96	6.24	−8	−6	2,439	77
North Dakota	639	.323	10,110	.337	15.82	5.93	+4	+5	2,487	79
Ohio	10,458	5.285	121,470	4.049	11.62	4.57	−23	−20	3,213	102
Oklahoma	2,495	1.261	38,460	1.282	15.41	5.97	+2	0	2,643	84
Oregon	1,999	1.010	33,060	1.102	16.54	5.07	+9	+8	3,063	97
Pennsylvania	11,629	5.877	161,790	5.393	13.91	4.89	−8	−9	3,187	101
Rhode Island	900	.455	12,060	.402	13.40	4.54	−12	−7	3,328	112
South Carolina	2,599	1.314	35,370	1.179	13.61	6.91	−10	−9	2,213	70
South Dakota	674	.341	11,010	.367	16.34	5.68	+8	+12	2,590	82
Tennessee	3,892	1.967	53,550	1.785	13.76	6.50	−9	−9	2,394	76
Texas	10,869	5.493	137,490	4.583	12.65	5.53	−17	−14	2,744	87
Utah	1,024	.518	17,340	.578	16.93	5.76	+12	+14	2,604	82
Vermont	417	.211	6,840	.228	16.40	5.28	+8	+15	2,825	89
Virginia	4,536	2.292	65,160	2.172	14.37	5.91	−5	−10	2,804	89
Washington	3,087	1.560	49,980	1.666	16.19	4.45	+7	+9	3,521	112
West Virginia	1,798	.909	27,360	.912	15.22	6.65	0	−1	2,334	74
Wisconsin	4,189	2.117	69,180	2.306	16.51	4.66	+9	+14	3,156	100
Wyoming	315	.159	6,450	.215	20.48	5.59	+35	+26	3,002	95

EXHIBIT C.—SHARED REVENUE ALLOCATIONS BY TYPE OF GOVERNMENT (WITH $3,000,000,000 TOTAL)

State	Amounts (thousands)					Percent				Exhibit: State taxes as percent of S–L taxes
	Total	State governments	Major cities	Major counties	School districts	State governments	Major cities	Major counties	School districts	
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
United States	$3,000,000	$1,476,443	$666,292	$374,532	$482,765	49.22	22.12	12.48	16.09	52.4
Alabama	47,490	33,248	5,917	5,324	3,001	70.01	12.46	11.21	6.32	71.3
Alaska	3,750	2,977	----------	772	1	79.39	----------	20.60	.02	68.5
Arizona	30,150	15,273	4,661	3,935	6,281	50.66	15.46	13.05	20.83	57.3
Arkansas	27,720	21,138	704	529	5,348	76.26	2.54	1.91	19.29	72.5
California	333,000	121,689	54,679	90,443	66,190	36.54	16.42	27.16	19.88	43.8
Colorado	33,090	15,553	5,526	3,805	8,206	47.00	16.70	11.50	24.80	49.0
Connecticut	37,710	26,660	11,034	----------	16	70.70	29.26	----------	.04	48.1
Delaware	7,560	5,446	921	637	557	72.04	12.18	8.42	7.37	78.8
District of Columbia	10,410	----------	10,410	----------	----------	----------	100.00	----------	----------	----------
Florida	93,660	49,201	11,014	16,559	16,885	52.53	11.76	17.68	18.03	53.2
Georgia	62,100	40,031	5,850	7,862	8,357	64.46	9.42	12.66	13.46	65.8
Hawaii	15,090	8,153	6,815	122	----------	54.03	45.16	.81	----------	73.2
Idaho	12,570	9,576	----------	334	2,660	76.18	----------	2.66	21.16	63.4
Illinois	126,600	54,794	26,662	10,229	34,915	43.28	21.06	8.08	27.58	44.6
Indiana	73,920	38,010	7,362	8,870	19,677	51.42	9.96	12.00	26.62	50.0
Iowa	41,220	22,151	2,786	2,993	13,290	53.74	6.76	7.26	32.24	50.9
Kansas	34,800	20,078	2,436	3,619	8,667	57.70	7.00	10.40	24.91	49.6
Kentucky	44,280	30,581	4,145	2,506	7,048	69.06	9.36	5.66	15.92	68.5
Louisiana	59,670	40,408	8,807	4,219	6,236	67.72	14.76	7.07	10.45	72.3
Maine	14,910	13,849	656	227	178	92.88	4.40	1.52	1.19	53.1
Maryland	58,320	16,983	17,344	23,993	----------	29.12	29.74	41.14	----------	53.6
Massachusetts	91,230	55,176	32,952	3,102	----------	60.48	36.12	3.40	----------	47.7
Michigan	122,430	64,050	20,176	12,182	26,022	52.32	16.48	9.95	21.25	56.0
Minnesota	63,300	34,145	6,634	7,818	14,704	53.94	10.48	12.35	23.23	51.6
Mississippi	36,930	27,827	1,928	1,488	5,687	75.35	5.22	4.03	15.40	67.0
Missouri	62,880	29,740	14,198	4,188	14,754	47.30	22.58	6.66	23.46	51.3
Montana	11,340	7,619	43	663	3,015	67.19	.38	5.85	26.59	45.2
Nebraska	19,290	7,630	2,677	1,431	7,551	39.55	13.88	7.42	39.14	34.9
Nevada	7,470	4,029	196	1,829	1,417	53.94	2.62	24.48	18.97	51.5
New Hampshire	9,690	4,821	1,041	303	3,525	49.75	10.75	3.13	36.38	41.5
New Jersey	96,960	36,890	19,159	19,770	21,141	38.05	19.76	20.39	21.80	37.7
New Mexico	16,230	12,419	1,860	524	1,526	76.52	11.46	2.62	9.40	74.5
New York	367,380	81,040	232,405	37,326	16,610	22.06	63.26	10.16	4.52	48.3
North Carolina	70,200	52,861	5,012	12,327	----------	75.30	7.14	17.56	----------	74.6
North Dakota	10,110	7,005	----------	133	2,972	69.29	----------	1.32	29.40	50.8
Ohio	121,470	50,310	20,626	12,487	38,047	41.42	16.98	10.28	31.32	45.6
Oklahoma	38,460	25,462	3,600	1,546	7,852	66.20	9.36	4.02	20.42	62.2
Oregon	33,060	16,724	3,055	3,104	10,177	50.59	9.24	9.39	30.78	53.3
Pennsylvania	161,790	81,190	33,685	13,073	33,843	50.18	20.82	8.08	20.92	55.1
Rhode Island	12,060	8,040	3,999	----------	21	66.67	33.16	----------	.17	53.7
South Carolina	35,370	28,813	828	1,556	4,173	81.46	2.34	4.40	11.80	77.2
South Dakota	11,010	6,348	130	269	4,263	57.66	1.18	2.44	38.72	43.1
Tennessee	53,550	28,334	14,405	10,780	31	52.91	26.90	20.13	.06	62.4
Texas	137,490	70,985	26,123	11,934	28,448	51.63	19.00	8.68	20.69	53.6
Utah	17,340	9,687	1,516	2,330	3,807	55.87	8.74	13.44	21.96	60.4
Vermont	6,840	4,920	----------	25	1,895	71.93	----------	.36	27.70	61.5
Virginia	65,160	34,470	18,128	12,563	----------	52.90	27.82	19.28	----------	59.2
Washington	49,980	33,856	4,528	4,813	6,783	67.74	9.06	9.63	13.57	71.3
West Virginia	27,360	20,268	804	1,042	5,245	74.08	2.94	3.81	19.17	70.8
Wisconsin	69,180	41,891	8,885	9,007	9,427	60.55	12.80	13.02	13.63	62.0
Wyoming	6,450	4,094	----------	40	2,316	63.47	----------	.62	35.91	48.3

EXHIBIT D.—NUMBER AND POPULATION OF AIDED MAJOR CITY AND COUNTY GOVERNMENTS

State	Net total population, aided cities and counties, 1960		Aided cities				Aided counties			
			Number		Population		Number		Population	
	Number (thousands)	Percent of State total	Total	With 1960 population of 100,000 or more	Number (thousands)	Percent of all city population	Total	With 1960 population of 100,000 or more	Number (thousands)	Percent of all county population
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
United States	133,303	74.3	314	130	64,045	54.6	558	276	114,738	72.5
Alabama	1,887	57.8	6	3	872	46.5	13	5	1,887	57.8
Alaska	83	36.7					1		83	50.0
Arizona	1,047	80.4	2	2	652	68.1	4	2	1,047	80.4
Arkansas	517	28.9	3	1	219	23.2	5	1	517	28.9
California	15,275	97.2	41	14	7,548	65.8	32	22	14,535	97.0
Colorado	1,368	78.0	3	1	655	53.5	9	5	874	69.4
Connecticut	873	34.4	8	4	873	67.6				
Delaware	446	100.0	1		96	54.1	3	1	446	100.0
District of Columbia	764	100.0	1	1	764	100.0				
Florida	4,235	85.5	10	4	1,364	47.8	21	11	4,235	85.5
Georgia	1,696	43.0	6	3	950	44.9	9	7	1,696	43.0
Hawaii	561	88.6	1	1	500	100.0	1		61	46.2
Idaho	151	22.6					2		151	22.6
Illinois	8,379	83.1	15	3	4,584	55.1	23	14	8,379	83.1
Indiana	2,937	63.0	9	6	1,401	47.0	18	9	2,937	63.0
Iowa	1,024	37.1	7	1	663	34.8	9	5	1,024	37.1
Kansas	928	42.6	3	3	496	32.1	6	4	928	42.6
Kentucky	1,375	45.3	3	1	514	37.4	11	3	1,375	45.3
Louisiana	2,100	64.5	5	3	1,138	57.1	12	5	1,242	51.8
Maine	690	71.2	1		73	20.2	6	3	690	71.2
Maryland	2,713	87.5	1	1	939	67.2	9	4	1,774	82.1
Massachusetts	5,143	99.9	19	5	2,323	82.2	11	9	4,348	99.9
Michigan	6,525	83.4	19	5	3,232	59.9	22	16	6,525	83.4
Minnesota	1,859	54.5	4	3	954	37.6	8	3	1,859	54.5
Mississippi	674	30.9	1	1	144	15.1	8	2	674	30.9
Missouri	2,634	61.0	6	2	1,515	50.0	9	3	1,884	52.8
Montana	152	22.5	2		108	27.1	2		152	22.5
Nebraska	499	35.4	2	2	430	44.4	2	2	499	35.4
Nevada	212	74.4	2		116	58.5	2	1	212	74.4
New Hampshire	405	66.7	1		88	28.7	4	1	405	66.7
New Jersey	5,969	98.4	14	6	1,675	39.4	19	16	5,969	98.4
New Mexico	537	56.5	1	1	201	32.8	6	1	537	56.5
New York	16,016	95.4	15	8	9,853	79.0	35	18	8,234	91.5
North Carolina	2,901	63.7	7	3	727	37.9	30	8	2,901	63.7
North Dakota	67	10.6					1		67	10.6
Ohio	8,323	85.8	18	8	3,664	52.5	40	16	8,323	85.8
Oklahoma	1,042	44.8	3	2	648	38.6	6	2	1,042	44.8
Oregon	1,268	71.7	2	1	424	43.8	9	4	1,268	71.7
Pennsylvania	10,630	93.9	14	5	3,584	50.5	41	27	8,627	92.6
Rhode Island	424	49.4	4	1	424	73.1				
South Carolina	1,451	60.9	3		230	25.8	13	4	1,451	60.9
South Dakota	145	21.3	1		66	16.4	2		145	21.7
Tennessee	1,981	55.5	4	4	1,139	58.6	10	4	1,581	49.9
Texas	6,340	66.2	21	11	4,375	58.3	27	16	6,340	66.2
Utah	666	74.7	2	1	260	39.7	4	3	666	74.7
Vermont	74	19.0					1		74	19.0
Virginia	2,041	51.4	10	4	1,244	65.4	7	3	797	33.6
Washington	2,381	83.5	3	3	887	51.2	13	5	2,381	83.5
West Virginia	1,046	56.2	3		223	26.9	12	2	1,406	56.2
Wisconsin	2,789	70.6	7	2	1,213	43.3	19	9	2,789	70.6
Wyoming	60	18.2					1		60	18.2

EXHIBIT E.—ESTIMATED STATE INCOME TAX COLLECTIONS AND FEDERAL REVENUE FORGONE FOR THE FISCAL YEARS 1970, 1971, AND 1972 UNDER 4 HYPOTHETICAL CONDITIONS

[Amounts in billions]

Hypothetical conditions	1st year, 1970		2d year, 1971		3d year, 1972	
	State income tax collections	Federal revenue forgone	State income tax collections	Federal revenue forgone	State income tax collections	Federal revenue forgone
I. No change in present law that permits deduction of State tax payments when computing Federal tax	$8.5	[1] $1.9	$10.0	[1] $2.2	$12.0	[1] $2.6
II. Congress adopts ACIR-type tax credit proposal and the acceleration effect on State income tax collections is relatively weak [2]	9.4	[1] 3.9	12.0	[1] 5.0	15.6	[1] 6.6
III. Congress adopts ACIR-type tax credit proposal and the acceleration effect on State income tax collections is moderately strong [3]	10.6	[1] 4.5	14.0	[1] 5.9	19.2	[1] 8.1
IV. Congress adopts ACIR-type tax credit proposal and its acceleration effect on State income tax collections is strong [4]	11.9	[1] 5.0	16.5	[1] 6.9	22.8	[1] 9.6

[1] Assumes an average State income tax write-off against Federal tax of 22 percent under present law and 42 percent under ACIR-type credit.

[2] Assumes that it will take 3 years before the increase in State income tax collections will offset the additional amount of Federal income tax forgone. Specific acceleration assumptions: 10 percent 1st year, 20 percent 2d year, and 30 percent 3d year, and no further State income tax collection acceleration after the 3d year attributable to the tax credit.

[3] Assumes that the break-even point will be reached in the 2d year. Specific acceleration assumptions: 25 percent 1st year, 40 percent 2d year, 60 percent 3d year, and no further acceleration in State income tax collections after the 3d year attributable to the Federal tax credit.

[4] Assumes that even in the 1st year the increase in State income tax collection attributable to the tax credit will more than offset the reduction in Federal revenue. Specific acceleration assumptions: 40 percent 1st year, 65 percent 2d year, 90 percent 3d year, and no further acceleration in collections after the 3d year attributable to the Federal tax credit.

Source: ACIR staff estimates.

EXHIBIT F.—ESTIMATES OF FEDERAL REVENUE FORGONE AND STATE-LOCAL REVENUE GAIN IN THE FIRST 3 YEARS AFTER THE ENACTMENT OF THE PROPOSED INTERGOVERNMENTAL REVENUE ACT OF 1969

[Amounts in billions]

Titles	1970	1971	1972
FEDERAL REVENUE FORGONE			
Title I (revenue sharing)	$2.8	$3.4	$3.9
Title II (State income tax credits)	2.6	3.7	5.5
Title III [1]	0	0	0
Title IV (State death tax credits)			.7
Title V [2]	0	0	0
Total Federal revenue forgone	5.4	7.1	10.1
STATE-LOCAL REVENUE GAIN			
Title I	2.8	3.4	3.9
Title II	2.1	4.0	7.2
Title III			
Title IV			.7
Title V			
State-local revenue gain	4.9	7.4	11.8

[1] Federal collection of State income taxes.
[2] Authorizing State-local property taxes in Federal enclaves.

Source: ACIR staff estimates.

Mr. GOODELL. Mr. President, today I have joined my distinguished colleague, Senator MUSKIE, in sponsoring the Intergovernmental Revenue Act.

The Intergovernmental Revenue Act was prepared by the Advisory Commission on Intergovernmental Relations. Senator MUSKIE has served with great distinction on that Commission, as has the Governor of my State, the Honorable Nelson A. Rockefeller, and other leaders of this Nation who have been concerned with renewing and strengthening our federal system of government. A product of years of study by the Commission, the bill is designed to put new life into our federal system by reinforcing the fiscal base of States and local governments.

I have for the past 10 years been active in promoting one of the major reforms embodied in this bill—Federal revenue sharing with State and local governments. I sponsored comprehensive legislative proposals on this subject in 1967, H.R. 4070, and again this year, S. 50. The first title of the proposed Intergovernmental Revenue Act would create a system of revenue sharing which closely resembles that proposed by me in my S. 50, introduced in January of this year.

The proposed Intergovernmental Revenue Act has my full support.

I. OBJECTIVES OF THE BILL

The bill is an urgently needed step toward redressing the growing fiscal imbalance among the levels of our Government—an imbalance that has been posing a grave threat to the integrity of our federal system of shared power.

The Federal income tax has given the Central Government of this Nation a strong fiscal base, capable of growing as the economy expands. The fiscal base of our State and local governments, however, has not had the same strength and growth potential, and has not been keeping pace with the rising demands being made upon State and local treasuries. As a result, State and local governments have been increasingly facing a financial squeeze, and have become increasingly dependent on Federal grant-in-aid programs in order to meet rising demands for public services.

This fiscal crisis facing States and municipalities has been a product of rising expenditures, outdated tax systems and interarea competition for tax dollars.

Sharply rising welfare, education, and other costs have been making unprecedented demands on State and municipal budgets. These spiraling costs have been especially acute in the great urban centers, with their grave problems of poverty and urban blight.

The revenue-producing abilities of State and local governments have not kept pace with these rising expenditures. The majority of States and local governments still have outdated tax structures. Only a minority have made full use of the income tax, with its built-in capacity to provide revenue growth as the economy grows. Those States and municipalities that have modernized their tax structures have suffered from interstate and interarea competition, losing affluent taxpayers to neighboring lower tax areas.

The problem of fiscal imbalance has been carefully documented by the Advisory Commission on Intergovernmental Relations in its landmark 1967 report, "Fiscal Balance in the American Federal System." That report made a number of major recommendations for reform that are developed in detail in the Intergovernmental Revenue Act.

The central objective of the Intergovernmental Revenue Act is to help restore fiscal balance in our federal system. It would do this by supplementing the tax base of States and localities, through a system of Federal general support payments; and, encouraging States and localities to adopt stronger tax systems of their own, by establishing Federal tax credits for State and local income and estate taxes.

II. REVENUE SHARING

Title I of the proposed act would create a new system of Federal revenue sharing, closely analogous to that proposed by me in my Federal Revenue Sharing Act, S. 50, introduced earlier this year.

"Revenue sharing" refers to a plan by which the Federal Government distributes a portion of its tax revenues to States and localities without specifying a particular use of the funds. The States and local governments receiving these payments would be free to determine for themselves how to use the grants. The Federal Government does not now provide this type of general support payments to States and localities, and instead makes grants-in-aid for specifically defined purposes, often with extensive Federal controls.

By returning to State and local governments a stated share of Federal tax revenues without Federal controls, revenue sharing will give greater vigor to States and urban governments. It would supplement these governments' local tax base, thus enabling them to strengthen their administrative apparatus, supply better public services, and meet pressing social needs more effectively. It can put new life in our federal system by giving greater emphasis to decentralized decisionmaking, initiative, and innovation.

The Intergovernmental Revenue Act is not offered as part of a plan to cut back projected expansions of Federal grant-in-aid programs or as a substitute for portions of existing grant-in-aid programs. Instead, it is conceived as a supplement to existing Federal grant programs, designed to strengthen States' and local governments' fiscal base.

General support grants to State and local governments date back 130 years, when the Federal Government on a one-shot basis, distributed the surplus accumulated in the National Treasury to the States. Many States have their own systems of revenue sharing with local governments analogous to proposals made for its adoption at the Federal level.

Ten years ago, the introduction of a number of bills in Congress stimulated considerable interest in the idea of revenue sharing. I introduced one of the earliest of these bills, in 1959.

As a result of the interest generated by these bills, Walter W. Heller, former Chairman of the Council of Economic Advisers, conducted an important study of the matter in 1964. Mr. Heller recommended the adoption of a revenue-sharing system with States. This proposal was supported by a Presidential task force headed by Joseph A. Pechman of the Brookings Institution. These studies received widespread public attention—so much so that revenue sharing is often spoken of as the "Heller-Pechman plan," although its history antedated the Heller and Pechman studies.

Thereafter, congressional interest in revenue sharing continued to grow. In 1967, while a Member of the House of Representatives, I introduced a comprehensive and detailed statutory scheme for revenue sharing—H.R. 4070—including an allocation formula based on States' population and tax effort, and a mandatory "pass through" of a portion of revenue-sharing payments to localities. It served as a model for many of the subsequent legislative proposals on this subject.

The Advisory Commission on Intergovernmental Relations recommended the adoption of Federal revenue sharing in its 1967 "Fiscal Balance" report.

The concept of revenue sharing has also been endorsed by the National Governors Conference, the National League of Cities, the U.S. Conference of Mayors, the National Conference of State Legislative Leaders, and the National Association of Counties. In the 90th Congress, over 110 Members of Congress sponsored or cosponsored over 90 revenue-sharing bills.

This year, the National Advisory Commission on Urban Problems, headed by former Senator Paul Douglas, of Illinois, urged the adoption of a Federal revenue-sharing system. The Douglas Commission proposed a special formula requiring states to pass on to cities and urban counties a specified portion of the revenue-sharing payments they receive from the Federal Government. This formula was included in slightly modified form in my revenue-sharing bill, S. 50, introduced earlier this year, as well as in the the proposed Intergovernmental Revenue Act.

On the basis of present estimates, the proposed act in its first year of operation—fiscal 1970—would provide about $3 billion of revenue-sharing payments to States and local governments. Under the distribution formula of the bill, it is estimated that on a nationwide basis about 49 percent of these payments would be allocated to States, 22 percent to major cities, nearly 13 percent to urban counties, and 16 percent to the support of local schools.

The act would create a revenue-sharing trust fund and appropriate into this fund an amount based on 1 percent of the Federal individual income tax base and 25 percent of State income tax collections.

The amounts in this trust fund would be allocated in the first instance among the States according to population and tax effort. The tax effort factor serves as a bonus to States that are making above-average tax efforts, and as deterrent against States reducing their own taxes in expectation of receiving revenue-sharing assistance.

The bill gives recognition to the legitimate claims of urban governments by requiring a specified portion of revenue-sharing payments to be "passed through" by States to cities and urban county governments having more than 50,000 population.

Specifically, each city and urban county would be entitled to a share of the State's revenue-sharing payments equal to twice the ratio that the city's or county's taxes bear to the total State and local tax receipts in the particular State concerned. This approach has the following advantages:

Basing the formula on local taxation would allocate the largest share to the most populous and most "active" metropolitan governments. It would, moreover, restrict the amount of payments to urban county governments which are relatively "dormant"; that is, which impose few taxes and provide few services.

The formula would take into account the variation in State-local fiscal relations throughout the Nation. The shares it would allocate between the State government and metropolitan governments in a given State would depend upon their relative shares of the total burden of State and local taxation.

The formula serves automatically to allocate payments between cities and urban counties which have overlapping boundaries.

To provide flexibility and to encourage States to take the initiative in strengthening the fiscal position of major cities and counties, the bill would authorize a State, by statute, to establish an alternative plan for application of revenue-sharing payments otherwise earmarked for major city and county governments. To assure that the alternative plan provides adequate funds, the bill would require that it either, first, provide each major city and county with more aid than they would be entitled to receive under the statutory formula, or else, second, that it be accepted by resolution of the local legislative bodies representing at least half of the cities and counties eligible for assistance.

The bill also would assure support for local schools, by requiring that a State spend a specified portion of its revenue-sharing payments for school purposes. This would be determined by a formula measured by the ratio of school taxes to State taxes plus school taxes. It is estimated that on a nationwide basis this requirement allocates 16 percent of revenue-sharing payments to school support.

III. TAX CREDITS

A unique feature of the Intergovernmental Revenue Act is that it combines revenue sharing with tax credits to reinforce the fiscal independence of State and local governments.

Revenue-sharing supplements the tax base of States and localities.

Tax credits help strengthen the tax base of States and localities by creating an effective incentive for improving their tax systems.

By combining revenue sharing with tax credits, the proposed act will help achieve the complementary objectives of supplementing and modernizing State and local tax systems. It will assist in assuring that States and localities keep up their own tax efforts after they start receiving general support payments from the Federal Government. It will constitute an important step toward eliminating the interstate and interarea taxing disparities that have placed the most progressive taxing jurisdictions at a competitive disadvantage.

Title II of the bill creates a Federal income tax credit for payment of State and local income taxes. The amount of the credit would be equal to 40 percent of the amount of State or local income taxes paid by the taxpayer in the taxable year.

At present, the Internal Revenue Code authorizes a deduction for State and local taxes paid. However, this deduction provides only a limited benefit to taxpayers in the lower tax brackets and no benefit to taxpayers who do not itemize their deductions. Under the bill, a taxpayer could elect to continue to take the deduction in lieu of the credit, but this election would be attractive only to the more affluent taxpayers who are in the 40-percent-plus tax brackets.

To assist States in adopting or strengthening their own income tax systems, title III of the proposed act authorizes the Treasury to collect State personal income taxes under terms mutually agreeable to the Secretary of the Treasury and the appropriate State officials.

The proposed income tax credit would result in a Federal revenue loss of $2.6 billion in the first year of its operation. The offsetting State revenue gain is difficult to estimate, as it depends on how many States adopt the income tax or upgrade their existing income tax. In the first year, the State gains would probably be less than the Federal revenue loss, but in the long run the State gains should exceed the Federal loss because the States will be collecting $1 for each 40 cents of Federal credit.

Title IV of the bill would increase and restructure the Federal tax credit for each State estate tax payments. The new credit would be available only in States which adopt an estate-type tax—that is, a tax upon the entire estate of the decedent, instead of the inheritance tax; that is, tax upon the heirs—that many States have. Moreover, the credit would be available only if the State adopts a high enough rate to recapture in State estate tax collections an amount equal to the enlarged Federal tax credit.

Because it is difficult to predict how quickly various States will enact legislation to substitute estate taxes for their present inheritance taxes and to increase their tax rates to "pick up" the increase in the available tax credit, it is difficult to estimate the timing of the impact of the proposed estate tax credit upon Federal estate tax collections. For 2 or 3 years, it will have no appreciable revenue impact. In the long run, say 5 years, the State revenue gain and Federal revenue loss might each approach $1 billion.

The final title of the bill, title V, would permit States and localities to tax personal property of private individuals located in enclaves therein under exclusive Federal jurisdiction, provided that those residing in the enclave have the same privileges, rights, and tax-supported services accorded to other residents outside the enclave. This title would result in some personal property tax gains to those States and local governments that have Federal enclaves within their jurisdictions, but would not cause any direct Federal revenue loss to the Federal Government.

S. 2486—INTRODUCTION OF A BILL PROVIDING GRANTS TO THE STATE OF WYOMING TO SEAL ABANDONED COAL MINES

Mr. McGEE. Mr. President, I introduce, for appropriate, reference a bill to authorize the Secretary of the Interior to provide financial assistance to the State of Wyoming for the purpose of filling voids in abandoned coal mines in my State. This bill is directed to the situation which has resulted in Rock Springs, Wyo. Unfortunately, the Rock Springs area was undermined for the removal of coal deposits many years ago when far too little attention was directed to proper mining practices or the conditions in which the area was left when mining activities were terminated. Earlier this year many property owners in Rock Springs were subjected to rather severe property damage due to earth slippage or subsidence as a result of the underground voids which remained from previous mining activity.

This damage alone has resulted in losses of several thousands of dollars, and of course, this type of loss is not covered by the ordinary home insurance policy. This has resulted in severe hardship on these homeowners, and this, in and of itself, presents a most serious situation. The threat of further slippage, however, poses an even greater threat—a threat which could spread to other areas of the city and inflict far greater damage to both life and property.

We must keep in mind the fact that where we have a situation involving unstable subsurface conditions, there is the ever-present danger of ruptured utility lines—water and natural gas. With these conditions we have a constant threat of underground fires, and this could quickly result in damage and destruction which would reach catastrophic propor-

tions. Past experience has shown that these underground fires are both costly and difficult to control. The health and welfare of the residents of Rock Springs would certainly be affected if there was any substantial breakage of water and sewer lines. These are situations which we should avoid to every extent possible, and my bill is introduced with this in mind.

The Bureau of Mines in the Department of the Interior has had considerable experience with this type of problem and has had some degree of success in filling these mine voids. By act of July 15, 1955—30 U.S.C. 571 et. seq.—the Secretary of the Interior was given authority to make financial assistance available to the Commonwealth of Pennsylvania for this type of corrective work. It is my understanding that a considerable amount of work has been accomplished under the authority and conditions contained in that act. My bill would authorize similar activity by the Bureau of Mines in Wyoming.

Also, when the Appalachian regional bill was enacted by Congress in 1965, Public Law 89-4, a provision was included in the bill to authorize the Secretary of the Interior to make grants to the States comprising the Appalachian region for the purpose of filling the voids in old and abandoned coal mines in that area.

It is clear, then, that the Congress of the United States has recognized a responsibility to assist the States in filling the voids in these old abandoned coal mines, but the present legislative authority is apparently limited to the two specific areas involved in the Pennsylvania and Appalachia Acts. With this recognized statement of policy and responsibility, there does not appear to be any logical reason why this policy should not be extended to other areas of the country in which this troublesome problem occurs.

At the present time we do not know the entire scope of the involved area underlying Rock Springs. The Bureau of Mines has been conducting a study of the area in order to accurately define the magnitude of the problem. It is my understanding that the Bureau's report should be available in about a month or the latter part of July. When this report is available, we shall be in a better position to evaluate the scope of the problem together with an estimate of the probable costs involved in correcting it. It is clear even at the present time, however, that we are facing a significant and a most costly problem and one that will require finances far beyond available local and State resources. In other words, some Federal financial assistance will be necessary if we hope to remove this threat of further damage to one of Wyoming's principal cities and industrial areas.

For these reasons, I am introducing this bill today with the hope that it might receive early and favorable consideration by the Congress. By early and favorable consideration of my bill, I feel the Congress has the opportunity to prevent a most serious situation from reaching catastrophic proportions.

The people of Wyoming are most grateful for the efforts which personnel from the Bureau of Mines have made and continue to make in an effort to resolve this matter. The Bureau unquestionably has the qualified personnel and expertise to contribute significantly to the ultimate solution to this problem. We look forward to working with them in the months ahead. The Bureau, however, will need additional legislative authority and funds, and I would hope that the Congress will provide both with as little delay as possible.

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

The bill (S. 2486) to authorize the Secretary of the Interior to provide grants to the State of Wyoming to assist in a program to seal abandoned coal mines and to fill voids in abandoned coal mines, introduced by Mr. McGEE, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 2487—INTRODUCTION OF THE LONGSHOREMEN'S AND HARBOR WORKERS' COMPENSATION ACT AMENDMENTS OF 1969

Mr. WILLIAMS of New Jersey. Mr. President, on behalf of myself and other Senators, I introduce, for appropriate reference, a bill to amend the Longshoremen's and Harbor Workers' Compensation Act. This act provides workmen's compensation benefits for some 1 million privately employed workers subject to Federal jurisdiction—chiefly longshoremen and ship repairmen working on navigable waters of the United States. Its provisions have been extended to other private employment, including employees in the District of Columbia, and employment by contractors at U.S. bases overseas.

While the workmen's compensation statutes of many other jurisdictions have been updated to reflect increases in the cost of living in recent years, and to provide more adequate protection, the Longshoremen's and Harbor Workers' Compensation Act has not been amended since 1961. Improvements are consequently long overdue.

One of the chief features of this bill relates to the weekly benefits paid to totally disabled workers. Under the law such a worker receives two-thirds of his wage as weekly compensation while totally disabled; however, this is subject to a maximum of $70 a week. This bill would increase that weekly maximum to $132, and the minimum benefit from $18 to $36.

Other features of the bill include payment of compensation would be permitted without a waiting period when the disability exceeds 14 days rather than 28 days presently required, compensation on behalf of dependents would be extended to those in a student status from 18 to 23 years of age, the time for giving notice of injury and filing claim with respect to latent injury would be extended, the liability of employers with respect to subsequent injuries suffered by employees with preexisting physical impairments would be limited, thereby encouraging the employment of handicapped persons, benefits would be extended to cases of disfigurement of the neck and other normally exposed parts of the body, and, provision would be made for further financing of special funds by increased payments from $1,000 to $5,000 from employers in fatal injury cases where there are no survivors, and, in addition, by assessments upon insurance carriers and upon self-insurers.

Mr. President, in 1966 the Congress amended the Federal Employees Compensation Act to provide improvements which we recognized were necessary. It is the purpose of this bill to deal with the other major area of Federal workmen's compensation responsibility, by making the benefits of the Longshoremen's and Harbor Workers' Compensation Act more realistic in light of today's living costs and to modernize its provisions in other respects. Most of the workers covered by this act are engaged in extremely hazardous work, for longshoring is one of the most dangerous of any occupations. Indeed, marine cargo handling ranks the highest of all industries in terms of injuries per man-hours of work.

It is, therefore, especially appropriate that we now enact legislation which will insure more adequate compensation protection for these workers and their families.

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

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

The bill (S. 2487), to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes, introduced by Mr. WILLIAMS of New Jersey (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 2487

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Longshoremen's and Harbor Workers' Compensation Act Amendments of 1969."

STUDENT BENEFITS

SEC. 2. (a) Section 2 of such Act is amended by redesignating paragraph (19) as paragraph (20) and adding a new paragraph (19) as follows:

"(19) The term 'student' means a person regularly pursuing a full-time course of study or training at an institution which is—

"(A) a school or college or university operated or directly supported by the United States, or by any State or local government or political subdivision thereof, or

"(B) a school or college or university which has been accredited by a State or by a State recognized or nationally recognized accrediting agency or body, or

"(C) a school or college or university not so accredited but whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited, or

"(D) an additional type of educational or training institution as defined by the Secretary,

but not after he reaches the age of twenty-three or has completed four years of education beyond the high school level, except that, where his twenty-third birthday occurs during a semester or other enrollment period, he shall continue to be considered a student until the end of such semester or other enrollment period. A child shall not be deemed

to have ceased to be a student during any interim between school years if the interim does not exceed five months and if he shows to the satisfaction of the deputy commissioner that he has a bona fide intention of continuing to pursue a full-time course of education or training during the semester or other enrollment period immediately following the interim or during periods of reasonable duration during which, in the judgment of the deputy commissioner, he is prevented by factors beyond his control from pursuing his education. A child shall not be deemed to be a student under this Act during a period of service in the Armed Forces of the United States or while receiving educational or training benefits under any other program authorized by the Congress of the United States."

"(b) The last sentence of section 2 (14) of such Act is amended to read as follows: "'Child,' 'grandchild,' 'brother,' and 'sister' include only persons who are under eighteen years of age, and also persons who, though eighteen years of age or over, are (1) wholly dependent upon the employee and incapable of self-support by reason of mental or physical disability, or (2) are students as defined in paragraph (19) of this section."

(c) Section 8(d) of such Act is amended by striking out the words "under the age of eighteen years" wherever they appear therein.

TIME FOR COMMENCEMENT OF COMPENSATION

SEC. 3. Section 6(a) of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1426, 33. U.S. 906) is amended by striking out "more than twenty-eight days" and inserting in lieu thereof "more than fourteen days."

MAXIMUM AND MINIMUM LIMITS OF DISABILITY COMPENSATION AND ALLOWANCE

SEC. 4. (a) Section 6(b) of such Act is amended by striking out "$70" and inserting in lieu thereof "$132", and by striking out "$18" wherever it appears, and inserting in lieu thereof "$36".

(b) Section 14 of such Act is amended by striking out subsection (m).

COST OF REEXAMINATION

SEC. 5. The last sentence of section 7(e) of such Act is amended to read as follows: "The deputy commissioner may charge the cost of such examination to the carrier or self-insurer."

DISFIGUREMENTS

SEC. 6. Section 8(c) (20) of such Act is amended to read as follows:

"(20) Disfigurement: Proper and equitable compensation not to exceed $3,500, shall be awarded for serious disfigurement: (A) of the face, head, or neck; or (B) of other normally exposed areas likely to handicap the employee in securing or maintaining employment."

COMPENSATION AT END OF SCHEDULED AWARD

SEC. 7. Section 8(c) of such Act is further amended by adding the following new paragraph:

"(23) With respect to any period after payments under paragraph (c)(1) through (c)(20) have terminated, compensation shall be paid as provided in subsections (a) and (b) of this section if the disability is total, or, if the disability is partial, 66⅔ per centum of the difference between the injured employee's average weekly wages before the injury and his wage-earning capacity after the injury in the same or other employment."

SPECIAL FUND

SEC. 8. (a) Section 8(d) of such Act is amended by adding the following new paragraph (6):

"(6) If there be no surviving wife, dependent husband, or child, then to the special fund established under section 44(a) of this Act."

(b) Section 44(c) of such Act is amended to read as follows:

"(c) Payments into such fund shall be made as follows:

"(1) Each employer shall pay $5,000 as compensation for the death of an employee of such employer resulting from injury where the deputy commissioner determines that there is no person entitled under this Act to compensation for such death.

"(2) When the amount in the fund at the beginning of the calendar year is less than $300,000, each carrier or self-insurer shall be obligated to make prorated payments into the fund based on the gross premiums collected by the carrier for risks during the preceding fiscal year or the amount of premiums a self-insurer would have had to pay during the preceding fiscal year for compensation insurance.

"(3) All amounts collected as fines and penalties under the provisions of this Act shall be paid into such fund."

(c) Section 44 is further amended by adding the following new subsection (h):

"(h) The proceeds of this fund shall be available for payments under section 8 (f) and (g), under section 18 (b), and under section 39 (c): *Provided*, That payments authorized by section 8 (f) shall have priority over other payments authorized from the fund: *Provided further*, That at the close of each fiscal year the Secretary of Labor shall submit to the Congress a complete audit of the fund."

INJURY FOLLOWING PREVIOUS IMPAIRMENT

SEC. 9. (a) Section 8(f)(1) of such Act is amended to read as follows: "In any case in which an employee having an existing permanent physical impairment suffers injury, the employer shall provide compensation for such disability as is found to be attributable to that injury based upon the average weekly wages of the employee at the time of the injury. If following an injury falling within the provisions of section (8)(c)(1)–(20), the employee is totally and permanently disabled, and the disability is found not to be due solely to that injury, the employer shall provide compensation for the applicable prescribed period of weeks provided for in that section, or for one hundred and four weeks, whichever is the greater. In all other cases of total permanent disability or of death, found not to be due solely to that injury, of an employee having an existing permanent physical impairment, the employer shall provide, in addition to compensation under paragraphs (b) and (e) of this section, compensation payments or death benefits for one hundred and four weeks only. After cessation of the payments for the period of weeks provided for herein, the employee or his survivor entitled to benefits shall be paid the remainder of the compensation that would be due for permanent total disability or for death out of the special fund established in section 44."

(b) Section 8(f) of such Act is further amended by striking out paragraph (2).

DEATH BENEFITS

SEC. 10. (a) Section 9(a) of such Act is amended by striking out "$400" and inserting in lieu thereof "$800".

(b) Section 9(e) of such Act is amended by striking out "$106" and inserting in lieu thereof "$198", and by striking out "$27" and inserting in lieu thereof "$54".

DETERMINATION OF PAY

SEC. 11. Section 10 of such Act is amended by adding the following new subsections:

"(f) Each June 30th the Secretary shall determine the percent change in the weekly wage level in the longshore industry during the preceding year. Effective the first day of the third month following this determination, compensation payable on account of disability or death which occurred more than one year before that first day, and which occurred after enactment of this subsection, shall be increased by the percent rise in the wage level.

"(g) The weekly compensation after adjustment under subsection (f) shall be fixed at the nearest dollar. However, the weekly compensation after adjustment shall reflect an increase of at least $1."

TIME FOR NOTICE AND CLAIMS

SEC. 12. (a) Section 12 (a) of such Act is amended to read as follows:

"NOTICE OF INJURY OR DEATH

"SEC. 12. (a) Notice of an injury or death in respect of which compensation is payable under this Act shall be given within thirty days after the date of such injury or death, or thirty days after the employee or beneficiary is aware or in the exercise of reasonable diligence should have been aware of a relationship between the injury or death and the employment. Such notice shall be given (1) to the deputy commissioner in the compensation district in which the injury occurred and (2) to the employer."

(b) Section 13(a) of such Act is amended to read as follows:

"(a) Except as otherwise provided in this section, the right to compensation for disability or death under this Act shall be barred unless a claim therefor is filed within one year after the injury or death. If payment of compensation has been made without an award on account of such injury or death, a claim may be filed within one year after the date of the last payment. Such claim shall be filed with the deputy commissioner in the compensation district in which such injury or death occurred. The time for filing a claim shall not begin to run until the employee or beneficiary is aware, or by the exercise of reasonable diligence should have been aware, of the relationship between the injury or death and the employment."

FEES FOR SERVICES

SEC. 13. Section 28 (a) of such Act is amended by adding the following new sentence: "In cases where an award is made or increased after payment under the Act is resisted, a claim for legal services approved by the deputy commissioner or a court shall be added to the compensation award and become a lien upon such award in the amounts so fixed."

TECHNICAL AMENDMENT

SEC. 14. Section 3(a)(1) of such Act is amended by striking out the word "nor" and inserting in lieu thereof the word "or".

EFFECTIVE DATE

SEC. 15. The amendments made by this Act shall become effective six months after the date of enactment of this Act.

Mr. CRANSTON. Mr. President, I rise to explain briefly a qualification to my cosponsorship of S. 2487, a bill introduced today by the distinguished chairman of the Labor Subcommittee, the junior Senator from New Jersey, to amend the Longshoremen's and Harbor Workers' Compensation Act, and for other purposes.

I fully agree with Senator WILLIAMS that the substantive revisions made in the bill are long overdue in order to provide economic comparability to the injured longshoreman and harbor worker and their families and to correct other deficiencies in the present act. At the same time, however, I am not fully convinced of the justification of the amount of the dollar increases in sections 4 and 10 of the bill, relating to the minimum and maximum weekly disability benefit rates and dependent death benefit rates, respectively, in terms of the level of similar compensation under the workmen's compensation laws of the many States.

I expect to follow the hearings on this bill carefully before reaching a judgment

on the appropriate amount of such increases and will welcome the presentation of all views on this or any other issue raised by the bill.

SENATE JOINT RESOLUTION 127—INTRODUCTION OF A JOINT RESOLUTION RELATING TO INTERNATIONAL PETROLEUM EXPOSITION

Mr. HARRIS. Mr. President, I introduce, for myself and for the junior Senator from Oklahoma, a joint resolution authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held in Tulsa, Okla., from May 15 to May 23 in 1971.

The most important aspect of this exposition is not the impetus it gives to an already thriving and productive oil industry in Oklahoma, nor is it even the benefit it brings to the petroleum industry nationally. The greatest contribution of the International Petroleum Exposition is that it is truly international. Over the past two decades it has welcomed the representatives of over 50 nations throughout the world and stands as a dynamic and working symbol of cooperation in an all-important sphere.

I stress international, for I know that what is traded goes beyond technical ideas and modern equipment. An integral part of the exposition has always been a practical exchange of international good will.

The International Petroleum Exposition in Tulsa, the oil capital of the world, is a forum for progress which helps oilmen throughout America. It benefits us all even more by aiding those nations in the developing world who may leave it better able to seek the kind of progress which America's petroleum industry has offered to all of us.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 127) authorizing the President to invite the States of the Union and foreign nations to participate in the International Petroleum Exposition to be held at Tulsa, Okla., from May 15, 1971, through May 23, 1971, introduced by Mr. HARRIS (for himself and Mr. BELLMON), was received, read twice by its title, and referred to the Committee on Foreign Relations.

SENATE JOINT RESOLUTION 128—INTRODUCTION OF A JOINT RESOLUTION AUTHORIZING THE PRESIDENT TO DESIGNATE A WEEK OF EACH YEAR AS VOLUNTEER WEEK

Mr. HARRIS. President, I introduce, for appropriate reference, a joint resolution designating the first week in April as Volunteer Week.

Motivated by their deep concern for their communities and their country, millions of volunteers throughout the United States serve without pay in the fields of health, recreation, education, welfare, culture, community action, and politics. This common desire to serve draws volunteers of all ages, from all neighborhoods, from all ethnic groups, all religious and all political persuasions. They serve at all hours of day and night, many being on call 24 hours a day, such as volunteer firemen, those serving in suicide prevention or with other distressed persons. They share their many talents and skills on highly sophisticated jobs or on simple but necessary jobs.

Accordingly to a recent Gallup poll, 69 million people are prepared to donate their time and energies to some form of volunteer effort. Of these, 60 percent said they would be willing to serve in dealing with local problems such as housing, recreation, traffic, welfare, or health.

The contribution being made by volunteers throughout this Nation is truly outstanding. This contribution should be recognized and accordingly I offer the joint resolution to designate a week of each year as Volunteer Week.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 128) to authorize the President to issue annually a proclamation designating the 7-day period beginning on the first Sunday in April of each year as "Volunteer Week," was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTIONS—REMOVAL OF COSPONSOR OF JOINT RESOLUTION

S. 745

Mr. McGOVERN. Mr. President, I ask unanimous consent that, at its next printing, the name of the senior Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of the bill (S. 745) to amend the Agriculture Adjustment Act, as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, and for other purposes.

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

S. 1790

Mr. YOUNG of North Dakota. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of the bill (S. 1790) to amend the act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program.

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

S. 2073 AND S. 2074

Mr. SCOTT. Mr. President, at the request of the Senator from Illinois (Mr. DIRKSEN), I ask unanimous consent that, at their next printing, the name of the Senator from Idaho (Mr. CHURCH) be added as a cosponsor of the bills (S. 2073) to prohibit the use of interstate facilities, including the mails, for the transportation of certain materials to minors, and (S. 2074) to prohibit the use of interstate facilities including the mails for the transportation of salacious advertising.

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

S. 2375

Mr. CASE. Mr. President, on June 12 I introduced for Senator HART and myself S. 2375, a bill to amend the Civil Rights Act of 1964 to authorize the Attorney General to initiate school desegregation suits based on his finding that discrimination exists in a school district.

Since then a number of other Senators have expressed a desire to cosponsor this bill. Therefore, I ask unanimous consent that, at its next printing, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from South Dakota (Mr. McGOVERN), the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), the Senators from Wisconsin (Mr. PROXMIRE and Mr. NELSON), the Senator from Minnesota (Mr. MONDALE), the Senator from Massachusetts (Mr. BROOKE), and the Senators from New York (Mr. JAVITS and Mr. GOODELL) may be added as cosponsors.

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

S. 2470

Mr. SCOTT. Mr. President, I ask unanimous consent that, at its next printing, the names of the Senator from West Virginia (Mr. RANDOLPH) and the Senator from Oregon (Mr. PACKWOOD) be added as a cosponsor of the bill (S. 2470) to amend the Food Stamp Act of 1964 to authorize elderly persons to exchange food stamps under certain circumstances for meals prepared and served by private nonprofit organizations, and for other purposes.

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

S.J. RES. 19

CORRECTION OF S.J. RES. 7

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at their next printing, the name of the Senator from Wisconsin (Mr. PROXMIRE) be added as a cosponsor of the joint resolution (S.J. Res. 19) proposing an amendment to the Constitution of the United States, extending the right to vote to citizens 18 years of age or older, and that his name, which was inadvertently added to the joint resolution (S.J. Res. 7) be removed as a cosponsor of that measure.

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

EXTENSION OF THE GREAT PLAINS CONSERVATION PROGRAM

Mr. YARBOROUGH. Mr. President, on January 15, 1969, the Senator from South Dakota (Mr. McGOVERN) and others, of whom I was one, introduced a bill in the Senate to extend the Great Plains conservation program for 10 years. The names of the cosponsors of that bill are as follows: Mr. McGOVERN, Mr. ANDERSON, Mr. BURDICK, Mr. DOLE, Mr. HARRIS, Mr. McGEE, Mr. MANSFIELD, Mr. METCALF, Mr. MONTOYA, Mr. NELSON, Mr. PEARSON, Mr. TALMADGE, and myself.

At the conference of the subcommittee of the Committee on Appropriations this week, it was agreed in the Appropriations Committee that a composite Great Plains conservation bill would be reported to the Senate by the Committee on Agriculture, cosponsored by all Senators who had cosponsored any of the several Great Plains bills now pending in the Senate.

The bill was reported June 24, 1969, committee report No. 91-269, Calendar 260, S. 1790, but by a clerical error several Senators' names were omitted as cosponsors, including my name. I ask unanimous consent that my name be added as a cosponsor of S. 1790, and that the bill, as so corrected, be printed in full at this point in the RECORD.

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

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

S. 1790

A bill to amend the Act of August 7, 1956 (70 Stat. 1115), as amended, providing for a Great Plains conservation program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 16(b)(1) of the Soil Conservation and Domestic Allotment Act, as amended, is amended to read as follows:

"(1) the Secretary is authorized, within the amounts of such appropriations as may be provided therefor, to enter into contracts of not to exceed ten years with owners and operators of land in the Great Plains area having such control as the Secretary determines to be needed of the farms, ranches, or other lands covered thereby; but such contracts shall be entered into with respect to lands, other than farms or ranches, only where erosion is so serious as to make such contracts necessary for the protection of farm or ranch lands. Such contracts shall be designed to assist farm, ranch, or other land owners or operators to make, in orderly progression over a period of years, changes in their cropping systems or land uses which are needed to conserve, develop, protect, and utilize the soil and water resources of their farms, ranches, and other lands and to install the soil and water conservation measures and carry out the practices needed under such changed systems and uses. Such contracts may be entered into during the period ending not later than December 31, 1981, with respect to farms, ranches, and other lands in counties in the Great Plains area of the States of Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, designated by the Secretary as susceptible to serious wind erosion by reason of their soil types, terrain, and climatic and other factors. The land owner or operator shall furnish to the Secretary a plan of farming operations or land use which incorporates such soil and water conservation practices and principles as may be determined by him to be practicable for maximum mitigation of climatic hazards of the area in which such land is located, and which outlines a schedule of proposed changes in cropping systems or land use and of the conservation measures which are to be carried out on the farm, ranch, or other land during the contract period to protect the farm, ranch, or other land from erosion and deterioration by natural causes. Such plan may also include practices and measures for (a) enhancing fish and wildlife and recreation resources (b) promoting the economic use of land, and (c) reducing or controlling agricultural related pollution. Inclusion in the farm plan of these practices shall be the exclusive decision of the land owner or operator. Approved conservation plans of land owners and operators developed in cooperation with the soil and water conservation district in which their lands are situated shall form a basis for contracts. Under the contract the land owner or operator shall agree—

"(i) to effectuate the plan for his farm, ranch, or other land substantially in accordance with the schedule outlined therein unless any requirement thereof is waived or modified by the Secretary pursuant to paragraph (3) of this subsection;

"(ii) to forfeit all rights to further payments or grants under the contract and refund to the United States all payments or grants received thereunder upon his violation of the contract at any stage during the time he has control of the land if the Secretary, after considering the recommendations of the soil and water conservation district board, determines that such violation is of such a nature as to warrant termination of the contract, or to make refunds or accept such payment adjustments as the Secretary may deem appropriate if he determines that the violation by the owner or operator does not warrant termination of the contract;

"(iii) upon transfer of his right and interest in the farm, ranch, or other land during the contract period to forfeit all rights, to further payments or grants under the contract and refund to the United States all payments or grants received thereunder unless the transferee of any such land agrees with the Secretary to assume all obligations of the contract;

"(iv) not to adopt any practice specified by the Secretary in the contract as a practice which would tend to defeat the purposes of the contract;

"(v) to such additional provisions as the Secretary determines are desirable and includes in the contract to effectuate the purposes of the program or to facilitate the practical administration of the program.

In return for such agreement by the landowner or operator the Secretary shall agree to share the cost of carrying out those conservation practices and measures set forth in the contract for which he determines that cost sharing is appropriate and in the public interest. The portion of such cost (including labor) to be shared shall be that part which the Secretary determines is necessary and appropriate to effectuate the physical installation of the conservation practices and measures under the contract."

SEC. 2. Section 16(b)(2) of said Act is amended to read:

"(2) the Secretary may terminate any contract with a landowner or operator by mutual agreement with the owner or operator if the Secretary determines that such termination would be in the public interest, and may agree to such modification of contracts previously entered into as he may determine to be desirable to carry out the purposes of the program or facilitate the practical administration thereof or to accomplish equitable treatment with respect to other similar conservation, land use, or commodity programs administered by the Secretary,

SEC. 3. Section 16(b)(7) of said Act is amended to read:

"(7) there is hereby authorized to be appropriated without fiscal year limitations, such sums as may be necessary to carry out this subsection: *Provided,* That (A) during the period ending December 31, 1971, (i) the total cost of the program (excluding administrative costs) shall not exceed $150,000,000, and (ii) for any program year payments shall not exceed $25,000,000; and (B) during the period beginning January 1, 1972, (i) the total cost of the program (including administrative costs) shall not exceed $250,000,000, and (ii) the cost of the program for any year (including administrative costs) shall not exceed $25,000,000. The funds made available for the program under this subsection may be expended without regard to the maximum payment limitation and small payment increases required under section 8(e) of this Act, and may be distributed among States without regard to distribution of funds formulas of section 15 of this Act. The program authorized under this subsection shall be in addition to, and not in substitution of, other programs in such area authorized by this or any other Act."

Amend the title so as to read: "An Act to amend section 16(b) of the Soil Conservation and Domestic Allotment Act, as amended, providing for a Great Plains conservation program."

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, June 25, 1969, he presented to the President of the United States the enrolled joint resolution (S.J. Res. 123) to extend the time for the making of a final report by the Commission To Study Mortgage Interest Rates.

DEVELOPMENT AND IMPROVED MANAGEMENT OF NATIONAL FOREST COMMERCIAL TIMBERLANDS—AMENDMENTS

AMENDMENTS NOS. 50, 51, AND 52

Mr. BENNETT. Mr. President, I rise to submit three amendments, intended to be proposed by me, to S. 1832, a bill which I have cosponsored with the distinguished chairman of the Banking and Currency Committee, the distinguished majority leader, and several others of my Senate colleagues.

I wish again to reiterate my support for the overall approach contained in the National Timber Supply Act of 1969. The hearings conducted by the Housing Subcommittee of the Banking and Currency Committee on the high cost of plywood and other lumber certainly showed the need for immediate action by the Federal Government. I again call upon the administration to make its legislative desires known to the Congress. I trust the Senate Agriculture Committee will also move quickly on S. 1832.

The first amendment which I offer deals with section 5 of the bill. Under the bill language, lumber revenue moneys credited to the special Treasury fund are available only when appropriated therefore, by Congress. I feel this approach leaves us basically where we are today. While section 5 would set up a fund, we have no guarantee that timber revenue money would be available for improved management procedures and practices in our national forests.

My amendment to section 5 simply makes the money in the fund available for expenditures by the Secretary of Agriculture, until and unless the right to use the money is suspended in whole or in part by the Congress. Of necessity, the first sentence of section 6 is also amended to strike out the appropriation reference to section 5.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 50) was referred to the Committee on Agriculture and Forestry.

Mr. BENNETT. Mr. President, my second amendment will be added to the end of section 6 and authorizes the Secretary of Agriculture to transfer funds generated by one national forest for use in other national forests. I realize that there is concern about this prospect, but I think such an amendment is absolutely necessary. We obviously have some national forests in better condition than others, and I think it would be unwise to overmanage a given national forest simply because funds generated by the particular area cannot be used elsewhere.

I think the specific national forests are protected by the language which requires the Secretary of Agriculture to

determine that there is an excess of funds before any transfer can be made.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 51) was referred to the Committee on Agriculture and Forestry.

Mr. BENNETT. Mr. President, my third amendment is in the form of a new section at the end of the bill which requires the Secretary of Agriculture to submit a report to the Congress not later than January 31 of each year, regarding the expenditures under this act during the preceding fiscal year. The report would also include plans and estimates for the next fiscal year.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred.

The amendment (No. 52) was referred to the Committee on Agriculture and Forestry.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Wade H. Ballard, III, of West Virginia, to be U.S. attorney for the southern district of West Virginia for the term of 4 years, vice Milton J. Ferguson.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, July 2, 1969, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

NOTICE OF HEARING

Mr. YARBOROUGH. Mr. President, I wish to announce that the Committee on Labor and Public Welfare will hold a public hearing on the nomination of Luther Holcomb to be a member of the Equal Employment Opportunity Commission on Monday, June 30, 1969, at 9 a.m. in room 4232 New Senate Office Building.

CONTINUATION OF SUSPENSION OF DUTY ON HEPTANOIC ACID

Mr. LONG. Mr. President, from the Committee on Finance I report H.R. 4229 with a committee amendment to continue the 10-percent surtax withholding schedules in effect for 1 additional month. I ask unanimous consent that the Senate proceed to the consideration of the bill (H.R. 4229).

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 4229) to continue for a temporary period the existing suspension of duty on heptanoic acid, reported with an amendment, after line 6 to insert a new section, as follows:

SEC. 2. (a) Section 3402 of the Internal Revenue Code of 1954 (relating to income tax collected at source) is amended—

(1) by striking out "June 30, 1969" in subsection (a)(1) and inserting in lieu thereof "July 31, 1969";

(2) by striking out "July 1, 1969" in subsection (a)(2) and inserting in lieu thereof "August 1, 1969"; and

(3) by striking out "July 1, 1969" in subsection (c)(6) and inserting in lieu thereof "August 1, 1969".

(b) The amendments made by subsection (a) shall apply with respect to wages paid after June 30, 1969.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Louisiana?

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

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

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Nicholas Costanzo, of New York, to be Superintendent of the U.S. Assay Office at New York, N.Y., which was referred to the Committee on Banking and Currency.

CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1970

Mr. RUSSELL. Mr. President, I understand that the favorable report of the Committee on Appropriations on House Joint Resolution 790 has been filed at the desk. This is a joint resolution to enable the departments of Government to continue to function in the absence of their regular appropriations bills.

Mr. President, I ask unanimous consent that the joint resolution may be considered.

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

Mr. RUSSELL. I yield.

Mr. LONG. Mr. President, I would suggest that the Senator's request be amended to provide that the pending business (H.R. 4229) be temporarily laid aside, and that it will again become the business of the Senate after the consideration of the joint resolution has been concluded.

Mr. RUSSELL. It would automatically come back before the Senate.

Mr. President, I ask unanimous consent that the pending business be temporarily laid aside.

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

The joint resolution will be stated.

The BILL CLERK. A joint resolution (H.J. Res. 790) making continuing appropriations for the fiscal year 1970.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. RUSSELL. Mr. President, the Committee on Appropriations met this morning and, in view of the fact that the present fiscal year will come to a close at midnight next Monday, June 30, authorized the chairman of the committee to call up the joint resolution at today's session of the Senate.

House Joint Resolution 790 provides funds and authority for the continuation of those programs and activities of the Federal Government for which appropriations for the fiscal year ending June 30, 1970, have not been enacted. Specifically, the joint resolution continues funds available until October 31, 1969, or until the enactment of the regular annual appropriation bills.

As of today, the House of Representatives has passed three regular appropriation bills—the Agriculture, Treasury-Post Office-Executive Office, and Independent Offices and Department of Housing and Urban Development appropriation bills for the fiscal year 1970.

This morning, the Committee on Appropriations met and ordered reported to the Senate the Department of Agriculture appropriation bill, which was reported by the Senator from Florida (Mr. HOLLAND). The Treasury-Post Office-Executive Office appropriation bill was also ordered to be reported by the Senator from Texas (Mr. YARBOROUGH). In summary, then, 10 regular annual bills have yet to be reported by the House committee. The Senate committee is engaged in hearings on several bills; however, the actual bills are not before the committee at this time.

In view of the status of the provisions for the operation of the executive offices of Government, and because of the proposed congressional recess during the month of August, the committee felt that the expiration date provided in this joint resolution—October 31—was by no means unrealistic.

Mr. President, the joint resolution provides as follows:

In those instances where an appropriation bill has passed both Houses of the Congress, but has not yet been enacted, and the amounts or authority therein differ, the pertinent project or activity shall be continued under the lesser of the two amounts and the more restrictive authority.

If an appropriation bill has passed only one House, or if an item is included in only one version of the bill as passed by both Houses, the pertinent project or activity shall be continued at a rate for operations not exceeding the fiscal 1969 rate or the rate permitted by the one House, whichever is lower.

In those instances where neither House has passed the particular appropriation bill, appropriations are provided for continuing projects or activities con-

ducted during fiscal year 1969 at the current rate, or the rate provided in the budget estimate for fiscal year 1970, whichever is lower, and under the most restrictive authority. In addition, in this latter instance, if there is no budget estimate for a particular item but it is a continuing program from fiscal year 1969, special provision is made in the resolution for minimum continuation until the matter is resolved in the processing of the regular appropriation bill affecting the activity.

As in other continuing resolutions, any obligations or expenditures incurred pursuant to the authority granted in this resolution will be charged against the applicable appropriation when the bill in which such funds or authority are contained is enacted into law.

Mr. President, it seems to me to be imperative that if the executive branch of the Government is to function, the joint resolution should be passed. I therefore urge the passage of House Joint Resolution 790.

The PRESIDING OFFICER. The joint resolution is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

CONTINUATION OF SUSPENSION OF DUTY ON HEPTANOIC ACID

The Senate resumed the consideration of the bill (H.R. 4229) to continue for a temporary period the existing suspension of duty on heptanoic acid.

The PRESIDING OFFICER. The clerk will state the committee amendment to the pending bill.

The bill clerk read as follows:

SEC. 2. (a) Section 3402 of the Internal Revenue Code of 1954 (relating to income tax collected at source) is amended—

(1) by striking out "June 30, 1969" in subsection (a)(1) and inserting in lieu thereof "July 31, 1969";

(2) by striking out "July 1, 1969" in subsection (a)(2) and inserting in lieu thereof "August 1, 1969"; and

(3) by striking out "July 1, 1969" in subsection (c)(6) and inserting in lieu thereof "August 1, 1969".

(b) The amendments made by subsection (a) shall apply with respect to wages paid after June 30, 1969.

Mr. LONG. Mr. President, the amendment is to a bill to continue the suspension of duty on heptanoic acid. It is not a controversial bill—I am sure it would pass on the Consent Calendar. The amendment is more significant. It is one which would provide a 1-month extension of the existing withholding tax rate.

Mr. President, the amendment is necessary if the House is to be permitted the necessary time to send us a revenue bill, on which it has been working for 7 months now. We shall endeavor to report within that time limit, if we can, but that may be difficult for the Senate committee to do. We may have to ask for more time, but it is agreed within the Finance Committee, that when we report the bill, we will also report recommendations with regard to tax reform.

We invite all Senators who have amendments they would like to offer on the subsequent bill, should the House send it to us, to make their amendments available to the Committee on Finance and to be prepared to appear with any witnesses they may want to bring in who will support their positions on the tax reform proposals in which they are interested.

The committee, in voting for the 30-day extension, voted for what it believed will be a major tax reform. We intend to repeal the investment tax credit as of April 18, which is the House date. It is our judgment that the investment tax credit cannot be justified, and we intend to vote to repeal it with that effective date. We therefore thought that all Senators interested should know about it. That will be the committee recommendation. Of course, Senators can offer other amendments, but it was the consensus of the committee that we should make clear, at least in reporting on this matter, that we intend to recommend that position on the investment tax credit.

Please understand, Mr. President, that what we are talking about here is not an extension of the tax, but merely an extension of the withholding. If it should be the judgment of the House or Senate, as the case may be, that the existing surtax of 10 percent should not be continued, then there would be a rebate owed to the taxpayers by the Secretary of the Treasury, when returns are filed next year, for the overwithholding which would result as a matter of continuing this tax rate for an additional 1 month.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. WILLIAMS of Delaware. I support the position of the committee as outlined by its chairman. The approval of this 31-day extension does not in any way mean an extension of the tax rate itself, nor does it commit anyone to the surtax or to the extension thereof. It merely extends the same withholding tables for a period of 30 days in order to give Congress an opportunity to work its will between now and the end of that period.

As the chairman points out, should, perchance, there be no extension of the surtax it would mean that the taxpayers would have overpaid and would have that much extra credit at the end of the next fiscal year when they face up to the full tax obligation.

I think that this is a measure which must pass. It needs to be passed immediately in order to avoid business companies having to change their computers with new withholding tables, which could possibly be reversed in the next few days when Congress acts on the extension of the surcharge.

Mr. LONG. Basically this is an amendment to avoid chaos and confusion while Congress acts on the matter.

Mr. WILLIAMS of Delaware. That is correct.

Mr. DIRKSEN. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. DIRKSEN. Mr. President, this is a matter of transcendent importance. Business and industry now resort to computer devices in order to figure out all the withholdings, and to change over is a colossal job and extremely expensive. Just an instance in point, with respect to the Treasury Department forms, if they had to be done over to meet the situation, the cost would be approximately a quarter of a million dollars. For industry and business, it would be even more expensive. So the measure must be passed in order to avoid confusion.

I want to add my voice, also, and say that, when we get around to it, the surtax also must be approved, because its impact on the economy will be enormous. I think we had better face up to it, first and last.

Mr. HARTKE. Mr. President, will the Senator from Louisiana yield?

Mr. LONG. I yield.

Mr. HARTKE. I should like to ask the Senator from Louisiana exactly what is the full implication of this proposal. Is it an implied consent that the surtax will be continued and that the intention is to remedy the financial and fiscal crises, which will provide for some kind of tacit approval of what has been going on in the past year?

Last year, during his campaign, President Nixon said that the surtax would be allowed to expire on June 30, 1969. I know that he has changed his mind, but I personally think he was right when he made that statement. I agreed with him at the time he made it, and I agree with him today. It appears to me that this measure takes as a basic assumption the fact that the tax will be continued.

The question left, then, is whether other amendments concerning reform measures will be added to this tax as it ultimately comes over to us from the House. As I have indicated to the chairman of the committee, I want to be recorded as voting against this proposal, and any other kind of gadgetry which is being proposed.

There is plenty of time. The President repudiated his campaign pledge earlier this year. One of the first things he did after he entered the White House was to repudiate his campaign pledge regarding the surtax. Who convinced him of that, I do not know. Someone advised him, I am sure.

The surtax was justified on three grounds. One was that it would reduce the interest rate. It does not take an expert to know that interest rates are now at a historic high, and there is indication it will go still higher. The second point was that it would reduce the cost of living. The only satisfying aspect about the cost of living figures that were released yesterday was the fact that they were the lowest of the year, but for the entire year of 1969, they have shown a tremendous inflationary rise which has been fired, in my opinion, by restrictive, artificial restraints placed on the gigantic economic machine of the American business community, and all we are doing is adding to the confusion.

So what happened? The cost of living for April and May increased the most it ever has in 18 years.

The third thing the advocates of the surtax said—and I argued against this at the time—was that it would obviate the necessity for an increase in the na-

tional debt limit. The first message President Nixon sent to Congress was a request that demonstrated the complete absurdity and stupidity of the surtax. The first message that came to us asked for a $12-billion increase in the national debt ceiling.

Here was a program the administration had been selling on three basic points. Not only has it failed on all three points; it has put our financial condition and the whole financial community in turmoil.

These prophets of gloom and doom are trying to force the American economy to its knees, trying to make it genuflect, and to put into practice some artificial theories. They have come before us at the last minute and have said, "We have to have this emergency measure to keep the country going."

I would be the last one to say we ought to force business to change the withholding rates, but I want to know if there is, on the part of the leadership of the Republican or the Democratic Party, an admission that implies, tacitly or otherwise, consent to the extension of the surtax. I do not want to be on record as doing that. I want to try to make it possible to pass a tax reform bill. I want to try to bring down the cost of living to relieve the credit crunch which is on us. I want to bring down the interest rates.

I would like to have an admission that the passage of this measure is not to be construed as an implication that we are going to go along with the surtax extension.

Mr. LONG. Mr. President, so far as I am concerned, a vote for this measure does not bind any Senator to vote for the surtax. All the measure does is extend the 10-percent withholding rate for 31 days—to be precise, from June 30 to July 31. If the Senator wishes, he can vote against the measure; but he need not be concerned that anyone will owe any more taxes. If the measure passes, and the Senate or the House, as the case may be, should decide it does not want to pass the surtax extension, the taxpayers would be entitled to have the additional amount which they paid as a result of the continuing rates refunded to them when they filed their returns at the end of the year.

So the measure does not commit the Senate, nor will it commit the House, if it is passed in the House, to an extension of the surcharge. It merely gives Congress the time to act. It only continues the withholding tax rate, and does not commit the Senate or the House, if it is passed, to extend the surtax. If the House did not want to pass such a bill, it could vote it down.

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

Mr. LONG. I yield.

Mr. MANSFIELD. Mr. President, the present proposal to extend the present withholding tax rates for 31 days is to afford an opportunity for the House of Representatives to pass the surtax extension within that period of time.

Yesterday, at the luncheon meeting of the majority policy committee, it was voted unanimously to have a 3-month extension of the withholding rates, during which time a full review of reform could be accomplished in an orderly legislative manner.

The full text of the resolution which was adopted by the policy committee is as follows:

Whereas, the Senate Majority Policy Committee, having met and considered the matter of the extension of the income tax surcharge, hereby resolves:

That meaningful tax reforms should be adopted as a means of achieving an equitable national income tax policy, and further resolves,

That any proposal to extend the income tax surcharge be considered simultaneously with recommendations on meaningful tax reform and further resolves,

That the present income tax withholding rates be continued after June 30, 1969 for a period of one quarter to permit full consideration and disposition of the reform and extension of the surtax.

Mr. President, with the passage of this bill today, the Senate is taking no action that is inconsistent with the action of the policy committee yesterday. Because of the timing of the decision arrived at by the policy committee on yesterday, it was not possible to report to the full Democratic caucus the matters which have since developed in the Finance Committee, nor was is possible to report the action taken by the Democratic policy committee yesterday to the distinguished minority leader for his edification and the edification of his colleagues.

It is still the hope of the leadership that prior to the passage of any surtax for another year, meaningful tax reform will be considered simultaneously.

Therefore, if and when the House of Representatives passes the extension of the surtax and the measure arrives in the Senate, it is the Senate's intention to seek, if necessary, a further extension of the withholding rates to permit a full review of meaningful tax reform in an orderly legislative manner by the appropriate Senate committee.

It is noted that the chairman of the Finance Committee, now managing the bill, the Senator from Louisiana (Mr. LONG), attended yesterday's meeting of the policy committee and joined in its deliberations. The action about to be taken today is interpreted as totally consistent with the sentiment of those deliberations.

Mr. HARTKE. Mr. President, will the Senator yield to me, because this is the question I was asking?

Mr. MANSFIELD. I yield.

Mr. HARTKE. In other words, so far as the policy committee is concerned, it does not give consent to the extension of the surtax, implied, tacit, or in any fashion whatsoever? All that the policy committee has said, as I understand it, in substance, is that it is going along with the continuation of the withholding rates at the present level until such time as the Finance Committee can proceed to have hearings, not alone on the surtax, but also on meaningful reform in the field of taxation? Is that correct?

Mr. MANSFIELD. That is correct.

Mr. HARTKE. Coming back to the question about being bound, I want to make it perfectly clear that, I or any other Senator are not bound, as a result of the Senate's action today. If any Senator comes back and says, "Well, we have agreed in substance that the surtax is going to be extended, the only reservation being that there must be meaningful reforms passed with it," that will not be a correct statement of the Senate's action today. I did not want to get into that trap.

Mr. MANSFIELD. No Senator is bound in any way by the passage of this bill. His freedom of action is preserved.

Mr. HARTKE. I want to make it clear to the ranking minority member of the committee, as well as to the chairman, that by taking this action at this time, statements will not come back from the Finance Committee to the effect that we have in substance agreed that there would be an extension of the surtax, but the only thing that would be left would be amendments attached thereto.

As the Senator from Delaware and the Senator from Louisiana know, I have given consideration even to attaching to a tax bill, whenever it comes before us, if there is one, proposals for the modernization of social security.

What I am asking, therefore, is merely to know whether or not, in the consideration of the bill, there is any implied or tacit agreement that the surtax extension itself would not be left open for dispute or discussion or that this action was in fact approval of the need for extension of the surtax.

I would like to know the opinion of the chairman of the committee and the ranking minority member in that regard.

Mr. LONG. Mr. President, the amendment preserves entirely the right of the Senator from Indiana and, for that matter, of any other Senator to oppose any extention of the surtax whatever. It does not commit even the Finance Committee, or any member of it, to vote for an extension of the surtax. It is not a consent type of arrangement whatever. It is an extension of the existing tax rate for withholding purposes long enough to give the House, and hopefully the Senate, an opportunity to take action on the surtax bill on its own merits.

The policy committee acted yesterday, expecting that the House would be voting on its tax bill today. That is not going to be the case, according to what I read in the newspapers, and what I hear from House Members. So we do not know how many of the 30 days we are asking for that the House will actually consume. But it is clear that at least 30 days will be needed for the Senate to act. We will do the best we can in the time available to us.

The resolution of the policy committee indicated that we should report within the quarter, which would be 92 days. We were hoping to report prior to that time. We would expect to recommend meaningful tax reform. We voted in the committee that we intend to recommend a repeal of the investment credit as one of the meaningful tax reforms we have in mind.

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

Mr. LONG. I yield.

Mr. HARTKE. Are we committed to that proposition? Is that an implied statement or direct statement that repeal of the investment credit is going to be attached to the bill as an important tax reform? I know that economists will come before us, and one of them will be Mr. Pierre A. Rinfret, who was Mr. Nixon's adviser, and he will say

that if we repeal the investment credit we will be doing the wrong thing. He will say that such a tax change would be a step in the wrong direction.

Mr. LONG. So what we voted, as I understand it, in that connection—and that is not a part of the resolution; that is simply in the committee report—was that a majority of the committee intend to recommend to the Senate, the repeal of the investment credit. But that does not bind any members of the committee who wants to vote otherwise. I think I can say to the Senator that it is the sentiment of the committee, and a consensus of a majority of the committee, that we intend to make that recommendation on one bill or another, even if the House of Representatives does not send us this one.

Mr. HARTKE. So we have taken a position to vote, in the committee, without a hearing, without any testimony whatsoever, and the committee has made a decision already, without any hearings, as to whether or not this is in the best interests of the Nation's economy.

We have not had any growth in this country for years. Since 1966, the wage earner of the United States has not had a real increase in his take-home pay, to enable him to purchase more groceries or to help him pay his rent. His prices are going up and up, and he cannot make ends meet.

Mr. President, I want to change that policy. I do not want to keep the country on this merry-go-round. I want to get away from this bad economic policy, and start doing business the American free enterprise system way, to move this gigantic machine forward, and let it pay its bills. We demonstrated for 4 years before the adoption of present invalid economic theories that such unrestricted economy policies would work.

We have followed the yo-yo system on the investment tax credit: we put it on; we took it off; we were going to take it off for a year; but within 6 months we put it right back on. Now we are proposing to take it off again. We have done the same thing with the excise taxes. We have been ruled by indecision. I wonder how the poor businessman, or the man trying to keep his family going, could keep on a budget under such circumstances, if he had one.

But I do want assurance that this amendment carries with it no implied consent on the part of the Finance Committee that by its adoption we are going on record as favoring the continuation of the surtax.

I would like the surtax to die now, and be given a decent burial. But I am sure the Senate is going to agree to this amendment. I understand that fully. But I want to make it crystal clear that this is not, in effect, an implied consent, whether we say so or not, that the surtax shall continue.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. HARTKE. I yield.

Mr. WILLIAMS of Delaware. The chairman has already emphasized, and I concur, that the adoption of this amendment does not in any way bind any Senator, whether he be a member of the committee or not, on his vote on the surtax proposal, or on the investment tax credit when they come before the Senate.

As to the suggestion by the Senator from Indiana regarding his desire to have a chance to work for meaningful tax reform, at the White House yesterday, as the minority leader can substantiate, I made this same point. I stated that when this tax bill comes before the Senate certain tax reforms will be considered, and I personally have some of them in mind. I mentioned specifically the one on which the Senator from Indiana and I always concur; and that is, to reduce the depletion allowance which favors some industries.

I welcome the Senator's support, I shall be with him in trying to accomplish that, as well as many other proposals, when the time comes. The Senator from Indiana will be afforded by both the chairman of the committee and the rest of us ample opportunity to present any proposal he may wish as an amendment to the tax bill when it comes over from the House of Representatives. The approval of this 30-day extension of the withholding rate does not in any way bind him or any other Senator as to what he will do at that time.

Mr. HARTKE. Following that just one step further, we have had indications from the chairman of the Committee on Ways and Means that he does not intend to hold hearings on social security.

Inflation is like an open, running ulcer in this country; and the biggest sore, as far as the people are concerned, is that being suffered by the elderly people on social security who, even if they receive the 7-percent increase that President Nixon has recommended—which I think is too small—it would be eaten up by the end of the year. They will be in worse shape than they are now. Is there any type of assurance we can receive from the chairman of the committee and the ranking minority member, who speaks for the administration, that we will see some efforts made to provide some relief this year for the people on social security? We are willing to tax the people, but are we willing to take care of those people who are hurt worst by inflation?

Mr. WILLIAMS of Delaware. Mr. President, I cannot say what the House of Representatives will do about hearings, but there will be an opportunity to offer any proposals here as amendments if they have not already included such provisions in the bill.

I share the concern of the Senator from Indiana over the manner in which the elderly citizens of this country have been pauperized over the past few years as a result of the inflationary spiral. I suggest that the best manner to correct that inflationary spiral is for the Senator to join those of us who are trying to hold the Government's expenditures within its income.

As long as Congress continues to spend, as we have done in the past 6 years, an average of about $8 to $10 billion a year more than we take in we are gradually not only bankrupting the country but pauperizing the elderly by creating this inflation. As a Member of the Senate I assure the Senator that I shall lead the effort to roll back some of the expenditures of this Government so that we can live within our income. Really, that is the only way to curb inflation, not just expressing concern or sympathy, for sympathy does not taste very good when it is all you have to put on the table.

Let us give them some real relief from the ravages of inflation. That can only be done by you and me and other Senators joining together in cutting down the cost of this Government, which is completely out of hand. I assure the Senator I shall be there voting for these reductions, and I hope we can have his support.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

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

Mr. LONG. I yield.

Mr. GORE. Mr. President, I concur in the statement made by the distinguished majority leader that the intent of the amendment is not in any sense inconsistent with the resolution of the policy committee, because the intent of the policy committee was to preserve and reserve fully the right of the Senate, and to assert the intention of the Senate, to consider tax reform with respect to and in connection with the extension of the surtax.

The pending amendment, as the distinguished chairman has pointed out, does not extend the surtax even for 30 days. It merely relates to the withholding tables; and I concur in the action of the committee, as well as the statement of the majority leader.

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

Mr. LONG. I yield.

Mr. HARRIS. Mr. President, a representative of the administration, the Secretary of the Treasury, Mr. Kennedy, appeared before the Committee on Finance today, and requested that the Senate amend a House revenue measure to extend the present withholding rates under the 10-percent surcharge, and send that back to the House of Representatives, so that they could act upon it before the end of this fiscal year.

I think that has both its good and its bad aspects. It would have been better if the administration had acceded to that kind of request on the part of a great many people earlier, when this matter was before the House Committee on Ways and Means. At that time, despite the requests from many Members of the House of Representatives and others, that the administration ask for a shorter extension of the surtax until such time as the House and Senate could take up the related matter of tax reform, the administration, as I understood, insisted upon a full 1-year extension of the tax under the bill which is now pending in the House of Representatives.

I think that was a mistake; and the request of Secretary Kennedy before the Committee on Finance this morning is, of course, an admission, now, that they have gone about it in the wrong way, and that they should have agreed to the shorter extension earlier. Had they done so, we would not now find ourselves having to respond, at the last minute, in a rather unusual way—that is, by initiating a revenue measure in the Senate

rather than in the House of Representatives, as the Constitution provides.

But I believe there is something good about this action. First, it has been made quite clear in the House of Representatives, I take it—or else Secretary Kennedy would not have come before the Finance Committee this morning with his request—that a permanent extension of the surcharge tax cannot now pass the House of Representatives unless it is coupled with some kind of meaningful tax reform.

So I think, from the action that the Senate is about to take now, that we can draw the conclusion that the possibilities of real tax reform, of one kind or another, are very good during this session of Congress. We should make it clear today that the Senate does not agree that it will consent to extension after extension of the withholding rates; that if we come up to the deadline again, and the bill has not come over from the House of Representatives, and we agree to another extension; and then, if we come up to the deadline again, and have the Secretary of the Treasury coming in and saying, "As a practical matter, you have just got to extend this one more time," we will not agree to do so, and continue to do so and put off tax reform.

We discussed that matter in the Committee on Finance this morning, and I think it was made rather clear by the chairman himself and by other members of the committee that the committee, or at least a majority of the committee, does not propose to be a party to such a procedure.

We are saying that we recognize the special problems that we face, the special problems that will confront a great many businesses in the country if they have to withhold under one set of facts, and then change around and withhold under another set of facts. Therefore, recognizing the emergency, Secretary Kennedy has brought to us, we say, that it is an emergency, and that we will not be coming before the Senate time after time, asking for temporary extensions of withholding rates, but that we want to get down to business and really consider the question of permanent tax rates as well as tax reform.

I think there is another good aspect of the action we are proposing to take this afternoon, as has been pointed out by our distinguished chairman. And that is that as of now at least, a majority of the Committee on Finance has decided that it wants to repeal the 7 percent investment credit. In my judgment, such credit presently adds fuel to the inflationary fire and should be repealed. The Committee on Finance, or a majority of it, has now said that.

Furthermore, we continue to hear discussion, as the distinguished chairman of the committee has said, as to when the repeal should be made to take effect. The majority of the Committee on Finance has now agreed on the date when that repeal would take place.

Our intent is simply to relieve an emergency, but then say to the House of Representatives, "Send us a bill and send it to us in time that we can have hearings" so that we can report out a bill coupled with tax reform and not have it come up here again, all of a sudden, with some kind of emergency action which the administration has asked us to take.

Mr. DIRKSEN. Mr. President, the observation of my friend, the Senator from Oklahoma, that the Secretary appeared here and that his appearance is an admission they started wrong is about as romantic and fanciful as anything I can think of.

The Secretary was there, in case the committee wanted to advise with him. He came only to tell the committee what a real, bewildering problem was confronting the Treasury and the business and industrial people of the country insofar as the computering of their withholding taxes is concerned, and the tax treatments involved.

It was not an admission at all on his part. He appeared at the invitation of the Committee on Finance to give the committee the benefit of his knowledge.

Let us not have my friend the Senator from Oklahoma tell the Senate that all the tax reform is on that side of the aisle. We on the minority side have been trying to get tax reform for years, and we have not gotten anywhere. The Senator now complains about the repeal of the so-called dividend credit. Let me remind the Senator that he voted for that dividend credit before. Only a couple of Senators voted against it. And I was in the same boat with the Senator. I voted for it.

I asked this morning that the chairman be careful about the language submitted here so that it would not step on anyone's toes and would not confine anybody. A good many people have come to me to indicate that there ought to be some exceptions.

I said to the Committee on Finance that I can vote either way. I try to maintain some flexibility in the matter. But I do not want anyone's hands tied, and I do not want anyone's voice stilled when he has a chance to speak. However, let us not hear the statement that the Secretary was there to admit an error. If there was an error, it was in the delay in another body of Congress that I cannot mention under the rules of the Senate.

Mr. HARTKE. Mr. President, I intend to vote against the extension, although I am not going to ask for a rollcall vote.

I think this is in fact, in spite of all the comments to the contrary, an endorsement of an extension of the surtax, which I do not want to be a part of. Too many people have been hurt by inflation. I do not believe we should continue to put this burden on their backs.

I think if we want to move the country along, we ought to pay our bills under the system we have used in the past; namely, to expand the economy instead of having inflation.

I have said personally for a long time that I consider this an inflationary measure. I believe it is bad economics and bad propaganda.

We are now going to put another 31-day extension on the measure. If that is not putting the cart before the horse, I do not know what it is.

Mr. LONG. Mr. President, I think the Senator from Indiana made it very clear that he would not vote for the measure in any form, even if we were to include the social security amendment.

Mr. HARTKE. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 4229) was read the third time and passed.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. LONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The title was amended, so as to read:

An Act to continue for a temporary period the existing suspension of duty on heptanoic acid, and to continue for one month the existing rates of withholding of income tax.

S. 2482—INTRODUCTION OF THE NATIONAL KIDNEY DISEASE ACT OF 1969

Mr. JAVITS. Mr. President, I introduce for myself, the Senators from Washington (Mr. JACKSON and Mr. MAGNUSON). The Senator from Texas (Mr. YARBOROUGH), the chairman of the Labor and Public Welfare Committee; and 36 other Senators from both parties, the National Kidney Disease Act of 1969, to launch a national comprehensive cooperative medical program for the treatment of kidney disease, to control and reduce kidney disease by preventative and detection programs, and to provide research support for kidney disease programs.

A companion measure is being introduced today in the House of Representatives by Representative EDWARD G. BIESTER, JR., of Pennsylvania, and more than 80 Members of that body. The bill has the active support of the principal organization engaged in the fight against kidney disease, the National Kidney Foundation, composed of affiliates in every section of the country, each of which is assisted by a medical advisory board of local physicians concerned with kidney disease.

In recent years, kidney diseases have steadily gained as a matter of vital concern for Federal and institutional research and service efforts. The increased interest stems from the development of dramatic but expensive techniques for the diagnosis and prevention of the end-stage disease. The success of these expensive therapeutic approaches—along with other research advances in understanding kidney disease—have led to an increasing demand that we do more to avoid the chronic diseases and death that result from a lack of availability of these facilities for modern diagnosis and treatment.

As the Public Health Service's report on kidney disease states:

The significance of these diseases in terms of human suffering and death charges as to develop programs which will have the maximum impact on human well-being.

The sad statistics of human suffering and death are that over 7,800,000 Americans suffer from kidney disease and that over 50,000 of them die of end-stage kidney disease.

But the saddest statistic is the cruel fact that 8,000 died needlessly, merely for lack of money. These 8,000 were ideal candidates for treatment by kidney transplant or the artificial kidney—dialysis. But only 450 patients received transplants and 550 began artificial kidney treatments last year. Thus, for every eight patients who could be returned to normal lives through these lifesaving treatments, the American medical profession must allow seven to die.

This bill, by providing, first, for grants for the construction, equipment, planning, establishment, and operation of regional cooperative medical programs for research, training, and patient care in the field of kidney diseases; second, for the establishment of local advisory groups; third, for the creation of a National Advisory Council on Kidney and Kidney-Related Diseases; fourth, for the establishment of special treatment and training center information; and fifth, for an Office of Kidney Disease and Kidney-Related Diseases to establish a special program to combat kidney disease. By dealing with all these areas, this bill fulfills recommendations of the blue-ribbon Gottschalk Committee on Chronic Kidney Disease, contained in a report to the Director of the Bureau of the Budget. For these purposes, a total of $74 million would be authorized for the next 5 fiscal years.

Cosponsoring this bill with Senators JACKSON, MAGNUSON, YARBOROUGH, and me are Senators AIKEN, BENNETT, BIBLE, BURDICK, CANNON, CHURCH, CRANSTON, DODD, FANNIN, GOODELL, GORE, EAGLETON, GRAVEL, HARRIS, HART, HATFIELD, HOLLINGS, HUGHES, INOUYE, MCCARTHY, MCGOVERN, METCALF, MILLER, MONDALE, MOSS, MURPHY, MUSKIE, NELSON, PELL, PROUTY, RANDOLPH, RIBICOFF, SCHWEIKER, SCOTT, YOUNG of North Dakota, and YOUNG of Ohio.

In detail, this bill would:

First, establish an Office of Kidney Disease and Kidney-Related Diseases within the Health Services and Mental Health Administration and provide that all functions of the National Institutes of Health relating to kidney disease or kidney-related diseases shall be performed by such office.

Second, provide incentive grants for the construction, equipment, planning, establishment, and operation of cooperative medical programs, for research, training, and patient care in the field of kidney disease. Cooperative medical programs are an arrangement among a group of public or nonprofit private institutions engaged in research, training, diagnosis, and treatment relating to kidney disease; but only if such group is situated within a geographic area composed of any part or parts of any one or more States, and consists of one or more medical centers, one or more clinical research centers, and one or more hospitals.

Third, provide that planning grants and grants for the establishment and operation of cooperative medical programs can only be made after first, consultation with the National Advisory Council on Kidney and Kidney-Related Diseases; and second, if such national medical programs planning, establishment, and development is recommended by a local advisory group consisting of practicing physicians, medical center officials, hospital administrators, representatives from appropriate medical societies, voluntary health agencies, and representatives of other organizations, institutions, and agencies concerned with activities of the kind to be carried on or under the program and members of the public familiar with the need for the services provided under the program.

Fourth, establish a National Advisory Council on Kidney and Kidney-Related Diseases of persons selected by the Secretary and who would consist of the Surgeon General and 16 leaders in the fields of the fundamental sciences, the medical sciences, or public affairs, and who would serve 4-year staggered terms.

Fifth, require the Secretary to establish special treatment and training center information through establishment and maintenance of lists of facilities in the United States capable of providing the most advanced methods and techniques in the diagnosis and treatment of kidney disease or kidney-related diseases, with such other information, including the availability of advanced specialty training in such facilities, and have the Secretary consult with interested national professional organizations to make the information the most useful.

The prohibitive costs of comprehensive kidney treatment were fully described in a Wall Street Journal article on March 10, 1969, entitled "The Cost of Living; Some Kidney Patients Die From Lack of Funds for Machine Treatment," written by Jim Hyatt. I ask unanimous consent that the full text of the article be printed in the RECORD as part of my remarks.

There is an urgent need for this legislation because, as Dr. Carl W. Gottschalk, chairman of the Committee on Chronic Kidney Disease, said in his report:

> Until treatment capability meets demand, agonizing decisions concerning patient selection are inevitable.

There must be action at the Federal level to provide the professional skills and facilities, the prevention techniques, and the research that will defeat kidney disease.

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

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

The bill (S. 2482), to amend the Public Health Service Act so as to add to such act a new title dealing especially with kidney disease and kidney-related diseases, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Labor and Public Welfare.

The material presented by Mr. JAVITS follows:

SECTION-BY-SECTION ANALYSIS—NATIONAL KIDNEY DISEASE ACT OF 1969

Section 1—*Short Title: National Kidney Disease Act of 1969.*

Section 2—*Declaration of Policy.*

(1) The lack of trained individuals, available facilities, research and equipment for the diagnosis, evaluation, treatment and prevention of kidney disease is a major health problem.

(2) Techniques have been developed for the diagnosis and prevention of disease which would save lives, and yet, at the same time, people continue to progress to chronic kidney disease and death only for the the lack of facilities for diagnosis and treatment.

(3) Basic research is needed into the nature of diseases of the kidneys and the problems of kidney transplantation; in developing mass testing procedures for the early detection of kidney disease; and for the development of more effective and economical devices for blood purification.

(4) There is an urgent need for a comprehensive program to combat kidney disease through the combined efforts of the Federal, State and local governments, medicine, universities, nonprofit organizations and individuals.

Section 3(a)—*Amends Public Health Service Act to add new title:*

"TITLE X—EDUCATION, RESEARCH, TRAINING, AND DEMONSTRATIONS IN THE FIELD OF KIDNEY DISEASE"

Purposes: To encourage cooperative arrangements in the field of kidney disease to secure for patients the latest advances in the diagnosis and treatment of kidney disease.

Appropriations: Appropriations are authorized for construction planning and equipment grants for cooperative medical programs relating to kidney disease: $8 million for FY 1970; $11 million for FY 1971; $17 million for FY 1972; $18 million for FY 1973; and $20 million for FY 1974. The maximum Federal participation in the costs of construction of facilities and built-in equipment grants is 90%.

Definitions: The terms "cooperative medical program," "Medical Center," "clinical research center," "hospital," "non-profit," and "construction" are defined.

Planning Grants: The Secretary, after consultation with the National Advisory Council on Kidney and Kidney Related Diseases (established by the new Section 1005) is authorized to make grants to public or nonprofit private agencies for planning the development of comprehensive medical programs. Applications for grants must meet criteria including the designation of a local advisory group, comprised of concerned professionals and the lay public, to advise in the formulation of plans for establishment and operation of the Regional Medical program.

Cooperative Medical Program Grants: The Secretary, after consultation with the National Advisory Council on Kidney and Kidney Related Diseases, is authorized to make construction, planning and equipment grants to public or non-profit private agencies for the establishment and operation of cooperative medical programs. Grants under this section may be made only if it meets criteria and is recommended by the local advisory group. The usual financial reports and Davis-Bacon Act compliance is specified.

National Advisory Council: The Secretary shall appoint a National Advisory Council on Kidney and Kidney Related Diseases which shall consist of the Surgeon General and 16 leaders in the fields of fundamental sciences, medical sciences, or public affairs. They serve four-year staggered terms. The Council shall advise and assist the Secretary in the preparation of regulations and policy matters regarding the administration of this title, consider all applications for grants

under this title and make recommendations to the Secretary with respect to approval of applications for and the amounts of grants under this title.

Regulations: The Secretary, in consultation with the Council, is authorized to prescribe regulations for approving grant applications, and coordinated programs assisted under this title with all other kidney disease or kidney-related diseases programs.

Special Treatment and Training Centers: The Secretary is authorized to establish and maintain a current list of facilities capable of providing the most advanced methods in the treatment and diagnosis of kidney disease.

Report: The Secretary shall submit to the President and to the Congress a report with recommendations regarding activities under the title in the field of kidney disease before June 30, 1973.

Records and Audit: Each recipient of the grant shall keep such records as prescribed.

Multi-Program Services Project Grants: Funds appropriated shall be available for grants to any public or non-profit private agency for services which will be needed by any two or more cooperative medical programs..

Section 3(b)—*Renumbering of Sections.*

Section 3(c)—An Office of Kidney Disease and Kidney-Related Diseases is established within the Health Services and Mental Health Administration. All of the functions of the National Institutes of Health relating to kidney disease or kidney-related diseases shall be performed by such office.

[From the Wall Street Journal, Mar. 10, 1969]

SOME KIDNEY PATIENTS DIE FOR LACK OF FUNDS FOR MACHINE TREATMENT—ARTIFICIAL ORGAN WORKS WELL, BUT USE IS COSTLY; FEDERAL GRANTS, DONATIONS DWINDLE—INSURNACE DOESN'T MEET BILLS

(By Jim Hyatt)

The effort to treat suffers from chronic kidney disease by machine, which once promised to save thousands of lives a year, is floundering for lack of financial support.

High costs have plagued the so-called artificial kidney program from the outset. Hospital bills for the twice-weekly machine blood "washings" that take over the kidneys' vital function of removing blood wastes and adjusting body chemistry now run from $10,000 to $20,000 annually per patient. That's the main reason only about 1,700 Americans currently receive the treatments, while an estimated 8,000 people will die this year for lack of them.

But even this far from adequate situation is deteriorating. Federal grants have been running out at the 14 hospitals designated by the U.S. Public Health Service about three years ago as demonstration centers for the process; without Government help, some of them have had to reduce the number of cases they handle.

Some private hospitals have been forced into similar cutbacks because of difficulties in attracting donations to support patients who can't pay the cost themselves. Indeed, private support of any kind has been slow in coming.

COMING OUT SECOND BEST

"The cost per capita of the treatment is an overwhelming drawback when we approach organizations for help," says Dr. Frederic B. Westervelt, director of the kidney care demonstration center at the University of Virginia School of Medicine in Charlottesville. "They say, 'Look what we can do for $10,000 a year—we can give 20 people an artificial leg.' When they measure what they think is the greatest good for the greatest number, we come out second best."

As a result of this lack of funds, hospital committees that once spent weeks agonizing over which artificial kidney candidates would receive the life-giving treatments, called hemodialysis or simply dialysis, now find that the decision has been taken out of their hands. "Who gets the care here now is determined purely by ability to pay—we don't like it, but that's the way it is," says Dr. Daniel Leb of the Louisville (Ky.) General Hospital's kidney center, run by the University of Louisville School of Medicine.

Physicians' chagrin over the financial obstacles to the treatment is heightened by the highly advanced state of artificial kidney technology. The prototype of the present artificial kidney machine, which resembles a squat old-fashioned washing machine, was developed in 1943 in Holland by Dr. Willem J. Koiff, who now is a resident of the U.S. The patient is connected to the machine, and his blood is pumped through a series of tubes, coils and filters.

The key element of the device is a thin cellophane membrane immersed in a saline solution. Through the process of osmosis, wastes in the blood that otherwise would accumulate and cause death pass through the membrane into the solution. At the same time, vital chemicals normally added to the blood by healthy kidneys pass from the solution into the blood. The "cleansed" blood then is returned to the body.

A SURGICAL BREAKTHROUGH

For a number of years, the machine could be used only when a few treatments would suffice—such as in cases of acute infections—because the surgery required to connect the patient to the machine was difficult and dangerous. In 1960, however, a team of specialists from the University of Washington devised a system that made the artificial kidney available to individuals who had suffered irreparable kidney damage and needed frequent blood washings. In minor surgery, they permanently inserted small plastic tubes in an artery and vein in a patient's arm or leg. During dialysis, the machine is easily connected to the body through those tubes; when the treatment is finished, the tubes are plugged and covered with a small bandage.

Recently, some doctors have improved on this method. By increasing the flow of blood through an artery and a vein, they enlarge them to the point where they can be easily punctured with large needles for connection to the kidney machine. This makes the mechanics of dialysis about as simple as giving blood.

Dialysis is time consuming; the twice-weekly treatments take from six to 13 hours each, depending on the patient and model of machine used. But it is painless, and patients undergoing the life-long treatment can lead a nearly normal life. Clyde Shields of Seattle, who nine years ago received vein and artery implants from the University of Washington team and became the first person to start regular dialysis by machine, still is regularly employed as a mechanic. He is 49 years old.

THE ROLE OF TRANSPLANTS

Treatment by kidney machine isn't the only alternative open to victims of kidney failure. Kidney transplant operations have been performed since 1954 with a high and growing rate of success. Up to last year, three-fourths of the transplant patients who received a kidney from a blood relative had survived for at least one year after the operation (people have two kidneys but can live with just one). The one-year survival rate for a person who received a kidney from a cadaver was 45%.

The utility of this operation is limited, however. Many kidney patients might not survive a transplant operation because of poor general physical condition, and not nearly enough suitable organs are available for those who could benefit. Only about 2,000 kidney transplants have been made in the past 14 years, an average of less than 150 a year.

Moreover, transplant candidates often require dialysis. They usually must undergo the treatment while awaiting an organ, and they must fall back on the machine if the operation fails.

Amid the general gloom over the outlook for artificial kidney treatment, some see a hopeful sign in the recent trend for more patients to receive machine dialysis at home instead of in a hospital. The savings from such a move can be substantial. The first-year bill for home dialysis, including $3,000 to $4,000 to purchase the artificial kidney machine itself and fees for training a family member to run it, usually total about $10,000. After that, it costs $3,000 to $5,000 a year to maintain the machine and buy the various components and chemicals that must be changed after every use.

About 200 of the 1,700 Americans on machine dialysis currently are treated at home, and some kidney specialists say they have high hopes that the number will rise sharply in the next few years. In 1967, the U.S. Public Health Service moved to accelerate the trend by setting up 12 home treatment training centers around the country and promising them $4 million over a five-year period.

But many experts in the field strongly doubt that home care will assume the majority of the treatment burden in the near future. They point out that some patients don't have a relative who can assume the job of operating the complex artificial kidney, others don't have homes where the treatments can be safely carried out and still more have strong fears about entrusting themselves to the care of a family member when a mistake could prove fatal. Moreover, even patients who intend to purchase their own artificial kidney must receive hospital dialysis for several months while a relative is being trained to run the machine.

THE FINANCIAL SQUEEZE

To date, the financial squeeze has been hardest on the hospitals picked by the Federal Government in 1965 and 1966 to demonstrate the feasibility of the widespread use of artificial kidneys. The Federal grants—which totaled $2.5 million—paid the operational costs of the kidney centers and permitted them to admit patients who couldn't pay for their own treatments. Federal funds for medical projects go only for research or treatment-demonstration purposes, not for daily general patient care, so the centers knew the funds might not be renewed when the grants expired. But many of them felt that the Government wouldn't cut them off after having made a commitment.

Since it became clear that the grants would stop in the wake of the Government economy drive caused by the war in Vietnam, the centers have moved to pare their rolls. None have summarily cut off any patients, but when a patient receives a transplant or moves to home care, he isn't replaced.

The center at Cleveland's Mt. Sinai Hospital, for instance, now has only 17 patients on dialysis, down from 30 in 1967; its Federal grant expired Dec. 31. The unit at the University of Alabama Medical Center in Birmingham now only accepts patients likely to receive transplants fairly quickly; if new funds can't be obtained, it plans to phase out its artificial kidney program as soon as other facilities can be found for its 15 present patients.

PAY IN ADVANCE

The center at Hennepin County General Hospital in Minneapolis, whose Federal grant expired Dec. 31, now requires some prospective patients to put $12,000—funds for at least one year's care—in an escrow account before they can begin dialysis. "A couple of people have felt they'd rather die than spend the amount of money involved," says one doctor at the hospital.

A bill now pending in Congress would commit new Federal money for artificial kidney programs, but its prospects for passage

aren't clear now. A similar bill made little headway last year.

The outlook for developing other sources of funds is even less bright. Only a half dozen states support dialysis patients, and few others show signs of following. New York has the largest state program; according to Dr. Ira Greifer, medical director for the National Kidney Foundation. Medicaid in New York helps pay dialysis bills for more than half of the state's 400 dialysis patients and the state has set up a Kidney Disease Institute to coordinate the various public and private kidney treatment projects. But state officials say that about 900 New Yorkers a year need the treatments, and their efforts help only a fraction of those who need financial help.

Ordinary types of health insurance often pay some costs of dialysis but typically fall far short of meeting the actual expenses. The average maximum major medical policy benefit of $10,000 "just about covers the preliminary steps to start a patient on dialysis," says L. A. Orsini, an official of the Health Insurance Association, a New York-based trade group.

A few companies now offer kidney treatment policies. Western States Life Insurance Co. in Sacramento, Calif., for instance, sells a $50,000 maximum benefit group policy for an organ transplant or dialysis. However, most private insurers have been reluctant to enter the field.

Persons covered by the Federal Medicare program for the elderly receive little aid for dialysis. Medicaid, the Federally assisted program adopted by some states to help low-income people pay medical expenses, provides more aid—$25 for each in-hospital dialysis treatment—but still leaves substantial bills.

What's left for some kidney disease sufferers, then, is charity. While organized support for kidney care has been slow in coming, instances abound of local largess in individual cases. Last Christmas, for example, residents of Whitesville, Ky., a town of fewer than 1,000 raised $26,000 in four days for Roscoe French, a 33-year-old carpenter for whom machine dialysis represented the only chance at life.

Even well-off victims may end up needing charity. "If you aren't indigent when you start dialysis, you soon will be," says one physician.

ORDER OF BUSINESS

Mr. JAVITS. Mr. President, I ask unanimous consent that when the Senator from North Carolina (Mr. ERVIN) completes his remarks, I may be recognized for certain remarks.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

NATIONAL COMMITMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A resolution (S. Res. 85) expressing the sense of the Senate relative to commitments to foreign powers.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed the consideration of the resolution.

SENATE RESOLUTION 85—SYMBOL OF THE SENATE'S RESPONSIBILITY TO THE AMERICAN PEOPLE

Mr. ERVIN. Mr. President, Senate Resolution 85, the so-called national commitments resolution, signifies what hopefully may be an important watershed in our Nation's constitutional history. The resolution is evidence of the fact that the Senate has once again become alert to its responsibilities in the field of foreign affairs. This resolution is a declaration that the Senate henceforth will insist upon its constitutional prerogatives. And it is a promise to the American people that the Senate intends to discharge its obligations as the representative of the people's voice in the making of foreign policy. As such, I support the resolution wholeheartedly, and urge its adoption.

While I support the resolution and commend the efforts of the junior Senator from Arkansas in bringing it forth, I cannot help observing that it is unfortunate that such a declaration by the Senate has become necessary. The resolution is testimony to the fact that over the course of the past 50 years, and especially since World War II, the power to make foreign policy has shifted almost entirely to the President. This trend has gone so far that a theory has developed that the making of foreign policy is solely the President's prerogative. This view is held by a large segment of the Nation's political scientists. It is shared by much of the public and, needless to say, it is forcefully espoused by the executive branch as well.

Under this theory, Congress is considered to be little more than a rubber-stamp of the executive branch. The functions of Congress is to approve what the Executive does in foreign affairs, to appropriate the money it seeks without question or cavil, and to give its automatic consent and support to whatever policy comes from the executive branch. As the foremost advocate of this theory, the Department of State often makes little effort to hide its belief that foreign policy is much too important and much too complicated to be left to the untutored mercies of mere Senators and Representatives. In its view, foreign affairs must be exclusively the concern of experts, of which class the Department considers itself the epitome. The Department and those who share its views make the common mistake of confusing information for knowledge, and knowledge for wisdom. They are ignorant of that definition which is singularly appropriate in this context—that an expert is one who knows about nothing.

This feeling that the Senate intrudes upon the President's constitutional duties when it seeks to participate in the formulation of foreign policy reflects a state of affairs which has existed for some time. It is not a happy moment when the Senate must in a resolution declare that foreign policy is a product of "action taken by the executive and legislative branches of the U.S. Government." This is clear from the plain words of the Constitution. Unfortunately, because of the abdication of its constitutional responsibilities over the past decades, the point has now been reached when the Senate must try to regain—first symbolically, as by the adoption of the resolution—and then in practice, its coequal role in the formulation of foreign policy.

The present low state of the Senate's power in the field of foreign policy was forcefully brought home to me during hearings conducted by the Subcommittee on Separation of Powers in mid-1967. The Subcommittee on Separation of Powers was established earlier in that year to examine the doctrine of division of powers established by the Constitution and to evaluate its modern strength and significance. At its first hearings, the subcommittee received testimony from the Senator from Arkansas (Mr. FULBRIGHT) and from the then Senator from Oregon, Mr. Morse, outlining their views of the responsibilities of Congress in the making of foreign policy. In their testimony they described the persistent trend to Executive supremacy in this field. The Senator from Arkansas (Mr. FULBRIGHT) summarized the major events which have marked the decline of congressional influence in foreign policy:

> The authority of Congress in foreign policy has been eroding steadily since 1940, the year of America's emergence as a major and permanent participant in world affairs, and the erosion has created a significant constitutional imbalance. Many, if not most, of the major decisions of American foreign policy in this era have been executive decisions. Roosevelt's destroyer deal of 1940, for example, under which 50 American ships were given to Great Britain in her hour of peril in exchange for naval bases in the Western Hemisphere, was concluded by executive agreement, ignoring both the treaty power of the Senate and the war power of the Congress, despite the fact that it was a commitment of the greatest importance, an act in violation of the international law of neutrality, an act which, according to Churchill, gave Germany legal cause to declare war on the United States. The major wartime agreements—Quebec, Tehran, Yalta, and Potsdam—which, as it turned out, were to form the de facto settlement of World War II, were all reached without the formal consent of the Congress. Since World War II the United States has fought two wars without benefit of congressional declaration and has engaged in numerous small-scale military activities—in the Middle East, for example, in 1958, and in the Congo on several occasions—without meaningful consultation with the Congress.

That the Congress shares constitutional power with the executive branch in the making of foreign policy is clear, as I have said, from the plain words of the Constitution itself. In his statement to the subcommittee, Senator Morse summarized the powers in the field of foreign policy allocated to the President and to Congress:

> Scholars in the field generally recognize that under the Constitution the powers in the field of foreign policy and war were divided between Congress and the President. The President was made Commander in Chief of the Army, Navy, and militia when called into service. He was given the power to receive Ambassadors and other Public Ministers and the duty to see that the laws be faithfully executed.
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> Congress was given the power to declare war, to raise and support armies and provide and maintain a Navy, to make rules governing these forces, to provide for organizing and calling forth the militia, and to regulate

commerce with foreign nations. In addition, Congress was to make all laws necessary for carrying out the powers vested in the Government and was given the power of the purse through the provision that no moneys could be drawn from the Treasury without an appropriation by law.

In addition, of course, the Senate has the responsibility of confirming appointments to diplomatic posts and by two-thirds vote must give its "advice and consent" to treaties before they become effective.

Despite this constitutional power and responsibility, the post-World War II years have seen a failure on Congress part to play an active, creative role in the making of foreign policy. The report on the resolution by the Foreign Relations Committee traces the reasons for this decline:

[T]he basic cause has been the unfamiliarity of world involvement and recurrent crisis to the American people and their government. Prior to 1940 foreign crises were infrequent and therefore put no lasting strain on our institutions.

Since 1940 crisis has been chronic and, coming as something new in our experience, has given rise to a tendency toward anxious expediency in our response to it. The natural expedient—natural because of the real or seeming need for speed—has been executive action.

In other words, the trend to Executive supremacy is a product of the cold war and of recurrent and almost constant crisis in which the stakes are often the very survival of this country and the world. Since the United States became the major actor in world affairs, we have become involved in almost every event everywhere on the globe, and even our noninvolvement is a key element in the affairs of other nations. The sheer size, complexity, and critical nature of America's foreign policy has led to a feeling that only the President with his advisers can adequately formulate as well as execute foreign policy.

Congress itself acquiesced and supported the preeminent role of the Executive. Understandably, Congress became reluctant to question the judgment—before the fact—of the President and his advisers. The salutary principle of a nonpartisan foreign policy—"Politics stops at the water's edge"—developed into a withdrawal of Congress from any significant role in the formulation of foreign policy.

Evidence of this withdrawal of Congress from its constitutional obligations can be seen in almost every aspect of our policy. In the years since World War II, for example, the treaty power which the President shares with the Senate has atrophied. Since 1946, the United States has become a party to more than 5,000 international agreements, but only 245 of them have been treaties. The great bulk are executive agreements. The executive agreement, of course, is a purely executive contract. Unlike the treaty, which requires two-thirds approval by the Senate, the executive agreement can be negotiated and executed without Senate advice or Senate consent. For the most part, the public and the Senate are not even aware when these executive agreements are made or what they contain.

In an effort to obtain a fuller understanding of the use of executive agreements and their influence on the distribution of power between the Executive and Congress in the field of foreign policy, the Subcommittee on Separation of Powers recently asked the Department of State to analyze all of the executive agreements entered into since World War II. The Department of State was requested to collect all the agreements, classify them by subject matter, and state the legal or constitutional authority under which they were made.

It took the Department almost 4 months to prepare the report the subcommittee requested on these 5,000 executive agreements. Their report totals almost 300 typewritten, legal-sized pages. It is not, I must stress, a reprint of the agreements nor an exhaustive analysis of their terms, their legal effect, or even their legal underpinning. It is merely a listing by subject matter of the agreements and a listing by citation of the authority for each.

The accompanying memorandum by the Department states:

From time to time comparisons are made between the number of treaties and the numbers of so-called executive agreements made during the same period. It will be observed . . . that this study covers nearly 5,000 international agreements other than treaties made during the period 1946–1968. During the same period, and not counting certain earlier treaties which were brought into force during the period, 245 treaties (121 bilateral, 124 multilateral) were made and brought into force and have been published or are in the process of being published in the Treaties and Other International Acts Series and the permanent statutory volumes (UST). A comparison merely on the basis of total figure is, of course, meaningless.

While it is true that the mere enumeration of these agreements is not conclusive proof that the executive agreement has supplanted the treaty, it is enough to warrant a full-scale study of the importance of the executive agreement and its effect on the Senate's role in treatymaking.

The Senate cannot take at face value the assertion by the Department that every agreement is properly based upon constitutional authority and that all are consistent with congressional delegations of authority and existing law. Many of them, it appears, were made according to the President's "inherent powers" to conduct foreign policy. But what those "inherent powers" consist of, and whether executive agreements signed under such authority trespass on the Senate's treaty powers, are questions which the Senate ought to answer for itself if it is to give substantive meaning to the resolution.

The quantitative increase in the use of executive agreements in recent decades has been matched by an increase in their qualitative standing. Where once the executive agreement was a decidedly subordinate instrument reserved for international "housekeeping" arrangements, now it is often alleged that the executive agreement stands on an equal footing with the treaty. It is commonly asserted, for example, that anything which can be done by treaty can be done by executive agreement. Thus, the President, under this view, has the power to determine whether the Senate will play any role in making foreign commitments by his choice of using executive agreements or formal treaty. The logical result of such a theory is to make a dead-letter of the Senate's prerogatives under article II, section 2.

The executive agreement also may be in the process of becoming equivalent to the treaty in its effect on domestic law. Treaties, under the Constitution, are part of the supreme law of the land and prior, inconsistent statutes are inferior to provisions of treaties. Until recently, executive agreements were not thought to have this same legal standing. But the controversy last year over the international Anti-Dumping Code suggests that the executive branch would like to see even this distinction erased.

The international code was negotiated during the Kennedy round of international trade negotiations despite a prior warning from the Senate that the authority to negotiate did not extend so far as to authorize an agreement to prevent dumping of goods on the international market which was at variance with existing statutory law. Nonetheless, the U.S. representative negotiated an agreement which was in a number of respects inconsistent with the Anti-Dumping Act passed by Congress in 1921. Although the executive branch never actually conceded that there was a conflict between the two, it was generally agreed that the two were inconsistent. In my judgment this was a clear attempt on the part of the executive branch to utilize an executive agreement to repeal or modify prior existing statutory law adopted by Congress.

As a result of the dispute which arose over the 1967 code, the Senate adopted a provision in the Renegotiation Amendments Act of 1968 which would have suspended the code. However, the compromise language adopted by conference committee permits the code to come into effect but states that in the event of a conflict between the 1967 code and the 1921 act the latter is to govern. It is possible to interpret this series of events as precedent for the principle that executive agreements can modify prior inconsistent statutes unless the Congress takes affirmative steps, as it did in this case, to make clear that the prior legislation is still primary. If such a theory were accepted, then all legal distinctions between executive agreements and treaties would be eliminated. Executive agreements made by the President would then become part of the supreme law of the land without the necessity of ratification by the Senate.

If Congress is to reassert its prerogatives in foreign policy, as Resolution 85 declares, then one of its first tasks should be to scrutinize all past executive agreements to assure itself that each was made under proper legal and constitutional authority. Even more important, the Senate should demand to be informed of all future executive agreements as they are being negotiated and should satisfy itself that the United States is not entering into an international commitment by exclusively executive action which should instead be a product of the joint Senate-Presidential function of treatymaking.

The increase in use and importance of the executive agreement has been matched by the reduced role of the Senate in the treatymaking process itself. Treaties are now reserved for the most solemn of international commitments. It sometimes appears that the President submits international agreements in treaty form when he wishes to give particular public stature to an agreement. With the fanfare and publicity given to such agreements, the Senate has little actual power to alter their terms, or even express its views on the nature and scope of the obligations they represent. Invariably Senate misgivings about terms of treaties are represented as obstructionist tactics. The argument is repeatedly heard that so much time and trouble has gone into negotiations that nothing can be permitted which would jeopardize the agreements which have been reached.

The Subcommittee on Separation of Powers' hearings contain an editorial from the New York Times of March 10, 1967, which epitomizes this attitude. The Times said:

> A treaty is a contract negotiated by the executive branch with the government of one or more other countries. In the process there is normally hard bargaining and the final result usually represents a compromise in which everyone has made concessions. Thus when the Senate adds amendments or reservations to a treaty, it is unilaterally changing the terms of a settled bargain. The practical effect of such action is really to reopen the negotiations and force the other party or parties to re-examine their previously offered approval.
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> Every time the Senate exercises this privilege it necessarily casts doubt upon the credibility of the President and his representatives and weakens the bargaining power of the United States in the international arena. The Senate's power to do this is unquestioned, but it is equally unquestionable that this power is best used only to express the gravest of concerns, especially in a period of crisis such as is posed by the Vietnam war and efforts to end it.

The Department of State is not aware of the fact that the Senate's ability to "advise" on major treaties is generally nullified by the pressures which are brought to bear to obtain its "consent." As long ago as 1953, Secretary of State Dulles displayed a commendable approach to the problem. He said:

> The Constitution provides that the President shall have power to make treaties by and with the advice and consent of the Senate. This administration recognizes the significance of the word "advice." It will be our effort to see that the Senate gets its opportunity to "advise and consent" in time so that it does not have to choose between adopting treaties it does not like, or embarrassing our international position by rejecting what has already been negotiated out with foreign governments.

The fact is, however, that the executive branch in practice prefers to take full advantage of the position expressed in the New York Times.

As an example of this approach at work I would cite the recent Senate action on the Nonproliferation Treaty. Certain Senators, including myself, were seriously concerned about the nature of the commitment that the treaty imposed upon the United States. Our concern was that the United States was obligating itself to come to the aid of any nation signing the treaty that was thereafter attacked with nuclear weapons or threatened with nuclear blackmail, and that this commitment went beyond our obligations under the United Nations Charter. Our belief that the Nonproliferation Treaty could be the basis for a major expansion of U.S. overseas commitments was based on a resolution passed by the United Nations Security Council and a simultaneous statement of the United States in the United Nations, both of which occurred only 11 days before the treaty was signed. These declarations were clearly for the purpose of assuring nonnuclear nations that signed the treaty that they would be protected from nuclear attack and blackmail. In my opinion, the resolution and U.S. statement amounted to a thinly veiled commitment that we would come to their immediate assistance. In other words, the United States was giving an implicit guarantee of protection to these nations as the price for their accepting the treaty.

Since supporters of the treaty denied that this was the correct interpretation of these statements and assurances, I introduced a reservation to the treaty to make their judgment crystal clear. My purpose was to make certain that no nonnuclear nation would sign the treaty under the misapprehension that the United States, by these words, had made a national commitment to send our boys into battle again to die, without authorization from the Congress of the United States. As I said at the time of the debate on the treaty, we have had much less than this get us into war in the past. I said:

> We are in a war today, a war in which over 32,000 American boys have been killed in South Vietnam. We were placed in that war by the act of the President of the United States. He did not have a single statement to make as strong as this reply of the United States to the resolution in the United Nations Security Council to justify his actions.

The reaction from the Department of State to Senate efforts to clarify the treaty was that any attempt to attach a reservation would destroy the delicate political agreement that had been reached. If a reservation were adopted, the treaty would have to be renegotiated. In the words of the Department, a reservation would cause "a stampede which might very well mean the demise of the treaty." Even my alternative of adopting an "understanding"—which is a purely domestic matter between the President and the Senate—was rejected. Again, the argument was that such a step might be misinterpreted by other nations and destroy the treaty's acceptability to them.

It is my feeling that the Senate had an obligation to make clear its views on the nature and extent of the commitments contained in the treaty. It was evident that the Senate was not in favor of any new commitment of the United States to defend nations attacked or threatened by nuclear weapons other than those imposed by existing treaty obligations. It is my judgment that the Senate ought to have made this interpretation explicit in the form of a "reservation," or at least an "understanding." Our experience in the past has shown us that vague words which all agree at one moment in history mean one thing, can at another point in time be used as the basis for quite a different purpose. What individual Senators may think deep in their hearts about the meaning of a treaty is irrelevant if its words and legislative history mean something else entirely. In acts as important as the ratification of treaties, the Senate has an obligation to make explicit its views on the nature and limits of the obligations which the United States is incurring. And especially in so critical an area as nuclear policy we should be extremely reluctant to substitute private faith in unofficial assurances for explicit limitations that no one can mistake or misinterpret. In the past, we have seen to our dismay what can result from vaguely worded grants of power or authority.

The story of the Nonproliferation Treaty is illustrative of the low state to which the Senate's role in treatymaking has fallen. Since treaties are reserved for major declarations, and there is no room for reservations or understandings, the Senate generally is left with little choice but to approve them, lest the President be repudiated in the eyes of the whole world. As a consequence, major treaties do not offer much room for the Senate in the exercise of its "advice and consent" function.

Of course, the reduced role of the Senate and Congress in foreign policy is best illustrated by the events leading up to our major involvement in Vietnam. As has happened all too often in recent years, the President sought congressional approval of his actions in the heat of crisis. The Congress always finds it difficult to refuse a President when he calls for national support at such a moment. There has been much debate over the legal character and effect of the Tonkin Gulf resolution. In my judgment the resolution did authorize the President to put the Armed Forces into Vietnam, however wise a decision that may have been.

Debate on the meaning of the resolution has led in turn to a consideration of the larger question of whether the President has inherent power to commit U.S. forces to fight overseas in the absence of congressional authority. Those who hold to this view argue that in these modern times the President must and does have the independent power to employ American armed might in the world in order to safeguard our national security. Implicit in this view, and perhaps explicit, is the idea that the Constitution is outmoded. I cannot agree with such a view.

In Youngstown Sheet & Tube Co. against Sawyer, the famous case on the legality of President Truman's seizure of the steel mills during the Korean war, the issue of the President's "inherent war powers" was raised. Mr. Justice Black's opinion in that case contained what I regard as the most ringing reaffirmation of the doctrine of separation of powers that has ever been made. In rejecting the contention that the President had the power to seize the steel mills as an exercise of his authority as Commander in Chief, Justice Black said the power belonged to Congress. The existence of a crisis was no excuse for going beyond the words of the Constitution. Justice Black said:

The founders of this nation entrusted the law-making power to the Congress alone in both good and bad times.

I do not claim to be an expert on the subject of the war powers of the President or of the Congress. I have, however, given a lot of thought and study to it. I have concluded that a distinction must be drawn between defensive warfare and offensive warfare. There is no doubt whatever that the President has the authority under the Constitution, and, indeed, the duty, to use the Armed Forces to repel sudden armed attacks on the Nation. But any use of Armed Forces for any purpose not directly related to the defense of the United States against sudden armed aggression, and I emphasize the word "sudden," can be undertaken only upon congressional authorization. In other words, the power of the President as Commander in Chief of the Army and Navy under the Constitution, when not acting pursuant to congressional authority, is wholly defensive in nature; Congress and Congress alone, by virtue of its constitutional right to declare war, has the power to authorize the employment of the Armed Forces of the United States in offensive warfare.

My position that the power of the President to employ the Armed Forces of the United States is limited to defensive warfare—that is, to resist any attacks upon the United States—and that Congress has the constitutional power to declare war, and that only Congress can authorize the President of the United States to use the Armed Forces of the United States in offensive war, is sustained by three separate provisions of the Constitution.

The first is found in clause 11 of section 8 of article I of the Constitution, which expressly provides that Congress shall have the power to declare war. That refers to wars which may be designated as offensive wars.

Then there are two provisions in the Constitution which recognize that this country can fight in its own defense without any authorization by Congress.

The first of these is found in clause 3 of section 10 of article I of the Constitution, which provides that no State shall engage in war unless actually invaded or in such imminent danger as will not admit of delay. Under his provision even a State can go to war to defend itself against invasion or imminent threat of invasion, without the consent of the National Government.

The other provision of the Constitution is found in section 4 of article IV. It provides that "the United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invision."

Those constitutional provisions make these two propositions crystal clear: First, that the President has no power under the Constitution to put this Nation at war when the war is offensive in nature; and, second, that the President, or even a State, can fight in self-defense to repel invasion, without the consent of the Congress.

When the people of the United States adopted the Constitution, vesting in Congress alone the power to authorize offensive warfare, they contemplated that the Members of the Senate and the Members of the House of Representatives should determine, in the exercise of their own judgments, whether sufficient justification exists for committing the Armed Forces of the United States to offensive warfare before they authorize the waging of such warfare. They did not intend that the Members of the Senate and House of Representatives should abdicate their constitutional power and responsibility by delegating to the President the power to engage in offensive warfare or by acquiescing after the fact in such an improper utilization of the Armed Forces.

If, as some believe, the Constitution has become outmoded in respect to which branch should exercise the war power—a view with which I strongly disagree—then the Constitution should be changed by the amendment processes and not by extra-legal action of the President and the Congress. I am not impressed with the recitation of precedents to support de facto constitutional amendments. Even 200 years cannot make constitutional what the Constitution declares is unconstitutional.

Mr. President, when the Senate seeks to regain its constitutional role in the field of foreign affairs, much more is at stake than a formalistic observance of a paper distribution of powers, prerogatives, and functions. The framers of the Constitution did more in devising that document than merely deal out the elements of power among three branches of the Government. They recognized that in a government resting ultimately on the consent of the governed, a balance must be struck between the need to have power and exercise it, and the need to control power and keep it disciplined. They sought to strike a balance between tyranny on the one hand and anarchy on the other. This principle was recognized as applicable to foreign policy as well as to domestic policy. It was for this reason that they gave Congress and especially to the Senate such important responsibilities in this field. The Senate's ultimate responsibility is to make certain that our Nation's foreign policy remains responsive to the wishes of the people. This is because in a democratic society, no policy, however enlightened, can long survive without the consent and support of the people.

The importance of the congressional role in formulating foreign policy lies in mobilizing and expressing popular support. Through the Congress, the people have a voice and a way to make it heard. Neither the Department of State, nor the Supreme Court, nor even the President can perform this great function of giving expression to the people's wishes on an issue.

This is the lesson that the debacle in our Vietnamese policy has taught us. Because foreign policy had become the province of the Executive, the decisions and the policy of the United States were not made with the active participation of the people. Instead, policy was made exclusively within the executive branch. The Congress, the Senate, and the country were asked to support that policy, which for some time they did, but they were never asked for their consent, and they never had a hand in the making of the policy. Regardless of the merits of our decision to wage war in Vietnam, it has become tragically clear that the people will not support forever a policy which is made for them, but without them.

The consequences of this failure to observe the Constitution are all too evident. True, no Supreme Court decision has adjudged the war in Vietnam as unconstitutional on the grounds that Congress adopted no formal declaration of war and because the Senate gave no effective advice and consent. Instead, the declaration of unconstitutionality has come from the judgment of the people. We see the decree everywhere. For the first time in our memory, an incumbent President was forced from office. Young men whose fathers and brothers volunteered to serve their country now desert to Canada and Scandinavia rather than bear arms in the country's cause. Thousands march on Washington and picket the White House, the Capitol, and the Pentagon. Now we have riots and violence on our university campuses. ROTC programs are being forced out of schools, and there is dissension and antiwar activity even among those in uniform.

Perhaps not all the anarchy we see today has been caused by the Vietnamese war and the way in which we became involved. No one can say. But no one can say that the war was not the cause, or at least the catalyst. And I cannot shake the feeling that ultimately the reason so many are now disrespectful and unresponsive to authority is because authority was disrespectful and unresponsive to the Constitution in the making of our policy in Vietnam.

Sadly, if we needed proof, we once again can see the wisdom of the framers' determination that the representative branch of the Government should play a key role in the making of foreign policy. Senate Resolution 85 does not fulfill that constitutional responsibility. It merely testifies to an awareness of it that had been lost for far too long. Adequate exercise of the Senate's functions in making policy requires a constant, forceful assertion of that role in all proper circumstances. If the Senate has once again become sensitive to its responsibilities, then proof must be in its actions.

But we must be wary of mistaking opposition pure and simple for the partnership in policymaking that is required between President and Congress. The Senate's responsibility is not fulfilled by obstructionism any more than by abdication of judgment and unthinking acquiescence. The Senate did not exercise its constitutional responsibilities 50 years ago by driving us into isolationism, neutrality, and blind pacifism. The tragedy of World War II should be proof enough that isolation, pacifism, and a blindness to the realities of national security is not the way for the Senate to "advise and consent" in foreign policy.

I commend the Senator from Arkansas for his efforts to bring this resolution to the attention of the Senate, and for his efforts to reawaken a stronger sense of the Senate's constitutional responsibilities.

While we may not always agree on the direction in which the Senate should

exercise its responsibilities in foreign affairs, I think we have always been together on the need for a more vigorous Senate role. The Senator has performed a public service of the first importance in causing this debate on the constitutional obligations of the Senate.

(The following proceedings occurred during the presentation of Mr. ERVIN's address:)

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield?

Mr. ERVIN. Mr. President, I am glad to yield to my distinguished colleague from North Carolina.

Mr. JORDAN of North Carolina. In the exhaustive study that the Senator has instructed the State Department to make and present to his committee, has the Senator been able to estimate the cost of these treaties to the American taxpayers?

Mr. ERVIN. No, I did not make an effort to do that. The number of treaties were, of course, relatively small compared with executive agreements.

Mr. JORDAN of North Carolina. Is it not true that some of the treaties have carried enormous expenditures of moneys for such purposes as the building of dams and the establishment of boundaries, so that when we entered into these agreements they finally cost us a large amount of money?

Mr. ERVIN. The Senator is correct. Most of the agreements along that line are done under the foreign aid program and they are approved by Congress, although not by my colleague from North Carolina and myself.

Mr. JORDAN of North Carolina. I thank the Senator.

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

The PRESIDING OFFICER (Mr. GRAVEL in the chair). 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.

Mr. JAVITS. Mr. President, I wish to make some observations. May I have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. JAVITS. Mr. President, I wish to make certain observations respecting the resolution which is before the Senate. I support the national commitments resolution as submitted by the Senator from Arkansas (Mr. FULBRIGHT). I should like to advance some of the reasons why I support it, and to state my understanding of what it means, as well as its significance.

First, I wish to make it clear that the resolution, as I understand and support it, is concerned with major issues of the highest national interest, not with the routine conduct of foreign affairs. I consider the most important aspect of the resolution to be the use of the words "national commitment."

A national commitment, Mr. President, is not a policy action, is not chasing bandits into Mexico, is not dealing with a redress of the rights of some American who might be imprisoned or whose liberty might otherwise be restrained. In short, it is a major national action, which is of a solemn character so far as the country is concerned, and of such a nature that it could involve us in war or in a national change of position of comparable magnitude and gravity.

I have in mind the two illustrative poles; one, a commitment which puts us in military bases, for example, where the forces of the United States represent a trip-wire if there be any military action and the other pole a commitment, for example with respect to arms limitation or arms control which would change the position or posture of the United States in a major way.

I think the specific words "national commitment" represent the most critical aspect of the resolution. I know the Senator from Arkansas, our chairman, recognizes that, and has sought to refine and clarify the use of those words. Unless they are very clearly understood by Congress, the country, and the world, the resolution really loses its major impact.

Mr. President, we are not seeking to tie the President's hands, nor are we asking that he seek congressional approval every time he wants to do something in the foreign affairs field.

In my judgment, it is essential that the President of the United States be an activist in international affairs, and I am confident that President Nixon will be a wise and prudent activist in his conduct of the Nation's diplomacy. The world situation and the safeguarding of our national interests demand nothing less. Indeed, it is widely recognized that skill and wisdom in foreign affairs is one of the greatest tests of Presidential success in modern times.

It is a fact of life, nonetheless, that no President can be successful in foreign policy, in the long run, unless he enjoys a relationship of mutual trust, confidence, and responsiveness with the Congress, and especially with the Senate. The almost total breakdown of communication and mutual responsiveness concerning the Vietnam war which characterized the previous administration's relationship with the Senate, during its last 18 months or so, is a vivid and tragic example of the damage to our Nation, and to our political system itself, which can result from a breakdown of the indispensable rhythm of responsive interplay between the Senate and the President. The Nation has paid a heavy price for this lesson. Today the Senate—as a continuing body— is intact, but the administration of President Johnson was virtually destroyed politically as a result of unresponsive unilateralism with respect to the Vietnam war.

I do not believe that the present administration—nor any of its successors in the foreseeable future—is likely to forget the lesson of Vietnam with respect to the question of relations with the Senate.

Senator FULBRIGHT and other distinguished Senators have given much thought and attention to the pre-Vietnam history of the problem of the diminishing role of the Senate and House in the field of foreign affairs, and national commitments in particular. In my judgment, they have performed a real service in presenting this full historical perspective, with the committee report tracing trends well back into the last century.

Nonetheless, I do not think anyone would seriously dispute the assertion that had it not been for our experience in Vietnam, and especially our experience with respect to the Gulf of Tonkin resolution, we would not be debating the resolution now before us.

I share the belief that the Senate has witnessed in practice during recent decades a serious diminution of its constitutionally intended powers and influence with respect to the establishment of solemn national commitments in the international field, and I repeat, particularly in respect to national commitments, which is what this resolution refers to.

If the legislative history is inquired into, I hope it will have been made crystal clear—and if I can inspire our chairman to make it even more clear, I shall feel that my time on the floor has been very worth while—precisely what is meant by the term "national commitment." A national commitment is an obligation upon the United States of a nature which could involve us in war, or which represents a vital change of national position with respect to matters of comparable magnitude and gravity.

It seems to me that we ought to ask ourselves as we deal with the pending resolution what brought about the diminution in the impact of Congress on the foreign policy of the country. In part, the answer lies in the extraordinary growth of Presidential powers in all fields of national endeavor during this century and especially since 1933 and 1945. Clearly, this dramatic extension of Presidential authority has been a historical process in response to changing conditions and circumstances. The men who have occupied the office of President in these years have been men of strong will and self-assertion, but the growth of the Presidency has been something essentially other than the product of individual self-assertions. By comparison, the power and prestige of the Congress has seemed to have shrunk during these decades—despite the presence of many individual grants in the Senate and the House.

In my judgment it is crucial that we as Senators also examine the other side of the coin. What is it that we as Senators have done, or failed to do, to permit such an erosion of our power and influence? It is in the context of this question that I feel that Senate Resolution 85 takes on its real significance.

Authority rests with those who exercise it. No resolution of itself is going to add a whit to the power and the authority of the Senate. Conversely, I believe that we will have all the authority and influence we need or want—if we exercise the authority available to us. In short, the wisdom, the skill, the vigor, and the vigilance of the Senate as a body—and of Senators as individuals—is what will count in practice. Our relationship to the Executive—by its very nature—must be both competitive and cooperative. We can be both competitive and cooperative in sterile and unproductive ways, or we can be competitive and cooperative in ways which bring credit and strength to ourselves, to the President, and to the

Nation. We should vie for the laurels of excellence in statesmanship and wisdom, in a common and joint pursuit of the Nation's highest interests. In the deepest sense, the roles of the Senate and the Presidency are complementary—it is the great wisdom of the framers of the Constitution that they profoundly designed to be so.

I sense three specific meanings in the passage of the resolution. First, quite frankly it is an admission by the Senate that we have been diffident in exercising our constitutional powers and responsibility. A resolution by the Senate which confesses its own irresolution of the past is a matter of significance and hope.

Second, I see this resolution as a concrete response to the desire, perhaps I should say the demand, of the American people that—now—the Senate play its full role in the national security field, especially with respect to nationa commitments. It has been a great source of strength and gratification to me and to my colleagues that our efforts—particularly with respect to Vietnam and the nuclear arms race—have elicited such strong and broad popular support from the people we represent. In our differences with President Johnson over the Vietnam war there is no doubt that the Nation approved and supported the role we played and the efforts we made to recapture control of policy for the majority which opposed the course the Nation had been set upon. In this resolution we are giving an earnest to our constituents that we will play the role they want us to play—the role we must pay if the whole scheme of things in this Nation is to work.

Third, I see this resolution as a signal to the executive branch that it must adjust itself psychologically and procedurally to a new reality—the reality that the Senate will not again shrink from its responsibilities or yield its constitutional power with respect to national security issues and the solemn undertaking of national commitments.

The Senate is given the broad role of advice and consent in foreign affairs. In military affairs, its powers are quite specific: the authority, with the House, to declare war, and the authority to raise and regulate the armies of the Republic. Under the Constitution, these are exclusive powers of Congress and there is no need for reticence in asserting them—provided we do so with prudence, wisdom, and foresight, in cooperation with the President for the good of the Nation.

I am grateful to the Senator from Arkansas for his leadership and for having brought the Senate to the point at which we are today.

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

Mr. JAVITS. I yield.

Mr. FULBRIGHT. Mr. President, I deeply appreciate the remarks the Senator has made both with regard to the resolution and to my part in it. I feel a strong responsibility for doing something about the matter.

I certainly was not aware of how far we had gone in the Senate and how little we had been conscious of our responsibilities in certain cases, specifically those dealing with the Vietnam war.

I do appreciate what the Senator has said.

I think this will be significant not only for those of us—and particularly me—who have gone through the last several years in which the Senate's role has been eroded, but it will also be helpful to future Senators to have had a resolution like this adopted.

I believe the Senator's words are wisely put with respect to that.

I also appreciate the Senator's comments because they disabuse the minds of some people who are not familiar with the background of the pending resolution concerning any suspicion that there may be anything partisan about the matter.

I repeat that the resolution was submitted last year under a Democratic administration. It is not intended in any way to reflect upon the present administration. It is simply a statement of a principle which I think is applicable at all times and under any administration.

Mr. JAVITS. Mr. President, I think President Nixon is a very spirited President. I can hardly conceive of his feeling that the pending resolution curtails his powers. I am sure that he will not allow them to be curtailed.

I consider the resolution to be a unilateral expression by the Senate of its determination not to yield the constitutional powers which have been given to it and an expression that it will exercise them.

A President would be thinskinned indeed who felt that the pending resolution is an attack upon him or an attempt to clip his wings or indicate that we were going to be obstructionist and petty.

Mr. FULBRIGHT. Mr. President, the Senator is correct. It is addressed more to some Senators than to the Executive. It is a statement that we are going to be more conscious of our responsibilities in the future.

Mr. JAVITS. The Senator is correct. We have been burned. The Senator has been burned because he, unhappily, handled the Gulf of Tonkin joint resolution.

Mr. FULBRIGHT. The Senator is correct. Anyone who thinks there is anything partisan about the matter is entirely wrong.

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

Mr. JAVITS. I yield.

Mr. MANSFIELD. Mr. President, I was present in the Chamber only at the end of the speech of the distinguished Senator from New York. However, I agree entirely with his three conclusions. He said, first of all, that the Senate has been indifferent and irresolute, not down through the years, I might add, but down through the decades.

I agree with the Senator's second conclusion: that the bipartisan resolution is an earnest effort on our part to be responsible to the people we represent in our respective States as well as to the people of the Nation as a whole.

And I agree with the Senator's third conclusion: that the resolution represents a reaffirmation of our responsibility—a responsibility that has been eroded in the past.

I think the time is long past due when we should face up to the fact that this is a matter, as the distinguished Senator has indicated, that applies not so much to the Executive as to some Senators.

It is something that we, as Senators, must face up to and carry out if we are to face up to our bounden responsibility.

I congratulate the Senator for a fine statement and for his extremely fine work.

Mr. JAVITS. Mr. President, I am grateful to the Senator.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, without losing my right to the floor.

The PRESIDING OFFICER (Mr. GURNEY in the chair). Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished senior Senator from Connecticut (Mr. DODD) there be a time limitation on the pending resolution of 1 hour to a side, the time to be divided equally between the chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT) and the distinguished Senator from South Dakota (Mr. MUNDT).

Mr. MUNDT. Mr. President, reserving the right to object, I thought our understanding was that after the speech by the Senator from Connecticut I would call up my amendment and there would be 1 hour to a side.

Mr. FULBRIGHT. Mr. President, reserving the right to object, it is my understanding—and I have been negotiating this matter, and I thought other Senators so understood—the Senator from Kentucky intends to propose a slight change in my resolution. I thought he would have the right to offer that change as a perfecting amendment to the resolution; and that the Mundt-Dodd substitute would be voted on. That is what I understood would be the procedure.

Mr. MUNDT. I am not familiar with the amendment of the Senator from Kentucky.

Mr. FULBRIGHT. I gave a copy to the distinguished majority leader.

Mr. MUNDT. I would still want to offer my substitute.

Mr. FULBRIGHT. It would save one step or one vote, and it would be orderly. The amendment is on the desk of the majority leader. I have a copy. The Senator from South Dakota was not here. I do not think it would take any more time. Then the Senator's amendment would be offered as a substitute, and we would have the vote on that measure.

Mr. MUNDT. Mr. President, a parliamentary inquiry.

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

Mr. MANSFIELD. I yield.

Mr. MUNDT. Assuming I call up my amendment, would not the Senator from Kentucky still have the right to offer his

perfecting amendment to the author, and he have the right to accept it?

Mr. FULBRIGHT. His proposal is not a substitute. It is an amendment to my resolution. It is a perfecting amendment.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

Mr. MUNDT. Mr. President, I did not get an answer to my parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky would have the right to offer a perfecting amendment to the original language.

Mr. FULBRIGHT. I was not clear about that. It is satisfactory.

Mr. MANSFIELD. Mr. President, I am glad the Senator from South Dakota corrected me.

Mr. President, I ask unanimous consent that at the conclusion of the speech by the Senator from Connecticut (Mr. DODD) there be a time limitation of 2 hours on the Mundt-Dodd substitute, the time to be equally divided between the Senator from South Dakota, with the permission of the Senator from Connecticut, and the chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. Is there objection?

Mr. MANSFIELD. Mr. President, is there objection?

Mr. MUNDT. I have no objection.

The PRESIDING OFFICER. The Senator from South Dakota should offer his substitute before the Chair rules on the request of the Senator from Montana.

AMENDMENT NO. 49

Mr. MUNDT. Mr. President, I call up my amendment in the nature of a substitute and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

Resolved, That a national commitment for purposes of this resolution means a promise to a foreign state or people to use the Armed Forces of the United States in hostilities either immediately or upon the happening of certain events, and that it is the sense of the Senate that, under any circumstances which may arise in the future pertaining to situations in which the United States is not already involved, no national commitment shall be made without appropriate affirmative legislative action and Armed Forces of the United States shall not be used in hostilities on foreign territory unless there has been appropriate affirmative legislative action, except when such use is to repel an attack on the United States, or to meet a direct and immediate threat to the national security or to protect United States citizens and property.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. FULBRIGHT. Mr. President, the Senator from Kentucky has just entered the Chamber. I want him to understand that he will have an opportunity to offer a perfecting amendment to the resolution.

Mr. MANSFIELD. Mr. President, the Chair has so ruled, has it not?

The PRESIDING OFFICER. The Chair has ruled that a perfecting amendment would be in order.

Is there objection to the unanimous consent request of the Senator from Montana to limit debate? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, if I may have the attention of the chairman of the Committee on Foreign Relations, with respect to the time under the control of the chairman of the Committee on Foreign Relations, I should like to ask unanimous consent that 20 minutes be allocated to the Senator from Indiana (Mr. HARTKE).

Mr. FULBRIGHT. Out of how much time?

Mr. MANSFIELD. Out of the hour.

Mr. FULBRIGHT. I have no objection.

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

The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, the issue of how much power the Constitution confers on the President and how much it confers on the legislature in the field of foreign relations is an extraordinarily complex one.

I support the general proposition that there has been an erosion of the power of the legislative branch which requires correction. This is the ostensible purpose of Senate Resolution 85.

I voted for this resolution in the Foreign Relations Committee. I did not, however, have an opportunity to read the majority report which was drafted after the vote because, under the rules of the Committee, reports are circulated before publication only to those members of the Committee who specifically request permission to see the text. This I overlooked.

This report is an important document because if the resolution is approved, the report will become part of the legislative history on which future interpretations of the language of the resolution will be based.

A careful study of the majority report has left me with mixed emotions about the intent and wording of the actual resolution.

There are parts of the majority report which, in my opinion, make an important contribution to the understanding of the problem and which I can support without reservation. On the other hand, there are other sections of the report about which I have the gravest reservations.

Reconsidering Senate Resolution 85 in the context of the majority report, it is now my conviction that Senate Resolution 85 is not a satisfactory vehicle because in certain respects it does not go far enough, while in other respects, it goes too far.

First of all, I understood most of the discussion which took place in Committee as concerned with commitments leading to military involvement or opening the way to military involvement. On reexamination, the resolution turns out to be very vague on this point because it does not really define what is meant by a commitment.

If the language of the resolution is interpreted literally, there should be no executive agreements of any kind with foreign countries; all future agreements should take the form of treaties.

It is my own opinion that there have been far too many executive agreements on matters of substance that should properly have come before the Senate in treaty form.

But it makes no sense to insist that the Senate be required to ratify every single executive agreement, no matter how trivial the subject matter.

I do not, for example, think it is necessary to encumber the Senate with the ratification of an agreement providing for exchange tours by symphony orchestras or providing for a mutual encouragement of tourism through the easing of visa requirements.

On this point, I believe that the purpose of the resolution should be clarified by adding a clause which defines a national commitment as a promise to a foreign state or people to use the Armed Forces of the United States in hostilities, either immediately or upon the happening of certain events.

The second major respect in which the resolution is defective is that it calls for no change in the procedure that has heretofore been followed in the ratification of treaties, a procedure which denigrates the hallowed words "advise and consent" and in most cases presents the Senate with a fait accompli when it is called upon to ratify a treaty.

I shall have more to say about this matter.

The third major weakness I see in the resolution is that its sweeping language would make it impossible for the President of the United States to use our Armed Forces to protect the national security except in the case of an actual armed attack on our country.

And this would be true no matter how grave the emergency that confronted us or how brief the time available for response.

I cannot agree with the finding of the majority report that this is compatible with modern conditions.

The fact is that we live in a gravely divided world and in the nuclear age. The postwar period has abounded in crises, and the chances are that we shall face many more crises before, in God's good time, a solution is found for the cold war.

THE QUESTION OF THE CONSTITUTION

From a constitutional standpoint, there have been impressive arguments and quotations from authorities on both sides of Senate Resolution 85.

The administration has pointed out that when John Marshall was a Member of Congress in 1799, he noted:

> The President is the sole organ of the Nation in its external relations and its sole representative with foreign nations. * * * He possesses the whole Executive power.

The majority report, on the other hand, appears to argue that, because Congress alone has the power to declare war, the executive branch cannot constitutionally involve the United States in military action outside its own frontiers without the prior specific sanction of Congress. The report quotes a number of historical precedents in support of this position.

Neither side, I am afraid, can make a conclusive case on constitutional grounds for the simple reason that the Constitution is flexible enough so that intelligent men can interpret it either way.

I note at this point that the Senator from Idaho in his very able presentation in support of Senate Resolution 85 last Friday, conceded that the constitutional delineation of authority is anything but ironclad. This is what he said:

First of all, I would agree that the precise limit of the authority delegated to the Congress by the Constitution, or the precise limit of the Presidential authority, is subject not only to reasonable argument, but from time to time, in the ebb and flow of history, there have been changes in the precise lines of demarcation.

How we decide to interpret the Constitution, therefore, should depend in the final analysis on recent experience and on the requirements of national security in a period of recurring crises, when events sometimes move with the speed of hurtling missiles.

As a general rule, I would support the argument that, except in emergency situations where there is no time for congressional action, our forces should be committed only pursuant to the ratification of treaties or to joint resolutions of authorization by Congress.

It is my conviction, however, that in the present perilous state of world affairs, it is fortunate that the United States has a Constitution which makes it possible for our President, in crisis situations, to react immediately and vigorously when, in his considered opinion and in the opinion of his advisers, our national security is imperiled.

The rigidity of the resolution's language and its total lack of flexibility worry me all the more because the impression is inevitably created that the resolution constitutes an ex post facto condemnation not merely of our intervention to defend South Vietnam against Communist aggression, but also of our intervention in the Greek-Turkish crisis of 1946, in Korea in 1950, in the Syria-Lebanon crisis of 1957, and in the Dominican Republic crisis of 1965.

Hindsight estimates are always easier than estimates made under the pressure of the moment. But in retrospect it does seem to me that there might have been time for congressional action in the case of the Greek-Turkish crisis, and that the Truman Doctrine, therefore, probably should have taken the form of formal agreements with the Greek and Turkish Governments, subject to congressional approval.

I do not pretend to any certainty about this estimate, however, because the situation at the time was precarious and the Communist guerrillas were at the gates of Athens.

But in Korea and in the Syria-Lebanon crisis and in the case of the attempted Communist coup in the Dominican Republic, several days' delay might have made it too late to do anything.

Even a 24-hour delay might have had disastrous consequences.

These were situations where the United States had to act immediately, or not act at all and suffer disaster.

There were no formal commitments in the case of Korea or in the case of Syria-Lebanon or in the case of the Dominican Republic.

In the case of Korea there was a danger which might have justified a prior commitment. But we foolishly took it for granted that the Communists would not make a full-scale aggressive military attack on South Korea.

In the case of Syria-Lebanon, not merely was there no way of foreseeing the emergency which arose overnight, but, in advance of the crisis, political considerations would have made it virtually impossible for either the U.S. Government or the Syrian or Lebanese Governments to enter into a formal agreement.

In the case of the Dominican Republic crisis, a commitment prior to the attempted Communist coup would have made no sense because there appeared to be no threat. Once again, a completely unforeseen situation arose on an overnight basis which posed a clear threat to our national security.

I know that there were some who said in the period prior to the Cuban missile crisis that we should not get overly excited about Castro, because he was, at worst, a nuisance rather than a dagger pointed at our throat.

We were soon to find out that, despite the natural tendency to hope for the best, the Castro regime was, in fact, a dagger pointed at our throat, and, in reality, it was the worst.

The existence of a Communist stronghold in the heart of the Caribbean poses a continuing threat to our own security and to the security of the Americas. This threat would have been magnified many times over if the attempted Castro-Communist coup in the Dominican Republic had succeeded, because it would, in effect, have turned the entire Caribbean into a Communist lake.

I believe that history will accord our Presidents high marks for the courage and dispatch with which they moved in each of these situations.

In an age of nuclear weapons and blitzkrieg and totalitarian governments, the enactment of Senate Resolution 85, in its present inflexible form, would be an invitation to Communist aggression in both Europe and Asia.

It would, in effect, tell the Communists in advance that the U.S. Commander in Chief had been rendered powerless to react immediately, as Harry Truman did in Korea, as Dwight Eisenhower did in Syria-Lebanon, as John F. Kennedy did at the time of the Cuban missile crisis, and as Lyndon Johnson did at the time of the attempted Communist takeover in the Dominican Republic.

On rereading the resolution, I am not prepared to accept the categorical statement that every single national commitment by the United States must "necessarily and exclusively" result from "affirmative action taken by the executive and legislative branches through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment."

Nor can I agree with the finding of the majority report that this categorical stipulation is compatible with modern conditions.

In the complex and interdependent world in which we live, it is naive to argue, as the report appears to do, that the constitutional power of the President to use our Armed Forces to protect the Nation applies only in the case of an actual armed attack on the United States. As we have learned in two World Wars, our own security can be threatened by events that occur in faraway places.

The recurring talk that one hears today about why we should not get involved in faraway places rings an all-too-familiar historical bell for those of us who recall the course of events that plunged humanity into World War II.

It recalls the well-intentioned folly of that tragic statesman, Neville Chamberlain, when he sought to justify the surrender of the Sudetenland to Hitler by saying that—

Czechoslovakia is a faraway place about which we know very little.

Chamberlain and the British people were very soon to discover that Czechoslovakia was not so far away after all, and that geographic distance did not provide them with the security that they had hoped for.

This is a lesson of recent history which would bear repetition to those who today tell us that Vietnam or Korea are "faraway places." In fact, given the incredible advances in technology since World War II, it is probably no exaggeration to say that Vietnam is as close to us today as Czechoslovakia was to Britain in 1939.

It would be blind isolationism to limit the President to taking action only if and when our own territory is brought under attack by an enemy.

WEIGHING THE RELATIVE DANGERS

Admittedly, there are dangers in conceding to the President the limited power to commit American forces in crisis situations where the national security is menaced but where there is no time for congressional action.

It is my belief, however, that the danger of a Presidential decision is largely imaginary because no President would act to commit American troops without the advice and support of his experts and of the National Security Council and the Cabinet.

Every President, moreover, inevitably acts with public opinion in mind because, so long as our country remains a democracy, he has to think in terms of continuing political support for his administration and for his party. This basic fact of political life, too, militates against arbitrary or whimsical decisions in the field of foreign policy by any President.

On the other hand, there is a very real danger that we will be faced with crisis situations where even 24 or 48 hours' delay could have disastrous consequences.

In his speech in support of Senate Resolution 85, the Chairman of the Foreign Relations Committee suggested that we have now concentrated so much power in the hands of the President in the field of foreign policy that, by contrast, the Soviet emphasis on collective decision-making sounds "almost Jeffersonian." He quoted Premier Kosygin as saying:

In our country it is the collective that works. And herein lies our strength. If one makes a mistake, others set him right.

Premier Kosygin, of course, was talking about the Soviet Politburo, the small group of Communist tyrants who rule the Soviet peoples with absolute power. I am sure that he did not mean that questions of foreign policy are submitted for discussion to the rubber stamp Congress of Soviets or even to plenary sessions of the executive committee of the Communist Party.

Moreover, the record is clear on the point that the Soviet Politburo does not have to contend with any challenge to its decisions by a foreign relations committee of the Soviet Congress, or with any other challenge within the Soviet Union.

But, more than this, it is misleading to imply that any American President would act, even in the gravest crisis, purely on the basis of his personal predilection.

When President Johnson acted in the Dominican Republic crisis, for example, he did so on the basis of the unanimous recommendation of all the officers of our Embassy in Santo Domingo, and of all the State Department and White House officials concerned with Dominican Republic affairs. The decision, moreover, was not so much a personal decision as a decision of the National Security Council and of the Cabinet.

Above all, I want to take issue with the charge made by the Senator from Arkansas in his opening statement that the conduct of our foreign policy in recent policy in recent years has been moving our country both in the direction of becoming an empire and in the direction of a dictatorship. "If America," he said, "is to become an empire, there is very little chance that it can avoid becoming a virtual dictatorship as well."

I take issue with this statement on both scores.

America has not sought and does not seek to become an empire or to acquire colonies or to impose its rule on other nations.

On the contrary, the entire thrust of our foreign policy since the close of World War II has been anti-empire.

On the one hand, it has been directed toward the dissolution of the old Western colonial empires.

On the other hand, it has been directed against the expansion of the Soviet empire in Central Europe and the creation of parallel Communist empires on a regional basis by Mao Tse-Tung and Ho Chi Minh and Fidel Castro.

The world we seek is a world of free nations, where the strong and the weak alike can live without fear of attack or of organized subversion from abroad.

In the several situations where we have intervened, it has not been for the purpose of establishing our own empire, but for the purpose of defending free nations and preventing expansion of the Communist empire.

I am aware that no administration is infallible, and that the best administration can make mistakes.

Admitting the possibility of mistake, however, I think it is the grossest kind of distortion to argue that the executive power about which the Senator from Arkansas complains has moved our country in the direction of dictatorship or threatens to move it in that direction.

The fact is that the post-World War II period, which seemed to be the prime target of the Senator's criticism, has in our country been characterized by the most rapid and most remarkable expansion of freedom and civil rights in history, notwithstanding the massive contraction of freedom within the expanding Communist empire.

Most of us now in the Senate remember the battle for real freedom in the very recent past.

We remember the debates and we remember the votes.

We know the hard fight to win those victories.

We know where we all stood on those basic issues of freedom.

And history will not forget.

THE ABDICATION OF CONGRESS

Mr. President, as I have already indicated, I agree with the purpose of the resolution insofar as it points to an erosion of the constitutional power of Congress in the field of foreign affairs.

This erosion has not been due exclusively or even primarily to usurpation by the executive branch.

To a very large degree, it has been due to the fact that there has in recent decades been a marked tendency on the part of Congress tc voluntarily abdicate its legitimate powers to the executive branch.

I, myself, have had occasion to complain many times since I first entered the Congress in 1953, about the erosion of the legislative power, especially in the field of foreign policy; about the excessive willingness of Congress to leave decisions to the President's discretion, and about the growing tendency to take executive action without consulting Congress and to substitute executive agreements for treaties.

I recall, for example, that when the sale of wheat to the Soviet Union was discussed in the Senate in October 1963, I urged the President and his advisers not to attempt to accomplish through a questionable executive action what they could not accomplish through the legislative process.

I said:

> Without any approval from Congress, in fact, in the face of expressed Congressional disapproval, our government is to sell to Russia subsidized wheat at a price substantially below that paid for it by the American taxpayer. This would be, in effect, an initial subsidy to Russia of more than 100 million dollars. Only a few weeks ago this would have been unthinkable, as it was in 1961 when Congress passed Public Law 87-128 which states the Sense of Congress that subsidized agricultural commodities should not be made available to the Soviet Union or to countries dominated by the U.S.S.R.

In a second statement on October 8, 1963, I again urged the administration to act in consultation with Congress and I submitted a resolution calling for the establishment of a Select Committee on the Sale of Surplus Agricultural Produce to Communist Countries.

The resolution specified that the committee should submit its report to the Senate no later than January 31, 1964, and it declared it to be the sense of the Senate "that no sale of wheat or agricultural surplus should be concluded with the Soviet Union or any other Communist country until the results of the study are available for the guidance of the administration."

In my statement supporting the resolution I said that the proposed sale of wheat to the Soviet Union was a matter of very great importance that had serious implications, for better or for worse, from the standpoint of the free world.

I said further that it was the kind of matter that called for conscientious study and which should be the subject of careful consultation between the executive and the legislative branches.

The Foreign Relations Committee held no hearings on this resolution and took no action on it. And my recollection is that only a very small number of Senators expressed support for the position I then took.

The attitude of the majority of the Senate and of the Foreign Relations Committee at the time apparently was that this entire matter should be left to the discretion of the executive branch, and that there was no need for consultation with Congress.

The period prior to the Soviet wheat crisis of 1963 had been one of intense and unremitting cold war activity on the part of the Kremlin.

In November 1958 there was the Berlin ultimatum. This ultimatum was followed by a whole series of missile-rattling perorations by Mr. Khrushchev; by the bloody riots in the Panama Canal; and the establishment of a Communist regime in Cuba in January of 1959.

In August of 1960 there was the unilateral Soviet resumption of atmospheric testing of nuclear weapons. In the same month there was the attempted Soviet takeover in the Congo.

In the month of December 1960 the Communist insurrection was launched in Laos with overt Soviet military backing.

In August 1961 there was the Berlin wall.

In October 1962 there was the Cuban missile crisis.

It was against this background that the United States, by executive action in October 1963, moved to save the Soviet Government from the consequences of its own disastrous agricultural policies.

This we did by selling them several hundred million dollars' worth of wheat at a subsidized price, with concessions on freight rates and on long-term credits thrown in, and without conditions of any kind.

We did not ask that they call off the cold war. We did not even ask that they identify the wheat they were receiving from the United States as American wheat. We asked nothing.

I do not mean to imply by this that I was completely opposed to the sale of wheat to the Soviet Union. But, as I said at the time, I think it would have been better to give them the wheat, provided it was properly identified, rather than sell it to them on terms so disadvantageous to ourselves.

For saving the Soviet Government at the time from the critical food shortage which threatened it, we have been repaid over the intervening years by the Vietnam war, by the Mideast war of 1967 which the Soviets fomented, by the invasion of Czechoslovakia, and by a

stepped-up campaign of political subversion in many parts of the world.

This, of course, should surprise no one.

I make this point only to underscore the fact that the national interest was directly involved in the sale of wheat to the Soviet Union and that Congress should have played an active role in the decision.

I relate this entire incident for the purpose of establishing that I am not any Johnny-come-lately on the proposition that Congress has abdicated too much of its power to the executive branch.

Among other things, I believe that we must seek to reverse this trend through a new set of rules under which the Senate will not be called upon to rubberstamp treaties that have already been negotiated but will, instead, be actively consulted during the initial planning for treaties and agreements.

Although the Senate Resolution 85 says nothing about this, I am convinced that the Senate will never be able to play its proper constitutional role in the conduct of foreign affairs unless its advice and consent become far more than the formalities they have been for many years.

Let me illustrate this point by recounting some recent history.

In March of this year the Senate ratified the Nuclear Nonproliferation Treaty. I voted for this treaty; but, in the course of the debate, I offered two understandings to the resolution of ratification aimed at strengthening the treaty and making it more effective.

The first understanding was directed against a repetition of the Czechoslovak invasion which, incidentally, took place little more than a month after the treaty was signed, in flagrant violation of the language of the preamble.

This understanding simply provided that after the treaty had been ratified, any attack directed against the independence of another country by a nuclear weapons state party to the treaty, would be regarded as a violation of the spirit of the treaty justifying the withdrawal of the other signatories.

The second understanding was:

> The United States shall deposit its instrument of ratification simultaneously with the Soviet Union, at a time to be agreed upon.

These understandings, even though they did not alter a single word of the treaty, were rejected by the great majority of the Senate and the Foreign Relations Committee, apparently on the theory that it is inadvisable to tamper in any way with a resolution of ratification.

But, despite the fact that the Senate refused to incorporate these understandings in the resolution of ratification, I was informed at a later date by an authoritative source that the administration did intend to hold out for the simultaneous deposit of the instruments of ratification, as had been proposed by my second understanding.

What all of this boils down to is that a majority of the Senate seemed prepared to downgrade to a mere formality the Senate's role in advising and consenting to the ratification of the Nonproliferation Treaty.

It is not merely the Nonproliferation Treaty that is involved, although this is the most recent case in question.

On most major treaties that have come before the Senate, in my experience, the terms of the treaty have been negotiated without any serious consultation with the Senate, and the Senate, in consequence, has been confronted with a fait accompli.

On the one hand, it is difficult, if not impossible, to alter the wording of a treaty after it has been negotiated, especially when it has been negotiated on a multilateral basis as was the case with the Nonproliferation Treaty.

On the other hand, Senators, even though they may have grave reservations about individual clauses of a treaty are always reluctant to refuse ratification because of the obvious damage that such a refusal would do to our world standing and to the administration's conduct of foreign affairs.

I myself have been in this position a number of times, and I know that this holds true for many of my colleagues.

One of the most dramatic instances I recall was the Nuclear Test Ban Treaty of 1963.

I supported this treaty, and I have reason for believing that my resolution of May 27, 1963, which was cosponsored by 33 other Senators, had a good deal to do with making the treaty possible.

But when the treaty was presented to the Senate for ratification in August 1963, we discovered that the wording, for some reason which has never been explained, not merely prohibited test explosions of nuclear weapons in the atmosphere, but also prohibited nuclear explosions for peaceful purposes under international supervision.

Now it appears that both the Soviet Union and the United States are moving in the direction of correcting this original blunder.

But when the treaty came before the Senate, and when some of us expressed concern about this aspect of the treaty, we were told that we must not seek to amend it because this might jeopardize the agreement; that we should not rock the boat.

All this points to the conclusion that the time for the administration to seek the advice of the Senate on a treaty is not after it has been negotiated, but before negotiations are entered into and, repeatedly, in the course of the negotiations.

Mr. President, as a matter of general principle, I favor maximum consultation between the administration and Congress whenever such consultation is possible.

I favor it not only where treaties and national commitments are involved, but also on vital issues of foreign policy like the sale of wheat to the Soviet Union.

I agree that American forces should not be committed in any situation unless this commitment is supported by affirmative legislative action.

I also believe that this general principle must not be interpreted so inflexibly that it leaves no room for immediate response in crisis situations.

To put an end to the circumvention of Congress by Executive agreements, I would like to see an understanding between the executive and the legislative branches stipulating what types of matters should be handled by Executive agreement, and what types should be submitted in treaty form for ratification by the Senate.

Mr. President, I believe that the substitute amendment which Mr. MUNDT and I introduced yesterday, and which is at the clerk's desk, is the best answer to our problem.

I believe that this amendment is superior to the original text of Senate Resolution 85 in the following ways.

First, it provides a clear definition of a national commitment.

Second, it establishes the general principle that "no national commitment shall be made without appropriate affirmative legislative action, and Armed Forces of the United States shall not be used in hostilities on foreign territory unless there has been appropriate legislative action."

Third, it recognizes the fact that situations may arise in which the President will have to act without delay to meet a direct and immediate threat to the national security or to protect U.S. citizens and property.

I believe that the language of this substitute resolution accomplishes what Senate Resolution 85 set out to do, more specifically, more effectively, and more flexibly.

I hope that it will receive the earnest consideration of Senators and that it will be adopted by the Senate.

But, as matters stand now, in view of the world situation, I cannot vote for Senate Resolution 85.

It is for these reasons that I have joined the Senator from South Dakota in submitting the substitute amendment, and for no other reason.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Mr. President, do I correctly understand that the Senate is now operating under a unanimous-consent agreement?

The PRESIDING OFFICER. The Senator is correct.

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

The PRESIDING OFFICER. The quorum will be charged to whose time?

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the time not be charged to either side.

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

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. FULBRIGHT. Mr. President, I yield to the Senator from Kentucky as much time as he may require.

Mr. COOPER. Mr. President, I send to the desk amendments en bloc.

The PRESIDING OFFICER. Does the Senator ask unanimous consent that his amendments be in order at this time?

Mr. COOPER. Yes. Mr. President, I ask unanimous consent that my amendments be in order at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DIRKSEN. Mr. President, I wish to make sure the RECORD will show that after the proposal is offered and has been accepted, it will still be subject to amendment.

The PRESIDING OFFICER. It would not be subject to amendment unless the unanimous consent request is made that the amendments be considered as original text for the purpose of amendment.

Mr. COOPER. Mr. President, I ask unanimous consent to modify the text of the resolution offered on behalf of the Committee on Foreign Relations so that it will read in conformity with the language which has been agreed upon by the chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) and me.

The PRESIDING OFFICER. Is the Senator from Kentucky also asking that this language be considered as original text for the purpose of amendment?

Mr. COOPER. Yes.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Mr. DIRKSEN. I do not object, Mr. President. I only want the RECORD to show that the amendments will be open to amendment.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kentucky? The Chair hears none, and it is so ordered.

The amendments offered by Senator COOPER are as follows:

On page 1, line 1, after "That" insert the following: "(1) a national commitment for the purpose of this resolution means the use of the armed forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the armed forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2)".

On page 1, lines 2 and 3, strike out "to a foreign power necessarily and exclusively results" and insert in lieu thereof "results only".

On page 1, line 5, strike out "through" and insert in lieu thereof "by".

On page 1, lines 5 to 7, strike out "convention, or other legislative instrumentality specifically intended to give effect to such a" and insert in lieu thereof "statute, or concurrent resolution of both Houses of Congress specifically providing for such".

Mr. FULBRIGHT. Mr. President, I yield 20 minutes to the Senator from Indiana.

Mr. HARTKE. I thank the Senator.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

RESOLUTION ON NATIONAL COMMITMENTS

Mr. HARTKE. Mr. President, I wish to speak in favor of Senate Resolution 85. The resolution is neither a proposed law nor an amendment to the Constitution. It is, in the refreshingly modest language of the Senate report, an invitation. An invitation "to the executive to reconsider its excesses, and to the legislature to reconsider its omissions, in the making of foreign policy, and in the light of such reconsideration, to bring their foreign policy practices back into compliance with the division of responsibilities envisioned by the Constitution."

Despite the valid practices and procedures established in the last century, during this century, and particularly in the last 20 years, U.S. foreign policy has been conducted in a manner dangerous to democracy in the United States, to the freedom of its people, and to their welfare. While the exact extent of Congress' role in the formation of foreign policy is not clear, it is clear that Congress does have a constitutionally vested role and that in two important areas of foreign affairs, that of the war powers and of approving treaties, Congress' role is exclusive.

The usurping of Congress' role in the last 20 years has resulted in a growing belief in and a dangerous acceptance of the executive's right to commit this country to war under all circumstances. During the Glassboro summit, several commentators and the State Department cautioned the public not to expect too much from the summit, because Mr. Kosygin representing the Soviet Union did not have the same authority to commit his country that President Johnson had. Apparently, few were aware of the irony that the representative of the most popular based government had more personal power than the representative of an autocratic and monolithic government. Under Secretary of State Nicholas Katzenbach, in his testimony before the Senate Foreign Relations Committee on August 16, 1967, made probably the most extreme statement of this new concept of constitutional nullity. It amounted to a doctrine that the constitutionally defined role of Congress is merely a historical curiosity, and the Senate's function to advise and consent is merely a matter of executive courtesy. The Senate is not expected to advise but to approve.

The present resolution brings into question the wisdom of concentrating foreign policy decisions in one branch of government and the concomitant abandonment of constitutional safeguards and congressional oversight. Gibbon, in the "Decline and Fall of the Roman Empire," wrote:

> It was on the dignity of the Senate that Augustus and his successors founded their new empire . . . In the administration of their own powers, they frequently consulted the great national council, and seemed to refer to its decision the most important concerns of peace and war . . . The masters of the Roman world surrounded their throne with darkness, concealed their irrestible strength, and humbly professed themselves the accountable ministers of the Senate, whose supreme decrees they dictated and obeyed . . . Augustus was sensible that mankind is governed by names; nor was he deceived in his expectation, that the Senate and the people would submit to slavery, provided they were respectfully assured that they still enjoyed their ancient freedom.

I do not suggest an analogy between imperial Rome and the United States, but in both, military action abroad has weakened legislative controls at home. Time and time again Congress has discovered that U.S. foreign policy is determined or conditioned by actions that it neither directly authorized nor implicitly knew.

Only a newspaper story alerted Congress to the possible danger of a NATO-like alliance with Spain being made by military memorandum. The stationing of some 50,000 American soldiers in Thailand has changed the nature of our commitment to that country—a commitment in no way suggested by any existing treaty.

Low-level military and civilian officials have frequently undertaken a course of action, attributed in only the most theoretical sense to Presidential decision, which in incremental steps has determined the shape and direction of U.S. foreign policy. The ill-fated introduction of Chiang Kai Shek's forces into Burma has left a residue of difficulties in that country. It has also created persisting problems in Laos, and in Northern Thailand, where about 1,200 miles of Thai territory are under the de facto administration of Kuomintang troops.

The transporting by our military of large numbers of Cambodian South Vietnamese, after providing training with our forces and with the South Vietnamese Army, across Cambodia to the Thailand frontier, where they are mounting attacks regularly into Cambodian territory, cannot but affect and undermine U.S. foreign policy. Clearly if Congress is to have a responsible role in the field of foreign policy it has to be advised of such situations.

Southeast Asia is not the only place that activities of minor U.S. officials, unknown to the President or Congress, are determining action which will shape our foreign policy. Although everyone now says that we cannot be the world's policeman, we have in the past, and I expect are presently, maintaining a constabulary for small South American countries. Not only does the United States support South American armies and police, but U.S. soldiers have on occasion engaged in actual combat against native rebels. U.S. rangers have battled the forces of Yon Sosa and Cesar Montes, two Guatemalan guerrilla leaders. Green Berets have also been in Colombia.

The control of local violence should be the exclusive province of local authorities. U.S. intervention in a situation whose eventual outcome and underlying justice is far from clear, is extremely unwise.

What is clear, however, is that these activities do affect our relationships with South American countries. I wonder if there is any connection between this kind of U.S. activity and the recent reception afforded Governor Rockefeller.

In any case, what is important for this discussion is that Congress does not know the full extent of U.S. activities in South America. These various examples are to me sufficient justification and adequate reason for the adoption of Senate Resolution 85.

I would like to discuss some of the arguments in opposition to this resolution. One argument views this resolution as a battle of wills between the Senate

and the President and rather unnecessarily concludes with its belief in a strong President. I also believe in a strong President—and a strong Nation, for that matter. But the concept of a strong President is not involved in this resolution. What is involved is accountability. This resolution holds that decisions involving the continued existence of this country shall be made by people accountable for their actions. We have an elaborate network of safeguards to protect a person's liberty at home but no procedural checks on millions of American soldiers being sent abroad to die. Should not there be some way to relate action abroad to foreign policy and policy to action?

Discussion of this resolution and of similar topics use the language of law and of political science without acknowledging the diffuse reality behind the neat phrases. While we call the President Commander in Chief, he will never be like Henry V a leader of a small band of brothers. The President is the organizational head of an extremely complex bureaucracy and a vast military apparatus. With the best of will, he can only know a fraction of what is happening.

This resolution, suggesting that certain kinds of actions be undertaken only with congressional approval and with the knowledge of high governmental officials, will strengthen rather than weaken the Presidency. It should be remembered that unexercised legislative power does not flow smoothly and directly to the President but rather is diffused throughout the bureaucracy to be arbitrarily exercised in darkness.

Some argue that the language of this resolution is not precise. But I would argue that a degree of imprecision is necessary because the relationship between the legislative and executive branch in the formation of foreign policy must remain, to some degree, ambiguous and flexible. This resolution merely confirms the existence of that relationship without defining it.

I would think that those bothered by the resolution's lack of precision would be even more concerned about the multitude of our vague commitments and the various ways they are established. Nothing could be as vague and as ill-defined as some of our commitments. No American soldier will die because this resolution is vague. Can we say the same about our commitments?

Besides these treaties of vague commitments, various policy statements, Executive orders, Executive assertions, and Executive letters are cited as evidence of our commitments abroad. For example, on October 25, 1962, a letter by President Kennedy to Crown Prince Faisal of Saudi Arabia, stated:

> Under your firm and enlightened leadership, I am confident Saudi Arabia will move ahead successfully on the path of modernization and reform which it has already chartered for itself. In pursuing this course, you may be assured of full United States support for the maintenance of Saudi Arabia's integrity.

This letter now is cited as constituting a commitment by the United States. I leave to the imagination of my colleagues the possible interpretations of this broad assurance.

Others argue that the urgency of the modern world renders congressional approval impractical. No one would suggest hindering the President's ability to respond to sudden attack. The fact, however, that action can be taken within hours does not make it necessary or wise. Also, many of our questionable actions abroad were the cumulative result of a series of gradual steps. Certainly, in a nuclear holocaust, a declaration of war would be an antiquated concept. Paradoxically, however, the looming presence of a possible nuclear holocaust lessens the possibility of the use of nuclear weapons and increases the likelihood that future wars will be fought by conventional means. In such situations, congressional confirmation is not only possible but necessary.

Finally, there is the allegation that support of this resolution "smacks of neoisolationism." Instead of neoisolationism I believe that we have gone from isolationism to interventionism without ever having arrived at internationalism. Our past isolationism and our present interventionism results from the same sense of moral and national superiority. This resolution seeks not to end U.S. involvement in world affairs, but to seek an involvement that does not abuse our power abroad nor impair our free institutions at home. One does not have to be a pacifist to find something amiss in the charge of the light brigade.

In conclusion, I would suggest two further actions that will help Congress establish a more reasonable, reasoned, and responsible foreign policy. I suggest a thorough review by Congress of all executive agreements. Seeking approval always entails some risk of rejection and personal pain. Secretary of State John Hay reflected this personal pain, perhaps to a heightened degree, when he wrote:

> A treaty entering the Senate is like a bull entering the arena. No one can say just how and when the final blow will flow. But one thing is certain—it will never leave the arena alive.

The executive branch of Government increasingly uses the executive agreement to escape the ordeal of dealing with the Senate. As the committee report states, in many instances, the traditional distinction between the treaty as an instrument of a major commitment and the executive agreement as an instrument of a minor one has been reversed.

In 1939, 10 treaties and 26 executive agreements were concluded by the United States. In recent years, there has been a startling increase in the number of executive agreements compared to the number of treaties. In 1936, nine treaties were concluded to 248 executive agreements.

In 1964, 13 to 231.
In 1965, 5 to 197.
In 1966, 10 to 242.
In 1967, 10 to 218.
In 1968, 57 to 226.

Obviously, our increasing involvement in world affairs justifies many of these executive agreements. I believe, however, that a thorough congressional evaluation of these executive agreements would reveal many that are more properly a matter for treaty. Also, such an evaluation would reveal various commitments that should be appreciated by Congress.

I also suggest that the Secretary of State submit to Congress a yearly posture statement. A Secretary of State posture statement would be a healthy counterbalance to the Secretary of Defense posture statement and would help to formulate foreign policy on the basis of diplomatic rather than military considerations. Since military actions abroad, and even weapons systems, are justified as necessitated by our foreign commitments, it is imperative that Congress have a clearer understanding of those commitments. The Secretary of State posture statement would outline our overseas commitments and analyze their present needs, indicate their future development, and relate these commitments to the military posture of the United States.

Mr. President, the first order of business before us is to approve Senate Resolution 85, to make unmistakably clear the sense of this body with respect to constitutionally appropriate procedures for undertaking national commitments. Having done that, I would most earnestly urge the Committee on Foreign Relations and its distinguished chairman to follow up this magnificent service to the Nation with steps to implement the two suggestions I have offered this afternoon: A thorough review of all existing executive agreements and a requirement that the Secretary of State provide Congress with an annual posture statement.

Taken together, these three actions can contribute importantly to a restoration of that reasonable and necessary balance in our constitutional system from which we have so dangerously departed.

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

Mr. HARTKE. I am happy to yield to the Senator from Arkansas.

Mr. FULBRIGHT. I thank the Senator for a fine contribution to the debate on this subject. He has taken a great interest in it in the past, and I think he has made a great contribution to a better understanding of what the committee is trying to do.

Mr. HARTKE. I thank the distinguished chairman of the Committee on Foreign Relations.

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

Mr. FULBRIGHT. How much time does the Senator from Kentucky require?

Mr. COOK. Ten minutes.

Mr. FULBRIGHT. Mr. President, I yield 10 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOK. Mr. President, the Constitution is clear in pointing out that the power to declare war is exclusively vested in the Congress with one important exception: the undisputed authority of the President to repeal a sudden attack on the United States. Much has already been said, and does not need repeating by a freshman Senator, about the instances of erosion of this constitutional authority, primarily during the last 50 years, by acts of the Executive and subsequent acquiescence by Congress to the consequences of those acts. My colleagues, Senators FULBRIGHT and

CHURCH, among others, have traced in great detail, the examples of Executive encroachment, or should I say congressional deference, in the area of foreign troop commitments. Now, the time has come for the Senate, having been apprised of the facts, to render its judgment.

Several alternatives to Senate Resolution 85 have been suggested. I favor and shall vote for the substitute proposal offered by the senior Senator from my own State (Mr. COOPER). The Cooper substitute is, in my view, preferable to Senate Resolution 85, because it clearly defines the term "national commitment" rather than relying entirely upon the committee report and legislative debate to establish meaning. In addition, this definition is rightly limited to the commitment of Armed Forces or financial resources abroad. Further, the substitute specifically pronounces that it would be the sense of the Senate that a national commitment, as defined previously, would result only from affirmative action taken by the Executive and the Congress by means of a treaty, statute, or concurrent resolution of both Houses.

The substitute for Resolution 85 offered by the distinguished Senator from South Dakota (Mr. MUNDT) would seem to be unsatisfactory, in that it includes language which would allow the Executive to act in the absence of congressional authority to "meet a direct and immediate threat to the national security." While I commend the Senator for his position that some resolution is needed indicating the sense of the Senate that the Congress intends to be heard before future foreign troop commitments are made, I fear that his language would give the Executive an unsolicited and ill-advised carte blanche in the name of national security to deploy forces about the world at will.

Also, the Mundt substitute contains another exception to that kind of national commitment which would require congressional authorization. This would allow the executive to commit troops "to protect U.S. citizens and property." This exception, in my opinion, would be extremely unwise because this excuse has already been used entirely too often to justify unauthorized foreign troop commitments by the executive, the most recent example of which was the intervention in the Dominican Republic in 1965. If a situation arises in which our citizens and property in a foreign land are in great jeopardy and the executive can demonstrate this danger to the satisfaction of Congress, I am certain this branch would not fail to support any legitimate action.

Mr. President, I feel that Congress would be in a poorer position under the Mundt substitute than it is now. At the present time, in the absence of a resolution, any liberty the executive takes is through its own initiative, accompanied by the acquiescence of Congress. Under the Mundt resolution, the executive is almost invited to ignore Congress in committing troops to foreign lands and is given the option of declaring its action as necessary for the "national security" or needed "to protect U.S. citizens and property." Historically, too many ill-advised actions have been taken by this Nation under these guises. Definitions of the terms "national security" or "to protect U.S. citizens and property" are too vague and varied to be meaningful as a restriction on the executive. Again, I commend the Senator for his feeling that some resolution is needed, but I would respectfully suggest that a much stronger proposal, such as the Cooper substitute, is required.

The main arguments which have been raised against the passage of any resolution are:

First, that foreign affairs are just too complicated for the average citizen, including Members of Congress, to grasp; and

Second, that great speed is necessary to respond to grave threats to the Nation's survival.

The rebuttal to these contentions can be briefly stated. Members of Congress, especially the Senate, not only have the intelligence but a constitutional responsibility in the area of foreign commitments. In addition, in a number of situations in recent years which were hastily labeled emergencies, American policies would have profited from brief delays to facilitate proper deliberation.

It is important to remember, as the Senator from Idaho (Mr. CHURCH) so articulately put it recently:

> Nothing in the Constitution prevents and no one in the Congress would ever try to prevent the President from acting in a genuine national emergency.

It is also true that a sense-of-the-Senate resolution cannot bind the President, but I think it important that the Senate, as a body, make known its intention to regain its constitutional prerogatives.

It has been said many times before, but certainly bears repeating, that a national commitments resolution passed by this body is not directed at any President as an individual. Support for such a resolution has been found under both a Democratic and a Republican President, and it cuts across party lines and transcends ideology. Passage of this resolution is merely a long overdue notice to the Presidency, as one of the three branches of our Government, that the Congress will again be heard in the matter of foreign troop commitments of this country.

As Prof. Hans Morgenthau pointed out recently in the New Republic, the resolution imposes no constitutional obligation upon the President, but does provide "a political weapon." The importance of this resolution, as that very "political weapon," should not be underestimated because it signals an end to congressional acquiescence to unauthorized commitments of American men and financial resources abroad.

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

Mr. COOK. I yield.

Mr. FULBRIGHT. I wish to commend the junior Senator from Kentucky for his penetrating and appropriate remarks about the resolution and also about the constitutional relationship between the executive and legislative branches of Government. When I was a first-term Senator, in the same position as the junior Senator from Kentucky, if a similar debate and question had been before the Senate and my attention had been drawn to the responsibilities of the Senate, as the senior Senator from Kentucky (Mr. COOPER) has done in connection with this resolution, I think I would have been a better Senator. I know I missed some opportunities to assert the proper function of the Senate when I was a junior Member of this body.

I am particularly pleased to have the junior Senator from Kentucky take the interest in this matter that he has. I am quite certain that he is making a better contribution to the future government of the country by reason of his participation in this debate.

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

Mr. COOK. I yield to my colleague from Kentucky.

Mr. COOPER. I commend my colleague on a powerful and well-reasoned speech, a speech which shows that he has studied this subject carefully and is familiar with the constitutional process. As a new Member of the Senate, his study of this broad question has made a great contribution to all of us. I think it should give my colleague great satisfaction.

Mr. DIRKSEN. Mr. President, I yield 15 minutes to the distinguished Senator from Colorado (Mr. DOMINICK).

Mr. DOMINICK. Mr. President, I rise only to set the record straight on my position in this particular debate, particularly as my name was used and some comments were used on page 4 of the report on Senate Resolution 85 as issued from the Senate Foreign Relations Committee. On page 4 of that report I printed part of the statement which I made concerning Senate Resolution 151. I issued the statment at that time, 2 years ago, to set forth my views on the importance of taking action to clarify the relationship between the President and Congress with regard to "national commitments." I have not changed my position at all as to the importance of defining who has the power to make certain commitments, but I do not want my colleagues in the Senate to misinterpret the statement made in 1967 as favoring the specific language in the resolution that was Senate Resolution 151 and is now Senate Resolution 85.

It seems to me that any wording we adopt should reflect the exact position of the Senate as to where this power lies, and any resolution must make it clear that what we are talking about is the commitment of Armed Forces in hostilities in other countries against other states or people.

So, Mr. President, I ask unanimous consent that the full text of my 1967 statement be printed in the RECORD at this point in order to clarify my position.

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

STATEMENT OF SENATOR PETER H. DOMINICK, SENATE RESOLUTION 151

Mr. Chairman and distinguished members of the Committee on Foreign Relations, within the entire framework of inter-governmental relations there exists a lack of a clear definition as to the meaning of the word "commitment." It is evident in domestic programs as well as in our relations with other nations. I commend the distinguished Chair-

man for his authorship of this resolution and the committee for undertaking action to clarify this term as it applies to actions by representatives of this government and representatives of any foreign power. Your resolution could well open the door to clarification of precisely what constitutes a national commitment and the specific requirements for its binding creation. It is of immense importance to define just who, in fact, has such power. I believe the records should provide answers as whether such power can be delegated and if so to what extent and under what circumstances can the power to commit this nation be delegated. Of particular significance would be a determination as to what extent a national commitment which is binding upon the United States can result from an impromptu meeting between our President and the Head of a foreign power. In the past, such meetings have produced agreements which, while not having status of treaties, have had the effect of binding this nation to fulfill obligations of enormous and far reaching proportions. And we have seen the Vice President assume the power to obligate our taxpayers for large financial expenditures without prior consultation with the Congress.

It strikes me that the situation which now confronts us occured to our forefathers as they labored to draft our Constitution. I believe this concern was inherent in George Washington's admonition against foreign entanglements.

I do not believe that an after-the-fact briefing can qualify as consultation within the meaning of our Constitution. More nearly what exists today is that Congress no longer is requested to advise on matters of foreign relations, only to consent to what has already been reduced to finality.

We need to re-define with utmost clarity the limitations imposed upon the power of the President by the Constitution and the responsibilities clearly assigned to the Congress. At present there exists the interpretation that the Senate has but four ways in which it may exercise any degree of control in our foreign relations. But, are they adequate?

First. The right of review and confirmation of Presidential appointees has, in terms of present day concepts, been rendered relatively ineffective.

Second. The Senate is called upon to advise and consent to treaties in an almost perfunctory manner, and most often after the fact.

Third. The power to declare war has been circumvented by the assertion of the powers of the President as Commander in Chief of the Armed Forces.

Fourth. The responsibility imposed upon Congress to raise and support armies has been seriously undermined for the reason that once the President has committed our Armed Forces into conflict Congress has no alternative but to provide for their effective support.

None of the foregoing four Congressional responsibilties seem realistic in this day and age when it has become acceptable for the President to move our troops into any area at any time whenever he determines that we have a "commitment" to do so.

Congress has not been asked to declare war since 1941, and even then we were in fact already at war. Since 1941, we have been involved in two major conflicts and numerous incidents of American military personnel being sent into hostile areas without prior consultation with Congress. The most recent of such incidents occurred last month and involved our sending C-130 jet aircraft into the Congo.

There is serious room to question whether this action could be justified under the constitutional authority of the President, as Commander-in-chief, to order American military personnel to foreign soil to repel attack, protect the lives and property of U.S. citizens, or to fulfill United States treaty obligations.

It is of utmost importance that any ambiguity which exists, by interpretation or otherwise, in the limitations imposed by the Constitution upon the powers of the President and the responsibilities and powers of the Congress be clarified.

I appreciate the opportunity to be heard on this question of such overriding importance to the future of our nation.

Mr. DOMINICK. Mr. President, as has been stated here, Presidents, with very few exceptions, did seek the authority of Congress prior to committing our Armed Forces to hostile actions against other states through the 19th century. No exact date or event can mark the turning point, but the direction was clear early in the 20th century. It has accelerated in the past 20 years.

The most flagrant use of power by a President without congressional authorization, or even consultation, was in 1967, when President Johnson acted in the Congo incident. In a letter to the President, in which 17 of my colleagues in the Senate joined, I expressed my deep concern about the unilateral action taken by the executive department in deploying American military aircraft, materiel, and personnel into the area, without prior consultation with appropriate committees of Congress. The public was told that the purpose was to insure safety of Americans in the area, and then later told that the action was motivated by the need of the Government of the Democratic Republic of the Congo for logistical support. Our aircraft and personnel engaged in missions to transport Congolese troops, vehicles, food, and communications equipment around the Congo, and also transported aviation fuel for Congolese jet fighter aircraft manned by Ethiopian-trained pilots. The United States had no political commitments which necessitated such involvement in a local, internal dispute. The safety of American civilian personnel could have been insured through use of civilian aircraft.

At this point I ask unanimous consent to have printed in the RECORD my letter of July 28, 1967, together with the names of Senators who cosponsored it with me.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
July 28, 1967.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: We have veiwed with serious concern the recent events that have transpired in the Democratic Republic of the Congo and are utterly dismayed by the unilateral action taken by the Executive Department in deploying American military aircraft, materiel and personnel into the area.

This action was taken without prior consultation with appropriate committees of Congress, and the public was told that the purpose was to insure safety of Americans in the area. After the deployment, we were told that the action was motivated not for such purpose, but by the need of the government of the Democratic Republic of the Congo for logistical support.

It is our understanding that these aircraft and our personnel have engaged in more than 35 missions during which we have transported Congolese troops, vehicles, food and communications equipment around the Congo, and have transported aviation fuel for Congolese jet fighter aircraft manned by Ethiopian-trained pilots.

It is our considered judgment that we have no political commitments necessitating such action; that the United States should not interject its military aircraft and personnel into a local, internal dispute; that the safety of American civilian personnel could have been insured through use of civilian aircraft; and that we cannot police the world.

For the foregoing reasons, we, the undersigned:

(1) express our strong disapproval of your action in sending American military personnel, materiel and aircraft into the Congo;

(2) object most strenuously to the Executive Department's taking any such action without first consulting with and obtaining approval from the appropriate committees of Congress; and

(3) urge you most strongly to reconsider your decision and to order our military aircraft, materiel and personnel back to their appropriate bases.

Respectfully,

PETER H. DOMINICK, CARL T. CURTIS, CLIFFORD P. HANSEN, WALLACE F. BENNETT, NORRIS COTTON, KARL E. MUNDT, JAMES B. PEARSON, STROM THURMOND, JOHN G. TOWER, LEN B. JORDAN, EVERETT M. DIRKSEN, HOWARD H. BAKER, JR., GEORGE MURPHY, ROMAN L. HRUSKA, BOURKE B. HICKENLOOPER, FRANK CARLSON, JOHN J. WILLIAMS, and PAUL J. FANNIN, *U.S. Senators.*

Mr. DOMINICK. Mr. President, this was the type of action without congressional authorization that I feel Congress might prevent. It typified the increasing use of this Executive power by then President Johnson.

I was interested in the observation made by the senior Senator from South Dakota (Mr. MUNDT) in the hearings in 1967 on Senate Resolution 151. He noted, after the conference between Mr. Johnson and Mr. Kosygin at Glassboro, that the press and some members of the State Department observed that not much should be expected from the conference—this because Mr. Kosygin, representing Russia, did not have the same authority to commit his nation as did President Johnson. My distinguished colleague noted that this was shocking when he realized that President Johnson was representing a Republic and Mr. Kosygin represented a political monopoly, or autocracy, or dictatorship, or whatever form of government it might be considered.

One of the major arguments against a commitments resolution should be discussed, however. That argument, as discussed in the minority views in the report, indicates that the time allotted to react and defend the country in a crisis is too short. This argument continues to the effect that a decision must be made in less time than it takes to assemble a quorum of Congress, and this resolution, or any similar one, would tie the hands of the President in making emergency decision.

This points out the major problem raised by this debate. The constitutional provisions setting out the powers of Congress to declare war and the powers of the President as Commander in Chief are no longer sufficient in today's times. Senate Resolution 85 and the Fulbright-Cooper substitute certainly do not resolve this problem. The proposal of Senator MUNDT also falls far short of re-

solving the problem, but it at least would not tie the hands of the President to deal with the rapid changes which occur daily throughout the world. It does allow the President to meet a direct and immediate threat to national security and repel an attack on the United States.

Mr. President, no Senator would intend or state that the President should not act to defend this country against sudden attack, or to protect its national security in an emergency. Should missiles suddenly be fired from Cuba against targets in or surrounding the United States, the President clearly has and should have the power and duty to repel that attack.

In 1962, in the Cuban crisis, we faced that problem. The threat was not from Cuba; it really was from the Soviet Union. In that instance, there was time to consult with Congress; and there would have been time to consult with Congress in 1967, when military personnel, planes, and supplies were sent to the Congo.

These points illustrate what I am trying to make clear for the record. The President has the authority and duty to use whatever force is necessary to repel a sudden attack on this country. The President should not, however, have the sole power to commit Armed Forces for military assistance in hostilities in other countries, unless the national security or the protection of U.S. citizens and U.S. property is involved.

The language of Senate Resolution 85, as reported from the committee, and even as revised in the proposed Fulbright-Cooper amendment, as I understand it, seems to me to be too broad. The original resolution did not even define what a "national commitment" is; and in the Fulbright-Cooper amendment we go beyond the question of use of Armed Forces, and include other kinds of action involving only financial aid. It further requires affirmative action by both branches of Congress before anything can be done.

As I say, it seems to me that this is too broad. I think in the future, arguments would arise as to its meaning, and I believe that the President's hands would be tied beyond the degree to which we should tie them. It also seems to me to go beyond the balancing concept we are trying to reach, by giving, in effect, absolute veto power to Congress. It could amount to absolute control; and in this age of ever-contracting time and distance, it is my opinion that the President must be able to act more rapidly than these proposals would permit.

My distinguished colleague from South Dakota (Mr. MUNDT), however, has offered a substitute which, in my opinion, is far better than the original wording. I wish to state that I shall probably support that substitute. However, I would not want that part of the final clause of the Mundt substitute including the words "to protect U.S. property" to be construed as advocating any kind of return to the so-called "gunboat philosophy." This is not the intent, I am sure, of the sponsor. It certainly would not be my intent, and I am sure it is not the intent of most Senators.

We should be clear, as I think the Mundt substitute makes it clear, that the authority that has been granted to the President by prior treaties, statutes, or other legislative actions will not be affected. Under treaties now in effect, each respective country determines its defense contribution. This is determined by the constitutional processes of the country, after which the matter reverts, as I see it, to the Senate of the United States.

What I am trying to say, Mr. President, is that we are faced here with an extremely difficult problem. This country must pursue peace, and is trying to do so. We should not, however, leave the impression that our Armed Forces cannot be committed under any circumstances without congressional action.

We must define the limitations imposed upon the power of the President, while not crippling him so that he is unable to move. It appears to me that the Mundt substitute is the better way of getting at this problem. Unless we review or clarify our position, and talk about it as we have been, the power of Congress in foreign relations may well be reduced to words, and the mere formality of confirming whatever action any President may wish to take. Any resolution which is passed by the Senate should, it seems to me, restrict the commitment of Armed Forces in hostilities for military assistance to other countries, unless the authority to do so is granted either by the Constitution or by affirmative action of Congress.

Mr. President, none of us want to withdraw into a fortress America. This country is too young, too involved in foreign affairs, and too much the shield of other nations to be forced into that position. I, for one, believe that, as the leader of the free world, we must maintain flexibility in our response, but I do not wish to see the power of the Senate reduced in the field of foreign affairs to a simple affirmation, after the fact, of anything that any President may wish to do.

It is for that reason that I have taken the floor to explain my opposition to the pending resolution and my support for the Mundt amendment.

The PRESIDING OFFICER. Who yields time?

Mr. DIRKSEN. Mr. President, I wish to address particularly the distinguished Senator from Arkansas and also the distinguished Senator from Kentucky.

All time would have to be exhausted before the Fulbright group of proposals is open for amendment; but the distinguished Senator from Arkansas, as chairman of the committee and manager of the bill, could, of course, amend his own version if he saw fit to do so.

If the Senator will look at his copy of the resolution, I would respectfully suggest that in line 4, after the term "armed forces," he insert the words "in hostility."

Mr. President, there is a reason for this suggestion. A day or two ago I went over that old list of either express or implied commitments, which began with 1790, when we first began to function as the United States of America. There is probably no place on earth where we have not sent troops at some time without any confrontation involved. In such cases, there were no hostilities as such; there was a state of disorder, and either American citizens or their property were in jeopardy. Such situations included not only China on many occasions, but what was then Russia, and even Siberia, as I recall.

I listed perhaps a dozen or 15 such cases: I did not read the entire list into the RECORD. I could have done so, because the list was supplied to me.

But in no case could one say that there existed a hostile situation as such, with a true confrontation between our forces and those of another country. Probably in some cases the size of our force did not exceed 100 sailors or 100 soldiers. It might have been 200, or it might have been 500; but the situation did not involve hostility as such. Perhaps the situation to which they addressed themselves had to be reported one way or another, by whatever communication was available, in order to apprise the Government in Washington of what was happening.

Conceivably, if such actions as that came within the purview of this resolution, we might have had to have discussion on the Senate floor, or on the House floor, and then a message would have had to go back, and by that time the damage could have been done.

So it would occur to me that the Senator's proposal could be reinforced, and probably would be infinitely better, if the words "in hostility" were inserted in line 4, and likewise in line 6, after the words "armed forces."

That is the first suggestion I would make to the chairman of the Committee on Foreign Relations, and I shall be happy to yield for any comment that he may wish to make.

Mr. FULBRIGHT. Mr. President, I certainly hope the implication is clear that by agreeing to station our Armed Forces abroad the reference is to substantial numbers of armed forces. As a matter of fact, situations such as the Senator has mentioned, involving nations in which there are few people, or the incident is minor, are authorized by legislation. They do not conflict at all with what we have in mind here.

I have in mind the type of agreement that has recently come to my notice in some detail, in Spain and in another country which I hesitate to mention in public, because the matter has not yet been publicized. I am referring to secret executive agreements which commit our forces to the support of another country.

I think they should not be secret. I think they are of such consequence that Congress, the Senate particularly, because of its authority in the area of treaties, should be aware of such commitments. The one in question involves the lives of our citizens as well as, in many cases, a substantial financial resource of the country.

What I am really saying is that I do not know why the Senator wishes to restrict the resolution to hot-war situations. A commitment to station abroad forces which are not fighting, forces which we hope will perhaps never fight, is nevertheless an important commitment.

As I understand what the Senator is saying, it is that such action should not be subject to senatorial approval. It is only in the case of hostilities that the Senator wants us to be in on the matter, so to speak. Do I correctly understand the Senator?

Mr. DIRKSEN. The Senator is correct.

Mr. FULBRIGHT. Another case that is even more serious—and perhaps I should hesitate to speak of it right now because I think it would be premature—is the Spanish case, which has already been thoroughly aired.

I do not approve of the making of such an agreement in secrecy by the Executive. And it would have been made in secrecy. I would never have known of it. I think the Senator from Illinois would not have known of it. He probably would not have. The Senate would not have known it had it not been for a newspaper reporter who, in some fashion that I do not know about, revealed the matter.

This agreement involved a substantial undertaking involving the possibility of our involvement in internal warfare because our troops participated in what they call a "scenario," in joint maneuvers with Spanish forces, inside Spain.

I do not raise the matter because I disapprove of Spain. What I am talking about is American action in making agreements that can be far-reaching in terms of both the number of men we would expose to armed hostilities—if they should break out—and a great deal of money.

As representatives of the taxpayers of the United States, we ought to have something to say about such commitments. We ought to know about them. I think it is a proper function of the Senate.

I do not approve of any Executive making commitments on his own authority. This is not pointed at the present Executive because the Spanish arrangement, for example, was made under the previous administration, was negotiated last fall, and was authorized by the former Secretary of State for the Chief of Staff. I do not think we ought to be bound by that kind of an agreement.

We are saying that we are not going to be bound unless we approve of the commitment. We are not saying that we will not approve of it. It may well be that, if it were submitted to the Senate, the Senate would approve of it. However, does not the Senator from Illinois think he ought to know of the existence of a commitment?

Mr. DIRKSEN. This was all, I am sure, a part of the negotiation that covered the Spanish bases.

We have a very extensive base at Torrejon, about 17 miles outside Madrid. Some years ago I went to look at it.

Mr. FULBRIGHT. I have been there.

Mr. DIRKSEN. In addition, I think we have a nuclear base at Palarmes.

Of course, our leases were coming to an end there, and there was an indisposition on the part of the Spanish Government to continue the leases.

As a matter of fact, I remember that when I was there it was my privilege to have a session with President Franco. Even at that time, the question was raised of those bases being so close to the capital city of Madrid that they might well be moved elsewhere or be abandoned altogether. Out of the delicacy of the whole matter, probably, some agreement had to be negotiated. If that were the case, I do not know that we have to quarrel too much if there was an element of secrecy about it. A condition of secrecy, may have existed in Spain at the time to justify grouping it somewhat on the classified basis. I think one can easily make an argument about it.

Mr. FULBRIGHT. Mr. President, of course I realize that all Presidents do not like to be bothered with the Senate and treaties.

If we want to undertake to carry out our alleged obligation with respect to Spain—and it is extensive—I think it ought to be by approval of the Senate.

Just recently, on the weekend of June 14, a newspaper article discussed the matter in some detail. A more detailed description of our military involvement with Spain is provided by the article, which refers to the joint maneuvers being held in Spain to put down a theoretical rebellion in that country.

That is all very well. I am not promoting any rebellion in that country, but I think it is a Spanish affair and is not our affair. I do not wish to have us committed in that fashion, which I would say is quite unorthodox at the present time, and secret. I do not wish us to be committed in that way.

We are all talking about the possibility of another Vietnam, and it could be another Vietnam in Spain. It could be a civil war. However, I hesitate to put it in those terms, because I do not think it will be. I want it to be certain, however, that we would not take a part in it, and I do not want to approve action by us in the concerns of that country or any other country. I can think of some internal problems. I do not think the United States ought to do it.

Mr. President, newspapers on the weekend of June 14 carried stories—one of which I have already referred to—which clearly indicate why some Members of Congress are disturbed at the manner in which the executive branch is handling its military involvements abroad. I refer to Flora Lewis' story—and others in the Washington Post and New York Times—which described how U.S. military forces have over the past years taken part in joint maneuvers in Spain to practice putting down a theoretical rebellion in that country.

In discussing this matter, I intend to stick closely to the facts disclosed in these newspaper articles. The existence of these joint maneuvers was, as Miss Lewis wrote, originally brought to the attention of the Foreign Relations Committee by the staff of Senator SYMINGTON's Subcommittee on Commitments and Agreements Abroad. It is my understanding that at the appropriate time, the full details of the subcommittee's findings will be made public.

But based on the news stories alone, there is much for us to be concerned about as we debate this resolution on commitments.

Why were U.S. Army forces brought in from Germany to train to put down the scenario of an "internal rebellion" in Spain? Who authorized such activities?

The news stories indicate that U.S. military commanders in Europe worked out the exercises—and the U.S. Embassy in Madrid was not aware of the scenarios or details of the maneuvers.

What the stories do not mention is the Spanish side of this affair. Certainly the Spanish military commanders were aware of what was being practiced—and since Spain's military represent a key element in the Spanish Government, it must be assumed that the exercises had approval at the highest level.

To carry out these exercises required joint planning on the part of United States and Spanish military officers. Plans covering United States intervention in Spain thus exist. And, in fact, based on the results of the exercises, they provide a tested contingency battle plan in the event that a real insurgency develops in Spain. The foreign policy implications of this type of activity are obvious. But apparently no one in Washington—either in the Pentagon or the State Department—knew about the exercises or cared enough to study them in detail.

Spain, after all, appears relatively quiet these days; with all our other commitments around the world, this one receives little attention at the high policymaker level.

Indeed, why should Spain receive high level attention? The United States has no defense treaty with Spain—it has only an agreement covering use of certain joint military facilities. Furthermore, since the inception of this agreement, various administrations and Secretaries of State have gone to great lengths to reassure both the Congress and the American people that no commitment exists to defend Spain from internal or external forces. At most there was a vague commitment to defend the bases themselves.

While saying that, however, these same officials were unaware of what was being done to establish de facto—through practice maneuvers—what could not be done de jure.

Not all of them were unaware, however. When Gen. Earle Wheeler, Chairman of the Joint Chiefs of Staff, with State Department knowledge, told his opposite numbers on the Spanish High General Staff that U.S. forces in Spain "give Spain a far more visible and credible security guarantee than any written document," he was telling the Spanish what they wanted to hear, and what—fortified by the maneuvers—they have come to believe.

According to one news report, the State Department and the Pentagon are now going to review scenarios of future joint military exercises in Spain and other countries.

That is not enough.

Taking Spain as one example, the question can be asked why do we have joint maneuvers in the first place? Do we want a military alliance with Spain? If so, there is, under our form of government, a constitutional way to go about negotiating and then ratifying such an arrangement in the form of a treaty.

If the executive branch does not believe—for whatever reason—that it can get congressional approval for such a treaty, it should not seek other means to accomplish that end. For by tamper-

ing with what may appear to be our unwieldly constitutional process in a little matter like Spain today, we may one day wake up to find ourselves involved in the Vietnam of tomorrow.

Mr. President, I ask unanimous consent that several pertinent press items be printed in the RECORD at this point.

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

[From the Washington Post, June 14, 1969]

MANEUVERS IN SPAIN STIR STUDY: U.S. REVIEWS ROLE IN JOINT WAR GAMES

(By A. D. Horne)

Plans for U.S. military exercises abroad are now being reviewed in detail by the Pentagon and the State Department as the result of a trip to Spain this spring by two Senate investigators.

Walter Pincus and Roland Paul—chief investigator and counsel, respectively, of the Senate Foreign Relations subcommittee on U.S. Security Agreements and Commitments Abroad—discovered that in at least two joint training exercises with Spain, U.S. troops played the role of suppressors of a domestic rebellion.

Their findings are described in detail on Page A25 by Newsday columnist Flora Lewis.

Reports last February that Spain was being offered strong commitments during negotiations over extension of the 1953 base agreement resulted in a storm of Congressional criticism. The United States and Spain are on the verge of signing a two-year extension of the agreement.

The latest report is also likely to cause a stir in Congress. On Monday, the Senate is expected to begin debate on a resolution, sponsored by Foreign Relations Committee Chairman J. W. Fulbright (D-Ark.), to keep the Executive Branch from making any national commitment to a foreign power without formal Senate concurrence.

In reporting out the Commitments Resolution April 16, the Committee raised the possibility that the Spanish bases agreement could involve the United States in a real situation like that of the hypothetical training exercises later uncovered by Pincus and Paul.

"In practice," the Committee's report suggested, "the very fact of our physical presence in Spain constitutes a sort of quasi-commitment to the defense of the Franco regime, possibly even against internal disruptions."

The Spanish Embassy here found this suggestion "gratuitously offensive" and "detrimental to Spanish sovereignty." An Embassy official stated that "Spain would neither accept nor request, in any hypothesis whatsoever, under the shield of the agreements with the United States, U.S. intervention in her internal affairs."

U.S. officials generally agree that Spain has no need for American assistance against internal threats.

But when Pincus and Paul arrived in Spain several days later and visited the U.S. air bases at Torrejon near Madrid and Moron near Seville, they asked about the 1967 and 1968 joint exercises called "Pathfinder" I and II.

They were shown the scenarios for both exercises, in which troops from "Samland," under a "security treaty" with the host country, practiced putting down a staged rebellion.

These scenarios, they learned, had been prepared by staff officers and never reviewed by either the U.S. Embassy in Madrid or the Pentagon. While they constituted no official commitment for U.S. action in similar but real situations, they furnished ample targets for future embarrassment.

As a result of the "Pathfinder" disclosures, the State and Defense Departments issued new rules this spring requiring that they be furnished not only general descriptions but also scenarios of all future training exercises abroad.

These scenarios, in which troops taking part in maneuvers are given names and roles—often thinly disguised versions of actual situations—in the past were reviewed only at the level of the commanders running the exercises. Now they are being forwarded for review to Washington.

There will be a "Pathfinder" III in Spain this year. It is a safe bet that its scenario will not deal with internal insurgency.

UNITED STATES AFFIRMS GI'S IN SPAIN CONDUCTED ANTI-REBEL TRAINING

WASHINGTON, June 14.—The State Department acknowledged today that United States forces had conducted joint maneuvers in Spain recently to practice putting down a theoretical rebellion against the Spanish Government.

Officials said a review was under way to prohibit such practices in the future. They refused comment on the present nature of the United States commitment to the government of Generalissimo Francisco Franco.

The "war games" exercises were first disclosed in a copyrighted article by Flora Lewis, a syndicated columnist of Newsday, the Long Island paper.

The assumption of the exercise was that "infiltrators" would try to stir up the people to fight against the Franco regime, Miss Lewis reported.

The new development in the controversy over United States relations with Spain came about before a Senate vote next week on a resolution intended to reassert Congressional control over United States commitments abroad.

The nature of the present United States commitment to Spain is vague. The United States has no mutual security agreement with the Franco Government, but it does rent two air fields and a submarine base in Spain. The base agreement was renewed recently for two years and the Senate Foreign Relations Committee was assured at the time that there was no hidden commitment to the Franco regime.

A State Department spokesman declined to say today whether the United States is committed to help defend Spain.

While confirming that the maneuvers took place, he indicated that they had been undertaken without the department's knowledge.

[From the Washington Post, June 14, 1969]

JOINT UNITED STATES-SPANISH MANEUVERS RAISE QUESTIONS IN CONGRESS

(By Flora Lewis)

Senate investigators, working under new orders to dig out what really happens in the wake of U.S. commitments abroad, have found that American troops were used in joint maneuvers to practice putting down a theoretical rebellion in Spain.

There have been at least two major exercises of this type in the last two years, named Pathfinder Express I and II, and a number of minor ones named Sarrio. The troops were flown to Spain from Germany and on at least one occasion parachuted into northern Spain to "round up and destroy guerrillas."

The assumption of the exercise was that "infiltrators" arrived in Spain and stirred people to fight against the Franco regime. Both the "infiltrators" and the "guerillas" were assumed to be anti-Franco Spaniards, not invading foreigners.

Details of the exercises were not known to American civilian officials until recently. They were conducted by the U.S. military command in Europe, and the U.S. Embassy in Madrid received only summaries of the operations that made them sound like routine maneuvers against a hypothetical foreign aggression.

The maneuvers do not commit the United States to help Franco, nor constitute any formal pledge of support. American participation is explained on the grounds of the value of learning the terrain.

However, those Spaniards who have learned about it draw the conclusion that the United States probably is willing to intervene to protect the regime. The Franco government has faced growing opposition recently, and has made free use of its police and armed forces to put it down.

The political impact of American troops exercising in Spain in such circumstances is scarcely lessened by the fact that their presence represents no U.S. political decision.

This is one of the reasons why, for the first time in years, the Senate Foreign Relations Committee has told the Administration that it has no intention of rubberstamping the executive agreement on renewal of U.S. Base rights in Spain.

Partly because of unsavory revelations emerging little by little on what the base deals have involved, partly because of the new mood of challenge on Capitol Hill, there are going to be tough hearings on the new agreement.

Until now, the Committee tended to accept whatever agreements the Executive Branch worked out with foreign governments, without much probing. Now the feeling is that the procedure of executive agreement has been abused, and that the only way for the Senate to recover a real influence on foreign commitments is to assert itself even when it isn't asked to ratify a formal treaty.

The new agreement about to be signed provides for a grant of $50 million worth of arms to Spain in return for two more years of base rights. That is a drastic cut from the deal that was about to be made early this year, then dropped.

Nonetheless, Sen. J. William Fulbright, who heads the Foreign Relations Committee, has told the State Department that he isn't satisfied. He wants to know why the United States should pay at all, if the bases are so important to Spain. And he may bring up the maneuvers to question what relations with Spain are really about.

The issues involved are fundamental, arising from the general sense of ill ease at the way American foreign obligations have slipped out of public and even, in some cases, official civilian awareness and influence.

The challenge isn't directed to the Nixon Administration as such, because the trouble has been building up since World War II. In a sense it goes back a little further, to the time when President Roosevelt used the device of executive agreements to help what later became America's allies because he knew Senate isolationists would block treaties.

In the last decade or so, the use of executive agreements has become a pattern that worked to diminish the role of Congress in foreign affairs. Though it isn't his fault, the mood on Capitol Hill is bound to make for growing tension between Mr. Nixon's Administration and Congress.

Behind it all is the Vietnam war and its frustrations. This mood isn't isolationism, as Mr. Nixon suggested, but a sense of having been hoodwinked too long and a demand to know what is really going on.

[From the Washington Post, June 21, 1969]

UNITED STATES, SPAIN EXTEND BASES AGREEMENT

The United States extended its bases agreement with Spain for 15 months yesterday in a quiet anticlimax to a long controversy.

By an exchange of diplomatic notes at the State Department, Secretary of State William P. Rogers and Spain's Foreign Minister Fernando Maria Castiella y Maiz kept the 1953 agreement in force until September, 1970. If no new agreement is negotiated by then, the U.S. will have another year to pull

out of its Polaris submarine base at Rota, its Strategic Air Command base at Torrejon near Madrid and two less-used air bases at Moron and Zaragoza.

The United States will give Spain military equipment worth $50 million, plus up to $35 million in new Export-Import Bank loans for arms purchases.

The two nations announced that Rogers invited Castiella to return in mid-July for negotiations "to determine the new relationship of cooperation . . . that would follow the present agreement."

Castiella, in a separate statement, stressed that "the era of foreign military bases had ended" and that Spain "must become an active participant on an absolutely equal footing" in a new agreement covering "economic, scientific, technical and cultural aspects."

The bases, he declared, "will become exclusively Spanish bases" and the two nations will negotiate U.S. use of "specific facilities . . . in conditions concretely agreed on in accordance with possible contingencies."

Because of "a great series of international crisis culminating in the Vietnam war," Castiella said, U.S. "Public opinion has entered into a sort of trance of introspection over the foreign obligations of its government and the urgent need to limit its international commitments . . ."

Much of the domestic controversy over the Spanish bases agreement has centered on charges that it constituted a national commitment, entered into by the Pentagon and the State Department without Senate approval.

To this, the State Department declared yesterday that "the defense agreement contains no commitment to Spain, and the present extension does not alter that situation."

U.S. officials said, however, that the joint declaration, signed by Castiella and Secretary of State Dean Rusk at the agreement's first extension, in 1963, remains in effect.

According to the Rusk-Castilla declaration, "a threat to either country, and to the joint facilities that each provides for the common defense, would be a matter of common concern to both countries, and each country would take such action as it may consider appropriate within the framework of its constitutional processes."

Apart from the commitment issue, American opponents of the agreement have charged that its cost has exceeded the value of the bases, and that it has given international respectability to the 30-year-old dictatorship of Generalissimo Francisco Franco. In both the United States and Spain, military officials have been more eager to extend the agreement than their diplomatic counterparts.

[From the New York Times, June 18, 1969]

PROPPING UP FRANCO

Congressional concern over a still-unsigned executive agreement extending American base rights in Spain is more than justified by the disclosure that United States forces have conducted joint maneuvers in Spain to practice putting down a theoretical rebellion against the Spanish Government.

To use American troops thus in direct support of the Franco regime represents an unconscionable perversion of United States principles and policy. The exercises, which have been acknowledged by the State Department, underline the ominous import of a Pentagon memorandum which State has tried to disavow. The memorandum, as paraphrased by the Senate Foreign Relations Committee, asserts that "the presence of American armed forces in Spain constitutes a more significant security guarantee to Spain than would a written agreement."

This is too high a price to pay for four bases that are in part obsolete and in any case could be replaced by other arrangements. The 10,000 American troops currently stationed in Spain have no business propping up regimes like Franco's.

One of the most disturbing aspects of the Spanish affair is evidence that the American military entered into its unsavory liaison with Franco's soldiers without adequate consideration of the political implications and without effective civilian control. It is up to the President and Congress to look beyond Spain in order to make sure that the Pentagon is always an instrument and never an initiator of American foreign policy.

[From the New York Times, June 24, 1969]

A COSTLY ALLIANCE

Only this much can be said for the fifteen-month extension of the agreement covering four American military bases in Spain: It is preferable to Washington's original offer of $175 million in arms aid for the Franco Government in return for a five-year base renewal. It would have been far better if the United States had simply informed Spain many months ago that the bases were no longer required and the 10,000 Americans manning them would be withdrawn within the specified year.

What remains most disturbing about this affair is the clumsy and devious behavior of both the Johnson and Nixon Administrations. The latest display of clumsiness was the pitch for bringing Spain into NATO by the new American ambassador, a political appointee, in a speech to the American club in Madrid. Robert C. Hill's gratuitous remarks will hardly persuade those member governments that have taken NATO principles seriously enough to bar the Franco regime.

Of greater importance is the Administration's fuzziness about the extent of the commitment to defend the Franco regime. The State Department said last week that the agreement "contains no commitment to Spain." But a 1963 declaration, now renewed, says "a threat to either country, and to the joint facilities that each provides for the common defense, would be a matter of concern to both countries, and each country would take such action as it may consider appropriate . . ."

The military advantages of such a relationship with the oppressive Franco regime must be weighed against the heavy political costs to the United States. These costs could soar and that relationship could become the focus for virulent anti-Americanism in Spain itself when General Franco passes from the scene. The Nixon Administration should decide right now that the temporary renewal of the base agreement will be the last—and the Pentagon should plan accordingly.

[From the Washington Post, June 18, 1969]

ENVOY SAYS UNITED STATES FAVORS SPANISH ENTRY INTO NATO

MADRID.—The United States favors Spain's entry into the North Atlantic Treaty Organization, the U.S. Ambassador to Spain, Robert C. Hill, said yesterday.

Hill set out this view in a speech to the American Club and said that he hoped "neighboring countries, which received both before and since the war so much help, will one day get the idea."

Hill said Gen. Andrew J. Goodpaster, new chief of NATO forces, arrives in Spain Wednesday for a 48-hour visit. "I'll let you draw your own conclusions from that visit," he said.

Mr. FULBRIGHT. Mr. President, as a further example of the ease with which the United States becomes committed—or at least misleads foreign governments as to our commitment—I cite the recent press release issued by the Department of State on the renewal of the Spanish base agreement.

On June 20, the Committee on Foreign Relations was given a copy of a draft joint press statement to be issued by the Spanish Foreign Minister and the Secretary of State. It was an announcement of a 2-year extension of our base agreement with Spain, by which the United States undertook to provide $50 million of military grant assistance to Spain over a 2-year period, and to finance some $35 million worth of military purchases through the facilities of the Eximbank.

We all know—or should know—that the funds to give effect to this promise to Spain must be authorized and appropriated by the Congress.

But do the Spanish know this? Indeed, do our own negotiators know this?

There is some doubt, because the press release to which I have just referred reads as follows:

> In conjunction with this extension, the United States Government, as authorized by the Congress, *will* provide grant military assistance and credit facilities to Spain for the purchase of military equipment.

The clear implication to me in reading this paragraph is that Congress has already authorized extension of the Spanish agreement, and that the United States "will provide grant military assistance and credit facilities to Spain for the purchase of military equipment." This, of course, is not true.

I leave it to Senators to judge whether this is poor draftsmanship, a Freudian slip, or a commitment of the kind we are trying to discourage by the pending resolution.

I ask unanimous consent to insert at this point the draft joint press release to which I have referred.

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

DRAFT JOINT PRESS STATEMENT

Spanish Foreign Minister Castiella and Secretary of State Rogers today exchanged diplomatic notes extending the Defense Agreement of September 26, 1953, until September 26, 1970. Under the terms of the extension the two Governments will use this period to determine the new relationship of cooperation between the two countries that would follow the present Agreement. Secretary Rogers has invited Spanish Foreign Minister Castiella to return to Washington about July 15 to continue the negotiation which opened today.

In conjunction with this extension, the United States Government, as authorized by the Congress, will provide grant military assistance and credit facilities to Spain for the purchase of military equipment.

Mr. FULBRIGHT. Mr. President, in all honesty the Senator says there may be some delicate circumstances in Spanish life that would require the information to be classified. Perhaps there is something. They have a different kind of government, and certainly they do not have our idea of the relationship between the Executive and the representatives of the legislature—they call it the Cortes.

As I understand our constitutional system, I think it gives the Senate the responsibility to approve or disapprove the making of agreements of this character.

That is the sum and substance of it. In the words that I believe the Senator from Illinois used not too long ago, I guess I am a strict constructionist when it comes to the Constitution with regard to this kind of obligation in an area that involves the lives of our young men and

vast amounts of our money. I think it is far more important than in some other areas that the Supreme Court has involved itself in, or some other Government activities.

That is about the sum and substance of it.

I do not know why the Senator from Illinois does not feel the same way, because he is a strict constructionist in other areas. Why is he not in this area?

Mr. DIRKSEN. He is, and he always tries to be mindful that neither by this kind of resolution nor by a statute of any kind can we impair the constitutional power of the President.

Without belaboring the Spanish matter too much, it is a fact that Spain has been our so-called second line of defense. I think that militarily that is well known.

In the interest of our national security, obviously if there is an impairment of that defense line, if a situation develops over there and the President and the National Security Council see it as such, I doubt very much whether we dare to be inhibited by the words we write into a resolution of this kind.

Mr. FULBRIGHT. Mr. President, does the Senator wish to argue about the merits of those bases in Spain?

In the discussions we had in committee with the representatives of the Department of State, it appears to me that these bases are largely obsolete.

The Spanish do not allow us now to base strategic aircraft at the great base of Palarmes. When I was there, and I guess when the Senator from Illinois was there, before the accident, it was a strategic air base.

Mr. DIRKSEN. It was.

Mr. FULBRIGHT. Two of the bases have been put on standby. They are closed but exist for emergency use only. The Senator knows that the bases were operating at a time when airpower was considered to be far more important than it is today with the growth of the missiles. That is not new to the Senator. There is a very grave question, I would say, as to whether those bases are very important at all. I think it is marginal as to whether we have any need for them in our own defense because of the change in the nature of warfare.

If one wants to argue the merits of whether this is a good agreement and in our interest, that is another matter. I was not seeking to make that argument. I do make the argument that whatever their use is and whatever the amount of money—whether $50 million or $500 million and 10,000 or 50,000 men—it is the kind of agreement that the Senate ought to approve or disapprove. I think the Senate has a proper function to carry out in matters of this kind.

I am not prepared to turn over to the military authorities and the executive authorities the negotiation of these agreements without the Senate knowing anything about them and approving or disapproving them. I think it is our responsibility to approve or disapprove them.

Mr. DIRKSEN. Mr. President, I make only one response to the observation that these bases are of doubtful value.

I do not know why we put in all the time and preparation to provide the necessary funds to continue these leases, because certainly that would not have been done without the best expert military judgment in our country. I am sure the Senator will agree to that.

Mr. FULBRIGHT. Mr. President, the Senator has great faith in them. However, when the matter of the bases was raised, our original terms were to extend the leases for 5 years. We offered Spain $175 million in addition, of course, to keeping up our troops and everything else. The Spanish originally requested $1 billion, approximately, as lease money.

What they have finally agreed on, just a few days ago, was a 2 years' extension as of last September and a $50 million lease. In other words, it is a very temporary extension to give time to consider more thoroughly whether they are worth extending or not.

In other words, here was a tremendous change in the view of the Executive, within the space of 2 or 3 months, as to how important they are. I think the change came about purely as a result of attention being drawn to the leases, first, by press reports, and then by the Foreign Relations Committee and the Senate.

With some hundreds of bases abroad, once they are established, a kind of inertia—or perhaps one should say momentum—sets in. The leases are renewed, and they are continued without enough consideration because of the size and complexity of our Government. I reject the idea that in each of these cases of renewal of bases there is some kind of superior wisdom on the part of the colonel or general to whom is designated the duty of negotiation.

In the Spanish case, the Secretary of State requested the Chairman of the Joint Chiefs of Staff to negotiate and he turned it over to General Burchinal, who then became the negotiator.

If the Senator feels all of our military people are so infallible in this respect, I do not share his feeling. They are doing their duty. They do not have the responsibility of weighing all the various considerations I feel the Senator from Illinois and I have. I speak of the cost relative to other costs, and relative to other bases we have, the precedent this sets for bases in Turkey, Libya, and elsewhere. This is one of the few bases where we pay rental, although the bases are just as much for the defense of Spain as they are for ours. I do not see why we should pay any rent at all, because the Spaniards were just as much protected if there is a need of protection as we were.

Originally the only threat was from Russia—and these leases were originally made in the time of Stalin, when there was a much greater active threat from Russia than today. Many circumstances have changed since the original lease of the base was negotiated.

Mr. DIRKSEN. I can offer an historical postcript. The Senator from Arkansas may or may not remember, but I do remember. When I was on the Western Front 51 years ago, we did pay rent for the trenches. I think that was established. I always thought that was an amazing thing.

Mr. FULBRIGHT. Did the Senator approve of it?

Mr. DIRKSEN. Oh, I was probably too young to approve of it.

Mr. FULBRIGHT. Does the Senator now approve of it?

Mr. DIRKSEN. I was thinking only in terms of my own skin and how to get back home after we won a victory.

Mr. FULBRIGHT. Does the Senator now approve of it?

Mr. DIRKSEN. As an historical reflection, I think the wells of anger rise a little now and then.

I have another suggestion or two. I refer to the second paragraph, or the third paragraph, in the first line, after the word "that," that there be inserted the word "future," so that the wording will read:

> That it is the sense of the Senate that future national commitments by the United States

And then insert—

> will result only from affirmative action.

In the substitute resolution, we do carry the word "future" and also the words "in which the United States is not already involved."

It comes to mind that we are much involved in Vietnam. That appears to be a commitment.

Mr. FULBRIGHT. That is a commitment ostensibly in pursuance of a resolution of Congress.

Mr. DIRKSEN. Oh, yes.

Mr. FULBRIGHT. I do not know why that resolution—which I regard as faulty—is pertinent to this.

Mr. DIRKSEN. But suppose other commitments have to be made which are somewhat collateral, but not in pursuance of it. That would become something new. But we go back, or think of this in terms of the future, and make sure it is prospective and not retrospective.

Mr. FULBRIGHT. Yes, but certainly, by and large, I would say I could hardly think of one of those cases which would not be in the future. Let us assume that a secret agreement has been made already, involving a commitment to send country X 10 divisions. I hesitate to use names. Suppose it has been agreed by one of our colonels or generals, or whoever represented us, or represented the President, that we would furnish 10 divisions in a country's defense and supply it with whatever money is necessary. Suppose that that agreement has already been made and we did not know about it. What is the Senator's attitude toward that? Does not the Senator think we should know about it? Does not the Senator think it is perfectly proper to take the attitude that we should know about it and think it should be submitted for approval, and that, therefore, the Senate is not going to accept it as binding unless the Executive presents it to us for our approval?

Mr. DIRKSEN. How far should we go back to dig up something?

Mr. FULBRIGHT. I do not think we would have to go back very far. I was not thinking of that, but one such case has been brought to my attention involving a commitment that has already been made. I thoroughly disapprove of its being done in this fashion. I am not saying it has no merit. I say it should be submitted for the approval of Congress, because it has broad implications.

I am merely saying that I do not want us to get into a situation like Vietnam by a process of creeping commitment. I am conscious about that situation because I played a small part in it, which I have regretted. I think it should be above board when there is this kind of commitment.

Mr. DIRKSEN. It runs through my mind that either in the resolution that came out of the committee in 1957, either Resolution 181 or 157, they used the word "future." I do not have that language before me.

Mr. FULBRIGHT. The Senator could be correct.

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

Mr. FULBRIGHT. I shall yield to the Senator, but first I wish to make one further statement. Then, I shall yield to the Senator.

The original words were agreed to by the Senator from Georgia and myself. The language was changed in committee primarily at the request of and on the urging of the former Senator from Iowa. When I reintroduced it this year, I again discussed it with the Senator from Georgia. He much preferred simpler language for a sense-of-the-Senate resolution. He does not believe, and I do not much believe either, that in these circumstances it is wise or healthy to be too specific. That is the way that developed.

Mr. DIRKSEN. I can only add one thought, and then I shall yield the floor.

I had reference to Senate Resolution 187, and the committee reported it on November 20. That measure contained the language "circumstances which may arise in the future," and pertained to a situation in which the United States is not already involved. That resolution was reported by the committee. I thought it was. I think it is desirable now.

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

Mr. DIRKSEN. I yield the floor.

Mr. CURTIS. If it is not made prospective—in the future—I would like to know what arrangements that might come under the definition of national commitments would be repudiated by this resolution.

Mr. DIRKSEN. That is the question. That is the way confusion arises when subsequently the language is interpreted.

Mr. CURTIS. Is it not true that it finally gets down to a matter of interpretation?

Mr. DIRKSEN. Yes, definitely.

Mr. CURTIS. I say that because I always believed that President Johnson, when he asked for the Tonkin resolution, thought he was getting the consent of Congress to do what he proceeded to do. Other people have regarded that measure differently.

I think that before we are called upon to vote on this resolution we should know whether or not it is confined to a prospective application. If it is not, what national commitments or arrangements have been regarded as national commitments by some that this repudiates?

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

Mr. DIRKSEN. I yield the floor.

Mr. COOPER. I think the purpose of this language is clear and uncomplicated. It provides that the use of our Armed Forces abroad on foreign territory, or the promise to use them abroad shall not be a national commitment unless Congress, in one of the three ways prescribed by the resolution, approves.

Mr. CURTIS. I wish to ask a question in that connection. Are the high seas regarded as foreign territory?

Mr. COOPER. No.

Mr. CURTIS. So this measure does not involve a commitment to use naval forces to blockade something.

Mr. COOPER. It does not apply to the high seas. It is limited to their use on foreign territory.

I think I can clarify the situation. It has been suggested that the words "in hostilities" be inserted.

I wish to emphasize that if a war began or was in progress, and the United States became involved because our troops were there, had been threatened or fired upon, the President would have the constitutional power and duty as commander in chief to defend those troops wherever they might be.

The question we ask is this: Where the United States is not involved and hostilities are in progress, should our Armed Forces be sent to that country without the approval of Congress? The resolution intends that they should not be sent without congressional approval. I doubt that we could ever agree that our Armed Forces should be committed to war without the approval of Congress.

That is one purpose. I will go on now to another purpose.

Mr. CURTIS. First, may I ask one brief question?

Mr. COOPER. Yes.

Mr. CURTIS. I can understand the position of the distinguished Senator from Kentucky with reference to armed forces, but what does "financial resources" mean? Does that mean financial resources in connection with armed forces, or the war effort?

Mr. COOPER. No.

Mr. CURTIS. Or does it mean loans?

Mr. COOPER. No.

Mr. CURTIS. Grants in aid? What does it involve? Does it involve some of the lending agencies in which the United States carries the greater share of the burden?

Mr. COOPER. If the Senator will read that clause, it relates to a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States. The Senator from Arkansas spoke on that point. It is intended to mean that if the President of the United States—and usually it is a member of the executive department—at a lower level, makes a promise in the form of an executive agreement, or by some other means, to use our Armed Forces, or to provide financial resources to assist a foreign country, that promise or agreement should not become effective as a national commitment of this country until it has been approved by Congress.

Mr. CURTIS. It would take financial resources that could lead us into war?

Mr. COOPER. No.

Mr. CURTIS. I thought that was what the Senator just said.

Mr. COOPER. It is clear, just as the Senator from Arkansas pointed out in his example. If the President or his deputies, say the Secretary of State, the Secretary of Defense, or other officials, promise to another country, that if, upon the happening of an event, our Armed Forces shall be used, or that we shall assist that foreign country by the payment of money, then that promise should be known by Congress, and should be approved by Congress. This is the type of situation which may lead us into a war without Congress having either knowledge of the agreement or giving its approval to the agreement.

Mr. CURTIS. I still do not quite get the sense in which it refers to the financial resources.

Mr. COOPER. Well, I can give the Senator several examples. Assume the President is going abroad——

Mr. FULBRIGHT. That is right. The Vice President, too.

Mr. COOPER. And he states that the United States will make available to this country so many millions of dollars. That promise cannot become effective, as the Senator knows, until it is approved by Congress.

Mr. CURTIS. It can put Congress on the spot, because Congress has to make good on the commitments.

Mr. COOPER. Of course, and I do not think the Senator would like to see that happen.

Mr. CURTIS. I should like to know what objection there is to making this prospective to use the word "future," if we reject the idea of making it prospective. I should like to know what situation would invalidate or repudiate it.

Mr. COOPER. As the Senator from Arkansas pointed out so well, the resolution is the result of our joint labors. It has my name on it, but it is our work. We cover three situations.

The first concerns a situation where there are hostilities taking place. We say that our troops should not be committed to that war on foreign territory unless Congress approves.

Second, as the Senator from Arkansas has pointed out, suppose the President or his Secretary of State or Secretary of Defense, or perhaps the commanding officer of our Armed Forces, makes an agreement with another country that upon the happening of a certain event in which our interests are threatened, we agree to send troops, or to make our financial resources available. That is the type of situation, as I said a while ago, that may involve us in war. We would like to protect ourselves against that kind of situation.

Mr. CURTIS. My point is. Does the Senator mean future national commitments—future national commitments or national commitments? What are we repudiating?

Mr. COOPER. I am coming to that. In my third point, which is one objected to by the Senator from Illinois, we say, "the Armed Forces of the United States on foreign territory."

That is intended to say to the President of the United States, not to send large numbers of our troops to be stationed in another country where their very presence will probably bring about their engagement in war. The troops are there and, should hostilities commence in the area, our troops may be fired upon; and our national honor at stake. Without

any determination or decision by the Congress, or the people we would become engaged in a war.

I am sure that neither President Eisenhower, President Kennedy, nor President Johnson ever intended or believed that we would become involved in a major war in Southeast Asia, although this was not their intention, we nevertheless are involved because of the gradual sending of troops over a period of time.

The Senator asks me what it refers to. It can only refer to what might happen in the future.

Mr. CURTIS. Then why not say so?

Mr. COOPER. But there are certain things which have occurred in the past. For example—and if I am wrong, I hope that the Senator will correct me—we have entered into treaties with countries all over the world. Our Pacific area treaties, for example, provide that in case of armed attack each party agrees that it will "act to meet the common danger in accordance with its constitutional processes." In that event, the United States must decide what action to take by its constitutional processes. The resolution would require that in the use of the Armed Forces that the President come to Congress and ask for approval. This is an obligation undertaken in the past, the execution of which calls for actions that may be prospective.

In this connection, Mr. President, I ask unanimous consent that my individual views to the committee's report on Senate Resolution 187 in 1967, which discusses these situations involving the use of our Armed Forces, be printed in the RECORD at this point.

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

INDIVIDUAL VIEWS OF MR. COOPER

Senate Resolution 151 in its original form expressed the sense of the Senate that a "national commitment" by the United States to a foreign power requires affirmative action by the executive and legislative branches "through means of a treaty, convention or other legislative instrumentality specifically intended to give effect to such a commitment." So broadly defined, the term commitment would seem to include all forms of economic aid as well as military assistance. In addition, the resolution would seek to limit the authority of the President to enter into executive agreements in requiring their approval by the Congress. In my opinion and in that of other committee members, it was felt that such a resolution would unduly restrict the President in the conduct of our country's foreign affairs.

It is my view that the concern of the Senate and of the country today relates to the assignment of our troops abroad where no military action exists at the time but where the presence of troops in a foreign country, should they be attacked, could set in motion a series of events that would involve our country in a war without the determination of the Congress that the sending of the armed forces was necessary and in our country's best interests.

Therefore, to avoid situations of this type in the future, I felt it more appropriate that the resolution seek to place certain limitations on the deployment of our armed forces outside the United States in a foreign country without congressional authorization. When the committee considered S. Res. 151, I offered an amendment to this end. When my amendment was not adopted, I voted for the amended resolution reported by the committee which is designed to accomplish the same purpose by a somewhat different method.

The text of my amendment and a brief explanatory note are set forth below.

"AMENDMENT RELATING TO THE ASSIGNMENT OF UNITED STATES ARMED FORCES TO DUTY IN FOREIGN COUNTRIES

"*Resolved*, That it is the sense of the Senate that, prospectively, a commitment by the United States to assign its Armed Forces to duty outside the United States for the purpose of providing military assistance to or aiding in the defense of a foreign country, government, or regime results only from affirmative action taken by the Legislative and Executive branches of the United States Government by means of a treaty, statute or concurrent resolution of both Houses of Congress specifically providing for such assignment."

1. My proposed amendment would have no constitutional or legal effect. Its purpose is to advise the President and thus to inhibit the assignment by the President—except with the approval of the Congress—of the armed forces outside the United States to assist in the defense of another country either by the immediate engagement of the United States armed forces in war or to place the United States armed forces on foreign territory where they could become progressively involved in belligerent activities and engage the United States in war.

2. As the amendment applies only to the use of the armed forces in aid or defense of another country, it does not express any intention to invade the constitutional power of the President as commander-in-chief to use the armed forces to defend the United States, to defend members of our armed forces wherever they are, and to safeguard American lives and property—which is his constitutional right and duty.

3. It would not affect the authority of the President as commander-in-chief to deploy armed forces for their training and maneuvers outside the United States, such as the customary maneuvers of the United States Navy.

4. It would not prevent the training of foreign forces in the United States, as is now done.

5. It would not, in my view, prevent the use of military advisors abroad providing they were so limited in number that it could not be intended that they would engage in military operations. The report could spell out precisely the intention of the committee on this point.

6. In the case of the treaties to which the United States is now a party and under which the United States is pledged to provide assistance to certain specified countries through its "constitutional processes" when the security of these countries is threatened, the amendment would assert that "constitutional processes" means the approval of the Congress.

7. It does not define the word "commitment" which might be subject to differing interpretations but does state the circumstances under which the United States would be committed, namely, by the affirmative action of both the executive and legislative branches.

In summary, my amendment is intended to require the specific approval of the Congress before the United States armed forces can be assigned by the President to provide military assistance to or aid in the defense of another country, although at the time no belligerent or hostile acts are taking place. Its purpose is to prevent in the future the progressive involvement of the United States in a series of events leading to war as has been the case in Vietnam.

Mr. FULBRIGHT. If the Senator from Kentucky would yield on the point he mentioned a while ago, that the attention of the committee has been called to what is still a secret agreement. It was made by executive members and not published. No request for approval has been submitted to Congress on it. If we want to add that to it, and there may be others, so that I think it would have the effect of saying that all those already made, even though we do not know about them, even though already made, we would have to honor them.

Mr. CURTIS. Would not the Senator want to repudiate them?

Mr. FULBRIGHT. I might want to consider.

Mr. CURTIS. But the Senator would not know what they were.

Mr. FULBRIGHT. That is right. I might not know what they were. I do not know whether the Senator would want to affirm them even though he did not know what they were, the way it is.

Mr. CURTIS. I do not think we would want to approve them.

Mr. FULBRIGHT. It is true that it would not have any effect in the future.

But let me give the Senator one example of some of the things we had in mind. If the Senator will recall, Vice President Humphrey once made a statement that the policy of the previous administration was to bring the Great Society to Asia when the war was over. Was that a commitment or not? That was a statement made by a very important official of our Government, like many other statements made after a fine banquet, when everyone is in a good humor and we are trying to say something pleasant to people, as we do sometimes in our lives. But we do not mean them too seriously.

However, I have the impression that in foreign countries, those statements are taken to be commitments because under their system of government they do not have a congress which has to approve these things. I think that is one very important aspect of this problem, which is to give notice to foreign countries that real commitments of our wealth—and armies especially—should be made in accordance with constitutional processes. Being a good friend, in good humor, one may make statements, but they should not be taken too seriously.

In February 1966, Vice President Humphrey declared that the United States would provide all necessary assistance to enable Thailand and other countries, if they were threatened by Communist aggression, to defend themselves. That is a very broad statement by a Government official, one which I think should not be taken seriously. What we are saying in this resolution is that all of those people should listen, if we make any such arrangement as that, so that they will know that a commitment should first have the approval of Congress.

I do not think there will be much danger from any former commitments that I know of. Of course, all of them that I know of, with few exceptions, have been approved by Congress, in pursuance of legislative action or treaty.

Mr. CURTIS. If those in the past are binding, they are still binding.

Mr. FULBRIGHT. Oh, yes.

Mr. CURTIS. Even though we say the sense of the Senate is that they are not.

Mr. FULBRIGHT. I do not think the resolution says that. All those made in pursuance of legislative action are certainly binding. Is the Senator saying that, if there were certain agreements we knew nothing about, involving a commitment, an obligation or an unknown amount of money, that the Senator does not think we should repudiate them, once they came to light, even though the Senator should think they are very dangerous to the security of this country?

Mr. CURTIS. No. All I am saying is that if I vote for a resolution that is anything other than prospective, I would like to be informed as to what it is.

Mr. FULBRIGHT. How can I inform the Senator if I do not know anything about it? I am raising questions about those agreements I do not know anything about.

Mr. CURTIS. Are there any of those that the Senator knows about?

Mr. FULBRIGHT. There is one that I do not like.

Mr. CURTIS. Which is that?

Mr. FULBRIGHT. As I suggested, it is a secret one, and I do not want to create any undue controversy that involves another country. I shall be glad to show the Senator what we have in the committee about it. It is still secret.

I want to make clear that the only reason I used the Spanish question as an example is not that I in any way criticize the Spanish people. I have great affection for the Spanish people. I used it simply because it is an example of an agreement that we did not know anything about, and that did not come to light until recently. It is no better or worse than many others. It is our own people I am faulting, not the Spanish people. I want to make clear that I am not criticizing what the Spanish did about it. I am criticizing our own Government, not the Spanish. They are very sensitive. Whatever I may have said should not be interpreted as a criticism of Spain.

Mr. CURTIS. The junior Senator from Nebraska feels that all commitments should be made in a constitutional fashion.

Mr. FULBRIGHT. That is all I am saying.

Mr. CURTIS. But I do not want to take action that reflects upon the good name of past Presidents or Vice Presidents who may have gone around the world making promises of a more abundant life by the use of millions of American dollars, because, as a matter of fact, they made such promises in my State and did not deliver on them, and we are not a foreign territory.

So in laying down the rule for the future, I would not want my vote to reflect on the good name of those retired public servants.

Mr. FULBRIGHT. We are not reflecting on the names of those officials. As we have tried to make clear, in my own view and that of others, through the years the Senate—and I have participated in it—has been rather negligent in its responsibility under the Constitution in not having checked more carefully on the executives. I am not reflecting on anyone specifically. I only used an example. The Senator more or less forces me to use examples of how these things happen. That is why I used the example. I did not mean to reflect on anyone.

Let us assume that a secret agreement is made that we are to send troops to a certain country which is threatened and that those troops will be under the command of the local general. That is something which is very sensitive. I am not sure Senators would agree to that. Suppose we did not know anything about such an agreement because it had not been made public. I do not know whether the Senator from Nebraska or the Senator from Illinois would at all agree to it.

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

Mr. FULBRIGHT. I yield.

Mr. MUNDT. I wonder if we could get a little clearer definition of what is involved in the term "financial assistance" or "financial resources."

Mr. FULBRIGHT. There have been so many examples of aid to foreign countries.

Mr. MUNDT. Let me give a specific example. The Senator is a member of the Banking and Currency Committee, as I understand.

Mr. FULBRIGHT. No, I am no longer a member. I was once a member.

Mr. MUNDT. As I understand it, we have made a commitment to aid other countries to support the pound with American dollars, which is a part of our financial resources. We have all kinds of international monetary programs in the interest of the collective protection of the free world's monetary system. One country that is in a little better financial position helps another. For psychological and financial reasons, these agreements are usually secret because of the psychological impact on the currency of a country. Would this resolution prohibit the United States from fulfilling a commitment it made to support, let us say, the pound of England?

Mr. FULBRIGHT. Before I answer, let me inquire of the Chair whose time is being used. We started on the time of the Senator from Illinois.

The PRESIDING OFFICER. We are operating on the time of the Senator from Arkansas.

Mr. FULBRIGHT. We began this interlude on the time of the Senator from Illinois. When did we begin on my time?

Mr. MUNDT. When the Senator from Illinois yielded the floor.

The PRESIDING OFFICER. When the Senator from Illinois yielded the floor.

Mr. FULBRIGHT. How much time have I remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 11 minutes, and the Senator from South Dakota has 20 minutes.

Mr. FULBRIGHT. I will just take a minute. I think it ought to be on the Senator's time, but I will yield myself 2 minutes, and then I will take my seat.

Every one of those agreements has been approved by legislation of Congress. Every one of them conforms, to my knowledge, with the sense of the Senate resolution. I know of no executive agreements in which the executive has gone beyond its authority in supporting the pound or other currencies. They are all subject to legislation having to do with international banks or our own Treasury.

What I am talking about, and what I am suggesting, is that one cannot go off to one of these countries and, in a spirit of great friendship, or for any other reason, make a commitment of foreign aid of $500 million, for example, if it is not authorized in a bill. All that the Senator has suggested has been consistent with legislation that has been enacted. All we are trying to say is, "Do not go around spreading cheer to a foreign country without being authorized by Congress." I do not see anything wrong with that. All of a sudden there seems to be an idea that we ought to let the executive go about making promises without authority. Every one of the kinds of commitment the Senator has mentioned has, I think been authorized by legislation or a treaty—mostly by legislation—so I do not see why that should bother anyone.

Mr. MUNDT. I associate myself entirely with the idea that no President or Vice President or other governmental official should go around and endeavor to commit us to a big foreign aid program. They cannot do it now, in fact, as a firm commitment. We have cut them down in the past; we can do it again.

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

Mr. FULBRIGHT. It is very embarrassing to review what a President or a Vice President has done.

Mr. MANSFIELD. Mr. President, will the Senator yield one-half minute to me?

Mr. FULBRIGHT. I yield to the majority leader.

Mr. MANSFIELD. Mr. President, I think what we ought to keep in mind is that what we are trying to accomplish is a partnership with the President, a strengthening, and not a diluting, of his hand.

Insofar as the Department of Defense and the Department of State are concerned, the difficulty lies in the fact that as a practical matter, it is difficult for a President to reach down to the lower and middle departmental levels—for which he has responsibility, nevertheless—and know fully what is going on. The matter of the Spanish bases, for example, was inaugurated by the Secretary of State from within his Department. Direction was given to the Chairman of the Joint Chiefs of Staff, General Wheeler, who in turn gave it to General Burchinal, who was located in West Germany. General Burchinal then carried on negotiations which I assume the President of the United States did not know about, and which certainly this President, President Nixon, is not responsible for.

All we are trying to do—and I want to emphasize this, and I could repeat the example over and over again—is to establish an accommodation, a partnership, which will strengthen the President's hand. It will include the legislative branch, as it should be included under the Constitution and deny to no one any

of the responsibility that elected officers of the Government are obligated to exercise. That includes the President, the Vice President, and Members of Congress who have to go back and explain to the people who we represent just what we are doing, the basis on which we have done it, and why we take the action we take.

So this mention of weakening the President's hand or tying his hands is nothing but a lot of balderdash. It just will not hold up. It is not true. We ought to recognize that we are settling a matter of fundamental interest to this body, and doing so with a view to strengthening the hand of the President, rather than weakening it.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. Mr. President, in view of the fact that the distinguished Senator from Arkansas shows some reluctance to insert an amendment in the resolution now before us, along the lines I have suggested, it would have been done by amendment, and then we would have to have a vote. I do not know that I would want to take the time of the Senate to have a vote on that matter. If we did not vote on it, the next matter in order would be the substitute of the Senator from South Dakota and the Senator from Connecticut. Is that correct?

The PRESIDING OFFICER. The pending question is on the amendment offered by the Senator from South Dakota and the Senator from Connecticut.

Mr. DIRKSEN. My particular inquiry is as to whether that amendment is the first one on which the vote will occur.

The PRESIDING OFFICER. That would be the first one.

Mr. DIRKSEN. I think we ought to have the yeas and nays. I request the yeas and nays.

The yeas and nays were ordered.

Mr. MUNDT. Mr. President, first, I wish to express my appreciation to the Senator from Connecticut (Mr. DODD), to the minority leader, and to other Senators with whom I have consulted over the past few days as to what to do about the resolution, Senate Resolution 85. Unhappily, I was in my State at the time the Foreign Relations Committee met, so I was not recorded and had no opportunity to try to change any of the language as the resolution came out of committee.

I was, however, present 2 years ago, in 1967, on the day we brought out of the committee, by unanimous vote, the resolution of that year. As I studied the two resolutions, I became more and more concerned about the ambiguity of Senate Resolution 85.

Fortunately, we are now confronted with a substitute for Senate Resolution 85, because the chairman has accepted the Cooper substitute and our choice is now between the Mundt-Dodd resolution and the Cooper substitute for Senate Resolution 85, with or without amendment.

I add just a word or two as to what motivated me to raise the question and precipitate the dialog, and to try to bring about a more detailed and definite understanding of what we were about, through the presentation of what has been called the Mundt-Dodd substitute and the debate and the revision of Senate Joint Resolution 85 which it has precipitated.

The longer I studied Senate Resolution 85, and tried to relate it to the committee report which, in the main, was the same Senate committee report written for the previous resolution 2 years ago, which was altogether different in verbiage, the more I became convinced that it would be bad policy for the Senate, in trying to reassert additional authority in connection with the determination of where our troops are used and where our money is spent—and I definitely applaud and approve of that endeavor—to agree to a resolution as ambiguous as Senate Resolution 85 as it read prior to the adoption of the Cooper substitute, wherein we simply said:

> Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it
>
> *Resolved*, That it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment.

Commitment, obviously, as one analyzes the word, could mean anything to anyone. Consequently, it could have had some highly mischievous ramifications.

Former Defense Secretary Clifford has appeared before our committee, for example, and has been giving widescale publicity to a scheme he has to reduce American participation in the Vietnam war, which may or may not have merit, and may or may not be utilized. He proposes that at some future juncture, about 2 years from now, perhaps, we can withdraw our American ground troops and commit ourselves to continue the fighting in Vietnam by providing an air umbrella with whatever necessary air power needs to be involved. That kind of commitment could not be made had we adopted Senate Resolution 85 in its original form, as presented by the Committee on Foreign Relations.

We are about to try new approaches in the Paris peace talks. Every few weeks, someone on our side comes up with some new suggestion or some new approach—eight points, four points, 10 points—and if we are ever going to make any progress in the Paris talks, I suppose it will be through a process of commitment by commitment, on minor steps, until finally we reach the happy day when there can be a comprehensive meeting of minds.

But if we tie the hands of the Executive from making any commitment whatsoever, we would absolutely stultify any chance for progress at the Paris peace talks; and that would be something which the Senate, in trying to show its capacity to help govern the world, help control the Armed Forces, help protect this country, should not engage in, in such ambiguous fashion.

We have the same thing in Korea. We have a DMZ, and a lot of trouble, a lot of border attacks. The North Koreans keep coming down, and there is considerable hostility, mostly between North Koreans and South Koreans. Some have suggested that they pull back the forces on both sides of the DMZ, to keep them far enough apart so that kind of bloody business could be stopped.

That would, however, also require some kind of commitment on our part. Certainly commitments such as that cannot be brought up for debate on the floor of the Senate. We have to provide some kind of power in the Executive to move by degrees and by agreements or commitments on minor points as we engage in negotiations, and this brings me to my greatest concern of all about Senate Resolution 85, as it was originally presented to the Senate.

I ask unanimous consent that the original language of Senate Resolution 85 be printed at this point in the RECORD.

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

> *Resolved*, That it is the sense of the Senate that a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect to such a commitment.

Mr. MUNDT. Everybody is hoping and praying we are going to have some negotiations between the United States and the U.S.S.R. about the limitation of nuclear weapons and nuclear arms. If in fact we are going to have those negotiations, and make any progress, certainly we are going to have to be in a position to make some commitments as we go along by way of negotiations; because you simply do not bring these conclusions, full blown, into being. We give a little, they give a little; we make a little gain, and if we have to run back on each of those commitments, and have a big debate in the Senate, we are never going to get anywhere negotiating with the Russians, or anyone else, in important matters of that kind.

So Senator DODD and I, after consulting with a number of other Senators, have suggested this substitute. I still think it is preferable to the Cooper substitute for Senate Resolution 85, although I want to be perfectly candid, and say that I think the Cooper substitute is much better than the original text of Senate Joint Resolution 85. However, we cannot legislate retroactively. There is a sound constitutional provision against ex post facto legislation. I think we would be on sounder ground if we made clear in the language of the Cooper substitute what is made clear by the discussion in the Senate; namely that we are talking about the future. We spell that out in the Mundt-Dodd substitute. We also make it clear that what we are trying to do is what the country itself wants to have done, and that is to make it dead certain that we are not going to have, again, armed forces used in

hostilities on foreign territory, without appropriate prior affirmative legislative action.

We spell it out clearly and objectively. We do not get involved in any ambiguities of what the use of American troops means, whether in hostilities or not in hostilities. We do not tie the hands of the President against some contingency when we might find it important to utilize the prestige, the presence, and the authority of the United States.

We provide for what is necessary to repel an attack on the United States, or to meet a direct and immediate threat to the national security, or to protect U.S. citizens and property, in recognition of the fact that the President shall, of course, be able to exercise his constitutional authority and put the Armed Forces to work protecting this country against attack.

The Cooper substitute, I think, implies that. It does not say it specifically, but the Mundt-Dodd substitute makes it clear.

If we are to establish guidelines—and I am in favor of them—for the President and the State Department, I think those guidelines should be just as clear, specific, and definite as possible. After all, this is a sense of the Senate resolution, and if we pass a sense of the Senate resolution which makes no sense, as I think was true of the original language of Senate Resolution 85, certainly our advice is not going to be heeded very seriously.

If, on the other hand, we adopt a resolution which is clear, specific, and definite, I suspect that the average President, Secretary of State, and Secretary of Defense are going to take it seriously enough to consult with us more freely and more frankly than they have in the past. That, in fact, is what we all desire. So I think it is important to use words of precision and words of clear definition.

Mr. President, I shall vote for either resolution, as the Senate prefers. I think that the substitute presented by Senator DODD and myself is a little more precise, a little more meaningful, and a little tighter, and so I favor its adoption. But I say, again, I wish to congratulate publicly Senator DODD, the minority leader, and other Senators who worked hard with me in bringing before the Senate this substitute which, if nothing else, has resulted in a much improved version of Senate Joint Resolution 85 on which we can work our will in the Senate.

Our action has focused enough debate and enough discussion, and brought about enough compromise and sufficient change, so that whatever we do is preferable to what we would have before us otherwise.

I recommend to my colleagues the approval of the substitute resolution which we shall be voting upon in a very few minutes, in the subsequent rollcall vote.

Mr. President, I reserve the remainder of my time.

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

Mr. MUNDT. I yield.

Mr. HOLLAND. I have just one question. What was the Senator's purpose in limiting his substitute to matters of national security; that is, involving the use of the Armed Forces, and not covering in words money commitments, property exchanges, or any of the other things?

Mr. MUNDT. The reason it did not include the phrase that is in the Cooper substitute about financial resources is simply that we were building on the evolutionary history of this resolution in the Senate which had been dealing with Armed Forces and hostile forces all through its development.

Furthermore, when we take overt action by sending in troops, it is an irrevocable action. We cannot pull them back. Then the power and prestige of the country become involved. But if a Vice President or someone else makes a statement, "We are going to get you $100 million," it is not irrevocable. We in Congress have very frequently declined to deliver on such promises to people abroad. I think that is so well understood now, because we have failed to deliver frequently enough, that even the foreign auditor who hears these unauthorized so-called good will promises has about the same kind of skepticism about them that the American voter has when he hears a political promise in a hot campaign. He takes it with a grain of salt.

Mr. HOLLAND. It is, then, the Senator's intention very carefully to limit his substitute resolution so that it covers only the use of the Armed Forces, or commitments to use the Armed Forces, is that correct?

Mr. MUNDT. That is correct.

Mr. HOLLAND. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield 2 minutes to the Senator from Vermont.

Mr. AIKEN. Mr. President, I have studied the Cooper substitute for Senate Resolution 85, and I can find absolutely nothing in it that would tie the hands of the President or impair his right and duty to protect our Nation whenever the need might arise, as authorized by the Constitution.

Speaking of commitments, we have made hundreds of them, all of which, to the best of my knowledge, have been authorized by Congress. As far as I know, the President has made no commitments whatsoever but those which have been authorized by Congress, and I do not think he intends to. We have had programs which provide for commitments: the Peace Corps, upon which we had hearings this morning, provides for commitments; Public Law 480 authorizes commitments; as do international banks, multilateral banks, and other organizations. We have authorized the Kennedy round of customs and tariffs, and many other things; I cannot go through them all.

As to any fears about any agreements or commitments which might be made with Russia, no commitment which could be made with Russia or any other country would be valid until it had been approved by the Senate.

For example, I refer to the Antarctic agreement with Russia. We have made many agreements with Russia. There were the Limited Test Ban Treaty and others.

I believe it would be in the interest of our country to enact this measure so that if some day we have a President who is inclined to run wild and ignore the desires of the people of the United States or Congress, there would be at least some brake on his operations.

I am sure that President Nixon has no such intention. I can see nothing at all in the pending resolution which would impair his constitutional authority.

Mr. MUNDT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. Each side has 5 minutes remaining.

Mr. MUNDT. Mr. President, I yield 4 minutes to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 4 minutes.

Mr. McGEE. Mr. President, I talked at great length on this question in the early days of this discussion. I do not intend to repeat it now.

I think on reflection of the dialog we have had we are still neglecting the sensitive question, and that is: How do we really undate the mechanism for the Senate participating in crises decisionmaking in a world that is changing, in a time element that has been shrunken, in a geographical factor that has diminished?

I think we still fail to come to grips with those who have a concern, and a rightful concern, as I see it, when we find circumstances around the world in which, as a genuine effort on the part of someone to head off a worse explosion, a President or Chief Executive finds it important to make a tentative agreement.

A tentative agreement sometimes is then taken up and followed because of the reaction of a potential competitor or an enemy. The result is that we find ourselves pretty inhibited and pretty encroached upon in the Senate in terms of our decisionmaking by actions that a President may well have in good conscience been compelled to make.

I believe we would be more realistic still if we were to address ourselves to some form of mechanism that would make it possible for the Senate to act in an advisory capacity, in a consulting capacity, in a meaningful directive.

There could be a special select committee of the Senate, a special relationship in regard to the Foreign Relations Committee, or whatever it may be. I think we are missing the point. We are not going to be able to follow the Foreign Relations Committee as we have always known it and still address ourselves to the crisis factor.

I petition again the importance of our getting on with the matter.

The resolution will be adopted, I am sure, very quickly and with a substantial margin. However, I think we would be missing the point if we were not to address ourselves to the heart of the matter.

A few days ago, one columnist, Roscoe Drummond, suggested the appointment or selection through some device of a high-powered Senate committee that could act on a moment's notice in a crisis and be in close consultation with the President and the Senate, and overcome

obvious elements involving the cumbersome procedures of the Senate, the difficulty of getting some kind of consensus, and the difficulty of getting some kind of decision without parading before the whole world what our secrets are. I believe we need to focus on this.

I would hope, even as we adopt the measure—and I intend to vote against it—that the chairman of the Committee on Foreign Relations and relevant groups in the Senate will proceed to address themselves to moving up a notch or two on the timeliness of the crisis capability of the Senate.

I still intend not to support the resolution. However, that is no longer a meaningful or relevant factor at the present time.

I remind the Senate that we ought to move farther down the road in the nuclear age to responsible policymaking and a responsible capacity in these times.

Mr. FULBRIGHT. Mr. President, I yield 1 minute to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 1 minute.

Mr. SYMINGTON. Mr. President, the reasons for the pending resolution are well expressed in what the press says is the first major policy address since 1966, an address that was delivered by Gov. Alf Landon in Manhattan, Kan., yesterday.

Governor Landon stated:

America has oversold its strength, its faith and its hopes.

He further said:

We have oversold our military might. Despite our obvious strength, we cannot make all things happen that we would like to have happen, nor prevent all things from happening that we do not want to happen.

We have oversold the capacity of our economy. Despite our obvious affluence, we cannot finance world security, world development, the Vietnam war, and the elimination of poverty at home—all at the same time.

We have oversold the dollar. Despite the dollar's being one of the world's most stable currencies and monetary value bases, we are witnessing its decline and vulnerability.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire article in question, entitled "Landon Says United States Is Overextended," as it appeared today in the New York Times.

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

LANDON SAYS UNITED STATES IS OVEREXTENDED—STRENGTH, FAITH AND HOPES OF NATION HELD OVERSOLD

MANHATTAN, KANS., JUNE 24.—Alf M. Landon said here today that "America has oversold its strength, its faith and its hopes."

The Republican Presidential candidate of 1936, addressing the students and faculty of the summer school at Kansas State University, made the comment during a sweeping survey of contemporary foreign policy issues.

He expressed concern over demands for protectionist trade legislation and he called on President Nixon for "tact and, above all, equity" in approaching central foreign policy issues.

Mr. Landon, who is 81 years old, said:

"I strongly believe that many of the problems concerning our attempted world posture derive from the fact that America has oversold its strength, its faith, and its hopes in relation to its abilities and resources.

"We have oversold our military might. Despite our obvious strength, we cannot make all things happen that we would like to have happen, nor prevent all things from happening that we do not want to happen."

SEES LIMIT ON NATION

"We have oversold the capacity of our economy. Despite our obvious affluence, we cannot finance world security, world development, the Vietnam war, and the elimination of poverty at home—all at the same time." He continued:

"We have oversold our will and resolve. We are the most generous people of the world, the most committed to the protection of freedom, the most altruistic, but despite those qualities, there are limits beyond which we cannot reasonably exercise our will and resolve to assume alone the role of world policeman and benefactor.

"We have oversold the dollar. Despite the dollar's being one of the world's most stable currencies and monetary value bases, we are witnessing its decline and vulnerability.

"The United Nations has been oversold. Established to achieve world peace, the United Nations—after 24 years—is far from realizing its purpose, and its goal will remain a distant dream so long as the major powers—including the United States—act unilaterally on major world issues, and so long as Communist China—representing one-fourth of humanity—is unrepresented in that body."

Mr. Landon, who was Governor of Kansas before his unsuccessful bid to defeat President Franklin D. Roosevelt, now lives in Topeka and holds the title adjunct professor of political science at Kansas State University.

His last previous major policy address was in December, 1966, when he inaugurated a lecture series named after him at Kansas State.

Mr. SYMINGTON. Mr. President, to me this address is, in effect, a clear and precise summation of why this resolution is important to the future security and well-being of the United States.

Mr. FULBRIGHT. Mr. President, I yield 2 minutes to the Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 2 minutes.

Mr. BYRD of Virginia. Mr. President, I support the pending resolution as originally drafted, or as revised by the Senator from Kentucky and the Senator from Arkansas.

It seems to me that it is important, and the hour is late but not too late, for the Senate to go on record that the Chief Executive over the years has assumed too much authority.

I think the resolution of the Senator from Arkansas is an appropriate resolution.

I think it is desirable for the Senate to put itself on record as saying that any commitments made in the name of the United States are not national commitments unless the elected representatives of the people have participated in that matter by their votes.

Mr. President, I think also it is important to let other countries throughout the world know that in a democracy like the United States, the Chief Executive alone cannot make commitments on behalf of this country, but that for a commitment to be a valid national commitment, it must be participated in by the congressional branch, the elected representatives of the people.

Mr. President, I am pleased to support the pending resolution as revised by the Senator from Arkansas and the Senator from Kentucky.

I hope this will be the beginning of the Senate reasserting itself in the field of foreign policy. The Senate has a grave responsibility in this regard.

Mr. FULBRIGHT. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 2 minutes remaining.

Mr. FULBRIGHT. I yield 1 minute to the distinguished junior Senator from Virginia.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 1 minute.

Mr. SPONG. Mr. President, I will support Senate Resolution 85, as amended by the Senator from Kentucky, not because it will in and of itself change our foreign policy, but because I hope it will signal a beneficial change in the process of our foreign policy.

A Senate resolution cannot change the Constitution. It cannot force a President to modify his approach to foreign policy. It cannot provide Congress with new powers or authority. And, it cannot guarantee that the United States will have a more lucid or intelligible foreign policy or that this Nation will avoid undesirable situations and involvements in the future.

It can, however, suggest procedures which, if followed, would lead to a more precise and more understandable foreign policy—a more fully explained and more widely debated policy.

There have been criticisms of U.S. foreign policy in recent years and criticisms of a lack of policy. There have been criticisms of specific policies and commitments and there have been criticisms of failures to speak and act. It has been said that the United States has not formulated or directed foreign policy, but has only responded to crises and events.

The criticisms and the dissatisfaction resulting from the courses taken stem, I believe, from imprecision in foreign policy and misunderstanding of what policies and commitments do exist. These misunderstandings are prevalent not only among Members of Congress, but also among U.S. citizens, and among our allies, and opponents throughout the world.

There is, first of all, confusion over the number of countries to which the United States is committed. It can be argued that the United States is committed to all of the other 125 members of the United Nations. It can be said that the United States is committed only to the 42 nations with whom it signed regional or bilateral collective defense treaties between 1947 and 1955. Or, it may be argued that the United States is committed to 65 or more nations, when pledges in executive agreements, resolutions, and understandings are added to those contained in treaties.

The question of numbers partially derives from questions over what types

of agreements actually constitute U.S. commitments. While there is no argument over the legality of commitments in the U.N. Charter or in treaties, there is question as to how valid Executive agreements, understandings, and similar instruments are.

Finally, there is question over the exact meaning of commitments. The U.N. Charter and most treaties commit the United States to consult with other nations, in the case of certain events or happenings, to determine action to be taken, and policies to be followed. Do these commitments then mean that action cannot be taken without further authorization by Congress, or may the President follow a course which he simply deems to be consistent with the proposed terms of a treaty or agreement?

These uncertainties are partially responsible for confusion and uncertainty in U.S. foreign policy. These ucertainties can be ameliorated by adherence to the processes envisioned in the commitment resolution.

A resolution, if adopted and followed, can indicate what commitments are considered valid and, in broad outline, what a commitment means. The discussion which would take place in determining new commitments would contribute to understanding of the meaning and extent of U.S. policy. This would help delineate the extent and depth of all U.S. commitments. It would signal when new commitments are made.

Such a course would provide the information necessary for U.S. citizens to develop a greater understanding of their Nation's policy.

It would indicate to foreign nations—both friendly and unfriendly—U.S. intent and purpose. Such a course would udoubtedly diminish the possibility of miscalculation and unwanted confrontations.

For these reasons, I favor the national commitments resolution as modified by the amendment offered by Senator JOHN SHERMAN COOPER. It would fully define the meaning of commitments and specify how they can be made. In doing so, it would help remove questions and uncertainty about U.S. goals.

In considering this resolution, we must, however, be mindful of several things. First, a resolution is not a panacea for the Vietnam war and it is not an absolute guarantee against future misadventures. As the saying goes, hindsight is better than foresight. We now know how Vietnam happened and we wish it had not. With or without this resolution, it is unlikely that either the President or Congress would knowingly venture into a similar situation. But parallels do not always occur, and the test of U.S. foreign policy in the future—whether directed by the President or Congress—will be determined by our ability to recognize new situations and threats which would lead to unwanted involvements and preclude their happening. Hopefully, the resolution will lead to a clarification of U.S. foreign policy and will provoke the type of debate and discussion necessary to indicate the possible consequences of policies the Nation pursues.

Finally, I believe we must remember that the President must have some flexibility in foreign policy. The evidence is quite clear that some delay in acting after the Gulf of Tonkin incident would have had little consequence. Had the United States, however—and I am not arguing that it did—wished to intervene in Czechoslovakia or Greece, it would not have had the time for congressional action before being presented with a fait accompli. Much as I wish it were otherwise, I do not feel that we can completely rule out the possibility that there will not be an occasion where the President has to act rapidly. In adopting this resolution, I do not believe the Congress of the United States should indicate that it believes the need for rapid action is forgone or that it should mislead the American people into believing that such a situation will never again arise.

With these two considerations in mind, however, I believe the procedures envisioned by the resolution should be adopted as constructive and clarifying to U.S. foreign policy.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 1 minute.

Mr. FULBRIGHT. Mr. President, in closing, I thank the Senator from Kentucky for his very fine contribution to this matter. I think his suggestions have certainly improved the resolution. I have accepted his suggested amendments and join in advocating his revised version, which reads as follows:

Resolved, That (1) a national commitment for the purpose of this resolution means the use of the Armed Forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the Armed Forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

It is a bipartisan effort of members of the committee on both sides of the aisle trying, in my view, to reestablish the proper constitutional functions of the Senate of the United States.

It has nothing whatever to do with any kind of partisan matter. It is no reflection upon any of the present members of the executive branch in any way.

In a way, we are saying in the resolution that from here on we are going to be much more conscious of our responsibility and much more careful in the approval of obligations of major importance to our country.

I think it will have a very beneficial effect upon the attitude of foreign countries toward our country.

If we live up to it and make it convincing to them, I believe it will, in the future, help us avoid some of the troubles that have arisen in the past not because anyone intended for trouble to arise, but because many of our people have a very gracious way of saying nice things to people—involving promises beyond their authority—and the other nations have not always understood our constitutional system, which we believe is a good system. I believe it is.

I appreciate the assistance and cooperation of Senators on both sides of the aisle, particularly the members of the committee.

The Senator from Vermont has made a great contribution to the development of the pending resolution, which I now hope the Senate will agree to.

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

The Senator from South Dakota has 1 minute.

Mr. MUNDT. Mr. President, I yield 1 minute to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute.

Mr. DIRKSEN. Mr. President, first, I compliment the distinguished Senator from South Dakota (Mr. MUNDT) and the distinguished Senator from Connecticut (Mr. DODD), both of whom are members of the Committee on Foreign Relations, for giving abundant attention to the matter and developing a substitute that I believe is far more satisfactory than Senate Resolution 85, which is pending before the Senate.

I think they have done excellent work. I rather regret the fact that the word "future" does not appear and that the words "in hostilities" do not appear in the Cooper-Fulbright resolution. However, that is neither here nor there. The matter has been fully discussed.

As I recall, the first vote will occur on the substitute offered by the Senator from South Dakota and the Senator from Connecticut.

The PRESIDING OFFICER. The Senator is correct.

Mr. DIRKSEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment in the nature of a substitute offered by the Senator from South Dakota (Mr. MUNDT) and the Senator from Connecticut (Mr. DODD). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. GORE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS) are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent on official business.

I further announce that, if present and voting, the Senator from Tennessee (Mr. GORE), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), and the Senator from

Alabama (Mr. SPARKMAN) would each vote "nay."

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), and the Senator from California (Mr. MURPHY) are necessarily absent.

If present and voting the Senator from California (Mr. MURPHY) would vote "yea."

The result was announced—yeas 36, nays 50, not voting 14, as follows:

[No. 49 Leg.]

YEAS—36

Allott	Fannin	Mundt
Baker	Goldwater	Packwood
Bellmon	Griffin	Pearson
Bennett	Gurney	Prouty
Boggs	Hansen	Schweiker
Cotton	Hruska	Scott
Curtis	Jackson	Smith
Dirksen	Jordan, Idaho	Stevens
Dodd	Long	Thurmond
Dole	Magnuson	Tower
Dominick	McGee	Williams, Del.
Eastland	Miller	Young, N. Dak.

NAYS—50

Aiken	Fulbright	Mondale
Allen	Gravel	Montoya
Anderson	Harris	Muskie
Bible	Hartke	Nelson
Brooke	Hatfield	Pastore
Burdick	Holland	Pell
Byrd, Va.	Inouye	Percy
Byrd, W. Va.	Javits	Proxmire
Cannon	Jordan, N.C.	Randolph
Case	Kennedy	Saxbe
Church	Mansfield	Spong
Cook	Mathias	Stennis
Cooper	McCarthy	Symington
Cranston	McClellan	Talmadge
Eagleton	McGovern	Yarborough
Ellender	McIntyre	Young, Ohio
Ervin	Metcalf	

NOT VOTING—14

Bayh	Hollings	Russell
Fong	Hughes	Sparkman
Goodell	Moss	Tydings
Gore	Murphy	Williams, N.J.
Hart	Ribicoff	

So the amendment in the nature of a substitute was rejected.

The PRESIDING OFFICER. The question now recurs on the adoption of the resolution.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, while many Senators are in the Chamber, I should like to ask the distinguished majority leader about the program for the remainder of the day.

Mr. MANSFIELD. Mr. President, it is anticipated that following the disposal of the pending resolution, the Senate will proceed to the consideration of H.R. 7206, an act to adjust the salaries of the Vice President of the United States and certain officers of Congress. We intend to do that at this time because we have the distinguished chairman of the Committee on Post Office and Civil Service in the Chamber, and other interested members.

Then we have anticipated that tomorrow we will take up one or two bills, one of which the distinguished Senator from Washington (Mr. MAGNUSON) is interested in, having to do with amending section 502 of the Merchant Marine Act of 1936.

Following that, it is hoped to take up—not necessarily in this order—S. 2416, a bill to authorize appropriations to the Atomic Energy Commission; and S. 1708, a bill to amend title I of the Land and Water Conservation Fund Act of 1965. S. 853, a bill to establish the Sawtooth National Recreational Area in the State of Idaho I understand will be available for consideration next week. Other matters on the calendar will be disposed of during the remainder of this week and early next week.

Mr. MAGNUSON. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. MAGNUSON. On the Executive Calendar is the nomination of Charles H. Meacham, of Alaska, to be Commissioner of Fish and Wildlife, in the Department of the Interior. Is it the intention of the majority leader to take that nomination up?

Mr. MANSFIELD. Yes; I understand that the minority views have been filed and that it will be possible to take up that nomination tomorrow—or on Friday, at the latest.

Mr. MAGNUSON. I ask this because the distinguished Senator from Alaska (Mr. GRAVEL) is now occupying the chair.

Mr. HOLLAND. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. When is it the intention of the Senator from Montana to take up the Department of Agriculture appropriation bill, which was reported today from the Committee on Appropriations?

Mr. MANSFIELD. As I mentioned to the distinguished Senator from Florida recently, an agreement has been reached with the distinguished Senator from Mississippi (Mr. STENNIS), and as we know, the Senator from Mississippi states that the Defense authorization bill is being marked up and will soon be ready for consideration.

It is my intention to lay it before the Senate on July 3 and make it the pending business on our return from our 1-day vacation over the 4th, or on July 7.

I suggested to the Senator that if he wanted to work in the Agriculture appropriation measure sometime after that, and could work out an arrangement with the distinguished Senator from Mississippi, the chairman of the Armed Services Committee, it would be perfectly agreeable. But as of now, all things going as planned, we will lay the Defense Department authorization bill before the Senate on July 3, make it the pending business, and start debate on July 7.

Mr. HOLLAND. We have discussed the possibility of delaying for 1 day only the bill which will be handled by the distinguished Senator from Mississippi—again in an arrangement worked out with the Senator—with the belief that we can dispose of the Agriculture appropriation bill in 1 day and with the fact clearly in mind that we need to take it to conference. I wonder whether it is possible to work out any such arrangement.

Mr. MANSFIELD. In that respect, I would be at the will of the distinguished Senator from Mississippi, to whom I feel I have already made a commitment. I would appreciate his comments, if he would care to make some at this time.

Mr. STENNIS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. I have this to say, Mr. President: Of course we could not guarantee that we could get this bill finished. We have been making good headway in the markup and expect to continue work. But this is a large bill, and ABM is just one item in it. In going over the major items, we can see that it will take time. We have finished the hearings, but we are examining the bill very thoroughly.

As an illustration, on a major matter today, we asked the chief of the Air Force to come in for some additional testimony. So we just have that, and we have not taken up the ABM. That was excepted to start with, we will come to that last.

Mr. MANSFIELD. Of course, I would say that the commitment I have made depends upon the bill being marked up and ready to be brought up.

Mr. HOLLAND. We worked pretty hard to get the Agriculture appropriation bill on the calendar. I believe it is the first annual bill on the calendar. I make no request for any preference of any sort, but I want to advise both the majority leader and the Senator from Mississippi (Mr. STENNIS) that progress in conference on that bill will bear very greatly upon the food stamp bill which is to come later, even beyond the construction of that bill, and it bears also on various other matters of legislation which have got to follow. I am eager to have the agriculture bill go to conference at the earliest date possible, not because of any particular interest of my own in these items, and I have mentioned only one, but because I think it is necessary to get this matter underway in conference as speedily as we may. I am sure that the distinguished Senator from Louisiana (Mr. ELLENDER), the chairman, will agree with me that it is important to get this particular appropriation bill in conference at the earliest possible date.

Mr. MANSFIELD. I assure the distinguished Senator that the leadership will do its very best.

I now yield to the Senator from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. President, with respect to this Defense authorization bill, I would hope, because of its complexity, that we do not rush consideration on the floor. A tremendous amount of money is involved.

I have listened to the discussion of it in the Committee on Armed Services and in the Committee on Appropriations, and I think I know as much as my limited capacity can absorb about it in the time space in question. But there are still some aspects of the bill I do not fully understand.

If that is true of a member of the committee, it could be at least as true about Members of the Senate who are not on these committees and who are most interested in this bill this year for many reasons.

I would respectfully present that bills which have to do with authorization or appropriation are often considered as to be started in the House of Representatives. Now I do not say for one minute that the House should tell the Senate what to do. But there does not seem to

be any reason for any great hurry, because the House has not even started authorization hearings on either the Army or Navy.

I would hope that when we come to floor discussion this year, with all this accelerated interest because of the ABM discussion and the increasingly dangerous drains on our economy, that every Senator when he sees the gigantic sums coming up in the bill, will have an opportunity to really study it before he casts his vote on what could be the most important piece of legislation considered during this session of Congress.

Mr. MANSFIELD. I can assure the Senator and the Senate that the Defense authorization bill is not going to be considered in just a week or two. It is going to take a long time. We might as well face up to it. I would hope that Senators would follow the admonition of the Senator from Missouri and read with great care and in great detail the hearings which will be on their desks at that time.

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

Mr. MANSFIELD. I yield.

Mr. FULBRIGHT. I wish to associate myself with what the Senator from Missouri has said. There ought to be a reasonable period between the time when the bill is reported and the time when it is taken up, so that we may have a chance to read it.

Mr. MANSFIELD. Mr. President, a reasonable time has been set. A commitment has been made. As far as I am concerned, that commitment will be honored. There will be plenty of time to listen to and participate in the debate when the bill is before us. I simply have made an effort to accommodate every Senator in good faith.

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

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, I have no objection to anything the Senator from Montana has said or to anything the Senator from Missouri or the Senator from Mississippi had said. It seems to me we all know there is going to be a lengthy debate on the military construction bill. It is for that reason that I have discussed with the Senator from Mississippi and the majority leader the process of working in the Agriculture appropriation bill during the general time of debate on that bill, which I hope very much can be done, because there are critical matters that need to go to conference that, I am sure, all Senators know are contained in the Agriculture appropriation bill this year.

I hope the distinguished Senator from Mississippi will agree to allow, early in the week after our return from the July 4 weekend, a day, and I am perfectly willing to come in at the earliest hour that is acceptable and to stay here as long as is acceptable that night, in an effort to get the bill passed that day, which I believe can be done.

Some serious matters will be discussed in connection with the bill.

I see the distinguished Senator from Delaware (Mr. WILLIAMS) on his feet now. I am sure he will have at least one very serious matter in connection with that bill. I do not want in any way to preclude him from being heard to the extent he wants to be heard, and that is true of other Senators. However, I do think, in the interest of the Senate, and agricultural people all over the Nation, and many others who are affected by the food stamp and other provisions of the bill, we should do everything possible to get it to conference at an early date. That is the reason why I brought it up.

I am glad the minority leader is on the floor, because I hope that he, too, will help us to work out an early date by which we can get the bill considered, passed, and to conference.

NATIONAL COMMITMENTS

The Senate resumed the consideration of the resolution (S. Res. 85) expressing the sense of the Senate relative to commitments to foreign powers.

The PRESIDING OFFICER. The question is on agreeing to the resolution. On this question the yeas and nays have been ordered——

Mr. HOLLAND. Mr. President, I want to be heard.

The PRESIDING OFFICER. The Senator from Florida.

Mr. HOLLAND. Mr. President, I intend to vote, and vote gladly for the resolution in the form which it now has.

I had a very lengthy colloquy some days ago with the distinguished Senator from Arkansas and the distinguished Senator from Idaho on the resolution. I note that the Senator from Kentucky, who was present during that colloquy, whether because of that colloquy or because of his own feelings in the matter, has suggested amendments which have been accepted by the Senator from Arkansas and which are now a part of the amended resolution.

I just want to say that there is no question of creating any adverse effect against executive agreements in general as a result of this resolution. That is obviated because the amended resolution now deals with two specific subjects, and only with them, one of which is national security and the other of which is the obligation to pay money from our assets to other nations.

I think that the resolution, as so limited, relates to two matters which are very clearly of national importance and should clearly be defined as to national commitments.

I think the resolution, as reworded, does prevent the meaning of the term "national commitment," as it is used in the resolution, from being obscured; but, instead, makes it rather clear that "national commitment" as now mentioned in the amended resolution relates only to two things, and that is, first, the use of our Armed Forces or any commitment to use them, and, second, the payment out of our moneys to other nations. When so limited, I think the resolution will be helpful both to the Senate and to the executive, and will not be hurtful to friendly nations that have agreements of some sort or another with us.

I have questioned the Senator from Arkansas, and I think I understand that he is trying to create here a resolution which shall govern us, the executive, and other nations in the world as to our foreign relations in the future. I hope that he means—and it is my understanding that he means—that relations now existing that are known to us are not affected in any way, and that if there are any not known to us now and that do become known to us, we should allow them to stand, and they will stand, on their own merits as they are brought to us from time to time.

In the form it now is, I think it is an excellent resolution. I shall vote for it.

I congratulate the Senator from Arkansas both upon his authorship and upon his being willing to accept what I think are excellent limitations as contained in the amendments of the Senator from Kentucky, as they have been submitted and as they are now incorporated in that resolution.

Mr. FULBRIGHT. I thank the Senator from Florida.

Mr. STENNIS. Mr. President, I wholeheartedly support Senate Resolution 85, which deals with our national commitments. The primary purpose of this resolution is to reassert the congressional responsibility in any decision to commit our Armed Forces to hostilities abroad. I believe that this purpose is both sound and salutory. It certainly is in harmony with the intent of the framers of our Constitution.

I feel very strongly that the resolution, if adopted, will be the first step whereby Congress, and especially the Senate, can reestablish its coequal role in foreign relations. The resolution asks only that the legislative branch be consulted during the decisionmaking process with respect to national commitments. It is not enough that we be informed on an after-the-fact basis and then handed the responsibility to provide the men, money, and material resources to fulfill commitments already made by the executive branch. The adoption of the resolution, in my judgment, will contribute substantially to the restoration of the constitutional balance between the executive and legislative departments.

I have long been concerned by the extent and nature of our worldwide commitments and our ability to respond to them. There are 40 countries with which we have formal agreements committing us to assist them militarily in the event of aggression. I do not favor, of course, turning our back on any of our existing commitments and, as I understand the resolution, it will have no effect on existing treaties, acts of Congress, including joint resolutions, or other past actions or commitments of the Government of the United States.

I have been concerned with this problem and with the question of whether we are overextended for quite some time. In 1954 I opposed the sending of our first troops to South Vietnam. I have opposed some of the treaties by which we assumed military commitments and obligations. I warned against our potential involvement in the Congo situation and also opposed the sending of troops to the Middle East during the war in 1967.

I also strongly supported the proposal by former Senator John Bricker, of Ohio,

to amend the Constitution with respect to the treatymaking power. In testifying before a subcommittee of the Judiciary Committee in 1952, Senator Bricker stated that the primary purpose of his amendment was "to prohibit the use of the treaty as an instrument of domestic legislation, and to prevent its use as a vehicle for surrendering national sovereignty."

Specifically, the Bricker amendment provided that a provision of a treaty which conflicted with the Constitution should not be of any force and effect; that a treaty should become effective as internal law only through legislation which would be valid in the absence of a treaty; that Congress should have the power to regulate all Executive and other agreements with any foreign nation or international organization; and that all such agreements should be subject to the same limitations as imposed on treaties.

Unfortunately, on February 26, 1954, the Bricker amendment failed to win support of the necessary two-thirds of the Senate and therefore failed of passage.

My concern about the extent of our commitments resulted in the Preparedness Investigating Subcommittee, which I have the privilege to chair, holding extensive hearings on our worldwide military commitments in 1966 and 1967. These are the hearings in which then Secretary of State Dean Rusk made the now-famous statement that—

> No would-be aggressor should suppose that the absence of a defense treaty, congressional declaration, or U.S. military presence grants immunity to aggression.

Although Secretary Rusk disclaimed that this was its purpose or meaning, this statement comes perilously close to casting us in the role of policeman of the world—a role which we have neither the manpower nor the materiel resources to fulfill.

If you look back over the years to the Korean war, the intervention in Lebanon, the two crises over Cuba, the Dominican intervention, and the war in Southeast Asia, the importance of this resolution becomes clear. While it would not be legally binding upon the President and could not, of course, change his constitutional powers, it would at least be an assertion by the legislative branch of the Government that we do not intend in the future to be unmindful of our constitutional powers and responsibilities.

Basically, what this resolution attempts to do, as I understand it, is to make it plain that Congress, particularly the Senate, will insist that it is given the opportunity to express itself on the validity of foreign commitments before they are extended and especially before any of them are implemented by the commitment of American troops on foreign soil. This is a wise and proper objective, and I hope that this resolution will be adopted by an overwhelming vote.

Mr. PASTORE. Mr. President, if the Senator from Florida had not risen to say what he did say about this resolution, I would have said the very same thing.

When I first read and studied the resolution, I had some doubts and qualms about it, because I did not want to participate in anything that would have been offensive to the administration. I therefore had my doubts, which I expressed before the policy committee. At that time we discussed the proposed amendment on behalf of the Senator from Kentucky (Mr. COOPER), which I think clarifies the definition.

As I see it now, with the incorporation of the Cooper amendment, there is no question in my mind that it is not offensive to the administration. It is nothing more than an attempt to create a sense of partnership between the legislative and executive in certain matters which are very important not only to the legislative process but also to the commitment of American troops.

I see nothing wrong with it. Therefore, I shall vote for it.

Mr. McGEE. Mr. President, Senate consideration of Senate Resolution 85 has been dragging on since last Thursday. It would seem that by now the mood of the Senate is rather clear. Much as I disagree with the resolution, I recognize that in all probability it will be adopted.

Nevertheless, I want the record to show that I consider this to be a regressive and unrealistic step. It is regressive in the sense that it would call into question the legitimacy of the President's role in the formulation and implementation of foreign policy, a development that unquestionably is a necessary response to the demands of the modern age. It is unrealistic in that it fails to provide for placing the responsibility the President now holds into hands equally decisive and determined.

One reason that Senate Resolution 85 has gotten so much attention is that under the pressure of events, the Senate has allowed its sphere of authority and responsibility in foreign affairs to be eroded. In a recent article in the Christian Science Monitor, Roscoe Drummond underscored this point:

> First, it needs to be understood that Congress has not lost powers because anybody has taken anything from it, but because Congress has failed to exercise the powers it possesses.

The question to ask is how the Senate can cut out a new role for itself. Mr. Drummond went on to suggest one possibility; that Congress might bring into being a counterpart to the National Security Council, perhaps in the form of a joint congressional committee.

In any event, if the Senate is to succeed in achieving this new role, it, too, must update its procedures in the foreign relations field as well as upgrade its sense of responsibility by focusing more and more on larger and larger questions. The Senate could afford to address itself well in advance of crises to the broad outlines and directions of American policy. This becomes far more constructive as well as influential than in responding principally to crisis situations after the fact.

The Senate's role in foreign policy of the future can best be achieved by deeds rather than by words—at least of all by the sense-of-the-Senate resolution.

The role of the Senate Foreign Relations Committee in the policy process is whatever it decides it to be. Thus, the committee can hide behind the shelter of a resolution, or it can stand on its deeds.

In fact, it would seem to be more important that the committee and the Senate involve itself with the decision elements implicit in an ABM system as the current International Organization and Disarmament Affairs Subcommittee has been undertaking—the Gore group—or the question of policy toward mainland China; or to reexamine our foreign policy assumptions and commitments in many of the critical areas of the world, as the Subcommittee for U.S. Security Agreements and Commitments Abroad—Symington group—is now doing.

In the final analysis, then, the Senate through the Foreign Relations Committee should preserve its role in national policymaking by deeds and actions rather than by lamenting its role in a sense-of-the-Senate resolution.

My sentiments on Senate Resolution 85 are clear. I would have voted against it had it come to a vote today.

In view of the excellence of Mr. Drummond's article alluded to earlier, I ask unanimous consent that it be printed in the CONGRESSIONAL RECORD at this point.

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

[From the Christian Science Monitor, June 24, 1969]

HOW CONGRESS CAN RECLAIM ITS POWER

(By Roscoe Drummond)

WASHINGTON.—Congress is always fretting about its loss of power and initiative to the President and the Supreme Court.

It should. Something needs to be done and can be done. The time is ripe for Congress to repair the balance.

But, first, it needs to be understood that Congress has not lost powers because anybody has taken anything from it, but because Congress has failed to exercise powers it possesses.

Every activist president from Franklin Roosevelt to Lyndon Johnson has enlarged the role of the executive by using more decisively the powers the Constitution gives him—a process enhanced by the focus which radio and television give to the White House.

Congress has lagged behind.

In two landmark decisions—public desegregation and the one man, one vote ruling providing for reapportionment of state legislatures—the Supreme Court has done more to change the face of the nation than anything Congress had done in two decades.

It was always open to Congress to act in these two areas. It failed to do so.

What can be done? What should be done?

One thing is sure: what Congress is presently trying to do won't work. It is trying to increase its powers by attempting to decrease the president's.

This was the stated objective of the original draft of the Fulbright resolution which prescribed that the president as commander in chief must not use the armed forces outside the United States without prior approval by the Senate. That would have meant that President Kennedy couldn't have acted, as he did successfully to get the Soviet missiles out of Cuba. That would have meant that President Eisenhower could not have acted promptly in sending United States troops to Lebanon. That would mean that no president could act quickly, as needs require in this uncertain and turbulent world.

But the resolution has been so watered

down that it is nearly meaningless, except that it cannot fail to plant doubts in the minds of America's allies and adversaries that the president is losing his freedom of initiative. He isn't, in reality, because no resolution by Congress can amend the president's constitutional powers.

They are broad and, in my judgment, have been used prudently. I know of no foreign policy or foreign military commitment which has not had Senate approval. SEATO (the Southeast Asia Treaty Organization) was overwhelmingly ratified by the Senate. Every military action which President Johnson took in Vietnam had explicit authorization in the Tonkin resolution, also overwhelmingly approved.

There are valid reasons why Congress should recover the powers and initiative which it has lost through neglect. It can do this by effectively using the great powers it possesses—the power of the purse, the power of scrutiny and review, the power of congressional advocacy.

But it can do this only when it is willing to organize and equip itself with the means to do the job.

For years the initiative has always been with the president in part because he has in his hands the means to achieve a coordinated global view of foreign policy, military policy, and domestic policy. The instrument is the National Security Council.

Congress urgently needs the same kind of instrument so it can look at the whole of United States policy, not merely at its separate parts. What is needed is a joint congressional committee on national security to match the work of the National Security Council.

At the present time, at least six different committees in each House—12 in all—examine the bits and pieces of foreign, political, and military commitments and defense spending, and no single committee of Congress ever looks at the whole.

No wonder Congress falters in its job.

No wonder Congress accomplishes so little in supervising and controlling defense spending despite the fact that its powers are great. It deals separately with symptoms, not with causes.

When Congress matches the National Security Council with a joint congressional security committee, it will galvanically recover powers it has long allowed to erode.

Now is the time. It's needed.

Mr. TYDINGS. Mr. President, in the course of the last half century, America has become the foremost power in the world. We have taken a truly global interest in foreign affairs, not only to protect our own interests abroad but also to protect the interests of free men everywhere. The executive branch has rightfully been accorded primary responsibility for formulating our foreign policy.

In order to support our foreign policy, we have relied on our tremendous military might. The consequences of military commitment, however, go far beyond world politics. The ultimate responsibility for deciding when our troops should be committed or deployed in support of our foreign policy belongs to Congress.

But as we have become a world power, the Executive has usurped the role of Congress. All modern Presidents have attributed to themselves the power to employ our troops in foreign hostilities. Too often Congress, as a body, has not even been consulted; and when it has, Congress has succumbed to an emotional need for a momentary expression of national unity. In the recent case of the Tonkin Gulf resolution, it has done so while acting under erroneous or insufficient information. It is time that the resulting imbalance between executive and congressional power was corrected.

The most obvious reason for correcting this imbalance is that it is contrary to the Constitution. When committing our troops to foreign hostilities without specific congressional approval, the Executive ignores the constitutional provisions which give to Congress the exclusive power to declare war and which requires the President to get the advice and consent of the Senate before entering into foreign commitments. Senator CHURCH, in a recent, excellent address, outlined some of the possible consequences of this executive illegality. If, as some have suggested, the "declaration of war" or "advice and consent" provisions of the Constitution are outmoded, they should be amended by the appropriate procedures. Only after thorough debate in the National and State legislatures can we be sure that a change in the basic document of our political system is warranted. Respect for the law of the land requires that extra-legal mechanisms for effecting change be avoided, even if the reasons for that change are sound.

But I do not believe that the reasons are sound. For one thing, excessive executive independence in making military commitments can have harmful effects on our foreign policy. Our present policy of unilateral military peacekeeping has too often been blindly employed to enforce the status quo—to support governments whose domestic policies are repugnant to the ideals of personal freedom and individual dignity which we in America treasure so highly.

An example is our implied readiness to support the regime of the Spanish dictator Franco, upgraded to the status of a de facto commitment by a military memorandum and recent counterinsurgency exercises. Although the administration has disavowed the existence of any formal commitment, its de facto status remains unchanged.

Another example is our failure to cut off military aid from the Greek military junta. Even though Greece is without the most basic of civil liberties, we have continued to supply this repressive regime with weapons and ammunition.

Thus, the absence of legislative scrutiny of our national commitments has led to accepting the inevitability of military support for unwise foreign policies. Only if we in Congress assert our constitutional right to control national commitments can this unfortunate trend be reversed.

I believe, however, that there is an even more fundamental reason for reasserting Congress' foreign policy power. By abdicating our right to control military commitments we are seriously undermining Congress' role in setting national priorities. If the Executive can independently decide when to deploy America's Armed Forces, it essentially has the final say in determining how a large proportion of our resources will be expended. But resource allocation is Congress' most important function—indeed, it is a decision which Congress must control if the constitutional checks and balances system is to have any meaning at all. Without this power, Congress would be nothing more than an ornament, whose only purpose would be to give automatic approval to the decisions of an all powerful Executive.

Our Founding Fathers hoped to spare America from such a catastrophe by implanting in our political system the doctrine of separation of powers, and, in particular, by reserving to Congress the power to make war and to approve foreign commitments.

Thomas Jefferson explained that our Constitution transferred the war power "from the Executive to the legislative body, from those who are to spend to those who are to pay." In other words, the legislature was to determine whether, from their standpoint, a proposed war would be worth the costs.

In fact, costs of war have become far greater than they were when Jefferson wrote. Today we are spending $30 billion a year in Vietnam; the total cost of the war to date has been over a hundred billion, far in excess of all previous foreign wars with the exception of World War II.

The noneconomic costs of military intervention have become even more alarming. Only three decades ago conscription was unknown without a formal declaration of war; the President, when engaged in "nonwar" military involvement, was prohibited from drawing on our vast manpower resources. When he had to go to Congress to ask for a draft, the legislature had an opportunity to evaluate the worth of large-scale military intervention. But ever since 1948, our Presidents have had a conscription system continuously at their disposal. The consequence in Vietnam has been the easy and "politically painless" deployment of a total of more than a million of our young men to battle, with a loss of over 36,000 of their lives and the wounding of hundreds of thousands more. The total number of reported casualties is more than any previous foreign war with the exception of World War II.

But even as the costs of military involvement have increased, we have also developed a greater awareness of other areas of need which we feel have a claim for priority consideration. Today there are an ever-increasing number of desperate domestic needs; but what we sometimes forget is that the resources available to meet these needs are not unlimited. Our involvement in Vietnam, for instance, has led not only to tremendous cost in men and treasure, but it has also forced us to forego alternative uses of these resources—training our manpower for peacetime activities instead of war, and spending our budget on programs to build lives instead of weapons to destroy them. But as our involvement in Vietnam grew, we were told that we could afford both "guns and butter"; in other words, the choice of how our resources were to be allocated was obscured.

It might be suggested that Congress has the opportunity to make the resource-allocation choice when it passes on defense appropriations. It is true that, in many areas, national priorities are established through the appropriations

process. But once our military might has been committed to action, we cannot undercut our fighting men. The issue on a single defense appropriation bill becomes couched in terms of whether we can afford to give our boys less than maximum protection. Congress never has the opportunity to decide if we can afford to have them risking their lives at all—in other words, whether our priorities permit allocating a significant portion of our manpower and economic resources to certain military objectives. The only way to have Congress make that decision is to restore to it the power to approve or disapprove our foreign military commitments.

A military commitment is the most significant economic resource allocation decision which our Nation faces. The Government, through its budget, currently controls a full 20 percent of our national economic resources: almost $200 billion. We now allocate over two-fifths of that amount to national defense; and almost one-sixth to the Vietnam war. The amount spent in Vietnam is more than what we spend on all domestic education and other major social programs combined.

We argue long and hard over how our resources should be spent domestically, and every increase in domestic spending is meticulously examined before Congress gives its approval. And when inflationary dangers force us to decrease Federal spending, it is these programs that are always cut. But the amount we spend in Vietnam is actually scheduled to increase by 10 percent during the coming year.

Thus, without meaningful congressional approval, we have assigned the highest of national priorities to the defense of President Thieu's government in South Vietnam. And the Executive has made a decision at Midway that the preservation of a corrupt and totalitarian government is worth thousands more American lives and billions more of our taxes.

Such a decision should be made openly—in the free debate of our Legislature, not in the backrooms of the Pentagon, CIA, State Department, or even the White House. Only by making an open decision to commit our troops to military action can we be sure that the decision is a deliberate one. It is a decision which should be made in line with our democratic principles, with the interests of all our people represented.

The perspective of the President is that of a single individual, and the advice of his officials is given from the competent but narrow viewpoint of a professional, frequently with a parochial self-interest. Only Congress is responsive to the widely divergent interests of the electorate, and only a decision by Congress can come close to reflecting all the interests of our citizenry.

Perhaps most important, it is a decision which must be made with cognizance of all the other competing claims on our resources. This is the most essential requisite of an optimum determination of our priorities. Congress has long ago ceased to be the primary initiator of new Government programs, having sacrificed that role to the Executive. But the Executive is only one of the advocates who come before Congress to plead their case; other interests in the private sector also present their claims to us. Only Congress has the responsibility to adjust these competing claims in the form of enacted law.

Thus, setting national priorities is Congress' primary role, and one for which it is best suited. By passing Senate Resolution 85 we can begin to reassert our role in determining what priority should be given to the most significant of commitments—the commitment to use military force.

Some have said that in making that decision democratically—by our elected Legislature—valuable time will be lost. But Congress can act quickly and deliberately when necessary. The possible loss of a few hours is well worth the security of knowing that the decision to deploy our troops has been made after careful consideration of the consequences.

Senate Resolution 85 is a proper mechanism for correcting the executive overreaching of the past. One of my colleagues, arguing in opposition to the resolution, has said that henceforth military commitments not cleared with Congress would risk being "clouded with the aura of illegitimacy." But this should not be an objection to the resolution—rather, it reflects the facts is an argument in its favor. A major military involvement is illegitimate, I believe, without congressional approval. Perhaps a source of the discontent with Vietnam is the absence of meaningful congressional legitimization of our involvement there.

Thus, not only does respect for the Constitution demand adherence to the principles expressed in this resolution, but our whole system of government—and the function of Congress as a representative of our people and a resource-allocating institution—requires it. I urge the passage of Senate Resolution 85 as the first step in reasserting Congress' power to control military commitments.

Mr. TOWER. Mr. President, I have followed the debate of the past few days with considerable interest and have observed than many valuable arguments have been presented on both sides. Senate Resolution 85, for all of its brevity, raises numerous vast and complicated issues reaching far back into American history and forward into the future of this country and the world. I will comment briefly on the considerations that seem to me most pertinent.

Senate Resolution 85 purports to clarify the meaning of the term "national commitment." Having read the resolution, however, I do not feel that the term is less obscure. Is this a particular type of "national commitment" that is defined, or is this the only type? The resolution does go on to say that it is a "national commitment by the United States to a foreign power" that is concerned, and that is some help. Moreover, we have received boundless assurances from the supporters of Senate Resolution 85 that what is referred to therein is a "substantial" commitment, and, further, that the proponents of this measure have no difficulty with executive agreements arising in pursuance of existing treaties which have been duly ratified by the Senate. But, in point of fact, the resolution makes no effort to discriminate between what is substantial and what is not. Nor is it clear what sort of connection between a treaty which the Senate had acted upon and an executive agreement pursuant to that treaty is acceptable and what sort is not, although a wide range of possibilities is conceivable. Far from clarifying the definition of the term "national commitment," Senate Resolution 85 seems only to leave the question in a greater state of confusion than it was beforehand.

The amendment offered by the Senator from South Dakota goes a long way toward relieving the uncertainties posed by Senate Resolution 85. It specifies that what we are concerned with is a military commitment. While this is perhaps less ambitious, it is also infinitely more successful in conveying a precise meaning. It does not raise the questions of what is "substantial" or which executive agreements are in pursuance of treaties but only of what is military action "to repel an attack on the United States, or to meet a direct and immediate threat to the national security or to protect U.S. citizens and property."

It has been argued again and again by the opponents of Senate Resolution 85 during the course of this debate that it is essential for the President to have wide flexibility in the field of foreign relations in order to respond swiftly and appropriately to the mercurial exigencies of international diplomacy in this nuclear age. I for one do not think this is unreasonable. Nor do I feel that the current balance of power between the executive and legislative branches threatens to "impose tyranny or disaster on the country" as the committee report suggests. The President wields vast authority in the realm of foreign affairs, but, far from becoming a tyrant, he is ever and always answerable to the people and the Congress. The committee report assumes that a national commitment that might involve the deployment of American troops can be brought to the floor of the Congress, debated, and passed, all in sufficient time to act before the time for acting has flown. Once this may have been true, but the speed of transportation and communication and the devastating extent of the force that can be delivered instantaneously deprives us of the luxury of such a leisurely procedure. If the President were to take it upon himself to act wildly beyond the bounds of prudence, he would find himself subject to checks by the Congress. On the other hand, if the President were to bring an urgent and reasonable request before the Congress, it would be granted—but, perhaps, too late. It becomes a question of whether we trust our duly elected President to execute his office faithfully or whether we trust our enemies to extend us the courtesy of withholding any precipitate action until we have decided what our response will be.

The amendment offered by Senator MUNDT recognizes the unfortunate fact that we cannot anticipate every possible threat that would constitute an immediate danger to our national security and, therefore, leaves the President free to

act to counter such a threat without qualifications.

In his study, "The American Presidency," Clinton Rossiter observed:

In a country over which industrialism has swept in great waves, in a world where active diplomacy is the minimum price of survival, it is not alone power but a vacuum of power that men must fear.

I can think of no one who has been more reluctant than I to pass far-reaching authority into the hands of the Executive. But, faced as we are in the world with powerful enemies who are capable of acting swiftly and without consultation or debate, we must remain constantly prepared to meet with equal celerity any threat to our national security. We cannot predict with real accuracy what form such a threat might take. Can we therefore prescribe, as Senate Resolution 85 seeks to do, the means by which such a threat should be answered? I do not believe we can.

I am not overly sanguine as regards the immense power of the President. We should not look with perfect equanimity on the vast authority of the Presidency. We should be careful about giving the President additional powers, alert to abuses of those he already holds, and aware that the present balance of the Constitution is not a cause for unlimited self-congratulation. But we can look on it, at least, with as much equanimity as we do upon the present state of the Union. For the strengthen of the Presidency is a measure of the strength of the America in which we now live and of her place in the world.

The PRESIDING OFFICER. The question is on the adoption of Senate Resolution 85, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the the Senator from Indiana (Mr. BAYH), the Senator from Tennessee (Mr. GORE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Maryland (Mr. TYDINGS), and the Senator from New Jersey (Mr. WILLIAMS), are necessarily absent.

I also announce that the Senator from Michigan (Mr. HART) is absent on official business.

I further announce that, if present and voting, the Senator from Tennessee (Mr. GORE), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), and the Senator from Alabama (Mr. SPARKMAN), would each vote "Yea."

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), and the Senator from California (Mr. MURPHY) are necessarily absent.

If present and voting, the Senator from California (Mr. MURPHY) would vote "nay."

The result was announced—yeas 70, nays 16, not voting 14, as follows:

[No. 50 Ex.]

YEAS—70

Aiken	Gravel	Muskie
Allen	Harris	Nelson
Anderson	Hartke	Packwood
Baker	Hatfield	Pastore
Bible	Holland	Pearson
Boggs	Hruska	Pell
Brooke	Inouye	Percy
Burdick	Javits	Prouty
Byrd, Va.	Jordan, N.C.	Proxmire
Byrd, W. Va.	Jordan, Idaho	Randolph
Cannon	Kennedy	Saxbe
Case	Long	Schweiker
Church	Magnuson	Scott
Cook	Mansfield	Spong
Cooper	Mathias	Stennis
Cotton	McCarthy	Stevens
Cranston	McClellan	Symington
Curtis	McGovern	Talmadge
Dole	McIntyre	Williams, Del.
Eagleton	Metcalf	Yarborough
Eastland	Miller	Young, N. Dak.
Ellender	Mondale	Young, Ohio
Ervin	Montoya	
Fulbright	Mundt	

NAYS—16

Allott	Fannin	McGee
Bellmon	Goldwater	Smith
Bennett	Griffin	Thurmond
Dirksen	Gurney	Tower
Dodd	Hansen	
Dominick	Jackson	

NOT VOTING—14

Bayh	Hollings	Russell
Fong	Hughes	Sparkman
Goodell	Moss	Tydings
Gore	Murphy	Williams, N.J.
Hart	Ribicoff	

So the resolution (S. Res. 85), as modified, was agreed to, as follows:

Resolved, That (1) a national commitment for the purpose of this resolution means the use of the armed forces of the United States on foreign territory, or a promise to assist a foreign country, government, or people by the use of the armed forces or financial resources of the United States, either immediately or upon the happening of certain events, and (2) it is the sense of the Senate that a national commitment by the United States results only from affirmative action taken by the executive and legislative branches of the United States Government by means of a treaty, statute, or concurrent resolution of both Houses of Congress specifically providing for such commitment.

The preamble was agreed to, as follows:

Whereas accurate definition of the term "national commitment" in recent years has become obscured: Now, therefore, be it

Mr. FULBRIGHT. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

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

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, it has been some time since the Senate has witnessed a debate of such outstanding caliber, on an issue of such transcendent importance. The thoughtful and provocative discussion generated by the issue presented with the resolution on national commitments has added immeasurably to the purpose and effect of the resolution.

Simply stated, the Senate has acted to reassert its historical and constitutional role. The overwhelming approval of the resolution has greatly strengthened the partnership that exists between the executive and legislative branches. The Senate has spoken clearly and unequivocably in this regard and I think every Senator may take great pride in this achievement.

I wish to thank especially the Senator from Arkansas, the able and distinguished chairman of the Committee on Foreign Relations. His leadership on this resolution was truly exemplary. I understand that he and the distinguished Senator from Georgia (Mr. RUSSELL), who himself is unexcelled in his special expertise in this area, conferred about the question of the commitments of this Nation some time ago. Thereafter, Senator FULBRIGHT and his committee conducted an exhaustive review of the historical and constitutional role of the Senate with respect to the foreign military and financial obligations of this Nation. This effort culminated in the Senate's commitment to reassert its role. And this fact was overwhelmingly expressed today.

So to Senator FULBRIGHT, to Senator AIKEN, the ranking minority member of the committee whose efforts, as always, were absolutely indispensable and to Senator RUSSELL, and to the members of the Committee on Foreign Relations, the Senate is deeply indebted.

The able and distinguished Senator from Kentucky (Mr. COOPER) should similarly be singled out for his contribution. What has been achieved with this, the Fulbright-Cooper resolution on national commitments, was accomplished in large measure because of the efforts of Senator COOPER. His participation, his fine appreciation of the issue was essential to this success.

Other Senators, too, played vital roles in obtaining such outstanding success. The Senator from Tennessee (Mr. GORE), the Senator from Idaho (Mr. CHURCH), and the Senator from Missouri (Mr. SYMINGTON) added their immense wisdom to the discussion. The Senator from Wyoming (Mr. MCGEE) must also be thanked for articulating with such typical skill and great advocacy his own strong views on the matter.

For their part, the Senate also is deeply grateful for the diligent and extremely capable efforts of the minority leader, the distinguished Senator from Illinois (Mr. DIRKSEN), and for those of the distinguished Senator from South Dakota (Mr. MUNDT) and the distinguished Senator from Connecticut (Mr. DODD). Their support of an alternative proposal contributed, I think, a good deal to the high level discussion obtained.

Once again, to Senator FULBRIGHT, to Senator COOPER, to Senator AIKEN, and to all the members of the Foreign Relations Committee go our deepest thanks. Indeed, every Senator may be justly proud of such an outstanding achievement.

Mr. COOPER. Mr. President, my substitute resolution is not intended to reflect upon any past President and I am certain that President Nixon from his experience and devotion to both the executive and legislative branches understands fully their separate and joint powers and responsibilities.

Mr. President, I would like to read into the RECORD two comments, one by the late Senator Robert Taft and one by President Taft which are appropriate to

a consideration of the scope and purposes of the resolution before us today.

In commenting on the powers of the President as Commander in Chief, the late Senator Robert Taft made this observation in his book "A Foreign Policy for Americans":

> There is one very definite limit—and I think it is admitted by every responsible authority who has discussed the problem—on the President's power to send troops abroad: he cannot send troops abroad if the sending of such troops amounts to the making of war. I think that has been frequently asserted; and whenever any broad statements have been made as to the President's power as Commander-in-Chief to send troops anywhere in the world the point has been made that it is always subject to that particular condition.

President Taft in a series of lectures entitled "The Chief Magistrate and His Powers" comments how a series of events could involve our country in a war without the determination of the Congress that the sending of the Armed Forces was necessary and in our country's best interest. He states:

> The President is the Commander-in-Chief of the army and navy, and the militia when called into the service of the United States. Under this, he can order the army and navy anywhere he will, if the appropriations furnish the means of transportation. Of course, the instrumentality which this power furnishes, gives the President an opportunity to do things which involve consequences that it would be quite beyond his power under the Constitution directly to effect. Under the Constitution, only Congress has the power to declare war, but with the army and the navy, the President can take action such as to involve the country in war and to leave Congress no option but to declare it or to recognize its existence.

Mr. President, in concluding my remarks, I wish to express my thanks to the distinguished chairman of the committee (Mr. FULBRIGHT) for the opportunity to work with him on the resolution. I also express my thanks to Mr. William Haley, my legislative counsel who has worked assiduously on the resolution and the difficult problems concerning the powers of the executive and legislative branches.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 8644) to make permanent the existing temporary suspension of duty on crude chicory roots; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MILLS, Mr. BOGGS, Mr. WATTS, Mr. BYRNES of Wisconsin, and Mr. UTT were appointed managers on the part of the House at the conference.

RECENT DEVELOPMENTS IN THE ENFORCEMENT OF CIVIL RIGHTS LAWS

Mr. JAVITS. Mr. President, I have received disturbing reports that the administration plans to make major changes in the school desegregation program. These reports are of serious concern to me, and to others who have worked for equal education opportunity legislation over the last 12 years. If these reports are true, the Department of Health, Education, and Welfare plans to reduce greatly the incentive for school systems still segregated to comply with the law. More than 800 school districts—out of 20,000 in the Nation—are now working under plans which call for complete compliance by September 1969. Failure to comply will result in the loss of Federal aid to the district. This hardly seems a severe penalty in view of the fact that the Supreme Court ordered desegregation 15 years ago, and Congress passed title VI of the Civil Rights Act of 1964, 5 years ago, but certainly all incentive to comply will be destroyed if deadlines are adjusted or abolished.

Such a change would be a tragic step backward and a serious breach of faith with a large part of our population. While the black communities in these school districts are the primary beneficiaries of Federal enforcement of the law, the moderate white community looks to Washington, too. Frankly, unless school officials can demonstrate that failure to comply will result in the loss of Federal funds, the chances are that moderate local school officials may be forced to capitulate to the hard-core segregationist element in each community.

The Department's obligation, therefore, is twofold: to enforce the law and to provide backing for men of good will in those communities faced with the problem. A pullback of effort here in Washington will have an electric and deleterious effect throughout the country, for not only will our own efforts be slowed, but these of leaders in each community as well.

While I have waited long before saying this, I believe it is now time to express my profound concern with recent actions of Federal Government departments in the area of civil rights and ask, with all the urgency at my command, that these policies be reviewed and changed. Here are some major considerations:

First. In the early days after the inauguration, I had considerable correspondence with the Department of Defense about the proposed awarding of contracts to certain textile firms which had a policy of segregation in hiring. This correspondence was carried on in the hope that the facts would convince the appropriate officials. Nevertheless, the contracts were awarded without first securing compliance with the law from the firms. I was disappointed, but I was assured that compliance would be forthcoming. But the very real incentive for complying, of course, was removed as soon as the contract was awarded. These matters are still in the works, as I understand it, but unresolved.

Second. A bipartisan group of Senators recently urged the President to send a Federal mediator to Charleston, S.C., to assist in the settlement of the hospital workers strike in that city. The President's decision on this request, of course, does not involve civil rights, but HEW's decision in the case most certainly does. The strike was begun after 12 employees of the hospital were fired—allegedly because they had left their duty stations in order to present demands to hospital administrators. The Office of Civil Rights Enforcement of the Department of Health, Education, and Welfare found that the dismissals were because of race and ordered that the 12 be reinstated or the hospital would face the loss of a large Federal VA contract. Agreement was tentatively reached, which not only provided for the reinstatement of the 12 but substantial wage increases as well. This agreement has now been repudiated by the hospital administrators, or other officials in South Carolina, and it is rumored that HEW will not enforce the threatened cutoff. What is going on here? Is there, or is there not, racial discrimination in this case? Does the law not provide for cutoffs in such circumstances? Why the sudden shift of policy—and what does it mean for the future of hospital desegregation?

Third. Hundreds of thousands of heretofore disenfranchised Negroes have been registered to vote in the South under the Voting Rights Act of 1965 which provides for Federal registrars in areas where voter discrimination has taken place. That law expires next year and it seems evident that any law which is so badly needed and is working so well should be extended. And yet there are concerns that the administration may not support the extension of the law. The Attorney General has postponed five times his appearance before the House Judiciary Committee on this subject—which at least gives me hope that a final decision has not yet been reached. Federal registrars and Federal poll watchers are absolutely essential if the advances of the past 4 years in securing voting rights are not to be destroyed. I urge the Attorney General to support extension of the 1965 Voting Rights Act.

The party of Lincoln has an obligation to do far better than these "straws in the wind" have indicated. We have traditionally been supporters of civil rights legislation—in 1957, 1960, 1964, and 1965. A large percentage of Republicans—as well as Democrats—voted for the civil rights bills and cloture in this Chamber.

In 1964, the distinguished Senator from Illinois (Mr. DIRKSEN) was the architect of the landmark historic Civil Rights Act. If some within the party would change this direction, I would remind them—and the administration—that there are others of us who feel just as strongly that these laws should be enforced fairly and with conviction by our Republican administration. Personally, I would never stand mute while our country—or my party—takes any other course.

I speak out now because once a fact is accomplished, once the administration's honor and prestige is on the line, it is hard to change. Therefore, with the risk I run, as a person who is loyal to the President and who believes in him, I wanted to say these things so that all can take heed.

THE SAIGON GOVERNMENT

Mr. COOK. Mr. President, in a recent commencement speech in my State I dis-

cussed the matter of sources of current student unrest. I said at that time:

To many students the source is inextricably intertwined with the course of the Vietnam war into which we plunged ourselves, against the warnings of many about the consequences of involvement in Asian land wars. There is a widespread feeling throughout the land not only among the student generation but others as well, that the war was not only conceived in bad military advice but has been nurtured to a position of support for a corrupt government which is pitted against the egalitarian demands of its people.

Unfortunately, my worst suspicions about the Saigon regime have been confirmed once again. In the New York Times of June 24, 1969, and the Washington Post of this morning, there appeared a news article indicating that the magazine Newsweek might be permanently banned from South Vietnam, because of a recent article appearing in its June 23 issue entitled, "Vietnam Exodus: A Favored Few." The story adds that the particular issue in which the article appeared has, in fact, been barred from public sale.

Mr. President, I ask unanimous consent that the article be printed in the RECORD at this point.

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

VIETNAM EXODUS: A FAVORED FEW

To the statesmen charged with settling it, the end of the Vietnam may still seem a long way off. But many of South Vietnam's more affluent and sophisticated citizens are not so sure, and already they have begun to hedge their postwar bets. Hundreds of them have slipped out of the country to self-imposed exile in Europe or the United States, and many hundreds more are clamoring to leave. "When the war ends, it will mean a coalition government," explains a Saigon university student. "Then the Communists will be here, and that will destroy the South Vietnam we all love. So we want to get out."

That desire is widespread in South Vietnam. According to one unofficial estimate, the number of passports and exit visas issued by the Ministry of the Interior has increased by about 60 per cent in the past year. And of the 400 or so travelers who leave South Vietnam legally each week—mostly on tourist or other short-term visas—about half never return to their homeland. Others who have been denied a visa pay huge bribes to have themselves smuggled out of the country. Because the exodus is acutely embarrassing to the Saigon regime, government spokesmen are unwilling to say exactly how many of their countrymen have gone into exile. "If someone in my department were to release figures on the number of Vietnamese who have settled abroad permanently, it would create a scandal," says one Interior Ministry official. "And that would probably ruin my own chances of getting out."

PARANOIA

In theory, it is virtually impossible for a South Vietnamese citizen to leave his country for good. Passports and visas for even brief trips abroad are issued only after exhaustive paper work—and usually the payment of a large "fee." One wealthy couple had to come up with $16,700 recently to enable their teenage son to join them in Paris. Draft-age males are not allowed to leave at all unless two military officers above the rank of major sign a guarantee that they will return. And even when all the legal and financial requirements have been met, travel documents still may not be forthcoming. "The government is paranoid," a young Vietnamese coed told Newsweek's Paul Brinkley-Rogers last week. "They are certain that everyone wants to leave Vietnam forever. Many people do. I guess that's why the government is paranoid."

"What makes you mad," growls a young man who has been unable to leave the country, "is that the officials who won't let us go will be the first to clear out when the time comes. We all know that they have bank accounts in Europe and that their children are studying abroad." Indeed, it appears that some highly placed South Vietnamese have already begun to think about the unthinkable. The wife of President Nguyen Van Thieu bought a house in Switzerland earlier this year; when she returned to Saigon, she left her three children in Rome. And the wife of Gen. Cao Van Vien, the South Vietnamese Chief of Staff, has deposited three of her four children in Switzerland.

EXILES

Some South Vietnamese officials whose duties have taken them overseas have already decided not to return. Former Information Minister Pham Xuam Thai was sent to France last year as an observer at the Paris peace talks. But when he was ordered to return to Saigon he abruptly disappeared. According to a Vietnamese friend who has seen him in Paris, Thai is now supporting himself as a janitor and waiter. Ho Huu Tuong, a member of the South Vietnamese House of Representatives, also went to Paris about six months ago as a tourist, but when his three-month visa expired he stayed on. So far, repeated pleas from his constituents and fellow legislators have not persuaded him to return, and he is said to have set up housekeeping with a Vietnamese lady friend whom he managed to spirit out of his homeland. The most imaginative official defector, however, may have been a former assistant to the South Vietnamese military attaché in Thailand. When his tour of duty was over, he decided to remain in Bangkok where, to qualify for a job and a Thai passport, he joined the Bangkok Breadmakers Guild.

Many private citizens also have been able to feather foreign nests. One illegal but effective way to get out of Vietnam is to claim French citizenship (which can be conferred upon any descendant of a French soldier). Currently, the blackmarket price for "proof of French parentage" in Saigon is said to be $2,800. Would-be émigrés who fail to get either French or Vietnamese travel documents can be smuggled out of the country on foreign ships at a cost of $1,100 each (although unscrupulous freighter captains have been known to turn over their illegal passengers—and part of their fares—to South Vietnamese officials before leaving territorial waters). The overland route to sanctuary in Cambodia is even more expensive; that trip costs $5,570 because the smugglers must pay off South Vietnamese officials, Cambodian border guards—and the Viet Cong.

Leaving South Vietnam with some semblance of legality can be even more complicated. One Saigon businessman began the process by dispatching his oldest son to Tokyo, ostensibly to study the pearl business (South Vietnam, as it happens, has no pearl beds). Then, a few months later, he took his two other sons on a visit to Tokyo, paying $550 to each of the army officers who guaranteed their return. Next, the businessman's wife and two more children got permission to attend the oldest boy's wedding in Tokyo. Eventually, most of the family found its way to France, and the father returned to Saigon to run his import-export business. His Parisian bank account now totals $1.6 million. "Saigon is the easiest place to make money," he says, "and France is the place to spend it."

POTS AND PANS

A few of the expatriates settle in the U.S., but most prefer France because of its social and cultural attractions for educated Vietnamese. Even in the best of circumstances, however, life in exile can be bleak. "No matter how wealthy they are," says one Saigon society matron, the people who flee discover that life abroad is not as soft as it was here. Wives who have never touched pots and pans are now in charge of the cooking."

The Saigon government is doing what it can to stem the flow of émigrés. For one thing, it has warned army officers that if the young men they vouch for do not return to South Vietnam, the responsible officers will be sent to jail—a provision of the law that so far has not been enforced. But the government's reach is not very long, and it would seem that until South Vietnam's underpaid civil servants are somehow shielded from temptation, the exodus will go on. "We could send security men overseas to bring these people back," remarks one official. "But if we did, our agents would probably vanish, too."

Mr. COOK. This is just another of many examples, Mr. President, of suppression by the Saigon regime. And this time they even went so far as to suppress one of our publications. Is it any wonder that the people of South Vietnam have so little faith in the government which currently resides in Saigon? These people have experienced suppression of free speech and the closing of their own newspapers for many years, and now we are finding out for ourselves how the Saigon regime operates to eliminate dissent regardless of the verity of the criticisms.

The suppression of the Newsweek article lends great support to the validity of its assertions. In that regard, I have today sent to the Secretary of State a letter requesting answers to certain questions raised by a careful reading of the article in Newsweek and the news stories in the New York Times and the Washington Post. My questions in the letter were these:

(1) Is the news story representation accurate when it says "political officers (of our embassy) are urging newsmen to play down the matter on the ground that a nation at war must take precautions to protect its morale"?

(2) The Newsweek article reports that "a few expatriates settle in the U.S., but most prefer France because of its social and cultural attractions for educated Vietnamese." How many South Vietnamese "expatriates" are living in the United States? What are they currently doing for a living? What were the circumstances surrounding their exodus from South Vietnam? What were their positions in private and/or public life while in South Vietnam? To the best of your knowledge, what is the estimated financial worth of each? Who are the sponsors of these people in the United States?

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

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

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, D.C., June 25, 1969.

Hon. WILLIAM P. ROGERS,
Secretary of State,
Department of State,
Washington, D.C.

DEAR MR. SECRETARY: In the New York Times of June 24, 1969, and the Washington Post of this morning, there was a news article indicating that the magazine Newsweek might be barred from South Vietnam

because of an article appearing in its June 23 issue entitled, "Vietnam Exodus: A Favored Few". The story adds that the issue which the Saigon regime found so objectionable has, in fact, been barred from public sale.

The essence of the story is that many high-level South Vietnamese officials are preparing to leave the country in anticipation of a communist victory or a victory by any of the elements currently disenchanted with the government. My questions to you are essentially these.

(1) Is the news story representation accurate when it says "political officers (of our embassy) are urging newsmen to play down the matter on the ground that a nation at war must take precautions to protect its morale"?

(2) The Newsweek article reports that, "A few expatriates settle in the U.S., but most prefer France because of its social and cultural attractions for educated Vietnamese". How many South Vietnamese "expatriates" are living the United States? What are they currently doing for a living?

What were the circumstances surrounding their exodus from South Vietnam? What were their positions in private and/or public life while in South Vietnam? To the best of your knowledge, what is the estimated financial worth of each? Who are the sponsors of these people in the United States?

As you know, I am extremely concerned about continuing reports of corruption, profit-making, and general disregard for the Vietnamese people by the Saigon regime. Your prompt attention to these inquiries would be greatly appreciated.

With best wishes.

Sincerely yours,

MARLOW W. COOK,
U.S. Senator.

Mr. COOK. Mr. President, I am confident that the Secretary will do his best to supply answers to the questions I have raised. These answers, Mr. President, are important to the American people. What kind of government are we continuing to prop up by our military presence? How many rich South Vietnamese are growing richer by our continued presence? I think it important, Mr. President, that no settlement of the Vietnam war be contingent upon the continued existence of the current Saigon regime. The South Vietnamese people deserve a better fate: the legacy of 40,000 dead young Americans demands no less.

THE IMPLEMENTATION OF THE GUN CONTROL ACT OF 1968

Mr. MANSFIELD. Mr. President, as it states, the chief purpose of the gun control law enacted last year is to support Federal, State, and local law enforcement officials in their fight against crime and violence. No regulations, the Congress said, would be implemented, save those that are necessary to effectuate the purpose of the law.

I appreciate the difficulties faced by the Treasury Department in drafting regulations implementing this law. Legislative intent is not always an easy matter to construe. What is clear is that any regulations must fall squarely within the authority granted the Secretary of the Treasury.

Senators will recall that in the section of the law concerning the restrictions on the importation of sporting weapons, Congress created a special exception for members of the Armed Forces serving abroad. That exception was made through a floor amendment offered by the distinguished Senator from Nebraska (Mr. HRUSKA), who was so closely involved with the development of this legislation. Specifically, Congress said the exception would apply to any member of the U.S. Armed Forces who is on active duty outside the United States.

It came to my attention that this excepting provision was being interpreted by the Alcohol, Tobacco, and Firearms Division of the Treasury Department—the agency responsible for the enforcement of this law—as applying only to an Armed Forces member whose permanent duty station is located abroad. Acting upon this interpretation, the Division had been denying the importation privilege to servicemen who indeed are on active duty outside the United States—the designation assigned by Congress—but who do not have a permanent duty station abroad—the words used by the Treasury Department. In so doing the Department had not only misread the intent of Congress, it had rendered meaningless the plain language employed.

What made this amply clear—to me at least—was the fact that Congress did choose to use the expression "permanent duty station" elsewhere in the law. It did so in assigning a special definition of what "resident" means in the case of a member of the Armed Forces where it says in the definitions section:

> A member of the Armed Forces on active duty is a resident of the State in which his permanent duty station is located.

In this section the statute refers specifically to "permanent duty station." If Congress intended to make the importation exception applicable only to servicemen having a permanent duty station abroad, I think it simply would have used the language again. But it did not choose to adopt such a narrow criterion and the importation exception refers to "any member of the U.S. Armed Forces who is on active duty outside the United States."

The hardship imposed by the Treasury Department's failure to give any meaning to this provision of the law was brought to my attention by Army Maj. Lones W. Wigger, a Montanan and a man who has compiled a truly remarkable record in using firearms for sport. He is a national prone champion; a five-time national position champion; he was twice national indoor champion; a member of the Pan American Team of 1963 and the Olympic Teams of 1964 and 1968 where he won gold and silver medals, setting two world records. Additionally, he has won all major service marksmanship awards including the Distinguished Rifle Badge, and two badges for excellence in competition.

Major Wigger was denied a license to import the firearms he needs to pursue his remarkable talents. He was denied the license though he was assigned on active duty outside the United States and otherwise met the express terms of the military exception to the import restrictions provided by Congress. When he attempted to import weapons through a third party licensee at the suggestion of the Treasury Department, they arrived in a damaged and unusable condition. For a man of his particular talent who has represented his nation as a marksman with such distinction, such a procedure was neither adequate nor desirable.

In my opinion, there is no question that Major Wigger met the provisions of the law passed by the Congress. And I am happy to say that the agency now agrees.

I realize, of course, that it is not desirable to extend the exception to every individual who happens to be on a 2- or 3-day sojourn overseas. However, I do think that any serviceman who is on active duty outside the United States and who otherwise meets the provisions of the law should be accorded the full benefit of the wishes of Congress in creating the exemption. I feet, as I have said, that the statute as written is clear in this regard. So I am quite pleased that the agency responsible has changed its position.

Mr. President, I ask unanimous consent that my correspondence with the Treasury Department on this matter be printed in the RECORD.

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

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., May 23, 1969.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: This refers to your letter of May 15, 1969, concerning the application of Major Lones W. Wigger, Jr., to import four .22 caliber target rifles from West Germany. This application was resubmitted upon the suggestion of Mr. Cecil M. Wolfe, a member of my staff, so that we might reevaluate our position with respect to the individual importation of firearms by members to the Armed Forces on temporary duty outside the United States.

After careful consideration, I find that I again must decline to approve Major Wigger's individual permit to import the four rifles. I am enclosing a copy of my letter to Major Wigger returning his application. In addition to the reasons given in my letter to Major Wigger, it is hoped the following remarks will fully clarify my position in this matter.

Section 925(a)(4), Title 18, United States Code, provides that *"when established to the satisfaction of the Secretary to be consistent with the provisions of this chapter* and other applicable Federal and State laws and published ordinances, the Secretary may authorize the transportation, shipment, or importation into the United States to the place of residence of any member of the Armed Forces who is on active duty outside the United States (or who has been on active duty outside the United States within the sixty-day period immediately preceding the transportation, shipment, receipt or importation), of any firearm or ammunition which is (A) determined by the Secretary to be generally recognized as particularly suitable for sporting purposes * * * and (B) *intended for the personal use of such member."* [Italics Supplied.]

As pointed out in my letter to Major Wigger I do not believe it would be "consistent with the provisions" of Chapter 44 to hold that a member of the Armed Forces on active duty in the United States is eligible for this exemption solely because of a temporary duty assignment which takes him outside the United States. I believe that Congress intended that this privilege be applicable only in connection with a permanent active duty assignment such as would preclude a simultaneous permanent duty station in this coun-

try. This view is borne out by statements of Senator Hruska who introduced the floor amendment which became Section 925(a)(4) of Title 18, United States Code. Senator Hruska indicated that his amendment was intended to prevent a hardship with respect to overseas servicemen who had acquired firearms to participate in sporting activities at their overseas assignments and who would otherwise experience difficulty in transporting or shipping these personally owned firearms to their homes in the United States. CONGRESSIONAL RECORD, volume 114, part 21, page 27145. This justification is not applicable to a member of the Armed Forces on active duty in the United States, who acquires a firearm in connection with a brief overseas assignment on official business.

An individual American citizen, who goes overseas is precluded by the Gun Control Act from personally importing a firearm back into the United States. However, he may have the importation accomplished for him if he utilizes a firearms licensee in his home state and the firearm is "generally recognized as particularly suitable for sporting purposes." I believe, to be consistent with the provisions of the law, I must hold that Major Wigger is subject to the same restriction. I, therefore, do not feel that I can approve his application.

I hope the foregoing satisfactorily explains my position in this matter.

Very truly yours,

HAROLD A. SERR,
Director, Alcohol, Tobacco, and Firearms Division.

JUNE 2, 1969.

Hon. DAVID M. KENNEDY,
Secretary of the Treasury,
Washington, D.C.

DEAR MR. SECRETARY: I have a letter of May 23 from Mr. Harold A. Serr, Director of the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service, explaining your Department's reasons for not granting Major Lones W. Wigger a license to import sporting weapons under the Gun Control Act of 1968. Mr. Serr was aware that the Major was assigned on active duty outside of the United States and otherwise met the express terms of the military exception to the import restrictions provided by Congress in the Gun Control Act of 1968. After thoroughly considering all of the points raised by the letter, I find that the sole basis for denying the application rests upon the fact that the regulations promulgated by your Department pursuant to the Gun Control Act construe a member of the Armed Forces on active duty outside the United States to mean only one whose *permanent duty station* has been transferred abroad. Such a construction, it is said, was within your discretion.

I do not agree. And with this letter I wish to lodge my protest for the manner in which this matter was handled and especially for your Department's failure to give any meaning at all to the words of the exception that were so carefully chosen by Congress.

First of all, I should point out that Major Wigger has compiled a truly outstanding record as a marksman and has represented our nation with great honor at national and international competitions. I understand that Mr. Serr was made fully aware of this fact. But for the record I should point out that his achievements include the following: National Prone Champion; five-time National Position Champion; twice National Indoor Champion; member Pan American Champion 1963 and the Olympic Teams of 1964 and 1968 where he won Gold and Silver medals, setting two world records; World Championship Team (1966), winning four Gold medals. Additionally, he has won all major service marksmanship awards including the Distinguished Rifle Badge and two badges for Excellence in Competition.

In spite of his achievements, Major Wigger has never sought special consideration though certainly his unique contributions I would think demonstrate his entitlement beyond question. I only raise this point in view of the fact—as Mr. Serr was advised—that in the past when Major Wigger attempted to import weapons through a third party licensee (as your Department suggested he do), the weapons arrived in a damaged and unusable condition. I would think you would agree that for a man of his particular talent who has represented his nation so well in this endeavor such a procedure is neither adequate nor desirable.

I raise this matter also because the discretion given you under this particular law permits you to allow a variance from the licensing procedures established. I favor your having such discretion so long as it is exercised reasonably. I would think that the special considerations of this case are so compelling and of such urgency that allowing such a variance would have been amply justified. That you failed so to act has disturbed me very much.

With regard to the discretion that is claimed for you respecting the provision of the Gun Law that excepts servicemen from import restrictions, I might point out that nowhere in the law has Congress given you the authority to render meaningless the words it chose in designating those entitled to the exception.

Specifically, I refer to the construction of the phrase "on active duty outside the United States"—the words that designate those members of the Armed Forces who may import weapons. Your department says that these words must mean that the serviceman has a permanent duty station abroad as though Congress could not itself have made such a specific designation. Indeed, Congress did choose expressly to employ the phrase "permanent duty station" when defining a serviceman's place of residence. It seems elementary that in construing any statute—especially one containing sanctions of a penal nature—the words must be taken in their strictest sense. Having used the phrase "permanent duty station" elsewhere in the Act, Congress knew very well the meaning of that expression. But Congress did not choose to use it when designating those who would be entitled to the exception here. Instead, it granted the dispensation to any serviceman who is on active duty outside the United States, not only to those who have a permanent duty station abroad. In short, your construction in the Wigger case, and no doubt in other cases, has rendered meaningless the use of those words. If a narrower dispensation were felt necessary by Congress, it would simply have again chosen to use the expression "permanent duty station".

It is clear that whatever your discretion may be under this Act, I am quite confident that it does not authorize you to render meaningless the words of a law enacted by Congress. If such discretion existed our entire system of government would be jeopardized.

In the circumstances, I would hope that a more satisfactory resolution of this problem could be achieved. It may well be that the only solution lies in an amendment that places beyond doubt the meaning of this provision of the Gun Law.

Sincerely,

MIKE MANSFIELD.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
Washington, D.C., June 5, 1969.

Hon. MIKE MANSFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MANSFIELD: Your letter to Secretary Kennedy dated June 2, 1969, protested the ruling of Mr. Harold A. Serr, Director, Alcohol, Tobacco and Firearms Division, covering the importation exemption in 18 U.S.C. 925(a)(4) for members of the Armed Services. That ruling was made by Mr. Serr in his letter to you dated May 23, 1969, and, in pertinent part, held that the exemption was applicable "only in connection with a permanent active duty assignment such as would preclude a simultaneous permanent duty station in this country." You suggest that under the plain meaning of the statutory language, the exemption should be available to any serviceman who returns to this country from an overseas active duty assignment. The Service has also received similar criticisms from others. The Secretary requested that I review this matter and answer your protest.

The language of section 925(a)(4) would support your suggested interpretation of the exemption. However, I cannot say that the interpretation incorporated in the ruling is unsupportable.

The Congressional purpose of 18 U.S.C. Chapter 44 was stated in section 101 of P.L. 90-618 (82 Stat. 1213). That purpose included the statement that the Chapter "* * * is not intended to * * * provide for the imposition by Federal regulations of any procedures or requirements other than those reasonably necessary to implement and effectuate the provisions of this * * *" Chapter.

Upon reconsideration, I have concluded that the restrictive ruling is not necessary "to implement and effectuate" Chapter 44. Further, a relaxation of the ruling will not unduly hamper the enforcement of the law. Under these circumstances, it is held that members of the Armed Forces returning to the United States from an active duty assignment overseas are entitled to the section 925(a)(4) exemption, provided, of course, that the other requirements of the section are met.

Under the relaxed ruling, the Service will place more emphasis on the section 925(a)(4) qualifying requirement that sporting firearms imported by servicemen must be intended for their own use. This, I believe, is necessary to prevent possible commercial importations by members of the Armed Services.

Any future applications to import firearms submitted by Major Wigger will be acted on under this ruling.

Your interest in the proper implementation of the Gun Control Act of 1968 is sincerely appreciated. Please advise if I may be of any further service.

Sincerely yours,

RANDOLPH W. THROWER,
Commissioner.

FLY IT, IT IS YOURS

Mr. ERVIN. Mr. President, former President Woodrow Wilson, on the subject of the American flag, said:

It has no other character than that which we give it from generation to generation. The choice is ours. It floats in majestic silence above the hosts that execute those choices whether in peace or war. And yet, though silent, it speaks to us—speaks to us of the past, of the men and women who went before us and of the records they wrote upon it.

To those of us who believe those lines to be true and who have been greatly saddened and disturbed by the senseless actions of anarchists and others, here and abroad, as they burn, mutilate, and otherwise desecrate our flag, I am happy to offer a measure of comfort by calling attention to the "Fly It, It's Yours" campaign of the High Point, N.C., television station, WGHP-TV.

This program was conceived to stimulate community interest in the American flag and its proper display through the medium of television. It started 4 weeks prior to Flag Day, June 14, and will conclude on July 4. In addition to broadcasts concerning the flag, its history and

meaning, WGHP-TV has made flags available to the public at cost as well as various printed materials to supplement the on-the-air activities. Furthermore, the station has worked with leaders in the community, civic associations, and other interested citizens in an effort to promote communitywide awareness of the traditions and high ideals which "Old Glory" symbolizes.

As I salute WGHP-TV for the excellence of "Fly It, It's Yours" program, I commend to all of us who wish for our flag to retain its rightful place the words of Supreme Court Justice John M. Harlan in *Halter* v. *Nebraska* 205 U.S. 34, 43 (1907):

To every true American the flag is the symbol of the Nation's power—the emblem of freedom in its truest, best sense. It is not extravagant to say that to all lovers of the country it signifies government resting on the consent of the governed; liberty regulated by law; the protection of the weak against the strong; security against the exercise of arbitrary power; and absolute safety for free institutions against foreign aggression.

I ask unanimous consent that a letter and an editorial statement from Mr. Philip J. Lombardo, general manager of WGHP-TV, which gives the details of this program be printed in the RECORD.

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

WGHP-TV,
High Point, N.C., June 16, 1969.

Hon. SAM J. ERVIN, Jr.,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ERVIN: Four weeks prior to National Flag Day, June 14, 1969, WGHP-Television began a project that we feel certain will be of great interest to you. In order to stimulate interest and to make our community again aware of the traditions and high ideals for which the Flag of the United States is a visible symbol, WGHP-Television began on May 19, 1969, to dedicate its time and efforts to encouraging the observance of National Flag Day. Through July 4, 1969, we will make available, to all citizens who would display the emblem of our Union, at cost, a fine quality American Flag. This will be a non-profit campaign in the community interest.

In conjunction with this campaign the television station has taken a definite stand on the desperate need for a personal display of love of country, and each member of our staff and all "air" personalities have offered their time and energies "gratis" for commentaries on the air and for all the duties surrounding the actual sale of Flags and mailing. We have also compiled information regarding the history of National Flag Day, the speech proclaiming June 14 National Flag Day by President Woodrow Wilson in 1916, the proper way to display our Flag and the most significant dates on which we display the Flag. This has been sent, with a reprint concerning the history of the Flag from *Reader's Digest*, to all area teachers, professors, student leaders, civic leaders and ministers in a sincere hope that they will use the information for lectures, discussion groups, and/or sermons, as the case may be. In addition, announcements on our airways have been dedicated to news features, commentaries and public service messages aimed at encouraging patriotic interest in displaying the American Flag.

After having been on the air with this for just two weeks, we have received a tremendous response, not only in actual Flag orders from across the State and from South Carolina and Virginia, but in genuine concern from our citizens for more patriotic display of our Flag. We have been especially pleased with the enthusiasm and interest that we have received from the non-profit community service organizations in our area. As a result of this, WGHP-Television will be working "hand-in-hand" with the Salvation Army, Boy Scouts of America, Girl Scouts of America, Y.M.C.A., Y.W.C.A., public libraries and many other interested citizens.

WGHP-Television is very proud to be a voice in the communities that we serve as a broadcasting facility, and we constantly strive to ascertain the needs and desires of our fellow citizens. Through our continual contacts with community leaders, it has become openly apparent in recent weeks that a need for awareness and rededication to the ideals for which our Union stands is sought by each person with whom we talked. Our current campaign is a direct result of this local expression of concern. It is an endeavor that we as a television station have undertaken because we strongly believe that patriotism and the expression of that personal feeling by displaying the emblem of our country is an action of which we need to remind each other frequently. We believe that the display of the American Flag is the best way to begin. We have faith in this Union and your leadership. Amid all of our other problems, we sincerely hope that this will bring encouragement to you and your colleagues.

Sincerely yours,
PHILIP J. LOMBARDO,
General Manager.

A STATEMENT OF POSITION BY WGHP-TV PRESENTED BY PHILIP J. LOMBARDO, GENERAL MANAGER

It should be apparent to WGHP-TV viewers, through our daily schedule of news and entertainment programs, that station management stays abreast of the needs and desires of our community . . . and contributes, in every feasible way toward fulfilling these needs.

It should *also* be apparent, through its programming, that station management strives to contribute measurably to community efforts of betterment.

Therefore, it is *only* in matters of extreme importance that the *voice* of management is heard on the air.

Such is the case now.

We feel that the time has come for a renewed dedication of love of country.

These days, there are perhaps a number of definitions for the word *patriotism*, for it, like religious faith, is a very personal expression. The essence, though, of *any* definition is simply love of country.

We feel that the word patriotism should be heard more often . . . that the feeling should be expressed more often; and we know of no better way to begin, than to show, and be proud of, our symbol of national unity . . . the American flag. Such action demonstrates that we, as citizens, appreciate the many privileges that come with being an American citizen. With this in mind, channel eight is embarking on an energetic campaign of encouraging people to "Fly It, It's Yours." We will, make available during the coming weeks, the history of the flag, the history of National Flag Day, President Woodrow Wilson's 1916 speech proclaiming June 14 as National Flag Day, the most significant dates on which the flag is flown, and instructions on the proper way to display the American flag . . . to all teachers, student leaders, college professors, and ministers in our area. This is being done in hopes that they will find an opportunity to use the information in a class lecture or project, or a sermon, as the case may be.

Channel eight will also be encouraging individual expressions of patriotism by making available, without profit, American flags. All of our on-the-air personalities will be actively participating by broadcasting reminders of the importance of the flag. They will also be appearing at area shopping centers to demonstrate in a personal way, that channel eight is sincere in this effort, and we hope that you will display your patriotism by displaying an American flag.

"Fly It . . . It's Yours."

TIME FOR CONGRESS TO ACT ON HOUSE HUNTING BLUES

Mr. PROXMIRE. Mr. President, an article entitled "House Hunting Blues," published in today's Wall Street Journal, clearly describes the plight of the home buyer and the homebuilder as a result of the high interest rate policy of the administration and the Federal Reserve.

Effective interest rates for mortgages in May averaged 7.64 percent—and this was before the prime rate went to 8.5 percent.

In some places, seven to eight points were demanded by financial institutions for housing loans. Points are nothing more than an advanced payment of interest and are used to circumvent usury laws or ceilings on mortgage interest rates.

In addition, the size of the downpayments have been rising and the price of the houses themselves have gone up as much as 1 percent per month.

The higher price for houses, the increases in the interest rates, the larger downpayments, and the demand for points have all worked effectively to greatly reduce the demand for privately built conventional housing.

Once again, the policies, and lack of policies, of the administration and the Federal Reserve Board have made housing bear an unfair and unreasonable burden. Once again, housing has borne the brunt of high interest rates and tight money policies.

In the meantime, the fundamental means of fighting inflation have been studiously avoided. We cannot stop inflation by tinkering with monetary policy and by merely raising interest rates.

We need to cut expenditures—especially those for unneeded and wasteful military items, the excessive spending for the space program, and for highways and other public works. And this will take Presidential and administration leadership which until now has not existed.

This is the way to stop inflation. But such policies have not been forthcoming. In the meantime, housing has once again been required to take an unfair burden in the fight against inflation. And even worse, it is a burden and a sacrifice which is unlikely to solve the basic problem.

I ask unanimous consent that the Wall Street Journal article, detailing the particular problems in the homebuilding industry as a result of the excessively high interest rate policies now being pursued, be printed in the RECORD.

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

[From the Wall Street Journal, June 25, 1969]

RISING INTEREST RATES, HOME PRICES DISCOURAGE MANY WOULD-BE BUYERS—HOUSING START FORECAST DIPS BELOW YEAR-AGO FIGURE; DOWN PAYMENTS RAISED

A Philadelphia accountant who has combed the Main Line suburbs for the past six

months in search of a home tells a tale of woe.

"The prices are simply outlandish," he moans. "We started out looking at the $35,000 level, but when you mention that price to a broker he just laughs. We looked at one house for $43,000 that had ceilings so low that you couldn't maneuver—you'd have to walk around like a hunchback. Another place for $42,000 had a tiny kitchen. It also was dark, dingy and dirty."

The accountant has slowed his search lately, but not because he wants a home any less. "With interest rates like they are, we probably couldn't get a mortgage even if we found a decent place," he says gloomily.

The Philadelphian's plight illustrates the extreme difficulties home hunters all around the country are having these days. Bankers, real estate brokers and people in the market for houses agree that the current housing squeeze is the worst in recent years. Few predict it will get better in the months ahead.

Behind this situation is a demand for money from all sectors of the economy that has sent interest rates soaring to all-time highs. On June 9, bankers raised their prime rate—the interest they charge their most credit-worthy corporate customers—to a record 8½% from 7½%. It was the fifth prime rate boost since December and the first full percentage-point increase since 1945.

Mortgage interest rates also have been rising sharply. The Federal Home Loan Bank Board reports that the effective interest on conventional new home loans averaged 7.64% in May, up from 7.3% in January and 6.84% in May 1968. Savings and loan associations are the nation's biggest mortgage lenders, and in recent months their supply of new funds has slackened as depositors have sought higher returns elsewhere. This trend may reduce their lending activity.

The maximum interest rate that lenders can charge on mortgage loans guaranteed by Federal agencies still stands at 7½%, but it's expected to rise to 8% shortly to reflect money market realities.

High-priced money is threatening to dry up the already meager supply of homes on the market. Builders complain that money for construction loans is scarce at precisely the time they need more of it to cope with rising labor and construction materials costs. The result is a cutback in their home-building plans.

The National Association of Home Builders, a Washington-based trade group, earlier this year predicted that about 1.7 million new homes would be started in 1969, about 13% more than in 1968. Six weeks ago it revised that estimate to forecast a 3% drop for the year. Now "we are going to have to revise that figure down again" as a result of the effects of the most recent prime-rate increase, says Michael Sumichrast, chief NAHB economist.

A shortage of new homes means that prices of existing homes are going up rapidly—more than 1% a month in some metropolitan areas. But homeowners are reluctant to cash in on this bonanza because it would entail braving the bruising housing and mortgage markets again for another home.

SCARED OFF

"A guy will hear about the big prices people are paying for homes and come in to see about selling his," says Frank La Rosa, a real estate broker in Westbury, Long Island, N.Y., "When he sees the current interest figures, he says, 'My God, I can't give up my 5% mortgage for those rates.' He decides to add a room to his present house."

Mr. La Rosa says he currently has about 25% fewer home listings than at this time a year ago.

The situation is much the same elsewhere. "I could get you $3,500 more for your home today than last year," Cleveland real estate man Lloyd A. Lehman tells one former customer. "But I can't guarantee you that I'd be able to find you another home."

The mortgage money-housing pinch is especially severe in states where usury laws have pegged the maximum interest rates that banks can charge on conventional home loans well below the returns available from other types of lending. In Illinois, Michigan and Pennsylvania, for instance, the maximum mortgage interest rate is 7% (though banks can get 7½% on loans guaranteed by the Federal Housing Administration and the Veterans Administration). In New York and New Jersey, it's 7½%.

Lenders in some areas can circumvent those limits by tacking service fees known as "points" on home loans they make; a "point" is equal to 1% of the amount of the loan, and it must be paid in cash when the loan agreement is completed.

In Michigan, where the law doesn't permit lenders to add "points" to conventional home loans, many have simply stopped making such loans. They are adding up to seven points on FHA-backed mortgages.

In the Chicago area, some financial institutions responded to the latest prime-rate increase by boosting their points on 7½% FHA loans to 8½ from five. At that rate, the service charge on a $20,000 mortgage comes to a whopping $1,700.

DOWN PAYMENT REQUIREMENTS RISE

Lenders also have moved to make it tougher on potential borrowers by raising down-payment requirements in the Chicago area, down payments on conventional mortgages range from 30% to 40% of the home price, up from 20% to 25% just two months ago. Savings and loan concerns in Chicago insist they still are investing most of their funds in local home mortgages, but real estate men dispute this.

"The lenders have let us down completely," asserts one real estate salesman in a suburb north of Chicago. "They're either sitting on their money waiting for the usury rate to go up (such a bill currently is pending in the Illinois legislature), or buying out-of-state mortgages at higher rates. I've had four deals collapse in the last two weeks because my people couldn't get mortgages."

Home lending hasn't stopped in New York and New Jersey, but many lenders have cut back their activity by accepting mortgage applications only from their own depositors or from customers of real estate men with whom they do a lot of business. And a few of them have begun casting a warier eye on loan applications from savings account holders.

"The other day we gave a $22,000 mortgage at 7½% with a 25% down payment to a man who had a $2,800 savings account with us," says Cadman H. Frederick, vice president of Suffolk County Federal Savings & Loan on New York's Long Island. "It turned out he deposited the $2,500 the day he asked for the loan and withdraw $2,400 of it the day after he got his mortgage. From now on we're going to check on how long people have had savings accounts with us."

Low and middle-income house hunters are feeling the housing squeeze most. Rising building costs have pushed many new homes out of their reach, and they are having an increasingly tough time making the monthly payments required by today's high interest rates.

In Philadelphia, for instance, A. P. Orleans & Co., a large building concern, offered row houses for $17,000 a year ago; the same house sells for $18,500 today. "We are rapidly losing the bottom of the market," says Edward Borowsky, the firm's sales manager.

In San Francisco, "there's slim pickings in the $20,000 to $25,000 range," says Lee Barrett, president of Leland Barrett Realty Co. Real estate men there say few houses are being built to sell at those prices, and price increases have taken existing homes out of that bracket.

According to some real estate men, the housing pinch also is affecting the well-to-do. Says Joe George, manager of William E. Doud Real Estate in the prosperous Los Feliz section of Los Angeles: "The $100,000 homes aren't selling as well as they used to. People just don't want to borrow that kind of money at today's interest rates." (Mortgage interest runs as high as 9% in Los Angeles.)

At best, the housing pinch is causing home buyers to lower their standards and stretch their budgets. Mr. and Mrs. Charles Williams started out last March looking for a three-bedroom home near New York; they wanted to pay about $25,000 and to put $5,000 down. The Williamses' found a $25,000 home in Fanwood, N.J., but they had to put down $5,900 and settled for two bedrooms and an attic they will have to convert into a third bedroom. "After three months of looking, we felt lucky to get what we did," says Mrs. Williams.

A Philadelphia machine shop superintendent and his family fared worse. They sold their 23-year-old row house for $12,000 two months ago because "the way the neighborhood was changing, we figured it was no longer safe for our daughters," says the wife. After looking at some 30 homes in suburbs north of the city, they settled for an apartment. "We found just one house in our price range—at $24,900," she says. "The roof leaked and the floors needed refinishing. It would have cost us another $5,000 to make it livable."

VALEDICTORY—FRANK M. GOLLOP

Mr. HATFIELD. Mr. President, today's youth are rebelling. No one can argue that point. They are rebelling against what they see as the hypocrisy of a complacent generation. While I do not condone the violence that has erupted on some of our college campuses, I do believe that the youth of today are telling this country some very important things. I think that it is up to all Americans to listen. They do not disbelieve in the basic ideals upon which this country was founded. Rather, they condemn the lack of full implementation of these ideals.

I hope, Mr. President, that we will become not repressive against our young people, but receptive to their thoughts and their uncompromised idealism. We should begin to listen to intelligent voices in all segments of our society.

For the benefit of Senators, I ask unanimous consent to have printed in the RECORD the valedictory address given by Frank M. Gollop at the University of Santa Clara on June 14, 1969. I commend this address for its clarity, its maturity, and its honesty.

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

Aristotle once said, "Man, by his very nature, desires to know." It is this age-long impulse to know that which is true and to follow that which is good which has been the determining factor in lifting mankind through history.

This quest progresses, however, only through the medium of clash. Political revolutions, for example, are inaugurated by a growing sense that existing institutions have ceased to adequately meet the problems. In much the same way, scientific revolutions are inaugurated by a growing sense that existing theories have ceased to function adequately in the exploration of nature. Whenever the

"status quo" has been recognized as failing, the time for change has arrived.

It is this very sense of society's malfunctioning that is the catalyzing agent for the present social revolution. In short, twentieth century institutions are failing to answer questions, basic to man's existence. For example:

How can a Black or Brown man become convinced of his self-worth and our sincerity when the press continually misrepresents his activities, when his political representatives are unresponsive to his hunger, and when business will not employ him?

How do we cure America's poverty when society insists on sending a man to the moon?

How can an eighteen year old boy justify killing another youth, a Vietnamese, whom he has never met?

America's youth has only recently intuited this sense of malfunctioning and is presently searching for solutions. While the feasibility and worth of many suggestions may be legitimately questioned, one thing is certain: the record clearly shows that the needed remedies cannot be measured in a test tube, argued in Congress, or satisfied by economic graphs. The present crisis is significant because it provides an occasion for the complete structural retooling of society.

And so, in desperation, youth are turning not to science, not to politics, not to business but to the university—for here imaginative solutions have traditionally been sought.

But, unfortunately, rather than uncovering centers of imaginative thought, students are finding that the primary reasons for a college's existence seem to be found either in the mere knowledge conveyed to the students or in the mere opportunities for research afforded to the faculty. Consequently, facing urgent problems, an unresponsive structure, and incapable universities, students are protesting.

The challenges they are leveling at campus administrators across the nation, and Santa Clara was no exception this year, is based on a premise which I think Alfred North Whitehead summarizes so well in the statement, "The justification for a university is that it preserves the connection between knowledge and the best of life by uniting the young and the old in the imaginative consideration of learning." The true university imparts information, but it imparts it imaginatively. This is the function it must perform for society. A university which fails in this respect has no reason for existence.

The atmosphere of excitement arising from imaginative consideration, transforms knowledge. A fact is no longer a bare fact; it is invested with all its possibilities. It is no longer a burden on the memory; it is as Whitehead said, "energizing as the poet of our dreams, and as the architect of our purposes."

Youth is imaginative and, I am encouraged by the belief that, if the imagination be strengthened by experience this energy can in great measure be preserved through life. The tragedy of the twentieth century world is that those who are imaginative have but slight experience and those who are experienced have feeble imaginations. The true university must weld both together in a balanced tension. It is this transformation of Santa Clara from a good school of education into a center of imaginative thought that this graduating class has witnessed this year.

Admittedly, this transformation is far from complete, but the direction has surely been established. During this past year, Santa Clara has become aware of the power students must have in determining university policy and has imaginatively created the "President's Council;" Santa Clara has become conscious of the unconscious racism on campus and has imaginatively created an ethnic studies program and a scholarship fund for minority students; and, most recently, Santa Clara has become aware of the freedom and responsibility necessary to successful community living and, I am confident, will imaginatively create a dormitory policy promoting student maturity.

It is in this increasingly potent atmosphere of continual re-evaluation and change that our imaginations have been nourished, our experiences broadened, and our development encouraged.

Inevitably, the puzzling question is asked: If Santa Clara has become imaginatively aware and creative in such a short time, how has it been able to do so both quickly and non-violently? The answer, I believe, is simple: Beyond our obvious advantage of limited size and our blessing of freedom from state censorship and control, Santa Clara is singular in that it is Christian.

A presumption of an ultimate unity directs Santa Clara's education. It finds expression in a sense of wholeness and openness to all expressions of humanness.

Man exists in brokenness and separation; his life is fragmented. Consequently knowledge is necessarily diffused and the unity of understanding possible for Man is an imperfect one. As C. P. Snow and others have suggested, this fragmentation results in the impoverishment of culture.

A Christian education involves the recognition that knowledge is fragmented and that disciplined study and investigation requires division, specialization and concentration. But combined with this acceptance, is an insistence that real understanding and wisdom cannot be compartmentalized, that the various methods and expressions of man's knowledge are parts of a greater whole, and that this whole is one truth.

Santa Clara has been able to move quickly and effectively because its imaginative creativity works from and builds on a foundation of unifying wholeness rather than like many state institutions, from a sea of transient experiences.

With all this in mind, I would like to address myself for a moment solely to those who have come to witness the graduates receive their diplomas.

Remember, the mind is never passive. It is perpetual activity, delicate, receptive, responsive to stimulus. Its life cannot be postponed until the university has finished sharpening it. Whatever interest is attached to the classroom's subject matter must be evoked here and now; whatever powers are strengthened in the pupil, must be exercised here and now; and whatever possibilities of mental life are imparted must be exemplified here and now. Imagination cannot be acquired once and for all, and then kept indefinitely in an ice box to be produced periodically in stated quantities.

With this in mind, view campus disorders not with fear but with pride for the imaginative life is not a stage of life but a way of living. Surely, I condone neither the destruction of property nor harm to anyone—this should be made clear; but let me also make clear that while the pressure placed on university officials has been great—for many, unbearable—their obligation to society is large.

Given the urgent need for change, the inability of the present structure, and given the hope of a university, then the only thing we have to fear is society's intoleration of imagination.

Finally, addressing myself to the students, I pose one fundamental challenge. While the initial discipline of imagination requires that there be no responsibility for immediate action and while no concrete organization must be established, we all face the burden of leaving the womb. No longer will we be able to enjoy the university's leisure, its freedom from restraint, its freedom from harassing worry, the great variety of experience, and the stimulation of other minds diverse in opinion and equipment. Reflection on this has made me fully aware of what so many before me have referred to as the "cold cruel world."

Four years have taught us much. Gaining from the realism and experience of others, our idealism has been tempered so that our consciences are strong and our convictions firm. My only challenge to this class is to employ our imaginations and maintain our convictions.

To make my point perfectly clear, I point to those male graduates who have decided to wear the white arm band of protest against the military. I sincerely applaud your courage and will always guard your right to follow your imagination and your conscience. I only hope that you will carry your message beyond the campus boundaries by living a life consistent with your convictions. In short, when your student deferment expires, I ask you to reread your published statement of today and employ the courage you have displayed by applying for the status of a conscientious objector. For once having left the university womb, to compromise by joining a reserve unit, to evade the draft by changing your address, or to escape it all by leaving the country would make today's protest, at most, superficial. Remember, a life of inconsistency and continual compromise is worse than the most complacent patriot.

The gift which the university has offered us is the old one of imagination, the lighted torch which passes from hand to hand. It is a dangerous gift. Left free, there is nothing it will not question, reconsider, analyze. Left free, convictions will result which while they must continually be re-evaluated, must be acted upon in a consistent, unified life.

To all present, I suggest that if we are timid as to that danger, then the proper course is to shut down our universities. With the class of 1969, I share the final thought that not to be timid to that danger is the greatest gift that we could ever give to the University of Santa Clara.

THE UNIVERSITY OF WISCONSIN-MILWAUKEE CHANCELLOR ON "THE STATE AND THE UNIVERSITY"

Mr. NELSON. Mr. President, I wish to bring to the attention of the Senate a speech given by Dr. J. Martin Klotsche, chancellor of the University of Wisconsin-Milwaukee, entitled "The State and the University."

Dr. Klotsche is an eminent educator, and in his long service to the University of Wisconsin at Milwaukee has built it into a world renowned university with an enrollment of nearly 17,000. In his long and distinguished career at the University of Wisconsin-Milwaukee, he has emphasized service to the urban society in which the university is located and from which its students come and return to. His success in this important approach has made the school an intricate part of the Milwaukee community and it now functions in a wide variety of community activities.

Dr. Klotsche stresses decentralization of university control and independence in decisionmaking so that the university can best serve the many demands made on it. He also recognizes that the "university above all else must strive to be respected rather than popular. It cannot be all things to all people and expect to survive."

I ask unanimous consent that Dr. Klotsche's "Chancellor's Night" speech of February 18, 1969, be printed in the RECORD.

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

Chancellor's Night is an appropriate occasion to call attention to the important role that both the university and the city play in our society, for both the metropolis and the urban university are assuming dominant positions in the closing decades of this century. That we are an urban society has now been fully documented. In 1960, 70 per cent of our population lived in cities, while five American cities—New York, Chicago, Los Angeles, Philadelphia and Detroit—accounted for 20 per cent of the nation's total population. Eighty-five per cent of our population increase between 1950 and 1960 occurred in the 212 standard metropolitan areas. During that period our urban population increased in all 50 states of the Union; in four states it doubled. In contrast, our rural population declined in 28 states.

The urban trend in this country is irreversible, for a society based on science and technology is inevitably urban. Whether we like it or not, our cities are here to stay.

And so are our universities. They have always been important institutions in our society, but with a rapid industrialization and advance in science and technology, they have become central in providing trained manpower, in advancing new knowledge and breakthroughs, and in applying that knowledge to the problems of the day. And the university in the city has a peculiarly unique function to address itself to the problems of the city and participate actively in the struggle for the survival of our cities.

It should come as no surprise to anyone that institutions as volatile as the city and as the university should both find themselves in deep trouble. At every turn our cities are plagued with problems, whether traffic and parking, environmental pollution, recurring fiscal crisis, racial tensions, or aggravated problems in the ghettoes. Our universities, too, are in distress. Student protests, disruption and violence are prevalent on many college campses. Universities everywhere are faced with increasing financial strains. Increasing demands are made upon them for services, and therefore they are overextending themselves, often carrying on activities beyond their resources. Our urban universities are no exception.

Yet, in their common struggle for survival, the city and the urban university have much in common. The city is the university's laboratory. In a very real sense it is the campus of the university. Its schools, its courts, its welfare agencies, its businesses, its medical and health facilities, its governmental institutions, are all learning situations for university students. The problems of the city present ideal case studies for the student and scholar, and provide unparalleled clinical situations. Opportunities for volunteer service and involvement in community action are unlimited.

The university in turn makes its impact felt on the city. Its graduates are placed in industry, government and education. Its faculty are sought after by public and private bodies to advise and consult. Its public service contributions can be significant. It enriches the artistic, cultural and intellectual life of the area.

There was a time when the university could remain in the ivory tower and take a detached role. But now it must step down from its ivory tower, whether it likes it or not, for the problems of the city can no longer be ignored. How the university can best involve itself in the life of the city is not easy to determine, and the terms on which the university should participate are not easy to define.

For the university is not a monolithic structure with all power and authority vested in the office of the chancellor. One cannot properly speak of "the university" with decision-making responsibilities emanating from one central source. Rather, the university is a highly decentralized institution consisting of a number of component parts. It has schools and colleges, departments, centers and institutes, each with its own responsibilities and programs and a high degree of independence in such matters as faculty appointments, program development, and academic thrust. To an outsider such decentralization may appear to border on anarchy, but inside the university there is strong sentiment that this is what gives to the university vitality and freshness, even though it often becomes difficult, at times impossible, for the university to organize its resources for an attack on a community problem.

The problems of the university committed to an urban role are also made difficult because the resources of the university are not unlimited, while requests for services, involvement and participation are constantly mounting. It therefore becomes necessary for the university to establish priorities and to determine on a highly selective basis what should be attempted and where it should put its chips. In so doing it must be prepared to say "No" to many requests and incur the disfavor of those who have been denied its services. The university above all else must strive to be respected rather than popular. It cannot be all things to all people and expect to survive.

Now let me report more specifically on the state of the University of Wisconsin-Milwaukee. Where are we here in Milwaukee and where do we want to go?

1. Our enrollment continues to increase steadily at a rate of about 8 per cent a year. Last fall we enrolled almost 17,000 students and should reach the 20,000 mark in the biennium of 1969–71. At the undergraduate level we still draw predominantly from this metropolitan area, with only about 3 per cent of our undergraduate students from out of state. Our undergraduates have other interesting characteristics. Our student profile shows that they are older, that a higher percentage are married, and that more of them are working than is the case on a residential campus such as Madison.

Our student body is less activist than is the case elsewhere, although there are now indications of greater student involvement in the affairs of the community and a more substantial interest in the affairs of the community and the nation. We had our own black demands last spring, are engaged in discussions now on this matter, and no doubt will have many more before the year is out. The number of our black students is still a relatively small percentage of our total (not more than 2 per cent), but we are working hard to increase the number of disadvantaged students enrolled here.

We are most encouraged by the results of a new experimental program that was begun last fall. A group of about 75 high-risk students, not admissible by normal standards, was admitted through a careful program of selection, based not so much on the traditional tests but on such factors as personal motivation and individual consultation. On admittance, individual counseling and tutoring programs were developed for each student, and at the end of the semester 63 per cent of them survived their academic program.

We are indeed encouraged by this result and intend to expand and further develop this program.

Our graduate enrollments have shown the greatest growth. To be sure, enrollments plateaued off this year because of uncertainties related to the draft, but we feel this is only temporary. There are now over 2,500 students enrolled in more than 50 Master's and eight Ph.D. programs. They represent 15 per cent of our total enrollment compared to 5 per cent ten years ago. In time, one fourth of our enrollments will be graduate students.

We also are continuing to develop our programs for the part-time student. There are now almost 4,000 in this category, many of them enrolled in evening and late afternoon hours. The university in the city has a special responsibility to the adult who wants to continue to learn to keep up in his own field, to assist in his professional advancement, or to contribute to his personal self-fulfillment. We view with some concern recent proposals to limit the enrollment of the University of Wisconsin—Milwaukee, if this should result in discouraging the expansion of our continuing education program.

2. We are pleased with the results of our faculty recruitment in spite of tough competition which we face in the academic market place. There are over 2,000 institutions of higher learning in this country competing for college and university teaching talent. The State University of New York alone needs to recruit 15,000 new faculty members by 1975. We now have almost 700 full-time faculty members, and our departments and administrators are engaged in a year-round effort to recruit new faculty. In our areas of concentration related to our urban mission, we are attracting distinguished people with world-wide reputations. Our Center for Great Lakes Studies is attracting national attention because of the faculty who are teaching and conducting research there. The Fine Arts Quartet, in residence on this campus, is world renowned. The College of Applied Science and Engineering this year attracted a core of three faculty members, specialists in engineering materials, from the Massachusetts Institute of Technology, as a result of a generous gift from the Pelton Steel Company of Milwaukee. Our theoretical physics group is nationally known and last year attracted to this campus physicists from all over the world.

3. In the area of program development we have now finally resolved the question of major status. There are now to be two major public universities in the State of Wisconsin—one in Madison and the other in Milwaukee—offering in addition to undergraduate work a wide variety of professional and graduate programs leading to the doctorate. There are now eight professional schools at the UWM, and a medical school has been approved by the Board of Regents and the Coordinating Council for Higher Education. We are particularly pleased with the development of our two newest professional schools. We already have over 425 students enrolled in our School of Nursing, and our School of Architecture which was created in July of 1968 will have over 100 students enrolled in the third year of the program in the next academic year. We now have eight approved Ph.D. programs at the UWM and plan to add other doctoral programs at the rate of about one a year until we reach a goal of 20 or 25. We do not intend to duplicate or match the Madison campus in the development of doctoral programs, but we do intend to be selective and concentrate on specialties that are unique to Milwaukee. The approval by the Board of Regents at its February, 1969, meeting of a Ph.D. in Economics with an urban emphasis is a case in point.

4. Our building program continues to move ahead in a most satisfactory manner. Last spring we dedicated our Fine Arts Center. We now have under construction three residence halls which, when completed in the fall of 1970, will house 2,000 students. Ground has also been broken for a new heating plant, and an expanded Union will be started this spring and should be completed within two years. Our Science Complex which will house our College of Applied Science and Engineering, our Math-

ematics Department and Computer Center is under construction on the west end of the campus. These buildings will have parking facilities attached to them, thereby adding 1,000 additional spaces for this purpose. A General Classroom Building, to house our School of Education and our School of Social Welfare, is in the planning stages, as is a Chemistry Building. Total expenditures for these projects represents a capital outlay of $50 million.

5. Extramural support for the UWM has also been most encouraging. In 1967–68 we passed the $7,000,000 mark in gift, contract and nonstate support for the UWM. In 1956 the total was only a modest $9,000, but we have shown a substantial increase each year since then. A National Science Foundation grant of one half million dollars was given to UWM this past year to develop our Surface Studies program, an interdisciplinary program developed by our Physics and Chemistry Departments in conjunction with the College of Applied Science and Engineering. Milwaukee's Eschweiler family made a substantial contribution for a special professorship in our newly created School of Architecture.

And yet we still have much to do, especially in the area of our public image in this community. We are at least five years ahead of the public understanding of what is going on on this campus. We are continuously at work on the matter of our image. We have created in the last year two advisory committees, one to the School of Business Administration, the other to the College of Applied Science and Engineering. Our Friday evening programs at the Manfred Olson Planetarium have proved so popular that they now are repeated a second time on the same evening. Our School of Fine Arts lists 44 major cultural attractions during the next three months, most of them available to the general public.

Yet we find that parking nuisances, concern over obscenity incidents and neighborhood opposition to our westward expansion at times overshadow our more positive contributions to the city.

We graduated from this University in June, 1968, and this January, 1,700 persons. These young men and women are trained for business, engineering, nursing, education, fine arts, and social welfare. Two-thirds of them will remain in Milwaukee. Last year our School of Education certified 400 teachers, 90 per cent of whom remained in the State of Wisconsin. Our faculty in increasing numbers are serving the metropolitan area as consultants and actively participating in a wide variety of community activities. The Harbor Commission, the Urban Coalition, the Model Cities program, the committee for the reorganization of city government, the Urban Observatory, are but a few examples. I have already referred to the varied cultural activities offered by the University and the visits to the Planetarium, which last year attracted over 25,000 people. Out-of-town visitors are coming to Milwaukee because of the University, and the existence of the University in this community makes Milwaukee a more attractive place to live in and thereby assists business and industry in recruiting personnel.

Contrary to the view of some who contend that the University deteriorates the neighborhood, it is worth mentioning that property values in the immediate area of the University have risen over 30 per cent in the last four years. Once a final decision is made on the expansion of the campus, we can proceed with an orderly and systematic development of the neighborhood. New business and commercial expansion and housing undertaken by private developers will follow, all of which will add substantially to the city's tax base. With a payroll of close to $15 million, much of which is being spent in this area, another $5 million spent for goods and services, $50 million now programmed for construction, and additional secondary spending stimulated by these dollar expenditures, the University's contribution to the economy of the area now approaches $80 million a year.

The University is clearly an important asset to the community.

It provides education to many young people who otherwise could not attend college.

It makes it possible for a large number of adults to continue their education.

It provides trained manpower in many professional areas now in short supply.

Its faculty achieve research breakthroughs and contribute new knowledge and insight to the improvement of the city.

It provides a wide variety of cultural and educational programs that improve the quality of city life.

It contributes substantially to the economy of the region through payrolls, spending, goods and services.

We are more than an institution that provides low cost education to commuting students, although this should not be ignored as a factor of importance. But in addition we are an institution that affects every aspect of this community's life. We supply trained manpower. We contribute our research talent. We extend our services through expanded programs of outreach.

Our future will not be denied us. We are in the mainstream of American higher education. We are the *urban campus* of a truly great university that has a long tradition of service to the state, nation and world.

AUSTRALIAN ADVANTAGES UNDER THE INTERNATIONAL GRAINS ARRANGEMENT

Mr. HARRIS. Mr. President, I rise to speak at this time with reference to the International Grains Arrangement under which U.S. wheat producers and exporters have operated for the last year.

This past Monday, June 23, there began an International Grains Arrangement meeting in London to discuss the many problems of the world wheat market and the internal difficulties of the IGA itself. At this time, when a comprehensive review of the agreement is being made, it is incumbent upon the Senate of the United States, which approved this treaty a year ago, to take a hard look at at least two of the most striking inequities which have occurred since adoption of this agreement.

I am speaking first of all about the advantages which one of the signing nations, Australia, has taken to the detriment of other member nations, especially the United States.

It is no accident that Australia has been able to undercut our prices in many world markets. By setting up a freight formula based on inefficient vessels and transport techniques, and then doing their actual shipping in larger more modern vessels which are chartered at reduced rates, they have appeared to stay within the price ranges set by the agreement while, in fact, their alleged "compliance" is a covert violation of the spirit of the arrangement.

Under the IGA, the United States is not able to take similar advantage of freight flexibilities since our rates are set by the convention, supposedly as a basis for the other nations to calculate from. I am sure the Australians would not want this situation reversed, with all of the flexibilities in our favor instead, and should therefore be willing to renegotiate the treaty to include a realistic freight calculation schedule. At the very least, they should be willing to comply more fairly under the present system until this problem has been worked out.

Second, I am concerned about the probable loss of a large share of the U.S. wheat market in Taiwan to France. The French have sold wheat at such low prices that there is no way to compete with them under the IGA. We would like to think that no violation of the agreement's minima has occurred but are left almost no choice given the exceedingly low prices at which France is offering its wheat in Asia. Full cooperation by France, as a representative of the European Common Market, is absolutely essential for the present arrangement to operate fairly. Situations like the recent one in Taiwan should be of grave concern to all member nations, not only to the United States.

Our wheat farmers have enough problems already with a reduced market and lower prices generally to have to bear the further burden of countries which refuse to meet their responsibilities under this supposedly cooperative and mutually beneficial agreement.

If nothing is done at London this week, Australia and France should be seriously concerned that our patience may be running out with regard to our support of the provisions of this agreement which are so much to their advantage.

REPRESENTATIVE FINDLEY ON THE COST OF GROWING COTTON

Mr. TALMADGE. Mr. President, Representative PAUL FINDLEY, of Illinois, made use of a remarkable argument before Congress on April 30, 1969, in his effort to have limitations imposed on payments to farmers under the Food and Agriculture Act of 1965. Referring to "a recent study at Louisiana State University," he said: [1]

> The university study implies that, due to economic factors, farmers there would continue to plant cotton even though a payment limitation is imposed. This was clear in the study's analysis of competitive crops to which cotton farmers could turn. In other words, the limitation would not reduce profit on cotton production to such an extent that the land would be planted to other crops. Said another way, taxpayers need not make payments over $20,000 in order to get cooperation in the cotton program.
>
> The same economic factors obviously apply throughout the land of cotton.

Later, on June 10, Representative FINDLEY placed in the RECORD the study on which the above argument was obviously based. It turned out to be a brief analysis entitled "Soybean-Cotton Competition" by Dr. Clyde St. Clergy, farm management specialist with the Louisiana Cooperative Extension Service.

This incident serves to illustrate the extreme distortions of information which are being used to mislead people about the nature of the limitations issue. Dr.

[1] CONGRESSIONAL RECORD, April 30, 1969, p. 10868.

St. Clergy himself is clearly on record as an opponent of payment limitations. He delivered an address entitled "The Case Against Payment Limitations" on March 25, 1969, before the Southern Region Extension Public Affairs Committee.[2] In this address, he made no reference to his study of "Soybean-Cotton Competition" for the obvious reason that he himself recognized it shed no meaningful light on the issue.

Comparing Mr. FINDLEY's conclusions from the study with the actual content of the study itself, let us ask three questions:

First. What does the study actually show about the profitableness of growing cotton?

The study makes no reference to profits and no pretense at measuring the profitableness of cotton production. The only cost figures given are the so-called "variable costs," from which Dr. St. Clergy excludes both the cost of ginning[3] and the interest and depreciation on machinery and equipment. These excluded items of cost are equal to 66 percent of the amount included by St. Clergy under "variable costs" if we take as our authority a study by Hamill and Woolf of Louisiana State University, which St. Clergy used in his analysis.[4] This calculation is based on a cost analysis for medium and large farms, using four-row equipment, in an efficient cotton-growing area of Louisiana in 1967. In addition there are the costs of land ownership, general overhead, and management, which Hamill and Woolf did not attempt to measure. According to the U.S. Department of Agriculture, land and general overhead account for some 23 percent of the total cost of producing cotton in the United States.[5]

Second. What does the study show about the farmer's ability to continue cotton production if limitations are imposed?

There is a theory that the consumers in the United States can count on getting the cotton produced to supply their needs, so long as the farmer's "variable costs" are covered by the income he receives from cotton, and he has no better alternative. Mr. FINDLEY, using St. Clergy's indication that the margin above "variable costs" would be more per acre in Louisiana in 1969 for cotton than for soybeans, draws the conclusion that American farmers will go right on growing cotton even if they are placed under limitations in 1970 and later years.

St. Clergy's study sheds no light on this question one way or the other. The study was designed to help Louisiana farmers make a one-time decision between cotton and soybeans at a time when the decision was right upon them. To do this, St. Clergy had to assume that the farmer had the equipment to grow either crop and therefore would incur the depreciation and interest costs of owning the equipment whether he used it or not. Accordingly these big costs—which are seven times as much per acre for cotton as for soybeans—were excluded from his definition of the "variable costs" to be considered. But if Mr. FINDLEY thinks farmers can go on growing cotton in future years without regard to the cost of buying and owning machinery, he is no great farm economist.

On this point alone, his conclusions become completely invalid. But of course, if farmers are going to stay in production across future years, they must have a reasonable expectation that they can cover all their costs, including the big range of fixed and overhead costs, and that in addition they will get a reasonable return for their effort and investment, just as other business men must do. A reasonable return must include adequate incentive to keep on working and investing in the face of the risks involved, and cotton production is a high risk enterprise.

Third. What does the study show about the comparative production costs of cotton and other farm enterprises?

St. Clergy's cost figures, in addition to having such a limited definition, took account of only one alternative crop in only one State, Louisiana. Even for this comparison, Louisiana's average yield per harvested acre in the last three seasons was 24.7 bushels of soybeans as compared with 620 pounds of cotton, whereas for the 10 other States which grow a substantial amount of both crops, the average was 23.6 bushels of soybeans compared with 435 pounds of cotton. Obviously the yields of cotton were much more attractive, as compared with soybeans, in Louisiana than in the rest of the region.

It is just ridiculous to look at St. Clergy's figures and say, "The same economic factors obviously apply throughout the land of cotton."

Mr. President, in his statement of June 10, Representative FINDLEY referred to those areas where "wealthy farmers get the biggest payments for not growing crops." The campaign to kill the payments program is built on the false and demagogic claims that it is "for not growing crops." Only a minor part of the cotton payments made under the act of 1965 has ever consisted of the diversion payments, designed to discourage plantings above 65 percent of allotments. The largest, or "wealthy" cotton farmers generally tended to plant the full allowed acreage and thus avoid diversion payments altogether. For the growing season now underway, there are no diversion payments at all to cotton producers which are conditioned on diverting acreage. The true purpose of the payments is to help farmers produce cotton and sell it at low, competitive prices in spite of the high cost of production.

A great illusion is being nurtured about the huge size of a few cotton producers. Our national leaders should try to encourage true perspective on the really huge size of our whole country today. If they profess concern for the welfare of consumers, they should relate the cotton problems to the fact that American consumers now spend about 47 billions—yes billions—of dollars annually on clothing, plus a great deal more on other textile products in homefurnishings and other fields. It is extremely important to consumers that our cotton production system be kept alive as a vigorous competitor to the small handful of synthetic fiber companies which are tending more and more to dominate the textile scene. Consumers want and need cotton products, but cotton cannot survive unless it meets the challenge of the synthetics in research, advertising, and all the modern techniques of production and merchandising. One synthetic producer now gets about 1.3 billions—yes, billions—of dollars annually from the sale of fiber in this country. This is about as much as the market value of all the cotton grown by all 300,000 cotton producers combined. Yet Representative FINDLEY deplores the "trend toward bigness" among farmers, not among synthetic competitors. Cotton desperately needs the innovative influence and leadership of its large producers if it is to contend successfully against the enormous firms which are absorbing its markets. The cost-price squeeze applies to the large as well as the small producers. If the larger ones are killed off or driven out of cotton by discriminatory limitations, all cotton producers and all textile consumers will suffer.

It is a supreme irony that Representative FINDLEY selected Dr. St. Clergy's study to use in his campaign against payments to the larger farmers "for not growing crops." The truth is that the occasion for the St. Clergy study was the very fact that diversion payments to cotton had been generally eliminated with respect to the 1969 crop. He was trying to help Louisiana farmers make short-term decisions under this very situation.

Dr. St. Clergy himself, whom Representative FINDLEY has chosen to publicize, points his finger straight at the connection between welfare and limitations in the address mentioned above. If payments are to be withheld from all farmers except those of very modest size, then the question is immediately raised whether the farm programs of the future will "continue to be directed toward maintenance of an efficient agricultural plant that will guarantee the consuming public a steady supply of commodities at fair prices."

Or will they, he asks, become "welfare oriented" programs. It would be a good idea for Representative FINDLEY and all those of kindred minds to ponder Dr. St. Clergy's conclusion:

> If limitations are going to be enacted, then I contend that farm programs should be placed under the administration of the Department of Health, Education, and Welfare.

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[2] Mimeographed address, distributed by Louisiana Cooperative Extension Service.

[3] Ginning is excluded on the assumption that this cost will be offset by the gross revenue from the sale of cottonseed. This assumption is supported by experience in most years of the past, but the cottonseed support prices announced for 1969 indicate that this is a most unreliable assumption for the future.

[4] *Data for Farm Planning in the Ouachita River Valley Area of Louisiana*, D.A.E. Research Report No. 374 (Louisiana State University, Agricultural Experiment Station, June 1968).

[5] *Costs of Producing Upland Cotton in the United States, 1964* (Agricultural Economic Report No. 99) with Supplement for 1965 and preliminary report for 1966.

CONSERVATION IN THE CITIES

Mr. NELSON. Mr. President, earlier this spring Mrs. Donald E. Clusen, of Green Bay, Wis., spoke at the 34th North

American wildlife and natural resources conference general session in Washington, D.C., on the topic "Broadening Conservation's Constituency."

Mrs. Clusen's remarks centered on the problems of promoting conservation in an urban environment. Mrs. Clusen said:

The most predominant block is lack of identification on the part of "city people" with conservation groups.

Mrs. Clusen went on to say that conservation is more than just a national park, an oil slick off the Pacific coastline, or a summer vacation. Conservation relates to the total environment, including all the physical discomforts of urban life. The challenge is to the conservationist, to bring the relevancy of conservation issues to city problems and to create an awareness on the part of city dwellers to this relevancy.

Mrs. Clusen, the second vice president of the League of Women Voters of the United States, has long been concerned with the quality of the environment. As national chairman of the Water Resources Committee of the League of Women Voters, she has often been a speaker at land and water use conferences and at conservation group meetings and service clubs. She has often given testimony on behalf of the League before various committees of the House and Senate in Washington, urging passage of legislation to promote comprehensive long-range planning for conservation and development of water resources and improvement of water quality.

I ask unanimous consent that Mrs. Clusen's speech to the North American wildlife and natural resources conference be printed in the RECORD so that all may have the benefit of her thoughtful comments on broadening conservation's constituency.

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

BROADENING CONSERVATION'S CONSTITUENCY

(By Mrs. Donald E. Clusen, at the 34th North American Wildlife and Natural Resources Conference General Session, Mar. 5, 1969, Washington, D.C.)

On behalf of the League of Women Voters I should like to congratulate you upon the choice of theme for your conference this year—"Conservation In An Urbanizing Society." This choice denotes a concern and an awareness of the fact that the problems of human resources and natural resources are inextricably interwoven. My organization shares this attitude with you and welcomes the dedicated conservationist as an ally in trying to find the means to cope with the monumental problems facing people and with the relationship of people to their physical environment.

The need and the dimensions of the resource crisis of the 1970's has been well documented and eloquently expressed during the past two days of this conference. It is altogether appropriate that this final session be devoted to the actions needed for the job ahead. The League is honored to have this opportunity to share with you our thoughts on how to broaden the base of those who seek solutions to conservation problems in an urban age.

It occurs to me that there is merit in attempting to identify the blocks which exist before trying to propose solutions. Therefore, I pose the basic question: Why haven't people in cities flocked to conservation's banner? Supported conservation causes in large numbers? Assisted in funding conservation needs enthusiastically? Applied the skill and knowledge of the conservationist to urban environments? I am sure there are many psychological and human factors involved in the response to this question, but in our few moments here together I should like to suggest three basic blocks to the acceptance of conservation's cause by urban leadership and to propose three basic remedies for these blocks.

To my mind, the first and most predominant block is lack of identification on the part of "city people" with conservation groups. Conservationists have somehow failed in semantics and in human contact with those who live in urban areas, failed to communicate real concern for their physical environment and their conservation problems. If you live in an over-populated area with little or no open space, few parks, only an occasional tree—if you are accustomed to the fumes which accompany city life, unable to swim in the closest river, it is difficult for you to relate these problems to the image which is evoked by the word "conservation." To the average urban dweller "conservation" means something which has to do with the Grand Canyon, the deer hunter, the fisherman, and the bird watcher but has little or no relevance to the city dweller and his daily problems of existing in a metropolis. If he thinks about these things at all, it is in terms of making his vacation plans or the amount of his tax dollar that is being spent to support camp grounds, clean up the oil slick off the California coast, or build a dam in the West. It is something "out there," and those who are conservation adherents are, to him, for the most part, almost as alien as a man from outer space. It would never occur to the usual city resident, unless he has deep roots in the soil or an unusual concern for his environment, to seek out the local chapter of any of the numerous conservation groups in his area. The city dweller simply does not identify the word "conservationist" with himself nor the word "conservation" with his urban physical discomforts.

The second major block follows along the same line. In addition to lack of identification with conservation groups, the urbanite fails to identify his environmental problems as conservation problems. He knows he can't swim in the river at his doorstep because it is polluted—or catch fish in it—or go boating on it—but he fails to make the connection between this fact and the conservation groups which worked so hard during the setting of water quality standards last year. He knows the trees on his block are dying—or being removed to make way for a wider street or an urban renewal project—but he makes no connection between this loss of trees and the work of conservation groups with urban planners and city engineers and the state resource agency to save some greenery—some open space—in the city. He knows that when it rains his newly-developed area is a sea of mud, his basement is flooded, his street impassible, but he doesn't think of this in terms of the work conservation groups have done in the establishment of building procedures to prevent soil erosion or to achieve comprehensive planning. The urban man does not regard any of these problems as conservation problems. He sees them as problems of city government, or the price of progress, or a fact of life with which he is so accustomed to coexist that he ceases to see it at all.

The third block to vital growth in conservation groups from the urban segment is lack of awareness on the part of the latter of the aid—the expertise, the warmth, the helping hand—which is available to him from conservation interests, both public and private. Somehow in the barrage of words from conservationists, we have failed to convey the message that we care for people as well as trees; for the city as well as the country; for man as well as moose; for the city park as well as the national park. We have also failed to give high visibility and priority to the tools and the technology possessed by conservationists to remedy some of the ills of the city. We have not related well the know-how and willingness of conservation leaders to serve the cause of urban environmental problems—nor have we crossed the semantics barrier which exists.

There has been much debate in the past few years about the terms "conservation" and "preservation." To the uninitiated the meaning of either term and the distinction between them is cloudy. In the minds of city dwellers, the issue is no more resolved than it was in the last century. I personally prefer the definition of Dr. Raymond F. Dasmann, Director of Environmental Studies for the Conservation Foundation, who says, "Conservation is now defined as the rational use of the environment to achieve the highest quality of living for mankind." This definition has relevance to urban areas and sets forth a goal and a hope of a quality environment for urban as well as rural areas.

These three blocks then, I see as the major problems—

City dwellers don't identify with conservation groups;

City dwellers don't see their environmental problems as conservation problems;

City dwellers are unaware of the tools and the willingness of conservationists to assist them.

How to overcome these problems? I am going to propose in explicit and somewhat elementary terms some possibilities to you, because I believe that this is the point at which we must cease to be philosophical and be practical; this is the point at which we must stop being theoretical and become concrete.

First, conservationists must show a renewed interest in the people and the leaders and get to know those who live in the city. We must go to them—where they live—and speak their language. This power structure will not be the one with which we are accustomed to dealing, and it will not always be either pleasant or polite. There will be resistance and disbelief, apathy and a tendency to regard you as dreamers who live in an unreal world. You will need to seek out, at every opportunity, the leaders of urban groups, the spokesmen for the ghettos of the inner city, the heads of labor unions, the officials of city government. You will need to work to identify the people who are interested in the cities and the people who live in the cities. As in approaching any other new audience, you will need to make new contacts and learn about them in advance. What are their goals? What motivates them? You will need to be prepared for rebuff, for you will be seeking out not conservation's natural allies—as we so often recommend—but its un-natural allies!

Urban dwellers do not automatically care about the same things as conservationists and so the burden of proof is on you—to commit yourselves for the long haul; to prove that you care what happens in the cities; to show that you are willing, indeed eager, to accept these citizens as co-workers and make their causes yours. You will need to work more intensively with the ward politician, the city planner, the urban renewal architect, the businessman's luncheon group, the community action boards.

The mantle of purity and the aura of pristine virtue which surrounds the concept of conservation in the minds of the man on the city street must be blown away. You will need to demonstrate graphically your willingness to identify with the city. An im-

portant principle of opinion-building—the identification principle—is involved. To accept an idea or a point of view, the people we are trying to reach must see clearly that it affects their personal desires, their hopes, or their interests. Identification has to do with self-interest. The problems which concern conservationists must be made meaningful to city people in ways that are observable and measurable from the point of view of their lives, in ways they will understand, in ways that will cause them to act.

How do we do this? Mainly it requires the ability to see things as others see them. We must project ourselves into the minds of other individuals or groups whose background and point of view may be quite different from our own. Such projection requires understanding and imagination, but you are imaginative people. Developing this ability to understand the attitudes and emotions of others will make the difference in bridging the communications gap which faces conservationists as they attempt to enlist city residents for their causes.

In order to further identify conservation groups with urban residents, we need to face the second block—that of helping these citizens to see their environmental problems as conservation problems and our goals as relevant to them. Perhaps the best way to achieve this is to try to bring it all closer to home. For example, those who live in the city do care about where their children play; they do want to be able to find a green belt and some open space in or adjacent to the city proper. These are goals which they can understand and can identify with close to home, and it is with these immediate concerns that conservationists must cope if they are going to reach and motivate this wider base.

People do not buy ideas separated from action—either action by the sponsors of the idea or action which people themselves can take to prove the merit of any idea. Unless a means of action is provided, people tend to shrug off appeals to do things.

Another basic axiom is that people must be involved in the selection of the goal in order to care about its achievement. Therefore, it behooves us, in opening our dialogue with the city, to attempt to find out what not only the leaders but the people want in the regeneration of their city.

When you know what the people who live there want for their neighborhoods, you will know how you can help them take some productive action to get it. One good case history of a small project in a major metropolitan area—a new park established or an old one saved—a place for walking, picnicking, relaxing, just beyond the city limits—a small waterfront area which offers brief respite from a bustling city—any of these things will do more to bring adherents to conservation from the ranks of the population of that city than thousands of acres added to a national park 2000 miles away.

The need is great for higher visibility to be given to the desire and the ability of conservationists to assist in achieving a quality environment in urban areas. We must devote as much thought, as much creativity, and commit as much personnel and funds to this end as to reaching citizens in other areas of American life. Conservation programs, publications, possibilities for action must be made a part of the program of every organized group in the city if the message is to be extended. A great deal more needs to be done through the schools and children need to be reached at a much earlier age.

Young urban people will determine the environmental decisions of tomorrow. Their attention must be caught today.

Go to the schools, the news media, the power structure, the community organizations, the government in the cities and volunteer your group's ideas, personnel, and funds to help in rejuvenation of this nation's cities—for failure to do so leaves the ultimate resolution of these questions in the hands of people to whom conservation is only a word.

These then are the challenges and choices which I see for conversationists who want to broaden their constituency. The challenges: lack of identification of city residents with conservation groups, lack of relevancy of conservation issues to city problems, lack of awareness of what conservationists can and are willing to do to aid in rebuilding our cities. The choices: to show an interest in urban problems and to meet urban residents on their ground and speak their language; to bring conservation causes closer to home; to make available and to commit with renewed vigor and open-mindedness, conservation's talents and money to these ends.

In our ultimate desire to preserve the future, we cannot afford to neglect the present. Entire generations grow with scarcely the existence of a green tree naturally grown or a cluster of wild flowers in a field. What dreams can we expect of eyes which have known only sooty concrete and steel? Evermore, urban man finds himself a particle of a metropolis but part of no community; alone against all the problems and nothingness a world beyond his ken has devised. And yet it need not be so. Never before in the history of the world has man possessed so much wealth and power, been master of so much technique and knowledge. It would truly be ironic if he could not bond all that experience and strength to the service of the preservation of his chosen home.

There is, in this room today, the imagination and the knowledge to lead the way to a new understanding of the relationship between conservation and the urban community. The continued survival of the new broader definition of conservation may very well depend upon how well the communication gap with this new constituency can be bridged. It deserves your best men and women, your greatest sense of purpose, your highest priority. Knowing you, I believe you will accept this challenge as you have so many others.

TO INSURE A LASTING AND SECURE PEACE

Mr. PROXMIRE. Mr. President, U Thant, Secretary General of the United Nations, has expressed his opinion that—

> The establishment of human rights provides the foundation upon which rests the political structure of human freedom; the achievement of human freedom generates the will as well as the capacity for economic and social progress; the attainment of economic and social progress provides the basis for true peace.

He is only one of many distinguished public figures who have been able to perceive the important relationship between the safeguarding of human liberties and the maintenance of world harmony and peace.

To insure a lasting and secure peace, nations and peoples all over the world must be ready to fully accept the idea that human rights can and must be secured through international cooperation. Today, I would like to talk about the violation of one of the most basic of human rights which occurs whenever forced labor is present.

The United Nations has not been the only world body working to improve the plight of the oppressed worker. In fact, the constitution of the International Labor Organization—ILO—recognizes that labor is not a commodity. The ILO constitution guarantees all human beings, irrespective of race, creed, or sex, the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity. To this end, the ILO has gradually built up a body of 128 international labor conventions and 131 recommendations, the majority of which deal with the protection of certain fundamental human rights and freedoms. One of these is the prohibition of forced labor.

Back in 1951, the U.N. and ILO jointly established an ad hoc committee to study forced labor. That committee found that systems of forced labor currently practiced by a number of nations not only threatened fundamental human rights but also jeopardized the freedom and status of the worker.

This report served as the stimulus for a series of other studies undertaken by the ILO, some in conjunction with the Economic and Social Council of the United Nations. On each occasion, sufficient incriminating evidence was found for repeated condemnations of forced labor as contrary to the principles of the United Nations Charter and the Universal Declaration of Human Rights.

In 1956, the ILO urged that action be taken towards the elimination of forced labor wherever it might exist. The U.N. commended the ILO for the action it had taken and expressed its interest in having the ILO take further action. The Economic and Social Council requested the Secretary General to transmit to the Director General of the ILO any information which might be received concerning forced labor. The ILO was, at the same time, invited to include in its annual report to the Council an account of the action taken in this field.

The following year, the International Labor Conference unanimously adopted a new convention—the abolition of forced labor. President Kennedy submitted this convention to the Senate in 1963 where it has lain dormant since then. The opposition to this treaty has centered around the interpretation of clause No. 4 of the first article which states:

> Each member of the International Labor Organization which ratifies this convention undertakes to suppress and not to make use of any form of forced or compulsory labor as a punishment for having participated in strikes.

Detractors of the convention claim that this clause could be construed to prohibit enforcing sanctions against public or Federal employees who strike their employers. For example, it has been suggested that clause No. 4 would pave the way for New York City teachers to strike in direct violation of New York State's Conlin-Wadlin Act. But former Attorney General Ramsey Clark has this to say about the Forced Labor Convention:

> (1) The provisions of the convention are wholly consistent with our Constitution and require no implementation by the Congress or by the legislatures of the States as the rights under these conventions have been enjoyed by American citizens for many years.
>
> (2) The provisions of this Forced Labor Convention actually fall far below our own existing standards of human decency.
>
> (3) The test as to whether a convention is domestic in nature is whether it is an appropriate matter of international concern

and human rights are clearly matters of great international concern.

(4) We must maintain our leadership in the field of human rights.

Mr. President, let us, as Members of the Senate, make the ratification of this convention one of our most pressing concerns. For as Professor Gardner has said:

Ratification will dissipate the embarrassing contradiction between our failure to ratify these conventions and our traditional support of the basic human rights with which they are concerned.

THE ABM AND THE GAITHER REPORT

Mr. JACKSON. Mr. President, I believe it can be useful to see the debate concerning the ABM in historical perspective, and particularly, in relation to certain findings of the Gaither Committee, on the issue of missile defense. That Committee is the largest independent study which has been made of deterrence and safety in the nuclear age, and it reported to President Eisenhower on November 7, 1957.

This historical perspective on the ABM debate is now possible, thanks to a statement submitted to the Senate Armed Services Committee this week by Robert C. Sprague, who, during the last half of 1957, directed the Gaither study. Dr. Sprague submitted his statement to the committee in response to a request from Senator STENNIS, chairman of the Armed Services Committee.

I believe Mr. Sprague's full statement will be of great interest to all Members of Congress, and I ask unanimous consent that the text be printed in the RECORD.

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

ABM: DETERRENCE AND THE IMPACT OF A TECHNICAL BREAKTHROUGH IN THE NUCLEAR AGE

(A Statement to the Senate Armed Services Committee by Robert C. Sprague, June 23, 1969)

QUALIFICATIONS

Perhaps I should begin by outlining briefly my qualifications for having an opinion worth considering in connection with President Nixon's recommendation for the installation of a thin ABM system about which there is much controversy.

I graduated from the United States Naval Academy in 1920, from the Naval Post-Graduate School in 1922 and received an M.S. degree in Naval Architecture from MIT in 1924. Radio, later identified as electronics, had been my hobby since 1910.

In 1926 I founded the company now known as the Sprague Electric Company for the manufacture of a tone control device and a new type capacitor used in it. The company today is the largest manufacturer of basic "passive" electronic components—capacitors, resistors and inductors—and an increasingly important manufacturer of "active" electronic components—transistors and integrated circuits.

We have over 4,000 electronic and electrical equipment manufacturers as customers. Last year we supplied these basic components to over 200,000 different manufacturing specifications. Less than 3% of our business is directly with the United States Government and as a general supplier to the industry approximately 22% is renegotiable.

Our products have a high technical content and undergo rapid obsolescence. The company employs about 800 engineers and scientists, and about 100 of these are engaged in advanced research and development.

So I continually find myself, as I am sure do members of the Committee, in the position of having to make important decisions on priorities and essential expenditures in areas in which I am not a professional in a technical sense.

I completed my education prior to the discovery of quantum mechanics, nuclear physics, and solid state physics. Yet I have to make important decisions involving new technologies in which I do not have technical expertise and which can have a dramatic impact on the security and profitability of the company, and about which our scientists and engineers have frequent disagreement!

I believe I may be able to make a useful contribution to the Committee's consideration of the ABM from two points of view which, I believe, from reading the testimony already submitted, are new to the Committee.—

First, for the reasons just stated and having to do with important business decisions in highly technical areas.

Secondly, as a citizen outside of government who, between the fall of 1953 and the first of January, 1958, spent the equivalent of four years concentrating on problems of air defense—first against bombers carrying atomic weapons, then bombers carrying nuclear weapons and finally against missiles carrying nuclear weapons. During this period I made such a study for the Preparedness Sub-committee of the Senate Armed Services Committee.

My final report was submitted to President Eisenhower, following which I was appointed civilian consultant to the National Security Council on our Continental Defenses. In 1954 I was also advisor to the Killian Committee which studied our strategic defensive and offensive position vis-a-vis Russia, including a study of our intelligence activities and the problem of the security of our worldwide communications in the event of a nuclear attack.

Finally, during the last half of 1957, I directed the so-called "Gaither" Study which, among other things, was charged with investigating the deterrent value of our retaliatory forces and the economic and political consequences of any significant shift of emphasis and direction in defense programs.

During this period, I had access to all classified material which might conceivably be of importance to the particular matter at hand, including policy papers of the National Security Council, reports of annual War Gameings of postulated future nuclear attacks on the United States; classified documents of the Defense Department, including those of the Joint Chiefs of Staff; classified studies made for various branches of the Government by not-for-profits, such as by the Rand Corporation; National Intelligence Estimates of the Central Intelligence Agency and of the Intelligence Branches of the Several Services; the results of the atomic and nuclear tests available from the Atomic Energy Commission, including the "Ivy" test in the Pacific—the first test of a fusion device; and finally, information, classified and unclassified, from the Office of Defense Mobilization.

In addition, I personally visited typical installations of the Air Defense Command and of the Strategic Air Command. I was also briefed by the experts at MIT and Lincoln Laboratories on work going on there in connection with active defense plans and programs, including the SAGE Air Defense Program.

I also received numerous personal briefings by senior military personnel and weapons and systems planners and analysts.

Since that time, I have kept reasonably up-to-date as a Trustee of the Mitre Corporation and of the Hudson Institute.

When asked to join the Committee (established by Dean Acheson and Paul Nitze) to Maintain a Prudent Defense Policy, I made arrangements for classified briefings so that I could up-date the knowledge which I acquired during the 1950's in this area of national interest.

To my surprise, I found this rather easy to do as I still retain, in an approved security file, my full notes on the classified material to which I was exposed during these several endeavors. *I found that nothing really has changed in Air Defense since January 1, 1958 except the numbers—the number of missiles available to the U.S. and the U.S.S.R., the improved accuracy of the missiles, the size of the warheads, and improvements in the radars and computers.*

IF DISTINGUISHED SCIENTISTS DISAGREE?

There is, I believe, an analogy between the position in which members of the Senate Armed Services Committee find themselves in considering the ABM matter and the position in which I find myself from time to time in determining priorities and approving large expenditures (not large by national standards but large relative to my company's total capital).

In my 43 years in industry and as a consultant in National Defense matters I have formed two strong opinions which are today Cardinal Rules I follow in making important decisions in highly technical areas:—

Rule No. 1: In assessing the potential of any important new field of technology involving new processes or systems—*Half the scientists, or at least a large fraction, are usually wrong.*

Rule No. 2: If a significant percentage of scientists agree, or only sometimes if one or two agree, that something new can be done—*It can be.*

Just three examples of the first of these rules in the defense area are the development of nuclear warheads based on the fusion reaction, the development of long-range ballistics missiles with high accuracy, and particularly the development of the Polaris missile system.

In the 1950's when the Killian Committee and the so-called "Gaither Committee" looked at the Polaris system, the successful completion of that program was given a very low probability. Indeed, it was much lower than the probability of success of an ABM system is considered to have at this time.

The problem of underwater navigation to a point so accurate in the ocean that a missile can be launched with any reasonable probability of hitting a target was unsolved, the problem of developing a stable platform from which to launch solid-propellant missiles under water had not been solved nor had solid-propellant missiles themselves been perfected, and a communication system to permit continuous worldwide contact with our submerged submarines on station had still to be proven.

In civilian affairs, one of the most dramatic instances of technical experts disagreeing on a comparatively simple matter appeared in testimony leading to a settlement of one of Boston's greatest disasters and most complicated litigation.

On January 15, 1919, a huge molasses tank located on Atlantic Avenue in Boston and owned by the U.S. Industrial Alcohol Co. burst, pouring a stream of molasses down Atlantic Avenue in some cases over three feet deep. Thirty people lost their lives, most of them by drowning in molasses; numerous horses, dogs, and cats were killed; and there was a great property damage. Suits for very large damages were brought by 129 plaintiffs! The Superior Court in Boston turned over this complicated case to an "Auditor" in the person of Mr. Hugh Ogden. Mr. Ogden was a distinguished Boston attorney who, towards the end of World War I, was Judge Advocate General of the Rhine District.

Whether the company was or was not liable apparently depended on whether "secondary" stresses in the tank were the cause of the failure or whether the failure was caused by "primary" stresses and consequently improperly designed.

Distinguished technical experts testified on both sides of the question. In his findings and report to the Court, Mr. Ogden made this thought-provoking statement:

"I have listened to men upon the faith of whose judgment any capitalist might well rely in the expenditure of millions of structural steel, swear that the secondary stresses in a structure of this kind were negligible and I have heard from equally authoritative sources that these same secondary stresses were undoubtedly the cause of the accident. Amid this swirl of polemical scientific waters it is not strange that the auditor has at times felt that the only rock to which he could safely cling was the obvious fact that *at least one-half the scientists must be wrong.*" (Italics Mine.)

I believe Mr. Ogden's conclusion merits serious consideration when considering the conflicting technical testimony before your Committee.

IMPACT OF A TECHNICAL BREAKTHROUGH

My company's business is highly competitive and technical. An important technical breakthrough by our competition could be fatal if not matched at a particular point in time by our own proven competence and implementation. I will give you two dramatic examples. In the early 1950's the invention of the transistor was a technical breakthrough with dramatic implications for the electronic components industry, not fully understood nor appreciated at that time. Later, in the early 1960's, monolithic integrated circuits were invented, which made possible functional circuits involving 40 and more discrete components—capacitors, resistors, diodes and transistors—all in an area the size of the head of a pin.

In the early days of both these inventions there were many uncertainties and disagreements concerning the eventual costs, reliability, and performance of these devices. Initially they were outrageously costly and very unreliable.

In considering transistors and their possible impact, I received strongly divergent opinions from our scientists, several maintaining that they would never be important commercially and others maintaining that in time they would replace vacuum tubes.

So, we hedged our bets by setting up a modest research and development activity. We did not do so as daringly and with the money and manpower several of our competitors allocated to their development of these new devices, and it was not until recently that we became large volume producers of silicon transistors. Although we vacated an early dominant position in our industry for these devices by our lack of aggressiveness, due to continuing research since the early 1950's we had the basic technical competence which made possible our late commercial start. But others are the present leaders . . .

The matter of integrated circuits, however, was even more critical. For transistors mostly replaced vacuum tubes and opened up new markets not possible to tube circuits. The only competitive impact here was loss of opportunity in a new field of technology and the impact that the change to transistor circuits in the industry was to have on components—capacitors and resistors—and particularly components designed for tube circuits.

But, with integrated circuits we were faced with the possibility that, if they proved reliable and could be economically produced, we might lose a large part of our existing business in capacitors and resistors because of this new technology. So, here was a question, if not of survival, at least of a dramatic impact on our regular business.

About six years ago I was asked to give a talk in Chicago to members of our industry on the future of integrated circuits. At that time the production of these devices was very small and their cost so astronomical that they could only be used in military and space applications where size and weight were of the utmost importance.

The highest recovery then achieved on an individual silicon device, a transistor or diode, was around 80%—in other words, eight shippable units out of ten started down the production lines. As there were an average of about 40 silicon devices processed on a single chip of silicon at that time, all of which had to work to create a functional circuit, it appeared that the number of recoverable units could be calculated from the equation $(0.80)^{40}$. (*This is the type of failure prediction that has been presented to your committee in connection with missiles and the ABM system.*) It works out that $(0.80)^{40}$ is a small fraction of 1% (about 0.14%) and that was the order of the industry's experience at that point in time. As a result, I made a statement to the rather sophisticated audience which I was addressing that these devices could have important military and space applications, but because of their very high costs they would never be competitive with discrete components for use in entertainment electronics equipment, i.e. radios, televisions, tape recorders, etc. And no one disputed my calculation nor my statement!

Fortunately, in spite of what appeared to be valid mathematics at the time and based on the strong recommendation of only one of our scientists that *the risk of being wrong was too great to hazard,* we initiated an active development program in this new area of technology. We set up a pilot line at considerable expense, staffed it with 40 scientists, engineers, and technicians and undertook to manufacture, on a pilot basis, a particular integrated circuit. You may be interested, but surprised, to learn that this costly operation produced on the average 2500 units a week for nine months before a single satisfactory unit was produced! This seemed to prove my earlier mathematics were valid. But the week we produced our first satisfactory unit, 30% were good!

And today, functional circuit chips, more complicated than the one above described, are being produced in our Worcester plant with recoveries in the 25–30% area and a new integrated circuit device on a prototype line is being produced with a yield of 65%. Further, the cost of these devices this year reached a level where they are now competitive with assemblies of discrete components performing the same function. As a result they are being increasingly used in television and radio sets!

Sprague Electric's investment to achieve a competitive position in this vital area now totals around 33 million dollars. For a company with capital of around 60 million dollars, this is a really significant investment in an area where we believe it had to be made *in the event what has happened might happen, as viewed from a point in time six years ago.*

ABM is *such* a technical breakthrough in the business of maintaining an "Assured Deterrent" as were the invention of the transistor and later of monolithic integrated circuits in making possible dramatic improvements in electronic components. Other important breakthroughs in the weapons business were warheads using the fusion reaction and the development of accurate long-range ballistic missiles.

It also takes from five to ten years to develop a new system or process, work out the bugs and develop its full potential. This cannot be done by only continuing research and development. A reasonable lead time (which could be quite short) in achieving this competence can be very critical in a competitive sense.

The United States does not have 100% assurance that a satisfactory Arms Control Treaty will be reached with the Soviets or, if negotiated, that it will be faithfully adhered to by them anymore than my company can have reasonable assurance that a competitor will not take advantage of a technical breakthrough to destroy us. Therefore, it behooves one, either as a company or as a nation, to exploit to the fullest any such important technical breakthrough which has a potential of placing us as a nation in an intolerable bargaining position at some uncertain time in the future. The "Cuban Missile Crisis" was resolved in our favor because we were at *that* time in a very strong and more than equal competitive position.

The resources of the United States, despite our domestic problems, are more than adequate to exploit the technical breakthrough of ABM—involving the expenditure of a few billion dollars per year of our gross National Product of 900+ billion per year (approximately one-tenth of one percent of our GNP). My company spends about 8% of our sales dollar to try to insure that we won't be destroyed by technical breakthroughs of our competitors.

We are under continuing pressure to improve the lot of our workers—better personal identification, higher wages, more fringe benefits, etc. etc.—just as the United States has major problems to improve our cities and the lot of our underprivileged citizens. But, in spite of these pressures we must do what needs to be done, not only to survive but to remain in a strong competitive position.

THE "GAITHER" REPORT

To place the debate concerning an ABM in historical perspective, it may be worthwhile mentioning several findings of the so-called "Gaither Committee".

This was probably the largest independent study which has been made of deterrence and Survival in the nuclear age. Mr. Rowan Gaither was the original Director of the study and I was his Co-Director. When he had to withdraw during the middle of the study due to illness, I was appointed Director and Mr. William J. Foster was named Co-Director.

The report of the panel was made to President Eisenhower and members of his Senior Civilian and Military Staff on November 7, 1957.

One of the assignments of the panel was to study the deterrent value of our retaliatory forces and the economic and political consequences of any significant shift of emphasis or direction in defense programs.

The panel therefore examined active and passive defense measures from two standpoints—their contribution to deterrence, and their protection to the civil population if war should come by accident or design.

This was a very large effort involving some 113 full-time and part-time staff, advisors and consultants. The participants are shown in Appendix B.

The panel, in the preparation of its report benefitted from information sources of broad scope, and, in many cases, of great sensitivity; and the membership assessed the implications of this knowledge and directed its findings to the problems confronting the panel.

The Steering Committee had full responsibility for the report.

It is of possible interest to note that the Steering Committee and its technical advisor, who were collectively responsible for the final report, was made up of one college president; a senior member of a prominent consulting firm; a senior executive of a large foundation and more recently a college president; three scientists; a staff member of the prominent not-for-profit advisors to the Government; the president of the Brookings Institution; and three businessmen.

I might also mention that the members of the Steering Committee, who were responsible for the conclusions, recommendations

and final drafting of the report, were *unanimous* in their recommendations.

It is particularly interesting at this time that one of the highest priority recommendations was for an ABM system to protect our SAC bases against a possible future Russian missile attack.—In other words, a "Safeguard" missile defense system!

The report also contained a time table forecasting the *Characteristics* and *Effects* of four future periods, the one for the 1970–75 period, as it turns out, with great accuracy. Also stated were the devastating implications of a technical breakthrough during this period by either the U.S. or the U.S.S.R. Specifically mentioned as such a technical breakthrough was a *high certainty missile defense against ballistic missiles.*

As only the number, sizes of nuclear warheads and accuracies of the missiles now available to the U.S. and U.S.S.R. are different, and the components of the System—Radars, Computers and Missiles—are much further developed than those in the Nike-Zeus system considered at that time, *the need for installation of an ABM system today appears to be even more valid than it was in November of 1957.*

THE PROBLEM OF COMPLEXITY

I can assure the Committee, based on my early exposure in depth to the problems of developing a reliable missile system, nuclear warheads and the Polaris missile system and other complex systems, that while the ABM system is complex, the components for the proposed ABM Safeguard system are more fully advanced and better tested than were the components of any of these other systems when I first studied them.

There is one point in connection with the problem of software which may be worth mentioning. Software for programming the computers at the missile sites, *while essential,* is not beyond the present state of the art. It is more complicated, but not dramatically so, than the software programming for the Space Track Radar in Florida, which successfully tracks and identifies literally thousands of space objects, satellites and fragments.

What is more complex, *but not essential,* at least, initially, is the netting of the system to make it even more effective. With an adequate effort I have no doubt that this software programming can be worked out by the time the radars, missiles and computers are located on sites in 1973 and 1974, if a large and competent professional team is assigned to the job.

It is also certain that the programming and effectiveness of the system can be improved over the years and *it is exactly this type of improvement we urgently need to work on, as soon as possible, with a deployed working system.* We will urgently need this experience as the Russians now have the opportunity to obtain some of this experience with their ABM system around Moscow, even though their missiles may be less effective than our Spartan and particularly our Sprint missiles.

Of all the testimony and literature I have read on the subject, the statement before your Committee, by Freeman J. Dyson of the Institute for Advanced Study at Princeton, was most to the point and I quote:

"In the long run the battle between offensive and defensive technology is a battle of information. If the defense knows where the offensive warheads are, it is not too difficult to destroy them. For the last 20 years the offensive has had an overwhelming advantage, but this advantage is being reduced as defensive information-handling capability improves. In the long run, I believe the defense will prevail because the defense will have more accurate and timely information than the offense. Defensive batteries within a hundred miles of the battle should ultimately be able to out-maneuver incoming offensive vehicles controlled from a command center 5000 miles away on land or in a submarine off-shore. The offensive command will be fighting the battle blind, without any possibility of quick reaction to defensive moves. I consider that it is only a question of time, perhaps ten or twenty years, before these inherent advantages of the defense become actual. The time that it will take to overturn the doctrine of the supremacy of the offensive will of course depend on *political decisions* as well as on technological developments." (Italics mine.)

It took over ten years to develop the SAGE Air Defense System. Unfortunately, the entire system was never implemented as designed. For reasons of economy the control centers, including the large vital computers, were placed in vulnerable above ground buildings which could be destroyed by low over-pressures, instead of in hardened sites as planned. Some protection, however, was secured later by dispersal of the system.

It also took ten years and more to develop accuracy, hardening and penetration aids for our Ballistic Missile Systems.

Much has been mentioned about the invulnerability of Polaris as an "Assured Deterrent" and there is no indication whatsoever that this position is not valid today. However, it is not inconceivable to imagine developing a system to destroy essential underwater communication from the main land by introducing artificial static at the wave lengths used or as needed in the event of a crisis situation. Nor does it seem entirely impossible, with adequate effort, to develop a capability of tracking our Polaris submarines to their designated underwater stations. And in a crisis situation to destroy them or render them ineffective.

CONCLUSIONS AND RECOMMENDATIONS

In conclusion, I consider it absolutely essential to our competitive position and continuance as the leader of the Free World to do whatever is necessary to be in the position of operating a deployed ABM system, so that there would be little possibility that our major national "competitor", the U.S.S.R., or any other nation could, overtly or covertly, develop in the years immediately ahead greater competence in this new important area of deterrent technology.

It is also my belief, for the reasons stated, that it might drastically weaken our bargaining position with the Soviets during the mid-1970's if we do not proceed at this time to deploy the ABM system proposed by the President.

Finally, I invite your attention to a quotation from Herman Kahn, one of the contributors to a new book, *Why ABM? Policy Issues in the Missile Defense Controversy.* This is a collection of papers by the staff and fellow members of the Hudson Institute, of which Mr. Kahn is the director, and which will be published early next month:

"It would greatly and appropriately help the cause of the proponents of ABM if ABM were generally perceived (and presented) as a shield designed to facilitate both current arms control negotiations and, eventually, comprehensive and lasting arms control measures. It is important for the two objectives to be pursued in parallel and jointly."

I, therefore, respectfully recommend that implementation of the "Safeguard" ABM system be recommended by your committee and funded by the Congress.

APPENDIX A

BIOGRAPHICAL HIGHLIGHTS OF THE STEERING COMMITTEE OF THE GAITHER COMMITTEE

Robert C. Sprague, *Director*—Chairman and Founder of Sprague Electric Company; Consultant on Continental Defense to National Security Council, 1954–58; Director of "Gaither Committee"; Ex-President and Chairman of Radio-Electronic-Television Manufacturers' Association; Fellow of The Institute of Electrical and Electronics Engineers; Life Member of Corporation of Massachusetts Institute of Technology; Former Chairman of Federal Reserve Bank of Boston.

William C. Foster, *Co-Director*—Under-Secretary of Commerce 1946–48; Deputy Administrator of ECA, 1950–51; Deputy Secretary of Defense 1951–53; Vice President, Olin Mathieson Chemical Corp. 1955–58; Director, U.S. Arms Control & Disarmament Agency 1961–.

James P. Baxter III—President, Williams College, 1937–61; Deputy Director, OSS, 1940–43; Author and Pulitzer Prize Winner in History (1947).

Robert D. Calkins—Dean of School of Business, Columbia University 1941–47; Vice-President General Education Board 1947–52; President, the Brookings Institution, 1952–1967; Vice-Chancellor and Professor of Economics, University of California at Santa Cruz, 1967–.

John J. Corson—Deputy Director General UNRRA 1944–45; Executive Washington Post 1945–50; Management Consultant, McKinsey & Co. 1951–66; Professor of International Affairs, Princeton University 1962–66; Author.

Edward P. Oliver, *Technical Advisor*—Senior Staff Member, Systems Science Department, Rand Corporation; Formerly Rand Project Leader on Manned Bomber Study, Liaison Representative at SAC Operations Analysis Division and Liaison Representative at Headquarters, USAF.

James A. Perkins—President, Cornell University 1963–69; Vice President, Swarthmore College 1945–50; Vice President, Carnegie Corp. 1951–53; Trustee, Rand Corp.; Member of Advisory Committee to U.S. Arms Control; Member of President's Special Committee on Nuclear Proliferation; Member, Presidential Panel of Consultants on Foreign Policy.

Robert C. Prim—Research Mathematician, Bell Telephone Laboratories, 1949–58; Director, Mathematics and Mechanical Research, Bell Telephone Laboratories, 1958–61; Special Assistant to the Director, Defense Research & Engineering, 1961–63; Vice President, Research, Sandia Corp. 1963–64; Vice President, Data Systems Division, Litton Industries 1964

Hector R. Skifter—Member, National Defense Research Committee 1942–45; President, Airborne Instruments Laboratories, Inc. 1945–59; Assistant Director of Defense Research & Engineering, 1959–60; Vice President, Cutler-Hammer, Inc., 1960–64; Fellow of the Institute of Electrical and Electronics Engineers. (Deceased, 1964)

William Webster—Former Chairman of the Research and Development Board of Department of Defense; President and Chief Executive New England Electric System; Former Deputy Chairman, Federal Reserve Bank of Boston.

Jerome B. Wiesner—Staff Member, MIT Radiation Laboratory, 1942–45; Associated with Massachusetts Institute of Technology since 1946 in various posts, including Associate Director of Research of Laboratory for Electronics (1949–52), Dean of Science (1964-66) and Provost of the Institute (1966-); Chairman, The President's Science Advisory Committee and Special Assistant to the President on Science and Technology, 1961–1964; Fellow of the Institute of Electrical and Electronics Engineers; Author.

APPENDIX B

MEMBERSHIP OF THE GAITHER COMMITTEE

STEERING COMMITTEE

Director—Sprague, Mr. Robert C., Sprague Electric Company.

Co-Director—Foster, Mr. William C., Olin-Mathieson Chemical Corp.

Baxter, Dr. James P. III., Williams College.

Calkins, Dr. Robert D., Brookings Institution.

Corson, Mr. John J., McKinsey and Company.

Perkins, Dr. James A., Carnegie Corporation.
Prim, Dr. Robert C., Bell Telephone Labs.
Skifter, Dr. Hector R., Airborne Instruments Labs.
Webster, Mr. William, New England Electric System.
Wiesner, Professor Jerome B., Massachusetts Institute of Technology.
Technical Advisor—Oliver, Mr. Edward P., Rand Corporation.

ADVISORY PANEL

Gaither, H. Rowan, Jr., Ford Foundation.
Carney, Admiral Robert B., Westinghouse Electric Co.
Doolittle, General James H., Shell Oil Company.
Hull, General John E., Manufacturing Chemists Assoc.
Kelly, Dr. Mervin J., Bell Telephone Laboratories.
Lawrence, Dr. Ernest O., Radiation Laboratory, University of California.
Lovett, Mr. Robert, Brown Bros., Harriman.
McCloy, Mr. John J., Chase Manhattan Bank.
Stanton, Dr. Frank, Columbia Broadcasting System.

SCIENCE ADVISORY COMMITTEE—SUBCOMMITTEE

Fisk, Dr. James B., Bell Telephone Laboratories.
Killian, Dr. James R., Jr., Massachusetts Institute of Technology.
Rabi, Dr. I. I., Science Advisory Committee.
Higinbotham, Dr. William A., Brookhaven National Lab.

EXECUTIVE STAFF

Beckler, Mr. David Z., Science Advisory Committee.
Ford, Lt. Colonel Vincent T., United States Air Force.

INSTITUTE FOR DEFENSE ANALYSES OFFICERS

McCormack, General James, Jr., President.
Hill, Dr. Albert G., Vice President and Director of Research.

PROJECT MEMBERS

Alexander, Dr. Sidney S., Massachusetts Institute of Technology.
Barrer, Mr. Donald Y., IDA/WSEG.
Berkner, Dr. Lloyd V., Associated Universities, Inc.
Bissell, Mr. Richard M., Central Intelligence Agency.
Booth, Dr. Eugene T., Columbia University.
Booth, Mr. Richard P., Bell Telephone Laboratories.
Bouricius, Dr. Willard G., International Business Machines Corp.
Bradley, Dr. William E., Philco Corporation.
Butler, Mr. William E., Chase Manhattan Bank.
Carulli, Mr. Leonard, McKinsey and Company.
Clifford, Dr. Joseph M., IDA/WSEG.
Contos, Dr. George A., IDA/WSEG.
Cross, Mr. James E., Center for International Study.
Daniel, Dr. John H., IDA/WSEG.
Elliott, Dr. Edwin O., Operations Evaluation Group.
Emberson, Dr. Richard, Associated Universities, Inc.
Frantz, Mr. William J., Boeing Aircraft Corporation.
Fredericks, Dr. J. Wayne, Ford Foundation.
George, Mr. Edwin B., Office of Defense Mobilization.
Hall, Dr. William M., Raytheon Manufacturing Co.
Hansen, Dr. Robert J., Massachusetts Institute of Technology.
Hanson, Dr. Joseph O., U.S. Information Agency
Hartgering, Lt. Colonel James, Walter Reed Medical Center.
Hawkins, Mr. Robert A., AVCO Manufacturing Company.
Horton, Mr. H. Burke, Office of Defense Mobilization.
Hutchins, Mr. William R., Raytheon Manufacturing Corp.
Jones, Mr. Chandler W., Narragansett Electric Company.
Keeny, Mr. Spurgeon M., Jr., Office of Secretary of Defense (R&E).
Klotz, Mr. John W., Office of Secretary of Defense (R&E).
Knox, Omar E., Colonel, USAF, IDA/WSEG.
Kybal, Mr. Dalimil, Lockheed Aircraft Corp.
Lawson, Dr. Joel S., University of Illinois.
Lawwill, Dr. Stanley J., Strategic Air Command.
Lincoln, Colonel George A., United States Military Academy.
Lindsay, Mr. Franklin A., McKinsey and Company.
Longacre, Dr. Andrew, Syracuse University.
Marshall, Dr. Andrew W., Rand Corporation.
McMillan, Dr. Brockway, Bell Telephone Laboratories.
McMillan, Dr. Edwin M., University of California.
McRae, Dr. Vincent V., Operations Research Office.
Merritt, Dr. Melvin L., Sandia Corporation.
Michael, Dr. Donald N., Dunlap & Associates.
Minshull, Mr. William H., Jr., Hughes Aircraft Corporation.
Navoy, Mr. Anthony J., IDA/WSEG.
Nelson, General Otto L., Jr., New York Life Insurance Co.
Newmark, Dr. Nathan M., University of Illinois.
Nichols, Mr. Guy W., Jr., New England Electric System.
Nitze, Mr. Paul H., School of Advanced International Studies.
Pechman, Dr. Joseph H., Committee for Economic Development.
Popenoe, Mr. Oliver, Office of Defense Mobilization.
Rodgers, Dr. Franklin A., Lincoln Laboratory.
Rohrbacher, Dr. Bruce W., McKinsey and Company.
Sanchez, Mr. Luis R., Rand Corporation.
Siebert, Dr. William McC., Massachusetts Institute of Technology.
Smith, Lt. Colonel Glen A., Central Intelligence Agency.
Stockley, Mr. Robert, Federal Civil Defense Administration.
Stone, Dr. Donald C., Springfield College.
Strope, Mr. Walmer E., U.S. Naval Radiological Laboratory.
Taylor, Mr. Norman H., Lincoln Laboratory.
Van Atta, Dr. Lester, Hughes Aircraft Co.
Walters, Mr. Lawrence R., IDA/WSEG.
White, Mr. William L., Stanford Research Institute.
Whitmer, Dr. Robert, Ramo-Wooldridge Corp.
Wine, Major Paul H., USAF, NORAD.
Wood, Mr. Marshall K., Office of Secretary of Defense (S&L).
York Dr. Herbert F., University of California.

SCHOOL DESEGREGATION

Mr. MONDALE. Mr. President, last week it was reported that the Nixon administration is considering softening the school desegregation guidelines. These reports deeply disturbed me, and a number of other Senators in both parties, who have in recent months been urging the administration to support the existing guidelines, and to continue the established practice of fair and firm implementation of the school desegregation program.

The tragic consequences of any softening of these desegregation guidelines were clearly spelled out in an editorial in this morning's issue of the Washington Post. The editorial, entitled "A Double Standard for Desegregation," states very accurately that a relaxation of the desegregation deadline "will have rewarded those who have held out the longest and humiliated those who have argued to their white southern brethren the necessity and advantage of going along with the law."

Mr. President, I ask unanimous consent that this editorial, a copy of the letter I sent President Nixon last Friday protesting any move to soften the school desegregation guidelines, and my statement on school desegregation guidelines be printed in the RECORD.

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

A DOUBLE STANDARD FOR DESEGREGATION

"He told us that he was going to do more for the underprivileged and more for the Negro than any President has ever done." The remark was made by Hobson Reynolds, head of the Negro Elks Organization, upon emerging from a meeting between half a dozen Negro leaders and President-elect Nixon in January, a short while before the inauguration. Since that time it has become plain that anything Mr. Nixon might have had in mind in the way of domestic programs with a price tag, would have to yield to the pressures of a costly war and an overheated economy.

One would have surmised, however, that this circumstance would put an obligation on the President to affirm his good faith in other ways. It hasn't quite turned out like that. On the contrary, where civil rights of the admirably old-fashioned, cost-free, constitutional kind are concerned, the only signal the Administration has emitted clearly is one of internal confusion and weakness. The most ordinary move in the execution of laws on the books becomes, somehow, the subject of an endless political debate within the Administration; decisions are fought over where none are required to be made, since the statutes and court interpretations of them already exist; and—incredibly—there is even some movement toward undoing the body of law that has been so painstakingly built up in the past few years by Republican and Democratic legislators alike. The Voting Rights Act of 1965 is in jeopardy. Now we learn that there is terrific pressure within the Administration to reinterpret a Supreme Court ruling affecting HEW's enforcement policies under Title VI of the Civil Rights Act of 1964—which is to say, the school guidelines.

If the Administration really means to slip the autumn of 1969 deadline which has been set for compliance with the terms of what was after all a 1954 Supreme Court decision, it will have done a number of things. First it will have established two sets of standards for desegregation of schools in the South: one judicial standard and one which is more lenient fixed by itself. It will also encourage those several hundred Southern school districts that are in the reluctant process of yielding at last to a Court ruling more than fifteen years old to try to renegotiate their plans. It will have rewarded those who held out longest and humiliated those who argued to their white Southern brethren the necessity and advantage of going along with the law.

The social ordeal of the South will go on for a long while; but the legal tests in this

matter were nearing an end. A show of weakened resolve in Washington can only prolong the agony and create more disruption than it can possibly contain.

JUNE 20, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am extremely disappointed to learn that the Administration is considering softening the school desegregation guidelines. I have followed the Title VI school desegregation program very closely over the past few years, and have in recent months been critical about certain statements and actions of the Administration with respect to this program.

My criticism ceased, however, when Secretary Finch stated clearly and unequivocally on several occasions recently that the current school desegregation guidelines are going to be enforced. I applauded the Secretary for his statement in an April 21 press conference that "the guidelines which are in existence are going to be enforced," and when he endorsed the existing guidelines more specifically in a letter of May 8 to Senators Williams (N.J.), Eagleton, Hughes, Cranston and myself. The Secretary wrote that:

"The law is clear, and so is our responsibility to enforce it. We are continuing to require school systems which have failed under freedom of choice plans to abolish discrimination to adopt a more meaningful and effective method which will accomplish the task by the fall of 1969. We shall allow delays beyond that date only where there are substantial impediments, such as the need for new construction. This is in accordance with the policy followed by the previous Administration. I believe it is important that the Title VI program maintain the momentum that has been established. . . ."

This position must be supported clearly and firmly. The school desegregation program is at a critical point, and any suggestion of change, uncertainty or vacillation will destroy the progress in recent years, and be a breach of faith with the school districts that have voluntarily come into compliance.

As one who is deeply concerned about the fair and firm enforcement of civil rights programs, I urge you to clarify this ambiguous situation by publicly announcing that your Administration will support the current school desegregation guidelines.

Sincerely,

WALTER F. MONDALE.

STATEMENT OF SENATOR WALTER F. MONDALE ON SCHOOL DESEGREGRATION GUIDELINES

The commitments of this nation to black school children in the South are long overdue. Since the 1954 Supreme Court decision in *Brown* v. *Board of Education,* southern school districts have been obligated to end school segregation and to disestablish dual school systems. Yet 16 years later, equal educational opportunity is still not a reality for the great majority of black children living in the South.

Despite this fact and despite long delays of Southern school districts to come into compliance with Title VI of the Civil Rights Act of 1964 and the continuous mandates of the courts, the Nixon Administration is reportedly now planning to give still more time to foot-dragging school districts not to comply by softening the school desegregation guidelines. Reportedly, the Administration is considering either eliminating the 1969–70 deadline for ending the dual school system and/or reinterpreting the Supreme Court's *Green* decision requiring school boards to come up with desegregation plans that promise realistically to work *now.*

The principles governing school desegregation have been firmly established in law, administrative and educational practices since enactment of Title VI of the Civil Rights Act of 1964. To change, formally or informally, the school desegregation guidelines at this point will do irreparable harm to black and white school children in the South who are entitled to an integrated quality education, to the cause of integration in the nation, to the moderate, law abiding white Southern leadership who have attempted to comply with the law, and to the tenuous remaining confidence of many black leaders and black citizens in the ability and willingness of the Federal Government to honor its commitments to them—commitments promised since 1954.

Those school officials who have been the most vocal against the guidelines are the very ones who have done the least to comply. Their contention that it is impossible to comply with the guidelines is false and belied by the hundreds of districts who have complied. Moreover, their bad faith should not be now rewarded with Federal capitulation which justifies their foot-dragging stance and undercuts progress already made in other law abiding school districts.

HEW officials estimate that 1,016 school districts have completely eliminated the dual school system since September of 1965. Another 234 are scheduled to complete the process this Fall, and another 96 have approved HEW plans to eliminate their dual school systems in September 1970. While many of these school districts experienced little difficulty in complying because they are small or have relatively small numbers of black students, a large number of this group are substantial districts with large numbers of black students. Leadership and a firm stand by Federal and local officials is the key to the progress in these districts.

(Attached is a more detailed memo which gives specific examples of some school districts in the South who have achieved substantial desegregation).

School districts with good desegregation plans already approved by HEW are moving now to renegotiate such plans in view of the 1970–71 desegregation plans developed by HEW in 21 South Carolina school cases under court order. Aiken, South Carolina, which has a 33% black student population, which is 35% desegregated this year, and which has a good plan, has withdrawn its plan and is now attempting to negotiate a 1970 plan with HEW. Another South Carolina school district, Chester County, which has a 48% black student population and is presently 35% desegregated, has also notified HEW that it will not deliver on its 1969–70 plan to completely eliminate the dual school system. This kind of action represents the trend. It is encouraged by HEW's lack of firmness. Further changes by HEW and the Justice Department at this point can only erode the hardwon progress of a decade, reward lawlessness and say clearly to minorities that the Nixon Administration will disregard their needs.

At a time when we hear great cries for easing spending in our domestic programs, great talk of inflation, and see the slashes in budgets of our domestic programs, the least this Administration can do is to enforce existing laws where no great outlays of money are required. To do less is to do nothing. To do less is to subvert the law. To do less is to encourage bitterness. To do less is to rob tens of thousands of black and white school children in the South of an opportunity to have a decent, good, integrated education and to learn together in preparing for this country's future.

A DRAFT PROPOSAL

Mr. BOGGS. Mr. President, William Prickett, a very perceptive lawyer from Wilmington, Del., has written an article about the draft in the June issue of the American Bar Association Journal.

Mr. Prickett states that this country needs a draft law which "combines certainty and fairness."

He proposes a system under which every young man in the country perform service for his country—in the Armed Forces, if he is able, in one of the various civilian services if he is not. Mr. Prickett proposes liberal exemptions should serve longer when they go on active duty.

I believe that Mr. Prickett has made a careful, objective study of the Selective Service System and has made some thoughtful proposals. He is to be commended for it.

Mr. President, I ask unanimous consent to have Mr. Prickett's article printed in the RECORD.

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

DRAFT PROBLEMS: A BOLD ANSWER

(By William Prickett)

Solicitor General Erwin N. Griswold, former dean of the Harvard Law School, spoke with grim clarity in a speech before the American Law Institute in May of 1968 about the growing lawlessness that marks American society, particularly its youth. As a factor "contributing to emotion and to strong reaction," he cited our draft laws—their inequities and the real or apparent arbitrariness of administration. "To some extent," he said, "this [arbitrariness] is inherent in the system of local administration—which has a measure of merit—but in our colleges and universities, there are students who come from many different places, and the different policies of different draft boards sometimes stand out rather starkly when they are placed side by side."

A less widely recognized impact of the draft is the presence in our universities, particularly our graduate schools, of many students who, though able, are not really motivated toward intellectual life or professional training and who therefore take their energy out in other activities. Yet another effect is the increase in early marriage and parenthood, the Dean pointed out.

"Finally," he observed, ". . . the draft has all but made effective academic discipline impossible."

Why is this? The students who have misbehaved at Columbia, or California, or Stanford, or wherever, should be expelled, you say. Their conduct surely merits that, as far as the University is concerned. But what happens if they are expelled, or even suspended for a year? They cease to be students, they are immediately classified I-A, and are very likely to be drafted. Perhaps that is what should be done. But it does convert the academic penalty into something potentially far more serious, and many Faculty members, who usually participate in disciplinary actions, have not been willing to take such a responsibility.

Dean Griswold thus states the problem, but does not offer any solution. Uncomfortable memories of the Dean's tax class remind me that this was often the way: The Dean would state a tax problem with clarity and force and then ask some hapless student for the answer. Boldness very occasionally served when adequate research or preparation was lacking. The following, then, is a bold answer to one part of the problem the Dean poses.

The present draft law is wrong from every point of view. The uncertainties it creates begin for young men at about the age of 16 and may continue until the age of 26. These uncertainties are created not only by

international crises but by the vagaries of standards in selecting those who are required to do military service. Even worse, the present system puts a definite premium on the avoidance, if not the evasion, of military service. It makes even honorable young men magnify small or create fanciful physical disabilities in order to avoid apparently useless and possibly dangerous years with the military. It gives early marriage to a teenage sweetheart the added allure of possibly avoiding military service. Finally, as the Dean points out, the draft induces many college students who are not properly qualified or motivated to embrace the scholarly world of graduate school in the hope of avoiding military service.

From the military point of view the draft is not satisfactory. While the need of the armed services for manpower varies from time to time, the military establishment of the United States does need a substantial number of young men each year. It needs a "mix" of privates, company-grade officers and specialists on a continuous basis in order to fill the ranks of privates, noncommissioned officers, specialists and officers. Those who serve in today's Army must be physically and mentally well qualified. It has been reported that only about half of the young men of America are in fact qualified at present. The military establishment needs a firm, fair national policy that will provide the manpower necessary for the defense commitments of the United States. The manpower policy must, however, be flexible enough to respond to the varying needs of the country, depending on the international situation at any given time.

What young men of America need is a law that combines certainty and fairness, that allows a young man to plan his education, his family and his career, allows him to fulfill honorably his legitimate obligation to his country and deals equally with all: rich, poor, ignorant, intelligent, white and black. The military services need a law that provides them with the quantity and quality of men that enable them to meet the military obligations of the country. Can the varying needs of the military establishment for adequate manpower and the legitimate desires of the youth of the United States for certainty and fairness be satisfactorily reconciled in a new law? The rest of this paper is to show it can.

The lottery system should be rejected. A lottery system honestly run might be fairer than the haphazard draft system currently in force, but it seems undesirable that the high obligation of doing military service should depend on the turn of a card or the drawing of a lot. In addition, that system would not solve the problem of the uncertainty. In fact, it might increase the uncertainty in that one's obligation to serve would not be entirely dependent on the extent that one could magnify physical defects or on the vagaries of the local board, but on the whim of Lady Luck.

It should be adopted as national policy that every young man, except those in jail or mental institutions, be required at some time in his life to perform a period of federal service. (As will be explained further on, "federal service" does not necessarily mean military service.) Having established that principle, it remains to work out a system under which this service would be performed.

In order for the system to work, it should have built into it incentives, so that each individual youth would do his federal service at the optimum time, from his point of view as well as the point of view of the Armed Forces of the United States. Furthermore, since the basic objective is to fill the military manpower requirements of the Armed Forces, the period of service should be no longer than is necessary from their point of view.

The largest need of the military is for privates, apprentice seamen and basic airmen. From the point of view of the military, the optimum age for a private, airman or apprentice seaman is 18. From the point of view of most young men, it is easiest and best to do military service at 18. The majority have not married nor have they started on their trade, profession or career. Therefore, one would start with the proposition that the shortest period of military service would be for young men who enter the military service after their eighteenth birthday or graduation from high school, whichever occurs sooner. (A premium on graduation from high school might well be built into the system.) The basic period of service for those entering at 18 or after graduation from high school would have to be determined by the minimum time it would take the military to train the young men to be militarily useful or to utilize their services in time of actual crisis or warfare. Thus the basic period might have to vary from time to time.

This is all very well for the young man who is not going to college. This system would enable him to get his military service in at the optimum time for him and the military service. But what about those who are going to college? The young men that are going to college should not, under any circumstances, be excused from service. On the contrary, since the college man usually enjoys more benefits than others before going to college and is likely to enjoy more benefits from the country after college, he should be required to give something more by way of federal service. On the other hand, college students should be freely deferred on the justification that the military service needs college graduates, not as privates, but as junior officers. From the point of view, then, of the military, college men should be encouraged to enter the military service when they have completed their college education rather than before. However, in order to make it clear that deferment of federal service during a period when a man is in college is not a favor to those lucky enough to go to college, the period of service after college should be somewhat longer than the period required of those who enter military service at 18 or upon graduation from high school. For example, if it were determined that the period of service for the 18-year-olds should be eighteen months, then the period for the college graduate should be set at twenty-two or perhaps twenty-four months. Of course, if a student dropped out of college, was expelled or failed, he would be required within a reasonably short time to perform his federal service obligation. The period of obligation would be correspondingly longer because it had been deferred.

Early marriage would in no way exempt the individual from performing his national service obligation. However, a girl might think twice about an early marriage to a youth she knows is certainly going to have to do his federal service.

All very well for the high school graduate and those going to college, but what about those who are going on to graduate school? Their situation should likewise be examined first in terms of the needs of the military establishment. The military, for example, needs doctors. Therefore, those who are going to enter the medical field should not be encouraged to do their military service as privates, nor should they be encouraged to do their military service after the completion of college. Rather, incentives should be built into the system to encourage them to do their service as doctors. Not only should they be freely deferred through college and medical school (and perhaps even internship), but the Government might well pay for their last year of medical school if necessary. However, at the end of their medical education, the young doctors would have a service obligation that would be somewhat longer than that of the 18-year-old or the college graduate. Of course, the doctor's rank and military pay would be commensurate with the training he had received and his professional status. The military would also expect that a man of his age and professional standing might be married.

As for graduate students whose specialty would have no value in the armed services, they would have already had the choice of doing the minimum service as privates when they turned 18 or doing military service for a somewhat longer period when they graduated from college. If, however, they elected to continue their education into graduate school, they would then have at the end of that period a correspondingly longer period of service to perform, either as privates or as officers if qualified. For example, if the basic period for the 18-year-old was eighteen months and for the college graduate twenty-four months, the graduate student might be required to do thirty or thirty-two months of service. Of course, the period of service required of 18-year-olds, college students and graduate students would have to be reviewed and set from time to time (*i.e.*, every two years) in view of the current necessities of the military service and in order to readjust incentives for the young men to do their military service at the optimum time from their own point of view as well as that of the Armed Forces.

This basic plan would provide the military with the manpower it needs and would make the manpower available at a time when the individual is best suited for the tasks for which the military needs him. At the same time, it would eliminate the uncertainty that exists today and that is so unfair and disturbing to our young men. It would reverse the situation that puts a premium on the avoidance or evasion of military service and that, by encouraging deception, is thought by some to warp the moral fiber of each young generation.

However, the proposal as yet does not contain any alternative for the many young men who genuinely do not meet the high physical and mental requirements of the military service today. If those who cannot qualify physically or mentally are entirely excused from the obligation of federal service do not the same incentives remain that currently encourage the avoidance or evasion of military service? The answer is that the inability to qualify for military service because of physical or mental defects should not be the basis for the total avoidance of federal service. Those who could not meet the high standards for military service would still have the basic obligation to perform a service to the United States. The Peace Corps, the reconstitution of the Civilian Conservation Corps and service in state and federal hospitals and mental institutions all provide vast unfilled opportunities for service. However, federal service other than military service should not be an easy short-term alternative to the rigors of military service. It should be at least as lengthy as corresponding military service and just as arduous. In the second place, nonmilitary federal service should not be the basis for the many rights and benefits that accrue to those who have served in the Armed Forces. These benefits and rights should be reserved to the young men who are able to perform military service for the country. In other words, the alternative form of service for those not physically or mentally qualified for military service should not be made attractive enough so that the physically and mentally qualified young men would prefer to do this service rather than do their military service. On the other side of the coin, it seems likely that many handicapped persons would welcome the opportunity to serve in a limited way.

The present draft applies only to young men, and my proposal speaks only of the young men of the nation. However, in these days of equality, the obligation to do federal service for the country should not be

confined to the young men, but should be made to apply to the young women as well.

Of course, it is obvious that there would be heavy "costs", financial and otherwise, in carrying out these proposed reforms, and it might be that the costs are too high. However, this suggested revision of the basic federal service law would solve many of the problems which American youth is having in connection with the draft and would help stem some of the growing lawlessness.

PROBLEMS OF OUR POLICE DEPARTMENTS

Mr. DODD. Mr. President, Chief of Police James F. Ahern, of New Haven, Conn., made an important presentation before the U.S. Conference of Mayors in Pittsburgh on June 17.

Chief Ahern's remarks are valuable to all of us who are interested in solving the multitude of problems which face the police departments of our great metropolitan areas.

I ask unanimous consent to have Chief Ahern's statement printed in the RECORD.

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

PROBLEMS OF OUR POLICE DEPARTMENTS

Police departments need a great deal of help, but have yet to receive it. In general, politicians, government officials and citizens provide more rhetoric than financial support; more criticism than constructive ideas. In many ways, this country's leaders are trapped in the words of fifty years ago, wanting the police to walk a beat and talk with a brogue.

Law and order means many things to many people. To some it means the repression of the rights of the poor, the outspoken and the millions who crowd our ghettos. To others it means tough law enforcement for everyone but them. And to still others, it means a concern about rising crime rates and violence in the streets.

But when it comes to talking about the causes underlying present conditions, why police operate the way they do, what they need to perform better, there is mostly silence.

There are good reasons why police in this country are the way they are today. Most local politicians have traditionally used police departments for political ends. In some ways, present political leaders are paying the price for past errors. More recently, office-seekers in their election campaigns or in so-called "public debates" on law and order too frequently have sent clear signals to individual police officers that old behavior, old traditions, old faults are not only to be encouraged, but worthy of support. They have said, in effect, that any changes in the past few years are really a passing thing. Law and order is political issue, in most cases, raises the expectation among police and the community that regression to former times is the order of the day; that police officers are not "really" accountable for their actions and conduct.

If this country's leaders really believe that violence should be decreased, and that police departments should be improved, then mayors, governors, Congressmen and members of the executive branch are going to have to provide the support. And that support must consist of more than lip service, and tongue clacking about teenage drug addiction, or increasing crime. It will mean money; it will mean sensitivity to the problems. In short, it will mean substantial backing for police, even when it challenges other bureaucracies. Support will mean resisting the emotional pleas for a return to past practices.

I am not suggesting that police departments operate alone or independent of civilian control. In fact, civilian control (is crucial.) But the role of the political structure—for the general well-being—should be to develop broad policy for a department to implement and to insure that that policy is supported so that it can be effectively realized.

One reason why this support is important now is that for the first time financial aid is becoming available.

The 1968 Crime Control Act represents an effort by the Federal Government to assist local police. It provided, I thought, the opportunity to develop a rational, and useful strategy for improving police departments. But things have not worked out that way. I realize there has been a change in administration and substantial staff turn-over during the past months. But there is no indication that the Federal Government, working through a conglomerate of newly established state agencies, has a strategy, focus, or any real understanding of the problems faced on the local level.

Although the law itself is not without problems, it does provide the Federal Government with enough latitude to get things moving.

But action has not come. States have been slow to set up administering agencies. When established, they have tended to exclude urban law enforcement officers, and just as important, representatives of the cities. This, it seems to me is amazing considering that serious crime and social problems are an urban phenomenon.

One of the key aspects of the Act is the planning support it provides. Planning funds—desperately needed at the local level—have been allocated in such a way as to limit their ability to result in cogent programs.

More importantly, however, the regional approach to criminal justice planning if it continues along these lines with present support will widely miss the mark, solving in five or ten years hence, if at all, problems faced today in major urban areas.

The apparent strategy of the Federal Government concerning planning funds is questionable from its impact point of view. But also it raises substantial questions concerning the role of State planning agency staff and their governing boards.

In Connecticut, the twenty-eight-member planning committee has one urban representative from the State's largest city, one police chief from a major city, one suburban chief and the State police commissioner. All other members represent various interests, primarily on the State and Federal level. Three-quarters of the representatives are attorneys. This committee controls the programs, despite the fact that 75 percent of the action money will be spent by municipalities and their local police departments. While Connecticut may be unique, no state provides adequate police or urban representation and the Federal Government is permitting, in fact encouraging, this pattern to continue.

Police departments and the cities they serve need more dollars; they need new kinds of talent; they need to develop institutions which can change to meet the needs of today. And they need them administered by those most aware of the problems.

Police must take fresh approaches, acquire new techniques and skills, modernize all levels of activity. These things must happen quickly, if we are to make our cities better places to live. Patterns of the past must be altered to meet the demands of today. Civil service, for example, while an important objective in the early 1900's may be less than helpful today. Its restrictions once protected employees who had no labor unions. Today it means that lateral entry is an impossible dream.

Police departments need to develop new recruitment methods. Begin attracting better educated men and need to prepare them to handle the wide-range of human problems that police are involved in.

It shocks me that police officers in this country are recruited at the high school level and expected to perform as the best educated in the community. Most police departments give only a few weeks of training. Then expect their men to deal with some of the most complex people problems facing us.

We must develop ways that individuals with new types of skills can enter the police and have a rewarding career in law enforcement. Police need computer programers, personnel specialists, skilled trainers, administrators and highly trained specialists to deal with addicts, young men and women and other difficult problems.

New Haven has begun to make some of these moves. The Mayor and others in the city have supported the Department's request for new civilian help—more than 50 positions in the past 14 months. They have realized that money is needed to bring the Department to grade level so to speak. But we still have a long way to go.

As I mentioned earlier, all of the things police departments need require both financial and moral support. The days when police departments can be manipulated for political ends must cease if we are to live up to the expectations of the community.

Mayors and other political leaders have an important role to play in all of this. The police are crucial to a city's operation. Police, after all, come in contact with more citizens than any other municipal agency. How mayors back their police will be a central factor in how these organizations function and, hopefully, change in the coming years.

MORE ABUSES AND FRAUD IN MEDICARE AND MEDICAID

Mr. WILLIAMS of Delaware. Mr. President, on May 14, I described to the Senate some of the more glaring abuses in the medicare and medicaid programs which have been uncovered in the course of the Finance Committee's investigation.

During the past weeks I have received a great many letters and telephone calls from public-spirited individuals all over the country giving information about abuses and frauds in medicare and medicaid. Every one of these cases is being carefully evaluated, and where appropriate, followup investigation initiated.

Questions have been raised as to whether we have adequate laws to cope with these fraud cases. To clear up any misunderstanding I shall ask that sections 231 and 232 of title 31 of the United States Code, which set civil penalties for fraud such as those perpetrated under medicaid and medicare, appear in the RECORD at the conclusion of my remarks along with sections 286, 287, and 1001 of title 18 of the United States Code, Thus actual and prospective defrauders of medicare will be able to familiarize themselves with some of the penalties they face for cheating the taxpayers.

It should be noted that section 231 provides for payment to the Government of double the amount defrauded plus $2,000. Of course, these are just civil penalties. Criminal prosecution under sections 286, 287, and 1001 of title 18 of the United States Code is also available

as another means of deterring potential abuses or of assuring adequate punishment of those defrauding the United States. Those provisions provide for fines of up to $10,000 and imprisonment of up to 5 and 10 years.

In this connection citizens who are aware of fraudulent activities in the medicare program should report such cases to the Department of Justice through their local U.S. attorney. It would be helpful if a copy of the material given to the Department of Justice were also sent to the Committee on Finance for its information.

Additionally, I expect that the Social Security Administration will want to furnish every hospital, nursing home, physician, laboratory, and other supplier of services under medicare with summaries of sections 231 and 232 of title 31 and sections 286, 287, and 1001 of title 18 and related statutes. Of course, they would also want to add an appropriate penalty statement to the forms used by hospitals, nursing homes, and doctors in claiming payment.

Mr. President, sections 231 and 232—"the False Claims Act"—date back to the Civil War. At that time many persons attempted to exploit the tremendous increase in governmental purchases of goods and services by defrauding the Federal Government. I would like to read from the floor statement of Senator Jacob Howard, who managed the bill in the Senate. I think my colleagues will find that the situation of 100 years ago has disturbingly direct relevance to the present medicare-medicaid situation. Senator Howard said:

> The country, as we know has been full of complaints respecting the frauds and corruptions practiced in obtaining pay from the Government during the present war; and it is said, and earnestly urged upon our attention, that further legislation is pressingly necessary to prevent this great evil, and I suppose there can be no doubt that these complaints are, in the main, well founded.—(The Congressional Globe, February 14, 1863, page 952)

It is interesting to note that the House was not satisfied with the Senate bill's provision for double damages plus a $2,000 penalty. The House bill required that any person convicted of defrauding the Government "be punished by imprisonment of not less than 1 nor more than 5 years, or by fine of not less than $1,000 and not more than $5,000." The Senate quickly accepted the House amendment.

I ask unanimous consent that sections 286, 287, and 1001 of title 18 of the United States Code and sections 231 and 232 of title 31 of the United States Code be printed in the RECORD.

There being no objection, the sections of the United States Code were ordered to be printed in the RECORD, as follows:

TITLE 18 UNITED STATES CODE—CRIMES AND CRIMINAL PROCEDURE

SECTION 286. CONSPIRACY TO DEFRAUD THE GOVERNMENT WITH RESPECT TO CLAIMS

Whoever enters into any agreement, combination, or conspiracy to defraud the United States, or any department or agency thereof, by obtaining or aiding to obtain the payment or allowance of any false, fictitious, or fraudulent claim, shall be fined not more than $10,000 or imprisoned not more than ten years or both.

SECTION 287. FALSE, FICTITIOUS OR FRAUDULENT CLAIMS

Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SECTION 1001. STATEMENTS OR ENTRIES GENERALLY

Whoever, in any matter with the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, canceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statement or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

TITLE 31, UNITED STATES CODE—MONEY AND FINANCE

SECTION 231. LIABILITY OF PERSONS MAKING FALSE CLAIMS

Any person not in the military or naval forces of the United States, or in the militia called into or actually employed in the service of the United States, who shall make or cause to be made, or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent, or who, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, makes, uses, or causes to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, or who enters into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim, or who, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, who, with intent to defraud the United States or willfully to conceal such money or other property, delivers or causes to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt, and every person authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so uses or to be used, who makes or delivers the same to any other person wtihout a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, and every person who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service any arms, equipments, ammunition, clothes, military stores, or other public property, such soldier, sailor, officer, or other persons not having the lawful right to pledge or sell the same, shall forfeit and pay to the United States the sum of $2,000 and, in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit.

SECTION 232. SAME; SUITS; PROCEDURE

(A) The several district courts of the United States, the several district courts of the Territories of the United States, within whose jurisdictional limits the person doing or committing such act shall be found, shall wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit.

(B) Except as hereinafter provided, such suit may be brought and carried on by any person, as well for himself as for the United States, the same shall be at the sole cost and charge of such person, and shall be in the name of the United States, but shall not be withdrawn or discontinued without the consent, in writing, of the judge of the court and the United States Attorney, first filed in the case, setting forth their reasons for such consent.

(C) Whenever any such suit shall be brought by any person under Clause (B) of this section notice of the pendency of such suit shall be given to the United States by serving upon the United States attorney for the district in which such suit shall have been brought a copy of the bill of complaint and by sending, by registered mail, or by certified mail, to the Attorney General of the United States at Washington, District of Columbia, a copy of such bill together with a disclosure in writing of substantially all evidence and informatiaon in his possession material to the effective prosecution of such suit. The United States shall have sixty days, after service as above provided, within which to enter appearance in such suit. If the United States shall fail, or decline in writing to the court, during said period of sixty days to enter any such suit, such person may carry on such suit. If the United States within said period shall enter appearance in such suit the same shall be carried on solely by the United States. In carrying on such suit the United States shall not be bound by any action taken by the person who brought it, and may proceed in all respects as if it were instituting the suit: Provided, That if the United States shall fail to carry on such suit with due diligence within a period of six months from the date of its appearance therein, or within such additional time as the court after notice may allow, such suit may be carried on by the person bringing the same in accordance with clause (B) of this section. The court shall have no jurisdiction to proceed with any such suit brought under clause (B) of this section or pending suit brought under this section whenever it shall be made to appear that such suit was based upon evidence or information in the possession of the United States, or any agency, officer or employee thereof, at the time such suit was brought: Provided, however, That no abatement shall be had as to a suit pending on December 23, 1943, if before such suit was filed such person had in his possession and voluntarily disclosed to the Attorney General substantial evidence and information which was not theretofore in the possession of the Department of Justice.

(D) In any suit whether or not on appeal pending on December 23, 1943, brought under this section, the court in which such suit is pending shall stay all further proceedings, and shall forthwith cause written notice, by registered mail, or by certified mail, to be given the Attorney General that such suit is pending, and the Attorney General shall have sixty days from the date of such notice to appear and carry on such suit in accordance with clause (C) of this section.

(E)(1) In any such suit, if carried on by the United States as herein provided, the court may award to the person who brought

such suit, out of the proceeds of such suit or any settlement of any claim involved therein, which shall be collected, an amount which in the judgment of the court is fair and reasonable compensation to such person for disclosure of the information or evidence not in the possession of the United States when such suit was brought. Any such award shall in no event exceed one-tenth of the proceeds of such suit or any settlement thereof.

(2) In any such suit when not carried on by the United States as herein provided, whether heretofore or hereafter brought, the court may award to the person who brought such suit and prosecuted it to final judgment, or to settlement, as provided in clause (B) of this section, out of the proceeds of such suit or any settlement of any claim involved therein, which shall be collected, an amount, not in excess of one-fourth of the proceeds of such suit or any settlement thereof, which in the judgment of the court is fair and reasonable compensation to such person for the collection of any forfeiture and damages; and such person shall be entitled to receive to his own use such reasonable expenses as the court shall find to have been necessarily incurred and all costs the court may award against the defendant, to be allowed and taxed according to any provision of law or rule of court in force, or that shall be in force in suits between private parties in said court: Provided, That such person shall be liable for all costs incurred by himself in such case and shall have no claim therefor on the United States.

MARITIME COLLECTIVE BARGAINING

Mr. MAGNUSON. Mr. President, I believe it is worthy of special notice that four of the Nation's leading maritime trade unions and a number of associations of shipowners have reached agreement on new 3-year collective-bargaining contracts, without more than minor interruption to maritime services on the east and gulf coasts.

This is a most welcome development. It underscores once again the vitality of the American institution of free collective bargaining. It is also worthy of note that the new agreements were worked out by the parties themselves. There was no need of Government intervention, and they did not call for it.

Three of the unions were able to reach tentative agreements with the Maritime Service Committee and other shipping groups ahead of the June 15 deadline. These unions were the National Marine Engineers' Beneficial Association, the American Radio Association, and the National Maritime Union. The fourth union—the Masters, Mates & Pilots—reached substantial agreement on June 17, less than 48 hours after the expiration of the old contracts, for a major portion of their contracts.

Maritime labor agreements are detailed and complex instruments. It was a major accomplishment to reach agreement so promptly, in view of past difficulties on the American waterfronts. So I compliment the leaders of these fine organizations, and the representatives of the shipowners, for a splendid piece of work which well served our national interest.

I hope that on the basis of this accomplishment, we may use the next 3 years of labor-management stability in the maritime industry to develop a program for building the American merchant marine. Such a step is long overdue. We now have no excuse for delay. We must act before we are hopelessly outstripped on the high seas.

WASTE AND INEFFICIENCY IN DEFENSE DEPARTMENT

Mr. GOLDWATER. Mr. President, in the past, the Senator from Wisconsin (Mr. PROXMIRE) and I have been trusting enough of each other that we have put communications to one another in the RECORD after having them delivered.

When I read in the evening paper of Monday and the morning paper of Tuesday the uncalled-for remarks of former Secretary of Defense McNamara, I wrote the Senator from Wisconsin a letter, which I ask unanimous consent to have printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., June 24, 1969.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR BILL: You will recall that when I appeared before your subcommittee several weeks ago, I raised the question of why former Secretary of Defense Robert McNamara had not testified on the question of waste and inefficiency in the defense establishment during his tenure.

You explained that Secretary McNamara had been invited but that his duties as President of the World Bank were keeping him so busy that he was unable to accept the subcommittee's invitation. I read in today's newspapers that Mr. McNamara has not been too busy to grant an extended interview on the matters which your subcommittee is investigating.

Because of some of the things former Secretary McNamara is quoted as having said in that interview, I believe it is more imperative than ever that he be heard by your group. For example, the UPI quoted McNamara as stating that he spent much of his time "fighting a Congress that wanted to spend too much on useless military projects." I think we who serve in Congress are entitled to know what he is referring to.

At another point Mr. McNamara is quoted as saying, "any number of times I was ordered to begin work on a project which was totally wasteful."

This, too, needs amplification and explanation from the man who guided the destinies of the Defense Department during the longest and most notorious period of waste and inefficiency that any government department has ever incurred.

It goes without saying that Mr. McNamara probably was not referring to the multibillion dollar TFX project for which he himself must bear almost complete responsibility.

In all events I should like you to renew your invitation to Mr. McNamara in light of his recent publicized remarks.

Sincerely,

BARRY GOLDWATER.

Mr. GOLDWATER. Mr. President, I have urged, as the reader can see from my letter, that in view of the fact that Mr. McNamara stated—

Fighting a Congress that wanted to spend too much on useless military projects.

And again stated that—

Any number of times I was ordered to begin work on a project which was totally wasteful.

I think Mr. McNamara should be brought before the committee to state precisely what the projects were and who forced him to take an action that he, as Secretary of Defense, certainly did not have to take unless he wanted to. Mr. McNamara's explanation to the invitations by the Senator from Wisconsin has been to the effect that, as head of the World Bank, it would be improper for him to do so. In view of the fact that he does not feel it improper to hold press conferences on the same subject, I think his first excuse is a lame and useless one.

O'CALLAHAN AGAINST PARKER AND MILITARY JUSTICE

Mr. ERVIN. Mr. President, recently in O'Callahan against Parker the Supreme Court, by a five-to-three vote, ruled that courts-martial have no jurisdiction to try offenses committed by service personnel if those offenses are not "service-connected." While I am anxious to protect the constitutional rights of servicemen—and have sponsored legislation to that end—I find that there are several disquieting features to the opinion of the Court, written by Mr. Justice Douglas. Furthermore, the problem of military jurisdiction is of such significance that the opinions in O'Callahan deserve close consideration by the public and the Congress.

In the first place, it seems clear that in most quarters the assumption prior to O'Callahan was that the status of persons in the military permitted Congress to subject them to trial by court-martial, regardless of the nature of the crime, where committed, and whether in peacetime or in wartime. Certainly the Uniform Code of Military Justice is predicated on this assumption, and many service personnel have been tried for civil-type offenses of the very kind that were allegedly committed by Sergeant O'Callahan. If the O'Callahan case is given retroactive effect, which would seem a logical inference with respect to trials by courts-martial that lacked jurisdiction over the offense, then it is clear that the Federal courts will soon be flooded with petitions for habeas corpus and suits for backpay or other relief. While I recognize that over the years there have been those scholars who questioned military jurisdiction over civil-type offenses, such as murder, rape, larceny, burglary, and housebreaking, it does appear to me that here again the Supreme Court has changed the Constitution, rather than interpreted it.

Second, if the Constitution is to be modified, I am reluctant to see it modified by a five-to-three decision of the Supreme Court when one member of the majority, the Chief Justice, was scheduled for almost immediate retirement. The present situation as to the composition of the Court, which is now in transition, signifies that the rule established in O'Callahan will be shrouded in uncertainty. The obvious question is how much weight will the new members of the Supreme Court give to a fundamental constitutional decision rendered on the eve of change in membership in the Court. Will they feel free to overrule the case as soon as an occasion presents it-

self, or will its effect be gradually whittled away in the future by distinctions based on the particular facts? Frankly, I think it unfortunate that in these circumstances a divided court has chosen to decide the issue in the first instance, rather than setting it for reargument.

In the third place, the element of uncertainty that now exists is heightened by the failure of the majority in O'Callahan to provide meaningful guidelines for the future exercise of military jurisdiction. The basic criterion employed is whether the offense was "service-connected." Interestingly, the concept of service-connection has not in recent years played any part in military justice. I am informed that a computer search reveals that the words "service-connected" appears only one time in 37 volumes of the opinions of the Court of Military Appeals and the military boards of review. In that solitary instance, United States against Kelley, 22 CMR 723—1956—the factor of service-connection was not material to any issue in the case. In the U.S. Code the concept of service connection has been used chiefly in determining availability of veterans benefits and disability retirement pay. In that context, the concept has been given a very broad scope. See 38 U.S.C. section 101(6) and 38 U.S.C. section 105. In fact, under these statutes service personnel are deemed to be acting in line of duty—and injuries under such circumstances are service-connected—even when they are on authorized leave. Certainly, a broad concept of service-connection is appropriate in deciding who is entitled to the benefits which Congress has intended for military personnel. But it seems clear from Justice Douglas' opinion that he would not accept a broad interpretation in deciding the scope of court-martial jurisdiction. Under the circumstances, there is considerable ambiguity in the touchstone which the Court proposes to utilize in determining military jurisdiction.

In the fourth place, I am concerned about some of the practical consequences that may flow from the decision. I have already mentioned some of these consequences if the decision is held to be retroactive. Let me note that some equally unpalatable consequences will be encountered if the *O'Callahan* case is determined to have extraterritorial applicability and to apply to service personnel stationed overseas. In terms of its logic, such a result would be perfectly consistent with the majority opinion, although it is not necessitated by that opinion. In any event, if courts-martial cannot try military personnel for civil type offenses committed overseas, the consequence will be that either they will be tried in the foreign courts of the country where the offenses are committed or else will go unpunished. The former alternative hardly conduces to a protection of the constitutional rights with which the majority opinion in O'Callahan is concerned. The latter alternative is not consistent with justice. In this same connection, I should mention that up to the present time the United States has been successful in obtaining from foreign governments a significant percentage of waivers of their jurisdiction over American service personnel, even when those governments possessed primary jurisdiction under the terms of the NATO Status of Forces Agreement or other treaties. However, the United States cannot request a waiver of jurisdiction by a foreign government when it lacks jurisdiction to try the service personnel for the offense involved. Admittedly, Congress might seek to ameliorate the problem by extending the special and maritime jurisdiction of Federal civil courts to include non-service-connected offenses committed by American military personnel overseas. But this solution, if constitutionally permissible, raises any number of practical problems.

Even in the United States some practical problems inhere in the result reached by the majority in O'Callahan against Parker. In a case concerning the right of military personnel to sue the Government under the Federal Tort Claims Act for torts suffered by them while they were acting in line of duty, the Supreme Court noted that it would be ironic to have the rights of service personnel, who have no choice as to where they must serve, hinge on the law of the place where they happen to be located when a tort occurs. See Feres against United States, 340 U.S. 135 (1950). The O'Callahan case signifies that in a substantial number of criminal cases servicemen will be tried according to the substantive and procedural law of the State where they happen to be stationed, generally without their choice, rather than be tried by a court-martial, pursuant to a Uniform Code of Military Justice. Admittedly, the State courts already have concurrent jurisdiction in many instances and so, even prior to O'Callahan, military personnel were not insulated against State court trial. Also, there has been increasing standardization of State court trials, as the Supreme Court has turned the Bill of Rights into a Code of Criminal Procedure. Even so, I am concerned about the consequences of a decision which removes the possibility of a trial by court-martial pursuant to uniform standards prescribed by the Congress for military personnel.

This leads me to my fifth point. I think it quite unfortunate that the majority opinion makes several disparaging references to military justice. By so doing, Justice Douglas has, in effect, tended to minimize the very significant advances and improvements in military justice that have been made in recent years—such as the adoption of the Uniform Code of Military Justice in 1950, the recent enactment of the Military Justice Act of 1968, and the able opinions of the Court of Military Appeals. I would be the last person to claim that military justice is flawless. Indeed, the hearings of the Subcommittee on Constitutional Rights in 1962 and 1966 provided documented insights into deficiencies. Some of these deficiencies have since been corrected by legislation, court decision, or administrative regulation. Some still exist, for example, in the field of administrative discharges, and these, too, I trust will soon be corrected. Indeed, I have introduced legislation to this end.

However, in fairness, it should be noted that the record of the civil courts is not completely without blemish; otherwise, there would have been no occasion for many recent decisions by various Federal and State appellate courts. Justice Douglas' opinion derides "so-called military justice." In fairness to the conscientious judge advocates who administer that system, it should be remembered that: First, courts-martial were excluding evidence obtained by unreasonable search and seizure or by wiretapping long before the Supreme Court first informed State courts in Mapp against Ohio, 367 U.S. 643—1961—that they must apply the exclusionary rule in such instances; second, in courts-martial qualified lawyers were provided without cost to defend service personnel, indigent or otherwise, in all major criminal cases long before Gidgeon against Wainwright, 372 U.S. 335—1963—required appointment of counsel for indigents in the State courts; third, article 31 of the Uniform Code of Military Justice enacted a warning requirement for military investigations long before the Supreme Court in Miranda against Arizona, 384 U.S. 436—1966—adopted such a requirement for Federal and State courts—and, indeed, Chief Justice Warren relied on the military practice in seeking to justify the warning; fourth, defense counsel in courts-martial are in a far better position to obtain pretrial discovery of the prosecution's case than would be true in Federal district courts under rule 16 or in most State courts; fifth, verbatim records of trial by court-martial were provided as a matter of course and without cost to the accused, long before Griffin against Illinois, 351 U.S. 12—1956—imposed this burden on the State courts; and, sixth, appellate review of appropriateness of sentence takes place in the system of military justice, but is still unavailable in the Federal courts and in almost all State courts. Furthermore, the Court of Military Appeals has made clear that most constitutional safeguards are fully applicable to service personnel. Admittedly courts-martial do not proceed on the basis of grand jury indictment; but, at least until the Supreme Court expressly overrules Hurtado against California, 110 U.S. 516—1884—there is no requirement that State court prosecutions be based on indictment.

Taking all the circumstances into account, I hope that clarification can soon be provided with respect to the present murky legal situation concerning court-martial jurisdiction. Meanwhile, I trust that Congress will closely follow developments with a view to considering corrective legislation that may seem desirable and constitutionally permissible.

MEDICARE—PLANNED ELIMINATION OF FLAT PERCENTAGE ALLOWANCE

Mr. EAGLETON. Mr. President, many hospital officials in my State have written me to express their deep concern about the planned elimination by the

Department of Health, Education, and Welfare of the flat percentage allowance as an element applied to allowable cost in computing reimbursement for hospitals and extended care facilities participating in medicare.

This allowance—2 percent for nonprofit hospitals and 1½ percent for proprietary hospitals—is scheduled to be dropped by HEW as of June 30, 1969.

The hospital officials and trustees who have written me are worried that this reduction in medicare reimbursements will have to be borne by nonmedicare patients. They are also upset, because the decision was taken by HEW without consultation with the American Hospital Association, the designated representative of hospitals the Nation over in matters concerning medicare.

The Social Security Administration has begun a study of the present principles under which reimbursements are made to hospitals for medicare patients. This study would have been more timely if it had been made, and proposals for revisions in reimbursement principles outlined, before the discontinuance of the percentage allowance is to take effect. As matters stand, hospitals are operating under a cloud of extreme financial uncertainty. This is a situation that must be clarified at the earliest possible date.

Mr. President, I ask unanimous consent that an excellent editorial dealing with this subject, which appeared in the June 13, 1969, edition of the Cape Girardeau, Mo., Southeastern Missourian be printed in the RECORD, a series of letters from knowledgeable hospital administrators in my State.

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

BUREAUCRATIC DOUBLECROSS

The nation's hospitals, which without question made Medicare work, are the victims of a bureaucratic double-cross by the Department of Health, Education and Welfare.

St. Francis and Southeast Missouri Hospitals here have joined the chorus of protest arising across the country to the unilateral decision of the government agency to remove a two per cent cost factor from Medicare reimbursements to hospitals.

The two per cent was put into the program at its outset to compensate the hospitals for factors which could not be recognized otherwise by formula or cost analysis. It is calculated on the base of Medicare payments made to the hospitals.

Principal among these intangible costs was the extra amount of nursing care required by the elderly. Studies across the country are unanimous that it does cost more to care for the elderly than for other patients.

It is, however, exceedingly difficult—and most expensive if it is done right—to calculate down into hours and dollars and cents the extra amount of time the nursing staff of a hospital must give to these older patients.

It is not only that. Hospitals can calculate only raw costs. They cannot include capital improvements—many brought on by the added Medicare load—as a part of Medicare costs. If money is borrowed, Medicare would pay only a part of the interest. As one hospital administrator put it, "There is no way they would help us get off the ground."

When a hospital must buy equipment, even though it became necessary because of the Medicare load, the government will pay only a share of interest and depreciation. Nothing is allowed for growth and development.

Indicative of the added cost brought to hospitals because of Medicare is a study by the American Hospital Association showing a 20 per cent increase in administrative and general manhours to comply with the reporting requirements of Medicare.

Is it any wonder the hospitals fought for a percentage factor over the costs allowed by the government? It was their only way of meeting the added and intangible costs brought on by the program.

And now the Department of Health, Education and Welfare says this factor will terminate July 1.

Hospital officials are particularly distressed at this unilateral and high-handed action. In 1965 and 1966 when the program was being initiated, HEW people courted the hospitals to gain their participation. They called it a patrnership in medicine and made every effort to gain hospital participation, knowing the program would not work without wholehearted co-operation of these institutions.

Now that Medicare is off the ground, the promises have been forgotten, as all too often is the case with government agencies. The department knows full well it would not be the government—HEW to be exact—which would feel the wrath of the public if hospitals were to withdraw, but the hospitals themselves. They have the hospitals over a barrel and they know it.

Even more galling to the nation's hospitals is the fact that the government agency promised there would be prior consultation with the American Hospital Association before it would make any changes in Medicare.

The AHA received only a blunt notification that the two per cent factor would be ended on July 1. There was no effort by the administration to renew the "partnership" of 1966. Efforts of AHA to see Secretary Finch of HEW were rebuffed.

A meeting is being held today between lesser officials and those of AHA. We hope it is fruitful, but in view of the position of the government up to now hold little hope.

One thing is certain. The government has not played fair with the nation's hospitals. There must be a solution to this problem. Hospitals cannot continue to absorb costs that rightfully should be borne by Medicare without either (1) lowering patient care or (2) passing these charges on in even higher costs—contrary to the law HEW defends—to non-Medicare patients.

CEDAR COUNTY MEMORIAL HOSPITAL,
El Dorado Springs, Mo., May 2, 1969.

Hon. THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR SIR: I am interested in the rescinding of the 2% above cost for Medicare patients in hospitals. Didn't the Federal Government go into contract with hospitals for this service and wasn't the 2% a part of that contract? If they can do this we don't have to adhere to their regulations. We haven't been consulted, only told that it would be rescinded on a given date.

I am wondering if there is a man in Congress that has ever owned a business that can say he could operate for cost without a profit factor.

As sure as you do this the hospital is doomed. There can be no growth or better services rendered if this is to happen. In our hospital, Medicare is the most of our census so this leaves us without a source of revenue for improvement or expanded services.

In the first place Medicare does not cover all of our costs. You should all know just how many deductions are substracted on a cost report. We have numerous patients that are transferred to another hospital the same day in which we have incurred much expense and we are not allowed a days care charge. How do you propose to pay for items like these?

I hope you will all vote against this measure and see that the public gets what was contracted for and not allow a recession in hospital care.

Sincerely,

JOHN P. BISHOP,
Administrator.

ST. JOSEPH HOSPITAL,
St. Charles, Mo., May 5, 1969.

The Honorable THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: We are writing to you in regard to a Bill which will be coming before Congress. At the present time hospitals are being reimbursed on historical costs plus two per cent for all Medicare patients. If this two per cent factor is removed from the reimbursable rate, our hospitals will not be able to replace assets used by Medicare patients, because of the well-known inflationary trend in costs.

If the hospital must replace assets at a higher cost level, the non-Medicare patients will be paying for the assets used by Medicare patients. This will be in contradition to the fundamentals of the Medicare regulation.

It is therefore, imperative that the hospitals receive a cost plus factor large enough to replace supplies and equipment in the inflationary market.

We will appreciate your assistance in preventing this proposed change from passing.

Sincerely yours,

Sister M. FRANCIS CLARE BROWN, S.S.M.,
Administrator.

ST. FRANCIS HOSPITAL,
Cape Girardeau, Mo., May 6, 1969.

Senator THOMAS EAGLETON,
St. Louis, Mo.

DEAR SENATOR EAGLETON: It is our understanding that the 2% over allowable costs which Medicare has been adding to their reimbursement to hospitals is to be discontinued effective July 1, 1969.

This allowed compensation over and above other Medicare defined costs was to compensate hospitals for expenses admittedly necessary for the operation of a hospital, but which were not includable in the Medicare cost statement.

An example of such a real, but non-allowable cost is free service, whether this be in the form of outright charity or whether it be bad debt. As you well know, when a patient is brought to our door unconscious, hemorrhaging, crushed, or severely sick or injured, as many of our patients are, we are not permitted to ask him for credit references, credit cards, or advance payments, and then check these out before admitting him. We must admit him, spend money for labor, supplies, and equipment necessary to treat him and then hope he will pay us for our out-of-pocket expenses. Last year we were left "holding the bag" for $57,000.00 by such patients. Medicare will allow bad debts of Medicare patients only who do not pay their deductibles. This catagory of bad debts is insignificant when compared to the bad debts and free service of non-medicare patients. We maintain that this $57,000.00 is a legitimate cost of doing business and should therefore be equally born by all patients served by the hospital. If we are not reimbursed for this expense by someone, we will of necessity have to close our doors in which case we will be unable to serve even Medicare patients.

When Medicare refuses to accept its share of this cost, we have but one choice, and that is to pass it on to an ever decreasing

percentage of private pay patients, which of course is most unfair. Last year 43% of our total charges were to Medicare patients. We feel that Medicare should therefore have paid us 43% of $57,000.00 or $24,510.00. The 2% allowance which is (or was) intended to cover not only this expense, but other like indirect expenses amounted to only $13,561.00 for St. Francis Hospital last year. Now even this small amount, we understand, is to be discontinued.

We simply cannot go on carrying such a large number of patients who do not pay their fair share of our costs. We ask that you therefore, please take whatever action is necessary to at least prevent this 2% allowance from being eliminated. Your efforts in this regard will certainly be appreciated.

Sincerely,

JOHN J. KEUSENKOTHEN,
Controller.

POPLAR BLUFF HOSPITAL,
Poplar Bluff, Mo., May 6, 1969.

Honorable THOMAS EAGLETON,
St. Louis, Mo.

DEAR SENATOR EAGLETON: We would like to protest the reduction in re-imbursement to hospitals under Public Law 89–97.

Hospitals have worked long and hard to make the Medicare Program work for the benefit of the elder citizens of this nation. The Medicare payments in their present form, do not adequately reimburse hospitals for the care rendered to these patients.

We feel that Medicare should assume its proper burden, final audits should be made current—, we have not as yet had finalization of our 1966, 1967 or 1968 audits.

We urge no cut in Medicare reimbursement be made until hospitals and Government have jointly reviewed the entire reimbursement matter.

Sincerely,

LILLIAN CLANAHAN,
Administrator.

CONCORDIA LUTHERAN CHURCH,
Maplewood, Mo., May 6, 1969.

Hon. THOMAS EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAGLETON: For a little over one year I have been serving as a trustee on the Board of Directors of Lutheran Hospital here in St. Louis. In the course of that time I have become somewhat disturbed between the patient costs in the hospital and the reimbursement rate from Medicare. The president of the hospital has explained this to us time after time and has said that the rate for reimbursement from Medicare either does not cover all the services or at least does not cover the total cost of the Medicare patients.

And now I have just heard that there may be a reduction in Medicare reimbursement. Frankly, I think that once the government has established its rate and the hospitals have adjusted their way to conform to this rate that then a reduction in reimbursement is not only highly undesirable but may even pose some threat to the good medical care in hospitals.

I want to ask you specifically is it true that the department of Health, Education, and Welfare plans to remove the 2% allowance which they have granted in the past to hospitals for Medicare? Is this simply going to be withdrawn without adequate consultation with hospitals?

Why should the private patients in the hospital assume any more costs of the patients who are there under the Medicare reimbursement program? I think this is most serious and deserves your immediate attention.

I not only await your reply; I trust you will use the influence of your office to make certain that adequate medical care will be given to the seniors of our nation through proper Medicare reimbursement programs.

Cordially yours,

JOHN E. MEYER.

KANSAS CITY AREA HOSPITAL ASSOCIATION,
Kansas City, Mo., May 6, 1969.

To: Administrators.

Re: Medicare Reimbursement.

During the past few days, you have received material from AHA, Missouri Hospital Association and KCAHA concerning the reduction in medicare reimbursement by eliminating the 2% allowance.

We join both AHA and MHA in urging that you and your trustees use every means of communication to your congressmen to ask their help in seeking a delay of this unilateral action of HEW until the entire matter of medicare reimbursement can be reviewed by the hospitals with the government.

The seriousness of this whole medicare question can be seen in these statistics, which are provided as factual support in approaching your congressmen. A survey of nine of our hospitals having 3,028 beds indicates the following:

Present annual losses from unallowable costs	$651,600
Estimated annual loss as a result of disallowance of 2%	404,000
Total anticipated annual loss	1,055,400

The anticipated total annual medicare loss per bed is $349. The anticipated per bed annual loss on disallowance of the 2% only is $134.

Projected for all Association hospitals except Veterans, the annual overall medicare loss would be $2,018,257. The 2% allowance reduction amounts to $775,095 annually.

It is unlikely that most congressmen are acquainted with the background of this crippling HEW administrative order. It is imperative that they be informed of its consequences.

RUSSELL H. MILLER,
President.

RESEARCH HOSPITAL AND MEDICAL CENTER,
Kansas City, Mo., May 8, 1969.

Hon. THOMAS F. EAGLETON,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: We wish to express our deep concern over the recent HEW decision to withdraw the additional 2% allowance presently included in Medicare reimbursement methods and about cost reimbursement methods in general.

Reimbursement by Medicare is presently based on 102% of our actual costs of operation less any costs determined by those who interpret Medicare regulations to be nonallowable. As examples, we are not reimbursed for expenses related to Coffee Shop, Barber Shop, Beauty Shop, Gift Shop and Community Development operations, although these are obviously a part of the overall costs of operation and these facilities are available to both Medicare and non-Medicare patients and visitors.

We must also exclude the costs for telephone and television, even though these important services are used by all patients, including Medicare patients, and are provided within our regular daily service charge.

We were, as a result of Medicare reimbursement methods, paid approximately $55,000 less than actual costs of services to Medicare patients during 1967, even considering reimbursement to be at the 102% rate.

The recent decision by HEW to disallow the 2% factor will obviously cause our present sizeable underpayment to increase significantly. In fact, the underpayment for 1967 would have been increased by $48,000, if the 2% had been withdrawn at that time. Underpayments of such major proportions must obviously be offset by charges to non-Medicare patients. This certainly is contrary to our understanding of the original intent of the Medicare Law, i.e., that no discrimination in charges or services should be made between Medicare and non-Medicare patients. This is pointed out clearly in HEW Manual HIR–4 (12–68), subpart D, paragraph 405, 402., which states in part, "The share of the total institutional cost that is borne by the program is related to the care furnished beneficiaries so that no part of their cost would need to be borne by other patients." This is obviously not supported by present reimbursement methods. Considering these facts, we strongly recommend that the recent decision to withdraw the 2% allowance be withheld; moreover, that current reimbursement methods be revised to comply with the original stated intent of the Medicare law so that reimbursements for all Medicare patients cover the entire cost of hospitalization.

We are enclosing for your information, copies of two letters which have been mailed to our Trustees. Both letters are from Ray R. Eppert who has been selected by the American Hospital Association to serve as trustee spokesman on the matter of Medicare Reimbursement. One letter is directed to the Trustees of the nation's hospitals and the other to the President of the United States.

Your support to prevent the withdrawal of the 2% allowance will be greatly appreciated.

Cordially,

ROBERT E. ADAMS,
Executive Director.

SAINT JOSEPH HOSPITAL,
St. Joseph, Mo., May 12, 1969.

Hon. THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: Our hospital, a Missouri not-for-profit corporation, has been furnishing care to the aged of Northwest Missouri for many years. We have participated in the Medicare program since it's beginning in July of 1966, as provider No. 260090.

We have been reimbursed under the standard formula proposed by the Social Security Administration. This formula spells out the costs recognized by Social Security Administration and eliminates others not thought by Social Security Administration to effect their patients. Needless to say, these eliminated expenses are impossible to eliminate and still run an efficient care unit. Social Security Administration adds to their recognized cost a 2-per cent allowance to cover unrecognizable or overlooked cost of care.

In our case the eliminated costs for fiscal year ended June 30, 1968 amounted to over $195,000. Our 2 per cent allowance amounted to $64,000. Thus, even with the 2 per cent allowance, we are underpaid on our *costs* for Medicare patients.

According to the latest notice as of July 1, 1969 Social Security Administration will no longer pay us the 2 per cent allowance. This action would greatly effect our financing.

We are very much concerned that the Social Security Administration did not consult the associations thru which our thoughts have always been presented, namely, American Hospital Association, or Catholic Hospital Association, regarding the cut-back in reimbursement to us as providers.

Another subject which we are vitally interested in is Public Law 90–490 which has to our knowledge no appropriation for implementation. We, as an institution providing aid to the acute ill, have a great need for nursing personnel and would favor any financing for qualified nursing schools.

We would appreciate your efforts in regard to a fair review of the financing cut-back in Medicare reimbursements to providers and appropriations for Public Law 90–490.

Sincerely yours,

Sister MARY HELEN NEUHOFF,
Administrator.

JOHNSON COUNTY MEMORIAL HOSPITAL,
Warrensburg, Mo., May 12, 1969.

Mr. THOMAS EAGLETON,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: Our hospital has just received the information which indicates that HEW plans to cease paying hospitals the 2 per cent allowance on Medicare patients after July 1, 1969.

This action would mean, using Medicare figures to date, that our small hospital would have been cut short on expenses claimed of $45,000.00 in the short time Medicare has been operating.

There are many areas which are equally unfair as far as Medicare reimbursement is concerned. One of these in our hospital is the fact that our Nurses Call and Communication System is tied to our television in each patient's room—therefore, the entire Nurses Call and Communication System costs (approximately $3,000.00 per year) are deducted from Medicare payment.

We respectfully request your assistance in obtaining full and reasonable discussion of the American Hospital Association's Statement on Financial Requirements of Health Care Institutions. The statement clearly points out the costs of operation and capital needs of hospitals which are not now being paid for by the Medicare system.

Continued non-payment of the proper share of the costs of health care needs by Medicare will, no doubt, have serious effect on the future of the voluntary health care system of the United States.

Sincerely,

JOHN L. INNES,
Chairman.

BETHESDA GENERAL HOSPITAL,
St. Louis, Mo., May 14, 1969.

The Honorable THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR MR. EAGLETON: From the inception of the Medicare Program, Bethesda General Hospital has made every attempt to assure the "Partnership in health" concept which was advocated by the Federal Government. We have assumed considerable responsibility in making this partnership a lasting relationship which could achieve success over a period of time. We, along with other voluntary nonprofit charitable hospitals, have demonstrated our willingness to cooperate with the Government at the various levels necessary.

Hospital charges are set at a level which will produce sufficient income to operate the hospital at an optimum level of acceptable care, and the hospital is dependent upon income from its charges in order to continue and progress. Under the Medicare Program, income from patient care has been considerably less than the billed charges which are needed. This has been true under the present reimbursement formula, which includes the two percent factor which is about to be dropped. The recent announcement of the Department of Health, Education, and Welfare concerning the reimbursement change for providers of care to social security administration beneficiaries, was made without any consultation with the American Hospital Association. Such an abrupt announcement, which has such a radical impact on hospital financing, causes hospitals to wonder if the "Partnership in health" relationship is likely to have a future. Hospitals across the nation were shocked and disappointed to have this pronouncement thrust upon us through the news media.

We respectfully urge the Department of Health, Education, and Welfare, and our elected representatives, to carefully study the Medicare reimbursement problems as they exist today.

Further, we urge HEW to maintain full communication with the American Hospital Association, which is the official voice of the hospitals of our nation. Unless we can arrive at an equitable solution to the reimbursement problems for social security recipients, the nation's voluntary hospital system will soon be in dire financial straits.

We respectfully solicit your interest and support on this critical subject.

Cordially,

JOHN F. NORWOOD,
Administrator.

NORTH KANSAS CITY
MEMORIAL HOSPITAL,
May 14, 1969.

Senator THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

The North Kansas City Memorial Hospital heard with great alarm the proposed elimination of the two percent of operating costs which has until now been added in the computation of Medicare costs. We believe that the hospitals of this nation cannot permit the recent decision to remove the two percent Medicare allowance—a part of the reasonable costs guaranteed by the law—to stand without vigorous protest. The inadequacy of the reimbursement formula without this two percent will place the hospitals of this country in an even worse condition than they have been since they started the care of Social Security patients almost three years ago.

There are two major reasons why the Medicare reimbursement formula has placed this and other hospitals in an extremely dangerous financial position:

1. Bad Debts and Free Service Excluded: At first glance the logic used by SSA in excluding all Bad Debts and Free Service except as they apply to Medicare patients seems sound. When a second look is taken, however, the problem of fairness to all patients and hospitals shows the inequity of such logic. This can be broken down as follows:

(a) If Commercial Insurance carriers and Blue Cross took the same attitude then the only ones left to pay for non paying are the self insured patients.

(b) Why, then, should the self insured patient who always pays his bill, pay for the non paying patients any more than Medicare, Commercial Carriers or Blue Cross patients. I might add that the self insured patients are very few and if only they paid for non paying patients their charges would be extremely high.

(c) If no third party or self insured patients pay for the non paying patient then where is the hospital to look for reimbursement for these patients?

In hospitals where Medicare represents over 50% of their patients this bad debt situation is critical. Hospitals are not like the normal business. If a patient (customer) presents himself for needed medical care the hospital must provide it. The patient's credit record can not be considered if the medical care is needed.

2. The rapid advances in medicine have made equipment obsolete very rapidly. New techniques make expensive equipment necessary almost daily. As a result of this, it is necessary for hospitals to make a gain in order to maintain a status quo. The two per cent, even if computed on what hospitals consider as total costs, is not generally considered to be an adequate gain. In addition to new expensive equipment the hospital must be able to expand to meet the ever increasing population they serve. This is more of a problem than in the past because:

(a) Few contributions are made by wealthy residents, industry and the public in general than in the past.

Federal funds are very difficult to obtain for new construction, especially by metropolitan hospitals.

(c) Governmental hospitals are in a difficult position because they are unable to bet new bonds passed. The public, already feeling they are overtaxed, do not eagerly vote for more taxes.

The hospitals, faced with these problems, find they must pay for construction out of revenue. At this time, the only way for hospitals to have construction covered under Medicare is to go in debt. The hospital that tries to accumulate cash so as to not pay interest is at a disadvantage.

At this time if the two percent is eliminated it will cost our hospital $22,000.00 this year. In addition the bad debt situation discussed above costs another $28,000.00. When you consider that our hospital only has 25% Medicare patient days and a $5,000,000.00 budget you can see what this means to a large institution with a high volume of Social Security patients.

The North Kansas City Memorial Hospital earnestly solicits your help in the restoration of the two percent and, if anything, increasing it or changing the SSA's attitude toward Bad Debts and Free Service. If something is not done we fear the hospitals of the country will be in a very serious financial situation.

CHARLES F. CLAASSEN,
Administrator.

ALBANY, MO.,
May 15, 1969.

Hon. THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR MR. EAGLETON: As a member of the Gentry County Memorial Hospital Board in Albany, Missouri, I am greatly disturbed over Medicare reimbursements to our hospitals.

The way this is affecting our hospital and many others, is that Medicare Patients include 70% of patient care. While the other group is about 30%. Many of the other group are nonpaying cases, whose bills in time have to be charged off our books. If the 2% is unpaid by the Government, it has to be charged on Regular Patient Cost, so you can easily understand why hospital costs are skyrocketing as they are, when Medicare is not paying its total cost, even at 102%.

I also noticed that Congress has passed Public Law #90–490, which helps the different schools of nursing through the country, and is so badly needed, but as yet no appropriations have been made.

I am urging you to further investigate this serious situation and give it your wholehearted support.

With kind personal regards, I am,

Most Sincerely,

(Mrs. J. H.) BERNICE FLOWERS DEGGINGER.

AURORA COMMUNITY HOSPITAL,
Aurora, Mo., May 16, 1969.

The Honorable THOMAS EAGLETON,
St. Louis, Mo.

DEAR MR. EAGLETON: This letter is prompted by a notice that H.E.W. is eliminating the two percent over cost being paid on medicare patients to Hospitals.

We strongly object to this move for the following reasons:

At the present time we feel that we are not even breaking even at the present rate of payments. Medicare does not allow certain expenses in the hospital which we still have to maintain. There is no allowance for bad debts, still our largest loss for bad debts is on medicare patients.

Our costs have increased greatly because of restrictions and record keeping demanded by H.E.W. The extra survey forms, keeping up on S.S.A. requirements, attending seminars and all other red tape more than uses up the two percent over costs (medicare calculations) that we receive.

I have talked to many Administrators in this area and we all agree that we, as a group of Hospitals, if represented by our Hospital

Association, should refuse to participate in the Medicare Program.

There is absolutely no reason why the Hospitals should be the goat in supporting a health program that apparently cannot financially support itself.

Respectfully yours,

LEONARD BISBY,
Administrator.

SOUTHEAST MISSOURI HOSPITAL,
Cape Girardeau, Mo., May 21, 1969.

Re: HEW Proposal to Eliminate 2 Percent Factor in Medicare, Medicaid Reimbursement.

The Honorable THOMAS F. EAGLETON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR EAGLETON: As a trustee of Southeast Missouri Hospital, I am concerned with the current and continuing provision of quality health care to the citizens of our service area which includes much of southeast Missouri and southern Illinois. This concern, along with our confidence in the Medicare Program was shaken recently as I learned of the move to curtail what knowledgeable persons in the health field already have demonstrated is an inadequate reimbursement rate for the care of Medicare patients. It has also been repeatedly demonstrated that greater costs are involved in the care of these older persons, a number of which the reimbursement formula does not recognize.

It is inconceivable to me that this announcement was made without any prior consultation with the American Hospital Association whom we designated to act on behalf of the nation's hospitals to make Medicare work initially and on a continuing basis. It is also inconceivable that hospitals have not received full payment for the care rendered Medicare patients back to the beginning of the program in 1966. This underfinancing by Medicare cannot continue without erosion of the resources of hospitals or subsidization of Medicare's rightful share of hospital cost by others.

All of us are concerned with rising hospital and medical costs, and if this proposed curtailment in reimbursement was motivated by a desire to dramatize or curtail this rise, it has most certainly missed the mark. It is our observation that the Medicare Program has been a major factor in creating demands that account for this cost rise and the many "regulations" have all but eliminated innovation and experimentation which might have led to more economical provision of this care.

The impact of this 2% factor at our 200-bed hospital has amounted to $40,000 yearly. This is too large a sum to pass along to our few remaining patients who pay the established charges for our services!

I urge you to exert every influence possible to assure that full discussion of this and subsequent changes in the implementation of the Medicare-Medicaid programs is held with the representative of the providing agencies. I also urge that you do whatever is possible to see that this unwise decision is not implemented. Its consequences for Southeast Missouri Hospital and all hospitals throughout our country would be devastating.

Sincerely yours,

JOHN T. LAMKIN,
Secretary-Treasurer.

ST. ANTHONY'S HOSPITAL,
St. Louis, Mo., May 22, 1969.

The Honorable THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

SIR: To my great distress, I have read that the Department of Health, Education and Welfare is going to eliminate from Medicare and Medicaid payments to not-for-profit hospitals the two per cent of operating costs allowed under the reimbursement formula costs which are not otherwise recognized.

In my opinion, this action will compound an already grave situation. Social Security payments to hospitals, even in their present form, do not adequately reimburse our medical facilities for the care and services that are being given to Medicare and Medicaid patients. A reduction by two per cent in these payments could bring about a crisis situation in many of our nation's hospitals.

With the advent of Medicare and Medicaid, the Federal Government and our health system contracted to provide medical services to the elderly and medically indigent at a bargain rate of cost plus two per cent. This in effect forces the private pay and commercially insured patient to subsidize the program through increased Social Security payments and higher hospital bills. That is, if our hospitals are to continue to grow and develop at the same rate as they have during the past 50 years.

I seriously doubt that our Federal Government would be so foolish as to even attempt to contract for defense equipment, highways, etc., at such a low rate.

While the great majority of this country's hospitals are not-for-profit organizations, I know of no industry that can long stay away from bankruptcy without generating sufficient funds from revenue to assist in its capital needs.

Hospitals are no exception.

The Department of Health, Education and Welfare should abandon its proposed action concerning the reimbursement formula, and indeed recognize the need for additional money to be placed in funds to assure the continuing ability of hospitals to expand and provide new equipment.

Sincerely,

BOB HYLAND.

KANSAS CITY, MO.,
May 22, 1969.

Senator THOMAS F. EAGLETON,
The U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: As a trustee of Baptist Memorial Hospital here in Kansas City, I wish to solicit your support in prevailing on the Health Education and Welfare Agency to rescind their announced intention, dated April 15, 1969, to eliminate the two percent over-riding allowance to cover part of the costs of Medicare and Medicaid patients in hospitals.

This matter has received a great deal of attention by the administrative staff and trustees of our hospital. Calculations by the financial people indicate the elimination of this allowance will increase the daily cost of "non-Medicare patients" by a minimum average of 60 cents per day. You will agree, I believe, there is no fairness in passing such charges along to patients who do not benefit in any way from the Medicare program.

Again, I shall greatly appreciate your good offices in attempting to have this HEW announcement rescinded.

Sincerely yours,

JOE E. CULPEPPER.

INDEPENDENCE SANITARIUM & HOSPITAL,
Independence, Mo., May 22, 1969.

Senator THOMAS EAGLETON,
Senator Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: At our Board of Trustee meeting this last week we were advised of the action whereby the Department of Health, Education, and Welfare plans to cease paying the 2% allowance in addition to specific costs of Medicare billings to our patients.

You are acquainted with the fact that HEW already requires that we put away 3% of a patients' bill subject to eventual audit of our books of Medicare patient accounts by Medicare auditors. Finally, in March, two months ago, we received $32,000.00 which was due us from our audit of December, 1967. Now they want to reduce monies paid on these patients' expenses by the 2% which hospitals were hoping to use to replace equipment used in care of the patients. The combination of these accounting practices make it real difficult for us in this hospital, and therefore, we petition you to give consideration to maintaining the cost of patient care plus 2% billing practices announced by the Medicare program from its inception.

Otherwise, we do not see wherein it will be possible for us to operate with any degree of efficiency and expectancy to serve the patient with quality care and keep our equipment replaced on a desirable program in support of the care our doctors are striving to give.

We therefore request your sincere consideration and action in this matter.

Respectfully submitted,

W. WALLACE SMITH,
Chairman, Board of Trustees.

(P.S.—It may interest you to note that since the inception of Medicare we have a greater volume of paper work. We now average 7½ weeks time to collect the patient account, whereas up to July 1, 1966 our patient accounts were turning over in 4½ weeks. In this period of time our receivables due to many elements have increased from $330,000.00 to $780,000.00. The attached information may also be of interest to you.)

BARNES HOSPITAL,
St. Louis, Mo., June 6, 1969.

Re: Secretary Finch's announcement of the deletion of the 2% allowance on Medicare patients' hospital bills.

Hon. THOMAS F. EAGLETON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR TOM: I am speaking on behalf of Barnes Hospital in St. Louis where I happen to be chairman of the Board of Trustees. I can assure you that even with the 2% allowance Barnes Hospital is losing money on Medicare patients if you interpret the actual cost of servicing the patients. As you know, most of the patients are older and they require more than the average amount of nursing care; therefore, younger patients are actually paying part of their costs. Also you know that the Medicare reimbursement formula on depreciation costs is based on an historical cost basis rather than on current appraised values.

The hospital's trustees and administrators accepted Public Law 89–97 (Medicare) in good faith, thinking that the 2% allowance would be continued. It's disappointing to the hospitals now to be told that this 2% is going to be withdrawn because they had no opportunity for testimony or consultation on the consideration of hospital needs. Inadequate financial reimbursement impairs the integrity and threatens the hospital's ability to serve the sick and injured.

In the interest of Medicare, the care and welfare of our older people, and in the interest of private voluntary not-for-profit hospitals, I suggest that Secretary Finch or other responsible officers of Health, Education and Welfare meet with the American Hospital Association to reconsider the arbitrary decision that has been made to reduce reimbursement to hospitals.

Most sincerely,

RAYMOND E. ROWLAND.

DEACONESS HOSPITAL,
St. Louis, Mo., June 10, 1969.

Hon. THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR EAGLETON: I write to you relative to the report that the Department of Health, Education and Welfare proposes to eliminate the two percent of operating costs from the Medicare payments to not-for-profit hospitals.

It is an established fact that Medicare

payments to hospitals currently do not adequately reimburse them for the care and the services offered to beneficiaries. The proposed elimination of the two percent of operating cost payments will further magnify and aggravate a most critical condition in our hospitals. It is already evident that the private patients are paying more than their just share of the total cost of providing patient care due to the inequities currently in force in the Medicare reimbursement formula. The further loss of the two percent of operating costs could become a critical problem for most, if not all, not-for-profit hospitals.

It is my sincere hope that the Department of Health, Education and Welfare will recognize that hospitals have need for additional funds as they seek to improve the quality of patient care in the decade of the 70's and that the Department shall, therefore, disavow its announced intentions to eliminate the two percent of operating costs.

Your assistance in bringing such a response will be deeply appreciated.

Very truly yours,

CARL C. RASCHE,
Administrator.

ST. JOHN'S MEDICAL CENTER,
Joplin, Mo., June 10, 1969.

The Honorable Senator THOMAS EAGLETON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: You must be fully aware of the present issue on Medicare reimbursement wherein the American Hospital Association, on behalf of the hospitals, has strongly protested the proposed elimination from the Medicare payments of the two percent allowance as a proper component of reasonable cost, guaranteed under the law.

On behalf of St. John's Medical Center, I am making this appeal to you to support the stand of the American Hospital Association. Even with the two percent factor, the present Medicare reimbursement formula is still inadequate for the following reasons:

1. It does not sufficiently recognize the greater nursing costs involved in caring for older patients.

2. Non-Medicare patients are bearing substantially the entire burden for the acquisition or replacement of equipment in an ever-rising cost market, expansion of existing services, creation of new improved services and retirement of debt.

Furthermore, since the American Hospital Association is the Medicare reimbursement representative for more than ninety percent of the hospitals, and since the proposed elimination of the two percent factor is the result of an administrative budget decision and not the result of discussions and negotiations with our said representative, it is just and proper that no modifications be made until there has been full evaluation of the current formula with specific consideration of Medicare's responsibility to assume its proper burden as outlined in the AHA's Statement on the Financial Requirements of Health Care Institutions and Services.

We know we can depend on your support on this important issue, its effect having a very great impact on our hospital operation.

Truly yours in Christ,

Sister MARY TERENCE, R.S.M.,
Administrator.

THE DEXTER MEMORIAL HOSPITAL,
Dexter, Mo., June 21, 1969.

Re: Medicare Reimbursement.

Hon. THOMAS EAGLETON,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR: I am on the Board of Directors of the Dexter Memorial Hospital, which was organized under the Not-For-Profit Corporation Act, and was built by private donations and a matching Hill-Harris Grant. We have qualified under the Medicare Reimbursement Program, administered by the Department of Health, Education and Welfare, and our per-diem has been established at $36.33 per day. Previously, under this program, when a Medicare patient enters the hospital that patient pays a deductible amount of $44.00. Medicare then reimburses the hospital in an amount determined by multiplying the number of days the patient stays in the hospital by the per-diem rate. This reimbursement, generally, must cover all charges made by the hospital, including room and board, drugs, lab, etc. The hospital, in participating in the Medicare Program, must accept the reimbursement amount paid by Medicare in full payment of all charges made by the hospital to the patient. Thus, if a particular patient were in the hospital for a period of five days and had extensive tests, his bill could well amount to $400.00 or $500.00. Yet, Medicare would pay only $181.65, and the hospital would have to write off the remainder of the bill.

In addition to the reimbursement allowed by Medicare, which is based on cost studies made for each particular hospital, Medicare has been allowing an additional two per cent over cost. However, after July 1, 1969, HEW is going to eliminate the two per cent allowance. This would be very detrimental to all hospitals, as the present Medicare formula does not adequately reimburse hospitals for care rendered to Medicare patients. This is a particularly serious problem in our hospital, and in other hospitals in rural areas, as 50% to 60% of our patient load consists of Medicare patients.

I would like to cite you a few examples of the writeoffs we are sustaining under present Medicare schedules. We had one patient who was in the hospital three days, whose total bill was $163.95, on which Medicare paid $64.99, and on which we had a writeoff of $93.36. Another patient was in the hospital four days, and had a total bill of $189.20, on which Medicare paid $101.32, with a writeoff of $82.28. Another patient was in the hospital four days, with a total bill of $277.25 on which Medicare paid $101.32, and the patient paid the deductible $44.00, leaving a writeoff of $80.93.

The American Hospital Association has requested HEW to forestall this action eliminating the two per cent factor until the complete reimbursement schedule can be restudied. The Association has appointed a special task force to work with the Social Security Administration on this problem. We would like to enlist your assistance in this matter, and would request that you contact the appropriate officials in the Department of Health, Education and Welfare to delay this elimination until the reimbursement system can be completely restudied, as requested by the American Hospital Association. Your assistance and cooperation will be greatly appreciated.

Sincerely yours,

JOHN WM. RINGER,
President, Board of Directors.

AN IMPROVED TRANSPACIFIC AIRLINE SERVICE HAS BEEN TOO LONG DELAYED

Mr. TOWER. Mr. President, yesterday saw the writing of another unhappy chapter in the long-contested transpacific air route case. New and improved service to Hawaii is not yet started. A final decision issued in January authorizing new service March 5 has been repeatedly stayed since that time. It was stayed again yesterday. I think that the Civil Aeronautics Board and the administration must now advise the American people: Why has this needed service been so long delayed? And, when may we expect ultimate resolution?

The hardships visited on the traveling public of the United States by delaying the improvements in service to which they have been many times found entitled is intolerable. The burden put upon the carriers authorized to provide the service through a now five times delayed effective date in the new authorization is now unbearable. The lack of use of new tourist facilities in Hawaii is damaging to the economy of our 50th State and the travel of our citizens to foreign lands rather than Hawaii affects adversely our Nation's gold flow.

On May 28, 1969, certificates of public convenience and necessity authorizing the vast bulk of the international air transportation in issue in the transpacific case became final and effective. I do not perceive why a similar finality is denied for the mainland-Hawaii awards that were made in the domestic decision announced last January. Because of the long standing need of the public for improved service and a final Board decision which left unresolved only a relatively minor issue, the carriers have acted in reliance upon a final decision and have prepared to provide needed public service. Plans for inauguration in March were delayed first to April, then to May, then June, July, and finally their effectiveness has been further stayed by a Board order issued yesterday.

The impact of these repeated delays in terms of public service denied and in terms of the economy of the country is substantial. Literally hundreds of people have been employed, trained, and positioned at various cities throughout the country. Aircraft have been made ready. Station installations have been made, ticket offices opened, and reservations taken, but the public has repeatedly forfeited the opportunity to use the needed new service as the effective date of the certificates has been repeatedly delayed.

Personnel have been employed and trained to provide the service necessary to operate the flights to Hawaii. Facilities for reservations, ticketing baggage and freight handling and all the additional services necessary to operate have been leased or built and this represents a sizable commitment. The continuing delay makes employment suffer, the public suffer, and certainly the airlines and their stockholders will continue to suffer until their decision is final. The United States cannot permit such unproductive expenditure of dollars. It weakens our fiscal system, and perhaps most significantly in the long run, the United States and the dollar will suffer.

It is not my intent to be critical of either the Board or the administration. Congress does, however, have a responsibility to oversee the function of the Civil Aeronautics Board, and its relations with the administration. When, as here, there is no apparent reason for the delay in the carrying out of these functions, I must repeat: Why the delay? and When may we expect the final decision? This is the least to which the public, and the airlines and the Congress are

entitled. Certainly there must be some area for planning, some program to permit early implementation of service and some way to curtail the current waste of funds.

The uncertainty reflects most poignantly in the newly employed persons whose job future is at stake. It is the kind of uncertainty that they and we should not have to face unless there is some good and sufficient reason.

If there is an explanation for the delay, that explanation should be presented promptly. If there is no reason, and I perceive none, service between the mainland and Hawaii should be permitted to start before final resolution of the relatively less important service needs of the South Pacific.

Travel and tourism are a multimillion dollar industry in the United States. They are particularly so in our 50th State, Hawaii, which is dependent on air transportation to bring visitors to the islands. I therefore again ask: Why the delay in this service? When may we expect the service to start? I ask not just on behalf of the mainland people who want to visit Hawaii, not just on behalf of the airlines who have spent many hundreds of thousands of dollars in preparation for this service, not just on behalf of airline employees whose livelihood may be dependent on getting this service inaugurated, not just for airline shareholders who have seen their investments eroded by falling prices, but more particularly on behalf of the people of the State of Hawaii who have devoted hundreds of thousands of dollars to new installations, to employment creating tourist attractions, and to the facilities that will be utilized by this ever-increasing number of Hawaiian visitors.

The commitment to Hawaiian tourism is important not just to Hawaii, but to the Nation as a whole. One of the significant contributors to the U.S. adverse balance of payment is the dollars spent in foreign lands by American travelers. To the extent these people will travel to and from such garden spots of our own Nation as Hawaii, the adverse affect on the balance of payment will be curbed.

I have reviewed only briefly the great and unrecoverable damage being done to many interests by the repeated delay of final implementation of the decision already made. There can be no reason to examine further these questions that have already been examined in such great depth over many weeks of hearings and literally tens of thousands of pages of records. Decisions are not always easy to make, but they must be made if progress is to continue. A decision has been made here. Continued progress awaits only its implementation. It is for these reasons that we now ask the Board and the Administration these two critical questions: Why has this long needed new service been repeatedly delayed? When will the public interest be finally vindicated by permitting implementation of the required new service to Hawaii?

THE QUIET MAJORITY

Mr. BIBLE. Mr. President, as I have observed in the past, it is unfortunate that so much attention is focused on the unruly campus militants and so little on the vast majority of American college students who are orderly and responsible. The noisy rabble can make the front page and get prime-time television news coverage by disrupting a university, defying the law, and mouthing obscenities—all in the name of change. Then there is the quiet majority. These students think they should try to get an education while they are going to college. They think that change should be achieved in an orderly manner through responsible student government and the nonviolent democratic process.

They get their education. They create change. But little attention is directed their way.

I should like to direct some attention their way, for a change. Let us turn for a moment from the strife-torn campuses and look at a more typical institution of higher learning—the University of Nevada.

They have not had any violence in Nevada. Only the administration has been occupying the administration building. No fires. No threats. No marches. The only confrontations have been orderly. And the change has been orderly.

This was duly noted—and little publicized—in the commencement address at the university's Reno campus a few weeks ago. I ask unanimous consent that this address, as highlighted in the university's staff newsletter, be printed in the RECORD, so that the quiet majority will get at least a little of the attention it deserves.

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

COMMENCEMENT DRAWS MANY PLAUDITS

The University's first outdoor commencement and President N. Edd Miller's pinch-hit remarks in the absence of the scheduled speaker, Chancellor Roger Heyns, drew plaudits from faculty, students and townspeople alike.

Here are excerpts from Dr. Miller's remarks:

"In this time of great unrest and even of tragic violence on many college campuses, it seems appropriate to say a few words about change on the campus.

"Educational institutions are often glacial in making changes and often even in recognizing the need for change. There is a need, however, now being recognized, for greater involvement, wider participation in the affairs of the University, and greater relevance of the University and its programs to the society in which it exists. This need for change is being met in various ways on different college campuses. Sometimes it comes with disruption and even violence; sometimes it comes through rational open discussion. For this to occur, a climate must exist that encourages free and open and candid discussion of issues and wide participation in decision making.

"On this campus, I submit, change is taking place, but in an orderly and peaceful way. All segments of the University community—regents, administration, faculty, staff, and students—have worked hard to create an open climate for orderly change.

"So, I would like to discuss with you the class of 1969 as a case history of student involvement in appropriate ways in the life of the University.

"I feel a special, personal attachment to this Class. We have entered the University as freshmen in 1965 and I have followed the activities and progress of this group of University citizens with care, interest and enthusiasm. The members of this graduating class have made a distinguished record for themselves in the University.

"Not only in academic achievement but in many other ways this Class has had a significant impact on the University. Under the leadership provided by members of this Class important changes have taken place in the life of the University.

"I think it important to say to all of you that our student body has been active as have student bodies on other campuses across the country. They have, however, channeled their concerns and their activities through organized student government and have expressed themselves in orderly fashion. Unfortunately, no headlines these days accompany this kind of orderly change, but I assure you headlines and commendation are much deserved. They have achieved much and have accomplished their goals without disruption to the processes of the University. Protest and dissent we have had, but these points of view have been expressed freely, openly, and without violence. The people of this state should be proud of this group of students at the University of Nevada.

"I commend to all of you this group of graduates of the University and assure you that our society is in good hands with the kind of people represented here. To the graduates I offer my warmest congratulations and best wishes and my hope for continued success in all your endeavors in the years ahead."

THE PESTICIDE PERIL—XX

Mr. NELSON. Mr. President, for 7 days now the romantic and legendary Rhine River in Europe has been contaminated by a substance which has killed nearly every fish in its waters from St. Goar to the North Sea—a distance of more than 200 miles.

According to this morning's Washington Post, a state of emergency was proclaimed along the riverbank in three German states. In the Netherlands, major cities including Amsterdam and Rotterdam stopped taking Rhine drinking water and switched to reservoirs, leaving Rotterdam with only a week's supply.

Millions of fish are lying dead along the banks, and millions more have drifted into the nets of Rhine fishermen, filling them so full that they have to be cut open. Yet, no one knows exactly what is causing this catastrophe.

However, analysis by the Dutch Government Health Service has discovered the presence of the insecticide, Endosulvan, in the dead fish.

This tragic killing is frightening. Worse still, it has happened before in many other locations. According to the New York Times:

> In 1960 pesticides wiped out astronomical numbers of fish in the lower Mississippi. Industrial wastes long ago exterminated shad in the Delaware, shellfish in the Merrimack, and practically everything in the Hudson for at least ten miles below Albany.

The quality of our environment is in serious trouble. All nations are involved, for the manner in which the inhabitants of one country treat their environment affects the environment of their neighbor's. We can no longer afford to be careless. This is especially the case regarding the use of pesticides.

I ask unanimous consent to have printed in the RECORD an article entitled "Mystery Pollution Kills Fish in Rhine," written by Joe Alex Morris, and published in the Washington Post of June 25, 1969; an article entitled "Two Nations Act in Rhine Poisoning Crisis," written by David Binder, and published in the New York Times of June 25, 1969; and an editorial entitled "The Deteriorating Environment," published in the New York Times of June 25, 1969.

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

[From the Washington (D.C.) Post, June 25, 1969]

MYSTERY POLLUTION KILLS FISH IN RHINE

(By Joe Alex Morris)

BONN, June 24.—The fish in Germany's romantic Rhine River have been dying by the millions this week as a mysterious poison has turned more than 100 miles of river into a piscatorial wasteland.

A state of emergency was proclaimed along the riverbank in three German states. In the Netherlands, major cities including Amsterdam and Rotterdam stopped taking Rhine drinking water and switched to reservoirs. This left Rotterdam with only a week's supply.

In both countries, public warnings were broadcast over the radio and by river patrol boats to stay out of the water and not to eat river fish. In some places, small boys were reported selling dead fish scooped up from the surface.

Farmers organized emergency brigades to keep their livestock from wandering to the river.

No human casualties have so far been reported. Despite round-the-clock efforts to identify the poison, it was still a mystery today.

[Later in the day, news agencies quoted the Dutch government health service as saying that the poison probably was an insecticide called Endosulvan. An analysis of dead fish taken from the river showed the presence of this insecticide. The source of the insecticide was still not known.]

About 3.5 million Germans drink water from the Rhine, a heavily polluted stream under the best circumstances.

The poisoning, which is considered a catastrophe here, apparently started somewhere near Bingen, where legend says the Lorelei serenaded sailors and drew them to destruction.

Experts are leaning to the theory that a dangerous cargo fell from one of the many barges that make the river Europe's most heavily traveled waterway, and split open on the legendary rocks. The first dead fish were discovered Thursday near Bingen.

The river has since been awash with dead fish, floating downstream with their bellies up. Included were tons of river eels that inhabit the river deeps and normally are not affected by the water flow.

Analysis has determined that the fish died from suffocation, caused by paralysis of their breathing organs. Authorities in Coblenz reported today that tests there showed the contamination had passed their area, but, in a test near Bonn, fish from pure-water sources died in seven minutes after being put into the Rhine.

Officials said it was impossible to predict the ultimate effects. But they tended to minimize any danger to human life.

As for the fish life, "we never had such a catastrophe before," said one North Rhine-Westphalia official. "The Rhine will be biologically kaput for years to come."

The students at Heidelberg may also refrain a long time before singing the traditional drinking song that goes:

"If the water of the Rhine were golden wine,
Then I would gladly be a little fish."

[From the New York Times, June 25, 1969]

TWO NATIONS ACT IN RHINE POISONING CRISIS

(By David Binder)

BONN, June 24.—Dead fish by the millions floated in the northern part of the Rhine today as an unidentified chemical spread for the fifth day over more than 200 miles of the river in West Germany and the Netherlands.

So far no effect has been detected in the drinking water. But waterworks along the German banks have set up special testing facilities to guard against letting contaminated water through to householders.

[Dutch health authorities said that the substance had been identified as a insecticide that posed little danger to humans, United Press International reported from the Hague.]

Cattleowners have been warned to keep their herds away from the river. A report from The Hague said that both Amsterdam and Rotterdam, which get the major part of their drinking water from the river, had closed their Rhine conduits. Rotterdam has large reservoirs while Amsterdam uses wells in the nearby dunes.

River police warn constantly through loudspeakers against swimming in the Rhine. This has been a dubious sport for more than a decade because of steadily increasing amounts of industrial waste being dumped into the stream.

Authorities of the State of Rhineland-Palatinate have narrowed the source of the chemical to a site near St. Goar, a medieval winegrowers town in the middle of the renowned "Romantic Rhine" stretch of ancient castles and steep vineyard slopes. The Rhine, 820 miles long, flows from the Alps to the North Sea and passes or borders on Switzerland, Leichtenstein, Austria, Germany, France and Netherlands.

In a telephone interview an official said that the state government was working on the theory that a barge dumped a "granulated" chemical substance into the stream sometime Wednesday night. Dead fish were noticed in increasing numbers below St. Goar starting Thursday.

LITTLE INDUSTRY IN AREA

The river police at Mainz and Düsseldorf are searching records for all ships that passed St. Goar at the time. The police acted on the basis of a criminal warrant filed by the Rhineland-Palatinate State Attorney against an unknown perpetrator.

Officials in Mainz have virtually ruled out the possibility that the chemical emanated from an industrial source, since the area around St. Goar has almost no industry and the Rhine water a few miles upstream at Wiesbaden, just below the great chemical factories of Mannheim and Ludwigshafen, has been tested and found relatively clean and abounding in fish.

The theory of a granular pollutant holds that the substance sank to the bed of the Rhine at St. Goar and continues to contaminate the water from there down stream.

However, a top official of the North Rhine-Westphalia Government said that his experts were working on the theory that the problem came from nerve gas containers sunk at the end of World War II at St. Goar. The official, who asked not to be identified, said the specialists had established that the containers would have taken 25 years to rust through in fresh water.

The estimate of 25 years could point to a time close to the arrival of allied troops on the Rhine in World War II. Allied troops crossed the Rhine in March, 1945.

Fish taken from other German streams and placed in the Rhine near Düsseldorf today died in seven minutes. However, chemists working aboard two laboratory ships plying between Düsseldorf and Mainz have been unable to isolate the specific cause from the 1,000 or so other foreign substances to be found in the waterway.

For example, potash mines on the French and German banks of the Rhine daily pour 30,000 tons of waste salts into the river. While new purification plants on the German stretch have gradually reduced the impurities in the last year, the Rhine remains a filthy and foul-smelling stream.

Major waterworks at four sites below St. Goar have set up aquariums filled with trout, a highly sensitive fish, to determine if the Rhine poison is blocked by filtering processes used for water for households.

According to river authorities, almost every fish in the river below St. Goar has been killed since Thursday. Millions are lying along the banks. Millions more—carp, eels and bream—have drifted into the nets of Rhine fishermen, filling them so full that they have to be cut open open.

[From the New York Times, June 25, 1969]

THE DETERIORATING ENVIRONMENT

Secretary General U Thant has taken time out from the usual preoccupation of United National officials with saving the world from war to sound the alarm against a slower but dangerously advanced form of global suicide.

In a report to member nations, based on the studies of an advisory group preparing for a world conference in Stockholm in 1972, the Secretary General warned of a general deterioration of the world's environment which is heading the planet toward catastrophe without so far arousing the concern of more than a small fraction of its inhabitants. If urgent action is not taken to arrest the pollution of air, land and water, "the future of life on earth could be endangered."

Within hours of Mr. Thant's report, as though to lend it emphasis, word comes from West Germany and Holland of millions of dead fish floating down the Rhine, poisoned by some as yet undertermined substance. Apart from the loss of marine life itself, the danger of contamination is considered so serious that the cities of Amsterdam, Rotterdam, and The Hague have switched to emergency sources of drinking water.

The coincidence of the two events is dramatic, but such massive fish-kills as the one on the Rhine are tragically no longer novel. In 1960 pesticides wiped out astronomical numbers of fish in the lower Mississippi. Industrial wastes long ago exterminated shad in the Delaware, shellfish in the Merrimack, and practically everything in the Hudson for at least ten miles below Albany—a stretch of water that according to an authority on the subject "can only be described by an ichthyologist with the pen of Dante."

The United Nations report, which is concerned with all aspects of the threatened environment, differs from many such warnings in two respects, both impressive. First, it links the dangerous deterioration of world resources to the simultaneous growth in population, which may be expected to require progressively more of those resources while—unless the lessons of ecology sink in—it reduces their yield still further. And, second, the report puts emphasis on the global nature of the problem. Rich and poor nations alike are involved and vitally affected by each other's treatment of the common environment. They have therefore no alternative but to work together in their "one biosphere within which space and resources, though vast, are limited."

SMALL BUSINESS CAUGHT IN TRIPLE CREDIT SQUEEZE—ADMINISTRATION SHOULD RELEASE $170 MILLION IN SBA LOAN AUTHORITY NOW

Mr. BIBLE. Mr. President, I invite the attention of the Senate to the credit

problems of small business firms, which are becoming increasingly acute.

Earlier this month, the Select Committee on Small Business, on which I serve as chairman, concluded preliminary hearings on the legislative oversight of the Small Business Administration.

Evidence developed in the course of this inquiry indicates that the executive branch has reduced the business loan program of the Small Business Administration by 58.48 percent for fiscal year 1969. In other words, for the 12 months ending on June 30 of this year, the White House has allowed SBA to loan only about two-fifths of the sums budgeted and approved by both Houses of Congress for this period. The amounts withheld are in three categories as follows:

SBA BUSINESS LOANS

[In millions of dollars]

Fiscal year 1969	Direct loan program	Immediate participation loans (SBA share)	Small business investment company program
Loan authorization approved by Congress	77	184.0	30.0
Loan authorization committed	18	94.1	8.7
Loan authority remaining on June 20, 1969	59	89.9	21.3
Total			170.2

The officials of the SBA testifying at our hearings agreed that if this remaining $170 million of loan authority is not released by the end of the fiscal year, it will lapse and therefore become permanently unavailable for any assistance to the 5½ million small business firms of this country.

In an effort to restore this loan money, I have, on behalf of the Small Business Committee, forwarded to the White House a letter urging the President and the Bureau of the Budget to take all steps necessary to assure that this loan authority is carried forward on the books for a period adequate to actually make it available to small business borrowers through the approval and disbursement of the loans attributable to this authority.

The urgent need for such action can be demonstrated by a brief review of what is happening in the private money markets.

STRINGENCY IN PRIVATE CREDIT MARKETS

As the Members of this body are aware, the prime bank interest rate has risen five times in the past 7 months, in the following sequence:

Increase in prime interest rate, December 1968 to date

	Percent
On Dec. 2, 1968, from 6.25 percent (6.0 percent for some banks), to	6.5
On Dec. 18, 1968, to	6.75
On Jan. 7, 1969, to	7.0
On Mar. 17, 1969, to	7.5
On June 10, 1969, to	8.5

The March increase to a then record high, in the words of one reporter: "received the silent approbation of Government officials who had warned Americans not to expect any relief soon from the highest interest rates in history in light of today's overheated economy." [1]

There followed, 2½ months later, the most recent and unprecedented jump to 8½ percent. To realize how unusual this full point increase was, it must be remembered that of the 33 changes in the prime rate since World War II, all of the shifts from 1945 to 1955 were of one-fourth point. After 1956 there were nine changes of one-half point. The June 10, 1969, rise has been the only change as large as 1 percent ever made in the prime rate, either up or down.[2]

Of course, other money market instruments have followed suit—and continue to escalate along with bank rates of interest.[3]

In the real world of finance, it is recognized that this prime rate states the basic cost of money to national corporations with the finest credit ratings. It thus tells only part of the story.

A factor not reflected is the "compensating balance." These are funds which borrowers are informally required to maintain on deposit in noninterest paying accounts at the lender's bank. The level of compensating balances is now about 20 percent, meaning that "the best corporate customers are paying an effective rate—of interest—of 10.6 percent." [4]

Another consideration is that relatively few loan applications are granted the "prime rate." Every month the Federal Reserve System publishes a tabulation of the interest rates on various sizes of loans. The most recent table, covering February 1969 when the prime rate was 7 percent, demonstrates that it is the big borrowers who get the premium rates, while small businesses must accept interest rates scaled up to 1½ points above the prime:

BANK RATES ON SHORT TERM BUSINESS LOANS, FEBRUARY 1969

Interest rate (percent per annum)	Size of loan: $1,000 to $9,000	$10,000 to $99,000	$100,000 to $499,000	$500,000 to $1,000,000	$1,000,000 and over
	Percentage distribution of dollar amounts				
7 or less	16.3	18.9	28.4	38.1	59.2
7.01 to 7.49	13.6	13.1	24.8	33.2	24.6
7.5 to 7.99	30.8	36.1	25.1	15.8	10.7
8.0 to 8.49	26.8	19.6	13.6	8.8	3.9
8.5 and over	12.3	12.3	8.3	4.0	1.6
Total	[1] 100.0	100.0	[1] 100.0	[1] 100.0	100.0

[1] Numbers may not add due to rounding.

Source: Federal Reserve Bulletin, May 1969, table A31.

Not only are the large corporations favored with lower interest rates, but they can and, as the Wall Street Journal points out, have taken other self-protective measures:

> But for large segments of the economy, especially big corporations and financial institutions other than commercial banks, the credit squeeze is less painful than in 1966 . . . major national companies have thus far managed to insulate themselves in large degree against credit restraint. They are bidding aggressively for funds in the commercial paper market, in which they offer unsecured corporate promissory notes for short-term funds at high interest rates. In addition, following the 1966 crunch, the companies rushed to establish firm loan commitments with their banks, refunded short-term debt into long and accumulated assets that could quickly be turned into cash. These preparations have paid off in recent months.[5]

The Journal believed these factors explain "the easily overlooked fact that broad Government policies of stringent credit restraint hit various kinds of borrowers unevenly" and specifically weigh most heavily upon small businesses, governmental borrowers, and the housing industry—which is also predominantly composed of small firms.

With this background in the private sector, a massive cutback of 58½ percent in the public credit program of the SBA—which is intended to be the lender of last resort—puts the small business community between the jaws of a vise, crushing it from two directions.

The full impact of these forces, we fear, is immediately ahead.

Financial statistics show that the ratio of loans to bank deposits, a commonly accepted measure of credit pressures, stood at 71 percent in May 1969, significantly higher than during the tightest period of the 1966 credit shortage. Because of a new method in calculating required reserves at the end of the month, commercial banks have postponed the effect of tax borrowings and other recent credit demands until the end of this month so that "their problem is still ahead." [6]

Reports emanating from the International Monetary Conference of the American Bankers Association were that

[1] "Interest Raised to 7½% High; Move Backed in U.S. Fight on Inflation," by Frank C. Porter, *Washington Post*, March 18, 1969, p. A1:8.

[2] "Comments on Credit," Salomon Brothers & Hutzler, June 20, 1969, p. 4.

[3] See for instance, "Bankers' Acceptances Rates Rise ⅛ Point; GMAC, Chrysler Unit Lift Fees on Paper," *Wall Street Journal*, June 23, 1969, p. 4:3.

[4] "How the Crunch Hits; Money Squeeze Falls On Various Borrowers With an Uneven Impact; States and Cities, Mortgage Seekers Suffer, but Big Concerns Don't Fare Badly," by Charles N. Stabler, *Wall Street Journal*, June 20, 1969, p. 1:6.

[5] "How the Crunch, etc.," *loc. cit.*

[6] "Comments on Credit," *loc. cit.*, p. 1.

we may see still another increase in interest rates in the near future.[7]

INVESTMENT TAX CREDIT IN JEOPARDY

However, there is a third element on the horizon, the administration's proposal to repeal the investment tax credit. The Secretary of the Treasury and other administration witnesses have refused to consider a continuation of the credit for small business firms.

On May 20, a statement was presented to the Ways and Means Committee of the House of Representatives on behalf of myself, as chairman, and the Senator from New York (Mr. JAVITS), as ranking minority member of the Small Business Committee. We urged the committee to retain the investment tax credit for small business firms and farmers up to $25,000 in investment, with a cutoff at $1 million in income, so that large firms would not gain a windfall from a measure intended as relief for small business.

We pointed out the particular advantages of the tax credit to small and dynamic companies, which have the greatest needs for growth capital, and the entire free enterprise system which would flow from continuing the credit for small firms only. We also emphasized that there would be a "substantial revenue gain" from the adoption of our proposal, probably over $3 billion. This is so because truly small firms account for a very minor share of existing investment tax credits and not as high as is being claimed by some Treasury Department spokesmen.

On June 12, the Senator from Alabama (Mr. SPARKMAN) expressed his judgment that the investment tax credit should be retained at the $150,000 level of investment for balance of payments, among other compelling reasons. I was impressed by the Senator's historical research on the subject. It reminds us that the Treasury Department, in 1961, after considering a wide variety of tax devices for bringing us abreast of foreign governments in the tax field, chose the investment tax credit, "primarily because it increases the profitability of investment far more per dollar of revenue cost than any of the other alternatives."[8]

I hope that the House, the Committee on Finance, and the Senate, will consider these contentions as the current surtax legislation moves through the Congress.

THESE THREE FORCES ARE CONVERGING ON SMALL FIRMS

In the meantime, the prospects are that a combination of the three forces I have described: that is, record interest rates and intensifying stringency in the private money markets: the cutback of 58½ percent in the public SBA lending programs; and the proposed elimination of the investment tax credit for small business, will create intolerable financial pressures on smaller and independent businesses.

Under these circumstances, small firms which would ordinarily survive will go out of business. Others that would have been successful will be less so, or will experience reverses that may take years to overcome. Others which may escape setbacks will be denied their fair share of economic expansion. The system of free enterprise itself—ease of entry, competition, and growth of firms supplying new products and services—will be impaired. Opportunities for men of imagination and enterprise will be limited.

Mr. President, as one commentator has said, "money markets are reeling under the cumulative pressure of a tight-money policy that keeps squeezing, squeezing, squeezing."[9]

In my judgment, it is primarily small business that is getting caught in this triple squeeze. It seems apparent that the small and independent firms are absorbing more than their share of the restraints on the economy. I feel that they should not in the future continue to bear a disproportionate part of the sacrifices necessary to achieve the country's domestic and international goals.

I wonder if there are any other domestic programs which have been reduced by three-fifths in a single year. I am concerned that small business, because it is not strong enough to protect itself, has been singled out for the worst treatment.

The members of our committee share this concern. Many of us have discussed these matters in detail, and several, including the Senator from Alaska (Mr. GRAVEL), have made timely and important contributions to the committee's work in this area.

WHAT CAN BE DONE

Fortunately, there are steps which can be taken that will provide some measure of relief to hard-pressed small firms. One of these is to free the SBA loan authority already provided by the Congress. Accordingly, I have urged the White House, in the letter to President Nixon to which I referred, to take immediate action in order to release the $170.2 million in SBA loan authorizations, and to take all other action which may be necessary to assure that the funds are carried over on the books of the SBA until the actual loans can be approved and disbursed. Of course, if any further congressional action is needed to reach this result, we urge the President to inform us of this, with his recommendations. The important thing is to get the job done.

Mr. President, it seems unfortunately clear that small business is headed for a credit crisis. I hope the administration will do what it can to avoid it. The action we have suggested can be taken now to mitigate some of the most undesirable consequences.

I, therefore, call upon the administration to begin its relief to the small business community by releasing the full amount of the lending authority for the section 7(a) business loan programs and small business investment company lending, together with other steps which are necessary to implement this action which are administrative and, therefore, conveniently within the control of the executive department.

We on the Small Business Committee stand ready to cooperate in these matters and will continue to do all we can in the Senate to meet this gathering emergency with affirmative and effective action.

For the information of all who are concerned, I ask unanimous consent that our letter to the President requesting release of SBA loan authority for fiscal year 1969 be printed in the RECORD.

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

U.S. SENATE,
SELECT COMMITTEE
ON SMALL BUSINESS,
Washington, D.C., June 25, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: May I respectfully call your attention to several fact situations which I believe are placing the 5½ million small businessmen of this country in an economic straitjacket as a result of skyrocketing bank interest rates and the absence of direct loan money from the Small Business Administration.

The Senate Select Committee on Small Business, of which I have the honor to be Chairman, has just concluded the preliminary phase of hearings on the legislative oversight of the Small Business Administration. Many of our members have expressed deep concern at the drastic reductions in both the budget requests for the SBA loan programs and Executive action reducing loan commitments substantially below amounts approved by the Congress.

According to our Committee's calculations, there remain, within SBA Section 7(a) financial assistance and investment company programs, loan authorizations totaling more than $170 million which will expire if not released before the end of this fiscal year. The amounts are in three categories, as follows: for the direct business loan program $59 million; for SBA's share of immediate participation loans $89.9 million; and for the SBIC lending program $21.3 million, for a total of $170.2 million.

It is my understanding that the release of such authority is for lending rather than spending, so that the budgetary "expenditure" features of these loans would be subject to an immediate offsetting repayment of principal and interest. Moreover, the amounts to be loaned are already in the SBA revolving fund so that no new "appropriations" would be required. Accordingly, expenditure controls would appear to be only a secondary consideration in this matter.

You will recall that last April the Department of Agriculture obtained release of $41 million for the Farmers Home Administration under similar conditions. I feel that small business is entitled to at least comparable treatment in government loan money availability in the face of credit needs of small business which, in the tightening money market, are becoming increasingly acute.

The prime bank rate has reached 8½% and other market instruments have followed suit, raising interest rates to their highest peaks in 100 years. Small, independent, and family businesses, which are less creditworthy than large national firms, customarily pay interest rates scaled upward from the prime.

With this background in the private sector, a cut in the public lending program of last resort in the order of 58.5% is creating

[7] "Another 'Prime' Rate Rise May Be Needed, U.S. Bankers, Meeting in Copenhagen, Say," by Richard F. Janssen, *Wall Street Journal* June 17, 1969, p. 4:2.

[8] "The Investment Tax Credit—Its Relation to the Balance of Payments and Small Business." Remarks on the Senate floor by Senator Sparkman, June 12, 1969, pp. 15582–15584.

[9] "Money Market Crisis Could Hit This Month," by Peter S. Nagan, *Washington Post*, June 8, 1969, p. G3:3.

a massive squeeze on our 5½ million small businessmen.

Therefore, immediate action is required if small business is not to bear a disproportionate part of the sacrifices necessary to curtail inflation. This may be done administratively, beginning with the release of the full $170.2 million in Congressionally approved loan authority for fiscal year 1969 SBA and SBIC loan programs. This should extend to all necessary technical and implementing measures, which will allow this authority to be carried over on the books until these small business loans can be approved and disbursed. I urge that you instruct the Budget Bureau before June 30 to take the administrative action which is conveniently within your control, and to recommend to Congress whatever additional action may be needed to preserve the budget authority I have described so that it will not become permanently unavailable to the SBA and the small business community.

Very respectfully,

ALAN BIBLE, *Chairman.*

SBA LOAN FUNDS SHOULD BE RELEASED BEFORE JUNE 30

Mr. GRAVEL. Mr. President, the legislative oversight hearings of the Select Committee on Small Business now in progress clearly indicate that the executive branch has been gradually tightening the noose around the loan programs of the Small Business Administration.

As a junior member of this distinguished committee, I strongly support its most recent efforts to obtain economic justice for smaller firms. I commend the chairman, the Senator from Nevada (Mr. BIBLE), for his decision to reconvene the hearings in mid-July so that we may continue our scrutiny over the kind of assistance available to smaller firms from the Small Business Administration, the Department of Commerce, and the Nixon administration as a whole.

At this time, as Senator BIBLE has pointed out, there are few reasons for optimism.

From the testimony at the committee's public hearings June 10–12, it appears that SBA's lending funds have been drastically reduced several times within the past year and a half, and that the direct business loan program of the agency is, in fact, at a complete standstill.

These cutbacks have been of two types; first, reduced requests for funds in the President's budget, and, second, action by the Budget Bureau to roll back lending authority below congressionally approved budget levels. The results have been the same in both cases—the permanent unavailability of loan funds which small businessmen need and Congress is willing to provide through SBA programs. In fact, the results of these executive actions have been cumulative.

Chairman BIBLE has asked for the details of each of these reductions—how they were made and how deeply they have cut into SBA's capacity to do its job. The complete statistics will become available next month, but we are now in a position to review the preliminary figures already on the public record.

It was startling for me to learn that, for this year and next year, the SBA business loan program will actually show a minus figure for net lending, as shown in the following table:

MAJOR CREDIT PROGRAMS—COMMERCE AND TRANSPORTATION

[In millions of dollars]

Agency and programs	Fiscal years			
	1967 actual	1968 actual	1969 estimate	1970 estimate
Small Business Administration	101	176	−16	−46

Source: The Budget of the U.S. Government, for fiscal years 1969 (p. 115) and 1970 (p. 111).

This means, Mr. President, that more money is being taken out of the SBA loan program than is repaid in the principle and interest. For the 1970 fiscal year just ahead, the back-up will amount to nearly $50 million, which I believe should be immediately available for relending.

The amounts committed in loans by the executive branch are far below the levels which Congress has been willing to appropriate and has actually appropriated during this period. For instance, for fiscal year 1968, Congress approved a loan authority budget level of $88.3 million for the direct loan program. Of this, the executive branch would only commit $54 million. For fiscal year 1969 the SBA should have been provided with at least the previous year's $88 million, plus the restoration of the $34.3 million withheld in 1968 together with some extra funds to grow on. In fact, however, they were only allowed to request budget authority for a far lower direct loan level for current year ending June 30, 1969. Congress approved $77 million for this fiscal year. But the agency was not even allowed to commit this much. The figure was cut all the way back to $18 million. That $18 million was the amount that finally became available for direct loans after all of the cutbacks.

SBA LENDING HAS BEEN VIRTUALLY HALTED

As a consequence SBA ran out of direct loan authority midway through the year. The agency was forced to issue a directive virtually closing down the direct and participation business loan program in the following language:

> As far as FA (financial assistance) programs are concerned the 7(a) direct and immediate participation program levels have been most affected. Our FY 1969 Congressional appropriations submission reflected $77 million for 7(a) direct loans and $184 million for the SBA share of the IP (immediate participation) loans. While the original estimate of the effect of the Congressional action for these loans was a FY 1969 level of $155 million, $41 million direct and $114 million IP (SBA share), further analysis of income and expenditures has resulted in reductions to $18 million for 7(a) direct and 94.1 million for IP.
>
> In view of our first half year allocations, rates of approval and expenditures, and existing backlog, it became necessary to cut off immediately further acceptance of 7(a) direct loan applications. At the same time it was deemed essential that we preserve for the balance of the fiscal year as much of our 7(a) IP program as possible.
>
> However, with $52,4 million already allocated for 7(a) IP loans, only $41.7 million (SBA share) will be available for the last six months of the fiscal year; less than $7 million per month nationally.

The cutbacks in the direct loan authority by the executive branch left an unused $59 million in congressionally authorized budget loan level for fiscal year 1969. This authority can be turned over to the Small Business Administration provided action is taken before June 30. As long as the authority is released by that date it will not lapse and will be available for present or future use in the direct loan and participation programs. If this loan authority is not released, it will revert to the U.S. Treasury and will no longer be available for use in any SBA lending program.

Mr. President, anyone who has been reading the newspapers these days is aware of the compelling reasons of taking such action.

SMALL BUSINESS IS NOT KEEPING PACE

Although the economy has been expanding at a rapid rate, small firms have been precluded from gaining their fair share of these advances by the shortage and expense of capital. Defense procurement has flown up and away because of Vietnam but the small business share of military purchases has declined from 21.8 percent in 1966 to 16 percent in the last half of 1968. Corporate profits have likewise soared 32.8 percent, or almost one-third between 1964 and the beginning of 1969, but 50 giant companies at the summit of our economy account for 39.8 percent of all industry profits, according to the annual Fortune 500 survey.

A comparison among some of the advances in national income, with particular attention to professional firms, farm businesses, and other proprietorships which are predominantly small business, is contained in the following table:

Advances from 1964 to the beginning of 1969

[In billions of dollars]

	Percent
Proprietors' income:	
Business and professional	+18.9
Farm	+24.3
Corporate profits (after taxes)	+32.8
Gross national product	+36.1
Wages and salaries	+38.1

Source: "Federal Reserve Bulletin," May 1969, Tables A66 and A67.

It thus appears to me that the income of smaller and independent businessmen and farmers in this country are lagging behind most of the other indicators. One of the leading disabilities of the small businessman in this regard has been the steep climb, since 1965, of the prime interest rate to 8½ percent. Other forms of commercial financing have risen accordingly. As dizzy as the present peaks are, there have been newspaper reports that interest rates may even go higher before they turn down. In addition to this, the Federal Reserve Board, as a prudent anti-inflationary measure, is "reducing liquidity" in our financial system, which boils down to the fact that banks will end up with less money to loan at higher prices.

As the chairman of our committee has said:

> It has been acknowledged that new and small firms are normally under capitalized. The small local, or family firm, or any company with a new product is simply not in a position to compete for credit with a huge national corporation.

This is the background in the private money market against which the

massive cutbacks in the public loan program of the Small Business Administration should be viewed. I can think of no reason why small and independent businesses should be paying a disproportionate price for the Nation's involvement in Vietnam while the giant corporations net record profits, which are not even subject to an excess profits tax such as existed during all of the major armed conflicts of this century.

As I have said, the Small Business Committee will reexamine the Small Business Administration and the Department of Commerce with respect to these matters during July. We will be collecting further information upon which to base the committee's ultimate findings and recommendations.

ACTION SHOULD BE TAKEN

In the meantime, there is action which can be taken by the executive branch which can provide substantial relief. That is the release of the $170.2 million in loan authority which the executive branch has impounded for fiscal year 1969, and which will lapse if it is not released by the end of this month. There is a precedent for such a decision in the release of $41 million for Farmers Home Administration loans in April of this year. It seems to me that the small businessmen of this country are entitled to comparable treatment.

I therefore join in the call upon the Bureau of the Budget and President Nixon to release this $170.2 million SBA loan authority before June 30, including the $59 million for direct loans; the $89.9 million representing the SBA share of IP—immediate participation—loans and $21.3 million representing loan assistance to small business investment companies. In other words, I am asking for the release of the full $170.2 million for all SBA programs which the Congress approved for these programs before the end of fiscal year 1969. I understand that Chairman BIBLE has officially made this request in a recent letter to the White House, and I wish to give that recommendation my unqualified endorsement.

As the committee investigation proceeds, I shall continue to do all that I can to support a rebuilding of the SBA direct loan program as well as other SBA and Federal programs which can benefit the small business firms of Alaska and the rest of the Nation in the months and years ahead.

SENATOR GRIFFIN ANSWERS ABM DOUBTS

Mr. DIRKSEN. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "Griffin Answers ABM Doubts," published in the Chicago Tribune of June 24, 1969.

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

[From the Chicago Tribune, June 24, 1969]

GRIFFIN ANSWERS ABM DOUBTS

(By Willard Edwards)

WASHINGTON, June 23.—The answer came suddenly to Sen. Robert P. Griffin [R., Mich.], removing doubts about his vote on a great national issue, dissolving a mood of brooding irresolution.

For those citizens confused by the uproar of conflicting claims about an anti-ballistic missile [ABM] system for the United States, it may be comforting to learn that many responsible members of Congress, like Griffin, have been similarly bewildered.

The story of how Griffin made up his mind is instructive. He told it with typical candor, confessing the difficulty he found in understanding scientific arguments about the feasibility of the ABM. He could not but be impressed by the fact that a majority of the scientific community were opposed to it.

In the end, he did what reasonable men do in reaching a difficult decision. He drew upon his own knowledge and experience to apply common sense to a problem in a field where he was a novice and in which the experts themselves were quarreling.

Griffin is an authority on labor legislation [co-author of the Landrum-Griffin act] and it occurred to him that President Nixon, in forthcoming arms control negotiations with Russia, was in the position of a party to a labor dispute. Immediately, he knew what his stand had to be.

Let him tell the story:

"I delayed a long time before deciding. I am not a scientist. I found it very difficult to understand and evaluate the arguments of the impressive experts on both sides of the ABM question. Most seemed to be opposed to it."

"I thought back into history. Back in World War II, many in the scientific community said the atomic bomb could not be developed or not developed in time. The fact had to be faced that the Germans were in the process of developing it. I wonder what the world would be like today if we had decided against developing the bomb and Hitler had won that race.

"Again, in the development of the hydrogen bomb, many scientists said it couldn't be done. But it was done and it kept us ahead of the Soviet Union. I wondered where we would have been, during the missile crisis in Cuba, if we hadn't been as strong as we were at that time.

"Then I decided to look at the issue from a different point of view. Everyone is concerned about the arms race. Opponents of the ABM seem to regard it as an impediment to the possibility of reaching arms control with the Russians. I began to realize that just the opposite was true.

"It came to me that President Nixon, as he prepares to sit down at the negotiating table with Russia, is like a labor union leader negotiating with management on a contract.

"In such cases, the union members are almost always asked for strike authorization in the event of nonagreement. Many times, union members are not really in favor of going on strike at that point but they NEVER turn down their negotiators. It would be devastating for the members to repudiate their bargainers just as they sit down at the negotiating table.

"I can't imagine the Congress of the United States rejecting the President on his ABM proposal and thereby damaging his ability to negotiate in a meaningful way with the Soviet Union. I can't conceive it pulling the rug from under our chief negotiator as he's about to sit down at the table.

"And that's what we will be doing if we spurn his leadership in this difficult and complex situation."

Until last week, Griffin was one of the "undecided" senators wooed by both sides in an almost evenly divided chamber. His vote appeared to assure the Nixon administration of a clear majority—at least 51—when the final roll is called.

INCREASING CRIME RATES EMPHASIZES THE NEED TO ENACT S. 9, CRIMINAL INJURIES COMPENSATION ACT

Mr. YARBOROUGH. Mr. President, I would like to call the attention of my colleagues to an article which appeared on page A-11 of the Washington Post of Wednesday, June 25, 1969. This article reveals that the rate of reported crime is up 10 percent for the first 3 months of this year alone. The figures for the District of Columbia are particularly shocking.

These statistics underline the need for enactment of my bill, S. 9, the Criminal Injuries Compensation Act. As I have pointed out on numerous occasions, our present legal system concentrates on the criminal and virtually ignores the plight of the victims of crime. My proposal would correct this wrong, at least in the District of Columbia and certain other federally administered areas where it would apply.

This bill is now pending before the Judiciary Committee. I hope that hearings can be scheduled and that we can get action on this measure soon.

Mr. President, I ask unanimous consent that the article entitled "FBI's Statistics Show U.S. Crime Up 10 Percent," which appeared in the Washington Post on Wednesday, June 25, 1969, be printed in the RECORD.

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

FBI'S STATISTICS SHOW U.S. CRIME UP 10 PERCENT

Reported crime rose 10 per cent in the United States during the first three months of this year, according to statistics released by the FBI yesterday.

A breakdown showed the District of Columbia rated sixth highest in the Nation for the number of murders in that period.

Nationally, crimes of violence increased at double the rate of crimes against property. The Northeastern states received the brunt of this increase with 26 per cent more violent crime than for the same three months last year.

The statistics comparing the first three months in Washington this year with the corresponding period last year tell the following story:

Murders this year, 63, last year, 41; forcible rape, 77 and 53; robberies, 2788 and 1777; aggravated assaults, 707 and 705; burglary, breaking or entering, 4872 and 4007; larceny $50 and over 2177 and 1567, and auto theft, 2098 and 1948.

The report stated that crime in the Nation's suburban areas rose 11 per cent in the first quarter, one per cent more than in the cities.

IN THE NATION: TURNABOUT AMONG LIBERALS

Mr. CHURCH. Mr. President, Mr. Tom Wicker, writing in yesterday's New York Times, speaks favorably of the national commitments resolution in an article in which he takes note of "a new reliance by liberals on congressional responbility."

The article is highly pertinent to the current debate. Accordingly, 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:

[From the New York Times, June 24, 1969]

TURNABOUT AMONG LIBERALS

(By Tom Wicker)

WASHINGTON, June 23—Senator Frank Church of Idaho is generally considered a

liberal Democrat; and the most distinguishing feature of a liberal Democrat in recent decades has been that he believed in a strong Federal Government—hence, necessarily, in a powerful Presidency.

But Church took the Senate floor the other day to criticize, among other things, Franklin Roosevelt's World War II "destroyer deal," the manner in which Harry S. Truman put American forces into the Korean war, and the theory of a bipartisan foreign policy. The Roosevelt and Truman actions have been cited for years as splendid examples of the "strong Presidency" in action; and bipartisanship on foreign policy obviously tends to strengthen the hand of whatever President may be conducting the policy.

NATIONAL COMMITMENTS

Church was speaking in favor of the "National Commitments Resolution," and the strange circumstances surrounding this document are not limited to the fact that it was devised by liberals to restrain Presidents; its leading opponent is that pillar of Republican conservatism, Everett Dirksen, playing a most unfamiliar role as a defender of Presidential power.

The resolution expresses the sense of the Senate that "a national commitment by the United States to a foreign power necessarily and exclusively results from affirmative action taken by the executive and legislative branches"—for instance, a treaty or some other such "legislative instrumentality." Its intent is to restrain a President from making a commitment on his own to some foreign government, then claiming it as a "national commitment" that has to be honored by Congress.

THE VIETNAM EXPERIENCE

This resolution springs unquestionably from the Vietnam experience—an obscure "commitment" first made by President Eisenhower to the Diem regime in 1956, extended by President Kennedy, then transformed by President Johnson into a major war. The Tonkin Gulf Resolution, in which Congress voted Mr. Johnson a blank check it did not expect him to use, added an extra sting to the experience.

But even the resentments and disillusionments of the Vietnam years would hardly cause men with a broad outlook on the world, such as Church and J. W. Fulbright of Arkansas, to vote to "tie the President's hands" in the conduct of foreign affairs; they know well that under the Constitution all American Presidents who wanted to exercise it have had such a strong hand in foreign policy that Woodrow Wilson could say that it was virtually unlimited.

In fact, the commitments resolution—upon which the Senate soon will vote—will not tie any President's hands because he still would have exclusive power to act in any real national emergency, and because at other times the Senate would have no power of enforcement. Resolution or no resolution, Presidents will go on conducting American foreign affairs largely as they see fit, as long as the Constitution makes it possible and practicalities make it necessary.

The resolution might, however, put President Nixon and perhaps his successor on notice that at least this Congress and maybe its successor (things being as cyclical as they are) are in a mood to be much tougher on the whole question of national commitments—making a strong protest when, for example, promises are made to Spain that seem out of all proportion to the value of American bases there; or conducting determined investigations of other dubious American involvements abroad. This kind of sentiment is strong already in Congress, and the debate on the resolution may well generate more.

Perhaps there might be developed, too, a more questing public attitude toward national commitments. Does any government, no matter how inept or reactionary, deserve American assistance if its only virtue is anti-Communism? Obviously not, but then what is the American role in the world? What kind of assistance can we usefully offer? To whom and when?

GIVING PRESIDENTS PAUSE

Not only the people and Congress but Presidents themselves need to ask such questions more urgently and answer them more thoughtfully; and if pointed Senate action makes Presidents think long and hard before making far-reaching commitments, so much the better.

The Senate resolution is interesting, moreover, in that it seems to signal a new reliance by liberals on Congressional responsibility, a sharp departure from the old attitude of investing more and more power in a Presidency already too nearly out of control for comfort.

THE TEXAS FEDERATION OF WOMEN'S CLUBS SUPPORTS 100,000-ACRE BIG THICKET NATIONAL PARK IN SOUTHEAST TEXAS

Mr. YARBOROUGH. Mr. President, at their convention on May 7, 1969, the Texas Federation of Women's Clubs ratified a resolution asking the Congress to pass immediately my bill, S. 4, which calls for the establishment of a Big Thicket National Park containing at least 100,000 acres in southeast Texas.

The Texas Federation of Women's Clubs recognizes the necessity of preserving this beautiful and unique wilderness now, before its destruction is complete. The Big Thicket originally covered 3.5 million acres. Now, only 300,000 acres remain. Because of the many benefits a Big Thicket National Park would offer to the State, region, and Nation, the Texas Federation of Women's Clubs has made the preservation of at least 100,000 acres of the Big Thicket a special project.

Mr. President, I ask unanimous consent that the resolution of the Texas Federation of Women's Clubs be printed in the RECORD.

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

BIG THICKET NATIONAL PARK BILL

Whereas park officials the length and breadth of our country proclaim an overstrain on park facilities—due to the awesome increase of the nation's population—and plead for acquisition of additional land suitable for park use while such land is still procurable; and

Whereas the area of East Texas known as the Big Thicket, by nature of its unique ecology, great natural beauty, multifarious plant and animal life, and abundant fresh water supplies, has since 1938 been successfully approved by the National Park Service as a highly desirable site for a National Park; and

Whereas such a park at this site offers the certainty of many benefits—esthetic, scientific and economic—to nation, state and region; and

Whereas preservation of the Big Thicket has been declared a special project for the Texas Federation of Women's Clubs; therefore be it

Resolved, That the Texas Federation of Women's Clubs go on record as requesting the Congress to pass immediately S4 and set aside 100,000 acres of East Texas as a Big Thicket National Park.

Ratified May 7, 1969.

ADDRESS BY SENATOR CLIFFORD CASE ON THE QUESTION OF OUR NATIONAL SECURITY

Mr. BROOKE. Mr. President, on Monday, June 23, the distinguished senior Senator from New Jersey (Mr. CASE) addressed the annual convention of the American Library Association in Atlantic City, N.J., on the matter of our national defense.

At that time, Senator CASE pointed out, as he has done so often and so eloquently in the past, the dangers inherent in a continuation of the arms race. In his determination to educate the public as to the real dangers of MIRV, Senator CASE discussed the technical features of this new weapons system, the serious problems it would pose for inspection efforts, and the imminence of the last opportunity for a moratorium on tests and deployment.

I commend the Senator for his continuing efforts, and ask unanimous consent that the text of his address be printed at this point in the RECORD.

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

PARTIAL TEXT OF ADDRESS BY SENATOR CLIFFORD P. CASE TO THE OPENING GENERAL SESSION, ANNUAL CONVENTION, AMERICAN LIBRARY ASSOCIATION, IN CONVENTION HALL, ATLANTIC CITY, N.J., JUNE 22, 1969

It is a great privilege to discuss with you tonight a concern that lies close to the heart of every American—the security of our country in a turbulent and hostile world.

For thirty years, this concern has overshadowed—when it has not completely dominated—our public and private lives.

For almost as long, this concern has focused on the portent of holocaust that is implicit in the nuclear arms race.

And it is about this arms race that I wish to speak.

The United States and the Soviet Union—not to mention Great Britain, France, and Communist China—have spent untold billions to acquire and perfect nuclear arsenals of unimaginably destructive power.

So frightening are these weapons, in fact, that to insure against their ever being used has long been the central objective of American strategic weapons policy.

To that end, we have placed major reliance on the concept of deterrence. Specifically, we have sought to persuade the Soviet Union that it would be suicidal to launch a nuclear attack against the United States because we would always retain the capacity to destroy them in return.

That we have had and continue to have such a capacity—that is, the weapons to assure destruction of the Soviet Union even after a massive first-strike against the United States—is unquestioned.

Nor does anyone question the fact that the Soviet Union exercises a similar deterrent against us. Both nations, in short, possess what is called a "second-strike capability" vis-a-vis the other, and it is this delicate "balance of terror" that has served—so far—to bar the use of nuclear weapons by either side.

Today, however, both nations are poised to cross the threshold of a new and potentially disastrous phase of the strategic arms race. And that is why the fullest public understanding of the issues involved is of such urgency.

Both the United States and the Soviet Union are about to introduce entirely new families of offensive missiles, the characteristics of which could destroy all hope of re-

lying on mutual deterrence to prevent nuclear war.

These new weapons are called MIRVs—an acronym for Multiple Independently Targetable Re-entry Vehicles.

Not only do MIRVs mean more than one warhead for each Intercontinental Ballistic Missile or ICBM—and our plans call for from three to fourteen warheads per missile—but each warhead would be capable of attacking a separate target.

At a minimum, the actual deployment of MIRVed missiles by both nations—at the cost of many additional billions over the next few years—would bring us to a point of no greater security than exists today.

The gravest threat of MIRV, however, is to the concept of deterrence. For such weapons point to the possibility of destroying so many of the other side's offensive missiles before they could be fired that a "first strike" would no longer so clearly be suicidal.

It is the development of such a first-strike capability that is so worrisome to all who have looked closely at the strategic weapons problem. Indeed, Secretary of Defense Laird has based the Administration's case for building the Safeguard anti-ballistic missile system on the contention that the Soviets are "going for a first-strike capability" by adding MIRVs to their largest missiles.

All of this would appear to be beyond the rational control of man were it not for two facts:

First, neither the United States nor the Soviet Union has fully developed MIRVs.

Second, both nations are preparing to enter bilateral negotiations for a Strategic Arms Limitation Treaty.

Taken together, these facts offer a real if fleeting opportunity to stay the mad momentum of nuclear armaments.

This week, more than forty members of the United States Senate joined in urging a moratorium on the further testing of MIRVs by both nations.

I myself have proposed an even more direct initiative. I believe that President Nixon should immediately suspend flight tests of MIRVs for so long as the Soviet Union does the same.

Along with Senator Brooke of Massachusetts, who has done so much to raise this issue to the fore, I know of nothing that is so certain to insure that the strategic arms race continues on an upward spiral as the deployment of MIRVs.

Today, thanks to independent surveillance systems, both the United States and the Soviet Union can count the other's offensive missiles and estimate with some assurance the damage they might do.

But once these missiles can be fitted with multiple warheads, and especially MIRVs, such assurance will not be possible.

Yet the only real hope of avoiding the deployment of MIRV warheads by both sides is to ban the testing of MIRVs before they have been fully developed.

And that moment is rapidly approaching. Indeed, when I first raised this question with Secretary Laird when he appeared before the Foreign Relations Committee three months ago, he said we would be deploying MIRVs "not in the too distant future."

The United States has already conducted quite a number of MIRV flight tests with Poseidon and Minuteman III missiles. The Soviet Union has also conducted flight tests of multiple warheads in the Pacific.

Whether they are testing true MIRVs or simpler MRVs—that is, multiple re-entry vehicles without independent guidance—has been a matter of some dispute in the intelligence community.

(Incidentally, my colleagues on the Foreign Relations Committee and I will be meeting with Secretary Laird and the Director of Central Intelligence tomorrow morning to clarify this matter.)

But whether the Soviets are testing MIRVs or simply MRVs is truly beside the point. For it is undisputed that the United States is substantially ahead of the Soviets in MIRV technology. And no one can maintain that a mutual moratorium on flight tests would enable the Soviets to overcome our lead.

More importantly, I know of no one who is prepared to dispute the proposition that, once MIRVs are fully tested by either or both sides, there would be no way of checking on compliance with an agreement *not* to deploy MIRVs except by detailed, on-site inspections which the Soviet Union would never agree to and we would not be likely to either.

The importance of immediate action to stop MIRV flight tests *now*—before they have been completed by either side—cannot, therefore, be overestimated. Upon taking this action *now* may well depend the possibility of any effective limitation on strategic armaments by agreement between our country and the Soviet Union.

On Thursday evening, the President indicated that talks might begin in early August. He said that he was considering the possibility of a moratorium on MIRV tests as part of any arms control agreement. But he rejected the initiative I have proposed, as being not in our interests.

Again, let me state, to avoid any possible misunderstanding, what my proposal is. It is very simple. It has two parts.

The first part is that, without waiting for anyone else, we immediately stop all flight tests of our MIRVs.

The second part is that we not resume such flight tests so long as the Soviet Union does not resume such tests.

I wholly disagree with the President that my proposal is not in our national interest. My proposal would entail no risk to our national security for these reasons:

We are substantially ahead of the Soviets in MIRV technology.

We can monitor their flight tests—as they can monitor ours. If they resume tests, we will know.

We can maintain our readiness to resume testing, as we must assume the Soviets would also do.

We can resume tests immediately should they decide to do so.

Obviously, this is not unilateral disarmament, or anything approaching it.

Certainly President Eisenhower did not think so when, just over ten years ago—on October 31, 1958—he announced that the United States would conduct no further tests of nuclear weapons in the atmosphere for so long as the Soviets did likewise.

The Soviets observed that moratorium for three years, until September 1, 1961, when they resumed testing. The United States then conducted further tests of its own. But the moratorium, even though broken, unquestionably paved the way for the partial Test Ban Treaty of 1963, which the Senate ratified by a vote of 80 to 19.

If we are ever to conclude a Strategic Arms Limitation Treaty with the Soviet Union, the terms of that agreement must be such that the President, the Senate, and the American people can be confident of our ability to detect violations that might jeopardize our safety.

We can have no such confidence once the Soviets have fully tested MIRV warheads. Nor could they have any such confidence once we have reached that stage.

Indeed, there is good reason to believe that, somewhere short of full testing, both nations would have to conclude that it was too late to enter a moratorium on testing with sufficient insurance that the other side could not deploy.

To speak then of a moratorium as part of an overall agreement that no one anticipates reaching for several years is tragically wide of the mark.

In fact, such an approach can only buttress what has been authoritatively reported to be the Defense Department's position.

This, in brief, is that the die has already been cast and that both the United States and the Soviet Union inevitably must proceed with the full development and deployment of MIRVs and of anti-ballistic missile systems, before entering into any agreement to freeze strategic weapons.

Such a prescription is the very antithesis of arms control. If adopted as the position of the United States Government, it would lead, in my judgment, to an intolerable escalation of arms.

At this critical juncture in the formation of national policy, it is not only proper but essential that the Legislative Branch seek to prevent the Executive Branch from leading our nation across a threshold of no return.

The only path to national security in the nucelar age lies in arms control, not in the proliferation of weapons.

The plateau on which the United States and the Soviet Union now stand is one that may be uniquely suited to a mutual halt.

We have not months, perhaps not many weeks, before it may be too late. If we wait for a mutual agreement to limit MIRV testing and deployment, the chances are we shall be too late. Under my proposal we would seize the initiative. We would do something while there still may be time. We would not just talk about doing something until the deadline for action has passed.

We must seize this opportunity to take the initiative before the inexorable forces of technology decree the defeat of man's best hope.

SENATOR MILLER ON "CAPITOL CLOAKROOM"

Mr. MUNDT. Mr. President, on June 18, the program "Capitol Cloakroom" consisted of an interview by several leading CBS news analysts and the distinguished senior Senator from Iowa (Mr. MILLER). Because of the timely nature of the questions discussed and the able and perceptive answers provided by my colleague from Iowa, I ask unanimous consent that a transcript of the program be printed in the RECORD.

Mr. President, I heard this panel discussion on my car radio and I found it to be both lively and informative.

I especially commend to my colleagues Senator MILLER's highly pertinent and very informative discussion of the pros and cons of the ABM controversy.

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

CBS CAPITOL CLOAKROOM, JUNE 18, 1969

Participating: Senator MILLER, ROGER MUDD, GEORGE HERMAN, and DAVID DICK.

Q. Senator Miller, is the ten percent tax surcharge necessary to block runaway inflation?

Q. Senator, is the anti-ballistic missile issue being stalled to let passions cool in the Senate?

Q. What does the Republican rejection of Mayor John Lindsay signify?

Q. Welcome to Capitol Cloakroom, Senator Miller. Your committee membership—Finance, Agriculture, Joint Economic and the GOP Senatorial Campaign Committee—prompts a long list of questions and we'll begin with Finance, with your permission, and taxation and inflation. The other day the House Ways and Means Committee cleared a modified extension of the ten percent tax surcharge, ten percent until January and five percent until June. As you in favor of it and

do you think it's necessary to stop or block what Treasury Secretary David Kennedy fears will be runaway inflation.

A. Well, I'm in favor of it and as far as its necessity is concerned I think you know that the best thinking in the Administration certainly is that it is necessary. However, let's put it in perspective. It's necessary only as a part of a package. The ten percent surcharge by itself is not going to do the job on inflation. If you're going to do a job on the inflation problem, you have to work on it on both the monetary and the fiscal sides of the ledger. On the monetary side, I think that the Federal Reserve Board is increasing the money supply at a very moderate rate and it has increased the rediscount rate substantially, which results in higher interest rates. And that takes care of that one side. The other side of the ledger is the fiscal side, and that means taxes and spending and you have to have both. During the debate at the time the surcharge was first proposed, it was brought out, I think, very clearly that nobody who was voting for the ten percent surcharge expected this to have an anti-inflationary impact immediately (in fact, not for several months, if not years), because people who would have to pay more taxes and still wanted to make purchases would dig into their savings and make the purchases just the same. And it was sounded loud and clear that the best way to have an immediate impact on the inflation picture was to have a curb in federal spending. And that's why we insisted, you may remember, that if we were going to respond to President Johnson's surcharge request that President Johnson would also have to be willing to accept a $6 billion reduction in federal spending. And so, with the passage of the surtax, this is not going to get the job done unless the Congress cooperates with the Administration in holding down federal spending too. And with that kind of a package we can do a job on inflation.

Q. Holding down how much?

A. Well, certainly holding it down to the extent that the amount of federal borrowing is going to be minimized, preferably eliminated.

Q. During the course of a great deal of this testimony about why the surtax in 1968 didn't control inflation any better than it did, there was a good deal of sort of backward looking that perhaps the Federal Reserve Board had been working in the opposite direction from the surtax. Do you think something should be done, as has often been suggested here, to get the Federal Reserve Board in a little better coordination with the Administration and with Congress?

A. Well, there are two schools of thought on this, as you well know. One is to have the Federal Reserve Board exist as a very independent body; the other is to make it subject to Administrative dictates. I can see where either school of thought could prevail at a given period of time. However, my personal view is that the independence of the Federal Reserve Board is going to be best in the long run, and will not be changed subject to the whims of an Administration which may be in and out of office. But certainly the Federal Reserve Board by increasing the money supply at an unduly fast rate last year went contrary to the fiscal policy which Congress and the Administration itself had dictated. And now they have confessed to their error and we will trust that they will not fall into a similar error in the future.

Q. Senator, there's a portion of this bipartisan effort which includes removing some low-income families from the rolls and there are some members of Congress who refer to this as a "sweetener." Is this the extent of tax reform that you expect this year?

A. No. Most of us expect to have two packages of tax measures. The first one I refer to as a "mini-package," which consists of the ten percent surcharge, "sweetened" up, if you wish to use that term, by certain measures such as the removal of a number of low income taxpayers from the impact of federal income taxes, such as repeal or modification, at the very least, of the investment tax credit. Maybe one or two other items. That's the mini-package; that's the one that we need to get out of the way very, very quickly.

Q. And continuing the excise taxes.

A. And continuing the excise taxes. Now, as a follow-on however, I think that there is great expectation that the House Ways and Means Committee will send out a package, a substantial package, of tax reform proposals sometime by mid-summer or the latter part of the summer; and then, if the session continues on through the fall, as all indications are that it will, then the Senate Finance Committee will get around to working on that and probably have this second package out by the end of the year. The second package, of course, would include a number of things, not the least of which would be substantial reform of tax exempt private foundations, and this alone could occupy a considerable amount of the time of the Congress. But I think two packages are due this year.

Q. You didn't mention reform on the twenty-seven and one-half percent oil depletion allowance. Do you favor that?

A. Well, I have always opposed the arbitrary, meat-ax approach to cutting down on percentage depletion, be it percentage depletion in the oil and gas industry or percentage depletion in other minerals. And, you know, this could go clear down to five percent percentage depletion on sand and gravel. I think that the Administration's proposal in the form of a minimum tax approach is a pretty good way of handling this. Now, in other words, we might argue about whether there should be a change in percentage depletion; we might argue whether there should be a change in longterm capital gains; whether there should be a change in tax exempt municipal bond interest. But there's one thing I would hope we could get together on and that is that regardless of where this tax exempt income comes from, people should pay a certain amount of tax. And that's what the minimum tax approach is all about. And I think that it's a very good way of dealing with this problem, certainly in the short run. It avoids all the arguments, when you meet each one of these items head on, and at the same time I think it satisfies the bulk of the American tax paying public by assuring them that regardless of where this comes from people are going to pay some taxes.

Q. Senator, in discussing inflation with monetary experts in the government, many say that there's a growing body of evidence that the greatest enemy the Administration has is what they call inflation psychology, that people now believe inflation is a permanent part of our lives, almost a self-fulfilling prophecy. If they believe prices go up, they're going to go up. How does the Administration combat that?

A. Well, Roger, we all have our ideas on it. I have my own and I'm very glad you asked that question. I think that a good many of your so-called smart money people are counting on the Congress to not change its spots. And, as you well know, over the last eight years the Congress has had the proclivity of running our federal government billions and billions of dollars deeper in debt year after year after year. Now, you still have generally the same makeup of the Congress in 1969, and some of the smart money boys are betting on the fact that the Congress is not going to change its spots and it's going to continue to appropriate more money than the federal government takes in and, of course, if they do, then we're going to have continued inflation and high interest rates.

Q. Well, the Congress isn't primarily to blame for inflation, is it?

A. Oh, I think it is. This is where it starts, because, when a majority of the members of Congress vote to run your federal government billions and billions deeper in debt, as night follows day you're going to have inflation. Now you can talk about wage increases and price increases as aggravating inflation, and, of course, if they're unduly high they will aggravate inflation. But it starts right here on Capitol Hill. And until you have a majority of the members of Congress who refuse to vote more spending than we take in, you're going to have more inflation. And so I can understand why some smart money people are counting on the Congress not changing its policy and continuing the inflationary fiscal policies that they have followed here for the last eight years. I don't think they will this year. And when the people of the United States find that Congress is going to hold a rein on federal spending and is going to meet the fiscal requirements by coupling spending and taxing in a package that will bring us out pretty well, even-steven, then the inflationary psychology will go out of the window. Now, that won't happen, however, until later on this year when we have taken action on our appropriation bills. And so I personally do not think that the inflationary psychology will tone down enough to start getting the job down on inflation until probably this fall.

Q. And to do your part you'd be willing to vote against appropriations that would help Iowa?

A. I've said on the floor many times that Iowa, by my vote, will be pleased to take its fair share of reduction of spending in order to do a job on inflation.

Q. What's the impact on all of this balance between income and outgo of the federal government of the tax reform bill. Will it bring in more money or will it bring in less? This is the second package, the tax reform package.

A. Well, according to the Administration's proposals and desires, you know they desire to have a package which will pretty well even out; in other words, there will be some areas which will cost the revenue and there will be others which will bring in more revenue. For example, closing some of the loopholes on tax exempt foundations unquestionably will bring in more revenue. On the other hand, if there is a liberalization of moving expense deductions, that will cost the revenue. I think it would be very unfortunate if the package was not a relatively balanced package so that income and outgo would be just about the same.

Q. One of the things they're talking about cutting when they start talking now about cutting expenses is what used to be sacrosanct—military spending. One of the items that everybody's been accepting as a sort of symbol is the anti-ballistic missile. Now there was a big fuss here a couple of weeks, a month ago and you haven't heard much about it lately. Is it being quietly stalled so that we'll forget about it?

A. Well, I don't know. The leadership would probably tell you that it's not being deliberately stalled at all. There's no particular hurry on it. After all, you want to realize that this is an issue which was, I think, prematurely got out into the open. It's a part of the military authorization measure, and that isn't going to be due out until July anyhow. And in previous years, as I recall, the military measure doesn't come out until July or August. And until it does come out for action, then we're not going to meet this issue headon with roll call votes in the Senate. I just think that it was prematurely raised.

Q. The President raised it, though, did he not?

A. Well, I think the President raised it in that he took a position on it. But even before the President raised it, there were speeches being made about the anti-ballistic missile. Actually, you remember, this

was raised at least two and, I think, three times last year. We had three different debates down here on the floor, at various stages of our legislative program, on the anti-ballistic missile. So, it's pretty much old hat.

Q. Are you in favor of the President's Safeguard proposal?

A. Yes, I am. And I want to make it very clear that I understand, and I think most of us who favor it, understand, that there are some good decent, conscientious American citizens who disagree with us. It's a very difficult thing for the average human being, certainly the average voter, to make a judgment on this. It's a very difficult thing for the average Senator, because we're not scientists. I'm not a physicist. What do I do when somebody says "well, the ABM won't work," and someone else says "the ABM will work"? And they're both scientists.

Q. Why did you decide it would work, then?

A. Well, I placed my chips in the basket of Dr. Wigner, the Nobel Laureate of Princeton University.

Q. Why him?

A. Well, I'll tell you. Of all the physicists in the world, he's the only one that has received the four top awards for physics—Nobel Peace Prize, the Fermi Award, the National Science Medal and one other. He is preeminent in his field. I'll take him compared to a thousand other physicists.

Now, when they achieve his recognition, maybe I'll be more inclined to listen to them. It's a case of where you put your chips. You want to play golf. Are you going to put your chips with Jack Nicklaus or some unknown or somebody who's just starting in?

Q. Dr. Hans Bethe?

A. Well, all I can tell you is this: There's nobody in the physics field who has attained the achievements that Dr. Wigner has attained.

Q. But his awards were not in recognition for his work in the ABM field, were they?

A. Well, the question is one of physics as to whether the ABM will or will not work.

Q. Well, it's a question of testing it, isn't it? Don't both sides admit you really won't know until you test it?

A. No, I don't think so. I think that your physicists like Dr. Wigner will tell you that it will work. Of course, you have to have testing to check out certain things. The development of the hydrogen bomb should be recalled. You may remember one noted physicist, Dr. Oppenheimer, said it wouldn't work. Since then he has come up with an admission that he was wrong.

Q. Senator, in the taxpayers' mind it seems that there are misgivings that the Nixon Administration may be losing ground on two fronts—the inflation crisis at home and a speedy conclusion of the war in Vietnam. Do you share that concern?

A. Well, I certainly am concerned about both of those points. And I don't know about anybody who isn't. However, I don't think the Administration is losing ground. And I don't think that it should either lose ground or gain ground. I think it would be very shortsighted for anybody to expect that a new President and a new Administration and a new Congress could get this inflationary momentum tailed back in a relatively short period of time. As a matter of fact, I don't think that anybody, certainly not me, certainly not the President's Council of Economic Advisers, certainly not the chairmen of various committees around here, really appreciated the impact on this economy of ours of the $25 billion budget deficit that we had a year and a half ago. I don't think anybody dreamed what that impact was. And we're beginning to find out what a horrible impact it had, and it's just going to take a while to work it out; and you're going to have to have both the Congress and the Administration working together. If the Congress doesn't work with the Administration by getting this budget of ours into a reasonable balance, it's going to get worse.

Q. Senator, before we shift to politics, may I ask you if you believe inflation to be a permanent part of our lives?

A. No, and I think it would be most unfortunate for anybody to say so. I understand that there are some so-called "new economists" who preach that doctrine. Of course, when they do, they're flying in the face of a national economic policy which was declared in a bi-partisan bill passed by Congress in 1946 known as the Employment Act of 1946, which set forth twin goals for our national policy objectives. Those twin goals are full employment and a stable dollar. And when they said a stable dollar, they weren't talking about inflation as being a permanent fixture in this country. For somebody to come along and say you can't attain both of those goals—if you're going to have full employment you've got to have inflation or if you're going to have a stable dollar you're going to have unemployment—is a confession of failure of the capitalistic economic system. And I'm not about to join in such a confession.

Q. Does a stable dollar mean no yearly rise at all?

A. That's right.

Q. Or does it mean what was sometimes talked about in the Eisenhower years as two percent a year.

A. No, a stable dollar means a stable dollar-period. And I'm pleased to say that, for the first time in nine years, I have heard a spokesman for the Administration, Dr. Paul McCracken, the Chairman of the Council of Economic Advisers, state that the objective of this Administration is zero inflation.

Q. Senator, I'd like to ask you a specific political question. What does the Republican rejection of Mayor John Lindsay mean to you?

A. Well, first of all, this is pretty early to give you a definite answer. In any election there has to be a certain amount of very careful analysis, lest you make some premature judgments. I don't think that the analysis has been made that would enable one, that is in depth, to answer that question. It'll entail some polling, I'm sure. In the second place, I want to emphasize this: And that is that New York City politics is an area of its own. The New York Republican Party, the New York City Republican Party, the New York City Democratic Party, are not by any means indicative of the national parties or the national scene.

Q. But if you back up and take the victory of the former police chief in Minneapolis or Yorty in Los Angeles, New York may be indicative, mightn't it?

A. Now, I'll agree with you. If you can bring in other cities around the country besides New York City, then you may well find a pattern. But to take New York City by itself and say here's what happened in a primary election in New York City; therefore, this is a national trend would be most erroneous. Now, if you're going to bring in Minneapolis and Los Angeles and New York, and you seem to see a pattern forming there I think you have a point. And the point seems to be that people want to have safe streets, and they want to have a firmer attitude towards crime and violence. And certainly that is what the analyses show as the cause of the Minneapolis election and probably, to some extent, the Los Angeles election.

Q. What I was trying to get at was what effect that trend would have on you and the Senate. Would it slow down the Senate; would the trend of law and order be felt here on the Hill?

A. I think that it will be observed, but I have the feeling that the law-and-order, and reduction and minimization of violence and crime trend arrived on Capitol Hill loud and clear a year or two ago. In other words, I think that what happened in Minneapolis, for example, really is a revelation of what we had revealed to us last year at the time we were taking action of Safe Streets bill.

Q. Now you have a half dozen members of the Senate who are liberals, mostly Democrats who are elected by less than 55 percent. Do you think that these liberals are now endangered in 1970? I mean, the half dozen who are up in 1970.

A. Well, I would have to tell you this, as a member of the Republican Senatorial Campaign Committee, that any elections with that kind of a margin we deem to be marginal seats and they are in our target sights.

Q. Hugh Scott in Pennsylvania?

A. Well, I thought you were talking about Democratic seats.

Q. I'm talking about liberals in general.

A. Well, now, if you're talking about Republican seats where there's a 55 percent vote, then they're going to be in the target sights of our Democratic friends. That's the way we play the ballgame. And those are marginal seats by either party's definition.

Q. Who'll be the easiest Democratic Senator to knock off in '70, Senator?

A. Well, I don't think that we have concluded that there would be anyone who would be easiest, but I can tell you that there are about a dozen of those seats that we think we have a real chance of picking up. The reason is that there has been a Republican trend. We have Republican governors in a good many of those states. The people seem to be responding more to Republican philosophy and to Republican candidates, especially if they are, as they usually have been lately, young, attractive, dynamic people with progressive and yet responsible viewpoints. So, I think that . . . I wouldn't single out any particular one; I just tell you that there are twelve that are in our target sights as real possibilities.

Q. In the thirty seconds we have, are you willing to join your Republican colleague, Senator Goodell, in challenging your party leader, Mr. Dirksen, to remove his opposition to the appointment of Dr. Knowles to the HEW?

A. Well, I haven't made a thorough study of the Dr. Knowles appointment. I am somewhat distressed by the impasse that has existed for a long time. But I have the feeling that Senator Dirksen has some points to support his position. I would like to have this thing debated a little more behind closed doors than it has been to date. I think that it, perhaps, will be. I have had my attention invited to a record during a hearing which indicates that Dr. Knowles might have some tough sledding if he comes up for confirmation in the Senate.

Q. We've got to close our doors now, Senator. Thank you for being with us on Capitol Cloakroom.

INFORMATION CONCERNING FUNDS FOR IMPACT AREA LEGISLATION

Mr. YARBOROUGH. Mr. President, because I know of the great interest Senators have in the impacted areas legislation—Public Law 874—I bring to their attention the most current information on the impact of the administration budget proposals on the school districts affected in each State. I feel sure that this information can be most useful to each Senator in coming to his own evaluation of the adequacy of the funding proposed.

Mr. President, I ask unanimous consent that the letter addressed to me under date of June 12, 1969, by the Honorable James E. Allen, Jr., and the

appended tables be printed in the RECORD.

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

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
OFFICE OF EDUCATION,
Washington, D. C., June 12, 1969.

Hon. RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: We are pleased to provide the latest information that is available regarding entitlements to school districts under Title I of Public Law 81–874, in response to your letter of May 16. The table (enclosure A) shows the number of "a" and "b" children and the amounts for each, by Congressional District, for Fiscal Year 1968.

Initial applications for Fiscal Year 1969 funds are being processed now, many having been received near the deadline date of March 31, 1969. Approximately one-fourth of the 4,560 applications have not been processed. Precise entitlements for each applicant will not be known until final data is submitted by each applicant by September 30, 1969. The 1968 amounts are estimated to increase by approximately 32 percent in 1970. (One of the difficulties in projecting estimates for every applicant is that the rate of payment per child varies from State to State and, in many States, from school district to school district.)

A second table (enclosure B) presents a fairly accurate picture of the effect that the 1970 budget request would have on each State. Amounts required for full funding and for funding only "a" pupils and Section 6 are shown for each State, as well as the difference between the two. The difference would be that amount necessary for funding category "b" pupils and other Sections of the Act. Being a State table, it cannot indicate school districts that will not receive any entitlement because they educate only category "b" pupils. Also, it does not show the school districts which will receive only a small entitlement because they educate mostly "b" pupils and only a few "a" pupils.

It is estimated that categories "a" and Section 6 pupils will number about 457,000 in 1970; there will be approximately two and one half million "b" pupils in 1970.

Sincerely yours,

JAMES E. ALLEN, Jr.,
Assistant Secretary for Education and U.S. Commissioner of Education.

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Alabama:						
1	234	5,179	$59,853	$662,342	$722,195	4
2	516	7,543	131,982	964,674	1,096,657	6
3	730	10,468	186,719	1,338,753	1,525,472	12
4	329	7,634	84,152	976,312	1,060,464	12
5	25	1,035	6,395	132,366	138,761	3
7		2,126		271,894	271,894	3
8	802	23,784	205,136	3,041,736	3,246,871	15
4 and 6 (Birmingham)		1,236		158,072	158,072	2
All	2,636	59,005	674,236	7,546,149	8,220,386	57
Alaska: At large	15,240	14,304	10,386,230	2,805,128	13,191,358	23
Arizona:						
1	808	4,463	253,217	644,748	897,965	12
2	5,144	15,968	1,465,351	2,563,003	4,028,355	47
3	10,354	3,566	2,769,995	501,154	3,280,149	52
1 and 3 (Phoenix)	1,495	3,280	386,443	497,190	883,632	18
All	17,801	27,277	4,875,006	4,215,095	9,090,102	129
Kansas:						
1	1,029	689	263,198	88,116	351,314	2
2	1,804	7,579	461,427	969,278	1,430,705	13
3	20	2,439	5,116	311,924	317,039	28
4	45	4,049	11,510	517,827	529,337	14
All	2,898	14,756	741,250	1,887,145	2,628,395	57
California:						
1	2,644	10,385	832,685	1,701,343	2,534,028	31
2	1,145	5,538	398,880	943,519	1,342,399	63
3	2,716	31,471	824,451	5,138,340	5,962,790	15
4	7,735	18,794	2,449,964	3,007,474	5,457,438	21
7		1,857		292,505	292,505	3
8	1,494	4,058	471,242	678,963	1,150,205	4
9	32	7,090	10,112	1,164,858	1,174,970	12
10	152	8,759	45,115	1,430,040	1,475,155	16

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
California—Continued						
11	4	4,437	$1,470	$698,488	$699,957	12
12	5,454	9,406	1,723,471	1,513,311	3,236,782	18
13	6,528	24,311	2,045,580	3,955,919	6,001,499	34
14	229	10,885	72,142	1,749,706	1,821,848	14
15	87	7,988	27,408	1,300,464	1,327,871	18
16	1,144	4,707	350,812	757,200	1,108,012	16
17		370		51,393	51,393	1
18	8,516	3,767	2,721,284	605,988	3,327,271	20
19		1,773		279,274	279,274	2
20		467		73,560	73,560	1
23		3,836		611,941	611,941	5
24		2,653		417,887	417,887	3
25	6	1,613	2,595	289,685	292,280	5
27	66	8,025	22,002	1,359,061	1,381,063	11
28	8	2,238	2,520	361,100	363,621	6
31	2	396	556	80,573	81,128	2
32	1,616	7,342	509,088	1,156,475	1,665,564	1
33	3,976	21,007	1,236,558	3,363,425	4,599,982	28
34		9,559		1,482,427	1,482,427	13
35	4,706	20,846	1,425,672	3,621,179	5,046,852	40
36	686	4,778	215,813	718,868	934,681	5
37	41	18,898	14,069	2,971,763	2,985,832	7
38	1,829	8,862	574,111	1,412,858	1,986,969	19
35–37 (San Diego)	7	48	3,142	10,773	13,915	1
17 19–22 24 26–32 (San Diego)	1,175	22,598	370,160	3,559,524	2,929,684	1
7–9		2,466		388,432	388,432	2
5 and 6 (San Francisco, Calif.)	2,034	6,950	640,771	1,094,729	1,735,500	1
9 and 10		94		13,057	13,057	1
36 and 37 (San Diego, Calif.)	5,587	26,430	1,760,073	4,163,121	5,923,194	1
34 and 35		2,354		370,790	370,790	1
19 and 20	19	601	5,986	94,667	100,652	1
17. 21. 23 and 32 (Los Angeles, Calif.)		301		41,809	4,1809	1
17 and 31		314		43,614	43,614	1
28 and 17		2,000		315,030	315,030	1
8 and 9	3	7,975	945	1,256,182	1,257,127	2
7 and 8	162	7,999	51,035	1,259,962	1,310,997	1
All	59,803	346,246	18,809,711	55,801,277	74,610,988	461
Colorado:						
2	317	19,326	116,287	3,847,371	3,963,658	14
3	4,669	29,308	1,902,913	5,662,301	7,565,214	28
4	931	5,854	366,115	1,070,934	1,437,049	31
All	5,917	54,488	2,385,314	10,580,607	12,965,921	73
Connecticut:						
1		368		78,890	78,890	2
2	2,515	5,354	1,116,319	1,007,239	2,123,558	23
3	41	2,444	14,476	482,188	496,663	4
4		989		169,361	169,361	1
5		1,078		199,967	199,967	4
6		1,348		284,998	284,998	6
All	2,556	11,581	1,130,794	2,222,643	3,353,437	40
Delaware: At large	25	4,406	7,874	693,857	701,731	11
District of Columbia: At large	973	37,321	299,217	5,738,477	6,037,694	1
Florida:						
1	3,764	25,797	962,756	3,299,178	4,261,934	6
2	256	4,054	65,480	518,466	583,946	5
3	1,227	12,471	313,842	1,594,916	1,908,758	1
4	10	4,681	2,558	598,653	601,211	3
5	3,055	32,912	781,408	4,209,116	4,990,524	2
6	982	5,084	251,176	650,193	901,369	1
8	5	3,876	1,279	495,702	496,981	1
9	96	81	24,555	10,359	34,914	2
10		501		64,073	64,073	1

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Florida—Continued						
12	1,944	1,939	$497,236	$247,979	$745,215	1
11 and 12	1,664	6,521	425,618	833,971	1,259,589	1
All	13,003	97,917	3,325,907	12,522,605	15,848,512	24
Georgia:						
1	659	5,140	168,559	657,355	825,914	8
2	1,000	3,773	255,780	482,529	738,309	6
3	622	24,521	159,095	3,135,991	3,295,086	13
4		3,995		510,921	510,921	2
6	178	9,190	45,529	1,175,309	1,220,838	6
7	33	15,778	8,441	2,017,848	2,026,289	11
8	575	4,257	147,074	544,428	691,501	10
9		1,211		154,875	154,875	4
10	468	12,068	119,705	1,543,377	1,663,082	6
4 and 5 (Atlanta)	117	9,057	29,926	1,158,300	1,188,226	2
All	3,652	88,990	934,109	11,380,931	12,315,040	68
Hawaii: At large	15,964	34,788	4,296,232	4,681,073	8,977,305	1
Idaho:						
1	384	5,272	149,342	808,391	957,733	35
2	2,026	8,335	640,857	1,119,846	1,760,703	23
All	2,410	13,607	790,199	1,928,237	2,718,436	58
Illinois:						
4		448		95,627	95,627	4
6	5	258	2,038	52,589	54,628	1
10	4	280	3,017	105,591	108,608	1
12	2,931	5,200	1,424,337	1,217,513	2,641,850	30
13	339	13,904	171,280	2,925,714	3,096,993	3
14	73	5,590	27,503	1,207,643	1,235,146	31
15		568		89,183	89,183	8
16	34	683	11,894	107,826	119,721	5
17	9	2,401	2,546	445,073	447,620	19
18	20	3	5,659	424	6,083	1
19	11	2,968	3,779	527,299	531,078	13
20		158		33,783	33,783	3
21	50	1,293	14,147	184,188	198,334	11
22	2,418	3,329	1,002,278	706,337	1,708,616	9
23		832		133,700	133,700	9
24	1,887	7,481	632,036	1,251,141	1,883,176	31
14 and 17		206		29,142	29,142	3
All	7,731	45,593	3,300,514	9,112,774	12,413,288	182
Indiana:						
2		162		24,439	24,439	1
5	1,494	1,953	563,626	309,658	873,283	6
6	9	1,700	2,309	218,042	220,351	16
7	5	2,202	1,283	291,704	292,987	18
8	157	2,754	40,274	353,228	393,502	13
9	87	7,741	24,339	1,029,123	1,053,463	44
10		301		39,631	39,631	3
11	342	6,531	105,525	1,252,243	1,357,768	5
All	2,094	23,344	737,355	3,518,067	4,255,422	106
Iowa:						
1	80	4,637	32,682	947,177	979,859	16
2	4	97	1,634	19,814	21,448	2
3	36	54	14,707	11,030	25,737	1
4	62	3,058	25,329	624,642	649,971	9
5		1,612		315,680	315,680	10
6	396	938	161,778	191,601	353,378	3
7		909		185,677	185,677	2
All	578	11,305	236,130	2,295,621	2,531,752	43

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Kansas:						
1	24	272	$7,208	$40,845	$48,053	7
2	5,705	8,774	1,732,354	1,326,576	3,058,930	29
3	140	6,814	42,046	1,023,224	1,065,271	23
4	800	14,575	240,264	2,188,655	2,428,919	14
5	1,483	4,930	445,389	740,314	1,185,703	41
All	8,152	35,365	2,467,261	5,319,614	7,786,875	114
Kentucky:						
1	126	4,855	32,228	620,906	653,134	17
2	24	5,876	6,139	751,482	757,620	12
3	13	11,516	3,325	1,472,781	1,476,106	3
4		87		11,126	11,126	2
5	1	826	256	105,637	105,893	6
6	42	4,562	10,743	583,434	594,177	12
7	7	31	1,790	3,965	5,755	1
12		256		32,740	32,740	1
All	213	28,009	54,481	3,582,071	3,636,552	54
Louisiana:						
1		520		66,503	66,503	1
2		1,765		225,726	225,726	1
4	1,329	6,433	339,932	822,716	1,162,648	2
6	17	2,446	4,348	312,819	317,167	2
8	246	7,156	62,922	915,181	978,103	4
1-2	123	3,718	31,461	475,495	506,956	1
All	1,715	22,038	438,663	2,818,440	3,257,103	11
Maine:						
1	1,061	5,468	367,113	885,183	1,252,296	36
2	3,537	2,927	1,295,046	440,073	1,735,119	38
All	4,598	8,395	1,662,159	1,325,256	2,987,415	74
Maryland:						
1	1,334	5,994	450,895	1,010,938	1,461,833	4
2	1,531	7,269	539,586	1,280,943	1,820,529	1
5	1,418	49,850	499,760	8,784,567	9,284,327	2
6	619	6,152	202,213	998,669	1,200,882	4
8	169	32,368	59,562	5,703,889	5,763,451	1
6 and 8		1,905		335,699	335,699	1
3, 4, and 7 (Baltimore)	111	12,814	38,851	2,119,604	2,158,455	2
1 and 3	2,769	11,223	753,279	1,526,552	2,279,831	1
All	7,951	127,575	2,544,146	21,760,861	24,305,007	16
Massachusetts:						
1	15	3,916	6,914	943,733	950,647	24
2	2,239	4,139	1,056,379	993,977	2,050,356	9
3	2,007	3,456	1,137,180	850,427	1,987,607	33
4	15	2,992	9,888	780,145	790,033	14
5	216	6,894	149,496	1,778,118	1,927,614	21
6	36	2,989	18,355	711,927	730,282	22
7	17	3,793	8,219	994,250	1,002,469	11
8	58	942	38,741	254,025	292,765	3
10	63	1,828	26,479	478,661	505,140	10
11	227	3,645	114,321	815,910	930,731	11
12	2,121	5,687	1,209,820	1,428,076	2,637,895	40
8, 9, 11 (Boston)	13	3,069	6,778	800,012	806,789	1
3 and 10		16		6,400	6,400	1
4 and 5	2	80	1,598	31,970	33,568	1
All	7,029	43,446	3,784,668	10,867,629	14,652,297	201
Michigan:						
2	27	488	7,249	65,512	72,761	2
3	382	3,090	102,563	414,817	517,380	7
8	12	251	3,222	33,696	36,917	4

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Michigan—Continued						
9	17	345	$4,564	$46,315	$50,879	3
10	1,794	1,019	481,671	136,796	618,467	3
11	4,037	2,905	1,083,894	389,982	1,473,876	24
12	1,475	3,340	396,023	448,378	844,401	11
15		380		51,013	51,013	2
16	33	44	8,860	5,907	14,767	1
1, 12–14, 16 and 17 (Detroit)		4,832		648,672	648,672	1
All	7,777	16,694	2,088,047	2,241,086	4,329,133	58
Minnesota:						
1		616		87,835	87,835	4
2	24	15	6,844	2,139	8,983	1
3	121	4,073	34,507	580,769	615,276	9
4		4,460		635,951	635,951	5
5		2,520		359,327	359,327	1
6	98	30	27,948	4,278	32,225	2
7	1,072	963	305,713	137,314	443,027	18
8	950	2,391	270,921	340,933	611,854	15
All	2,265	15,068	645,933	2,148,546	2,794,479	55
Mississippi:						
1	910	976	232,760	124,821	357,580	2
3	8	757	2,046	96,813	98,859	1
4	269	623	68,805	79,675	148,480	2
5	1,993	11,282	509,770	1,442,855	1,952,625	13
All	3,180	13,638	813,380	1,744,164	2,557,644	18
Missouri:						
1		937		140,414	140,414	3
2	30	5,314	8,659	797,293	805,952	10
3	89	418	26,751	62,819	89,570	1
4	2,440	17,917	733,391	2,840,484	3,573,875	40
5		656		98,587	98,587	1
6	2	2,525	601	378,731	379,332	14
7	11	1,692	2,814	216,390	219,203	17
8	2,891	4,657	868,365	625,414	1,493,779	29
9	23	1,376	5,883	199,559	205,442	11
10	11	35	2,814	4,476	7,290	1
11		101		12,917	12,917	1
1 and 3	15	4,680	4,509	846,921	851,430	2
All	5,152	40,308	1,753,786	6,224,005	7,877,791	130
Montana:						
1	1,695	4,577	874,010	791,861	1,665,872	64
2	6,079	5,353	2,100,117	797,953	2,898,070	46
All	7,774	9,930	2,974,128	1,589,814	4,563,942	110
Nebraska:						
1	408	1,336	162,543	266,125	428,668	8
2	3,523	7,420	1,408,528	1,478,027	2,881,555	8
3	354	3,147	136,467	626,867	763,333	34
All	4,285	11,903	1,702,538	2,371,018	4,073,556	50
Nevada: 99	3,841	17,336	1,055,276	2,381,446	3,436,723	13
New Hampshire:						
1	1,560	5,783	678,110	1,211,364	1,889,475	35
2	5	685	2,225	161,461	163,685	7
3		68		10,180	10,180	1
13		49		9,786	9,786	1
All	1,565	6,585	680,335	1,392,790	2,073,125	44

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
New Jersey:						
1	35	5,700	$14,025	$1,375,228	$1,389,253	44
2	30	2,185	12,055	504,330	516,384	20
3	1,676	11,050	740,228	2,686,546	3,426,774	49
4	1,970	2,721	633,966	636,310	1,270,276	19
5	124	3,100	55,063	752,677	807,740	18
6	3,124	9,282	1,651,918	2,268,089	3,920,006	37
13	125	305	62,073	75,728	137,801	1
10 and 11		759		188,452	188,452	1
All	7,174	35,102	3,169,327	8,487,360	11,656,686	189
New Mexico:						
1	5,502	24,024	1,407,302	3,072,429	4,479,731	12
2	3,719	10,529	951,246	1,346,554	2,297,800	13
At large	9,103	6,620	2,328,365	846,632	3,174,997	14
All	18,324	41,173	4,686,913	5,265,615	9,952,528	39
New York:						
1	542	9,491	370,783	2,161,843	2,532,626	44
2		1,838		428,365	428,365	9
3		603		144,031	144,031	2
4	791	381	374,002	89,951	463,953	2
5		245		57,851	57,851	1
25	8	143	5,617	50,484	56,100	2
27	1,059	3,273	441,285	681,930	1,123,215	6
28	3	301	1,250	62,713	63,963	3
29	101	4,815	42,289	1,077,560	1,119,849	20
30	1,717	2,081	715,474	433,576	1,149,050	19
31	163	1,072	67,922	223,351	291,273	7
32	1,213	5,406	505,457	1,126,340	1,631,797	16
33		1,710		356,279	356,279	6
34	136	735	56,671	153,137	209,808	2
35	155	1,467	64,589	305,649	370,238	10
38		497		103,550	103,550	5
40	498	399	207,517	83,132	290,648	3
54		1,363		283,981	283,981	1
6–24 (New York City, NY)	1,250	16,800	726,538	4,882,332	5,608,870	1
1 and 2 (New York City, NY)		528		150,690	150,690	2
All	7,636	53,148	3,579,393	12,856,745	16,436,138	161
North Carolina:						
1	1,858	5,326	475,239	681,142	1,156,381	10
3	1,743	12,708	445,825	1,625,226	2,071,051	8
4	5	350	1,279	44,762	46,040	1
7	494	18,862	126,355	2,412,261	2,538,617	7
9	2	771	512	98,603	99,115	2
11	294	982	75,199	125,588	200,787	4
All	4,396	38,999	1,124,409	4,987,582	6,111,991	32
North Dakota:						
1	3,221	1,605	969,682	241,231	1,210,913	20
2	3,415	1,237	1,050,315	187,163	1,237,478	24
All	6,636	2,842	2,019,997	428,394	2,448,390	44
Ohio:						
1		63		12,163	12,163	1
2		949		147,112	147,112	5
3	1,830	10,973	468,077	1,829,256	2,297,333	12
4		310		43,203	43,203	2
5		217		37,594	37,594	2
6	40	3,286	10,231	495,328	505,559	23
7	162	12,988	41,436	1,809,638	1,851,074	20
8		235		30,054	30,054	2
9		490		94,602	94,602	1
10	3	1,282	767	183,573	184,340	11
11						2
12	10	2,908	2,558	371,904	374,462	5

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Ohio—Continued						
13		1,060		$176,558	$176,558	9
14	24	799	$6,139	134,576	140,715	4
15		672		119,312	119,312	3
17		3,084		441,813	441,813	11
23		3,767		727,276	727,276	10
24		2,685		454,508	454,508	6
20–22 (Cleveland, Ohio)		1,655		319,523	319,523	1
12–15 (Columbus, Ohio)	1,368	11,219	355,512	2,092,023	2,447,535	7
1 and 2		499		96,339	96,339	2
All	3,437	59,141	884,721	9,616,354	10,501,075	139
Oklahoma:						
1	500	7,426	163,494	1,230,050	1,393,543	32
2	1,810	4,419	468,678	575,812	1,044,490	88
3	209	3,829	54,985	493,891	548,876	56
4	710	4,636	195,361	607,937	803,299	73
5	208	18,259	65,186	2,643,224	2,708,410	32
6	6,180	14,820	1,645,180	1,961,670	3,606,850	69
4 and 5	408	8,867	138,418	1,504,109	1,642,527	1
All	10,025	62,256	2,731,302	9,016,693	11,747,995	351
Oregon:						
1	401	566	156,492	114,334	270,826	7
2	634	4,016	263,862	816,998	1,080,860	40
3	40	2,796	27,332	545,877	573,209	4
4	185	2,505	80,215	520,860	601,076	17
All	1,260	9,883	527,901	1,998,069	2,525,970	68
Pennsylvania:						
6		340		45,693	45,693	2
7		1,866		394,277	394,277	11
8	13	2,554	3,673	441,134	444,807	6
9		967		168,504	168,504	3
10		1,893		254,400	254,400	8
11		1,230		173,274	173,274	6
12		5,330		716,299	716,299	12
13		947		239,432	239,432	4
15	131	332	58,346	73,935	132,281	1
16	63	2,557	16,933	365,500	382,433	12
17		1,856		267,810	267,810	4
18	53	98	21,389	19,774	41,163	1
19	124	5,283	33,426	739,706	773,132	16
23						1
26		110		17,365	17,365	1
27		745		123,960	123,960	4
14, 20 and 27 (Pittsburgh)		2,720		491,811	491,811	4
8 and 13		348		63,045	63,045	1
1–5 (Philadelphia)	566	15,681	205,611	2,848,218	3,053,829	1
16 and 17 (Harrisburg)	80	648	24,112	94,473	118,585	4
All	1,030	45,505	363,490	7,538,610	7,902,101	102
Rhode Island:						
1	1,823	4,982	723,673	1,053,742	1,777,416	8
2	1,212	5,193	495,104	1,044,242	1,539,346	15
142	1	875	448	195,934	196,382	1
All	3,036	11,050	1,219,225	2,293,919	3,513,144	24
South Carolina:						
1	3,984	24,218	1,019,028	3,097,240	4,116,268	16
2	233	15,019	59,597	1,920,780	1,980,377	13
3	39	379	9,975	48,470	58,446	3
4		638		81,594	81,594	1
5	998	1,605	255,258	206,263	460,532	1
6	123	790	31,461	101,033	132,494	1
All	5,377	42,649	1,375,329	5,454,381	6,829,710	35

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
South Dakota:						
1	480	1,688	$165,965	$291,821	$457,786	21
2	5,556	4,690	1,921,043	809,952	2,730,995	47
All	6,036	6,378	2,037,007	1,101,774	3,188,781	68
Tennessee:						
1	36	4,359	9,208	557,473	566,681	8
2	25	8,814	6,395	1,127,222	1,133,617	9
3	5	3,532	1,279	451,707	452,986	10
4	896	8,767	229,179	1,121,212	1,350,391	16
5		2,522		322,539	322,539	1
6		5,420		693,164	693,164	7
7		1,464		187,231	187,231	9
8	36	2,105	9,208	269,208	278,417	6
9	1,029	3,513	263,198	449,278	712,475	1
7 and 8		6,000		767,340	767,340	1
All	2,027	46,496	518,466	5,946,373	6,464,840	68
Texas:						
1	84	10,613	21,486	1,357,297	1,378,782	36
2		261		33,379	33,379	4
3	5	2,107	1,279	269,464	270,743	2
4	332	3,069	84,919	392,494	477,413	14
5	11	1,732	2,814	221,505	224,319	6
6		1,116		142,850	142,850	13
7						2
8	20	2,916	5,116	372,927	378,043	3
9	4	4,709	1,023	602,234	603,257	7
10	877	4,721	224,319	603,769	828,088	10
11	3,610	13,446	923,366	1,719,609	2,642,975	37
12	986	24,629	252,199	3,149,803	3,402,002	16
13	1,417	7,423	362,440	949,327	1,311,768	20
14	325	6,233	83,129	797,138	880,267	5
15	251	1,497	64,201	191,451	255,652	5
16	3,339	20,440	861,348	2,604,980	3,466,328	12
17	1,945	7,916	497,492	1,012,377	1,509,869	24
18	682	2,905	174,710	371,520	546,230	8
19	403	1,730	103,079	221,250	324,329	4
20	838	45,142	214,344	5,773,210	5,987,554	11
21	691	4,756	176,744	608,245	784,989	13
22		659		84,280	84,280	2
23	296	7,158	75,711	915,437	991,148	18
3, 5, 6, and 13 (Dallas)	16	3,300	4,092	422,037	426,129	1
7, 8, and 22 (Houston)	2	2,754	512	352,209	352,721	1
20, 21, and 23 (San Antonio)	3,621	988	1,712,733	146,448	1,859,181	4
All	19,755	182,220	5,847,054	23,315,242	29,162,296	278
Utah:						
1	2,329	33,617	595,712	4,299,278	4,894,990	18
2	788	13,114	201,555	1,677,149	1,878,704	10
All	3,117	46,731	797,266	5,976,428	6,773,694	28
Vermont: At large	11	626	3,219	98,558	101,778	14
Virginia:						
1	4,791	38,849	1,332,491	5,126,733	6,459,225	10
2	3,269	24,985	1,017,709	3,714,117	4,731,826	3
3		4,499		662,101	662,101	3
4	1,478	13,776	378,043	1,761,813	2,139,855	9
5	4	445	1,023	56,911	57,934	1
6	31	3,838	7,929	527,049	534,978	6
7		133		17,009	17,009	1
8	207	14,590	55,183	2,215,710	2,270,893	12
9		3,021		386,356	386,356	7
10	739	64,964	291,271	13,006,663	13,297,934	5
All	10,519	169,100	3,083,650	27,474,462	30,558,111	57

CHILDREN AND PAYMENTS UNDER PUBLIC LAW NO. 874, FISCAL YEAR 1968 DATA AS OF JUNE 30, 1968—Continued

State and congressional district numbers	Number of "A" children	Number of "B" children	"A" amount	"B" amount	"A"+"B" amount	Number of district schools
Washington:						
1	190	6,132	$53,916	$870,039	$923,955	6
2	2,162	7,768	614,319	1,103,174	1,717,493	30
3	367	4,538	119,988	648,311	768,299	32
4	1,634	10,466	464,287	1,502,354	1,966,641	46
5	2,575	4,305	734,043	612,331	1,346,375	32
6	5,654	26,944	1,604,436	3,822,950	5,427,385	18
7	175	3,877	49,376	550,088	599,464	11
All	12,756	64,030	3,640,365	9,109,246	12,749,612	175
West Virginia:						
2	50	1,770	12,789	226,365	239,154	6
3		590		75,455	75,455	1
4	1	714	256	91,313	91,569	1
All	51	3,074	13,045	393,134	406,179	8
Wisconsin:						
2	555	2,187	160,020	402,414	562,435	8
3	80	4,014	29,943	740,205	770,148	21
7	124	188	46,412	35,183	81,595	5
8	29	522	10,854	97,690	108,544	3
10	373	521	144,303	101,395	245,698	9
4, 5, and 9 (Milwaukee)	41	2,374	15,346	444,282	459,628	1
All	1,202	9,806	406,879	1,821,169	2,228,048	47
Wyoming: At large	2,113	4,142	1,016,467	641,865	1,658,333	24
Guam: At large	3,647	5,977	932,830	764,399	1,697,228	1
Virgin Islands: At large		330		42,204	42,204	1
Total, all	348,703	2,221,876	115,523,133	347,325,001	462,848,135	4,235

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS, TITLES I AND III, PUBLIC LAW 874, AS AMENDED

State or outlying areas	1970 estimated entitlement	1970 budget request	Difference
Total	$650,594,000	$187,000,000	$463,594,000
Alabama	12,129,000	2,362,000	9,767,000
Alaska	17,664,000	13,935,000	3,729,000
Arizona	12,014,000	6,526,000	5,488,000
Arkansas	3,444,000	958,000	2,486,000
California	100,922,000	25,225,000	75,697,000
Colorado	17,227,000	3,109,000	14,118,000
Connecticut	4,410,000	1,503,000	2,907,000
Delaware	2,303,000	1,388,000	915,000
Florida	22,231,000	5,013,000	17,218,000
Georgia	20,606,000	5,749,000	14,857,000
Hawaii	11,914,000	5,741,000	6,173,000
Idaho	3,579,000	1,044,000	2,535,000
Illinois	16,537,000	4,280,000	12,257,000
Indiana	5,673,000	982,000	4,691,000
Iowa	3,366,000	310,000	3,056,000
Kansas	11,168,000	3,302,000	7,866,000
Kentucky	10,402,000	5,604,000	4,798,000
Louisiana	4,375,000	770,000	3,605,000
Maine	3,987,000	2,213,000	1,774,000
Maryland	32,584,000	3,387,000	29,197,000
Massachusetts	20,427,000	5,971,000	14,456,000
Michigan	5,948,000	2,852,000	3,096,000
Minnesota	3,736,000	846,000	2,890,000
Mississippi	3,397,000	1,115,000	2,282,000
Missouri	11,048,000	2,176,000	8,872,000
Montana	6,052,000	3,960,000	2,092,000
Nebraska	5,887,000	2,286,000	3,601,000
Nevada	4,583,000	1,426,000	3,157,000

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION—Continued

SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS, TITLES I AND III, PUBLIC LAW 874, AS AMENDED—Con.

State or outlying areas	1970 estimated entitlement	1970 budget request	Difference
New Hampshire	$2,745,000	$904,000	$1,841,000
New Jersey	15,358,000	4,251,000	11,107,000
New Mexico	12,539,000	6,147,000	6,392,000
New York	22,777,000	6,027,000	16,750,000
North Carolina	13,414,000	6,864,000	6,550,000
North Dakota	3,203,000	2,664,000	539,000
Ohio	14,023,000	1,182,000	12,841,000
Oklahoma	15,666,000	3,695,000	11,971,000
Oregon	3,407,000	791,000	2,616,000
Pennsylvania	11,324,000	856,000	10,468,000
Rhode Island	4,533,000	1,585,000	2,948,000
South Carolina	10,801,000	3,589,000	7,212,000
South Dakota	4,741,000	2,697,000	2,044,000
Tennessee	8,549,000	705,000	7,844,000
Texas	38,467,000	7,709,000	30,758,000
Utah	8,953,000	1,055,000	7,898,000
Vermont	153,000	4,000	149,000
Virginia	43,624,000	7,442,000	36,182,000
Washington	16,755,000	4,852,000	11,903,000
West Virginia	544,000	18,000	526,000
Wisconsin	2,952,000	571,000	2,381,000
Wyoming	2,120,000	1,275,000	845,000
District of Columbia	7,484,000	374,000	7,110,000
Guam	2,255,000	1,247,000	1,008,000
Puerto Rico	6,131,000	6,067,000	64,000
Virgin Islands	67,000	0	67,000
Wake Island	396,000	396,000	0

CONSTRUCTION-DIFFERENTIAL SUBSIDY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 258, H.R. 265. I do this so that the bill will become the pending business for tomorrow.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 265) to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies.

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

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

ORDER FOR ADJOURNMENT UNTIL 12 O'CLOCK NOON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

ADJOURNMENT

Mr. MANSFIELD. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 40 minutes p.m.) the Senate adjourned until tomorrow, Thursday, June 26, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate June 25, 1969:

U.S. ASSAY OFFICE

Nicholas Costanzo, of New York to be Superintendent of the U.S. Assay Office at New York, N.Y.

CONFIRMATION

Executive nominations confirmed by the Senate June 25, 1969:

DEPARTMENT OF JUSTICE

Robert B. Krupansky, of Ohio, to be U.S. attorney for the northern district of Ohio for the term of 4 years.

HOUSE OF REPRESENTATIVES—*Wednesday, June 25, 1969*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

In every nation he who fears God and does what is right is acceptable to Him.—Acts 10: 35.

O God, our Father, who hast bidden us to let our light so shine before men that they may see our good works and glorify Thee, grant us grace to be faithful leaders of our people, thoughtful in our thinking, wise in our wisdom, genuine in our goodness, and with hearts ever open to Thee. Weave our lives and the life of our Nation into the struggle for freedom and justice and peace in our world.

Guide Thou our President, our Speaker, and these Members of Congress in their endeavor to find a just basis for the ending of war and in their efforts to discover a strong foundation for international cooperation and peace.

Awaken in our people an abounding good will and tie it to an adventurous willingness to work with Thee for the good of all.

To this end we commit our lives in the spirit of Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4297. An act to amend the act of November 8, 1966.