solid waste are generated in the United States every year.

Currently over 4.5 billion dollars are spent each year for the collection and disposal of urban and industrial solid wastes (not including sanitary waste). Approximately 80 percent of this cost is for collection. In a recent survey, 166 cities reported that 12.4 million tons of solid waste were collected at a cost of 217 million dollars or nearly 18 dollars per ton. In general, the larger the city the larger the unit cost of collection (cities above 500,000, paid nearly $24 per ton for collection).

Not only does trash collection cost more in larger cities, there are the additional problems in densely populated areas of traffic congestion, litter, and noise. In New York City in 1966 there were 2700 private and 1800 municipal refuse trucks in operation. For the entire United States it is estimated that there are at least 150,000 trucks in use. If the volume of solid waste continues to increase and if handling methods do not improve, around 275,000 collection trucks would be operating on roads and streets in the United States in 1980, greatly increasing congestion and other difficulties.

One possible solution to the problem of refuse collection in high-density urban areas would be to move the waste collection system underground. This could be done by grinding and slurry transport in underground pipelines. A possible further refinement to this system would be to destroy the organic fraction of the waste which could simplify the pumping system and perhaps allow use of existing sanitary sewer systems. Such treatment could be achieved by use of a wet-oxidation process similar to that currently being used by several cities for sewage sludge. In this process combustible waste material is reduced to a sterile inorganic residue by oxidizing it at several hundred degrees and several hundred pounds per square inch in the presence of water and air or oxygen.

Studies are currently underway on this concept for the Department of Housing and Urban Development, by scientists at the USAEC's Oak Ridge National Laboratory. Previous studies at Oak Ridge have considered the application of wet-oxidation to the processing of nuclear reactor fuels. Thus nuclear technology may help solve some of the current U.S. urban problems.

SYSTEMS ANALYSIS OF TUNNELING

The Department of Housing and Urban Development has the mission of improving the quality of urban areas, to make our cities more attractive places in which to live. Some of the most urgent physical problems relate to the need for reducing surface congestion and eliminating pollution of our land, water, and air.

The present systems of service and utility lines within our cities are often designed without coordination. What public utilities are autonomous and have traditions of independence which reduce meaningful cooperation with other utilities. Buried service lines are normally installed singly from surface excavations. The entire system of utilities is generally an extremely complicated maze of overlapping and intertwining individual systems. Integration of these separate utilities in service tunnels, sized to allow all utilities to be assembled for ease of installation, maintenance, and replacement offers many advantages. It could reduce, or eliminate, interruptions of normal surface activities. It could result in safer and more economical utilities because of the opportunity for routine inspections and effective preventive maintenance.

In spite of these advantages, urban tunnels are expensive to design and build. The Atomic Energy Commission, through its Oak Ridge National Laboratory, is engaged, in an analysis for HUD of the problems of decreasing the cost of urban tunneling and reducing the time between conception and completion. Each of the various tunnel components are being examined to establish: (1) the most advanced methods and techniques which have been used and the prospects for improving these through research and development; (2) the present range of costs and times associated with each component to indicate where research and development efforts can provide the most improvement; (3) the research programs now in progress or being planned within universities, government agencies and private industry which may lead to significant advances; and (4) an evaluation of alternate methods and procedures which, while not now commercially competitive, have sufficient potential to warrant research and development. The specific objective of the total analysis is to determine what research and development efforts should be initiated, encouraged or supported by HUD is order to assure the attainment of specific urban goals within rapidly developing tunneling technology. Part of the problem is the need for an improved understanding of the specific problems of tunneling in the cities: the types of underground environment to be encountered (i.e. soil, clay, rock, water, etc.); the need for means of detecting unknown pipes and other sensitive obstructions; and the requirements for small diameter tunnels with rather sharp turns to follow city rights-of-way.

Preliminary work on this project indicates that it should be possible to develop an automatic, remotely controlled machine which can dig tunnels and line them in any kind of terrain. This concept is based on a new method of cutting rock using high pressure water jets. Results of experiments at ORNL on sandstone, limestone and granite suggests that any rock can be cut employing ordinary water. The pressure required for efficient operation depends upon the nature and properties of the rock being cut. In general this will range from about 5000 psi upward. After cutting the rock, the spent water could also be used to hydraulically transport the cuttings out of the tunnel. By incorporating the newer techniques of installing concrete linings hydraulically, operation could be made self contained and automatic.

Development of such a machine could provide a means of boring pipelines and digging utility tunnels of three feet or more in diameter three to ten times as fast as by present tunneling methods. This could reduce the cost of tunneling by as much as a factor of ten over present costs and make it as economical to dig sewers and other utility tunnels in cities by tunneling rather than by the most common cut-and-cover methods. Such a development could help improve the quality of life in our cities.

SENATE—*Friday, July 11, 1969*

The Senate met at 11 o'clock a.m. and was called to order by the President pro tempore.

The Reverend Charles L. Warren, D.D., executive director, Council of Churches of Greater Washington, Washington, D.C., offered the following prayer:

Eternal Spirit, who art life, light, and love, descend upon this body of legislators, who are the representatives of people across the life of our commonwealth, and make them conscious of the grave conditions facing our Nation and the nations of the world.

We are grateful for the opportunities afforded us in this land. Let us not accept them casually, but with the understanding that God makes all things possible. With these gifts are responsibilities to provide for the common good of every man.

Bless and strengthen the leadership of our Nation and the nations of the world. Men and women grope in darkness, searching for light. Little children struggle to live in the midst of poverty and blight—a nation of people longingly strive for the abundant life.

We beseech Thee to let justice run down like a mighty stream flowing through every valley and plain on the face of the earth.

Send us, O God, out of these uncertain days into the dawn of a new day of hope.

In the name of the one true God and Father. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, July 10, 1969, be dispensed with.

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

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(For nominations this day received, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 4284. An act to authorize appropriations to carry out the Standard Reference Data Act; and

H.R. 11702. An act to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred, as indicated:

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H.R. 4284. An act to authorize appropriations to carry out the Standard Reference Data Act; to the Committee on Commerce.

H.R. 11702. An act to amend the Public Health Service Act to improve and extend the provisions relating to assistance to medical libraries and related instrumentalities, and for other purposes; to the Committee on Labor and Public Welfare.

ORDER OF BUSINESS

The PRESIDENT pro tempore. Under the order previously entered, the Chair now recognizes the Senator from Idaho (Mr. CHURCH) for 1 hour.

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

Mr. CHURCH. I yield.

The PRESIDENT pro tempore. With the understanding that the time is not to be charged to the time of the Senator from Idaho?

Mr. MANSFIELD. Yes, Mr. President.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 285 and 286.

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

PROTECTING THE RIGHTS OF THE AMERICAN INDIAN

Mr. ERVIN. Mr. President, S. 2173 has been unanimously reported by the Committee on the Judiciary and is now on the calendar under the designation Order No. 285.

The bill clarifies the provision of the act sought to be amended relating to the prosecution rights of reservation Indians.

The distinguished Senators from New Mexico (Mr. ANDERSON and Mr. MONTOYA) are vitally interested in the bill. They have asked me to request unanimous consent that they be listed as cosponsors of the bill.

Mr. President, I ask unanimous consent that the Senators from New Mexico (Mr. ANDERSON and Mr. MONTOYA) be listed as cosponsors.

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

The Senate proceeded to consider the bill (S. 2173) to amend the act entitled "An act to prescribe penalties for certain acts of violence or intimidation, and for other purposes," approved April 11, 1968.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-294), explaining the purposes of the bill.

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

PURPOSE

The purpose of the bill is to amend titles II and III of the act entitled "An act to prescribe penalties for certain acts of violence or intimidation, and for other purposes," approved April 11, 1968 (25 U.S.C. 1302). This amendment is intended to make it plain that the provisions of title II of the 1968 act (25 U.S.C. 1302) shall not be construed to affect any tribal property rights secured by law or treaty or to dilute the sovereignty of the tribal governments except to the extent of the prohibitions set forth in the present section 202 of the 1968 act. The bill would also extend from July 1, 1968, until July 1, 1973, the deadline before which the Secretary of the Interior is required to complete the Model Code of Indian Offenses provided for in title III of the 1968 act, and would provide that such Model Code would apply only to those Indian tribes that have adopted such code through the action of the body exercising the legislative powers of the tribe.

STATEMENT

In 1961, the subcommittee began its preliminary investigation of the legal status of the Indian in America and the problems Indians encounter when asserting constitutional rights in their relations with State, Federal, and tribal governments. This research, the first such study ever undertaken by Congress, demonstrated a clear need for further congressional inquiry and legislation.

S. 961 through S. 968 and Senate Joint Resolution 40 of the 89th Congress were introduced in response to the findings of the subcommittee based on these hearings and investigations.

After minor revisions in the original measures, on May 23, 1967, Senator Ervin and others cosponsored S. 1843 through S. 1847 and Senate Joint Resolution 87. Because extensive hearings were held on similar measures in the 89th Congress, no further hearings were necessary.

These six separate proposals were consolidated into one omnibus Indian rights measure (S. 1843) and it received unanimous approval of the Senate on December 7, 1967, after which it was sent to the House of Representatives where no action was taken.

Titles II through VI of the Civil Rights Act of 1968 (Public Law 90-284) contain the provisions of S. 1843, the Indian rights bill. These titles were added as an amendment to H.R. 2516, the administration's civil rights bill of 1968, which was signed into Public Law on April 11, 1968.

Briefly, these titles provide the following protections for Indians in their relationships with Indian tribes:

TITLE II

Title II constitutes a bill of rights for American Indians. It provides that Indian tribes exercising powers of self-government shall be subject to many of the same limitations and restraints that are imposed on Federal, State, and local government by the Constitution of the United States. It thus assures adequate protection of the basic rights of individual Indians who are members of tribes whose tribal constitutions now permit governmental action that would be unconstitutional if undertaken by Federal, State, or local government.

TITLE III

Title III directs the Secretary of the Interior to prepare and recommend to the Congress a model code governing the administration of justice by courts of Indian offenses on Indian reservations.

TITLE IV

Title IV repeals section 7 of Public Law 83-280 which confers civil and criminal jurisdiction over Indian country to certain States and gives consent to all other States to assume jurisdiction at any time. Title IV repeals this section and permits States to assert civil and criminal jurisdiction in Indian country only after acquiring the consent of the tribes in the State.

TITLE V

Title V amends the Major Crimes Act of 1885 by adding the crime of "assault resulting in serious bodily injury," to the list of serious crimes (murder, manslaughter, rape, incest, assault with intent to kill, assault with a dangerous weapon, arson, burglary, robbery, embezzlement and larceny) which, under that act, can be prosecuted in Federal courts although committed by an Indian in Indian country.

TITLE VI

Title VI remedies the problems Indian tribes have had in securing Interior Department approval of contracts for legal assistance by providing that if an application made by a tribe for approval of contracts for the employment of legal counsel is neither approved nor denied by the Secretary or by the Commissioner of Indian Affairs within 90 days of the date of filing, approval is deemed to have been granted.

TITLE VII

Title VII authorizes and directs the Secretary of the Interior to revise and publish on a current annual basis Senate Document No. 319, 58th Congress, containing treaties, laws, Executive orders and regulations relating to Indian affairs, to compile and maintain on an annual basis the official opinions of the Solicitor of the Department of the Interior relating to Indian affairs, and to prepare a revised edition of the treatise entitled "Federal Indian Law."

NEED FOR LEGISLATION: S. 2173

The present bill deals only with titles II and III of the Civil Rights Act of 1968. Since its enactment, misapprehensions have arisen among individual Indians and Indian tribes that the two titles go beyond the language in which they are couched and affect rights of property of Indian tribes in tribal lands and abridge the powers of self-government of Indian tribes in a manner inconsistent with the language of titles.

S. 2173 makes it plain that title II does not affect the property rights of any Indian tribe in its tribal lands or abridge any of the rights of self-government of any Indian tribe except to the extent of the prohibitions upon governmental action expressly set forth in title II.

Also S. 2173 makes it clear that the model code enumerated in title III of the act will not become applicable to any tribe unless it is first adopted by the tribal council or other governing body of the tribe.

These amendments were introduced as a result of hearings conducted in Albuquerque, N. Mex., on April 11, 1969. At the request of Senators Anderson and Montoya of New Mexico, the subcommittee afforded the Pueblos of New Mexico and opportunity to voice their apprehensions over the provisions of titles II and III of the 1968 Civil Rights Act. The Pueblos and other Indians and Indian tribes testified that titles II and III affected purposes not intended by Congress and specifically that tribal sovereignty, property rights, and identity would be eroded by the implementation of the titles. These amendments are designed merely to obviate these misapprehensions of the Pueblos and other Indian tribes; as far as the committee is able to determine, there is no opposition to this measure.

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

S. 2173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of title II of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (25 U.S.C. 1302), is amended by inserting "(a)" between "SEC. 202." and "No Indian tribe" and by adding after such section the following new subsection:

"(b) Subsection (a) shall not be construed—

"(1) to effect any rights in tribal lands secured to any Indian tribe by any law or treaty;

"(2) to abridge the powers of self-govern-

ment of any Indian tribe except to the extent specified in the prohibitions set out in subsection (a);

"(3) to affect any tribal law or custom of any Indian tribe regulating the selection of the officers, bodies, or tribunals by or through which the powers of self-government of the tribe are executed;

"(4) to invalidate any tribal law or custom of any Indian tribe which is consistent with the prohibitions set out in subsection (a); or

"(5) to deprive any Indian court of the power to impose in any case within its jurisdiction any penalty or punishment sanctioned by tribal law or custom which does not constitute cruel and unusual punishment within the purview of paragraph 7 of subsection (a) or exceed the limits of punishment as therein specified."

SEC. 2. That section 301 of title III of the Act entitled "An Act to prescribe penalties for certain acts of violence or intimidation, and for other purposes", approved April 11, 1968 (25 U.S.C. 1311), is amended by substituting "July 1, 1973" for "July 1, 1968" and by adding at the end thereof the following new sentence: "Notwithstanding any provisions of this section, no model code recommended to the Congress by the Secretary of the Interior pursuant to this section shall be applicable with respect to any Indian tribe unless the body exercising the legislative powers of the tribe has first adopted such code."

AGE LIMITS IN CONNECTION WITH APPOINTMENTS TO THE U.S. PARK POLICE

The Senate proceeded to consider the bill (S. 1686) relating to age limits in connection with appointments to the U.S. Park Police, which had been reported from the Committee on Interior and Insular Affairs, with an amendment, in line 3, after the word "That" insert "notwithstanding the provisions of Public Law 89-554 (80 Stat. 419, 5 U.S.C. 3307)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding the provisions of Public Law 89-554 (80 Stat. 419, 5 U.S.C. 3307) the Secretary of the Interior is hereby authorized to determine and fix the minimum and maximum limits of age within which original appointments to the United States Park Police may be made.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-295), explaining the purposes of the bill.

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

Members of the Park Police force are recruited under the laws applicable to civil service. This includes a provision which prohibits the establishement of a maximum age limit for entrance on civil service.

Police work is arduous work, carried on an around-the-clock basis in all kinds of weather. Older policemen use more sick leave than younger men. Those recruited at older ages retire after relatively short terms of service although there is a considerable investment in their training. Further, the liberal allowances for police sick benefits, hospital and clinical care, and early retirement make the recruitment of Park Police applicants without regard to their beginning age a heavy drain on the police budget.

It is intended, under the discretion granted the Secretary of the Interior in S. 1686, to fix a maximum age for entry into Park Police duty in the 29- to 31-year age range.

This is now the situation in regard to Metropolitan Police, under authority given the District to "fix the minimum limits of age within which original appointments to the Metropolitan Police and Fire Departments may be made."

The committee is convinced that it will be in the interest of economy and the good of the Park Police force to give the Secretary the authority proposed in S. 1686.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar, beginning with "New Reports."

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

The PRESIDENT pro tempore. The nominations on the Executive Calendar will be stated, beginning with "New Reports."

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The assistant legislative clerk read the nomination of Dr. Roger O. Egeberg, of California, to be an Assistant Secretary of Health, Education, and Welfare.

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

OFFICE OF SCIENCE AND TECHNOLOGY

The assistant legislative clerk read the nomination of Hubert B. Heffner, of California, to be Deputy Director of the Office of Science and Technology.

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

NATIONAL SCIENCE FOUNDATION

The assistant legislative clerk read the nomination of William David McElroy, of Maryland, to be Director of the National Science Foundation for a term of 6 years.

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

U.S. DISTRICT JUDGES

The assistant legislative clerk proceeded to read sundry nominations of U.S. district judges.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

DEPARTMENT OF JUSTICE

The assistant legislative clerk proceeded to read sundry nominations in the Department of Justice.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

BOARD OF PAROLE

The assistant legislative clerk proceeded to read sundry nominations to the Board of Parole.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

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

LEGISLATIVE SESSION

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

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

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.

ORDER FOR ADJOURNMENT UNTIL MONDAY, JULY 14

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of business today, the Senate stand in adjournment until 12 o'clock noon on Monday next.

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

ORDER FOR ADJOURNMENT FROM MONDAY, JULY 14, UNTIL 11 A.M., JULY 15, 1969

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the business on Monday, July 14, the Senate stand in adjournment until 11 a.m., Tuesday, July 15, 1969.

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

ORDER FOR RECOGNITION OF SENATOR MURPHY ON TUESDAY, JULY 15

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the reading of the Journal on Tuesday, July 15, the distinguished senior Senator from California (Mr. MURPHY) be recognized for not to exceed 1 hour.

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

Mr. MANSFIELD. I thank the distinguished Senator from Idaho for yielding.

The PRESIDENT pro tempore. The Senator from Idaho is now recognized for 1 hour.

(At this point Mr. YOUNG of Ohio assumed the chair.)

TWO SENTINELS OF THE STATUS QUO

Mr. CHURCH. Mr. President, for all the immense physical power, the two dominant nations in the world—the United States and the Soviet Union—suffer from a neurotic sense of insecurity, although neither regards itself as being in imminent danger of attack by the other. At tremendous cost, their nuclear armories keep them at bay and, even if each were foolishly to add a new inventory of ABM missiles to the awesome stockpile, the delicate equilibrium will hold, leaving the two rivals in a state of chronic but only low-grade anxiety over the danger of attack by the other. It is a costly and desperately dangerous way of keeping the peace, but it is all we have shown ourselves capable of thus far.

The immediate threat that each superpower perceives from the other is its ideological impact on third countries, most particularly those that it regards as its protective buffers. It is one of the supposed realities of international politics—a kind of higher law transcending such legal documents as the United Nations Charter—that great powers are allowed to have spheres of influence made up of "friendly" neighbors. In the case of maritime powers such as the United States, the neighborhood may extend to the fringes of distant continents; but, whether or not the buffer is contiguous, the principle is the same. In order to guard itself against even the most remote or hypothetical threat to its security, a great power is held entitled to intervene in the affairs of its small neighbors, even to the extent of making the basic decisions as to how they will organize and run their own societies.

This is where ideology comes in. Neither the Soviet Union nor the United States seems to regard itself as being in danger of direct ideological subversion by the other, although there have been times—the period of Stalinism in the Soviet Union and of McCarthyism in the United States—when they did. In more recent years, the focus of great-power apprehension has been on their small-power buffers. Over these, each great power displays frenzied determination to exert ideological control. Within its sphere, the Soviet Union insists on the maintenance of Communist governments, inaccurately described, for the most part, as socialist; the United States, on the other hand, insists on the maintenance of non-Communist governments that we, for the most part, incorrectly call free.

Starting with the assumption that ideology is an instrument of foreign policy through which the rival great power will establish its political domination over others, whenever and wherever the opportunity arises, each great power seems to look upon its own buffer states as peculiarly susceptible to ideological subversion by the other great power. It is further assumed that the ultimate aim of this subversion is to isolate and undermine the great power itself; that ideology, being contagious, is singularly suited to this purpose; and that, like a disease, it must therefore be isolated and destroyed before it can spread. These assumptions lead to the conclusion that it is no more than an act of self-defense for a great power to take such measures as it judges necessary to preserve the ideological purity of its sphere of influence.

Seen in this way, the various interventions of the United States and the Soviet Union are explained not only as legitimate defensive measures but as positive services. Thus, in the case of the intervention in the Dominican Republic in 1965, American policymakers were untroubled by the fact that the U.S. actions violated both the Rio Treaty and the Charter of the Organization of American States and that the revolution the United States suppressed was on behalf of a freely elected government that had been expelled by a coup. These were judged only superficial considerations when weighed against the need to defend America from the specter of a "second Cuba" while rescuing the Dominicans from their foolhardy flirtation with communism. Similarly, in the case of Vietnam, far from wishing to impose anything on anybody, the United States, in former Secretary of State Dean Rusk's view, seeks only to save the world from being "cut in two by Asian communism." [1]

It remained for the Russians to devise a doctrine of ideological justification for the policy of interventionism. In a document that has come to be known as the Brezhnev doctrine, the Soviet Government pointed out that, in invading Czechoslovakia, the Soviet Union and its proteges were doing no more than "discharging their internationalist duty toward the fraternal peoples of Czechoslovakia" and defending their own "Socialist gains" against "anti-Socialist forces" supported by "world imperialism" seeking to "export counterrevolution." [2] Turn this phraseology around, substitute "antidemocratic" for "anti-Socialist," "world communism" for "world imperialism," "revolution" for "counterrevolution," and the resultant rationale differs little from the official explanation of our own interventions in recent years.

Whether or not the Russians actually believed their excuse, I would not venture to guess. At any rate, I do not believe it; I believe that the Russians—even if they persuaded themselves otherwise—suppressed the liberal Government of Czechoslovakia because they feared the contagion of freedom for the rest of their empire and ultimately for the Soviet Union itself. Nor do I believe that, in suppressing revolutions in Latin America and in trying to suppress revolution in Vietnam, the United States is acting legitimately in its own self-defense. There are, God knows, profound differences between the internal orders of the United States and the Soviet Union—ours is a free society and theirs is a totalitarian society whose leaders have shown themselves to be terrified of freedom—but, in their foreign policies, the two superpowers have taken on a remarkable resemblance. Concerned primarily with the preservation of their own vast hegemonies, they have become, in their respective spheres, defenders of the status quo against the pressures of revolutionary upheaval in which each perceives little but the secret hand of the other.

THE IMPOTENCE OF POWER

Suppressing revolution in its own immediate vicinity is an easy if embarrassing task for a superpower. Suppressing it on a distant continent is more difficult; and, as we have learned in Vietnam, beating down a strongly motivated, capably led and well-organized indigenous force is a virtual impossibility. Confronted with rising nationalistic movements, the superpowers, to their own astonishment, sometimes find themselves muscle-bound. Their nuclear power, though colossal, is so colossal as to be unusable except for keeping each other terrified. But in dealing with the unruly "third world," as President adviser Henry Kissinger pointed out, "Power no longer translates automatically into influence." [3]

Nor, one might add, does influence translate readily into desirable or usable power. In Europe before World War I, there was a significant relationship between influence and power and between territory and power—though perhaps even then, the correlation was less than it seemed. Yet, by conquering territory or forming alliances, a nation could hope to gain material resources and political predominance. Accordingly, the balance of power was maintained—more or less—by isolating and denying opportunities for territorial expansion to the most powerful or ambitious nation. In our own time, the balance of power is determined far more by economic and technological developments within countries than by alliances and territorial acquisition. China, for example, has gained far greater power through the acquisition of nuclear weapons than if it had conquered all of Southeast Asia.

Nonetheless, the great powers struggle to establish their influence in neutral countries. Guided by a ritualized, anachronistic, 19th-century concept of the balance of power, they seek influence for its own sake, as if it were a concrete, negotiable asset. I am thinking not only of Vietnam but of India, where we worry about Soviet economic aid, and to whom the President once even cut off food supplies because the Indian prime minister had sent birthday greetings to Ho Chi Minh. I am thinking of Laos, where we are not only fighting a proxy war against the Communist Pathet Lao but are engaged in an agitated rivalry with the

[1] Press Conference of October 12, 1967, *The New York Times*, October 13, 1967, p. 15.

[2] "Sovereignty and International Duties of Socialist Countries," *The New York Times*, September 27, 1967.

[3] Henry A. Kissinger, "Central Issues of American Foreign Policy," in *Agenda for the Nation* (Kermit Gordon, ed., Washington: The Brookings Institution, 1968), p. 589.

French for the control of secondary education. And I am thinking of the global propaganda effort of the U.S. Information Agency, with its festivals and exhibits and libraries carefully pruned of books that seriously criticize America, all aimed at manufacturing a favorable image of the United States.

All this, we are told, is influence, and influence is power. But is it really power? Does it secure something valuable for either the other country or ourselves? If so, I have never heard a satisfactory explanation of what it is; and that, I strongly suspect, is because there is none. The real stake, I apprehend, is not power at all, but a shadow that calls itself power, nourishing an egotism that calls itself self-interest.

Vietnam, in this context, is a showcase of bankruptcy, a hopeless war fought for insubstantial stakes. As a war for high principle, Vietnam simply does not measure up: The Saigon government is neither a democracy warranting our support on ideological grounds nor a victim of international aggression warranting our support under the United Nations Charter. As an effort to contain Chinese power, the war in Vietnam is irrelevant as well as unsuccessful; even if a Communist Vietnam were to fall under Chinese control, as I do not think it would, the gains to China would be trivial compared with those accruing from her industrialization and acquisition of nuclear weapons.

The case on which Vietnam must stand or fall—if it has not already fallen—is the theory of an exemplary war, a war fought not so much on its own intrinsic merits as to demonstrate something to the world, such as that America will always live up to its alleged commitments or that "wars of national liberation" cannot succeed. The stake, then, is ultimately a psychological one—influence conceived as power.

Knocking down the case for an exemplary war is at this point very nearly belaboring the obvious. How we can demonstrate faithfulness to our commitments by honoring dubious promises to the Saigon generals while blatantly violating our treaty commitments in the Western Hemisphere—as we have done no fewer than three times since 1954 [4]—is beyond my understanding. As to proving that wars of national liberation cannot succeed, all that we have proved in 4 years of bitter, inconclusive warfare is that, even with an Army of over 500,000 Americans, we cannot win a victory for an unpopular and incompetent regime against a disciplined, nationalist insurrectionary force. In the harsh but accurate summation of a British conservative who was once a supporter of the war:

> Instead of the Americans impressing the world with their strength and virtue, they are making themselves hated by some for what they are doing, and despised by the remainder for not doing it more efficaciously.[5]

At least two prominent members of the Nixon administration have explicitly recognized the bankruptcy of our Vietnam strategy. Henry Kissinger writes:

> Whatever the outcome of the war in Vietnam, it is clear that it has greatly diminished American willingness to become involved in this form of warfare elsewhere. Its utility as a precedent has therefore been importantly undermined.[6]

President Nixon's Ambassador to the United Nations, Mr. Charles Yost, has made the point as forcefully as possible:

> The most decisive lesson of Vietnam would seem to be that no matter how much force it may expend, the United States cannot ensure the security of a country whose government is unable to mobilize and maintain sufficient popular support to control domestic insurgency. . . . If indigenous dissidents, whether or not Communist, whether or not supported from outside, are able to mobilize and maintain more effective popular support than the government, they will eventually prevail.[7]

Vietnam is only one—albeit the most striking and costly—instance of a general, if not quite invariable, American policy of opposing revolution in the developing world. In some instances, this policy has been successful, at least for the short term. With our support, repressive governments in Brazil and Greece and a conservative government in the Dominican Republic, to cite but a few examples, have successfully held down popular aspirations for social and economic change. Through our support of reactionary governments in Latin America and elsewhere, we are preserving order in our sphere of influence and momentarily, at least, excluding revolution. But it is order purchased at the price of alining ourselves with corruption and reaction against aggrieved and indignant indigenous forces that by and large are more responsive to popular aspirations than those that we support.

This policy of preserving the status quo is an exceedingly shortsighted one. Sooner or later, there can be little doubt, the rising forces of popular discontent will break through the brittle lid of repression. So, at least, historical experience suggests. We did it ourselves in 1776 and much of the history of 19th-century Europe consists of the successful rebellion of nationalist movements—German, Italian, Belgian, Greek, and Slavic—against the powerful European order forged by the Congress of Vienna in 1815. In the 20th century, we have seen the great European empires—British, French, and Dutch—break up in the face of nationalist rebellion in hardly more than a decade after World War II.

Since then, the revolutionary tide has continued to swell across Asia, Africa, and Latin America, and it seems unlikely that even the immense resources of the United States will prove sufficient to contain the tide much longer. We have all but acknowledged our failure in Vietnam. What would we do if Souvanna Phouma's government in Laos should collapse, as it probably would if we terminated our counterinsurgency efforts and as it may, anyway? Or if a popular rebellion should break out against the military dictatorship in Brazil? Or if a Communist-Socialist government should come to power in Chile through a free election, as it could in 1970? Would we send armies to these large countries, as we did to South Vietnam and the small Dominican Republic? With aid and arms, we have helped delay the collapse of regimes whose very existence is an obstacle to social and political justice. Eventually, there seems little doubt, they will collapse, the more violently and with greater upheaval for having been perpetuated beyond their natural lifespan.

Thus far, I have been talking of the fragility and shortsightedness of our policy of repressing revolution. Something should be said about its morals as well. "Order" and "stability" are antiseptic words; they do not tell us anything about the way human beings live or the way they die. The diplomatic historians who invoke the model of Metternich's European order in the 19th century usually neglect to mention that it was an order purchased at the cost of condemning millions of people to live under the tyranny of the Russian czar, the Turkish sultan and other ignorant and reactionary monarchs. The absolute primacy of order over justice was neatly expressed by Metternich in his assertion that—

> Barbarous as it is, Turkey is a necessary evil.

In a similar vein—if not, let us hope, with equal callousness—when we speak of stability and order in the developing countries, we neglect to note that in more than a few instances, the order purchased by our aid and by our arms is one that binds millions of people to live under a feudalism that fosters ignorance, hunger, and disease. It means blighted lives, children with bellies bloated and brains stunted by malnutrition, their parents scavenging food in garbage heaps—a daily occurrence in the omnipresent slums of Asia and Latin America. Only the abstractions of diplomacy take form in high policy councils; to see its flesh and blood, one must go to a Brazilian slum or to a devastated village in Vietnam.

Besides being shortsighted and immoral, our policy of perpetuating the status quo has a third fatal defect—a defect that represents our best hope for formulating a new foreign policy: It goes against the American grain. That is the meaning of the dissent against Vietnam and of the deep alienation of so many of our youth. It is their belief in the values they were brought up to believe in—in the idea of their country as a model of decency and democracy—that has confounded the policymakers who only a few years ago were contending that we could fight a limited war for a decade or two without seriously disrupting the internal life of the United States. What they overlooked in their preoccupation with war games and escalation scenarios was the concern of millions of Americans not just with the cost but with the character of wars they fight and their consequent outrage against a war that—even

[4] The covert intervention against the Arbenz government in Guatemala in 1954, the Bay of Pigs in 1961, the intervention in the Dominican Republic in 1965.

[5] Peregrine Worsthorne, "Goodbye, Mr. Rusk," *The New Republic*, January 18, 1969, p. 8.

[6] "Central Issues of American Foreign Policy," in *Agenda for the Nation*, p. 591.

[7] Charles W. Yost, "World Order and American Responsibility," *Foreign Affairs*, October, 1968, pp. 9–10.

at what the strategists would consider tolerable cost—has made a charnel house of a small and poor Asian country. In this moral sense, there is hope—hope that we will recognize at last that a foreign policy that goes against our national character is untenable.

AN ACT OF FAITH

The question to which we come is whether order, in the sense in which we now conceive it, is, indeed, a vital interest of the United States, or whether, in this revolutionary age, we can accommodate ourselves to a great deal of disorder in the world. My answer, as I am sure will be clear by now, is that we must and can learn to live with widespread revolutionary turmoil. We must because it is not within our means to stem the tide; we can because social revolution is not nearly so menacing to us as we have supposed—or at least it need not be. If we can but liberate ourselves from ideological obsession—from the automatic association of social revolution with communism and of communism with Soviet or Chinese power—we may find it possible to discriminate among disorders in the world and to evaluate them with greater objectivity, which is to say, more on the basis of their own content and less on the basis of our own fears. We should find, I think, that some revolutionary movements—including even Communist ones—will affect us little, if at all; that others may affect us adversely but not grievously; and that some may even benefit us.

All of which is to say nothing about the right of other peoples to settle their own affairs without interference by the great powers. There is, after all, no moral or legal right of a great power to impose its will on a small country, even if the latter does things that affect it adversely. Americans were justly outraged by the Soviet invasion of Czechoslovakia, not primarily because we thought the Russians could have endured Czech democratization without loss to themselves but because we thought the Czechs had a right to reform their system, whether it suited the Russians or not. Ought not the same principle apply in our relations with Latin America and, indeed, with small countries all over the world?

I believe that it should. I would go even further and suggest that we rededicate ourselves to the good neighbor policy enunciated by President Franklin Roosevelt 30 years ago. There is, of course, nothing new about the principle of nonintervention; we have been preaching it for years. What I suggest as an innovation is that we now undertake to practice it—not only when we find it perfectly consistent with what we judge to be our interests but even when it does not suit our own national preferences. I suggest, therefore, as a guiding principle of American foreign policy, that we abstain hereafter from military intervention in the internal affairs of other countries under any circumstances short of a clear and certain danger to our national security—such as that posed by Castro's decision to make Cuba a Soviet missile base—and that we adhere to this principle whether others, including the Russians and the Chinese, do so or not.

Surely, it will be argued, we cannot be expected to refrain from interference while the Russians hold eastern Europe in thrall and the Chinese foster wars of national liberation in Asia and both seek opportunities to subvert non-Communist governments all over the world. Would this not throw open the floodgates to a torrent of revolutions leading to communism?

Setting aside for the moment the question of whether Communist rule elsewhere is invariably detrimental to the United States, experience suggests a policy of nonintervention would not throw open the floodgates to communism. Communist bids for power have failed more often than they have succeeded in countries beyond the direct reach of Soviet military power—Indonesia and Guinea, for example. Of all the scores of countries, old and new, in Asia, Africa, and Latin America, only four are Communist. There is, of course, no assurance that an American policy of nonintervention would guarantee against new Communist takeovers—obviously, our abstention from Cuba in 1959 was a factor in the success of Castro's revolution. But neither is there a guarantee that military intervention will defeat every Communist revolution—witness Vietnam. Neither abstention nor military intervention can be counted on to immunize against communism, for the simple reason that neither is of ultimate relevance to the conditions that militate for or against revolution within a country, in the first place.

We have, in fact, had positive benefits from pursuing a policy of nonintervention. There is no country in Latin America more friendly to the United States than Mexico, which expelled American oil interests 40 years ago, while seemingly enthralled with Marxist doctrines, and which even now pursues an independent foreign policy, including the maintenance of cordial relations with Cuba. The thought presents itself that a policy of nonintervention could now serve as well to liberate us from the embrace of incompetent and reactionary regimes, which ignore popular aspirations at home out of confidence that, if trouble develops, they can summon the American Marines, while holding us in line by the threat of their own collapse.

The critical factor is nationalism, which, far more than any ideology, has shown itself to be the engine of change in modern history. When an ideology is as strongly identified with nationalism as communism is in Cuba and Vietnam and as democracy is in Czechoslovakia, foreign military intervention must either fail outright or, as the Russians have learned in Czechoslovakia, succeed at such cost in world-wide moral opprobrium as to be self-defeating. My own personal feeling is that, in a free market of ideas, communism has no record of achievement to commend itself as a means toward rapid modernization in developing countries. But, be that as it may, it will ultimately succeed or fail for reasons having little to do with the preferences of the superpowers.

We could profitably take a leaf from the Chinese notebook in this respect. The Lin Piao doctrine of "wars of national liberation," often mistaken as a blueprint for world conquest, is, in fact, an explicit acknowledgement of the inability of a foreign power to sustain a revolution without indigenous support. This is what Lin Piao said:

> In order to make a revolution and to fight a people's war and be victorious, it is imperative to adhere to the policy of self-reliance, rely on the strength of the masses in one's own country and prepare to carry on the fight independently even when all material aid from outside is cut off. If one does not operate by one's own efforts, does not independently ponder and solve the problems of the revolution in one's own country and does not rely on the strength of the masses, but leans wholly on foreign aid—even though this be aid from socialist countries which persist in revolution (i.e., China)—no victory can be won, or be consolidated even if it is won.[8]

One hears in this the echo of President Kennedy, speaking of South Vietnam in 1963:

> In the final analysis, it is their war. They are the ones who have to win it or lose it.

Or, as Theodore Draper summed it up:

> The crisis in 1965 in South Vietnam was far more intimately related to South Vietnam disintegration than to North Vietnamese infiltration.[9]

Nationalism is not only the barrier to communism in countries that reject it; it is a modifier and neutralizer of communism in those few small countries that do possess it. As Tito has demonstrated in Europe and as Ho Chi Minh has demonstrated in Asia, a strongly nationalist regime will defend its independence regardless of common ideology; and it will do so with far greater effectiveness than a weak and unpopular regime, also regardless of ideology. It is beyond question that the Tito government has been a vastly more effective barrier to Soviet power in the Balkans than the old prewar monarchy ever could have been; and, as Edwin O. Reischauer has written:

> It seems highly probable that Ho's Communist-dominated regime, if it had been allowed by us to take over all Vietnam at the end of the war, would have moved to a position with relation to China not unlike that of Tito's Yugoslavia toward the Soviet Union.[10]

If freedom is the basic human drive we believe it to be, an act of faith seems warranted—not in its universal triumph, which experience gives us no particular reason to expect, but in its survival and continuing appeal. The root fact of ideology to which we come—perhaps the only tenet that can be called a fact—is that, at some basic level of being, every man and woman alive aspires to freedom and abhors compulsion. It does not follow from this—as, in the rhetorical excess of the cold war, it is so often said to follow—that communism is doomed to perish from the earth as a distortion of nature, or that democracy, as we know

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[8] Lin Piao, "Long Live the Victory of People's War!" *Peking Review*, No. 36, September 3, 1965, p. 22.

[9] Theodore Draper, "The American Crisis: Vietnam, Cuba and the Dominican Republic," *Commentary*, January 1967, p. 37.

[10] "What Choices Do We Have in Vietnam?" *Look Magazine*, September 19, 1967, p. 27.

it in America, is predestined to triumph everywhere. Political forms that seem to offend human nature have existed throughout history, and others that have seemed attuned to human needs have been known to perish. All that can be said with confidence is that, whatever is done to suppress them, man's basic aspirations have a way of reasserting themselves and, insofar as our American political forms are attuned to these basic aspirations, they are a long leg ahead in the struggle for survival.

Faith in the viability of freedom will not, in itself, guarantee our national security. But it can and should help allay our extravagant fear of communism. It should enable us to compete with confidence in the market of ideas. It should free us from the fatal temptation to fight fire with fire by imitating the tactics of a rival who cannot be as sure of the viability of his ideas in an open contest. The Russians, when you come right down to it, have better reasons to fear freedom in Czechoslovakia than we have to fear communism in Vietnam. Appealing as it does to basic human aspirations, the contagion of Czech liberty very likely is a threat, at least in the long run, to the totalitarian system of the Soviet Union; by no stretch of the imagination can Ho Chi Minh's rule in Vietnam be said to pose a comparable threat to democracy in the United States.

The greatest danger to our democracy, I dare say, is not that the Communists will destroy it, but that they will betray it by the very means chosen to defend it. Foreign policy is not and cannot be permitted to become an end in itself. It is, rather, a means toward an end, which in our case is not only the safety of the United States but the preservation of her democratic values. A foreign policy of intervention must ultimately be subversive of that purpose. Requiring as it does the maintenance of a huge and costly Military Establishment, it must also entail the neglect of domestic needs, a burgeoning military-industrial-academic complex, chronic crises, and marathon wars—all anathema to a democratic society. Every time we suppress an indigenous revolution abroad, we subvert our own democratic principles at home. In no single instance is the self-inflicted injury likely to be fatal; but with each successive occurrence, the contradiction and hypocrisy become more apparent and more of our people become disillusioned, more become alienated or angry, while a few are simply corrupted.

Being gradual and cumulative, the malady went largely undetected for too long a time. Now, however, a hue and cry has been raised, and for that we may be grateful, because the great debate in which we are engaged can, if we wish, be corrective as well as cathartic, by laying the foundations for a new approach in our foreign relations.

The shape and content of a new foreign policy are still beyond our view. For the moment, all that comes clearly into focus are the contradictions of our present approach and a few basic inferences that can be drawn from recent experience, notably: That we need not rely on military intervention to give freedom a chance of surviving in the world; that, indeed, we cannot do so without compromising our own freedom; and that only by being true to our traditional values and our own best concept of ourselves can we hope to play a decent and constructive role in a revolutionary world.

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

Mr. CHURCH. I am happy to yield.

Mr. GOLDWATER. I should like to ask the Senator a few questions, because he is a member of the Committee on Foreign Relations. I talked briefly with the chairman of that committee yesterday relative to these problems that I see arising, not particularly from opposition to the ABM, but from the overall opposition that might exist toward what I consider to be the proper arming of our country.

I am very much concerned about the treaty situation in which we find ourselves, and I should like to ask the Senator from Idaho his opinion as to how far our obligations go, for example, under the North Atlantic Treaty, which contains this language in article 5:

> The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all; and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

I believe there are 15 parties to that treaty. Would it be the Senator's opinion that this treaty binds us to the use of armed forces in the event that any of the North Atlantic Treaty countries should be attacked?

Mr. CHURCH. I think the language makes that clear.

Mr. GOLDWATER. Not all of our treaties—I think there are a total of 44, or some such figure—have that language. I should like to ask the Senator another question, because I know that the Committee on Foreign Relations has held hearings on, or at least studied, the treaties and the effects of the treaties.

My point in discussing the matter with the Senator from Idaho and in discussing it with Senator FULBRIGHT yesterday was to express a very deep concern on my part as to the need for clarifying to the American people, through the Committee on Foreign Relations, the Senate, and the Presidency, what our commitments overseas really amount to, so that we can say, in effect, that we have commitments to 15 nations that require us to go to war if they are attacked, if that is the true situation.

I think the Senator can understand my concern, because here we are discussing a bill that will eventually amount to about $77 or $78 billion, and there is constant concern expressed about reducing this level of expenditures. I am just as much interested in that as anyone, but until we know what these commitments are, I do not think we can really draw a national policy that can allow us, in an intelligent way, to say what we need and what we do not.

Mr. CHURCH. I agree with the Senator. I think the size of the military budget of this country is inseparably linked with the foreign policy commitments of the country. We cannot expect the size of the military budget to shrink much as long as the commitments remain so swollen.

Mr. GOLDWATER. That is what I wanted the Senator to assume. I hope that the Committee on Foreign Relations will go into this in great depth and make the American people aware of what we face.

I know that as I have spoken in the last 4 years to—I do not know how many—hundreds of groups, I brought up the subject of our commitments and what they mean.

We cannot just say we will cut the military so much.

I do not think the American people are aware of how far we have committed ourselves—whether rightly or wrongly. Hindsight is always 20–20. I think I voted for some of the treaties. I do not know that I would do so today.

My other question deals with some other language. That language is contained in the treaty of mutual cooperation and security with Japan, the security treaty with Australia and New Zealand, the mutual defense treaty with the Republic of the Philippines, and the mutual defense treaty with the Republic of Korea.

The treaties that we have with these countries contain this language. I would like to have the Senator's opinion as to what it means.

Article IV of the treaty with Australia, which is typical, reads:

Article 4

> Each Party recognizes that an armed attack in the Pacific Area of any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

In that language, I do not see much of a commitment.

Mr. CHURCH. I agree with the Senator. I think the language simply undertakes to state that we would look gravely upon an armed attack in the Pacific area and, through our own constitutional processes, we would then consider what action it would be appropriate for us to take.

The language is not really so specific or binding as that in the NATO treaty.

Mr. GOLDWATER. Mr. President, the other language, contained in the agreement between the United States of America and the Government of Liberia, in article I, states:

Article I

> In the event of aggression or threat of aggression against Liberia, the Government of the United States of America and the Government of Liberia will immediately determine what action may be appropriate for the defense of Liberia.

We are not too deeply committed there.

Mr. CHURCH. Mr. President, again I agree with the Senator. There are definite gradations in the language of commitment in the various treaties to which

the Senator has referred. However, I point out that we have treaties of one kind or another, relating to the defense of no less than 43 foreign countries.

I think that represents a commitment without precedent in the history of the world.

Mr. GOLDWATER. Mr. President, I would agree with the Senator.

In closing, I hope—and I told the chairman of the committee so yesterday—I hope that the Foreign Relations Committee, working with the Office of the President, and with the Senate, if necessary, can make some definite determination as to just what we are committed to. Until we have that knowledge, I do not think we can wisely appropriate money or even authorize money for weapons.

If we, for example, are fighting one war in Southeast Asia—which I am convinced we got into without any particular treaty, but we did it because of a promise of a President of the United States, which promise has been kept by three subsequent Presidents—or, let us say we suddenly find trouble occurring in a NATO country or in two NATO countries—we could find ourselves faced with three wars, 15 wars, or one world war at the same time that we are committed to the war in Southeast Asia.

I think it is wise to have our commitments known. We should let the American people know what they are faced with by the treaties we signed.

Mr. CHURCH. Mr. President, I concur fully with the Senator.

The Committee on Foreign Relations, at the present time, is not only undertaking a thorough review of the existing commitments, but is also reappraising the necessity for maintaining all of these commitments.

If, as it has been said, we are presently postulating our military needs upon the premise that we must be strong enough not only to defend our own country against any possible threat of attack, but also to conduct as many as three peripheral wars simultaneously in distant foreign lands, we cannot hope to cut the military budget in more than token amounts. I would hope that out of the present agony in Vietnam, we might learn that the cost to us in young blood and treasure, of what I would call compulsive interventionism has been out of all rational proportion to our true national interests. We need a basic change in foreign policy which, in turn, can open the way for appropriate reductions in the size and character of our huge Military Establishment.

Mr. GOLDWATER. Mr. President, I think we all hope that. However, in the meantime, the hard, cold facts are that we are committed to go to war in at least 15 treaties, and these 15 countries happen to be around the periphery of the only enemy or the major enemy we seem to recognize.

Russia has never been an aggressive nation. Russia will fight if another country bothers Russia.

My own personal feeling is that if we ever have a third world war, it will be our country fighting against Russia and Red China. I do not think that Red China will sit still. However, I will address myself to that question at another time.

I want to have an opportunity to ask the distinguished chairman of the committee these questions.

Mr. CHURCH. Mr. President, I thank the Senator.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the list of treaties to which I have referred, starting on page 2200 and going through page 2205 in part 2 of the hearings before the Committee on Armed Services of the Senate be printed at this point in the RECORD.

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

PARTIES TO DEFENSE TREATIES AND OTHER DEFENSE ARRANGEMENTS

Parties	Multilateral treaties				Bilateral treaties	Bilateral executive agreements or general treaty
	Rio	NATO	SEATO	Anzus		
Argentina	X					
Australia			X	X		
Belgium		X				
Bolivia	X					
Brazil	X					
Canada		X				X
Chile	X					
China					X	
Colombia	X					
Costa Rica	X					
Cuba [1]	X					
Denmark		X				X
Dominican Republic	X					
Ecuador	X					
El Salvador	X					
France		X	X			
Germany, Federal Republic of		X				
Greece		X				
Guatemala	X					
Haiti	X					
Honduras	X					
Iceland		X				X
Iran						X
Italy		X				
Japan					X	
Korea					X	
Liberia						X
Luxembourg		X				
Mexico	X					
Netherlands, The		X				
New Zealand			X	X		
Nicaragua	X					
Norway		X				
Pakistan			X			X
Panama	X					X
Paraguay	X					
Peru	X					
Philippines, The			X		X	
Portugal		X				
Spain						X
Thailand			X			
Trinidad and Tobago	X					
Turkey		X				X
United Kingdom		X	X			
Uruguay	X					
Venezuela	X					

[1] Cuba was excluded from participation in the Inter-American System by Resolution VII, 8th meeting of Foreign Ministers, Punta del Este, 1962.

COMPILATION OF PROVISIONS RELATING TO CONSULTATION AND ACTION IN EVENT OF ARMED ATTACK

INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE

Article 3

1. The High contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

2. On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

Article 6

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact, or situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

Article 8

For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radiotelegraphic communications; and use of armed force.

Article 9

In addition to other acts which the Organ of Consultation may characterize as aggression, the following shall be considered as such:

(*a*) Unprovoked armed attack by a State against the territory, the people, or the land, sea, or air forces of another State;

(*b*) Invasion, by the armed forces of a State, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision, or arbitral award, or, in the absence of frontiers thus demarcated, invasion affecting a region which is under the effective jurisdiction of another State.

Article 20

Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent.

NORTH ATLANTIC TREATY

Article 4

The Parties will consult together whenever, in the opinion of any of them the territorial integrity, political independence or security of any of the Parties is threatened.

Article 5

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

TREATY OF MUTUAL COOPERATION AND SECURITY WITH JAPAN

Article IV

The Parties will consult together from time to time regarding the implementation of this Treaty, and, at the request of either Party whenever the security of Japan or international peace and security in the Far East is threatened.

Article V

Each Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes.

SECURITY TREATY WITH AUSTRALIA AND NEW ZEALAND

Article 3

The Parties will consult together whenever in the opinion of any of them the territorial integrity, political independence or security of any of the Parties is threatened in the Pacific.

Article 4

Each Party recognizes that an armed attack in the Pacific Area on any of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

MUTUAL DEFENSE TREATY WITH REPUBLIC OF THE PHILIPPINES

Article 3

The Parties, through their Foreign Ministers or their deputies, will consult together from time to time regarding the implementation of this Treaty and whenever in the opinion of either of them the territorial integrity, political independence or security of either of the Parties is threatened by external armed attack in the Pacific.

Article 4

Each Party recognizes that an armed attack in the Pacific Area on either of the Parties would be dangerous to its own peace and safety and declares that it would act to meet the common dangers in accordance with its constitutional processes.

MUTUAL DEFENSE TREATY WITH REPUBLIC OF KOREA

Article 2

The Parties will consult together whenever, in the opinion of either of them, the political independence or security of either of the Parties is threatened by external armed attack. Separately and jointly, by self-help and mutual aid, the Parties will maintain and develop appropriate means to deter armed attack and will take suitable measures in consultation and agreement to implement this Treaty and to further its purposes.

Article 3

Each Party recognizes that an armed attack in the Pacific area on either of the Parties in territories now under their respective administrative control, or hereafter recognized by one of the Parties as lawfully brought under the administrative control of the other, would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

SOUTHEAST ASIA COLLECTIVE DEFENSE TREATY

Article 4

1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or Territory to which the provisions of paragraph 1 of this article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned.

Understanding of the United States of America: The United States of America in executing the present Treaty does so with the understanding that its recognition of the effect of aggression and armed attack and its agreement with reference thereto in Article 4, paragraph 1, apply only to communist aggression but affirms that in the event of other aggression or armed attack it will consult under the provisions of Article 4, paragraph 2.

MUTUAL DEFENSE TREATY WITH REPUBLIC OF CHINA

Article 4

The Parties, through their Foreign Ministers or their deputies, will consult together from time to time regarding the implementation of this Treaty.

Article 5

Each Party recognizes that an armed attack in the West Pacific Area directed against the territories of either of the parties would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional processes.

NORTH AMERICAN AIR DEFENSE COMMAND AGREEMENT EFFECTED BY AN EXCHANGE OF NOTES BETWEEN CANADA AND THE UNITED STATES OF AMERICA (MAY 12, 1958)

Studies made by representatives of our two Governments led to the conclusion that the problem of the air defence of our two countries could best be met by delegating to an integrated headquarters the task of exercising operational control over combat units of the national forces made available for the air defence of the two countries. * * * The agreed integration is intended to assist the two Governments to develop and maintain their individual and collective capacity to resist air attack on their territories in North America in mutual self-defence. * * *

My Government proposes that the following principles should govern the future organization and operations of the North American Air Defence Command.

1. * * *

2. The North American Air Defense Command will include such combat units and individuals as are specifically allocated to it by the two Governments. The jurisdiction of the Commander-in-Chief, NORAD, over those units and individuals is limited to operational control as hereinafter defined.

3. "Operational Control" is the power to direct, co-ordinate, and control the operational activities of forces assigned, attached or otherwise made available. * * *

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE KINGDOM OF DENMARK, PURSUANT TO THE NORTH ATLANTIC TREATY, CONCERNING THE DEFENSE OF GREENLAND (JUNE 8, 1951)

Article I

The Government of the United States of America and the Government of the Kingdom of Denmark, in order to promote stability and well-being in the North Atlantic Treaty area by uniting their efforts for collective defense and for the preservation of peace and security and for the development of their collective capacity to resist armed attack, will each take such measures as are necessary or appropriate to carry out expeditiously their respective and joint responsibilities in Greenland, in accordance with NATO plans.

DEFENSE AGREEMENT PURSUANT TO THE NORTH ATLANTIC TREATY BETWEEN THE UNITED STATES OF AMERICA AND ICELAND (MAY 5, 1951)

Preamble

Having regard to the fact that the people of Iceland cannot themselves adequately secure their own defenses, and whereas experience has shown that a country's lack of defenses greatly endangers its security and that of its peaceful neighbors, the North Atlantic Treaty Organization has requested, because of the unsettled state of world affairs, that the United States and Iceland in view of the collective efforts of the parties to the North Atlantic Treaty to preserve peace and security in the North Atlantic Treaty area, make arrangements for the use of facilities in Iceland in defense of Iceland, and thus also the North Atlantic Treaty area. In conformity with this proposal the following Agreement has been entered into.

Article I

The United States on behalf of the North Atlantic Treaty Organization and in accordance with its responsibilities under the North

Atlantic Treaty will make arrangements regarding the defense of Iceland subject to the conditions set forth in this Agreement. For this purpose and in view of the defense of the North Atlantic Treaty area, Iceland will provide such facilities in Iceland as are mutually agreed to be necessary.

AGREEMENT OF COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE IMPERIAL GOVERNMENT OF IRAN (MARCH 5, 1959)

Article I

The Imperial Government of Iran is determined to resist aggression. In case of aggression against Iran, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Iran at its request.

AGREEMENT OF COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF PAKISTAN (MARCH 5, 1959)

Article I

The Government of Pakistan is determined to resist aggression. In case of agression against Pakistan, the Government of the United States of America, in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Pakistan at its request.

AGREEMENT OF COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF THE REPUBLIC OF TURKEY (MARCH 5, 1959)

Article I

The Government of Turkey is determined to resist aggression. In case of aggression against Turkey, the Government of the United States of America in accordance with the Constitution of the United States of America, will take such appropriate action, including the use of armed forces, as may be mutually agreed upon and as is envisaged in the Joint Resolution to Promote Peace and Stability in the Middle East, in order to assist the Government of Turkey at its request.

AGREEMENT OF COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES AND THE GOVERNMENT OF LIBERIA (JULY 8, 1969)

Article I

In the event of aggression or threat of aggression against Liberia, the Government of the United States of America and the Government of Liberia will immediately determine what action may be appropriate for the defense of Liberia.

GENERAL TREATY BETWEEN THE UNITED STATES AND PANAMA (MARCH 2, 1936)

Article X

In case of an international conflagration or the existence of any threat of aggression which would endanger the security of the Republic of Panama or the neutrality or security of the Panama Canal, the Governments of the United States of America and the Republic of Panama will take such measures of prevention and defense as they may consider necessary for the protection of their common interests. Any measures, in safeguarding such interests, which it shall appear essential to one Government to take, and which may affect the territory under the jurisdiction of the other Government, will be the subject of consultation between the two Governments.

JOINT DECLARATION BY SPAIN AND THE UNITED STATES OF AMERICA CONCERNING THE RENEWAL OF THE DEFENSE AGREEMENT OF SEPTEMBER 26, 1953 (SEPTEMBER 26, 1963)

In affirming the importance of their bilateral Defense Agreement [signed September 26, 1953, TIAS 2850], which will be applied in the new five year period of its validity in the spirit of this Declaration, they [the Governments of the United States of America and of Spain] consider it to be necessary and appropriate that the Agreement form a part of the security arrangements for the Atlantic and Mediterranean areas.

The United States Government reaffirms its recognition of the importance of Spain to the security, well-being and development of the Atlantic and Mediterranean areas. The two governments recognize that the security and integrity of both the United States and Spain are necessary for the common security. 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.

Mr. GOLDWATER. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Idaho has approximately 8 minutes remaining.

Mr. GOLDWATER. I will not take that much time.

This has been a very interesting week. I think that next week and the week after will continue to be interesting. I had hoped that we could have gotten to the meat of this bill, the authorization of the military equipment, before we got to the ABM. However, we are now on the ABM, and to me, as a person who is backing the ABM, there have been some very interesting developments.

The first position of the opposition was total opposition. Then we saw coming into the picture an opposition to MIRV which, to me, was a step back from the very strong position they took.

Then we see the suggestion of compromise. The compromise would be the continuing of research and development funds but no application or installation of any actual Safeguard sites.

I do not know why we have this constant shifting on the part of the offense, if we want to call it that, unless it means that they realize they are on a lost cause and want to get back into a part of the pasture that might be more friendly to them, one from which they could defend the positions they will probably have to take.

It will be interesting to see next week the further developments along this line, because from my knowledge there will be no compromise.

The ABM system, in my opinion, must be installed. I do not agree that it will interfere in any particular way with our discussions with the Russians.

I would hope, along with all Members of the Senate, that these discussions can and will continue. And I would hope that we could get some agreement between this country and Russia that we will limit our armaments. However, I do not look forward to that. I think we only have to realize that Russia is still the biggest supplier of military equipment to the North Vietnamese to understand why some of us feel a little hesitant about being jubilant over the fact that an opportunity to talk with Russia will produce anything. If the Communists, whether they be in Russia or China or Vietnam, really want to demonstrate to the world that they mean they want peace, I would suggest they can do something at the peace talks in Paris. In other words, fish or cut bait. We have been at that place for over a year now, and nothing has happened. If these people, who represent our potential enemies, really want peace in the world, I can suggest that they start at the Paris peace talks.

I would suggest that the United States stop yielding and yielding and yielding. This country bends over backward to create peace in the world, and all we do is get into more and more trouble. I would suggest that the Communists, be they Red Chinese or Russian, stop sending supplies to North Vietnam. This to me is an act of war, and yet we allow it to go on; and we are willing to sit down and talk peace with people who, by their very actions all through history, have by covert methods—not overt, but covert methods—taken over country after country after country.

I will address myself to this later.

My great fear is that as we start to weaken ourselves, as we start to talk about cutting down armament when we need it, as we start talking about not having an ABM when we need an ABM, we are gradually working ourselves into a position of isolationism which we very richly and warmly enjoyed during the 1920's and the 1930's. I can remember those happy days, when all we had to worry about was a depression. It was not a very pleasant depression, but we did not have to worry about having to march off to war or worry about the high cost of armament. We listened to the same cries against the ROTC and the CMTC. I recall when I first went on duty with the infantry in the 1930's, as a Reserve officer, we were not allowed to wear our uniforms downtown because the town people did not like the military; and it took a war the size of World War II to convince the American people that being an officer in the military or wearing the uniform was something to be proud of. Now we hear the uniform being defiled as it was in the 1930's.

I fear that if we continue on this path, we are going to wind up a second-rate country in world politics. We will wind up a third-rate country in economics. I do not want to use economics in any of my argument, because that is material; nevertheless, we have to consider it.

I would hope that when victory finally comes, as it will, to those of us who support the ABM, the entire body will realize that what we are talking about is the future of the American people. I do not think we can negotiate with the safety of 200 million Americans. I think we are doing a wrong thing here in even attempting to deny the President something he wants, as Commander in Chief of our forces and the leader of this country.

Mr. President, I will have more to say on these subjects later.

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

Mr. GOLDWATER. I yield.

Mr. MURPHY. The Senator raised some very interesting points earlier in the colloquy with the Senator from Idaho (Mr. CHURCH). I wonder whether the Senator recalls the commitments in the lately arrived at so-called Nonproliferation Treaty.

Mr. GOLDWATER. Yes, I recall them.

Mr. MURPHY. In the Senator's opinion, does it commit the United States to go to war for the protection of any nonnuclear nation that is attacked by a nuclear nation nonsignatory to the treaty?

Mr. GOLDWATER. I recall that this subject was raised during the course of the debate on that treaty, and an attempt to answer it was made by the Committee on Foreign Relations. Many people feel that they did answer it to the satisfaction of the Senate. However, the language of that treaty, to me at least, indicates there is a possibility of our having to do this. It is still rather ambiguous language which has a lot to be desired if we are to know the real intent.

Mr. MURPHY. Actually, I think the language puts the decision in the usual practice at the time of the United Nations.

Mr. GOLDWATER. Well, that is true to some extent. I am more concerned about the language that requires any country to go to the defense of a nonnuclear country that is attacked by a nuclear power.

Mr. MURPHY. I would be pleased if my distinguished colleague would comment on another statement that was made, and I have heard it made continually. It is that we cannot win in Vietnam, we cannot win a victory. This has been a continuing statement which has appeared in many areas—in the press, on television, and on the floor of the Senate. I wonder whether the Senator from Arizona would comment on that.

Mr. GOLDWATER. I will comment briefly. There has crept into the American language the subject of limited warfare. There can be no limited warfare. There is no possibility. When you go to war, you make up your mind to win, or you do not go to war. That was the mistake we made in 1961, when 15,000 or 16,000 troops were sent to Southeast Asia and told to fire back. We were at war. And then we began inhibiting and restraining the military commanders in the exercise of their weaponry, in the exercise of their tactical and strategic judgment, to the point that we attempted——

The PRESIDING OFFICER (Mr. ALLEN in the chair). The 1 hour allotted to the Senator from Idaho has expired; and under the previous order, the Senator from New York (Mr. GOODELL) is to be recognized at this time.

Does the Senator from Arizona desire to ask for additional time?

Mr. GOLDWATER. I ask unanimous consent that I may have an additional 30 seconds.

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

Mr. GOLDWATER. The limitation placed upon our commanders prohibited us from winning a war, as we think of war, in South Vietnam. I am convinced that we could have won that war 6 years ago, 5 years ago, at any time we wanted to, had we fought the war as wars should be fought. But when we try to fight a war halfway and we have an enemy that wants to fight it all the way, we cannot win.

Mr. MURPHY. I thank the Senator.

Mr. SYMINGTON. Mr. President, will the Senator from New York yield to me?

Mr. GOODELL. I yield.

Mr. SYMINGTON. I thank the able Senator from New York for yielding to me.

MISSOURI FARMERS HIT HARDEST BY SEVERE RAINS AND FLOODS

Mr. SYMINGTON. Mr. President, for the past 20 days Missouri has been blanketed by rain which has swollen rivers and inundated thousands of acres of prime cropland. Virtually every river valley in northern Missouri is flooded.

Missouri farmers have been hit the hardest. Crops stand dead ripe and cannot be harvested because the fields are liquid. In other areas corn and soybean plantings have been delayed or have been destroyed by floods and rain. One tract along the Salt River in northeast Missouri has been flooded 12 times this spring. If there is no relief from the weather within a few days, and none is expected, it will be too late to plant in many places and crops will be a total loss. Plantings have been delayed on over 1 million acres, I have been informed.

The Corps of Engineers stated this morning that the situation can only get worse since more rain is forecast for the rest of the week.

My colleague, Senator EAGLETON, and I have been in close touch with many Federal agencies in seeking assistance for the thousands of afflicted Missourians. However, this tragedy in Missouri, fast on the heels of disastrous floods earlier this spring, underlines once again the fact that we are providing too little too late for the farmers of this country.

As example, much of the flood damage that we are witnessing today would have been prevented had authorized flood control projects been completed. It is my belief, as I have said many times in the past, that water resources projects are our best protection against floods.

Yet year after year these vitally needed projects are put on the bottom of the list of national priorities; and this has produced a legacy of disaster in Missouri. According to the latest report furnished us by the Corps of Engineers, over the past 25 years Missouri has experienced 1,420 floods, and has sustained almost $1 billion in damages. Of this figure, $699,342,000 were losses borne by farmers and rural communities.

As an example of how out of proportion our priorities are, we are spending over $80 million a day in Vietnam, or about $18 a day for every man, woman, and child in Missouri. On the other hand, at the same time our State is wracked by disastrous floods, the budget for all Corps of Engineers projects in Missouri is only 53 percent of the Engineers' capability, or about 4 cents a day for every Missourian.

It is high time that we fund our flood control projects to full capability so that we protect the farms and communities in Missouri from annual disaster. Moreover, it is time we consider improvements in our farm programs to cope with emergency situations such as that that exists today in Missouri. Finally, we must devise new legislation to assist farmers in getting back on their feet when natural disaster strikes.

Mr. President, I ask unanimous consent to insert into the RECORD some of the correspondence which my office has received as well as other material regarding the serious situation that exists today in Missouri.

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

MEXICO, Mo., *June 25, 1969.*

Hon. STUART SYMINGTON,
Senator, U.S. Senate,
Washington, D.C.:

We, the undersigned farmers, farm leaders, and agribusiness people are sending this telegram to make you aware of a situation that exists in a large area of mid-Missouri affecting us in disaster proportions, and to ask for disaster aid of some nature to help us cope with the problem, which is:

Excess rainfall has made it impossible to get on the land to prepare it for planting the 1969 crop on all but a very few days since October of 1968. Much of the crop that was planted did not come up to stand, replantings look bad, and entire farm units have nothing growing today—this, the last week of June. The gamble involved going to further expense.

In the farming business looks extremely risky at this time, with the ground still visibly too wet to get on for at least ten more days, and more rain in all area forecasts. & the area affected involves a tremendous investment of land, equipment, labor and all farm resources. Our foreseeable income from crop production and all it entails is practically nil for 1969, at this time. & we ask you to come here if necessary to verify these facts and to see the need of help to our already risky industry which is vital to this section of Missouri.

Rose V. Dehart (Mrs. Lewis), agribusiness and farming, Mexico, Mo.; Orma E. Mackey, farmer and businessman; W. Jackson, Mexico, Mo.; Forrest T. Noel, business and chairman, 9th Congressional District Democratic Committee, Mexico, Mo.; Don Spencer, manager, Production Credit Association, Mexico, Mo.; James Botts, farmer and vice president, First National Bank, Mexico, Mo.; William Courtney, president, Mexico Savings Bank, Mexico, Mo.; Vessie Miller, president, Audrain County National Farmers Organization, Route 1, Centralia, Mo.; Earl Cook, president, Audrain County Farm Bureau, Route 3, Centralia, Mo.; Kermit Head, manager MFA division, soybean mill, Mexico, Mo.; Bob Bourn, Agribusiness Bourne Feed and Supply, Columbia, Mo.; George I. Neale, farmer and chairman of board, Mexico, Mo., MFA State Exchange, Route, Thompson, Mo.; Dan Proctor, sales representative, W. Grace Chemical Co., Route 1, Columbia, Mo.; James Worstell, farmer and farm manager, Route 3, Mexico, Mo.; Hadley Davenport, farmer, Benton City, Mo.; Gilbert Rhodes, director, Audrain County Extension Center, University of Missouri, Mexico, Mo.; Ronald R. Johnson, district conservationist, SCS, Mexico, Mo.; Jerry Isaacs, farm manager, Mexico, Mo.; Mary Bosler, office manager, ASCS office, Mexico, Mo.; Garnett Culwell, chairman, ASCS committee, Vandalia, Mo.;

Robert Berry, ASCS committeeman, Mexico, Mo.; Glenwood Martin, ASCS committeeman, Centralia, Mo.

U.S. DEPARTMENT OF AGRICULTURE,
SOIL CONSERVATION SERVICE,
Columbia, Mo., June 27, 1969.

Hon. STUART SYMINGTON,
U.S. Senate,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SYMINGTON: Upon receipt of your telegram concerning the damage to farming operations in Audrain and other mid-Missouri counties, I requested a special report from my Area Conservationist who headquarters at Hannibal and has supervision of the staff members of our agency in the 18 northeast Missouri counties.

His report shows that in the west part of *Pike* County 50% of the crops are not planted, and in the section of some 6,000–7,000 acres cropland along the Salt River has been flooded twelve times, it is reported, this spring.

Shelby County is in better shape. They report 30% of the beans not planted, but all the corn appears to be in.

Macon County has 70% of the corn in, leaving 30% not planted and about 50% of the beans not planted. There are large areas of flat Putnam soil in Macon County in and around the vicinity of our mutual good friend, Preston Walker, that is real flat and drains slowly because of the soil type, and it will take some time to dry out.

Randolph County estimates 40% of the corn not in and 70% of the beans not in, so they will have a problem if it doesn't dry up fast.

Chariton County reports most of their corn in, 10–15% not in, and about 40% of the beans not in. There are some wet conditions in the middle branch along the Chariton River and the west branch. There is a watershed application in our Department on the Bee Branch Watershed, and there are some wet conditions in that area.

In *Linn* County, less than 50% of the corn and beans are planted, it is reported.

In the vicinity north of eastern Pike and Monroe, south Shelby, Macon, and parts of Linn County, according to our quick review, they are in trouble. It seems that the pattern of heaviest rainfall is in the flat area where the water doesn't drain and the soil is heavy. A general, quick estimate from folks who are familiar with it, including some of our agency representatives, indicates that there are approximately a million acres of land in the 18 counties of northeast Missouri that have delayed crop conditions.

If it should dry rapidly, I have seen fair crops develop at late planting, but much depends on the weather and, particularly, the area flood conditions. There, no doubt, will be some damage to small grain that is ripening, because the heavy rains and wind did flatten some of it, but with modern machinery, they are doing a better job of picking up flattened grain.

I am informed that the disaster committees are meeting and making their estimates through channels to the state disaster committee which, in turn will pass on their recommendations to the Governor, who then takes it on through channels, presumably through the delegation and the Departments. The State Disaster Committee is made up of the Chairman of the ASCS Committee, the Farmers Home Administration Director, and the Extension Service officials. We have been asked as consultants. The same counterpart agencies are on the county disaster committee, and they are meeting. I understand the Audrain County committee will meet today, and they did have a special meeting yesterday.

I do appreciate your wire and have been in touch with the Farmers Home Administration and the ASCS folks. We are counseling with our county offices to see just what we might develop in the way of a program. We have no funds for this type of emergency work unless it comes through the disaster program known as the F–4 program through the ASCS. Then we give technical assistance for practices that could be built, such as terraces, waterways, ponds, etc. The FHA indicated that they have some loaning possibilities, but I would hesitate to state the extent of it, but I am sure they are responding, since they had the same information in your telegram.

The Governor's office is alerted, because the Commissioner of Agriculture, Dexter Davis, has been in touch with the agencies. I assure you, Senator Symington, that we will be alert to this situation and will be counseling closely with the local leaders as to the best approach to take within the applicable authorities that are available. Working as a team among the agencies, I hope that we can develop some helpful activities.

We have had so much rain here and are much above normal right here in our own community. I am in touch with all sections of the state and, so far as I know, outside of a few isolated spots, Missouri is very, very wet. The weather report is pessimistic, reporting showers again. There have been tornado watches recently, and last Sunday, as you know, there was tornado damage around the lead mining area south of St. Louis. We will be very grateful when this weather clears and gives the farmers an opportunity to get their hay in and their small grain harvested and, late as it is, get their beans and early maturing corn planted. Much of it now is in the hands of the Lord to see what kind of weather we have in the next 90 to 100 days.

If there is further information that we can provide, please let us know.

Sincerely yours,
HOWARD C. JACKSON,
State Conservationist.

COOPERATIVE EXTENSION SERVICE,
Columbia, Mo., June 27, 1969.

Hon. STUART SYMINGTON,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SYMINGTON: This will acknowledge your telegram about the serious damage to farming operations in this part of the state. The situation is, indeed, serious and we will do whatever we can to help develop alternatives for the people. Thank you for bringing this to our attention.

Yours very truly,
C. B. RATCHFORD,
Vice-President of the University of Missouri for Extension.

PERRY, MO.,
July 1, 1969.

Hon. STUART SYMINGTON,
Senate Office Building,
Washington, D.C.

DEAR SIR: The farm operations in Ralls County, Missouri have been so hampered by adverse weather conditions and above average rainfall that we deem it expedient that the situation be directed to your attention.

The planting season is almost past for production of our two major crops of corn and beans. Seeding is behind schedule to such an extent that many farmer's income will be reduced to such an amount they will show big losses on their 1969 operations.

Knowing these facts and having access to other statistical information through your farm advisor may enable you to consider measures which you may take to alleviate some of the farmer's financial problems because of the lack of production prospects.

Release of pasture use through A.S.C.S. either for grazing or for hay production would aid some farmers.

Since some of the major problems arise from high interest rates now being charged it would materially benefit some farmers to make available funds through existing government agencies at low interest rates for the farmers to help themselves.

Either of these suggestions is based primarily on making available to the farmer a means of being self-supporting.

Being aware of the problem will no doubt enable you to also offer your help to these farmers for whom the government may provide some degree of aid.

Many have gone in debt for their machinery, their fertilizer, their seed and their labor—all of which are very high at the present time.

Some of the families in this area who have engaged in farming for two, three or even four generations are very discouraged by the bleak outlook as a result of poor production prospects and a general low return on farm operations. They feel they have never had a fair share of the prosperity of our country during this century.

Your office could provide material benefits through existing government agencies if you direct your attention to getting it done.

The farmers of Northeast Missouri will appreciate any action you can take to alleviate their problems and if you will use your influence in their behalf.

Respectfully,
Mrs. E. R (Bess) CALDWELL.

EXCELSIOR SPRINGS, MO.,
July 3, 1969.

Senator STUART SYMINGTON,
Washington, D.C.:

Flash flooding from East and Dry Forks of Fishing River resulting in extensive damage to business and residential areas of city. More rain forecast. Your continued interest and support in our flood control project sincerely appreciated.

EARL MCELWEE,
Mayor, City of Excelsior Springs, Mo.
CLARENCE SNYDER,
Chairman, Area Lakes Committee (Fishing River Project).

U.S. DEPARTMENT OF AGRICULTURE,
FEDERAL CROP INSURANCE CORP.,
Sedalia, Mo., July 2, 1969.

Hon. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SYMINGTON: We in Federal Crop Insurance in Missouri are doing everything possible to alleviate the pitiful situation that we have here in Missouri, caused by extremely wet weather. Our problem is that we were unable to sell and insure only between 2% and 3% of the potential that could have been insured in the State of Missouri.

This general condition of wet weather over Missouri has existed since last October, and in my opinion, exceeds the damage of the 1951 flood, and compares very much to the year of 1935 when continuous wet weather prevented many spring crops from being planted, and also prevented the wheat crop in 1935 from being harvested. Fully one-half to two-thirds of the Missouri wheat crop (northern two-thirds of the State) is standing dead-ripe and cannot be harvested, and, as you know, wet weather soon brings the weeds up through the wheat and then harvest is prevented. This very bad year, together with high costs of money and machinery, will result in the loss of many of our farmers to the cities to find jobs this next winter, and probably thereafter.

I am not in dispute with the crop reporting service, but you know that many of the crops that have been reported planted have been lost from flood. Every stream from the Marais des Cygnes and Osage River on the West, to the Salt River on the East, has been

flooded sometime during the past three weeks.

These are the conditions as I see them as of today.

Sincerely,

WM. W. MARSHALL,
State Director, FCIC.

EXCELSIOR SPRINGS, MO.,
July 3, 1969.

Hon. STUART SYMINGTON,
U.S. Senate,
Washington, D.C.

DEAR STUART: Our town is flooding again and eighty percent chance of more rain. I know of the Vietnam war. Many of our boys, including my son, are in Vietnam. We may not have a town for them to return to. Our buildings are damaged from past floods and we can't build new ones, because of reoccurring floods. We need emergency aid now. Something must be done to stop this flooding.

Respectfully yours,

C. W. RISLEY.

SALISBURY, MO.,
July 8, 1969.

Hon. STUART SYMINGTON,
U.S. Senate Office Building,
Washington, D.C.:

Twenty-six thousand acres of farm land now inundated by floods in Chariton County, Mo. Estimated losses at this time will exceed $2½ million in this county alone.

MARION MAHNKEN,
Chariton Basin Flood Control and Conservation Association.

BRUNSWICK, MO.,
July 7, 1969.

Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.:

Prolonged and excessive rains have caused heavy damage to conservation practices and structures in Missouri. Request your support for full 195 million for ASC conservation program.

W. B. HIBLER, Jr.,
State Representative.

[From the Columbia (Mo.) Missourian, July 8, 1969]

FARMERS MAY GET ASSISTANCE

According to E. S. Wilcox, office manager of the Boone County Agricultural Stabilization and Conservation Committee, less than 50 per cent of the normal planting in the region has been accomplished due to the near record rains during the month of June.

The weather bureau has reported that the slightly more than 10 inches of rain last month made June the second wettest June here since 1928, when a record of 14.86 inches fell. While nice for ducks, the rain has severely hindered the production of the area's farmers.

Wednesday the Boone County Disaster Committee recommended to the State Disaster Committee that the entire Boone County farm land be designated a disaster area because of crop damage from rain.

The state committee did not immediately accept the county committee's recommendation but said it was possible the area could be designated a disaster area if agricultural conditions in other counties are as bad as local conditions.

Since recent reports reveal that wheat harvesting has been slowed to 23 per cent compared with 41 per cent of the total crop in 1968, oat harvesting is down by half of what it was a year ago, and hay harvesting is only 19 per cent for 1969 compared with 29 per cent in 1968, the possibility still remains that regional farmers will get assistance from the available state and federal funds.

Most area farmers would be grateful for the assistance.

CAIRO, MO.,
July 9, 1969.

Senator STUART SYMINGTON,
U.S. Senate Office Building,
Washington, D.C.:

Floods have inundated 10,000 acres of cropland along East Fork and tributaries of the Little Chariton River in Randolph County. Estimated loss in the county will exceed $1 million.

Respectfully,

RICHARD E. COCHRAN,
Director, Little Chariton Drainage District.

TRIPLETT, MO.,
July 8, 1969.

Senator STUART SYMINGTON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SYMINGTON: All too often our lawmakers hear from their constituents only when requesting action for one reason or another. In this period of heavy rain and floods I know that I speak for many in northwest Missouri when I say, "Thank you for your excellent statement before the Senate Appropriations Subcommittee on Public Works."

Certainly the residents of Pattonsburg are being subjected to conditions which seem grossly unfair. I'm sure all sources of funds for the prompt payment for their properties have been considered. However, when we read of various expenditures, something seems out of balance. Your statement of July 7 on wasteful spending for land adjacent to reservoirs may be one answer.

In the midst of another flood which will cost the residents in Grand River Basin millions of dollars, many of us find it difficult to understand why a relatively small amount of money cannot be appropriated as a permanent cure for these ills—not all at once but at least a reasonable start on this approved program.

In reading your various statements we are gratified that you continue to search for answers to these along with many other problems.

Again, thank you for your efforts for water control and development—particularly in the Grand River Basin. Hopefully your continued efforts will remove us from the orphan class before long.

Sincerely and respectfully yours,

WILLIAM O. GAINES.

Partial list of estimated flood losses in the State of Missouri as reported by the Corps of Engineers, July 11, 1969

St. Louis District:	
St. Louis County	$195,000
Pike County	1,826,000
Lincoln County	1,604,000
St. Charles County	867,000
Jefferson County	62,000
Perry County	127,000
Cape Girardeau County	59,000
Scott County	318,000
Mississippi County	37,000
St. Genevieve County	101,000
Subtotal	5,196,000
Kansas City District:	
Chariton River Basin (25,000 acres flooded)	1,300,000
Grand River Basin (15,000 acres flooded)	1,200,000
Subtotal	2,500,000
Total	7,696,000

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

Mr. SYMINGTON. I yield.

Mr. FULBRIGHT. Mr. President, I wish to associate myself with the Senator's comments. Arkansas, being just below Missouri, gets a lot of runoff, especially in the northeast section of my State. We have a very serious problem in connection with the flood control situation. For several weeks the runoff from the State of Missouri has contributed a substantial amount of water, particularly around the area of Blytheville. I am inclined to agree with the Senator's views in connection with this matter.

Mr. SYMINGTON. I thank the Senator.

Mr. EAGLETON. Mr. President, heavy rains and a lack of appropriations for authorized flood control facilities have, once again, combined to wreak havoc on the farmers of Missouri.

For 3 straight weeks most of northern, western, and central Missouri have been hit by continuous torrential downpours. The result has been severe flooding along scores of rivers and streams, and the literal drowning of thousands and thousands of the State's best cropland.

Crops already planted have been lost through wind and storm damage or because the flooded fields prevent harvesting. Worse than that are the more than 1 million acres on which planting has been delayed—to the point that if the rains continue, as the weather forecasts predict, it will be too late to plant at all.

The damage, estimated in the millions of dollars, has affected thousands of Missourians. The senior Senator from Missouri (Mr. SYMINGTON) and I have been working to assist these victims. But the best assistance is the assistance provided before disaster strikes—although Congress should seek better ways to help farmers recover afterwards than are now available.

For many years my colleague (Mr. SYMINGTON) has been taking the Senate floor to ask for funding of flood control projects to full capability. Since I became a Member of this body, I have taken the floor several times to make the same request.

I requested it a week ago Wednesday, when Missouri had experienced 2 weeks of flooding. Today, I again request it.

As the thousands of farmers in Missouri who annually suffer the ravages of floods can attest, or as the millions of hungry people in this land of plenty can tell you, this Nation desperately needs a reordering of its priorities. This country needs much more attention paid to its domestic problems.

One of these is flood prevention and control. It is time for us to see that our priorities are radically shifted. In such a shift, I believe, water resource projects should go from near the bottom to near the top of the list.

ORDER OF BUSINESS

Mr. FULBRIGHT. Mr. President, will the Senator from New York yield to me briefly?

Mr. GOODELL. I had only 20 minutes and 7 minutes of that time has gone.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that 7 minutes be added to the Senator's time.

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

THE KENNEDY CENTER

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article entitled "A Rebuttal," written by Roger L. Stevens and published in the Washington Post several days ago. The article is in answer to an article by Nicholas Von Hoffman, relative to the Kennedy Center.

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

(See exhibit 1.)

Mr. FULBRIGHT. Mr. President, I also ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an article entitled "House Votes Funds for Kennedy Center," published in the Evening Star of July 9, 1969.

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

(See exhibit 2.)

Mr. FULBRIGHT. I am very pleased that the House of Representatives has voted on the matter of the new appropriation for the Kennedy Center. When this bill comes to the Senate I will have more to say about it. At this time I wish to say that I think the charges made with regard to the architect of the Kennedy Center are not well founded and I wish to call attention to the fact that the General Services Administration has been employed at a very substantial fee to oversee and check upon the technical matters involved in the Center. If there has been any fault in the planning, construction, and cost of steel, it should be shared with the General Services Administration.

I regret the costs have gone higher than the original estimates, but I do not know of any activity of a public nature that has not also had this experience. The matter of the overrun in connection with the Kennedy Center is de minimus to overruns we read about daily in other areas of Government, especially in the Department of Defense.

In that connection, I ask unanimous consent to have printed in the RECORD an article entitled "Hill Panel Charges Army With Deceit on Tank Flaws," which was published in the Washington Post of July 10, 1969.

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

(See exhibit 3.)

EXHIBIT 1

[From the Washington (D.C.) Post]

A REBUTTAL

(Note.—This article is in reply to Nicholas von Hoffman's column, "They and the People's Music," in the June 30 issue of The Washington Post. Mr. Stevens is chairman of the board of Trustees of the John F. Kennedy Center for the Performing Arts.)

(By Roger L. Stevens)

For those who may have been misled by Mr. von Hoffman's recent article in the Post, "They and the People's Music," and were therefore under the impression that he was the Kennedy Center's music adviser, programmer and chief dispenser of tickets, it might be useful to set the record straight.

Mr. von Hoffman has been given the opportunity, on more than one occasion, to familiarize himself with the Kennedy Center's programming plans. For reasons of his own, he has shown no interest in ascertaining what the facts are.

George London, artistic administrator of the Center, has explained on various public occasions—and recently on television—what the plans are for the Center and it's just possible that he knows more about the Center's programming than does Mr. von Hoffman.

Our music adviser, Julius Rudel, director of the New York City Center Opera, and famous for having brought opera to the people at bargain prices, has recommended that all types of music be brought to the Center.

Contrary to Mr. von Hoffman's assertion that the Center's Opera House will be used only for grand opera, no one has ever envisaged that there will be grand opera for more than a few weeks each year. We have been negotiating with the New York City Opera Company to appear each season at the Center, possibly in the fall and in the spring. But long ago the American Ballet Theatre was selected as the resident ballet company for the Center and Mr. London has spoken publicly of the Center's plans to invite, along with the Washington National Ballet Company, the country's outstanding modern dance groups, including such companies as Martha Graham, the Joffrey Ballet, Merce Cunningham, Harkness Ballet, Alvin Ailey, etc., to appear in the Opera House.

It hasn't occurred to Mr. von Hoffman that the Opera House could be given over to the runs of productions of muscal comedy—the great American lyric theater form—but it has to the Center's planners—as George London has pointed out on many occasions. We will have the very best musicals on their pre-or-post Broadway tours and we are currently discussing the possibility of bringing some productions of Edwin Lester's highly successful Civic Light Opera on the West Coast to the Center.

As Mr. London said just last week, and not for the first time, in the Concert Hall, with its 2700 seats, we are planning to bring the world's greatest classical artists—orchestras, instrumentalists, vocalists, etc. We also plan to involve the mainstreams of American music—and this will include everything from Bach to rock.

We plan to open the Concert Hall with a festival of the leading American orchestras—the Cleveland, the Boston, the New York, the Philadelphia, and we particularly hope to work out mutually satisfactory arrangements with the Washington National Symphony. But we also plan to do jazz festivals with all the leading soloists, ensembles, orchestras, etc., in the jazz world.

The Film Theater will be used for film festivals and we envisage many public service performances of films. This multi-purpose theater will also be adapted for children's programs and such concerts as chamber music when a smaller theatre is desirable.

The recently concluded and very successful American College Theatre Festival, sponsored in part by the Friends of the Kennedy Center, is the sort of project we envisage for the Center. The Festival brought the best of 180 college theater groups to Washington thus fulfilling a Center responsibility to search for and recognize new talent.

We are also developing an educational program which we hope will serve not only the children of this city, but the literally millions of children who pour into Washington from all over the country each year.

These are our plans and if they conflict with Mr. von Hoffman's prejudices and predilections, it is just possible that they conform to the expectations of those who want the Center to bring to Washington the best there is in the performing arts.

EXHIBIT 2

[From the Washington (D.C.) Evening Star, July 9, 1969]

HOUSE VOTES FUNDS FOR KENNEDY CENTER

(By Roberta Hornig)

The House voted yesterday to bail the John F. Kennedy Center for the Performing Arts out of its present money problems by giving it the $7.5 million it needs to get finished.

But it was a long, hard fight, taking some three and half hours of debate before the final vote of 210 to 162. The issue now must go to the Senate.

Rep. Kenneth Gray, D-Ill., chairman of a public works sub-committee who sponsored the money bill, pointed out that the cultural center on the shores of the Potomac is now 50 percent finished and added, "If this building is to be completed we must have this legislation. It's that simple."

STEVENS, EFFORT NOTED

Gray also argued that Roger Stevens, head of the center's board of trustees, has thus far raised $24 million in private funds, working without any compensation. "Wouldn't it be great, if all public buildings could get matching funds?" he asked.

But Rep. Frank Bow, R-Ohio, ranking GOP member of the House Appropriations Committee, called the Kennedy Center "a national disgrace" and a "beautiful morgue." A few minutes after the tirade, he collapsed on the House floor. He was treated by physicians before being taken away on a stretcher.

He was taken immediately to Bethesda Naval Hospital. A spokesman in Bow's office today said tests, including a cardiogram, disclosed no evidence of a heart attack, but that the legislator was expected to remain at the hospital for a day or two more.

Rep. H. R. Gross, R-Iowa, called the center a "white elephant" and said he was "surprised" that Aristotle Onassis, the new husband of Jacqueline Kennedy, widow of the slain president, isn't giving some of his money to the center.

Although he said he would vote for the appropriation, House Minority leader Gerald Ford, R-Mich., said the General Services Administration, which oversees all federal buildings, is investigating possible action against the center's architect, Edward Durrel Stone, who allegedly miscalculated how much the facility's structural steel would cost.

Ford said he also plans to have the General Accounting Office and the Justice Department "look into the matter" of what he calls a "$2.7 million unconscionable error on the part of Stone."

ARGUE ON ORIGINAL COST

Other congressmen argued that the center trustees had given their word the building would never cost the nation more than the original $15.5 million appropriation and claimed that President Kennedy already had enough monuments in his honor.

Center advocates argued that the building was being put in the same position as the Washington Monument which was left unfinished between 1854 and 1876 because Congress would not cough up the necessary money. They also argued that it would be a national disgrace if the Kennedy Center were left unfinished.

Besides increasing the congressional appropriation for the center by $7.5 million . . . from $15.5 to $23 million, the act also boosted the bonding authorization for the parking garage from the original $15.4 to $20.4 million.

The original cost of the center was to have been $46 million. The total cost is now estimated at $66.4 million.

EXHIBIT 3

[From the Washington (D.C.) Post, July 10, 1969]

HILL PANEL CHARGES ARMY WITH DECEIT ON TANK FLAWS

(By Richard Homan)

Top Army officials prepared misleading reports and gave false information to Congress in a successful effort to continue development of the Sheridan assault vehicle in the face of repeated testing failures, a House investigating subcommittee charged yesterday.

After 10 years of effort at a cost estimated at between $1.2 billion and $2.5 billion, the subcommittee said, the Army still has not produced a satisfactory version of the tank-

like vehicle and "hundreds of defective Sheridans remain in storage."

Nevertheless, at each "milestone" of development, when progress was to be reviewed and decision for stepped up production made, Army agencies officially reported unsolved problems as solved in order to receive additional funds without drawing scrutiny by the Defense Department or Bureau of the Budget, the subcommittee said.

The Army said in a statement that the subcommittee report "does not give full weight to the combat performance of the Sheridan" in Vietnam. "It is the Army's view that the introduction of the Sheridan has significatnly increased the firepower, mobility and over-all combat capability of our armored cavalry forces in Vietnam," the statement said. It claimed the Sheridan "enjoys a high level of troop confidence."

"Misleading reports and unwarranted overconfidence of Army developers also influenced these decisions to produce these various articles," the committee said of the Sheridan, its Shillelagh anti-tank missile and associated vehicles.

"Despite continuing development failures, production decisions on almost every one of the items covered by this report were made so that an appearance of satisfactory progress would lessen the chance for searching and critical reviews by 'those who control funds' in the Office of the Secretary of Defense and the Bureau of the Budget."

"When the Army requested funds to procure additional missile trainers, Congress was informed (in 1967 budget hearings) that the trainers were satisfactory and were 'in the hands of the troops right now.' In actual fact, at that very point in time the trainers had proved entirely unsatisfactory and were about to be returned to the contractor for a major redesign effort."

The report was prepared by a four-member House Armed Services investigating subcommittee, headed by Rep. Samuel S. Stratton (D-N.Y.) after April hearings, most of them closed.

"We would like to have the heads of several people that have misled us," Rep. William L. Dickinson (R-Ala.), one of the subcommittee, said at a press conference. "But what can Congress do?"

The report named none of the individuals suspected of supplying misleading information.

It confirmed earlier reports that the Army sent 64 Sheridans, produced by General Motors, to Vietnam for combat use last January despite warnings from the project manager's office that they were hazardous and not ready for operational use.

Numerous problems cropped up with the vehicles there, making their use in combat unsatisfactory and dangerous, according to the report.

The Army refused to declassify testimony that "might further support our contentions," Stratton said.

For instance, it deleted from the final report as "classified information" a committee finding, obtained elsewhere, that "due to the unusual preproduction procedures employed, plus lack of any test data, the inescapable conclusion must be that the (Sheridan's) searchlight is of unproven dependability or possibly even unacceptable."

It also deleted the number of additional Sheridans—171—that the Army is shipping to Vietnam.

Lt. Gen. Austin W. Betts, chief of Army research and development since the early days of the Sheridan, maintained recently that the vehicles operated well in Vietnam and that difficulties encountered were the result of shoddy manufacture and incorrect use by the troops.

Stratton produced letters from Sheridan crewmen detailing the vehicle's combat shortcomings.

Despite the many problems, Sheridans continued to be mass produced and hundreds are now awaiting costly modifications before they can be used, the subcommittee said.

The PRESIDING OFFICER. Under the previous order, the Senator from New York is recognized.

NEW CHAPTER IN THE BIAFRAN TRAGEDY

Mr. GOODELL. Mr. President, 4 weeks from today, the specter of wholesale starvation may once again stalk Biafra.

Unless we act, we will once again be witness to the death of millions of innocent children.

We will once more confront a vast "conscience gap" between our humanitarian ideals and the grim realities of international politics.

The shadow of this human tragedy will fall not only upon the Biafrans but upon the entire world.

Last year, over a million Biafrans, mostly young children, died of hunger. Then, for a time, a great international relief effort, supported by governments and concerned private citizens the world over, staved off further tragedy. A tenuous lifeline of Red Cross and Joint Church Aid relief flights into Biafra supplied enough precious protein food to hold famine at bay.

Now, this lifeline has been cut.

The Nigerian military government has prohibited all international relief flights into the stricken enclave. Its Russian-built fighters have shot down an unarmed Red Cross plane, killing its crew. It has warned that other mercy flights will meet the same fate.

Because of this Nigerian blockade, Red Cross flights have stopped, and Joint Church Aid deliveries have slowed down to a mere trickle.

Life-sustaining protein foods are no longer reaching Biafra.

Dr. Jean Mayer—the internationally known Harvard nutritionist who accompanied me on my trip to Biafra and now has been chosen by the President to organize the White House Conference on Food, Nutrition, and Health—has estimated that wholesale deaths resulting from protein deficiency will start occurring within the next 3 or 4 weeks. Other experts overwhelmingly concur in this judgment.

The ones who will die first are the young children who need protein to grow.

The words and the actions of the Nigerian military government strongly suggest that it is now determined to use the starvation of millions of children to achieve the victory that has so far eluded it on the battlefield.

In a statement that will long be remembered for its cynicism, Brigadier Katsina, the Chief of Staff of the Nigerian Army, explained the real purpose of the Nigerian moves, saying:

I will not feed somebody I am fighting.

I wonder if he considers that he is fighting the little children in Biafra. Similar assertions have been made by other high Nigerian officials, and indicate that the cruelest and most regressive elements are gaining a dominant voice in Nigerian Government circles.

These harsh words have been confirmed by much of the recent behavior of the Nigerian military government, such as the destruction of the Red Cross plane, the imposition of the blockade, and the arrest and expulsion of the Red Cross relief coordinator, Dr. Lindt.

Must we really accept from a nation to which we provide millions in economic aid the use of famine as an instrument of policy?

Are we, despite our great wealth and influence, powerless to bring the Nigerian military government to reason?

If we are determined—as we certainly must be—to avoid becoming involved in a military conflict in Africa, is there nothing we can do to induce the Nigerian authorities to honor their commitments to permit relief to pass?

Have we no influence among other African governments that would induce them to assert a more active role in reopening relief routes?

I cannot believe this is so.

It is not my intention to assert that the Biafran authorities have been blameless. They have often been needlessly dogmatic; for example, in their blanket refusal to accept any relief deliveries originating in Nigerian territory.

Again, I cannot believe we are impotent to induce the Biafrans to adopt a more flexible position, consistent with their security.

Responsibility for this tragedy does not lie solely with the Nigerians and the Biafrans.

Three great powers—Britain, Russia, and France—bear a grave responsibility.

They are the ones that have been the arms merchants for this bloody conflict.

They are the ones that have been treating this war as a battleground of their selfish interests.

Russia's sinister part in this tragedy is hardly surprising, as it has long been openly contemptuous of humanitarian considerations in its foreign policy.

The British, however, for centuries have had a great humanitarian tradition.

This makes the cynical role of the government of Prime Minister Harold Wilson so particularly distressing.

This makes it hard to comprehend that the man who holds the office of Gladstone and Churchill is seemingly more preoccupied with black oil under the ground than with black people suffering above it.

Britain has for years been the chief supplier of military and economic aid to Nigeria. The Wilson government has chosen to use this aid to arm and finance the war against Biafra.

Britain has for years had more diplomatic influence in Nigeria than any other nation. The Wilson government has chosen to utilize this influence to support the hard-line elements in Nigeria.

Britain has been our closest ally for over a century. Our two governments have for years cooperated in seeking just solutions to difficult world problems.

If we are serious in our desire to avert the imminent famine in Biafra, is there nothing we can do to persuade our British allies to do likewise?

Have we really exhausted the legitimate means available to us to secure a more humanitarian policy by an old and trusted ally?

I cannot believe this is so.

The United Nations and its Secretary General also bear a responsibility. Despite a 1968 U.N. study report that 2 million Biafrans perished by hunger, the United Nations has done nothing of real significance regarding the famine conditions in Biafra.

In a statement that can at best be described as naive, Secretary General Thant has dismissed as an internal problem a conflict that has been encouraged, financed, and supplied by three of the major powers.

Is the United Nations so weak that it can do nothing to avert a famine in which millions may die?

Is our influence in this great international body so small that we cannot move it to action?

I cannot believe this is so.

And what of our own policies?

The United States, at least, has never involved itself in supplying armaments for the Nigerian civil war. The fact that we, alone of the great powers, have not had direct arms involvement gives us a unique opportunity to expedite relief.

The Johnson administration, however, failed to make use of this opportunity.

Its policy was largely dictated by the State Department's Africa Desk, which was so "hung up" on the doctrine of "one Nigeria" that it relegated aid for the starving to a subordinate role. Gullible State Department officials believed British and Nigerian claims that a "quick kill"—a fast victory by Federal troops—was the best way of reuniting the country and alleviating suffering. Growing popular sentiment for an expanded relief effort was resisted by the Africa Desk on the grounds that it would impede the prompt reunification of the country.

That Africa Desk at the working level remains largely the same today. That Africa Desk must be changed if we are to have an enlightened policy in Africa.

The Nixon administration has brought about some significant changes in the direction of American policy.

President Nixon, during the 1968 campaign, spoke out forcefully in favor of a major relief effort.

On my return from Biafra in February of this year, the administration gave me, and I announced, the assurance that:

> The United States Government will make available to relief agencies on a feasible and emergency basis such cargo planes, ships, maintenance personnel, and parts as are found to be necessary to perform the humanitarian mission of getting food and medical supplies to the starving people in Nigeria and Biafra.

Following this, the Nixon administration appointed a Special Coordinator for Relief, Prof. C. Clyde Ferguson of Rutgers University. He was charged "with assuring that the U.S. contribution to the international relief effort is responsive to increased needs to the maximum extent possible and that they are effectively utilized."

Professor Ferguson's appointment was significant not only because of his unquestioned ability, but also because he was not identified with the State Department Africa desk and its policies. He has gone to Biafra and Nigeria on repeated occasions to negotiate relief procedures. Before his appointment, no administration official had ever been inside Biafra.

Ambassador Ferguson has undertaken a major effort to secure a water route up the Cross River for delivering supplies. He arranged for the chartering of two 900-ton LSM landing ships to the Red Cross, which would proceed up the river from a point on the Nigerian coast to a point in Biafra. Each ship would be able to deliver three times the volume of the average nightly airlift deliveries before the blockade, and the plan has the further advantages of simplicity and reduced expense.

The Nigerian Government, after having agreed in principle to the use of the ships, has apparently retreated again into a position of intransigence. Thus, Mr. Ferguson's excellent plan remains to be implemented, and the ships are still anchored in Lagos.

Another hopeful sign is the July 2 statement of Secretary of State Rogers, deploring the Nigerian relief blockade, and proposing a plan for resuming the flow of relief supplies through use of the Cross River route, a temporary resumption of night relief flights, and the establishment of daytime flights.

Now, further steps are urgently needed to avert the imminent threat of mass starvation caused by the Nigerian blockade.

I urge the administration to take the strong measures needed to meet the present emergency.

These measures can alleviate the impending starvation without embroiling us in the military conflict in Nigeria.

Specifically, I recommend the following steps:

First. The administration should make it clear that it is concerned with humanitarian objectives, not with achieving any particular political solution of the Nigerian conflict. Whether Nigeria and Biafra are ultimately united in one nation or divided in two cannot be a matter for us to decide; it is a decision to be made by the people involved.

Second. The United States should warn the Nigerian military government in the clearest terms that it will not provide economic or other support to any regime that, by its words or, more importantly, by its actions, shows that it has undertaken to use starvation as a means of achieving military objectives.

Third. The United States should use the strongest forms of persuasion to induce the Nigerian military government to lift its blackade and permit the resumption of Red Cross, Joint Church Aid and other internationally sponsored relief flights. It should likewise act to induce the Federal military government to honor its commitments to allow relief supplies to move by ship up the Cross River.

In seeking this objective, the United States should make full use not only of its contacts with the two sides of the conflict, but also its influence with other individual African states, the great powers, the United Nations and the Organization of African Unity.

If other initiatives fail to break the stalemate, the United States should be prepared in appropriate circumstances to consider the withdrawal of all or a portion of its regular economic aid to Nigeria.

Meanwhile, the United States should continue to work with both sides toward the development of alternative relief techniques—such as daytime flights or air drops—having adequate inspection procedures and adequate guarantees to the security of both sides.

Fourth. The United States should insist that Britain, Russia, and France promptly terminate their arms shipments into Nigeria and Biafra.

None of these steps would entail our shipping arms or troops, or otherwise becoming directly embroiled in the conflict. Thus none of these steps entail the risk of an "African Vietnam."

In fact, these measures will decrease the danger of conflict, by reducing tensions in the area and helping to secure a disengagement of the great powers in Africa. In short, they will help take the cold war out of Africa.

Finally, these steps will help achieve the humanitarian objective for which the United States has stood for so long. They will close the "conscience gap" that has grown between our ideals and the policies we have in fact been pursuing in the past. They will help restore the confidence of the American people that our Government is determined and able to avert human suffering.

The dimensions of this impending human tragedy have been plainly laid before us. We can no longer plead ignorance. We can no longer turn our eyes to avoid it. We can no longer be satisfied with polite murmurings of distress. We must act.

I am convinced that men of good will in this war-torn century are wise enough and generous enough to prevent this imminent disaster.

Mr. MURPHY. Mr. President, will the Senator from New York yield?

Mr. GOODELL. I yield.

Mr. MURPHY. I should like to congratulate the Senator from New York on the excellent statement he has just made. I associate myself with his remarks.

I should like to ask the Senator this question; it arises from the circumstances in this Chamber during the past few days:

The ebb and flow of the tide of opinion is whether we should continue to try to make our influence felt as the strongest, most productive, and most progressive, leading nation in the world, or whether we should retract and come back into the position of isolationism which we practiced during the 1920's.

I have been thinking about this. It bothers me that the matter of Biafra has been permitted to continue over this long period of time, making absolutely no sense, no reason. This is an action which might have happened back in the dark ages, but it makes no sense that, in this enlightened time, it should be permitted.

I should like to ask my distinguished colleague if he knows—and I am sorry to say I do not at the moment—the amount of aid we send to the Nigerian Government.

Mr. GOODELL. Yes, I do. First, I thank the Senator from California for his comments and for his agreement with my statement. I think that is very important.

We are now sending to the Nigerian Federal Government aid in two broad

categories. One is the general foreign aid program economic development in Nigeria, which amounts to about $15 million. The other is relief aid for the hungry in Nigeria, which amounts to about $60 million.

It has been our approach throughout this conflict that we want to aid starving people wherever they are. It was my approach, when I went to Nigeria and Biafra, to strive for better ways to help starving people within Nigeria controlled by the Federal military government, as well as to find ways to break the impasse and get food and medical supplies flowing to the Biafran enclave.

We have been generous with our aid. I think we should continue to be generous. But there comes a time when the political leadership of a government has declared, openly by its words, and more importantly by its actions, that it is deliberately using starvation as a weapon of war, when I think we must pause and consider whether our people will support such a government with economic development aid.

Mr. MURPHY. I congratulate the distinguished Senator. I should like to join him in any way that I can to make it absolutely clear, and immediately clear—not during the duration of long discussions by diplomats, but on a practical basis—possibly to urge that the President take action by sending an immediate emissary to explain that we cannot be party to these happenings any longer and with respect to any help going into that country, or in any other way short of military involvement or actual invasion, we will bring whatever proper legal pressures are at our disposal to see that this horrible condition is stopped. It has gone on far too long.

I would be more than pleased to join with my distinguished colleague in any action or in any ideas he has to find the method, whether it be through the United Nations or otherwise. Sometimes, I must say, I am saddened and shocked at the inability of what we thought was the last great hope of humanity. It seems to lack complete strength, power, and capability to get into an affair like this and be effective.

But I congratulate my colleague. I think the more is said about this particular unfortunate occurrence in the world, the sooner we may find answers to it and the cessation of that horrible condition.

Mr. GOODELL. I thank the Senator from California. I shall be glad to work with him in the future. I think the time is now for changes in policy and for action that can prevent the disaster. I believe the Organization of African Unity, the United Nations, Britain, the Soviet Union, France, but, most importantly, the United States can act now to bring about a solution to the problem of starvation in that country. I would like to reemphasize that I do not believe we can become involved in the internal conflict and dictate to them how this issue will be solved in Nigeria, Biafra, or wherever else. We can be available with our good offices and help with negotiations, if we reach that stage; but time is running out, and we must act now in a humanitarian endeavor.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. STENNIS. Mr. President, I have some morning business.

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

Mr. STENNIS. I yield.

LIMITATION ON STATEMENTS DURING TRANSACTION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour, with a time limitation of 3 minutes on statements related to morning business.

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

Mr. MANSFIELD. Mr. President, may I say I make this request just to get into the normal order of procedure. There may be one or two Senators who want to speak longer.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. I believe there is a consent agreement that I be recognized immediately at the conclusion of the morning hour. Is that correct?

The PRESIDING OFFICER. At the conclusion of morning business; that is correct.

REDUCTION IN MILITARY PROCUREMENT AUTHORIZATIONS

Mr. STENNIS. Mr. President, I would like to insert into the RECORD some figures and statistics that I know will be of interest to Senators. They pertain to the bill which is now under debate in the Senate and, in a way, this statement is a summary of the effects of some of the reductions the committee made in the bill.

The Armed Services Committee has recommended a reduction in research and development, test, and engineering funds in this bill slightly over $1 billion. It will be of interest to the Senators to realize that a number of these reductons, while they involve relatively small sums in fiscal year 1970, are like the tip of an iceberg that shows above the water, and these modest reductions this year, by nipping certain programs in the bud at an early stage of development, will result in this Nation's not spending many billions of dollars for the deployment of these weapon systems in the future.

I should like to list a few of these systems with the fiscal year 1970 savings or deletions by the committee and show alongside these figures the sums which might have been spent in the future to deploy these weapon systems.

The first item on that list is the SAM-D surface-to-air missile. The deletion was $75 million in the present budget; but if the recommendations of the committee should stand the estimated total investment of research and development and production would be $2.5 billion.

That is an illustration of the actions we are taking with reference to future programs as they have been strung out over the years. The judgment of the committee was that the missile was not a proper item now. Of course, circumstances may change.

We had another item that is of great interest, the Army heavy-lift helicopter, a very important item, for which only $15 million was provided in the budget this year; but it involves an estimated expenditure for the future, should it be carried all the way out, of $1.5 billion.

As a part of the picture there, the Navy is also developing a heavy-lift helicopter that we did not strike out. It is continuing. We could see no reason why there could not be a unity of operations.

Here is another item that we took out for the time being. It was in the early stages of concept, and it could be revived later, depending upon circumstances—the undersea launch missile system. We took that item out. It was $20 million. As I say, it was merely a concept. It is a Polaris-size force—that is, a force comparable to what the Polaris force is now, and it could have run as high as $25 billion, or even much more.

There are others on the list also, Mr. President. I mention for special emphasis here the Cheyenne helicopter. The amount for that item that came out of the bill is $429 million. Before we finished on that, the Defense Department asked that it be reduced. That is a $1.5 billion program, as a minimum, should it be fully developed.

There will still remain a question of some greatly reduced sum of money for some contingent research on some phase of that helicopter, but as the matter stands now, these estimates are fairly firm, and I believe the action of the Senate will be what we have recommended.

I ask unanimous consent that the table to which I have referred in these comments be printed in the RECORD at this point.

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

	Fiscal year 1970 deletion	Estimated total investment of R. & D. and production
SAM-D—Surface-to-air missile	$75,000,000	$2,500,000,000.
Army heavy lift helicopter	15,000,000	$1,500,000,000.
E-2C—Carrier airborne early warning aircraft	66,000,000	$600,000,000.
MOL—Manned orbiting laboratory space vehicle	300,000,000	$3,000,000,000.
ULMS—Undersea launch missile system	20,000,000	This was merely a concept. Polaris-sized force might cost $25,000,000,000 to $35,000,000,000.
SABMIS—Sea antiballistic missile intercept system	3,000,000	Also a concept. Cost would depend on size of force deployed but would be more expensive than land-based ABM of same force size.
RF-111 reconnaissance aircraft	15,000,000	$821,000,000.
Light intratheater transport aircraft	1,000,000	$1,000,000,000 minimum (R. & D. estimate alone was $437,000,000).
AGM-X-3 air-to-ground missile	3,000,000	$500,000,000 minimum (R. & D. estimate alone was $200,000,000).
Cheyenne helicopter air-support gunship	429,000,000	$1,500,000,000 as a minimum.
Total	927,000,000	$46,421,000,000.

Mr. CURTIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CURTIS. Are we under a time limitation?

The PRESIDING OFFICER. A limitation of 3 minutes.

Mr. CURTIS. Mr. President, I ask unanimous consent that, notwithstanding the time limitation, I be permitted to proceed for 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, I shall not, of course, object, but I ask the Senator if he will permit me to speak first for 5 minutes, because I have an executive session right now on coal mine safety, marking up a bill.

Mr. CURTIS. Mr. President, I ask unanimous consent that the distinguished Senator from New York be permitted to proceed for 5 minutes, without my losing my right to proceed for 15 minutes thereafter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JAVITS. I thank the Senator from Nebraska.

THE MIDEAST DANGER

Mr. JAVITS. Mr. President, international attention has again been focused on the incendiary situation in the Mideast by U.N. Secretary General U Thant's report of July 7 to the Security Council. In describing the situation along the Suez Canal cease-fire line as "a virtual state of active war, the Secretary General reports that "heavy weapons fire was initiated almost daily, especially from the west—Egyptian—side of the canal." The report goes on to state that the U.N. cease-fire observers have sent violation messages "almost daily to the authorities in the United Arab Republic, and occasionally, as necessary to Israel." And, "in the month of June alone there were 21 reported incidents of firing by United Arab Republic forces and five by Israel forces on United Nations personnel or installations," according to the reports of his own observers.

The Secretary General draws the conclusion that "open warfare has been resumed," and he warns that the present situation "could even be the overture to more general and intensive hostilities in the Middle East."

While his own report makes it unmistakably clear that Cairo is largely responsible for the sharp increase in cease-fire violations, the Secretary General proceeds to a passionate appeal "to all parties in the Middle East" to observe the cease-fire. He even says explicitly that he makes his appeal "without passing any judgment on any party, and without prejudice to the positions and policies of any one of them."

In my judgment, Secretary General U Thant's report would have been of much more value and would have carried more conviction if he had told it as it is, and reported to the world that the United Arab Republic—for reasons of its own—is initiating almost daily artillery barrages and also generally land and air hostilities up and down and across the Suez Canal cease-fire line. A report of this nature could have done something to restore confidence in the impartiality of the U.N. Security Council by counterbalancing to some extent the several quick and harsh Security Council "condemnations" of Israel's "survival" retaliatory measures in the past, which aroused great opposition in this country. Also, it would have given Israel some measure of confidence in the U.N.'s intentions, rather than to encourage Israel to rely for its security so heavily on its own arms.

It is well known that one aspect of United Arab Republic and Soviet tactics in the Middle East is to create a propaganda image of the imminent danger of open war and thereby try to get the United States to lend its support to some dictated peace. By constantly arousing such international fears, Cairo and the Kremlin hope that they can steamroller the great powers into "imposing" a peace which forces Israel to withdraw in return for a new arrangement of the type which proved so unreliable and culminated in the May-June 1967 hostilities .

I believe that the Secretary General could have shown more realism in framing his report and its conclusions and recommendations, and thereby not unwittingly contributing to this big-war scare tactic.

While it is certainly true that Cairo, in pursuance of its recent proclamations about repudiating the Suez cease-fire line and adopting an active defense posture, is engaging in live-ammunition war games with its new Soviet equipment against Israeli forces in Sinai—yet there does not seem to be any real danger of a renewal of "all-out" war in the near future. The United Arab Republic lacks the military capability and Israel lacks the motive.

It is especially important that the great powers keep their cool at tense moments like the present. There is certainly cause for concern. But in my judgment there ought to be more concern over the weakening of the peace negotiating channels and the deterioration of the already strained and limited cease-fire. The momentum seems to have been drained from the Jarring mission. And the Big Four and Big Two negotiations, which began with such fanfare, seem to be close to a dead end.

Certainly, one conclusion is clear: Notwithstanding the serious and dangerous shooting going on now—and the resultant terrorism and instability—it is still the time to insist on a permanent peace. This is the moment when the great powers, without seeking to dictate the terms—which could be fatal—can insist that there be no more complacency based on truces or cease-fires; and that the world must run the risks that are involved to insist that the next basic move—even if it takes months—must be a permanent peace.

My own skepticism concerning the Big Four and Big Two negotiations on Mideast peace is a matter of public record. However, I wish to reiterate that my criticisms of the Big Two approach concern the role and agenda which Moscow and Washington have adopted for themselves. It was a mistake, in my view, for the two superpowers to attempt to negotiate subjects which can only be negotiated in a meaningful way by the two parties themselves.

Nonetheless, I have long advocated U.S.-U.S.S.R.—or four-power negotiations concerning those problems in the Mideast which they can effectively deal with. Some key questions can be decided by them, and all of this can and should be accomplished without usurping the prerogatives of the local parties to the dispute. Moreover, if the Big Two could reach agreement on the matters which primarily concern them, this would transform the atmosphere and contribute in a major way to the prospects for a final and lasting settlement between the local parties themselves. In this spirit, the powers must insist that the next basic development must be a permanent negotiated peace.

In my judgment the following subjects should be taken up for consideration at the resumption of the United States-Soviet Mideast talks in Moscow next week.

First, this is the moment when the great powers, without seeking to dictate the terms by which it could be settled, can insist on a permanent peace. There can be no more complacency or wishful thinking based on hodgepodge truces and cease-fires; we must run the risk of insisting that the next basic move—even it takes months of danger and shooting like this—we must persist to get a permanent peace. If the Big Two could come to an agreement that only a genuine, permanent peace—which deals with causes and not just symptoms—can serve the cause of world peace, and their own interests, then we would be a good way further along on the road to that indispensable goal.

Second, international agreement on the limitation of arms shipments into the Middle East from outside sources. While Moscow may not be able to control the political decision in Cairo to escalate military action along the Suez, Moscow can help to control Egypt's military capability to put such policies into effect. Without Soviet equipment, guns, and ammunition—supplied in the worth of billions of dollars since June 1967—the Egyptians could not have created the image of, to use the words of U Thant's report, "a virtual state of active war." And it should be stressed that resupply is constant—while Israel is finding it very difficult to maintain arms balance, even considering its superior training and skill. The U.S.S.R. has a real interest, since its Arab clients could well lose another war if they recklessly undertook one.

Third, the Big Two can reach an understanding with respect to the mutual disposition of their respective, nuclear-armed naval forces in the eastern Mediterranean—especially as regards hypothetical circumstances in which hostilities between the radical Arab States and Israel might escalate further or the real military danger of the Mideast situation lies in the possibility of Arab irresponsibility getting the superpowers involved with each other. The various possible military developments and equations in the Mideast are fairly predictable, and it

is only commonsense that the United States and U.S.S.R. work out now in the calm deliberation of diplomatic negotiations certain ground rules as to what each might or might not do without risking a confrontation. It is essential that this sort of arrangement not be left to the chances and confusions of hurried hotline negotiations in the heat of some precipitate Arab military escalation.

Fourth. The Arab refugee question is a matter of international concern and responsibility. A new effort must be made to seek a solution to this tragic humanitarian problem. The refugees must be freed from the manacles—of the political hostages—in which Arab leaders have kept them for 20 years. The UNRWA approach of the past suffered from the basic defect that it has kept the refugees in refugee status for 20 years and is now producing a second generation of refugees. A new international program should be of a self-terminating character designed to end the status of refugees as refugees by integrating and resettling them into proper, normal civilian circumstances. Even though the U.S.S.R. does not make contributions for the refugees—and the United States contributes the most—the U.S.S.R. has a vital interest, too, since the UNRWA is a U.N. relief agency.

Fifth. An additional proper subject for big-power negotiations concerns the rules for usage of the international waterways of the Mideast—especially the Suez, the Gulf of Aqaba, and the Straits of Tiran. These waterways have long been recognized and accepted as international passages. They do not belong to individual Arab States, and we cannot accept Arab claims to govern their use in any way they see fit. After all, the Soviet Union would never accept Turkish claims to control the Dardanelles in any way Turkey saw fit. Perhaps there is a real key to a Mideast settlement in an international determination to reopen the Suez Canal, and the other international waterways concerned, to world shipping on nondiscriminatory terms, under Big Four or U.N. Security Council leadership.

Sixth, and finally, I consider it to be an urgent priority for the United States and U.S.S.R. to consider jointly at next week's Moscow Mideast meeting ways in which the Jarring mission can be strengthened and revitalized. There is no doubt, in my judgment, but that this mandate to promote negotiations and an agreement between Israel and the Arab States, following the November 22, 1967, U.N. resolution, must be dramatically strengthened and reaffirmed in the Security Council, with unanimous big-power support. I once again urge consideration of the successful precedent of the Isle of Rhodes negotiations between the same parties of 1948–49. Also, the breach of the cease-fire initiated by the United Arab Republic, Jordan, and now Syria is the most direct breach of a U.N. resolution and should be promptly protested by the U.N. and also should be dealt with by Ambassador Jarring under a new and strengthened U.N. mandate.

I thank the Senator.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT PURSUANT TO THE FEDERAL CIGARETTE LABELING AND ADVERTISING ACT

A letter from the Chairman, Federal Trade Commission, transmitting, pursuant to law, a report pursuant to the Federal Cigarette Labeling and Advertising Act, dated June 30, 1969 (with an accompanying report); to the Committee on Commerce.

PROPOSED DISTRICT OF COLUMBIA PUBLIC DEFENDER ACT OF 1969

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to expand and improve public defender services in the District of Columbia (with accompanying papers); to the Committee on the District of Columbia.

PROPOSED REORGANIZATION OF THE COURTS OF THE DISTRICT OF COLUMBIA

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to reorganize the courts of the District of Columbia, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the effectiveness and administration of the community action program administered by the Gila River Indian Community under title II of the Economic Opportunity Act of 1964, Gila River Indian Reservation, Arizona, Office of Economic Opportunity, dated July 11, 1969 (with an accompanying report); to the Committee on Government Operations.

PROPOSED AMENDMENT OF THE BAIL REFORM ACT OF 1966

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to amend the Bail Reform Act of 1966 for the purpose of reducing crime committed by persons released on bail (with accompanying papers); to the Committee on the Judiciary.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore announced that on today, July 11, 1969, he had signed the enrolled bill (H.R. 4153) to authorize appropriations for procurement of vessels and aircraft and construction of shore and offshore establishments for the Coast Guard, which had previously been signed by the Speaker of the House of Representatives.

BILLS AND JOINT RESOLUTION INTRODUCED

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

By Mr. ERVIN:

S. 2593. A bill to exclude officers and employees of Western Hemisphere businesses from being charged against the Western Hemisphere immigration quota; and

S. 2594. A bill to exclude officers and employees of Canadian businesses from being charged against the Western Hemisphere immigration quota; to the Committee on the Judiciary.

By Mr. NELSON:

S. 2595. A bill to amend the Agricultural Act of 1949 with regard to the use of dairy products, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. GURNEY:

S. 2596. A bill limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes; to the Committee on the District of Columbia.

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

By Mr. PERCY:

S. 2597. A bill to authorize increases in the maximum principal amounts of certain mortgages insurable under the National Housing Act to correspond to increases in the cost of new single-family residences;

S. 2598. A bill to amend section 235 of the National Housing Act to remove present limitations on the making of assistance payments with respect to existing dwellings, or dwelling units in existing projects; and

S. 2599. A bill to amend section 237 of the National Housing Act to give preference to homeowners receiving assistance payments under section 235 relating to counseling services and mortgage insurance assistance; to the Committee on Banking and Currency.

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

By Mr. HRUSKA (for himself, Mr. DIRKSEN, and Mr. THURMOND):

S. 2600. A bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes; to the Committee on the Judiciary.

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

By Mr. HRUSKA (for Mr. TYDINGS) (by request) (for himself, Mr. HRUSKA, Mr. PROUTY, Mr. DIRKSEN, Mr. MCCLELLAN, Mr GOODELL, Mr. ERVIN, and Mr. THURMOND):

S. 2601. A bill to reorganize the courts of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

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

By Mr. DIRKSEN (for himself, Mr. HRUSKA, Mr. MCCLELLAN, Mr. MATHIAS, and Mr. ERVIN):

S. 2602. A bill to be known as "The District of Columbia Public Defender Act of 1969"; to the Committee on the District of Columbia.

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

By Mr. MATHIAS:

S.J. Res. 136. A joint resolution to authorize and request the President to proclaim July 21, 1969, as a national day of prayer and thanksgiving; to the Committee on the Judiciary.

S. 2596—INTRODUCTION OF A BILL LIMITING THE USE OF PUBLICLY OWNED OR CONTROLLED PROPERTY IN THE DISTRICT OF COLUMBIA

Mr. GURNEY. Mr. President, I introduce for appropriate reference a bill I introduced last year as a Member of the House of Representatives. Last year this legislation was provoked by the unfortunate events that occurred when an organized group moved into the District of Columbia and took over the use of the Mall by the establishment of the so-called Resurrection City.

This bill would prohibit the issuance of any permit by a Federal or District of Columbia officer to use any real property within the District of Columbia for camping, sleeping, sitting in or any other overnight use, or for erecting any temporary buildings thereon. No governmental use or activity on the public property would be limited or restricted.

The bill also provides that in connection with permits for organized demonstrations that a reasonable bond must be posted for damage done to Government property.

The 1967 march on the Pentagon is proof positive that the bond provision in this bill is badly needed. The direct cost to Uncle Sam of cleaning up the destruction and mess of the marchers, the heavy outlay for police overtime, transportation and care of Federal troops brought in to protect the Pentagon has been estimated at over a million dollars.

In May of 1968, Congressman WILLIAM CRAMER and I introduced this legislation prior to the arrival of the Poor People's March here in Washington. The bill was reported favorably from the House Committee on Public Works, cleared the Rules Committee, and was reported to the House for consideration. However, the House leadership failed to call up the bill for a vote, because of the emotion and tension of that particular period.

However, now that tempers have cooled off, under Congressman CRAMER's leadership in the House of Representatives the bill introduced by him this year passed on June 11 by a very large margin. I am pleased to once again join in this effort with Congressman CRAMER to secure action this year and hope that the Senate will follow the lead of the House in passing this measure.

We are all familiar with the results of last year's experience with Resurrection City. Anyone seeing that disgraceful situation which developed in our Nation's Capital will certainly understand the need for this legislation. It cost the American taxpayer between $1 and $2 million to clean up the Mall after abandonment. We had here a city within a city, a situation where the Park Police could not go in, where the policy authority of the District of Columbia could not function.

Now is the time to reconsider this bill. We now have a climate in which the emotion that was present at that time does not exist. It cannot be said that the bill is discriminatory. It simply provides that no organization can use Federal property in the District of Columbia for camping or for a so-called city.

This bill does not infringe on the right of any American to petition his Government, to demonstrate in the District of Columbia or to peacefully protest as he sees fit. It is simply based on the premise that the national shrines and grounds in the District of Columbia belong to all Americans and should be preserved for the use of all Americans.

The public buildings and grounds of the United States are the property of all its citizens, and in no area of the country is this more true that within the District of Columbia. Washington, as the Capital, epitomizes what this Nation stands for. It is here that the people of the United States have placed the monuments, parks, and statues that identify our heritage and our purpose as a nation. It is here, too, that our Federal Government is housed and functions. These grounds and buildings belong to all the people, and they should at all times be available to all our citizens.

It has aways been the policy of the District of Columbia, as it was up until Resurrection City in 1968 and as it was understood up until that time, that there will be no permit granted for overnight occupancy; and there never was. The only exception was a specific Boy Scout jamboree in 1937, which was permitted by congressional action. Subsequent to that, there never was a camp-in permitted until Resurrection City came along.

Congressional action is essential to insure that we have no such future occurrences and that we preserve these national lands for the use of all the people.

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

The bill (S. 2596) limiting the use of publicly owned or controlled property in the District of Columbia, requiring the posting of a bond for the use of such property, and for other purposes, introduced by Mr. GURNEY, was received, read twice by its title, and referred to the Committee on the District of Columbia.

S. 2597, S. 2598, AND S. 2599—INTRODUCTION OF BILLS RELATING TO AMENDMENTS OF THE HOMEOWNERSHIP PROGRAM

Mr. PERCY. Mr. President, in July of 1966, I began working on a plan to assure homeownership opportunities to lower income persons. Since that time, 3 years ago, I have every day become more convinced of the value of homeownership. The ideal of homeownership is deeply rooted in American life. It brings with it a sense of belonging, a feeling of self-esteem and dignity, and a new appreciation of good citizenship.

Ever since the creation of the Federal Housing Administration in 1934, it has been Government policy to encourage homeownership for upper and middle income families. But that policy has ignored the proposition that the lower income family, who will perhaps profit most from the psychological values of homeownership, should have a reasonable opportunity to move up to owning a home of its own. Now, however, with the passage of the section 235 homeownership program in the 1968 Housing and Urban Development Act, the time has finally come to make the prospect of homeownership a reality to the poor, but aspiring, family whether confined to an urban ghetto or living in a tenant shack in a rural area.

It was deeply gratifying to me that the housing bill of last year received broad support from both sides of the aisle and from conservatives and liberals alike. I look upon the large affirmative vote of last year as a congressional vote of confidence for this new program.

Therefore, I am happy to report that the new homeownership program is the most popular housing program ever instituted by the Department. The favorable response has been overwhelming. The success of the program is revealed by the long waiting line for new funds in most all FHA offices across the country. When President Johnson submitted on January 23 of this year the first annual report on national housing goals, he said:

> There are signs that the 235 Program may well be the most rapidly accepted program for low and moderate income families. There is tremendous interest in it on the part of the industry and the lenders. It seems to be responsive to the request from the poor for a housing program for them that will permit homeownership. The estimated level of production that will be achieved in 1970 is reflective of this interest, but it will only be achieved if the appropriations actions release adequate payment authority.

Now that we have finally found a program which is acceptable to the private sector as well as the poor themselves, it is my hope that we will refine the legislation and improve upon the program until we have a program that will begin to make a sizable contribution to fulfilling the housing goals established by the Congress last year. For this reason, I have attempted to watch developments of this program very carefully in order to determine whether changes in the statute enacted last year are necessary to achieve the desired goals. And accordingly, there are several areas which I believe need further consideration by the Congress.

PRIORITIES

My major disappointment with the homeownership program to date has been the fact that too many of the units have been placed in suburban areas and too few have been built or rehabilitated in the inner city and rural areas. One of the reasons that this has happened is that most projects in the inner city area are put together by nonprofit or limited dividend corporations which have a neighborhood orientation. Such community organizations often lack the staff and expertise needed to quickly and effectively put together such a housing project. Also, there are inadequate means to reach low-income people in rural areas and educate them as to their new housing opportunities under section 235. The National Homeownership Foundation which will be established in the near future will carry on a program of encouraging public and private organizations at the national, community, and neighborhood levels to provide increased homeownership and housing opportunities in rural and urban areas. I am certain that this foundation will go a long way in helping to locate needed housing units in the depressed rural and urban core areas.

However, at a time when there are limited funds available for this important housing program, I feel that the Congress should consider requiring that strict priorities are set on the funds that are available. Priorities should be set for projects which are located in areas of blight and high minority concentrations. Priority should be given to projects which involve rehabilitation. Also, priority must be given to projects which serve the lowest practicable income levels of families and include provisions for the delivery of counseling services to those families who need it.

HIGH COST OF HOUSES

The present legislation permits subsidies to be made available to homeowners who are carrying mortgages not in excess of $15,000—or $17,500 in certain high-cost areas. Large families may carry mortgages as high as $17,500—or $20,000 in high-cost areas.

Since the act was passed in August of 1968, the cost of construction has skyrocketed. Lumber costs are up, and labor costs are up. Thus, I feel that it is necessary to give added flexibility to the Secretary of the Department of Housing and Urban Development to raise the mortgage limit level as housing costs increase. Without such authority, the program cannot be used, as housing in many areas of the country cannot be built within the maximum level established.

Therefore, I am today introducing legislation which would amend the Housing and Urban Development Act of 1968 to give the Secretary of the Department of Housing and Urban Development the authority to increase—or decrease—the mortgage limits stated in the bill whenever the cost of housing increases—or decreases—by 3 percent or more. There is in existence at the present time a housing index entitled, "The Price Index For New One Family Houses Sold," published annually by the Bureau of the Census. This index, measures year to year changes in the sales prices of new houses with the same characteristics. That is, whereas changes in the average cost of all new houses sold also reflect changes in the characteristics of the houses which are built, this index does not reflect the increased amount of additional appointments and luxuries which are being added to American houses. Thus, in contrast to the 18-percent increase in the house price index from 1963 to 1968, the average of actual sales prices for all new one-family homes sold in this 5-year period increased about 37 percent, in consequence of the shift to larger houses with more equipment during these years.

This is an index of the total sales price of new one family houses built for sale and sold. The sales price includes the value of the site on which the house is built, which we all know is an important factor in the increasing price rise. Since this is an index of sales prices, it reflects not only changes in cost of labor, materials, land, and selling expenses, but also changes in productivity and profit margins in residential constructions.

While I realize that this aim would set a new precedent in housing legislation by giving this authority to the Secretary, I feel that it is vital to the success of the program that the mortgage limits be kept in tune with rising housing costs. Therefore, I feel strongly that the Secretary should be given this authority. It would be similiar to the authority that we gave to the Secretary last year to increase the FHA interest rates when general interest rates go up.

USE OF EXISTING HOUSING

The Housing and Urban Development Act of last year permitted the use of existing housing on a limited basis for the new program. Twenty-five percent of the units for the first year, 15 percent of the units for the second year, and 10 percent of the units for the third year could be of existing housing. Technically under the legislation this means that after the third year no existing housing units could be used for the subsidy program. What this means in operation is that a home which is built to be used by a subsidized family can be used by that family only once. That is, when the family moves out of the house, it then becomes "existing housing" and another subsidized family can not move in. I do not believe that this was the intention of the Congress nor do I believe that this makes good economic sense.

Therefore, I am introducing legislation today which would remove the present limitations on making assistance payments with respect to existing units. I believe that families should have the utmost flexibility in choosing the home in which they wish to live and should not necessarily be limited only to new construction. At the same time, it should be realized that some of the best housing "bargains" today exist in the purchase of existing or older homes. These units should not be removed from the lower income housing market by the prohibition against the subsidy payments.

COUNSELING SERVICES

Section 237 of the National Housing Act establishes a new program of special mortgage insurance assistance to those individuals who, for a variety of factors, are unable to meet the credit requirements of the FHA. The Congress set up this special program, which permitted the FHA to guarantee the mortgage loans of these families if special budget, debt management, and related counseling were offered. This was an important and sharp digression from the FHA practices of the past and was intended to permit many low income persons to qualify for a FHA mortgage who could not heretofore do so.

Unfortunately, the Congress has not funded this program so that HUD has very few dollars to devote to it. I was distressed to learn that many FHA offices are providing this counseling to families of middle and high income rather than the low-income persons who need the help the most. The law already states that public housing families should be given preference for the program. However, I feel that this is too narrow a group and am today introducing legislation which will make it clear that families eligible for the section 235 program should also be given preference for the counseling program if funds are scarce.

Mr. President, the Housing Subcommittee of the Senate Banking and Currency Committee begins hearings next week on the administration's housing recommendations. At that time the homeownership program will be given a thorough hearing and the committee will consider changes which should be made to perfect the program. I shall consider all these proposals very carefully in order that we can assure lower-income families the best possible opportunities for a better life through the incentives of homeownership.

I ask unanimous consent that the bills referred to in my statement be printed in the RECORD at this point.

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

The bills, introduced by Mr. PERCY, were received, read twice by their titles, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 2597

A bill to authorize increases in the maximum principal amounts of certain mortgages insurable under the National Housing Act to correspond to increases in the cost of new single-family residences

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title II of the National Housing Act is amended by adding at the end thereof a new section as follows:

"FLEXIBLE MORTGAGE AMOUNTS ON ONE-FAMILY DWELLINGS OR UNITS

"SEC. 243. (a) Notwithstanding any other provision of this Act, the maximum principal amounts of mortgages on one-family dwellings or units insurable under section 221(d)(2), 235(i), or 237 shall be increased as provided in this section.

"(b) As soon as possible after January 1 of each year, the Secretary shall determine the extent by which the price index in the preceding calendar year was higher than the price index in the base period. If the Secretary determines that the price index has risen by a percentage (of its level in the base period) equal to at least 3 per centum, the maximum principal amounts of mortgages on one-family dwellings or units insurable under any section referred to in subsection (a) shall be increased by the same percentage (adjusted to the nearest $100), effective upon the date of publication of the Secretary's determination in the Federal Register.

"(c) For purposes of this section—

"(1) the term 'price index' means the 'Price Index for New One-Family Houses Sold', published annually by the Bureau of the Census; and

"(2) the term 'base period' means the calendar year 1967.

"(d) The effective date of this section is January 1, 1969."

S. 2598

To amend section 235 of the National Housing Act to remove present limitations on the making of assistance payments with respect to existing dwellings, or dwelling units in existing projects

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 235 of the National Housing Act is amended—

(1) by striking out ", if the family qualifies as a displaced family as defined in section 221(f), or a family which includes five or more minor persons, or a family occupying low-rent public housing" in the second proviso of subsection (b)(2);

(2) by striking out paragraph (3) of subsection (h); and

(3) by striking out subparagraph (A) of paragraph (3) of subsection (i) and inserting in lieu thereof the following:

"(A) involve a single-family dwelling, or a two-family dwelling one of the units of which is to be occupied by the owner if the dwelling is purchased with the assistance of a nonprofit organization, or a dwelling or a family unit in a condominium project which meets such standards as the Secretary may prescribe, or a dwelling unit in a project covered by a mortgage insured under section 236 or in a project receiving the benefits of financial assistance under section 101 of the

Housing and Urban Development Act of 1965;".

S. 2599

A bill to amend section 237 of the National Housing Act to give preference to homeowners receiving assistance payments under section 235 relating to counseling services and mortgage insurance assistance

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 237(d) of the National Housing Act is amended by—

(1) inserting immediately after "applications" the following: "(including counseling services)"; and

(2) inserting immediately after "this section" the following: "(1) to homeowners receiving assistance payments under section 235, and (2)".

S. 2600—INTRODUCTION OF BAIL REFORM ACT AMENDMENTS TO ACHIEVE PUBLIC SAFETY WITH EQUAL JUSTICE

Mr. HRUSKA. Mr. President, I introduce, for appropriate reference, a bill to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes. This legislation has been sent to the Vice President by Attorney General Mitchell with a favorable administration recommendation.

ADMINISTRATION WAR ON CRIME

Mr. President, on the 11th day after his inauguration, President Nixon issued a statement on the District of Columbia which began with the words, "Responsibility begins at home."

That excellent message contained a 12-point section detailing a program to combat crime and improve the administration of justice in the District. The proposals ranged from strengthening the court system in the Nation's Capital to improving the Department of Corrections, from bail reform to citizen participation in the war against crime, from new measures to combat juvenile crime to improved courthouse facilities.

The message covered eight legal-sized pages and was a positive, constructive response to the public demand for a concerted and coordinated effort to reduce the skyrocketing rise of crime in Washington.

What is proposed is a complete and deep-rooted restructuring of the criminal justice system in the District of Columbia. The bill I introduce today is in partial response to the President's message. The bill introduced by the Senator from Maryland (Mr. TYDINGS) on court reorganization for the District of Columbia and the bill introduced by Senator DIRKSEN on public defender system for the District of Columbia are also responsive to that message.

There has, Mr. President, been some impatience expressed at the timelag between the issuance of the President's statement and legislative results. This impatience, I suggest, is not warranted.

The weeks that have passed since January 31 are, in fact, a short time when measured against the size, more than 300 typewritten pages, legal size, and complexity of the undertaking. What has been proposed for the District of Columbia in court reorganization, alone, is similar to a complete restructuring of a State's court system. Does anyone consider that 5 months is too long a time to accomplish such a task?

The time between the President's message and now has been well spent in refining and improving the administration's proposals. This will result in a saving of time and speedier availability to the Congress as it considers these bills.

The general thrust of the need for a complete overhaul of the criminal justice system in the District of Columbia can be found in the report of President Johnson's District of Columbia Crime Commission. That was delivered 2 years ago and was issued at a time of a greatly increasing crime rate in the District. Yet nothing was forthcoming in the way of substantial reform until much, much later.

Now, in the 5½ months since President Nixon first proposed his 12-point program, we have a good product for the consideration of the Congress. It is my hope that all Senators will join in the earnest consideration of this legislation and that the Senate will mark its approval.

This legislation being offered today is a redemption of the President's pledge to provide a well-considered and workable response to the growing threat of crime and to the improvement of the criminal justice system. Its importance will far surpass the headlines of tomorrow's papers which report on the introduction of the legislation. The results will be of permanent and lasting value to all citizens.

INCREASING CRIME IN THE NATION

Mr. President, the opening paragraph of the 1968 Preliminary Annual Uniform Crime Reporting Statistics reads as follows:

During the calendar year 1968 crime nationally increased 17 percent over 1967. The violent crimes rose 19 percent with murder and forcible rape up 14 percent, robbery 29 percent and aggravated assault 12 percent. The property crimes, as a group, recorded a 17 percent rise with burglary up 13 percent, larceny $50 and over in value up 21 percent, and auto theft 18 percent. Crime in the large core cities with populations 250,000 and over increased 18 percent, suburban communities reported an 18 percent increase, and the rural area 12 percent.

Crime is a national issue because crime is a national problem. People demand protection in their homes, their businesses, and in the streets. President Nixon campaigned hard on the issue of crime because he believes something could be done about it. People voted for him because they were receptive to his leadership.

President Nixon is a man of action, not given simply to making rhetorical promises. The Attorney General, too, is a man of action. Despite the fact that the administration has been in office less than 6 months, the steps taken in the fight against crime have been significant.

Organized crime has been a particular target on the national level. The administration forwarded S. 2022, the Illegal Gambling Control Act, which it was my privilege to introduce. A special antirackets force has been set up in New York City and permanent field offices are being organized around the country. The use of electronic surveillance against racketeers has been authorized.

Mr. President, the crime problem was a problem inherited by the Nixon administration. In 1965 crimes rose 5 percent, and in 1968 crime increased 17 percent. In the first 3 months of 1969 it increased 10 percent.

The best example of the seriousness of the crime problem is right here in the District of Columbia. From 1965 through 1968 robberies alone increased by 300 percent. In the first 3 months of 1969, they had increased by over 36 percent.

Since the President's statement of January 31, the administration has been working vigorously to carry out the program the President outlined. The District budget request was revised to reflect $13.8 million to implement the President's recommendations. Funds are included for additional personnel and for needed capital expenditures. Studies of the juvenile system have been instituted, the U.S. Attorney's office has been reorganized, and the Bureau of Narcotics and Dangerous Drugs has doubled its efforts.

ADMINISTRATION CRIME BILLS

Most importantly, today, less than 6 months after taking office, the Nixon administration has sent to the Senate three legislative measures aimed at significantly strengthening criminal justice in the District of Columbia. I am pleased to have joined as a cosponsor of two of the measures: the District of Columbia Court Reorganization Act, and the District of Columbia Public Defender Act in addition to introducing the third measure—Bail Reform Act.

1. COURT REORGANIZATION ACT

The District of Columbia Court Reorganization Act of 1969, introduced today on behalf of the Senator from Maryland, would consolidate and upgrade the present court of general sessions, juvenile court and District of Columbia Tax Court into a single superior court of expanded jurisdiction which would be the trial court for the District. The present court of appeals would continue to hear appeals from the local trial court and would become the highest appellate court for local matters in the District, equivalent to the highest court of a State. In gradual stages, the bill would substantially reorganize the jurisdiction of the courts in the District of Columbia. Ultimately, the Federal courts would have only Federal jurisdiction, with all local jurisdiction vested in the District of Columbia courts. The Federal and local court systems in the District would then be analogous to the systems existing in the States.

2. PUBLIC DEFENDER ACT FOR DISTRICT

The District of Columbia Public Defender Act will convert the Legal Aid Agency of the District of Columbia into a Public Defender Service, and will expand and improve public defender services for the indigent adult and juvenile defendants in the District. Up to 60 percent of the eligible persons who appear before the District courts will now be able to obtain the services of a full-time public defense counsel. The service will also be authorized to cooperate in the

system of assigning private counsel to the other percentage of cases, and to provide assistance to all appointed private counsel.

Mr. President, this Public Defender Act closely parallels the proposal in S. 1461, the Criminal Justice Act Amendments of 1969, which I introduced this session. Full-time public defense counsel, in conjunction with assignment of private counsel in a substantial number of cases for defendants financially unable to obtain adequate representation, can best provide the experienced, efficient and dedicated criminal bar so necessary to a fair and effective system of criminal justice.

3. BAIL REFORM ACT

The third bill, which I introduce here, amends the Bail Reform Act of 1966. Although the bill is national in scope it is particularly important to the District of Columbia because of the Federal jurisdiction over all crimes. Over 40 percent of all Federal crimes are committed in the District.

In his special message to Congress on the District of Columbia in January of this year, President Nixon outlined his intentions to recommend legislation improving the Bail Reform Act, increasing the quality of defense counsel available to criminal defendants, and reorganizing the District court systems. His intentions have now been translated into concrete action. And I assure this body, Mr. President, that this is only the beginning.

Mr. President, the Bail Reform Act of 1966, which it was my privilege to cosponsor, was enacted by the Congress to assure that no person, rich or poor, would be needlessly—and I emphasize the word, "needlessly"—detained in the Federal law enforcement system pending trial. That act has been considered by many to have been a propitious step toward achieving the goal of equal justice.

By breaking through the unequal restraints of money bonds, the act required release of accused persons in noncapital cases on their own recognizance, or upon certain nonfinancial restrictions when release on personal recognizance was not sufficient to deter flight. Detention could only be ordered under the act in capital or appeal cases on grounds of danger of the defendant to the community. Pretrial release without money bond greatly aided the indigent and the poor who would otherwise remain in jail unable to post bond. Prior to the 1966 act, too many defendants unable to post bond languished in jail until tried, regardless of the strength or the seriousness of the charges against them and regardless of their risk of flight. Many, subsequently, were acquitted of the charges.

The statement of purpose contained in the 1966 act recognized the goal of equal justice in moving away from strictly money bail:

> Present federal bill practices are repugnant to the spirit of the Constitution and dilute the basic tenets that a person is presumed innocent until proven guilty by a court of law and that justice shall be equal and accessible to all.

The Constitutional Rights Subcommittee held investigative hearings on the Bail Reform Act in January of this year to survey, fully and intensively, the gains made, and the defects discovered in the operation of the present act. The hearings revealed the need for further legislative action, and the bill I introduce today seeks to correct important defects in the 1966 act. These defects concern the need to weigh public safety as well as equal justice in pretrial release proceedings.

During the January hearings, it was determined that it is still not uncommon for Federal judges to set high money bond for defendants rather than setting other nonfinancial conditions of release permitted under the act. This continued use of money bail has not usually been due to a high risk of flight from the jurisdiction posed by the defendants but rather because of the potential and sometimes substantial risk that the defendants would present to the community or to other persons. In many such cases, a strong presumption can be raised that no clear evidence of risk of flight existed. The present act does not, of course, authorize strict conditions of release, including money bond, without strong evidence of such risk. High bond has been used by judges, nevertheless, under a pretense of high risk of flight.

The proposed amendments in the bill I am introducing will permit a Federal judge to set strict conditions of release or to detain in noncapital cases because of the hard facts of danger, rather than the fiction of risk of flight. This honest recognition of the need to weigh public safety will enhance the original purposes of the 1966 act.

In particular, this bill would amend the Bail Reform Act by granting authority to consider danger to the community in setting nonfinancial pretrial release conditions, to detain certain defendants found to be dangerous, to revoke the release of those defendants who violate release conditions, and to punish those who commit crimes while released on bail with added penalties.

The proposal to permit danger to the community to be considered in setting nonfinancial conditions of release has been widely accepted and has been endorsed by the President's District of Columbia Crime Commission, the American Bar Association Pretrial Release Committee, the District of Columbia Judicial Conference Committee and others which have studied the operation of the Bail Reform Act. In order to halt any further reliance by judges upon money bail under the pretense of risk of flight where, in fact, the defendant appears to be dangerous, the proposal clearly states that financial conditions to assure public safety are prohibited.

Another amendment relating to public safety is the proposal to create the authority to deny pretrial release for a 60-day period for specific categories of defendants who are found to be dangerous after a hearing with appropriate procedural safeguards. President Nixon has stressed the need for such pretrial detention of persons charged with crimes "when their continued pretrial release presents a clear danger to the community."

With a crime rate that is increasing at an appalling rate, and with too many crimes being committed by criminals who are hard-core recidivists, crimes committed by persons while on pretrial release have become a serious problem. Widely varying percentages of defendants charged with serious crimes while on bail or release have been shown by different studies. Despite the differences, these studies reveal at the least that there is a sufficient percentage of defendants charged with serious crimes while on bail or release or who have records for previous serious offenses, to be cause for public and official concern.

Certain authorities consider the right to bail to be absolute under the eighth amendment. Others contend that serious due process problems under the fifth amendment will arise for any procedure that is devised for administering preventive detention. Some see an excessive burden on the court systems to hold detention hearings. Some even contend that if a defendant is subject to preventive detention, this will jeopardize his chances of a fair trial.

In reviewing the proposed amendment authorizing preventive detention, it is readily apparent how carefully the bill was drafted to consider and accommodate the reasonable objections to preventive detention.

Anyone who is detained will be able to effectively assist in the preparation of his case, and may even secure release for limited periods to secure evidence or find witnesses. If the person is ordered to be detained, it is provided that the person shall be entitled to an expedited trial and to release within 60 days unless the trial is in progress or the trial is being delayed at the person's request.

The proposal also answers the reasonable doubts which have been raised about the probability of predicting danger of a defendant to the community for purposes of detention. Three findings must be made by the judicial officer before he can order a defendant detained prior to trial. It must be found that no conditions of release will protect the public. It must be found that the defendant falls within one of the categories of criminal offender defined in the act. And, it must be found that there is substantial probability that the defendant committed the offense. A written decision with stated findings is required of the judge.

In brief, the amendments providing for preventive detention are a reasonable effort to meet a serious problem while assiduously protecting the due process rights of the defendant under the U.S. Constitution.

Next, authority for revocation of release whenever a person violates a condition of his release is granted in these amendments. In such case detention for up to 60 days can result if, after a hearing, it is determined that no other condition or combination of conditions of release will reasonably assure against flight or danger to the community and that the person has, in fact, violated a release condition. As an alternative, the bill permits contempt proceedings.

In order to deter unlawful conduct while on release the bill provides for a mandatory minimum additional penalty in such cases. The penalty is made to run consecutively to all other penalties.

Mandatory sentences have been viewed in the past with serious doubt by many persons, including this Senator, where the sentences are for specific criminal acts. It is believed that the sentencing judge should retain the discretion to set sentences because of the varied circumstances and equities between similar cases. However, where the defendant commits an additional offense while on pretrial release for a previous offense, the defendant would appear to have shown a flagrant disdain for our judicial and law enforcement systems. The proposal for additional mandatory sentences in such instances deserves to be fully considered by the Congress.

Mr. President, I ask unanimous consent that the letter of transmittal from the Attorney General to the Vice President on the Bail Reform Act, together with an analysis of the legislation and the text of the bill be printed in the RECORD.

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

The bill (S. 2600) to amend the Bail Reform Act of 1966 to authorize consideration of danger to the community in setting conditions of release, to provide for pretrial detention of dangerous persons, and for other purposes introduced by Mr. HRUSKA (for himself, Mr. DIRSKEN, and Mr. THURMOND), was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 2600

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3146 of title 18, United States Code, is amended as follows:

(a) by inserting in subsection (a) the words "or the safety of any other person or the community" (1) after "as required" in the first sentence and (2) after "for trial" in the second sentence.

(b) by adding the following sentence at the end of subsection (a): "No financial condition may be imposed to assure the safety of any other person or the community."

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

"(b) In determining which conditions of release, if any, will reasonably assure the appearance of a person as required and the safety of any other person or the community, the judicial officer shall, on the basis of available information, take into account such matters as the nature and circumstances of the offense charged, the weight of the evidence against such person, his family ties, employment, financial resources, character and mental conditions, past conduct, length of residence in the community, record of convictions, and any record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings."

(d) by deleting the period at the end of subsection (c), and adding ", and shall warn such person of the penalties provided in section 3150A of this title."

(e) by adding a new subsection:

"(h) The following shall be applicable to any person detained pursuant to this chapter:

"(1) The person shall be confined, to the extent practicable, in facilities separate from convicted persons awaiting or serving sentences or being held in custody pending appeal.

"(2) The person shall be afforded reasonable opportunity for private consultation with counsel and, for good cause shown, shall be released upon order of the judicial officer in the custody of the United States Marshal or other appropriate person for limited periods of time to prepare defenses, or for other proper reasons."

SEC. 2. Chapter 207 of title 18, United States Code, is amended by adding after section 3146 the following new sections:

"§ 3146A. Pretrial detention in certain noncapital cases.

"(a) Whenever a judicial officer determines that no condition or combination of conditions of release will reasonably assure the safety of any other person or the community, he may, subject to the provisions of this section, order pretrial detention of a person charged with:

"(1) a dangerous crime as defined in section 3152(3) of this title;

"(2) a crime of violence, as defined in section 3152(4) of this title, allegedly committed while on bail or other release, or probation, parole or mandatory release pending completion of a sentence, if the prior charge is a crime of violence, or if the person has been convicted of a crime of violence within the ten year period immediately preceding the alleged commission of the present offense; or

"(3) an offense who, for the purpose of obstructing or attempting to obstruct justice, threatens, injures, intimidates, or attempts to threaten, injure or intimidate any prospective witness or juror.

"(b) No person described in subsection (a) of this section shall be ordered detained unless the judicial officer:

"(1) holds a pretrial detention hearing in accordance with the provisions of subsection (c) of this section;

"(2) finds that—

"(A) there is clear and convincing evidence that the person is a person described in subsection (a) of this section;

"(B) based on the factors set out in subsection (b) of section 3146 of this title, there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community; and

"(C) except with respect to a person described in subparagraph (3) of subsection (a) of this section, on the basis of information presented to the judicial officer, there is a substantial probability that the person committed the offense for which he is present before the judicial officer; and

"(3) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

"(c) The following procedures shall apply to pretrial detention hearings held pursuant to this section:

"(1) Whenever the person is before a judicial officer, the hearing may be initiated on oral motion of the United States Attorney.

"(2) Whenever the person has been released pursuant to section 3146 of this title and it subsequently appears that such person may be subject to pretrial detention, the United States Attorney may initiate a pretrial detention hearing by ex parte written motion. Upon such motion the judicial officer may issue a warrant for the arrest of the person and such person shall be brought before a judicial officer in the district where he is arrested. He shall then be transferred to the district in which his arrest was ordered for proceedings in accordance with this section.

"(3) The pretrial detention hearing shall be held immediately upon the person being brought before the judicial officer for such hearing unless the person or the United States Attorney moves for a continuance. A continuance granted on motion of the person shall not exceed five calendar days, in the absence of extenuating circumstances. A continuance on motion of the United States Attorney shall be granted upon good cause shown and shall not exceed three calendar days. The person may be detained pending the hearing.

"(4) The person shall be entitled to representation by counsel and shall be entitled to present information, to testify, and to present and cross-examine witnesses.

"(5) Information stated in, or offered in connection with, any order entered pursuant to this section need not conform to the rules pertaining to the admissibility of evidence in a court of law.

"(6) Testimony of the person given during the hearing shall not be admissible on the issue of guilt in any other judicial proceeding, but such testimony shall be admissible in proceedings pursuant to sections 3150, 3150A and 3150B of this title, in perjury proceedings, and as impeachment in any subsequent proceedings.

"(7) Appeals from orders of detention may be taken pursuant to section 3147 of this title.

"(d) The following shall be applicable to persons detained pursuant to this section:

"(1) To the extent practicable, the person shall be given an expedited trial.

"(2) Any person detained shall be treated in accordance with section 3146 of this title—

"(A) upon the expiration of sixty calendar days, unless the trial is in progress or the trial has been delayed at the request of the person; or

"(B) whenever a judicial officer finds that a subsequent event has eliminated the basis for such detention.

"(3) The person shall be deemed detained pursuant to section 3148 of this title if he is convicted.

"(e) The judicial officer may detain for a period not to exceed five calendar days a person who comes before him for a bail determination charged with any offense, if it appears that such person is presently on probation, parole or mandatory release pending completion of sentence for any offense under State or federal law and that such person may flee or pose a danger to any other person or the community if released. During the five day period, the United States Attorney or the Corporation Counsel for the District of Columbia shall notify the appropriate State or federal probation or parole officials. If such officials fail or decline to take the person into custody during such period, the person shall be treated in accordance with section 3146 of this title, unless he is subject to detention pursuant to this section. If the person is subsequently convicted of the offense charged, he shall receive credit towards service of sentence for the time he was detained pursuant to this subsection."

"§3146B. Pretrial detention for certain persons addicted to narcotics.

"(a) Whenever it appears that a person charged with a crime of violence, as defined in section 3152(4) of this title, may be an addict, as defined in section 3152(5) of this title, the judicial officer may, upon motion of the United States Attorney, order such person detained in custody for a period not to exceed three calendar days, under medical supervision, to determine whether the person is an addict.

"(b) Upon or before the expiration of three calendar days, the person shall be brought before a judicial officer and the results of the determination shall be presented to such judicial officer. The judicial officer thereupon (1) shall treat the person in accordance with section 3146 of this title, or (2) upon motion of the United States Attorney, may (A) hold a hearing pursuant to section 3146A of this title, or (B) hold a

hearing pursuant to subsection (c) of this section.

"(c) A person who is an addict may be ordered detained in custody under medical supervision if the judicial officer:

"(1) holds a pretrial detention hearing in accordance with subsection (c) of section 3146A of this title;

"(2) finds that—

"(A) there is clear and convincing evidence that the person is an addict;

"(B) based on the factors set out in subsection (b) of section 3146 of this title, there is no condition or combination of conditions of release which will reasonably assure the safety of any other person or the community; and

(C) on the basis of information presented to the judicial officer, there is a substantial probability that the person committed the offense for which he is present before the judicial officer; and

"(3) issues an order of detention accompanied by written findings of fact and the reasons for its entry.

"(d) The Provisions of subsection (d) of section 3146A of this title shall apply to this section."

SEC. 3. Section 3147 of title 18, United States Code, is amended:

(a) by changing the title to read:

"§3147. Appeals from conditions of release or orders of pretrial detention."

(b) by adding after the phrase "the offense charged," in subsection (b) the phrase "or (3) a person is ordered detained or an order of detention has been permitted to stand by a judge of the court having original jurisdiction over the offense charged".

SEC. 4. Section 3148 of title 18, United States Code, is amended by striking out the last sentence and adding "The provisions of section 3147 shall apply to persons described in this section."

SEC. 5. Section 3150 of title 18, United States Code, is amended:

(a) by adding the letter "(a)" before the word "Whoever".

(b) by inserting the phrase "or prior to surrender to commence service of sentence" (1) after the word "chapter" and (2) after the word "certiorari".

(c) by deleting the phrase "or imprisoned not more than five years" and inserting in lieu thereof the phrase "and imprisoned not less than one year and not more than five years".

(d) by deleting the phrase "or imprisoned for not more than one year" and inserting in lieu thereof the phrase "and imprisoned not less than ninety days and not more than one year".

(e) by adding at the end thereof the following new subsections:

"(b) Any failure to appear after notice of the appearance date shall be prima facie evidence that such failure to appear is willful. Whether the person was warned when released of the penalties for failure to appear shall be a factor in determining whether such failure to appear was willful, but the giving of such warning shall not be a prerequisite to conviction under this section.

"(c) The trier of facts may convict under this section even if the defendant has not received actual notice of the appearance date if (1) reasonable efforts to notify the defendant have been made and (2) the defendant, by his own actions, has frustrated the receipt of actual notice.

"(d) Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment."

SEC. 6. Chapter 207 of title 18, United States Code, is amended by adding after section 3150 the following new sections:

"§ 3150A. Added penalties for crimes committed while on release.

"Any person convicted of an offense committed while released pursuant to section 3146 of this title shall be subject to the following penalties in addition to any other applicable penalties:

"(1) a term of imprisonment of not less than one year and not more than five years if convicted of committing a felony while released; and

"(2) a term of imprisonment of not less than ninety days and not more than one year if convicted of committing a misdemeanor while released.

"The giving of a warning to the person when released of the penalties imposed by this section shall not be a prerequisite to conviction under this section.

"Any term of imprisonment imposed pursuant to this section shall be consecutive to any other sentence of imprisonment."

§ 3150B. Sanctions for violation of release conditions.

"(a) A person who has been conditionally released pursuant to section 3146 of this title and who has violated a condition of release shall be subject to revocation of release and an order of detention and to prosecution for contempt of court.

"(b) Proceedings for revocation of release may be initiated on motion of the United States Attorney. A warrant for the arrest of a person charged with violating a condition of release may be issued by a judicial officer and such person shall be brought before a judicial officer in the district where he is arrested. He shall then be transferred to the district in which his arrest was ordered for proceedings in accordance with this section. No order of revocation and detention shall be entered unless, after a hearing, the judicial officer finds that—

"(1) there is clear and convincing evidence that such person has violated a condition of his release; and

"(2) based on the factors set out in subsection (b) of section 3146 of this title there is no condition or combination of conditions of release which will reasonably assure that such person will not flee or pose a danger to any other person or the community.

The provision of subsections (c) and (d) of section 3146A of this title shall apply to this subsection.

"(c) Contempt sanctions may be imposed if, upon a hearing and in accordance with principles applicable to proceedings for criminal contempt, it is established that such person has intentionally violated a condition of his release. Such contempt proceedings shall be expedited and heard by the court without a jury. Any person found guilty of criminal contempt for violation of a condition of release shall be imprisoned for not more than six months, or fined not more than $1,000, or both.

"(d) Any warrant issued by a judge of the District of Columbia Court of General Sessions for violation of release conditions or for contempt of court, for failure to appear as required, or pursuant to subsection (c) (2) of section 3146A of this title, may be executed at any place within the jurisdiction of the United States. Such warrants shall be executed by a United States Marshall or by any other officer authorized by law."

SEC. 7. Section 3152 of title 18, United States Code, is amended by adding the following new paragraphs:

"(3) The term 'dangerous crime' means (1) taking or attempting to take property from another by force or threat of force, (2) unlawfully breaking and entering or attempting to break and enter any premises adapted for overnight accommodation of persons or for carrying on business with the intent to commit an offense therein, (3) arson or attempted arson of any premises adapted for overnight accommodation of persons or for carrying on business, (4) rape, carnal knowledge of a female under the age of sixteen, assault with intent to commit either of the foregoing offenses, or taking or attempting to take immoral, improper or indecent liberties with a child under the age of sixteen years, or (5) unlawful sale or distribution of a narcotic or depressant or stimulant drug, as defined by any Act of Congress and if the offense is punishable by imprisonment for more than one year.

"(4) The term 'crime of violence' means murder, rape, carnal knowledge of a female under the age of sixteen, taking or attempting to take immoral, improper, or indecent liberties with a child under the age of sixteen years, mayhem, kidnaping, robbery, burglary, voluntary manslaughter, extortion or blackmail accompanied by threats of violence, arson, assault with intent to commit any offense, assault with a dangerous weapon, or an attempt or conspiracy to commit any of the foregoing offenses, as defined by any Act of Congress or any State law, if the offense is punishable by imprisonment for more than one year.

"(5) The term 'addict' means any individual who habitually uses any narcotic drug as defined by section 4731 of the Internal Revenue Code of 1954, as amended, so as to endanger the public morals, health, safety, or welfare."

SEC. 8. Severability.

If a provision of this Act is held invalid, all valid provisions which are severable shall remain in effect. If a provision of this Act is held invalid in one or more of its applications, the provision shall remain in effect in all its valid applications.

The material presented by Mr. HRUSKA is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to amend the Bail Reform Act of 1966 for the purpose of reducing crime committed by persons released on bail.

The Bail Reform Act of 1966 was enacted to assure that all persons, regardless of their financial status, would not needlessly be detained. Almost three years of experience under the Act have exposed some further problems which need legislative resolution. In particular, there is need for legislative authorization to consider danger to the community in setting nonfinancial pretrial release conditions, to detain certain defendants found to be dangerous, to revoke the release of those defendants who violate release conditions, and to punish those who commit crimes while released on bail with added penalties.

The proposed statute would amend the present Bail Reform Act and authorize the judicial officer to consider danger to another person or to the community in setting nonfinancial pretrial release conditions. This proposal has been widely accepted and has been endorsed by the President's District of Columbia Crime Commission, the American Bar Association Pretrial Release Committee, the District of Columbia Judicial Conference Committee and others who have studied the operation of the Bail Reform Act.

Another key feature of the proposal is the creation of authority to deny pretrial release for a sixty day period for specific categories of defendants who are found to be dangerous after a hearing with appropriate procedural safeguards. The concept of such detention was recently endorsed by a majority of a committee of the Judicial Council of the District of Columbia which studied the operation of the Bail Reform Act. In his January 31 statement on crime in the District of Columbia, President Nixon stressed the need for pretrial detention of persons charged with crimes "when their continued pretrial release presents a clear danger to the community." The crisis we face from crime in our streets, as highlighted by recent studies in the District of Columbia,

makes it imperative for action to be taken along these lines.

In broad outline the bill contemplates detention in four major categories. First, if a defendant is charged with what is designated a "dangerous crime" he may be subjected to a pretrial detention hearing based on this charge alone. A "dangerous crime" is restrictively defined to cover offenses with high risk of additional public danger if the defendant is released. These include bank robbery and the sale of a narcotic drug. The second category covers a group of repeat offenders who have been charged with at least two crimes of violence. The term "crime of violence" is defined more broadly than "dangerous crime" and runs the full range of violent offenses. In this category there must be at least two offenses, *e.g.*, the person was on bail or had a prior conviction for a crime of violence. The third category covers narcotic addicts who are charged with any crime of violence. Probably no more predictable person exists than the addict who must raise money to feed his habit. While the bill permits the addict to be held on the first charge, that charge must be a crime of violence. Thus the addict supporting a habit by petty larceny or prostitution is excluded. Only when the addict appears to have "graduated" to crimes of violence can he be subjected to pretrial detention. A final category covers those persons who, irrespective of the offense charged, obstruct justice by threatening witnesses or jurors.

No one falling within the specific categories can be ordered detained unless a detention hearing is held. At this hearing the judicial officer must find that the person falls within one of the above categories, that a substantial probability exists that the person committed the offense charged, and that no condition or combination of conditions of release will reasonably assure the safety of any other person or the community.

The bill also provides a number of strong procedural protections to safeguard the rights of defendants. For example, anyone who is detained will be able to effectively assist in the preparation of his case, and may even secure release for limited periods to obtain evidence or witnesses. Once ordered detained, the person will be entitled to an expedited trial and to release within sixty days unless the trial is in progress or the trial is being delayed at his request.

The proposal also contains authority for revocation of release whenever a person violates a condition of his release. In such case detention for up to sixty days can result if, after a hearing, it is determined that no other condition or combination of conditions of release will reasonably assure against flight or danger to the community and that the person has, in fact, violated a release condition. As an alternative to revocation a clear and specific contempt sanction is spelled out.

In order to deter unlawful conduct while on release the bill provides for a mandatory minimum additional penalty in such cases. The penalty is also made to run consecutively to all other penalties.

I urge early consideration and adoption of this proposed legislation.

The Bureau of the Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

Attorney General.

EXPLANATORY STATEMENT ON PROPOSED BAIL REFORM ACT AMENDMENTS

The attached bill would amend the Bail Reform Act of 1966 (18 U.S.C. 3146–3152) for the purpose of reducing crime committed by persons released on bail. The principal features of the bill are—

1. Authority to consider danger to the community in setting conditions of pretrial release;

2. Authority to deny pretrial release for a sixty-day period to specific categories of defendants who are found to be dangerous after an adversary hearing with appropriate procedural safeguards;

3. Authority to revoke pretrial release and detain defendants who violate release conditions; and

4. Provision for mandatory additional terms of imprisonment to be served consecutively by persons found guilty of bail jumping or of committing an offense while on pretrial release.

The purpose of this statment is to describe present law and the proposed revisions. Constitutional problems have not been dealt with, but will be discussed in detail in subsequent memoranda.

A. PRESENT LAW

Under present law, danger to the community may be considered in determining pretrial release in capital cases and release pending appeal. 18 U.S.C. 3148. The bill would not change present law in these situations.

With respect to pretrial release in noncapital cases, however, existing law does not permit consideration of dangerousness. In such cases the statute presently provides for release on recognizance and, in appropriate cases, for the imposition of release conditions, if the judicial officer determines that such conditions are necessary to assure the defendant's appearance at trial. Such conditions may include release to a third party custodian, restrictions on travel, and the like. When the judicial officer deems such conditions insufficient to assure the defendant's appearance, he may require posting of a money bond (essentially equivalent to the conventional bail system), or even a return to custody after designated hours ("daytime release"). 18 U.S.C. 3146(a). In setting conditions of release, the judicial officer is directed to consider a variety of factors, including the nature of the charge, the weight of the evidence, prior record, and community ties. 18 U.S.C. 3146(b).

Although pretrial release can be (and frequently is) denied by setting a high money bond, the purpose and effect of the 1966 statute is to create a strong presumption in favor of pretrial release in non-capital cases. This is underscored by the fact that the judicial officer is *not* statutorily authorized (1) to consider danger to the community in prescribing conditions of release (2) to deny release unconditionally, or (3) to revoke pretrial release for violation of a release condition.

Present law does not provide an additional penalty for committing an offense while on pretrial release.

B. PROPOSED CHANGES

Section 1. This section would amend 18 U.S.C. 3146 to authorize the judicial officer to consider danger to another person (*e.g.*, the victim of an assault) or to the community (e.g., armed robbery cases) in setting pretrial release conditions, other than financial conditions.

This proposal has been endorsed in virtually all quarters, including the Judicial Council Committee to Study the Operation of the Bail Reform Act in the District of Columbia ("Hart Committee"), and the Advisory Committee on Pretrial Proceedings of the American Bar Association Project on Minimum Standards in the Administration of Criminal Justice ("ABA Committee").

Section 2. This section would add two new sections, 3146A and 3146B, to the Bail Reform Act and authorize denial of pretrial release in certain limited circumstances, predicated on individual findings of dangerousness.

Each section and subsection will be described below, but in broad outline the bill contemplates detention in four major areas. First, if a defendant is charged with what is designated a "dangerous crime" he may be subject to a pretrial detention hearing based on this charge alone. A "dangerous crime" is restrictively defined to cover offenses with high risk of additional or repeated public danger if the defendant is released. These include crimes such as robbery by force or threat of force, or the sale of a narcotic drug. The second category covers a group of repeat offenders who have been charged with at least two crimes of violence. The term "crime of violence" is defined more broadly than "dangerous crime" and runs the full range of violent offenses. In this category there must be at least two offenses, *e.g.*, the person was on bail or had a prior conviction for a crime of violence. The third category covers narcotic addicts who are charged with any crime of violence. A final category covers those persons charged with any offense who threaten witnesses or jurors.

3146(a). Detention Categories. This subsection identifies three of the four categories of defendants who could be subject to pretrial detention. As noted above, the first category, "dangerous crime," stresses offenses that are the most serious, and those charged with these crimes are subject to pretrial detention procedures. Wherever possible the individual offenses in the "dangerous crime" category have been defined restrictively to stress the danger element. The definition covers these major offenses—robbery with attendant use of force (thus eliminating shoplifters and pickpockets), burglary of premises used for dwelling or business, rape and related dangerous sex offenses and arson of premises used as a dwelling or for business (thus eliminating arson of movable property, crops and the like). Unlike the second category to be discussed below, these four are not firmly tied to past conduct justifying a generalized inference of future dangerousness. There is, however, some evidence that the recidivism rate among robbers and perhaps burglars is markedly higher than in other categories of crimes. Moreover, the very nature of these crimes, as well as the crimes of rape, and arson, and the requirement of a finding that a substantial probability that the person committed the offense exists (see subsection (b) below) help to buttress the predicate of dangerousness present in these categories.

Included within the definition of a dangerous crime is sale of a narcotic or depressant or stimulant drug. While this crime is, in and of itself, nonviolent, the tie between narcotics and crime is widely recognized. Those persons involved in the sale of these drugs are often highly organized and can generally be considered dangerous criminals. Further, sale of depressant and stimulant drugs, particularly hallucinogens and methamphetamines, often prove highly dangerous to the buyer and this in combination with the type of individual engaged in such traffic requires the inclusion of this crime of illicit sale.

The second category stresses recidivism and relates it to crimes of violence. As noted above, a "crime of violence" is defined to include all the common violent offenses. The definition covers robbery, burglary, arson and rape as in category one, but drops the limiting language used in that category. Thus any robbery or any burglary qualifies as a crime of violence under this category. The range of crimes extends from murder and mayhem to kidnaping and assault with a dangerous weapon.

Under this category persons who are on bail or other release charged with a crime of violence in any State or federal jurisdiction may be subject to pretrial detention if they are now charged in a federal court with a second crime of violence. In essence the theory adopted is that this person has had his chance at pretrial release and failed in that probable cause now exists to believe that he has committed another crime of violence. The same result occurs if the person charged with a crime of violence is on parole or probation for a crime of violence or has

been convicted of a crime of violence within the last ten years.

The last category in this section authorizes detention whenever a person charged with any offense has obstructed justice by threatening or intimidating any prospective witness. It is believed that this category merely codifies existing case authority to detain under such circumstances. *Carbo* v. *United States*, 82 S. Ct. 662 (Douglas, Ctr. Justice, 1962).

3146A(b). Findings. This subsection sets out the requirements that must be met before the judicial officer can detain anyone falling withtin the categories of subsection (a). As a threshold determination, the judicial officer, prior to ordering a detention hearing, must conclude that no condition or combination of conditions will reasonably assure the safety of any other person or the community. A hearing is then required where the judicial officer must make certain findings. He must find, first, that the person falls within one of the categories. Next, the officer must find that on the basis of the information presented there is substantial probability that the person committed the offense charged. This is an added protection for the defendant and should bar the possibility of detention in weak government cases. To parallel existing case law this finding is not required in the category that covers obstruction of justice by threats to witnesses and jurors. The judicial officer must then reiterate his finding that no condition or combination of conditions will reasonably assure the safety of any other person or the community. In essence this finding is the judicial officer's belief that, if released, the person will pose a danger to the community. Finally, the judicial officer is required to issue an order of detention accompanied by written findings of fact and reasons for its entry.

1346A(c). Procedures. This subsection sets out the procedures to be followed at the pretrial detention hearing. Among them is a requirement that the hearing be initiated on oral motion of the United States Attorney thus placing this responsibility clearly on the prosecutor who can be expected to have more information than the court. In addition, any time a defendant has been granted pretrial release and the United States Attorney subsequently learns that the defendant may be subject to pretrial detention, he may initiate such a hearing on written motion. The subsection permits an arrest warrant to issue and provides for the defendant's arrest in a distant district and his return to the original district.

The subsection also governs the time within which the hearing for a detention order is to be held. Ideally, such a hearing should be held within a few hours after arrest, and the statute contemplates this unless the defendant requests a continuance, but prosecutors may also seek a continuance. The bill would allow a five calendar day continuance to the defendant and a three calendar day continuance on motion of the United States Attorney. The defendant may be detained pending the hearing.

The defendant is entitled to be represented by counsel and to enjoy the right to testify and present and cross examine witnesses, and the subsection mandates relaxed evidentiary rules at the hearing. Whatever testimony the person gives is inadmissible in any other proceeding on the issue of guilt, except those for bail jumping, added penalties for crime committed on bail, revocation of release or contempt hearings, in perjury proceedings or as impeachment in any subsequent proceedings. Lastly, the appellate procedures of section 3147 are made applicable to persons ordered detained.

3146A(d). Limits on Detention. This subsection sets out the procedures that will apply to persons who are ordered detained. An expedited trial is required and the defendant is to be released at the end of sixty days, except where the trial is in progress or is being delayed at the defendant's request. Any time a subsequent event eliminates the basis for detention the person is to be released.

Other provisions are present in the bill which are designed to mitigate the rigors of detention and enable the defendant effectively to prepare his defenses. They are present in Sec. 1 of the bill as a new subsection 3146(h) which make these provisions applicable to any person detained irrespective of whether it is an order of detention or the failure to meet money bond that results in incarceration. These include separation, to the extent possible, from other prisoners and the right to release under supervision for limited periods of time to prepare defenses.

3146A(e). Parole and Probation Violators. This subsection would authorize the judicial officer to hold in custody for a maximum period of five calendar days State and federal probationers and parolees held to answer for federal offenses. The purpose of such temporary detention would be to keep putatively dangerous persons off the streets while the appropriate State or federal probation or parole authorities are acting to procure and execute arrest warrants looking toward revocation of probation or parole, if such revocation appears to be warranted in a particular case. The Bill Reform Act and the relevant probation and parole statutes (18 U.S.C. 3653, 4205–07) do not expressly authorize detention for this purpose, although the same result may be accomplished by setting a high money bond.

3146B. Pretrial detention for certain persons addicted to narcotics. This section permits the pretrial detention of a narcotic addict charged with a crime of violence. Probably no more predictable person exists than the addict who is driven to crime by his habit. While the section permits the addict to be held on the first charge, the charge must be for a crime of violence. Thus the addict supporting his or her habit by petty larceny or prostitution is excluded. Only when the addict appears to have "graduated" to crimes of violence can he be subjected to pretrial detention. The subsections of this section are described below.

3146B(a). Under this subsection any time it appears to the judicial officer that a person may be a narcotic addict, he may, on motion of the United States Attorney, order such person detained under medical supervision for three calendar days to determine if the person is, in fact, an addict.

3146B(b). This subsection requires the person to be brought back before the judicial officer on or before the end of the three day detention period. At such time the judicial officer is informed of the test results and can then do one of three things. He can set release conditions under the present statute, or, on motion of the United States Attorney, hold a detention hearing under section 3146A, if the person fits within one of that section's detention categories, or proceed with a separate detention hearing under this section.

3146B(c). Findings. The judicial officer can order pretrial detention under medical supervision for the addict charged with a crime of violence if he makes findings similar to those required under section 3146A. The various detention procedures and limitations applicable to section 3146A are made applicable to this section as well.

Detention under medical supervision contemplates jailhouse detention and not hospital confinement. Medical supervision is intended to provide appropriate testing methods to determine addiction and to assist the addict in overcoming the discomforts of withdrawal.

Section 3. This section amends present section 3147 concerning appeals by persons detained because of inability to meet release conditions set pursuant to section 3146. The new language extends the same appellate procedures to persons detained pursuant to proposed new sections 3146A (Pretrial detention in certain noncapital cases), 3146B (Pretrial detention for certain persons addicted to narcotics) and 3150B (Sanctions for violation of release conditions).

Section 4. This is a technical amendment permitting those held under present section 3148 (Release in capital cases or after conviction) to invoke the same appellate procedures available under section 3147, discussed above, and extending the section specifically to cover persons released prior to surrender to commence service of sentence.

Section 5. This section amends the present bail jumping statute (section 3150) to permit a prima facie finding of "willfulness" whenever the defendant fails to appear as required. "Willfulness" as a legal concept is extremely troublesome to establish and prosecutions for bail jumping have proven difficult. Under the amended section the requirements of notice of appearance date, another stumbling block in this area, will be met if the government has made all reasonable efforts to notify the defendant and the defendant has frustrated receipt by his own actions. As an added deterrent the penalties for failure to appear as required have also been made consecutive and mandatory minimum sentences have been added.

Section 6. As noted above, present law does not provide an additional penalty for committing an offense while on pretrial release. This section would add a new section 3150A to the Bail Reform Act to provide such a penalty. The additional sentence would be imposed by the court following conviction for the crime committed while on pretrial release. For deterrent effect imposition of the sentence would be mandatory and the sentence would be served consecutively. In the case of a felony, the additional sentence would be a minimum of one year and a maximum of five years. In the case of a misdemeanor, the additional sentence would be for not less than ninety days or more than one year. Added penalties for crimes committed on bail is a recommendation of both the Hart Committee and the report of the President's Commission on Crime in the District of Columbia.

This section would also add a new section 3150B to the Bail Reform Act to provide specific sanctions for violations of release conditions. As previously noted, present statutory law does not authorize revocation of pretrial release. Proposed Section 3150B would authorize such revocation, if, upon a hearing, the United States Attorney establishes by "clear and convincing evidence" that the defendant has violated a condition of his release, and if the court finds that no additional conditions of release will reasonably assure against flight or danger to the community. This sanction was also endorsed by the Hart Committee and the ABA Committee.

Alternatively, under section 3150B, the defendant could be tried for criminal contempt and sentenced to imprisonment for six months or fined where there has been an "intentional" violation of a release condition. The contempt sanction is probably available under present law, but it has not been extensively employed. See 18 U.S.C. 3151. Accordingly, it seems desirable to provide more specifically for this sanction and to spell out certain procedures and sentences, as the proposed section 3150B does.

Section 7. This section adds three new paragraphs to the definition section of the Bail Reform Act. Defined in this section are "dangerous crime", "crime of violence" and "addict". Both "dangerous crime" and "crime of violence" are restricted to offenses that carry punishment of at least one year in prison.

Section 8. This is a standard severability clause.

S. 2601—INTRODUCTION OF BILL RELATING TO DISTRICT OF COLUMBIA COURT REORGANIZATION

Mr. HRUSKA. Mr. President, in the absence of my distinguished friend, the Senator from Maryland (Mr. TYDINGS), I am introducing on his behalf and that of other Senators the administration's bill to reorganize the courts of the District of Columbia. Senator TYDINGS, at the request of the administration, has agreed to be the principal sponsor of this legislation.

Senator TYDINGS himself, however, is unable to be in the Senate this afternoon because his duties as chairman of the Subcommittee on Improvements in Judicial Machinery of the Senate Judiciary Committee have taken him to the annual convention of the Maryland State Bar Association. Therefore, I am introducing the bill on his behalf this afternoon and on behalf of myself and Senators PROUTY, DIRKSEN, MCCLELLAN, GOODELL, ERVIN, and THURMOND.

Mr. President, this is a lengthy bill. It has tremendous scope because it undertakes to revise and restructure the entire judicial machinery of the District of Columbia. The bill is not only long but it is also very complex. Speaking for myself and for the other cosponsors of the bill, as well as for its introducer, I wish to say that I am certainly not wedded to all the provisions of the bill.

There may be and undoubtedly will be some provisions of the bill which the cosponsors will wish to amend or change or perhaps delete. But the point is that the draft of the bill as here introduced today furnishes a good basis for the proceedings in the hearings that commence on next Tuesday. It is for this purpose that we now introduce the bill.

The Senator from Maryland (Mr. TYDINGS) has asked me to have printed in the RECORD a statement on his behalf regarding the bill, I ask unanimous consent that the statement by the Senator from Maryland (Mr. TYDINGS) be printed in the RECORD at the conclusion of my remarks. I also ask unanimous consent that certain documents be printed in the RECORD at the end of the statement by the Senator from Maryland, as well as a letter of transmittal from the Attorney General to the President of the Senate describing the bill, and a summary of the bill.

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

STATEMENT BY MR. TYDINGS ON THE PRESIDENT'S BILL ON DISTRICT OF COLUMBIA COURT REORGANIZATION

Mr. TYDINGS. Mr. President, I am introducing on the Administration's behalf a proposal for court reorganization in the District of Columbia. I am happy to respond to this request by the Administration in order to facilitate consideration of this legislation by the District of Columbia Committee. That committee will hold joint hearings on this legislation with the Subcommittee on Improvements in Judicial Machinery of the Senate Judiciary Committee next Tuesday through Thursday, July 15–17, in Room 6226 of the New Senate Office Building.

As it happens, I am chairman of both the District of Columbia Committee and the Improvements in Judiciary Machinery Subcommittee. This is a happy coincidence since the question of reorganization of the District of Columbia courts is a matter of importance to both the District of Columbia Committee and the Improvements in Judicial Machinery Subcommittee. The D.C. Committee will have jurisdiction of this bill on local court reorganization. The Improvements in Judicial Machinery Subcommittee, on the other hand, must decide the organization and number of judgeships for the federal District Court and Court of Appeals in the District of Columbia.

The questions of jurisdiction, number of judgeships and procedures of the local and federal courts in the District of Columbia are so interrelated that I think joint hearings by the District of Columbia Committee and the Improvements in Judicial Machinery Subcommittee are very appropriate in this case.

The District of Columbia Committee, alone, of course, must bear the responsibility for ultimately reporting the court reorganization legislation for the local District of Columbia courts, just as the Improvements in Judicial Machinery Subcommittee must consider legislation relating to the District Court and Court of Appeals here.

The bill I am introducing today at the request of the Administration is one of considerable length. I have not had an opportunity to examine its provisions in any detail or to make a personal judgment on any of them. Therefore, I must reserve judgment on the bill as a whole and on its provisions until we are able to examine them at our hearings next week. I look forward to those hearings.

As I have frequently said, court reorganization in the District is essential to meet the crime problem we face in the National Capital area. Never in my considerable association with questions of court organization and court reform have I encountered a more crying public need for immediate action to improve our method of disposing of criminal cases than exists here in the District today. The normal time lag in the prosecution of a major criminal case in the District now exceeds 10 months. Many cases are several years old and one criminal case has been pending for more than 5 years. This delay means that cases grow stale, witnesses disappear, memories grow hazy and many defendants have their cases unfairly dismissed and return to the streets to victimize society.

Our goal in considering this bill and several other bills on court reorganization pending before the District of Columbia Committee will be to reduce that backlog and to drastically reduce the time required to get a defendant to trial. We will try to provide an exemplary local court system in the District of Columbia.

I am honored that my distinguished colleague Senator Roman L. Hruska will be joining us for our hearings next week. He is the ranking minority member of my Subcommittee on Improvements in Judicial Machinery. It has been my extreme pleasure to work with Senator Hruska on that Subcommittee. I am sure that his contribution to our hearings will be as significant and enjoyable as my long association with him has been.

The letter from the Attorney General presented by Mr. HRUSKA is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., July 11, 1969.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to reorganize the court systems in the District of Columbia.

The proposal consists of six titles. Title I is a reenactment and revision of title 11 of the District of Columbia Code, "Organization and Jurisdiction of the Courts." In addition it contains certain interim provisions to protect the rights of persons affected by, and to effectuate the provisions of, the court reorganization. Title II consists of amendments to titles 12 through 17 of the D.C. Code, relating to judicial procedures. For the most part, these are technical amendments necessitated by the court reorganization. Title III consists of amendments to titles 18 through 21 of the D.C. Code, "Decedents Estates and Fiduciary Relations." These amendments also are primarily technical. Title IV contains several amendments to the D.C. penal laws and provides for the amendment, codification and enactment into positive law of title 23 of the D.C. Code, "Criminal Procedure." Title V consists of technical amendments to all other affected provisions of D.C. law. Title VI contains the usual separability provision, a provision that the Act shall become effective six months after enactment, and authority to fill additional judgeships on the D.C. courts prior to the effective date of the Act.

In view of the length and complexity of this proposed legislation, summaries of the various parts of the bill are attached. However, it is pertinent in this letter to call your attention to the most significant aspects of the bill.

The proposed revision of title 11 of the D.C. Code would establish a new Superior Court which would be the trial court of general local jurisdiction in the District of Columbia. In addition to the new jurisdiction conferred upon it, the Superior Court would absorb the jurisdiction presently exercised by the Court of General Sessions, Juvenile Court and D.C. Tax Court. This new Superior Court, together with an expanded District of Columbia Court of Appeals, would constitute the District of Columbia Court System.

It provides for the gradual transfer of all purely local jurisdiction to the District of Columbia Court System. The transfer would eventually raise the U.S. District Court to the status of a true federal court, unencumbered by the purely local jurisdiction which it alone, among all the federal courts in the country, now exercises. This is consistent with the President's directive of January 31, 1969 to draft "appropriate legislation providing for a reorganization and restructuring of our present court system toward the eventual goal of creating one local court of general, civil, criminal and juvenile jurisdiction for the District of Columbia."

In the revision of title 11, other changes have been incorporated to improve the administration of justice in the District. For example, the Superior Court would include a Family Division with broader powers to resolve intra family matters than can now be exercised by either the Juvenile Court or the Domestic Relations Branch of the Court of General Sessions. Specific provisions for the improvement of court management and new provisions substituting a modern Medical Examiner for the old coroner system have been included in the new title 11. Changes in other portions of title 11, such as the judicial retirement provision, have also been included.

The revisions in titles 12 through 17 of the D.C. Code presently contain no changes in subchapter I, chapter 23 of title 16 of the Code—Juvenile Proceedings. Not even technical changes have ben made in these provisions since the Department of Justice, in cooperation with the Department of Health, Education and Welfare and the District of Columbia Government, is currently revising the law governing juvenile procedures in the District. That revision will be submitted to you as soon as possible.

Section 402 of this bill is the codification of title 23, "Criminal Procedure." The creation of the new court system necessitated changes in existing law and required new procedures for the operation of the courts.

It therefore seemed advantageous to codify the entire title.

I urge the prompt enactment of this legislation.

The Bureau of the Budget has advised that this legislation is in accord with the Program of the President.

Sincerely,

ATTORNEY GENERAL.

The summary presented by Mr. HRUSKA is as follows:

SUMMARY OF PROPOSED DISTRICT OF COLUMBIA COURT REORGANIZATION ACT OF 1969

The proposed District of Columbia Court Reorganization Act of 1969 is a comprehensive bill restructuring the District of Columbia Courts, transferring jurisdiction from the Federal courts in the District to the District of Columbia Courts, revising the District's code of criminal procedure, and making conforming changes throughout the District of Columbia Code. It consists of six titles, described in detail below.

TITLE I

The first title of the bill is comprised of a revision and reenactment of title 11 of the D.C. Code and certain transitional sections relating to the personnel and property of the present D.C. courts.

Section 101, the revision of title 11 of the D.C. Code, would substantially reorganize the court systems in the District of Columbia. It is designed to establish, in gradual stages, federal and local court systems which would be analogous to the systems existing in the States. Thus, the federal courts would ultimately have only federal jurisdiction, with all local jurisdiction vested in the District of Columbia courts. However, the U.S. Attorney and U.S. Marshal would continue to serve both federal and local courts.

The present Court of General Sessions, Juvenile Court and D.C. Tax Court would be consolidated and upgraded into a single Superior Court of expanded jurisdiction which would be the trial court for the District. The present Court of Appeals would continue to hear appeals from the local trial court and would become the highest appellate court for local matters in the District, equivalent to the highest court of a State.

Chapter 1 describes the federal and local courts in the District and equates the D.C. Court of Appeals with the highest court of a State.

Chapter 3 preserves the jurisdiction of the U.S. Court of Appeals for the District of Columbia Circuit over appeals from the D.C. Court of Appeals which are pending or may still be filed on the effective date of the Act or which involve federal misdemeanors tried in the D.C. court. It provides for the continued publication of the U.S. App. D.C. reports for so long as the court retains substantial local appellate jurisdiction.

Chapter 5 preserves the federal jurisdiction of the District Court. It gradually diminishes local civil jurisdiction, some being transferred to the Superior Court on the effective date of the Act, and the remainder in two subsequent stages. Local criminal jurisdiction is also transferred gradually, in two stages.

Provisions relating to employees of the District Court, except the auditor, have been omitted since they are covered by provisions applicable generally to federal courts.

Chapter 7 provides a nine-member D.C. Court of Appeals and continues the provisions for three-judge divisions and en banc hearings. The Court would hear all appeals from the Superior Court, appeals from administrative decisions as provided in the 1968 D.C. Administrative Procedure Act and all appeals from orders and decisions of the D.C. Public Service Commission. The Court would be authorized to hear interlocutory appeals from the Superior Court including orders to suppress evidence. Appeals would also be permitted from rulings on controlling issues of law, made during trial, in both civil and criminal cases.

Judges of the Court of Appeals could be assigned to Superior Court and Superior Court judges could be assigned to the Court of Appeals when necessary. The Chief Judge would be authorized to designate the judge who would act in his stead. Judicial salaries would be equated with level III of the Federal Executive scale—$2500 below judges of federal appellate courts.

The Court of Appeals could make its own rules of procedure, and would approve the general civil and criminal rules of the trial court.

Chapter 9 consolidates the District of Columbia Court of General Sessions, Juvenile Court and Tax Court into a single Superior Court. The Court would consist initially of 37 judges—an increase of 10 over the total number of judges of the three courts. The number of judges would subsequently be increased in stages to a total number tentatively proposed as fifty judges. The Superior Court would ultimately be divided into four divisions—civil, criminal, family and probate. Judicial salaries would be equated with level IV of the Federal Executive scale—equal to the U.S. Attorney and $2000 below federal trial judges.

The Chief Judge would be empowered to rotate judges among the divisions and would be authorized to designate the judge who acts in his stead.

The civil jurisdiction of the court would be increased on the effective date (six months after enactment) to cover all personal injury actions of a purely local nature and all other local civil and equity cases where the amount in controversy is $50,000 or less. Other transfers on the effective date include D.C. land condemnation, real property actions, quo warranto actions against D.C. officials and corporations, habeas corpus against all but federal officials, and commensurate equity jurisdiction. Additional jurisdiction would be transferred in two further stages. The second stage (eighteen months after the first, *i.e.* two years after enactment) includes probate jurisdiction, hospitalization of the mentally ill, and various actions relating to the property and estates of individuals. The third stage (two and one-half years after the first, *i.e.* three years after enactment) would vest all other non-federal jurisdiction.

Criminal jurisdiction would be transferred in two stages. The first stage (six months after enactment) includes all D.C. felonies except certain enumerated crimes punishable by 15 years or more imprisonment. The second stage (two years after enactment) includes all remaining D.C. felonies. The federal court would retain jurisdiction to try any D.C. felonies joined in the same indictment with federal felonies. The Superior Court would continue to hold preliminary hearings in federal criminal cases until the second stage of jurisdictional transfer. When all local jurisdiction is transferred to Superior Court, all federal jurisdiction would revert to the District Court.

Chapter 11 delineates the jurisdiction of the new Family Division. It would retain all the jurisdiction now vested in the Juvenile Court and the Domestic Relations Division of General Sessions. In addition it would have jurisdiction of civil proceedings involving intra-family offenses pursuant to a new chapter to be added to title 16, and of mental commitments (when jurisdiction over those proceedings is transferred to Superior Court).

The Division could be divided into separate branches or could sit as a unified "Family Court." The decision as to which is preferable would be left to the Superior Court.

This chapter contains certain basic provisions on juvenile procedure including new criteria for waiver of a juvenile for criminal trial. It provides that once a waiver decision has been made, the Family Division would lose jurisdiction over the particular child and any delinquent act he has committed or may commit would be tried in adult court. It utilizes terminology which will be defined and used throughout a proposed revision of chapter 23 of title 16, which will be submitted later.

New and detailed provisions for record confidentiality and the vacating of adjudications and sealing of records are included. Specific provisions on confidentiality of law enforcement records relating to juveniles have also been included.

Chapter 13 retains, with necessary modification, the existing provisions relating to the Small Claims and Conciliation Branch.

Chapter 15 contains the provisions for appointment, tenure and removal of judges and some amendments to the judicial retirement provisions.

Judges of the District of Columbia courts would be appointed by the President, by and with the advice and consent of the Senate, to serve during good behavior, subject to mandatory retirement at the age of 70 and to the removal provisions of chapter 15. Upon completion of the terms of the present incumbents, the Chief Judges of the two courts would be designated by the President to serve for four year terms.

Judges of the courts would be subject to removal, involuntary retirement, or suspension upon action of a seven member District of Columbia Commission on Judiciary Disabilities and Tenure. The Commission, to be appointed by the President, would consist of two local federal judges, two members of the private bar, and three residents, at least two of whom would not be members of the bar. No officer or employee of the District of Columbia government, Member or employee of Congress, or officer or employee of any of the twelve Executive Departments of the federal government would be eligible to serve on the Commission.

Removal of a judge would be automatic upon final conviction of a felony. Removal, after hearing by the Commission, could be ordered upon a determination of wilful misconduct in office, wilful and persistent failure to perform judicial duties, or other conduct prejudicial to the administration of justice or bringing the judicial office into disrepute. Involuntary retirement, after hearing, could be ordered for permanent mental or physical disability. Suspension would be automatic pending finality of a felony conviction or order of removal or retirement. Discretionary suspension, with pay, would be permitted during pendency of a hearing. Removal or retirement could be appealed to a special three-judge court consisting of local federal judges designated by the Chief Justice of the United States.

The revision of the retirement law involves a basic change in form and several changes in substance. For example, it would permit a widower to benefit equally with a widow under the survivor annuity plan. It would permit a college student to qualify as a dependent child. It would permit a judge to count other federal service in his retirement computation.

Chapter 17 is an entirely new chapter relating to court administration and nonjudicial personnel. It would establish a Joint Committee on Judicial Administration composed of two appellate and three trial judges which would have supervision of matters relating to the court system as a whole. The Chief Judges would retain supervisory authority in their respective courts.

There would be a single Executive Officer of the court system with responsibility for facilities, procurement, management of court operations and personnel. He would be appointed by the Joint Committee from nominees proposed by the Administrative Office of the U.S. Courts. The Executive Officer would also administer each of the courts, subject to the respective Chief Judges.

The Clerks of the Courts, the new Director of Social Services, and the new Fiscal Officer would be appointed by the Executive Officer with the approval of the Joint Committee. Except for the Register of Wills, all other non-judicial personnel would be appointed by the Executive Officer in accordance with general rules approved by the Joint Committee.

The Director of Social Services would absorb the probation offices of the Juvenile and General Sessions Courts and would be authorized to perform additional services at the direction of the Superior Court.

The Fiscal Officer would handle budget and accounting for the court system. The budget would become independent of the D.C. budget in the same manner that the budget of the Federal judiciary is independent of the executive budget.

Chapter 19 would retain the present single jury system in the District. Statutory changes reflect the new federal law and new selection practices in the District.

Chapter 21 would continue the office of Register of Wills. He would serve the District Court with respect to its jurisdiction. When the Superior Court assumes probate jurisdiction, he would serve that court and be appointed by it. His duties would remain the same as they are under existing law.

Chapter 23 would substitute a Medical Examiner for the old coroner system. The provisions are patterned after the Maryland and Virginia laws and specify purely medical functions in lieu of the quasi-judicial functions of the coroner.

Section 102 of the bill provides for the transfer of property, records and funds to the new Superior Court. Section 103 provides for the transfer of personnel, retaining the classified civil service status of the Juvenile Court personnel who have acquired that status prior to enactment of the bill. Section 104 grants the incumbent D.C. Tax Court judge the right to retain his present retirement benefits or to elect to come under the general retirement system for Superior Court judges.

TITLE II

The second title of the bill consists of amendments to the remaining titles of Part II of the District of Columbia Code—*i.e.* titles 12 through 17. These titles relate to judicial procedure and most of the amendments made by the bill are purely technical. Since these titles of the D.C. Code are positive law, references to the "Board of Commissioners" have been changed to "Commissioner" to reflect the reorganization plan. Some changes in substantive law have also been made and are discussed below where appropriate.

For ease in reference, the title and chapter of the D.C. Code which would be amended, rather than the section number of the bill, highlighted below.

Title 12 amendments are purely technical.

Title 13 would be amended by repealing the requirement that the Federal Rules apply to D.C. Courts (chapter 1). The local courts would be free to adopt either the Federal Rules or their own rules of procedure. The provisions on jury trial (chapter 7) would be repealed as inconsistent with the new federal law and unnecessary in light of proposed chapter *19* of title 11 relating to juries. Other amendments are technical.

Title 14 would be amended by authorizing the Superior Court to take depositions for use in the various States. Presently only the federal court does this. Section 14–104 would be amended to give the local court more flexibility in ordering depositions for its own use.

Section 14–305 would be amended to reverse existing law by guaranteeing that prior convictions reflecting on either honesty or veracity will be admissible to impeach witnesses without ad hoc judicial determination in each case, (see *Luck* v. *United States*, 348 F. 2d 763 (CADC 1965)) but limiting the impeachment to convictions reflecting on honesty or veracity.

The physician-patient privilege (sec. 14–307) would be amended by permitting psychiatric testimony in criminal cases regardless of who raises the insanity defense, and by expressly permitting such testimony in juvenile cases.

The remaining amendments are technical.

Title 15 amendments are purely technical except the express ban on payment of travel allowances to local witnesses (sec. 15–714).

Chapters 3, 5, 6, 15, 19, 25, 27, 29, 31, 33, 37, and 39 of *Title 16* would be amended in technical respects only.

Chapter 7 of title 16 would be amended to reflect the felony jurisdiction of the new Superior Court. Provisions on indictment and waiver of jury trial parallel the Federal Rules of Criminal Procedure. The right to jury trial as now stated in the D.C. Code would be preserved. However, since the penalty limit on contempt punishment by the D.C. Courts is eliminated in proposed title 11, a specific guarantee of jury trial for contempt punishable by more than six months imprisonment has been included. The U.S. Marshal would be authorized to execute arrest process for misdemeanors as well as felonies.

Chapter 9 of title 16 would be amended to permit the court to appoint independent counsel for a child in custody proceedings. This has been done by judicial decision in Wisconsin and has been recommended here by the D.C. Committee on the Administration of Justice.

A new *chapter 10* would be added to title 16 to provide non-criminal disposition of intra-family offenses. The U.S. Attorney would be authorized to refer such matters to the Family Division. On referral, or on request of an individual, the Corporation Counsel would be authorized to petition the Division for a civil protection order—an equitable mandate designed to prevent further offenses and resolve, insofar as possible, family problems relating to the offense. The Division could, ex parte, issue a temporary order pending disposition of the petition. Other family matters before the Division could be consolidated with the petition and other family members brought before the Division.

Chapter 13 of title 16 would be amended in form to differentiate U.S. and D.C. land condemnation but there is no real substantive change other than the jurisdictional transfer, effected in proposed title 11.

Chapter 23 of title 16 amendments are only partially completed. Not even technical changes have been included with respect to subchapter I (juvenile procedures) since a substantial revision of those procedures is underway and will subsequently be recommended to the Congress. The amendments to subchapter II (paternity proceedings) are merely technical. Subchapter III (miscellaneous provisions) would be repealed as unnecessary in light of the consolidation of the Juvenile Court into the Superior Court.

Chapter 25 of title 16 has been rewritten to differentiate federal and local quo warranto proceedings. There is no change in substance beyond the jurisdictional transfer.

No change has been made in other portions of title 16.

Title 17 would be amended to simplify the provisions for appeal to the U.S. Court of Appeals for the District of Columbia Circuit and to bring the provisions on the D.C. Court of Appeals into conformity with the 1968 D.C. Administrative Procedure Act. Other amendments are purely technical.

TITLE III

The third title of the bill consists of amendments to Part III of the District of Columbia Code—Decedents' Estates and Fiduciary Relations. Part III is comprised of three titles of the Code, all of which have been enacted into positive law. The amendments to these titles are primarily technical, although some substantive changes have been included. References below are to the title and chapter of the D.C. Code which would be amended.

Title 18 amendments reflect the Superior Court's authority to adopt its own rules of procedure and the transfer of probate jurisdiction.

Title 19 amendments are purely technical.

Title 20 amendments are purely technical.

Chapters 1, 3, 7, 9, 13 and 15 of *title 21* would be amended in technical respects only.

Chapter 5 of title 21 (hospitalization of the mentally ill) amendments would provide for the transfer of the Mental Health Commission to the Superior Court at the second stage of jurisdictional transfer. Section 21–512 would be amended to provide for the retention in the hospital of a voluntary patient who requests release, if a proceeding for involuntary commitment is initiated within 48 hours of the request. Section 21–521 would be amended to permit a physician who is not the "family physician" to initiate emergency hospitalization.

Section 21–541 would provide that commitment petitions be filed in the court and referred by the court to the Mental Health Commission. The court would be authorized to issue an attachment for the person subject to the petition if he is not already in custody for examination. Section 21–542 would be amended to establish a seven day limit on examination and hearing of a person in custody.

The sequence of the sections relating to release of committed persons has been changed. Former section 21–548 becomes section 21–546, without change in substance. Former section 21–546 becomes section 21–547. The only change in substance is the deletion of special hearing procedures if one of the doctors examining the patient dissents from the conclusion he should not be released. Section 21–548 is essentially new and provides for motion for release to the committing court after the "administrative remedies" within the hospital have failed to secure release. Habeas corpus would be barred unless other administrative and judicial remedies are inadequate.

The thrust of these amendments is to make the statutory procedure, rather than habeas corpus, the standard avenue for seeking release. Release is seen as the culmination of a single proceeding, which begins with the petition for commitment, and all of which takes place in the same court. Since the release procedures are intended to be as broad as habeas corpus, habeas would be eliminated as a practical matter and the possibility of one trial court upsetting the decision of another would be eliminated for practical purposes. This has not been a problem under present law only because the committing and habeas corpus courts were always the same.

A new section 21–592 has been added providing for the return of escaped patients. The remaining amendments are purely technical.

Chapter 11 of title 21 would be amended in technical respects. The use of the term "mentally retarded" is substituted throughout for the somewhat archaic "feebleminded." Section 21–1114 provides that if a child before the Family Division (juvenile court) is alleged to be retarded, the proceedings shall be adjourned for civil commitment. Consistent with chapter 11 of title 11, waiver proceedings in criminal cases would be excepted from this adjournment requirement. Other amendments to chapter 11 are purely technical.

TITLE IV

The fourth title of the bill amends the criminal law provisions of the District of Columbia code, particularly criminal procedure, to take into account the court reorganization. Some new provisions were required to replace the Federal Rules of Criminal Procedure presently governing local felony cases tried in the U.S. District Court

and old provisions were revised to bring them up to date. Since this resulted in changes throughout the present title 23 of the Code, the title as a whole would be enacted into positive law.

Section 401 of the bill makes three changes in substantive criminal law.

Item (1) clarifies D.C. Code § 22–104, a 1901 provision for added punishment of persons who repeat the same offense. It defines "same offense" to include any previous crime, wherever committed, which could be prosecuted as the same offense in the District. It ends the "multiplication table" effect of present law (multiplying the maximum penalty one and one-half times each time a person commits the same offense), by making a third or subsequent conviction punishable by three times the maximum for a first offense.

Item (2) is new. It provides for lifetime supervision of repeating felony offenders. The sanction would apply only to persons who have engaged in a third separate course of felonious conduct, undeterred by two terms of probation or imprisonment, and only in the discretion of the sentencing judge.

Item (3) is new. It makes a conspiracy to commit a non-federal offense in the District an offense under the D.C. Code, and not merely a violation of 18 U.S.C. 371. This provision is necessary to permit prosecution of such conspiracies in the Superior Court. It is modeled on the New York provision, rather than federal law, because of the necessity of greater specificity in a statute applicable to a geographically limited area.

Section 402 is the codification of title 23 of the D.C. Code "Criminal Procedure". Most of the present uncodified title is merely repeated without substantial change, and many of the amendments would merely apply provisions of the Federal Rules to cases in the Superior Court.

In *Chapter 1,* the following provisions would alter prior statutory law:

Section 23–101 (d) and (e) provides for joining offenses prosecuted by the United States and the District of Columbia in a single indictment or information, or for trial.

Section 23–103, modeled on Federal Rule 32(a)(1), provides that both defendant and prosecutor shall be allowed to address the court on sentence before it is imposed.

Section 23–104 clarifies the present statute on appeals by the Government. Subsection (a) is prior law except for a provision, taken from Federal Rule 41(e), requiring motions to suppress evidence to be made before trial. Subsection (b) implements this requirement by allowing interlocutory Government appeal from the suppression of evidence during trial. Subsection (c) clarifies prior law on the Government's right to appeal from orders dismissing criminal charges. Subsection (d) allows the Government to appeal any other ruling made during a trial which involves a substantial and recurring question of law. The trial court may allow an interlocutory appeal, or the appeal may be taken after trial. This provision also seeks to clarify and to mandate the intent of Congress in present law, D.C. Code § 23–105, to allow Government appeals after acquittal of the defendant.

Section 23–105 adds provisions from the Federal Rules to present §§ 23–107 and 108 on challenges to jurors. It expressly provides for equal numbers of challenges for prosecution and defense, a principle implied in present law.

Section 23–106 substitutes Federal Rule 17(b) for present D.C. Code § 23–109, on defense witnesses, a change only in language.

Section 23–107 clarifies present D.C. Code § 23–110 on procedures for obtaining the testimony of jointly charged defendants either for each other or for the Government.

Section 23–108 changes present D.C. Code §§ 23–111 and 112 on depositions of defense witnesses by allowing the prosecutor to object to a deposition and by eliminating an archaic preference for depositions on written interrogatories.

Section 23–110 is new. Rather than relying on the inherent power of the Superior Court to review convictions, it applies statutory procedures for post-conviction challenges. It follows 28 U.S.C. 2255 with only the necessary technical changes.

Section 23–111 which is new, establishes uniform procedures for determining whether a person convicted of crime is subject to an increased penalty because of his prior convictions (*e.g.,* sections 401 (1) and (2), discussed above; D.C. Code §§ 22–3202, 3214, 33–423). The procedure is similar to that for repeated felony offenders in New York, with a hearing before the court, without jury, on any issue raised by the defendant's written response to an information filed by the prosecutor after conviction and before sentence. Like the New York statute, it specifies that a defendant who does not challenge a prior conviction as invalid before increased penalty is imposed in reliance on that conviction, waives the right to challenge it later. The prosecutor is also given a limited right to appeal from a determination which bars increased punishment, before sentence is imposed.

Chapter 3 makes no significant changes in prior law. All provisions are either present statutes or taken from the Federal Rules, with some minor clarifying changes of language.

Chapter 5 is almost entirely new, but much of it is based on present law.

Subchapter I sets forth definitions.

Subchapter II amends the present D.C. Code provisions on search warrants, §§ 23–301 through 305. Those provisions are excessively detailed in some respects and insufficiently comprehensive in others. Notable features of the new provisions are:

1. Sections 23–521(f) (5) and (6), and 23–522(c), and 524(a)(1), which provide for authorization, in a search warrant, for entry into premises to be searched without notice ("no knock"), and for nighttime searches, on a showing to the issuing magistrate that such authority is needed;

2. Sections 23–524(a) (2) and (3), which allows entry without notice either when entry is freely granted or when circumstances unknown when the warrant was obtained render such entry necessary to protect persons or to avoid destruction of the property sought;

3. Section 23–524(e) specifically authorizing an officer to seize items not named in the warrant but found during the search and subject to seizure, without the needless formality of getting a new warrant;

4. Section 23–524(g) authorizing officers searching houses or vehicles to search persons therein to the extent necessary to protect themselves or to find the property identified in the warrant. This provision is a corollary of the power to search incident to an arrest, and does not limit that power where the persons are also subject to arrest.

Subchapter II generally, but particularly in § 23–525, provides for searching officers to retain seized property in safekeeping rather than take it to court, a requirement of present law which is seldom followed.

Subchapter III would afford, for District of Columbia Code offenses, the wiretapping and electronic eavesdropping powers granted to state authorities under the Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. 2510–2520. The language is taken substantially verbatim from that Act, so that D.C. procedures would conform to the Federal as closely as possible, for both maximum authority and maximum safeguards against unwarranted electronic surveillance.

Subchapter IV codifies the law of arrest warrants, previously governed either by the Federal Rules or by dispersed sections of the D.C. Code.

Sections 23–561 and 23–562 essentially follow Federal Rules 4 and 5 on the form, issuance, contents and execution of arrest warrants and on the use of summonses in lieu of warrants. There are some minor changes reflecting specific practices in the District, for example, the requirement in section 23–561(d) that the prosecutor approve the application for a warrant, except for good cause shown.

Section 23–562(c)(2) is new. It requires that police procedures be performed before bringing an accused to court. This provision, dealing with routine procedures, does not affect the special provisions on interrogation in D.C. Code § 4–140a or 18 U.S.C. 3501, although, like those provisions, it also relates to police functions which do not constitute "unnecessary delay" in the initial appearance of an accused.

Section 23–563 establishes territorial limits for executing a warrant or summons issued by the Superior Court: anywhere in the United States in felony cases (unchanged from the federal-court standard now applicable), and anywhere within 25 miles in misdemeanor cases. It also places a one-year limit on the validity of misdemeanor warrants, and continues the use of federal interdistrict removal, rather than interstate extradition, for persons arrested outside the District of Columbia for crimes committed here. Subsection (d), which is new, provides for the issuance of "adult" warrants for juvenile offenders who flee from the District.

Subchapter V deals with arrests without warrants. Section 23–581 provides for arrest without warrant by a law enforcement officer. Basically it codifies prior law, but it also includes the power of the officer to arrest for misdemeanors committed in his presence, and additional power of fresh pursuit beyond the District for misdemeanors. Section 23–582 provides for arrest without warrant by a licensed special policeman and specific provisions on citizen arrest.

Chapter 7 reorganizes the provisions on extradition and fugitives. Certain substantive changes have been made as noted below.

Sections 23–701 and 23–702(a) reenact D.C. Code § 23–403, relating to warrants for and arrests of fugitives, without substantial change. Section 23–702(b) amends D.C. Code §§ 23–404 and 23–405 relating to bail for fugitives, by including a cross-reference to the Bail Reform Act and by adding a rebuttable presumption that a fugitive, once arrested, will flee again. Subsections (c) through (e) reenact the proceedings now set forth in D.C. Code §§ 23–406 through 23–408. Subsections (f) and (g), which are new, codify existing practice with respect to fugitives who waive extradition and add new filing procedures for extradition papers.

Section 23–703 is also new. It establishes a separate criminal penalty of up to five years' imprisonment and a $5000 fine for fugitives who "jump bond".

Section 23–704 amends present D.C. Code §§ 23–401 and 402. The principal changes are transfer of extradition authority from the Chief Judge of the United States District Court to the Chief Judge of the Superior Court, a provision for an expedited direct appeal of the Chief Judge's order of extradition in place of the present collateral proceeding by writ of habeas corpus, and an express prohibition on the release of an extradited person except on order of the court of the State seeking his extradition.

Sections 23–705 and 706 are changed in technical respects only from D.C. Code §§ 23–410 and 411.

Chapter 9, "Fresh Pursuit," is changed from former chapter 5 only in allowing arrests on fresh pursuit into the District for offenses other than felonies, and in technical respects.

Chapter 11, "Professional Bondsmen," is the same as former chapter 6 with only technical changes.

Chapter 13, "D.C. Bail Agency" incorporates in former chapter 9, the amendments pre-

viously submitted to the Congress, adding the necessary technical changes.

Chapter 15, "Out-of-State Witnesses" is the same as former chapter 8 except that witness fees and allowances would be equated to those authorized in Federal Courts throughout the country. Other changes are merely technical.

Chapter 17, "Death Penalty" repeats former chapter 7 with necessary technical changes and the addition of the provision formerly classified as D.C. Code § 23–114.

Subsection (b) of section 402 repeals those provisions superseded by the new title 23.

Section 403 of the bill amends D.C. Code § 24–301 relating to insanity. It provides mental examination prior to hearing for juveniles subject to a waiver motion and commitment of juveniles incapable of participating in waiver proceedings. It adds a new subsection (k) to establish a statutory remedy for persons confined to mental hospitals in criminal cases. The statutory release procedure would substitute for habeas corpus except where the statutory remedy is inadequate or ineffective.

Section 404 amends the penalty provision of the D.C. Narcotic Drug law, D.C. Code § 33–423. The penalties would remain the same, but the provision would specify that prior conviction under Federal or State law could be counted a "first offense" for purposes of invoking the second offense penalty after conviction in the District.

TITLE V

This title of the bill consists of the miscellaneous conforming amendments to the provisions of law found in titles 1 through 10, 22, and 24 through 49 of the District of Columbia Code.

Sections 501 through 531 reflect the changes in court names, the consolidation of courts and the transfers of jurisdiction.

Sections 532 through 536 reflect the jurisdictional transfer of condemnation proceedings, the revision of chapter 13 of title 16 of the Code, and the conforming changes in jury selection.

Sections 537 through 556 reflect the transfer of administrative review of all orders of the Public Service Commission and bring various provisions relating to administrative agences into conformity with the 1968 D.C. Administrative Procedure Act. That Act superseded in many respects the provisions amended here but conforming amendments were not made at the time. Changes are also included to provide subpoena enforcement by the Superior Court rather than the federal court.

Sections 557 through 580 contain other conforming amendments such as the deletion or substitution of cross-references to revised title 11 or revisions in titles 12 through 21, and revisions of references to the "coroner" so as to reflect the change to a medical examiner. Certain obsolete provisions, such as references to the old Board of Tax Appeals and its conversion to a Tax Court are repealed.

Of particular note are sections 573 and 574. Present law (D.C. Code § 47–204) requires that the District of Columbia pay 60% of certain expenses of the U.S. District Court. This would be amended to reflect declining percentages as jurisdiction transfers, retaining, however, continuing provision for payment of the local share of jury selection and grand jury expenses. Remaining obligation of the D.C. Government to pay part of the cost of the construction and maintenance of the U.S. Courthouse are cancelled but provision is made for sharing the cost of space used by the United States Attorney and United States Marshal.

TITLE VI

This title contains the effective date provision and separability clause. Section 603 provides for the appointment of three additional judges to the D.C. Court of Appeals and ten additional judges to the Court of General Sessions upon enactment of the bill so that these judges can be serving at the time new jurisdiction is transferred to the local courts. Provision is also made for advance appointment of the Executive Officer of the court system so that he will be in a position to assist in the transition.

Mr. HRUSKA. Mr. President, I invite attention to that portion of the statement by the Senator from Maryland (Mr. TYDINGS) which indicates that the questions of jurisdiction, the number of judgeships and the procedure of the local and Federal courts in the District of Columbia are so interrelated that joint hearings of the District of Columbia Committee and the Subcommittee on Improvements of Judicial Machinery would be very appropriate in this case. In his statement he requests that this bill be referred to the District of Columbia Committee inasmuch as the bulk of the bill concerns itself with matters that are restricted to the District itself.

With reference to the Federal courts, there will be supplemental jurisdiction of the Judiciary Committee proper and to that extent, of course, that committee would make its report to the District of Columbia Committee prior to reporting that bill to the Senate for action.

Mr. President, the bill to be introduced later this afternoon by the distinguished Senator from Illinois (Mr. DIRKSEN) on the public defender system for the District of Columbia is the third segment of this entire picture.

Some impatience has been expressed at the timelag between issuance of the President's statement and the legislative results we witness here today.

That impatience, I suggest, is not warranted. The weeks that have passed since January 31 are, in fact, a short time when measured against the size of 300 typewritten pages, legal size, and the complexity of undertaking court revision alone.

What has been proposed for the District of Columbia in these three bills is similar to a complete restructuring of a State court system together with ancillary proceedings such as those to be found in the public defender office and also in the bail reform procedure.

Certainly, 5 months is not too long a time to accomplish this task. The general thrust of the need for the complete overhauling of the criminal jurisdiction system of the District can be found in the report of President Johnson's District of Columbia Crime Commission which was delivered about 2½ years ago, and issued at a time of a greatly increasing crime rate in the District without interruption. Yet, during that 2½ years, nothing was forthcoming in the way of substantial reform that was indicated and recommended in the report—which is an excellent report.

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

The bill (S. 2601) to reorganize the courts of the District of Columbia, and for other purposes, introduced by Mr. HRUSKA, for Mr. TYDINGS, by request (for himself, Mr. HRUSKA, Mr. PROUTY, Mr. DIRKSEN, Mr. MCCLELLAN, Mr. GOODELL, Mr. ERVIN, and Mr. THURMOND), was received, read twice by its title, and referred to the Committee on the District of Columbia.

S. 2602—INTRODUCTION OF DISTRICT OF COLUMBIA PUBLIC DEFENDER ACT OF 1969

Mr. DIRKSEN. Mr. President, in his January 31, 1969, statement on crime in the District of Columbia, the President called for an expanded office of the public defender to help improve the administration of criminal justice. The President said:

> The Legal Aid Agency in the District is a pilot project which has given every indication of great success if properly supported. I believe the time has come to convert this project into a full fledged Public Defender Program. To make this project possible, I will support the Legal Aid Agency's 1970 budget request for $700,000 to allow an increase in its successful project in offender rehabilitation. This would allow it to become a full fledged Public Defender Office with the capacity to represent almost half of the indigent adult and juvenile defendants in the District.

The District of Columbia Public Defender Act of 1969 accomplishes this aspect of the President's program. It expands the Legal Aid Agency and permits it to represent up to 60 percent of the eligible persons who are before the courts of the District of Columbia. In addition the legislation provides that the public defender shall cooperate in the system for assigning counsel to represent those persons who are not served by the public defender.

Mr. President, I ask unanimous consent that the letter addressed to the Vice President by the Attorney General, the summary, and the bill itself be printed in the RECORD.

I introduce the bill for myself, the Senator from Nebraska (Mr. HRUSKA), the Senator from Arkansas (Mr. MCCLELLAN), the Senator from Maryland (Mr. MATHIAS), and the Senator from North Carolina (Mr. ERVIN).

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

The bill (S. 2602) to be known as the District of Columbia Public Defender Act of 1969, introduced by Mr. DIRKSEN (for himself and other Senators), was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

S. 2602

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 District of Columbia Public Defender Act of 1969."

SEC. 2. The Legal Aid Agency for the District of Columbia is redesignated the District of Columbia Public Defender Service (hereinafter called the Service.)

SEC. 3. (a) The Service is authorized to represent persons in the District of Columbia who are financially unable to obtain adequate representation in each of the following categories:

(1) persons charged with an offense punishable by imprisonment for a term of six months, or more;

(2) persons charged with violating a condition of probation or parole;

(3) persons subject to proceedings pursuant to chapter 5 of title 21 of the District of Columbia Code (Hospitalization of the Mentally Ill);

(4) persons for whom civil commitment is sought pursuant to title III of the Narcotic Addict Rehabilitation Act of 1966, 80 Stat. 1444 (42 U.S.C. § 3411, et. seq.) or the provisions of the Hospital Treatment for Drug Addicts Act for the District of Columbia, 67 Stat. 77, as amended (D.C. Code, section 24–601, et. seq.);

(5) juveniles alleged to be delinquent or in need of supervision.

Representation may be furnished at any stage of a proceeding, including appellate, ancillary and collateral proceedings. Not more than 60 per centum of the persons annually determined to be financially unable to obtain adequate representation in the above categories may be represented by the Service, but the Service may furnish technical and other assistance to private attorneys appointed to represent persons described in the above-enumerated categories. The Service shall determine the best practicable allocation of its staff personnel to the courts where it furnishes representation.

(b) The Service is authorized to cooperate with the courts in establishing an effective and adequate system for appointment of private attorneys to represent persons specified in subsection (a), but the courts shall have final responsibility for the appointment system. The Service shall report to the courts at least quarterly on matters relating to the operation of the appointment system and shall consult with the courts on the need for modifications and improvements.

(c) Upon approval of its Board of Trustees, the Service may perform such other functions as are necessary and appropriate to the duties described above.

SEC. 4. (a) The Service shall be governed by a Board of Trustees composed of seven members. The Board of Trustees shall establish general policy for the Service but shall not direct the conduct of particular cases.

(b) Each trustee shall serve a three-year term of office. Upon the resignation or death of a trustee or the expiration of a term of office, the remaining trustees shall recommend to the Commissioner of the District of Columbia the names of persons qualified to fill the vacancy. Taking into consideration the recommendations of the trustees, the Commissioner shall appoint persons to fill vacancies on the Board. Any person appointed to fill an unexpired term shall serve for the balance of that term. The judges of the Federal courts in the District of Columbia and of the District of Columbia courts shall be ineligible to serve as trustees. No person shall serve more than two consecutive full three-year terms as a trustee.

(c) The trustees of the Legal Aid Agency for the District of Columbia in office on the effective date of this Act shall serve the unexpired portions of their terms as trustees of the District of Columbia Public Defender Service.

(d) For the purposes of any action brought against the trustees of the Service, the trustees are employees of the District of Columbia.

SEC. 5. The Board of Trustees shall appoint a Director and Deputy Director of the Service, each of whom shall serve at the pleasure of the Board. The Director shall be responsible for the supervision of the work of the Service and shall perform such other duties as the Board of Trustees may prescribe. The Deputy Director shall assist the Director and shall perform such duties as he may prescribe. The Director and Deputy Director shall be members of the bar of the District of Columbia. The Board of Trustees shall fix the compensation to be paid to the Director and the Deputy Director, without regard to chapter 51 and subchapter 3 of chapter 53 of title 5, United States Code, but compensation for the Director shall not exceed the maximum rate provided for GS–18 and for the Deputy Director the maximum rate provided for GS–17, in section 5332 of title 5, United States Code.

SEC. 6. The Director shall employ a staff of attorneys, clerical and other personnel necessary to provide adequate and effective defense services. The Director shall make assignments of the personnel of the Service. The salaries of all employees of the Service, other than the Director and the Deputy Director, shall be fixed by the Director, without regard to chapter 51 and subchapter 3 of chapter 53 of title 5 of the United States Code, but shall not exceed the salaries which may be paid to persons of similar qualifications and experience in the Office of the United States Attorney for the District of Columbia. All attorneys employed by the Service to represent persons shall be members of the bar of the District of Columbia.

SEC. 7. No attorney employed by the Service shall engage in the private practice of law or receive a fee for representing any person.

SEC. 8. (a) The Board of Trustees of the Service shall submit a fiscal year report of the Service's operations to the Congress of the United States, to the chief judges of the Federal courts in the District of Columbia and of the District of Columbia courts, and to the Commissioner of the District of Columbia. The report shall include a statement of the financial condition of the Service and a summary of services performed during the year.

(b) The Board of Trustees shall annually arrange for an independent audit to be prepared by a certified public accountant or by a designee of the Administrative Office of the United States Courts.

SEC. 9. For the purpose of carrying out the provisions of this chapter, there is authorized to be appropriated to the District of Columbia for each fiscal year, out of any moneys in the Treasury to the credit of the District of Columbia, such sums as may be necessary to implement the purposes of this chapter.

SEC. 10. All employees of the Legal Aid Agency for the District of Columbia on the effective date of this Act shall be deemed to be employees of the District of Columbia Public Defender Service and shall be entitled to the same compensation and benefits as they are entitled to as employees of the Legal Aid Agency for the District of Columbia.

SEC. 11. The Act of June 27, 1960, 74 Stat. 229 (D.C. Code, sec. 22–2201 to 22–2210) is hereby repealed.

The letter, presented by Mr. DIRKSEN, is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., July 11, 1969.

The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: Enclosed for your consideration and appropriate reference is a legislative proposal to expand and improve public defender services in the District of Columbia.

The proposal responds to President Nixon's call for "a full fledged Public Defender Office with the capacity to represent almost half of the indigent adult and juvenile defendants in the District." In accord with his message on crime in the District of Columbia on January 31, 1969, it converts the Legal Aid Agency of the District of Columbia into a Public Defender Service.

Although legislative history surrounding the creation of the Legal Aid Agency by Act of Congress in 1960 is sparse, it appears that the Agency was a pilot project. Its statutory authority and its appropriations indicated the construction of a small organization to represent only a limited portion of the indigent defendants. The bulk of representation was to be furnished by the private bar.

Since 1960, however, there have been several developments which point to the need for an expanded organization. First, the volume of criminal cases has risen dramatically in the last decade. Because there has been no expansion of the public defender service, the private bar has borne a greater burden. Second, recent developments in the criminal law have made it increasingly more difficult to handle criminal cases on an ad hoc basis. The growing complexity of the criminal law requires specialists who are regularly engaged in this field of law.

The proposed legislation recognizes these developments. However, it also takes cognizance of the desirability of a "mixed" system of representation. It therefore creates a new Public Defender Service which is limited to representation of a maximum of 60 percent of the persons who are financially unable to obtain adequate representation in five classes of cases. These are:

(1) Criminal cases punishable by at least six months' imprisonment.

(2) Cases in which violation of probation or parole is alleged.

(3) Cases where civil commitment is sought under title 21 of the D.C. Code.

(4) Cases where civil commitment of a narcotic addict is sought.

(5) Cases where juveniles are alleged to be delinquent or "in need of supervision."

In addition to providing representation for a greater proportion of eligible defendants, this proposal permits the Public Defender Service to assist the private bar and to aid the courts in establishing an adequate system for appointment of private counsel. Through this cooperation more effective and more efficient representation of defendants should be achieved.

The proposed law also removes the $16,000 salary limitation for the Director. In its discretion, the Board of Trustees may pay the Director up to the equivalent of a GS–18 level in the Federal government. This flexibility will permit the Service to attract and retain the type of lawyers who can lead an organization of more than 50 attorneys and supporting personnel.

Other provisions include (1) use of language identical to that of the Criminal Justice Act to define need for public counsel, to wit, "financially unable to obtain adequate representation," (2) provision to protect the trustees in event of suit, and (3) change of the due date on the annual report from June 1 to July 1. It should also be noted that the new statute has maintained the substance of many of the desiderable provisions of the District of Columbia Legal Aid Agency Act of 1960, e.g., appropriations procedures and prohibition on dual employment.

I urge early consideration and adoption of this proposed legislation.

The Bureau of the Budget has advised that enactment of this legislation is in accord with the Program of the President.

Sincerely,

JOHN MITCHELL,
Attorney General.

The summary, presented by Mr. DIRKSEN, is as follows:

SECTION-BY-SECTION ANALYSIS AND COMMENT

Sec. 1—Enactment clauses.

Sec. 2—Name change: The name "District of Columbia Public Defender Service" would be substituted for the present "Legal Aid Agency for the District of Columbia," because the former more clearly describes the functions of the organization.

Sec. 3—Functions: This section defines the jurisdiction of the Public Defender Service and authorizes it to assist the courts in the District of Columbia in coordinating the assignment of cases to members of the private bar. The section also ensures continuation of a "mixed" defender system, by limiting the public defender to representation of a maximum of 60 percent of the eligible persons.

Subsection (a) specifies that the Public Defender Service may represent persons in five classes of cases, if these persons are "financially unable to obtain adequate representation." This test of eligibility conforms to the one currently required for appointment of counsel under the Criminal

Justice Act. The five classes of cases in which the Agency may furnish representation are as follows:

(1) Criminal cases punishable by at least six months imprisonment. Presently the Legal Aid Agency represents persons if the maximum penalty is imprisonment for at least a year. Moving the threshold back to six months would add relatively few cases but would guarantee public defender services on the same basis as they are now available under the Criminal Justice Act. At the same time, the Service would not be charged with the enormous burden of representing persons charged with such minor infractions as disorderly conduct, since these carry less than 6 months maxima.

(2) Cases in which a violation of probation or parole is charged. Since the *Mempa* v. *Rhay* decision extended the right to counsel to probation revocation proceedings, this proposed expansion of jurisdiction merely keeps pace with recent developments in the criminal law.

(3) Cases in which civil commitment is sought pursuant to Title 21 of the D.C. Code. This provision would allow the Service to represent persons subject to commitment on mental health grounds as well as those already committed who seek release.

(4) Cases in which civil commitment of a narcotic addict is sought. Title III of the Narcotic Addict Rehabilitation Act statutorily entitled suspected addicts to the assistance of counsel when civil commitment is sought. Authorizing the Service to provide counsel in which cases would implement the policy of that provision.

By the same token, counsel ought to be available to suspected addicts facing civil commitment under the analogous provision of the D.C. Code.

(5) Cases in which juvenile delinquency or "being a juvenile in need of supervision" is alleged. This will allow the Service to represent juveniles charged with law violations as well as those who, though not charged with a criminal act, face the possibility of a penal-type disposition.

The last sentence of subsection (a) defines the Service's role with respect to the private bar: at least 40 per cent of the cases would be handled by the private bar, and the Service would be authorized to provide technical and other assistance (such as investigators) to all appointed private attorneys.

Subsection (b) would establish machinery to coordinate the appointment of private attorneys and attorneys from the Public Defender Service. This section operates on the premise that the ultimate responsibility for appointment of counsel rests with the courts. At the same time, since the Service is concerned with providing up to 60% of the defense representation, its expertise should be solicited in the design and implementation of the appointment system. The actual plan for appointment of counsel could take a wide variety of forms depending on the availability of resources to administer the system and the desires of the courts and other concerned parties.

Sec. 4—Board of Trustees: The Service would be governed by a seven-member board of trustees, as is the Legal Aid Agency at present. However, the trustees of the Services would be appointed by the Commissioner of the District of Columbia in lieu of the machinery incorporated in the Legal Aid Agency statute requiring the selection of trustees by the chief judges of the District's several courts and the Commissioner. This system of appointment is more consistent with the A.B.A. recommendation that public defenders be entirely independent of the judiciary.

Sec. 5—Director and Deputy Director: Two executives would be provided for the Service, in keeping with the present operations of the Legal Aid Agency. The Board of Trustees would select both and each would serve at the pleasure of the board. The trustees would fix the salaries of both executives, up to the GS-18 level. This flexibility will allow the Service to attract and retain the first rate lawyers/administrators who are needed to run an organization which can be expected to employ more than 50 attorneys and additional supporting personnel.

Sec. 6—Staff: This section carries forward the present statutory scheme applicable to the Legal Aid Agency for the employment and compensation of staff. The only significant change is that the Director would be authorized to hire staff personnel without the approval of the Board of Trustees.

Sec. 7—Dual Employment Prohibition: The present prohibition against dual employment is carried forward in this section.

Sec. 8—Annual Reports: The only significant change compared with the Legal Aid Agency Act is that annual reports would be due at the end of the fiscal year instead of at June 1st. The benefit of this change is that statistics and budget figures would reflect the entire fiscal year's work and would conform to statistics prepared by other governmental agencies.

Sec. 9—Appropriations: There are no significant changes from the present provision governing the Legal Aid Agency.

Sec. 10—Continuity of Staff: This section simply provides for the transition from Legal Aid Agency to Public Defender Service.

Sec. 11—Repealer: The provision of the original Legal Aid Agency Act would be repealed.

ADDITIONAL COSPONSORS OF BILLS

S. 2065

Mr. HOLLAND. Mr. President, I ask unanimous consent that, at its next printing, the name of my colleague, the Senator from Florida (Mr. GURNEY) be added as a consponsor of the bill (S. 2065) to clarify the liability of national banks for certain taxes.

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

S. 2315

Mr. GOLDWATER. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Alaska (Mr. STEVENS) be added as a cosponsor of the bill (S. 2315) to restore the golden eagle program to the Land and Water Conservation Fund Act.

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

S. 2375

Mr. DIRKSEN. Mr. President, on behalf of the Senator from New Jersey (Mr. CASE) I ask unanimous consent that, at its next printing, the names of the Senator from Maine (Mr. MUSKIE) and the Senator from Missouri (Mr. EAGLETON) be added as cosponsors of the bill (S. 2375) to amend the Civil Rights Act of 1964 to authorize the Attorney General to initiate school desegregation suits based on his own finding that discrimination exists in a school district and eliminating the present requirement that a complaint be first filed with him.

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

AMENDMENT TO S. 2546 (NO. 68)—MILITARY PROCUREMENT AUTHORIZATIONS, 1970—ADDITIONAL COSPONSORS

Mr. HART. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from New Jersey (Mr. CASE), the Senator from Missouri (Mr. EAGLETON), the Senator from New York (Mr. GOODELL), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Kansas (Mr. PEARSON), the Senator from Rhode Island (Mr. PELL), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Ohio (Mr. SAXBE), and the Senator from Maryland (Mr. TYDINGS) be added as cosponsors of amendment No. 68 to the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each reserve component of the Armed Forces, and for other purposes.

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

ANNOUNCEMENT OF HEARINGS ON MIGRANT AND SEASONAL FARMWORKERS EFFORTS TO ORGANIZE

Mr. MONDALE. Mr. President, the Senate Subcommittee on Migratory Labor, of which I am chairman, will hold hearings on the union and community organization efforts of migrant and seasonal farmworkers on the mornings of July 15, 16, and 17, 1969.

The purpose of this particular set of hearings is to take a candid look at the legal, political, and economic barriers that deny farmworkers an equal opportunity to improve their conditions.

The subcommittee will closely examine the impact that the Defense Department's purchase of table grapes has on the grape boycott and union organization efforts in California led by Cesar Chavez. We will also examine the ways in which public and private institutions in other States and localities may suppress farmworkers' attempts to organize.

Witnesses invited to the hearings include representatives of the United Farm Workers Organizing Committee in Delano, Calif.; Secretary of Defense Melvin Laird; William Kircher, director of organization, AFL-CIO; spokesmen from organizing efforts in Colorado, South Carolina, and Florida; the Reverend Ed Krueger from the Rio Grande Valley of Texas; and local officials, law enforcement personnel, and blueberry pickers from New Bern, N.C., site of a recent strike.

Hearings are scheduled for 9:30 a.m., room 4232, New Senate Office Building, next Tuesday, Wednesday, and Thursday. More details and a full witness list will be available from the subcommittee office.

TRIBUTE TO THE LATE REPRESENTATIVE WILLIAM H. BATES

Mr. STENNIS. Mr. President, I think it is especially fitting and proper as we

consider the Defense authorization bill to pause and reflect on the untimely death of Representative William H. Bates of Massachusetts. Representative Bates, the ranking minority member of the House Armed Services Committee, was struck down by cancer at the age of 52. His passing will be particularly felt by those of us who are privileged, as he was, to confront almost daily problems affecting the Nation's defense.

It was my privilege on a number of occasions to serve with Bill Bates on conference committees and I have always been impressed by the warmth and gentle nature of this dedicated American. He was a veteran of 11 terms in the House of Representatives and before that he had served 10 years as a U.S. naval officer. So he brought to the deliberations on our national security a wealth of knowledge and experience and his wise counsel and skillful service will be sorely missed as the Congress considers some of the most critical and troublesome defense problems of our times.

In addition to his work on the Armed Services Committee of the House of Representatives, Representative Bates served with distinction on the Joint Committee on Atomic Energy where he was one of the senior minority members. His work on that Joint Committee was marked by his stalwart support of the development of both the peaceful and the military atom. He took second place to no one in his advocacy of developing the technology to maintain U.S. leadership in the harnessing of nuclear energy, particularly for peaceful purposes.

Mr. President, the late Representative Bates was no ordinary man. He had fine intelligence, a vigorous mind, a dedicated purpose, a strong will, and still a resiliency that served him well as an effective legislator. He and I never had a chance to become close friends; we were not thrown together sufficiently for that. Nevertheless, I mourn his passing because of the warmth of his nature and the great respect that I had for him, and the contribution that I know he made.

Mr. President, America needs such dedicated and responsible legislators as our late friend. We mark his passing with a sense of great loss to the country. He will be sorely missed.

I extend, for both Mrs. Stennis and myself, our heartfelt sympathy to Mrs. Bates and the surviving members of his family for their earthly loss, and I pray that God will sustain them in this hour and in the years ahead.

DEFENSE AND THE COMPUTER PEOPLE

Mr. KENNEDY. Mr. President, the April issue of the magazine Computers and Automation carries an editorial entitled "The Misdirection of Defense—and the Social Responsibilities of Computer People."

Mr. Edmund Berkeley, the editorial's author and the editor of the magazine, points out that computers are an essential element of our modern weapons systems, and that the men and women who man the computers have a unique responsibility for insuring the soundness of our defense programs.

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

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

THE MISDIRECTION OF DEFENSE—AND THE SOCIAL RESPONSIBILITIES OF COMPUTER PEOPLE

(By Edmund C. Berkeley, editor)

Few of the citizens of any nation would I believe disagree with this proposition: "The main objective of the Defense Department of any nation is to try to guarantee the successful defense of that nation against attack."

For there is no doubt that armed attacks by one nation against another do occur—one of the most recent examples being the military invasion of Czechoslovakia by the Soviet Union and four other nations in August 1968. In Czechoslovakia, the government chose not to resist the overwhelming force, but to try to adjust to the demands, i.e., surrender. This was also the choice made by the commanding officer of the U.S. electronic spy ship *Pueblo* when the ship was taken over by North Korean naval vessels either just inside or outside North Korean waters.

In the case of the Defense Department of the United States, there is now substantial evidence that its main objective has shifted —it is only secondarily "the successful defense of the United States against attack" and is mainly something else. In fact there is good evidence that the something else is the serving of the interests of what President Dwight D. Eisenhower identified in 1960 as the "military industrial complex" and warned Americans against.

What is the military industrial complex? Briefly, it is a portion or segment of the United States, consisting of industries, regions, lobbies, and people (of many kinds), who make a great deal of money (profits, income, salaries, wages, research and development grants, pensions, consulting fees, etc.) from the vast budget of the U.S. Department of Defense, some $80 billion a year. According to tables in a book *The Depleted Society* by Professor Seymour Malman, 73% of this budget has been paid to 100 companies.

From 1965 to 1967, the main reason the people of the United States put up with the enormous, rising costs of "defense" was the pair of arguments: "We have to fulfill our commitments to the government of South Vietnam" (no matter that it was the ninth dictatorship since Ngo Dinh Diem was shot), and "We can't let our boys down in Vietnam—we must give them all they want or need".

But in 1968 it became clear that the war in Vietnam was not being won. By 1969, over 32,000 Americans had been killed there; over 150,000 Americans, wounded; over 4000 planes and helicopters had been lost; over $100 billion, spent; more bombing tonnage had been dropped in Vietnam than the United States dropped in all the theaters of World War II; and still no substantial progress. What is the main trouble? Basically, we cannot tell the difference between Vietnamese on our side and Vietnamese on the other side, and so our fire power produces hatred for Americans on a large scale.

In 1965 it may have seemed true to many people in the United States that "defense of the United States" required winning a land war in Asia more than 9000 miles away from California.

But it looks now as if the people of the United States no longer believe that fighting such a war is necessary to our interests, and they want the war stopped. So the civilian government of the United States is saying to the Defense Department and the Saigon government, "No, with 500,000 American soldiers in Vietnam, you cannot have any more." And a president of the United States has been denied reelection to the presidency because of the war in Vietnam.

As a result, the theory and practice of the U.S. Defense Department and of the U.S. military industrial complex are being questioned by thousands of influential persons, including Senators and Congressmen. Even President Nixon in one of his campaign speeches promised to bring the war in Vietnam to a conclusion within six months of his inauguration.

The way in which the military industrial complex operates is particularly clear in the present pressure from the Defense Department and associated defense industries to obtain public approval for the proposed Sentinel, "thin" Anti-Ballistic Missile System. The proposed system has aroused a great deal of opposition in the U.S. Congress and in Boston, Chicago, and elsewhere in locations which are threatened by the proposed antimissile sites. Clearly these sites will increase the danger of those areas becoming priority targets in event of a nuclear war. In fact, as soon as the first antimissile has been fired against the first incoming missile, according to a statement by Senator Edward Kennedy, then radio location of the second incoming missile becomes impossible, because of the effects of radiation from the nuclear explosion in the high atmosphere! But does the Defense Department honestly and patriotically admit this flaw? It does not.

Instead, the Pentagon makes use of an Assistant Secretary of Defense for Public Affairs and a Chief of Information Office of the U.S. Army. Both these offices with a total budget of over $6 million a year have been "programmed" into the public affairs plan of Lt. Gen. A. D. Starbird for "promoting" the Sentinel Anti-Ballistic Missile system. He is to provide for "speaking engagements, information kits, exhibits, films, press releases," etc. In other words, the Pentagon is using the taxpayers' money to try to persuade the taxpayers to support a technically illogical project. For example, the Selectmen of Reading, Mass., are being invited by the Army on a sightseeing trip to anti-ballistic missile centers.

The military industrial complex (the MIC) by its very nature, evolution-wise, cannot be considered to be really interested in the defense of the United States. Since a large part of the MIC could not exist competitively in the civilian market, it must continue to seek large funds from the government, using good arguments if they exist, and any arguments at all if good arguments do not exist. What it is really interested in is making money from defense contracts. So the real preferences of the MIC are for billion dollar procurement programs, which sound meaningful and which can be escalated, even if technologically they are unsound, logically they are unreasonable, politically they increase the insecurity of the United States, and financially they threaten the solvency of the United States and the deepening neglect of our domestic needs.

Why should computer people be concerned with the interrelation between the defense of the United States and the military industrial complex?

Computers have been one of the scientific and technological miracles which have enabled the military industrial complex to spin its fascinating arguments of scientific and technological magic, and sell portions as proposals to the Defense Department. The computer industry has been one of the beneficiaries of the flow of funds from the Defense Department to the MIC and has been part of the MIC. In this field, the technological development has frankly been so marvelous that now more than eighty percent of the computer industry and its applications are civilian and not military. Here society as a whole has received back a major (though incidental) benefit from the operation of the military industrial complex.

Computer people, having been beneficiaries, should now seek to fulfill their social respon-

sibilities. They should help reorient the Defense Department toward its primary objectives; they should help to increase the defense and security of the United States in rational, logical, and honest ways. Pandora's box of new scientific weapons (chemical, bacteriological, radiation, nuclear, missiles, nuclear-powered submarines, etc.), is now wide open; and we should help to close it. This will make the U.S. and the world more safe, not less safe.

One direction is the development of strong international agreements and controls (possibly computerized) over weapons systems, in the interests of all the people of the world. One such example is the Nuclear Nonproliferation Treaty. Many proposals of this nature have been made, and should be studied, talked about, and advocated, by computer people and other people. Illogical, unsound proposals should be opposed by computer people and by other people. Thus we help change the climate of public opinion away from the usual rubber-stamp "yes" for expensive proposals from the MIC.

The military industrial complex will then make less money. But the people of the United States and the world will then make more money, and they will live more instead of dying more. Even American boys, instead of dying in Vietnam, will stay alive in the United States.

TV STATEMENT BY SENATOR BYRD OF WEST VIRGINIA ON APPOINTMENT OF JUDGE BURGER TO BE CHIEF JUSTICE OF THE SUPREME COURT

Mr. BYRD of West Virginia. Mr. President, on June 3, 1969, I made a statement for television regarding the appointment of Judge Warren Burger to be Chief Justice of the United States Supreme Court.

I ask unanimous consent that the transcript of that statement be printed in the RECORD.

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

APPOINTMENT OF BURGER

I am glad that the President has nominated a capable jurist for Chief Justice of the United States. Too many nominees to the Court in recent years have had no previous experience on the Bench. Judge Burger will have my support because his record recommends him as a man who is a strict constructionist of the Constitution. I may not agree with him in every instance, but his judicial philosophy will be far different from that of Mr. Warren, whom he succeeds. Under Mr. Burger, the Supreme Court will do more judging, less lawmaking and be less an agency of reform. Both Mr. Warren's exit from the Court and Mr. Burger's accession to the Court will be good for the country. But Mr. Burger's appointment will not, by itself, make for a majority over the Court activists. To accomplish this, Mr. Nixon must appoint another constitutionalist—this time to fill the vacancy created by the resignation of Mr. Fortas, and I have contacted President Nixon and urged him to do this.

THE APOLLO PROJECT

Mr. McINTYRE. Mr. President, I ask to have placed in the RECORD the copy of a most thoughtful and moving advertisement.

I refer to North American Rockwell's full-page message in the Washington Evening Star of Thursday, July 10, a message that begins:

America is about to put men on the moon. Please read this before they go.

Mr. President, I hope millions of Americans have an opportunity to read this message. Our unbroken string of space project successes have, I fear, left us all a little sanguine. We have come to expect success in the difficult. We are scarcely impressed with success in the seemingly impossible.

With man's first footfall on the moon only days away, it is time we became impressed again, impressed and deeply appreciative of the wise, resourceful, and eminently courageous men who will make this awesome conquest history.

The men of Apollo epitomize Sherman's definition of true courage—"a perfect sensibility of the measure of danger, and a mental willingness to endure it."

North American Rockwell's message is an eloquent appeal to the American public to come to a "perfect sensibility" of the magnificent dimensions of the Apollo project.

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

AMERICA IS ABOUT TO PUT MEN ON THE MOON—PLEASE READ THIS BEFORE THEY GO

Perhaps the best way for anyone to try to understand the size of such an undertaking is not for us to list the thousands of problems that had to be overcome, but for you to simply go out in your backyard some night, look up, and try to imagine how you'd begin, if it were up to you.

But our reason here is not to talk about the technicalities of the Apollo project. Rather, it is simply to ask you to think, for at least one brief moment, about the men and women who have applied their heads and their hearts and their hands—and a good many years of their lives—to putting a man on the moon.

Many of these people have worked for less money than they could have made in other places, and it is safe to say they have worked through more nights and weekends and lunch and dinner hours than they would have anywhere else.

And the astronauts, the brave men who will fly again down that long, dark and dustless corridor of space, this time to set foot—to walk upon the surface of the moon—they know the price that's often paid in setting out for lands uncharted. They know the price their fathers' grandfathers paid just to walk across the wilderness of America for the first fifty years.

For a long time now, we have been involved with the people who are the thinkers and the designers and the builders and the pilots of America's man-to-the-moon dream, of America's man-to-the-moon determination. We have worked with them, eaten with them, lived with them.

Yet our appreciation and admiration for them continues to grow each day—for their energy, for their imagination, their confidence, for their patience, their resourcefulness, for their courage.

We ask you, in the days ahead as we wait for the big one to begin, to understand this fantastic feat for what it is and to put it in proper perspective, a triumph of man, of individuals, of truly great human beings. For our touchdown on the moon will not be the product of magic, but the gift of men.

In James A. Michener's novel, "The Bridges at Toko-Ri," an American admiral stands on the deck of his carrier early one morning and ponders the subject of his brave men. And thinking to himself, he asks a question of the wind which we believe all of us should ask as we think of the men who will finally make it to the moon and of the men who got them there: "Why is America lucky enough to have such men? . . . Where did we get such men?"

NORTH AMERICAN ROCKWELL.

[North American Rockwell is a prime contractor for the Apollo project.]

HIGH INTEREST RATES UNDERLINE NEED FOR PRIORITIES

Mr. SYMINGTON. Mr. President, in a thought-provoking column, Mr. L. B. Lundborg, chairman of the board of the Bank of America, has some interesting things to say with respect to the current unprecedentedly high rate of interest that the people of America are now paying for borrowed money.

Mr. Lundborg closes his comments with the following wise statement:

On a long term basis, a more disciplined sense of priorities in our national life is needed. All foreign and domestic programs and policies need rethinking both in terms of their relevance to our situation today and our ability to pay for them.

I ask unanimous consent that excerpts from this excellent analysis be printed in the RECORD.

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

HOW DID INTEREST RATES GET SO HIGH?

During the depression years and through World War II, the citizens of the United States built up large amounts of deposits in banks. Borrowing demands of the time were not heavy, so these deposits remained in liquid bond accounts. After the war, there was a tremendous economic boom which continues to this day. A large part of the fuel for this economic growth came from loan expansion in excess of deposit growth. This was made possible by banks selling off those bonds they had purchased when loan demand was relatively light. By the early 1960's, this excess liquidity in the banking system had been largely used up. In order to meet the needs of long-term customers, banks increasingly sought other ways of attracting funds. In key centers throughout the world, money in various forms is bought and sold daily. The total of all these purchases and sales is called the money market. Essentially, it is a loosely knit but interrelated world-wide auction for funds. Funds purchased in this way are usually much more expensive to the banks than traditional deposits.

As our technology expanded in the 1960's, the demand for funds grew at a torrid pace. As a result, today there is an acute world-wide shortage of money to lend. At the same time, an insatiable demand exists for funds to finance the needs and desires of society.

For the past few years, banks have been feeling the pressure of a heavy demand for money and an inadequate supply to lend. In the last two years, still another factor has been added—the factor of inflation. The United States began experiencing serious inflation about three years ago. Even worse, the nation is now gripped with inflationary psychology. Many corporations and individuals are willing to borrow money regardless of price because they believe the price may be higher tomorrow. Obviously, such a psychology feeds on itself and has the attributes of a self-fulfilling prophecy.

Because of this intense demand for funds, banks have had to ration the money they have had available to lend. But rationing the funds has not been enough. In order to even partially accommodate good customers of long standing who need and want money, banks have had to bid to purchase an already short supply of available funds in the world's money markets. The price of these funds has soared. Immediately prior to the recent in-

crease in the prime rate, the price of alternate sources of corporate funds (corporate bonds, commercial paper, etc.) rose so high that bank financing was becoming increasingly attractive to corporations. Had the prime rate of banks remained constant, the banking system would have been inundated by another tidal wave of credit demands. Consequently, in an attempt to discourage a new influx of borrowing and as a method of further rationing, banks had to increase their rates. If banks had not done this, they would have been unable to cope with borrowing demands in any orderly and fair way.

WHAT CAN BE DONE TO CURB HIGH INTEREST RATES?

The fundamental—indeed the only effective curb—for the upward spiral of interest rates is for the United States to contain inflation and put an end to inflationary psychology. This can be done effectively in only one way: the economy must be slowed down. Monetary authorities in Washington have already taken steps to do this. The Federal Reserve Board has tightened the money supply in order to make less money available for banks to lend. This action creates severe problems for banks and their customers but must be done in the interests of the economy as a whole. However, monetary policy is not enough. The fact is that our Federal programs at home and abroad need a drastic revision in order to conform more realistically to what we can afford to do. If inflation in this country is to be stopped in any meaningful and long range way, Federal policies must be revised in accordance with the resources on hand to sustain these policies. Rich and strong as the United States is—it cannot do everything at once. The administration has taken some first steps in the direction of recognizing these fundamental facts. The steps taken, together with the restrictive policy of the monetary authorities may be sufficient to brake the current inflationary spiral temporarily. On a long term basis, however, a more disciplined sense of priorities in our national life is needed. All foreign and domestic programs and policies need rethinking both in terms of their relevance to our situation today and our ability to pay for them.

INCREASE IN MINIMUM WAGE

Mr. JAVITS. Mr. President, I have joined the Senator from New Jersey, (Mr. WILLIAMS) the distinguished chairman of the Labor Subcommittee, on which I serve as the ranking minority member, in sponsoring S. 2070, the purpose of which is to raise the minimum wage from $1.60 to $2 per hour and to extend the minimum wage protection to millions of workers presently not covered by the law.

Mr. President, I believe this is a law basic to the welfare of American workers. The Fair Labor Standards Act during the past 30 years has assured millions of American workers of a floor of protection against exploitation. Also, during that period the minimum wage rate has been increased substantially and the act has been extended to cover millions of additional workers. I am pleased to have participated in these previous efforts to provide minimum decency in a standard of living for the workers of our Nation, and I think there can be little question, in the face of the dramatic increase in the cost of living in the past few years, that further improvements in the law are now necessary.

Under existing law the minimum is or will become $1.60 per hour for most workers covered by the act. One significant exception is agricultural workers, whose rate will not increase above $1.30 per hour unless existing law is amended. A worker earning the minimum wage of $1.60 per hour who works 40 hours per week for a full year earns $3,328. That is a wage which is actually below the poverty line for many families in the cities of America and in many cases is less than a family can receive from welfare payments.

Mr. President, there has been a lot of discussion in recent years about the problems of welfare and the need to reduce the spiraling costs of welfare payments. There has also been discussion of the need to insure that those who are actually able to work are not dissuaded from doing so by the prospect of actually losing income by moving off the welfare rolls into employment.

I strongly believe in the need to make drastic improvement in our welfare system and I recognize that this is a subject of deep controversy. Yet, I think there can be no disagreement over the fact that any effort to move people off the welfare rolls and into gainful employment is not going to succeed unless the compensation received from employment meets some minimum standard of decency and provides a reasonable incentive for those who are able to work to do so. A minimum wage of $2 per hour will provide a full-time worker with an income of $4,160 per year. While that figure is slightly above the poverty line in most areas of the country, it remains far below the figure of $9,076 which the Labor Department has recently characterized as providing a moderate standard of living for an urban family. A minimum wage of $2 per hour would, therefore, be but a small step toward raising some of those 16 million Americans whose income is still below the poverty line above it. It will certainly not provide luxuries—indeed, in many instances it will not even provide an income adequate to feed, clothe and shelter a family. It would provide a minimum standard of decency—no more.

S. 2070 would also expand coverage of the Fair Labor Standards Act to additional millions of workers not now covered. Since the Fair Labor Standards Act provides what I consider to be a minimum standard of decency for our workers, I feel strongly that coverage of the act should be extended, if possible to every American worker.

I do recognize that there may be arguments for excluding some limited categories of workers from coverage of some provisions of the Fair Labor Standards Act, we must be careful not to let our concern that workers receive minimum wage protection operate to their detriment by actually destroying their jobs. In the past, fears of unemployment caused by the minimum wage have generally proven to be greatly exaggerated; but we must still consider the problem carefully, in the light of experience that is what I intend to do when hearings are held on S. 2070.

With that understanding, I am pleased to join in cosponsoring S. 2070 and hope that the Subcommittee on Labor can soon begin hearings on it.

THE McGEE SENATE INTERNSHIP CONTEST

Mr. McGEE. Mr. President, each year it is my pleasure to conduct for high school students in my State of Wyoming the McGee Senate internship contest, which brings back to Washington one boy and one girl for a week of observing democracy in action—here in the Senate and in Washington. The contest is designed to stir up interest among high school students in national and international questions.

As a part of the contest each student was required to complete an essay on "Our President: How Should We Choose Him?" Frankly, it was a study of our electoral college system. This year, as I am each year, I was impressed with the depth of understanding and the dedication to our democratic principles displayed by these young people in their essays. This topic is one of vital interest today, and the essays reflect sound reasoning which should be of interest to us all.

Of course, it would be impossible for everyone to read all these essays, but I think some of the most outstanding ones selected by an impartial panel of three judges should receive wider circulation, and I ask unanimous consent that two of these essays, written by Robert Drazovich, of Rock Springs, Wyo., and Kristy Ann Vivion, of Rawlins, Wyo., which received honorable mention in the McGee Senate Internship contest, be printed in the RECORD.

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

OUR PRESIDENT: HOW SHOULD WE CHOOSE HIM?

(By Robert Drazovich, Rock Springs High School, Rock Springs, Wyo.)

The President of the United States is not always the choice of the people! He can, in fact, be the second or third choice of the voting public. What is the cause of this undemocratic practice in a democratic society? The answer is simple: the electoral college. This problem is one which has faced our nation several times in its history, and one which we almost encountered in our recent election. The election of 1824 is an example of this problem. Four candidates shared the electoral vote with none of them gaining a majority. John Quincy Adams finally came out the winner even though Andrew Jackson had many more popular votes.

We can see that the electoral college is outdated and inefficient, but let's see what other problems have been caused. First, the college doesn't always reflect a majority opinion. This is the largest inequity, because in a democratic society, the majority of citizens should have the right to elect whomever they prefer. If this is taken away, democracy will collapse.

The second problem of the electoral college allows for bargaining. If there is not a clear majority for one candidate, there can be a trading of votes. They can make concessions, and as a result, aspiring politicans may support policies different from those expected of them when they were elected. This could very well have been the case in our last election, if George Wallace had gained a few more electoral votes. Again, the college is not allowing the majority to rule but is giving too much power to minority groups.

A third problem resulting from our electoral college is the bureaucracy. This includes the large amount of paper work, the increased cost, and the inconveniences of the system.

The method of choosing electors, printing ballots, and voting in the electoral college varies greatly from state to state. In some places the electors' name appears on the ballots with the candidates; in other states the candidates names appear, and in one state, Alabama, the electors' names are allowed on the ballot but the candidates' names are not even listed. This often leads to confusion.

Most of the states require that electors take a pledge to their candidate but this isn't true everywhere. In the majority of states the electors are voted for in a block, but in others, write-in votes and divided elector votes are allowed.

It seems pointless in our time for the electoral college to meet. The results of the election are already known, and nothing appears to be accomplished.

If the electoral college is so outdated and inflexible, why was it first set up by our forefathers? The problem of how to elect our President was one of the most debated and controversial issues of the entire Constitutional Convention. The choice finally decided upon was mainly one of convenience. In that era of primitive communication and travel, people were often not familiar with the candidates and their politics. The electoral system allowed them to select the man they felt could best choose the President that would serve their interests. However, this was outdated as soon as the electors became puppets of the various political parties.

The electoral college was also supported by the rich aristocratic class who felt the electors would be upper class citizens and would tend to favor the rich man's point of view.

As we look at the electoral college, at its inefficient and unfair system, and at its outdated practices, it seems impossible that Americans through two centuries could have failed to remove the thorn in the side of democracy. The solution is so simple, so practical, that it could solve most of the problems immediately. All the United States needs to do is place the election for President on direct popular vote.

The program which would be most satisfactory is one in which the electoral college is done away with completely. The votes for President would be tabulated at each individual voting site around a town or county. This tabulation would be done under strict governmental control. The tabulated vote will then be sent to a state voting center. Here the total state vote will be determined and doublechecked. When the House of Representatives meets on its first day of the following year for its regular meeting, determination of the President will be its first order of business. The state vote from each state shall be reported by the Governor (or representative of the Governor) to the United States House of Representatives. The House will then tabulate the vote and announce the President. In the unlikely event of a tie, the decision shall be made by the House of Representatives with each state allowed one vote. All disputes in local precincts will be settled by unbiased governmental commissions set up for that purpose.

The basic argument against direct popular vote for the President of the United States is really not an argument at all. Many people say that direct popular vote will lead to disputes and controversies when the election is close. However, it should be noted that this is not a problem today in elections for electors so would not be a major concern in a system with direct popular vote. There are close races, but the differences are resolved. More governmental control of election facilities would eliminate this problem.

Direct popular vote will give the United States a President who is a true choice of the people, not one who happened to carry a couple of large states. This system will take away any power the minority groups might have once and for all. The system of direct vote would also be much more convenient.

When a person thinks of democracy, his first thought is, "That's where they can elect their own leaders." If the United States is to stay democratic, to remain a country of the people, by the people, and for the people, it must change its outdated policy of electing a President.

OUR PRESIDENT: HOW SHOULD WE CHOOSE HIM?

(By Kristy Ann Vivion, Rawlins High School, Rawlins, Wyo.)

Clenched fists . . outraged faces . . shouted obscenities . . and bayonets in the streets . . all part of the protest scene outside the Conrad Hilton Hotel in Chicago last summer during one of the major political conventions. And the Miami Beach convention, though less publicized, had its share of dissenters.

Why? What was the cause of this violence in our country? Authorities say there was a message loud and clear to be heard, that this was a portion of the citizenry screaming for more of a voice in the selection of the Presidential nominee.

It seems obvious, then, that the time has come in these United States when we must take a hard look at the question "Our President: How Should We Choose Him?" Many things seem to require re-evaluation and the method of choosing our President as such seems to require many changes.

Change is not new to our country in this field, for in 1804 Congress and the several states adopted the 12th amendment to the United States Constitution in order to cure cerain defects—underscored by the election of 1800—in the electoral college method of choosing a President. Today, 165 years later, once again many reforms are in the spotlight.

The first change, however, should not be in the electoral college but in the nominating conventions of the respective political parties. This is not to say that these conventions should be eliminated altogether, for to propose, instead of the nominating convention, an open primary would be complete chaos; splinter groups of all degrees could erupt, there would be no discipline of organization, and the two-party system would be endangered. Party workers, officers, delegates to conventions, who are the backbone of a party organization, would have lost their ultimate effort—the thing that cements them most closely—that important function of nominating their party's choice for the Presidential race.

And yet, in all fairness, what of the people in both parties who are chronically dissatisfied with their party's choice for the top office in the land? What of the thousands who complain that they want a voice in nominating the candidate for President?

The most satisfactory solution may lie in a compromise. To assure the continued strength and existence of the party organizations, revisions could be made stipulating that national conventions must be held one month prior to primary elections in the several states and that the nominating convention put two (and only two) names in nomination to be placed on the primary ballot. The mandatory limitation to two names would be a necessity because with the nomination of three or more, the candidate chosen could not have been elected by a majority, and this could only lead to further party disintegration.

Through this proposed system of two names on a primary ballot, the parties would continue to serve in their important roles and yet the man on the street, the citizen who is neither a party chairman nor a delegate to convention could exercise his opinion by helping to select one of the nominees for the general election. The rank and file members of each party, as well as independents, would actually determine which of the two major contenders from each party should be a candidate.

Once the nominees were chosen for the general election, the system could be further improved by setting a reasonable limit on campaign expenditures and by limiting the length of the campaign to approximately four weeks. Recent campaigns have made obvious the real need for these two stipulations which go hand in hand.

After the general election ballots were cast, still another change could be instituted and this would be in the electoral college. To abolish this body completely as some now propose and resort to the direct election plan would be destructive of our federal form of government. Since by constitution we are a republic bound to a representative form of government, it seems logical to maintain the electoral college in some form, but certainly it should be subject to some revision. A possibility might be a new electoral college which would provide for each state to have two electoral votes cast for the state-wide winner and the remainder cast on the basis of the outcome in each congressional district. Under this plan, electoral votes would be achievable by both parties in any state having more than three votes.

In addition, adoption of this system would tend to diminish the role of the big states which are often characterized by one-party domination. All states would probably become two-party states, which would provide a strong reason for all candidates to seek electoral votes in all parts of the nation rather than to look for support primarily to the so-called pivotal states.

The strength of this proposal is that, like the proposed change for nomination, it is a compromise. It would preserve the constitutional concept of federalism and yet make the election of the President a more direct matter for the individual citizen through district representation in the electoral college.

The proposed change in the nominating system creating a Presidential primary would help achieve the same type of balance by preserving the existing parties and the strength of their orderly organization, but by making them subject to the final word of the common citizen.

Optimistically, these proposed changes could be a step toward solving the battle of unrest in our country, for the old would only be modified and the new would give each American citizen a greater voice in choosing the President of the greatest nation in the world.

HERBERT HOOVER, JR.

Mr. GOLDWATER. Mr. President, this week America lost one of its most outstanding citizens and, at the same time, a man who never sought publicity, consequently never received it but whose contributions to our way of life, in fact, contributions to the whole world are immeasurable.

Herbert Hoover, Jr., was, like his father, an outstanding, leading engineer in the general field of petroleum and mining. His greatest contributions, however, in my opinion, were made in the field of communications, particularly in radio. Mr. Hoover first became interested in amateur radio when he was a very young boy and he continued this interest throughout his life. Many of the earliest patents on air-to-ground communication were held by this man. He made one of the first transatlantic contacts in the middle 1920's when he successfully communicated with an amateur operator in Europe from Washington. He served for many years as president of

the American Radio Relay League, and served with great distinction.

He was, like his father, a very kind, a very gentle, a very understanding, and wise man. He was generous with his time to all needed purposes and was generous with his time in his service to his country, serving in the State Department during the early years of the Eisenhower administration. One of the great privileges of my life has been my association with the Hoover family and this association has enabled me to observe all of its members in times of trouble, times of happiness, in time of failure and in times of success, and Herbert Hoover, Jr., exemplified all of the fine traditions of this family whose innumerable contributions to a better America have been kept hidden under a desire for obscurity, but whose accomplishments will be recorded in the pages of history as probably among the greatest ever made by one American family.

RADIO STATEMENT BY SENATOR BYRD OF WEST VIRGINIA ON THE FEDERAL ROLE IN SOLVING SOCIAL ILLS

Mr. BYRD of West Virginia. Mr. President, on June 25, 1969, I made a statement for radio regarding the role of the Federal Government in dealing with social ills.

I ask unanimous consent that the transcript of that statement be printed in the RECORD.

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

SOCIAL ILLS AND THE FEDERAL ROLE

In recent years, the federal government has taken a number of steps designed to help correct some of the real social ills plaguing our country. The problems of poverty, hunger, inadequate housing, unemployment, and so on are among the most pressing that touch the lives of every American. Still, with all the federal programs, representing a great chunk of tax money, only limited headway has been made toward eradicating many of these problems.

In some cases, government projects seem even to have complicated the problems which they were supposed to cure. One example is a welfare system that perpetuates poverty, fosters laziness, and subsidizes illegitimacy. The need for reform in this wasteful, and in many respects harmful, program is generally agreed to by everyone from the taxpayer down to the welfare recipient himself. This is not to say that there is not a need for some kind of welfare program. There is, because there are people who need the help and there always will be people who genuinely need help. I want to help those people.

In other cases, the government programs have simply not done the jobs they were supposed to do. An example is the Job Corps. Young men and women have often been trained for jobs that do not exist. Too frequently, the Jobs Corps Training Centers have proved to be anything but conducive to good citizenship and learning, and some of the enrollees lack the basic intelligence and drive to secure and hold a job.

And still other activities designed to benefit poor people—the various so-called "action programs"—are used to foment unrest, strife, and trouble at the local level, sometimes to the point of throwing whole communities into such turmoil and confusion that the local governing bodies have been unable to function effectively.

Plainly, some of these government programs need to be changed. Some need to be redirected. And some need to be dropped altogether. But because the Federal Establishment has grown so large, and in some areas so unwieldly, the changes are often slow in coming. I support efforts to return to the hands of state and local governments the responsibility for managing and overseeing programs which can be better handled at the local level. This includes many of the social programs where the human element is paramount, and where the best solutions may vary from one community to another. We have begun to find that in most cases the federal government cannot provide the cure for the ills of society. The cure must come from withing each community, itself.

On the other hand, there are problem areas in which federal assistance, properly directed, can be worthwhile and beneficial to a community; and in such cases, federal support and effort deserves encouragement. Two such programs, which I, most recently, have had the opportunity to promote as Chairman of a Senate appropriations subcommittee, are those dealing with housing for the nation's low income families and with Neighborhood Youth Corps. In the first instance, more of our low and moderate income citizens will be able to move to good, safe, decent housing; and in the second instance, the Neighborhood Youth Corps' summer program will be expanded to provide several thousand additional jobs for needy youngsters.

These are good programs. And there are other worthy federal programs, such as the Food Stamp program, which are designed to rectify social ills in our country, and I will continue to support these programs so long as they remain effective as the best available approach to these problems. But I cannot support Vista-type programs and some of the so-called community action programs which do nothing to really help the poor but do much to interfere with the work of local school boards and elected public officials, and to stir up trouble in the community. In all too many instances, the taxpayers' money is used to pay the salaries of persons whose chief interest is not helping the poor but, instead, in using the poorest to advance themselves.

By some of these so-called anti-poverty "action" type activities, the taxpayer's money is often used against the taxpayer himself. I have seen small businesses forced to close because of competition that is financed to a considerable extent through the federal government's anti-poverty program.

The sooner the federal government gets out of the business of subsidizing and supporting the radical, hippie, "direct-Action" groups, the better off our communities and our people will be, and the closer we will come to solving the inequities and the unrest within our society.

THE FORCED LABOR CONVENTION IS CONSISTENT WITH OUR LAWS GOVERNING STRIKE ACTIVITY

Mr. PROXMIRE. Mr. President, one of the as yet unratified human rights conventions now before the Senate Foreign Relations Committee calls for the abolition of forced labor. A major provision of this convention seeks to suppress any form of forced or compulsory labor as a "means of punishment for having participated in a strike." This provision has led some critics of the convention to question whether it should be ratified as it now stands.

Our system of legal sanctions does involve compulsory labor in some instances, and these sanctions are sometimes imposed as punishment for certain kinds of strike activity. Under the Taft-Hartley Act, for example, the President can enjoin strikes that threaten the national health or safety. The United States Code provides that no person may accept or hold office in the Government who participates in any strike. Violators of these restrictions are punished as are violators of any other statutes, and, therefore, may be subject to compulsory labor.

The strike provision of this convention, then, seems to contradict our way of doing things. Its ratification would seem to force us to change laws none of us want to change.

In fact, Mr. President, the seeming contradictions between our domestic practice and this convention are nonexistent. We punish only those strike activities defined as illegal under existing law. But the strike provision of this convention does not apply to these activities. This is apparent from the drafting history of the convention. In explaining this distinction to the Foreign Relations Committee, Ambassador Arthur J. Goldberg said:

> The convention was not intended to preclude the application of penal sanctions for certain kinds of labor activities. Thus, the convention would have no application to criminal sanctions for violations of court orders. Nor would it cast any doubt on punishments for illegal activities, for example, assaults, in connection with a strike. Nor, finally, would the convention apply to sanctions imposed for having participated in an illegal strike or for other illegal labor activities.

An interdepartmental commission of the interested departments of the Government has concluded:

> There is neither Federal nor state power validly to impose forced labor as a punishment for a legal strike, and that, with regard to illegal strike activities, any such punishment would only come about "as punishment for crime whereof the party shall have been duly convicted."

The convention does establish, in Ambassador Goldberg's words:

> Forced labor shall not be used as a punishment for those labor activities that are protected by our own Constitution and laws.

The convention is wholly consistent with our way of doing things, Mr. President, and therefore I urge once again its speedy ratification by the Senate.

THE PESTICIDE PERIL—XXIV

Mr. NELSON. Mr. President, the town of Grand Forks, N. Dak., suffered a tragic wildlife loss on the weekend of May 24–25, 1969. Some 400 to 500 migratory songbirds fell the victims of an insecticide sprayed from a helicopter along riverbanks near Grand Forks to control mosquitoes.

Large numbers of dead and dying songbirds—yellow warblers, chickadees, Tennessee warblers, thrushes, and finches—littered backyards and the riverbanks. The dead birds were shipped to a pesticide laboratory in Denver, Colo., where examination of their brains revealed the absence of a natural enzyme essential to the transmission of nerve impulses in brain tissues. The insecticide Baytex which was used in the aerial mosquito spraying is a known inhibitor of this nervous system enzyme called cholinesterase.

This tragic loss need never have happened if more care had been taken to completely understand the insecticide and its effects on the total environment—not just on mosquitoes—before selecting it for use. The incident is another in a growing number of similar wildlife killings attributed to the use of persistent, toxic pesticides. The potential threat to our environment and possibly to human health from continued use of these pesticides should escape no one.

Mr. President, I would like to have inserted in the RECORD at this point a copy of a letter I received from Paul B. Kannowski, director of the Institute for Ecological Studies at the University of North Dakota in Grand Forks, relating the details of this unfortunate incident, and also the copies of the attached news clippings.

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

THE UNIVERSITY OF NORTH DAKOTA,
Grand Forks, June 29, 1969.

Hon. GAYLORD NELSON,
Senate Office Building,
Washington, D.C.

DEAR SENATOR NELSON: Your many efforts on behalf of the proper utilization and protection of natural environments are well known. Unfortunately, I seldom take the time to express my appreciation to those, like you, who are doing so much to make the public aware of the consequences of exploitation and disruption of our natural resources. The purpose of this letter is to express my appreciation and to make you aware of another misuse of insecticides.

Recently, the aerial spraying of the city of Grand Forks for mosquito control backfired. A large scale slaughter of small songbirds resulted. How many birds died will never be known. One man who lives in East Grand Forks, Minnesota, across the Red River from the area being sprayed, found 45 dead birds in his small yard.

Citizens from all walks of life complained about this unexpected byproduct of the mosquito control program. Spraying has been stopped until further investigation demonstrates a safe and proper method for control. However, the cost has been high. Grand Forks is poorer by many thousands of colorful and melodious songbirds that perished in this unfortunate experiment.

Because the performance of this experiment was unexpected, it was not possible to get controls (healthy birds of the same species before spraying) to aid in the evaluation of the cause of the deaths of these birds. Nevertheless, the total or near absence of cholinesterase activity in the brains of the birds examined is evidence of cholinesterase inhibition. Baytex, the insecticide used, is a cholinesterase-inhibitor. Thus, the evidence is overwhelming (but not certain) that the Baytex spray caused the death of these birds.

I have enclosed Xerox copies of newspaper articles on this event. These stories were carried by the AP and may also have appeared in other newspapers.

As a biologist whose research and teaching is in the area of entomology and as the Entomology Consultant to a large pest control company, I feel that some insecticides have served a valuable function in the control of some species. However, the non-specificity of most insecticides and the adverse effects upon non-insect species, and the persistence of some insecticides in the ecosystem are strong bases for caution in development and marketing and close regulation in application. We cannot afford to continually debase man's (and all other organisms') environment. We must act now if our children and grandchildren are to know and love nature in the future as we enjoy it today. It is imperative for the perpetuation of all species, including man, that insecticides be prohibited unless they are properly tested and then properly applied.

Sincerely yours,

PAUL B. KANNOWSKI,
Director.

[From the Grand Forks (N. Dak.) Herald, May 26, 1969]

SONGBIRDS DIE HERE BY HUNDREDS

(By Mike Carrigan)

City health officials and scientists at the University of North Dakota launched an investigation Monday to determine if there is any connection between the deaths of apparently hundreds of migratory songbirds near the Red River and aerial spraying for mosquitoes in the vicinity Friday morning.

Residents in various parts of Grand Forks and East Grand Forks were finding large numbers of dead or dying songbirds littering backyards and near the banks of the river.

More than 100 have been turned over to investigators at the UND biology department. The Herald Monday morning was receiving calls and inquiries from other residents who noticed the phenomenon. Among the dead birds found thus far were yellow warblers, chickadees, Tennessee warblers, thrushes, and finches.

Dr. T. H. Harwood, dean of the medical school at the University, said he could be quoted as saying the "scientific community is disturbed" over the deaths of the birds.

"I personally think anytime people broadcast deadly poisons, they ought to give some careful thought to just what they are doing. In trying to kill a few mosquitoes they could in the meanwhile be polluting the area."

Dr. Harwood and Dr. Robert W. Seabloom, associate professor of biology, requested anyone finding dead birds to bring them to the biology building. The birds will be frozen and shipped to one of the nation's two largest pesticide laboratories either in Denver, Colo., or Patuxent, Md. At the laboratory a determination will be made to see if the pesticide was responsible for the bird deaths.

"From initial reports, this is quite a dramatic thing," said Seabloom, a specialist in ecology, which deals with the mutual relations between organisms and their environment. "This is pretty much comparable to a Dutch Elm disease spraying incident in some towns in the East which completely depleted the areas of song birds."

Seabloom added, "I think personally that governments and local governments should be made aware that these (insect) control programs should not be initiated unless they know specifically what effect the program will have on our environment, including men and all animals around man."

Grand Forks Mayor Hugo Magnuson said for the time being he would recommend there be no more spraying until a study can be completed to determine precisely what caused the deaths of the birds. East Grand Forks Mayor Michael Jacobs just returned from an out-of-town trip and declined to make a statement until he could check on the problem. Both cities cooperated in engaging a Fargo firm to spray for mosquitoes along the river banks by helicopter.

Marvin Dehn, who is sanitarian for the Grank Forks Health Department, identified the specific chemical used as Baytex, which he said is a hydrocarbon compound that should deteriorate in a couple of weeks barring rain.

Harwood foresees no immediate danger of poisoning to humans, but added, "If I had a child I wouldn't let him get near the English Coulee or the Red River the next few weeks."

Seabloom said the songbirds nesting in and around Grand Forks are currently migrating to Canada. They are "insect eaters," he said.

Seabloom said he is concerned about the residual effect of pesticides which he said has been shown to be collecting in tissues of every form of animal life.

In the case of the songbirds, he indicated they could have picked up the pesticides in their body fats elsewhere along their migratory route. During migration they burn up body fats at a tremendous rate. Thus, he indicated, they could have been killed by pesticides ingested further south.

Raymond K. Larson, 469 18th Avenue N., East Grand Forks, was among the first to notice numbers of dead birds around a waterhole near the river. "We picked up three dozen and took them to the University all from a fairly small area barren of grass. There are more down there. There might be birds lying all over the grassy areas for all I know," he said.

Mr. W. J. Carney, 415 N. First St., East Grand Forks, found six dead finches. "One had its tongue hanging out," which led her to think it might have been asphyxiated.

Also finding a large number of dead birds was Mrs. John Quaday, 2511 Olson Drive, Grand Forks.

Dehn said the spraying was done along the riverbanks near Riverside and Lincoln Parks and along the English Coulee area. "We didn't go near animals. We had no idea it would kill that many birds if it did do that." Dehn thought the birds may have gotten directly under the helicopter and received a "direct dosage through their skin," although he said "usually they fly away" at the approach of an aircraft.

[From the Grand Forks (N. Dak.) Herald, May 27, 1969]

UNIVERSITY OFFERS AID ON PEST PROBLEMS

(By Mike Carrigan)

A committee of scientists from the University of North Dakota may soon be established to advise Grand Forks City health officials on insect and pest problems requiring chemical control.

The suggestion was made by Dr. T. H. Harwood, dean of the UND medical school, after hundreds of songbirds, many migrating to Canada, were found dead. City health officials last Friday used a chemical spray from a helicopter to kill mosquitoes along the Red River and the English Coulee areas.

Harwood has dictated a letter to Dr. William Powers, city health officer, in which he made the suggestion. In the letter, Harwood points out that UND has on its staff specialists in various environmental studies areas, including experts on fresh water lakes and streams, biology, on chemicals and drugs, on insects and on birds.

Dr. Powers told the Herald, Tuesday, "I'm sure we would go along with that. We will cooperate with them in any way we can."

In other developments, Dr. Robert Seabloom, of the UND biology departments, reported that the total number of dead birds now turned in by the public has reached 300. They will be sent frozen to the U.S. Fish and Wildlife laboratory at Denver, Colo., in an attempt to determine if the aerial spraying of the insecticide Baytex figured in the deaths of the birds.

At this point, Dr. Powers concedes that the high kill of birds was probably due to the spraying operation. "I'll be awfully surprised if it isn't . . ." However, he added, that while the label on the containers of the chemicals warned against use around sealife "birds weren't mentioned."

Seabloom received a telephone call Tuesday morning from James B. Elder, a U.S. Fish and Wildlife specialist from Minneapolis. Elder told Seabloom that the magnitude of the songbird kill, would "strongly suggest an overdose of the chemical," based upon experience with Baytex elsewhere in the country.

Seabloom has also been in contact with scientists at the University of Wisconsin, who have experimented with the chemical using quail to find that its toxicity or poison-

ous qualities for birds is far greater than DDT.

The lethal level for Baytex for birds is 50 milligrams of Baytex per kilogram of bird. That is if you have a bird weighing one kilogram, 50 milligrams of Baytex would kill it. DDT on the other hand has a toxicity ratio of 840 milligrams to one kilogram of bird.

However, Seabloom pointed out that DDT is a much more dangerous chemical in the long run because of its residual qualities—it doesn't break down chemically.

Seabloom said city officials ought not to be criticized too severely. "In the first place I think the city was trying to do the right thing. They used DDT last year and were advised against this because of the residual qualities, so they decided on a different chemical with less residual qualities."

Seabloom suggested that the public needs to decide between mosquitoes or birds. "If they would rather have birds and swat mosquitoes, I'm sure the city would be happy to oblige. The city only reflects what the city wants," he said.

[From the Grand Forks (N. Dak.) Herald, May 29, 1969]

MOSQUITO SPRAYING SUSPENDED

The Grand Forks City Board of Health Wednesday adopted a resolution calling on Mayor Hugo Magnuson to halt any further spraying for mosquito control until a current investigation determines the cause of many bird deaths in the wake of last Friday's river and coulee spraying here.

Mayor Magnuson Monday had halted spraying after reports were received that hundreds of dead birds had been found in the river areas.

The mayor attended the board meeting at which the resolution was adopted.

MATERIAL CERTIFIED

A chemical compound called Baytex was used in the early Friday morning spraying here: The material is certified by the U.S. Department of Agriculture for mosquito spray work.

In view of the reports of hundreds of unexplained bird deaths afterward, however, the board determined to seek further advice before any more spraying is done.

The resolution adopted by the board referred to publicity and public concern following the deaths of numerous birds locally.

MEETING CALLED

The special board of health meeting was called by C. P. O'Neill, president, because of the possibility of "a connection between this unfortunate incident and the recent aerial spraying of low-lying areas of the two cities for mosquitos." It cited that "investigation and testimony revealed that the material used in the spraying, called Baytex, is a chemical compound certified for mosquito larvicide and adult control." Baytex has the same chemical content as "Entex" and has been used during the past four years in ground spraying and fogging by the City of Grand Forks.

"Because of recent investigative reports on the dangers of DDT because of its cumulative effects on body tissues," the report said, "Baytex was selected by the health department after consultation with reputable chemical firms in the area because of its short residual effects (3 weeks).

"Labeling on the container states that the material should not be used where valuable sea life is present, but no mention is made concerning danger to bird or other wildlife. The material has United States Department of Agriculture certification and licensure, and is approved for fogging, misting and ultra low volume spraying."

It was also brought out that the material is obtained in a ready-to-use solution which does not require mixing by the pilot of the plane doing the spraying.

Before any more spraying is done, the board of health said it "will seek advice from academic, professional and industrial sources.

"The board and mayor are very concerned about what happened."

The resolution advised the mayor to halt further spraying for mosquito control pending the results of the present investigation as to the cause of the bird deaths."

Attending the board meeting were Mayor H. R. Magnuson, William T. Powers, city health officer; Marvin W. Dehn, chief sanitarian; O'Neill, Leo Haley, Eugene Lavoy, F. C. Bundlie, of the city council; City Engineer Keith Johnson and Stanley Wick, health department.

450 SONGBIRDS SENT TO DENVER

Some 450 songbirds, which were among those which died here over the weekend, were picked up from the University of North Dakota biology department Thursday for shipment to the U.S. Fish and Wildlife laboratory at Denver, Colo.

Scientists at the laboratory will attempt to learn whether there is a connection between the deaths of the birds and aerial spraying with a mosquito control chemical called Baytex Friday morning.

The birds were received by Dr. Gary Pearson, who is with the Northern Prairie Wildlife Research Center at Jamestown. Pearson is making arrangements to have the birds shipped to the Denver laboratory.

They were frozen to prevent, as far as is possible, deterioration of the chemical. However, Dr. Robert Seabloom of the UND biology department, said Thursday it is possible laboratory testing will be unable to detect the chemical "because Baytex apparently breaks down very fast in animal tissue."

[From the Grand Forks (N. Dak.) Herald, May 25, 1969]

SPRAY IS BLAMED IN BIRD DEATH

(By Mike Carrigan)

Results of laboratory tests conducted at Colorado State University have strongly implicated a mosquito control insecticide in the deaths of hundreds of migratory songbirds here in the weekend of May 24–25.

The tests found that a natural enzyme essential to the transmission of nerve impulses in brain tissues of a number of dead birds examined was either totally absent, or present in only minute quantities.

Dr. Paul Kannowski, professor and chairman of the Department of Biology at the University of North Dakota, in announcing results of the testing, explained that organophosphate insecticides such as Baytex used in aerial mosquito spraying here are known "inhibitors" of the nervous system enzyme called Cholinesterase.

STRONG EVIDENCE

"The only thing I can say is that it is pretty strong evidence to indicate the insecticide was the active agent in the deaths of these small birds." As director of the Institute of Ecological Studies at UND, Kannowski has been working closely with Dr. Robert Seabloom, associate professor of biology at UND, who has been coordinating the inquiry locally, into the bird deaths. Results of the tests were received here Tuesday.

More than 450 songbirds were collected from back yards and along the banks of the Red River in Grand Forks and East Grand Forks beginning Saturday, May 24, approximately 24 hours after a Fargo-based helicopter sprayed Baytex insecticide along the riverbank and on stretches of the English Coulee in Grand Forks.

SHORT CIRCUIT

With blocking of the "normal activity of the enzyme cholinesterase the nerve transmission becomes faulty—the organization is lost," Kannowski explained. Short circuiting of brain impulses to the heart, lung and other muscles of the body, resulted in deaths of the birds, he said.

Because of the expense involved in the brain-tissue examination, the testing was done on brains taken from 20 of the some 450 dead birds collected.

The results were that six birds, all of them warblers, had no cholinesterase activity at all. Fourteen had "extremely minute quantities" of the enzyme, the biologist reported. These 14 were warblers and thrushes, which according to Kannowski, feed primarily on the types of insects which would have been apt to be affected by the insecticide spraying.

Tests were also done on brains of two robins found ill, but still alive in Riverside Park. "These brains turned out to have a significantly higher cholinesterase activity. This suggests the robins either got lighter doses of the insecticide or they were sick and beginning to recover," Kannowski said.

Seabloom explained earlier that Baytex insecticide is known to break down chemically very quickly once ingested, although in large doses it can be extremely lethal to birds. Because it breaks down rapidly, leaving no residue in body tissues, as DDT does, investigators decided on the brain tissue examination, rather than other tests which would try to detect the presence of insecticide residues.

As a result of the large bird kill here, city officials have suspended mosquito spraying here. City Health Officer, Dr. William Powers, has also said, the health department would welcome the establishment of an advisory committee of scientists from the University to advise on insect and pest problems requiring chemical control.

Dr. T. H. Harwood, dean of the UND medical school, suggested establishment of the advisory committee. Although it has not yet been established, Harwood, said its members would be experts in such areas as fresh water lakes and streams, biology, on various chemicals and drugs, and life cycles of the various insects and birds.

[From the Minneapolis (Minn.) Morning Tribune, June 26, 1969]

USE DISCONTINUED AT GRAND FORKS—BIRD DEATHS LAID TO INSECTICIDE

GRAND FORKS, N.D.—City officials here have discontinued using a mosquito-control insecticide that laboratory tests indicated was the likely killer of hundreds of migratory songbirds the weekend of May 24–25.

Neary 500 dead birds were collected from areas near the Red River in Grand Forks and East Grand Forks, Minn., less than 24 hours after a helicopter sprayed an organophosphate insecticide along river banks and the English Coulee.

A number of the dead birds were sent to Colorado State University where tests found that a natural enzyme essential to the transmission of nerve impulses was either absent or present in only minute quantities.

Dr. Paul Kannowski, chairman of the Biology Department of the University of North Dakota, who announced the test results Tuesday, explained that the insecticide, Baytex, is a known inhibitor of the enzyme Cholinesterase.

He said the testing presented "strong evidence" that the insecticide was "the active agent in the deaths of these small birds."

Grand Forks Sanitation Officer Marvin Dehn, whose office is in charge of mosquito control, said the city has used organo-phosphate insecticides for nearly four years, but that this was the first time it had been sprayed from the air.

"We're not going to use it under these conditions again," Dehn explained. He said the decision whether to continue using the chemical from ground sprayers would be made by Grand Forks Mayor Hugo Magnuson.

"We didn't know," he said, "that these smaller songbirds would be migrating through here at that time. I wish we had."

Kannowski confirmed that the smaller songbirds—mostly warblers—are "more susceptible to the insecticide. Migrating birds

are not in the best of health. They use a lot of energy that they're not able to replace."

He said, however, this particular insecticide was once tested, successfully, as an avicide (bird killer), and that "it should have been studied a little more carefully before it was used."

FREDERICK DOUGLASS HOME: WTOP ENDORSES S. 835

Mr. HART. Mr. President, the distinguished Senator from Pennsylvania (Mr. SCOTT), the distinguished Senator from New Jersey (Mr. CASE), and the distinguished Senator from Minnesota (Mr. MONDALE), have joined me in cosponsorship of S. 835, a bill which would authorize funds necessary to restore properly the Frederick Douglass home in Anacostia.

This home is an important historical site associated with the life of Frederick Douglass, the great Negro abolitionist who is acclaimed as the greatest black American of the 19th century. The house has been made by Congress a part of the Nation's Capital parks system, but insufficient funds were authorized to permit needed structural restoration, refurbishing, and public use of the house and grounds. S. 835 would amend this unfortunate situation and authorize the funds required.

Last week radio station WTOP here in Washington, D.C., gave this effort its editorial support. Speaking for WTOP, Mr. Norman Davis admirably set forth the need for this legislation and the completion of this significant project as a fitting tribute to Frederick Douglass. As the editorial pointed out:

> The Douglass home should have a distinctive place among America's shrines, and it's up to Congress to make that happen.

Our bill has been approved and endorsed by the Department of the Interior and by the Bureau of the Budget. It is an item of unfinished business which this Congress should move promptly to remedy, and I am hopeful that the Interior and Insular Affairs Committee will give it early consideration and favorable action.

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

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

THE FREDERICK DOUGLASS HOME

(This editorial was broadcast July 4 and 5, 1969, over WTOP Radio and July 7, 1969, over WTOP Television)

This is a WTOP editorial.

The Frederick Douglass home is falling apart.

Most Americans don't know anything about the place, or they don't care, and that's unfortunate.

The Douglass home, in Washington's Anacostia section, was the long-time residence of a man who has been called the outstanding American Negro of the nineteenth century.

As it now stands, the property isn't much of a tribute to the man. Its wood is rotting, its floors creak, its walls are scarred and peeling. Termites and water have left their marks.

Between 1900 and 1964, a group of black citizens scraped together enough money to maintain the house reasonably well and keep it open to visitors. The National Park Service has been the custodian since 1964, but the house is now so delapidated it's sealed off from public view.

The Interior committees of both the House and the Senate have bills before them that would change all this. They call for a $450,000 appropriation for repairing and refurbishing the Douglass house so it can be re-opened as a national memorial. Congress shouldn't hesitate to produce the necessary money.

Frederick Douglass was a really remarkable black man. He rose from the degradations of slavery to become an articulate, courageous champion of freedom—not only for black men but for all men. His autobiography is an American classic.

By an Act of Congress in 1962, the nation formally recognized the achievements of this great man by agreeing to preserve his home for posterity. Without further action by Congress however, the building won't survive much longer.

The Douglass home should have a distinctive place among America's shrines, and it's up to Congress to make that happen.

This was a WTOP editorial . . . Norman Davis speaking for WTOP.

SELECTED HOUSING APPROPRIATIONS VITAL TO CITIES' CRISIS

Mr. JAVITS. Mr. President, the need for adequate funds to provide decent housing for all Americans is of vital concern to all of us in the Congress. The Congress has demonstrated that it recognizes the necessity to have broad and comprehensive housing programs. In particular, in the 1968 Housing Act, the Congress enacted new programs of interest rate subsidies for homeownership and rental assistance which seek to involve the private sector in meeting our national housing goals.

New housing is urgently needed for low- and moderate-income families. But for these programs to be effective, they must be provided with the funds necessary to insure their success. Unfortunately, serious cuts in the appropriations for housing and urban development programs for fiscal year 1970 have been adopted by the other body, and I have urged the Senate to restore these funds.

Mr. President, I testified this morning before the Senate Appropriations Subcommittee on Independent Offices on this subject, and I ask unanimous consent that this testimony be printed in the RECORD.

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

STATEMENT BY SENATOR JACOB K. JAVITS

Mr. Chairman, I appreciate this opportunity to appear before this subcommittee to testify on the appropriations for the Department of Housing and Urban Development for Fiscal Year 1970.

I hope very much that the Senate will see that the housing and urban development programs will be adequately funded in this fiscal year. The bill, as passed by the House of Representatives, appropriated almost $400,000,000 less for these programs than was requested by the Administration. In the face of the increasing decay of our cities, the rising costs of providing urban shelter and services, and, most importantly, the goals which we, ourselves, have set in meeting the crisis of the cities, we must do far more—not less—than we have in the past.

The House of Representatives made severe cuts in the funds available for various housing programs. I remind the members of the Committee that the Congress, in passing the Housing Act of 1968, set a national housing goal of 26,000,000 new or rehabilitated housing units in the next ten years, including 6,000,000 assisted units for persons of low or moderate income.

The key elements in meeting this goal for low and moderate income persons are the section 235 (home-ownership) and 236 (rental housing) programs. Both provide interest rate subsidies. Each program has an authorization of $100,000,000 for Fiscal Year 1970. The Nixon Administration, as the Johnson Administration before it, has urged "full funding" of both of these programs. Secretary of Housing and Urban Development George Romney, in a characteristically forceful and clear commitment to meeting our national housing needs, has been outspoken and explicit in urging the fully authorized appropriation for these programs.

Both the Section 235 and the Section 236 programs have been very popular. In a letter to me, dated June 5, 1969, Secretary Romney noted: "Appropriations at the level we are requesting are required to meet the substantial need for housing these programs can produce. In the section 235 home-ownership program, the original $25,000,000 in contract authority which was released in last year's final supplemental was rapidly exhausted. As of several weeks ago, we had a backlog of applications on hand and awaiting processing which will require additional authority of some $40,000,000. . . ." The Secretary continued that, since late January, section 236 applications had come to HUD in volume. "As of several weeks ago, the backlog on hand of section 236 projects had reached a level of nearly $100,000,000. . . ."

So popular are these programs that the Second Supplemental Appropriations bill, on which we have just acted, contained additional appropriations of $45,000,000 of new contract authority for both the 235 and 236 programs. Combined with the initial appropriation of $25,000,000 for each program—which, as Secretary Romney noted, was clearly inadequate in light of national housing needs and the popularity of the programs—the Congress provided $70,000,000 of the $75,000,000 of contract authority authorized for each program in Fiscal Year 1969. Certainly we can do no less for Fiscal Year 1970.

The House appropriated $80,000,000 for the home-ownership program and $70,000,000 for rental housing. In addition, the House of Representatives cut in half the $100,000,000 requested by both the Johnson and Nixon Administrations for rent-supplement contracts. In total, then, the House of Representatives cut by about one-third the amount requested by President Nixon for new contract authority in programs to provide housing for persons of low and moderate income.

In making these cuts, the Chairman of the House Appropriations Committee pointed out that the contract authority authorized for the section 235 and 236 programs in this fiscal year will obligate the Federal government for $5.2-billion in subsidies over the next 40 years. However, Mr. Chairman, it should be noted first, that the Congress was well-aware of the long-term commitments it was making when it enacted these programs; and, second, that these commitments add tangible resources to the nation in terms of housing and well being. This is not money spent for intangibles or consumer resources. Therefore, the Congress opted for this particular approach to meet the housing needs of persons of low and moderate income. Having made that commitment, we must now be prepared to make the necessary expenditures.

The House Report also contended that these cuts were made necessary because of the inflationary spiral of our economy. No one questions that we must meet the prob-

lem of inflation, but the sensitive housing market for low income families must not be required to bear more than its fair share of this effort. Moreover, as interest rates increase, it is necessary that we be prepared to appropriate more funds—not less—to these interest-subsidy programs. The Housing Act of 1968 provided subsidies for persons who are now, for the first time, able to enjoy home ownership and decent housing. This Act was a true vindication of the theory that private enterprise, given suitable incentives, can effect major social progress, in areas like low-income housing, where the Government might otherwise have to work on its own. These programs should not now be cut in the name of fighting inflation. To do so would be to destroy an effective working partnership which has applicability to other fields of social improvement.

At a time when building costs and the costs of borrowing money are rapidly rising, it is not consistent with national policy to cut those funds which enable persons of low and moderate income to purchase and rent decent housing. As interest rates rise, low-income families cannot afford to take conventional loans to finance the purchase or construction of their own homes. As building costs rise, private developers cannot afford to build rental housing for such families without adequate governmental support.

Thus, I first urge the Senate Appropriations Committee to appropriate the fully-authorized amounts—$100,000,000 for each of these programs. I also urge an appropriation of new contract authority of at least $100,000,000 for the very important rent supplement program.

Second, I urge the Senate also to restore funds which the House of Representatives cut from other important housing and urban development programs. Only $500,000,000 was appropriated for the Model Cities Program, and the funds requested for urban renewal were cut by more than 50 per cent. In addition, the House omitted the funds requested for advance housing planning. This program makes possible the development planning and design so necessary in the housing field, for communities are able to know in advance how much will be available to them for new and existing housing programs.

The Model Cities program has increased local citizen involvement in meeting the problems of our urban areas in a comprehensive and coordinated manner. The $500,000,000 appropriated by the House is $175,000,000 less than was requested by this Administration. Certainly, this amount should be restored. Beyond that, the Senate should fund this program for Fiscal Year 1970 at a level commensurate with its $1-billion authorization. Only adequate funding of this program will make possible the achievement of its objectives—even in a limited number of cities.

In 1968, the Congress also enacted landmark legislation in the field of "open housing." Nonetheless, this bill does not contain adequate funds to carry out the promise of that act. The Senate should restore the $7,500,000 cut by the House and appropriate the full amount—$10,500,000—requested by the Administration to carry out the fair housing law.

Finally, this appropriations bill contains no funds for the National Home Ownership Foundation. This Foundation, established by the 1968 Housing Act, along with the section 235 home ownership program, due to the untiring efforts of Senator Percy, should be appropriated the $3,000,000 necessary to permit it to begin operations.

In conclusion, these programs, even at the fully-authorized levels, are but first steps toward meeting the massive challenge of restoring our decaying cities. The housing programs, in particular, are crucial and have shown themselves popular. The House Appropriations Committee itself noted that the programs of contract authorizations for home ownership and rental housing assistance were among the most promising HUD programs and ". . . should contribute substantially to alleviating housing problems . . ." for low-income persons.

The ambition to own a home is shared by virtually all Americans. It provides many low-income families with a tangible stake in society for the first time. Indeed, the present authorization for the home-ownership program is too low, and I believe that the Senate should consider increasing it to $200,000,000 for Fiscal Years 1970 and 1971. Certainly, given the promise of both this program and the rental housing assistance program, to slash their appropriations by $50,000,000 is counterproductive.

Time after time the nation and the Congress have been urged to face the necessity of providing adequate shelter for all Americans. The Congress itself has set a ten-year goal of 26,000,000 units—but it will not be possible to come close to that goal unless the Congress provides the funds authorized by the 1968 Housing Act. As Secretary Romney told the House Banking and Currency Committee earlier this year, "If the appropriations and contract authorizations we have requested are materially reduced, you may bank upon it that the result will be lost time, lost housing, and lost progress toward our national housing goal." Moreover, the cuts in the appropriations for the Department of Housing and Urban Development, as passed by the House of Representatives, are in direct opposition to the findings of a series of special commissions—the National Commission on Civil Disorders, the National Commission on Urban Problems (the so-called Douglas Commission), and the President's Committee on Urban Housing (the so-called Kaiser Commission). In all cases, these commissions recommended an expanded national housing effort. Moreover, they urged that the Model Cities and urban renewal programs be funded at levels which permit these programs to have a significant impact.

Poverty and poor housing are closely related. The poor and the disadvantaged live in substandard and overcrowded housing. Poor housing directly influences health, behavior and attitudes. There is little doubt but that there is a growing gap between the housing status of the poor and the rest of society. We can no longer delay our efforts to bridge that gap. We must begin this year to meet the promises implicit in the Housing legislation which the Congress has enacted over the past few years. That can only be done if the Senate restores the cuts in HUD appropriations adopted by the House and only if the Congress adequately funds these crucial programs.

THE DRAFT AND CAMPUS UNREST

Mr. COOK. Mr. President, many of my colleagues no doubt noticed in this morning's Washington Post, an article by Dr. George Wald, entitled "Role of the Draft in Campus Unrest." While I do not agree with many of his conclusions, I do concur that the two major sources of campus discontent are the Vietnam war and the draft. Dr. Wald, more than anyone else who has spoken out in recent months, seems to understand the student mood and frustration and has expressed it quite well. Regardless of whether we agree with all his views, Senators should be exposed to his great insight. It is for this reason that I now ask unanimous consent that this article be printed in the RECORD.

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

ROLE OF THE DRAFT IN CAMPUS UNREST

(By George Wald)

What is upsetting our campuses are the real and terrifyingly large and difficult problems besetting our whole society. One of these has a special impact on the campus. That is the draft.

Nothing now so poisons academic life in America as the draft. To draft about 400,000 men each year, we keep about 5 million young men between the ages of 19 and 26 continuously on tenderhooks. And don't think the young women aren't there, too! Our entire younger generation, students and even more nonstudents, is kept in a continuous state of insecurity and uncertainty, unable to plan their lives.

But that is just the beginning of it. Many of the students now in the colleges hardly know why they're there. Some should take a year or two off; some should go and stay away. One of my students said to me in a recent class discussion. "Your course is one of the best I have had in a dying breed." When I asked him what that meant, he said, "The trouble is that you tell us what *you* think and *you* know; whereas the important thing is for us to find out what *we* think and *we* know."

One wants to say to such a student, as to many others, "Fine! That's much better! But if you don't want to learn from us, why don't you go away and do it on your own?" Do you know the answer?—the draft.

Something more. I have now talked with several students at Harvard who tell me plainly that their primary aim is to close the university. As one of them put it: "We're going to close Harvard down; and when we get it the way we want it, we'll give it back to you."

This is a very small, though well organized and vocal group. If a student's main purpose is to close the university, we may have to get rid of him. Why not? I'll tell you: it's because General Hershey is watching, eager to draft just that person for just that reason, and send him to Vietnam. In expelling such a student the Harvard faculty must face the prospect of learning a few months later that we had condemned him to fight and perhaps die in a war that most of us reject. Just as worthy young men, perhaps much worthier, who are not students are exposed to those hazards all the time; but the Harvard faculty didn't put them there.

If Congress wants to do something quick and effective about campus disorders, that's easy. Repeal the draft.

A number of persons in and out of Congress and the Administration have lately voiced the thought that the student disorders are being fomented by a conspiracy.

I am afraid that there really is a conspiracy. It comes, not primarily from the Left, but from the Right, from the agencies of our own Government.

About two months ago there was a small GI demonstration against the Vietnam war at Fort Jackson, S.C. Nine men were imprisoned. Eight of them were held for court-martial; the ninth was immediately released, promoted in rank and commended. The Army had planted him in that GI organization, and as a plant he had promoted the demonstration.

A few weeks ago a junior at the University of Illinois revealed that about a year before he had been recruited by the FBI to join SDS. In time he came to regret his role as informer, and quit; then on the advice of his dean and a psychiatrist, he broke the entire story to the press.

This country is about as far from a revolution from the Left as can be. Left organizations have almost negligible memberships, and they tend to fight one another more bitterly than they fight rightwing organizations. Liberals worry about the John Birch Society and similar groups; but the SDS

doesn't seem to be interested. It's too busy destroying the liberals.

But revolution from the Right? That's very well organized, and coming closer all the time. In our country, its present disguise is Law and Order.

It took centuries of blood, sweat and tears, first in Britain and then in our country too, to establish the safeguards of our institutions and our individual rights and freedoms that constitute law and order.

Not much more than a year ago a wave of black rioting in the cities had so outraged and frightened many people that considerable public support was rapidly building up for an authoritarian ("Law and Order") takeover of our country. We began to be told of the security troops, half a million of them, specially trained for riot duty in the cities; the tear gas and mace, the tanks, even the "detention"—not concentration—camps being prepared for occupancy. That message seems to have hit the black community all over the country just in time. We have not had a big black riot in over a year.

Now campus disorders are playing exactly the same role. The same forces are whooping it up for drastic repressive action. Actions and statements of radical student organizations are becoming increasingly the provocation for more and more drastic police and military responses, under emergency administration orders. Witness Governor Reagan's immediate declaration of an extreme emergency and curfew in Berkeley.

Watch out, my fellow Americans! Eyes right! The attack being mounted ostensibly against a few campus radicals is an attack upon you, and all that you hold dear. If the universities lose their freedom, so will you lose yours.

Mr. COOK. Mr. President, recent reports indicate that draft reform will not be considered until next year. I hope this is not the case. Many have expressed the opinion that campus unrest will be very great this coming fall unless efforts are made to improve conditions in Vietnam and strides are made to reform our archaic Selective Service System. The President is making a valiant effort to bring the conflict in Vietnam to a satisfactory conclusion, but this is not enough. Draft reform is, or at least should be, a top priority item also. I support the President's proposal for draft reform with the goal of moving to an all-volunteer Army as soon as we conclude the conflict in Vietnam. However, a good proposal is not enough. It must be enacted. I urge the Armed Services Committees in the House and Senate to begin hearings on this crucial matter as soon as possible. We must move with dispatch to reform and later terminate one of the most unjust and unpopular systems ever imposed upon our free society.

NIXON ADMINISTRATION NASA BUDGET REQUEST TOO LOW

Mr. YARBOROUGH. Mr. President it is ironic that as the United States is on the threshold of one of the greatest scientific achievements of mankind—the landing of a man on the moon—the administration wants to reduce the Federal Government's financial commitment to the National Aeronautics and Space Administration.

With this tremendous space venture coming up within days, with this opening up of the universe to man, we find the Bureau of the Budget in its April recommendations still further slashing funds from NASA while at the same time going all out to obtain funds for a vast expense of questionable value as the ABM system.

In the Johnson budget of January 1969, NASA funds were requested of $3,760,527,000. The Nixon administration cut this figure by $45 million. It asked for only $3,715,527,000 for NASA. The reduction by the Nixon budget requests pertain to some very vital NASA programs, such as the Apollo application program and the planetary explorers project. A $45 million cut in the NASA budget is a drastic cut when you consider its overall effect upon the entire program. Many fail to realize the full scientific value of our space exploration in fields such as bioscience, physics, astronomy, communications, weather analysis, and space medicine. The Nixon administration recommended a cut, for example, of $12 million from the bioscience activity, of $12 million for space technology, and $20 million for tracking and data acquisition activities.

We must question the priorities of the present administration. We must ask why we are called upon to spend more and more billions for ABM and more and more for a war in Vietnam while cutting back programs like NASA which advance not only the United States, but all mankind.

The United States will be the first nation of this world to land a man on the moon because we had a President, John F. Kennedy, who committed us to this goal. We then had the determination to meet this goal. We appropriated the necessary money.

But putting a man on the moon is not the end of our Nation's space program. We must push on to new frontiers in space. We must keep our programs of research and development going full force, preparing for the next step.

We cannot maintain our leadership in the exploration of space if we must cut back in our space programs to satisfy the demands of billions of our tax dollars for an ABM system, which many of the Nation's leading scientists question. I hope we in the Senate will authorize and appropriate at least as much money as requested in the Johnson budget, because any dollar cut from the space program can result in severely adverse effects upon its overall goods. I say this is the least, the bare minimum we can do. But to do what our world leadership demands of us, I urge that a larger sum be appropriated for NASA.

Our space program, our help for the elderly, the sick, the poor, the schoolchildren—all of these must not be sacrificed for unwise ventures on which the money would actually be squandered, such as the ABM system.

TV STATEMENT BY SENATOR BYRD OF WEST VIRGINIA ON REDUCTIONS IN THE FEDERAL BUDGET

Mr. BYRD of West Virginia. Mr. President, on June 13, 1969, I made a statement for television regarding proposed reductions in the Federal budget.

I ask unanimous consent that the transcript of that statement be printed in the RECORD.

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

REDUCTIONS IN THE FEDERAL BUDGET

Inflation, and the increasing cost of living, must be brought under control. Federal spending is a major cause of inflation. I have, therefore, offered a proposal to cut nearly $2 billion out of the Federal budget for the fiscal year beginning July 1. Such programs as social security, veterans' benefits, and other uncontrollable budgetary items would not be affected. But there are other costly programs which I believe to be unnecessary, and under my proposal Congress or the President would be required to make reductions in them. The squeeze is becoming unbearable. Action is necessary now to protect wage earners, businessmen, persons on fixed or limited incomes, and citizens in general. We cannot afford any further reduction in the purchasing power of the dollar.

DRAFT REFORM

Mr. KENNEDY. Mr. President, this week the Washington Post and the New York Times have both commented on the need to reform our selective service laws.

The Post says reforms should be "regarded as urgent business in both Houses of Congress."

The Times says we have a "moral obligation" to guarantee that the draft is fair and predictable.

With these sentiments I wholeheartedly agree, as I have pointed out many times before here in this Chamber. It is an easy matter to criticize the cynicism many young Americans reveal, just as it is to criticize the unrest on our campuses. But we must not forget that much of this cynicism and unrest is fostered by our draft law—which was designed 30 years ago and is today a patchwork of inequities.

We should act on draft reform soon, and I will continue to do what I can to see that we do.

I ask unanimous consent that the two editorials be printed at this point in the RECORD.

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

[From the New York Times, June 11, 1969]

A MORAL OBLIGATION

Two months ago in a special message, President Nixon told Congress the Government had "a moral obligation" to reform the draft law to spread the risk of induction more equably among the nearly two million young men who become eligible for military service each year.

As of today, there have been no hearings in either house on any draft legislation, although numerous proposals have been introduced. There are no hearings scheduled. The President has not yet sent details of his own plan to the House, nor is there any indication that he has even found a sponsor for a Nixon draft reform act in the Senate.

The President and many members of Congress have preached a lot lately about the obligations of youth to the nation. When are they going to fulfill their own moral obligation to the millions of young men who are being victimized by a grossly unpredictable and unfair Selective Service System?

[From the Washington (D.C.) Post, June 9, 1969]

LAGGING DRAFT REFORM

The foot-dragging on Capitol Hill in regard to draft reform and the Administration's seemingly lax attitude toward it are disap-

pointing. When the President sent his draft proposals to Congress a few weeks ago, they were described as interim changes designed to make the Selective Service less onerous while long-range plans to replace the draft are being worked out. Now the supposed interim relief measures are being treated as if they were long-range reforms to be considered only in connection with renewal of the Selective Service Act in 1971.

We can see no excuse for such delay. The weaknesses of the present system are a substantial cause of unrest among young men of draft age. Many complain about the potential disruption of their lives by unforeseeable draft calls that may come at any time from age 19 to 26. These men would have a much better opportunity to plan their schooling, their careers and their private lives if the period of their maximum liability could be shortened to one year, as both President Nixon's and Senator Kennedy's plans recommend. There is no good reason to ask them to wait two years for such an obviously desirable change.

We think that random selection of draftees would also diminish the feeling that the draft operates unfairly. Since the armed forces need fewer men than would be exposed to the draft at age 19 (plus deferred students who would have a year of maximum exposure to the draft at the end of their college studies) selections from this group by lottery would keep favoritism and special privilege at a minimum. Here again the improvement ought not to be something for legislators to ponder for two years but to put into effect at the earliest possible date.

The Army too has an interest in prompt action on this bill because it would take younger men into the service at an age when they make better soldiers.

If any action is to be taken this year, however, the Administration will have to bestir itself far more than it has done to date. Some key legislators are complaining that they have not yet been supplied with information as to how the proposed lottery would work. The Administration's bill has not even been introduced in the Senate for want of a sponsor on the Armed Services Committee. This suggests a critical lack of follow-up work at the White House.

When these reforms were recommended a few weeks ago this newspaper said that they "ought to be regarded as urgent business in both houses of Congress." We still think so. But something more than wishful thinking at the White House and apparent disinterest on Capitol Hill will be necessary if anything is to be done before the present legislation expires.

BOYCOTT OF CALIFORNIA TABLE GRAPES

Mr. MURPHY. Mr. President, California State Senator John L. Harmer recently spoke before the Roanoke Valley Industrial Association and in his remarks discussed the boycott of California table grapes which has attracted so much national attention.

Senator Harmer is vice chairman of the California State Senate Committee on Labor and Social Welfare and in this capacity he has extensively researched the activities of those who are attempting to unionize the grape workers and the conditions of the workers in the fields.

I believe that his speech will be very beneficial in correcting some misconceptions and I ask unanimous consent that his remarks be printed at this point in the RECORD.

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

ADDRESS BY CALIFORNIA STATE SENATOR JOHN L. HARMER

I appreciate this opportunity to review with you some of the facts as I know them to be regarding this great phenomena of the 1960's—a nationwide boycott of a basic product of our largest state. Since the 1930's, no single movement in the history of organized labor has so captured the interest and concern of the Nation as has the Grape Boycott.

Today in any number of cities from coast to coast, one will find students passing out leaflets in front of grocery stores in which it is alleged that the California farm worker is the helpless victim of exploitation by the all powerful growers. In those same cities on Sunday, ministers of various churches will call upon their congregations to join in a boycott of the California grape because of the "hideously low wages and inhuman working conditions" surrounding the California farm worker. Labor organizations from one part of the country to the other have called upon their members to boycott the California grape and any stores which sell the same because of the "oppressive way in which the growers have suppressed the strike of the California farm worker."

That is quite a combination of power: students, ministers and organized labor all working together to "save" the California farm worker from the "exploitation and oppression" of the growers.

The Boycott has included more than just the passing out of leaflets or the insertion in the local bulletin of a church an appeal to join the Boycott. The Boycott has taken on some very nasty aspects and some very violent ones. Several of the largest chain stores in the Nation have been the victims of extensive property damage, willful destruction of goods and produce within their stores, thinly veiled threats against their managers and employees, and the presence of numerous ill-informed individuals on their premises who fill shopping carts with extremely perishable items and then walk away to leave them in the middle of the store aisle.

In California's fields many workers and their families have been the victims of violence by the frustrated proponents of the so-called strike—frustrated because there has never been a strike by the actual farm workers.

To one who has been to the grape vineyards of California, who has talked with the workers, looked at the pay records of the growers, observed first hand the living conditions of the farm workers in their homes and at the grower's camps, it becomes even more phenomenal that such a fantastic degree of support could be given to a movement which is so completely founded in misrepresentation and falsehood.

The misrepresentations surrounding the Boycott originate with one man who has been carefully developed into a living myth. This man's name is Cesar Chavez. Chavez has been the carefully trained and disciplined student of the great master of revolutionary movements in America—Mr. Sol Alinsky, head of the Industrial Areas Foundation of Chicago. Mr. Alinsky according to his own words is a "doctrinaire Socialist" of the classical type. You have to mark him as one of the most powerful men in America today, a power that is seldom publicly recognized or acknowledged.

Some historical background is necessary. Cesar Chavez has never been a grape worker himself or even a farm worker for any extended period of time. He worked briefly in the citrus fields outside of San Jose, California, where he was "discovered" and brought under the influence of Alinsky by one Fred Ross, head of what is known as the Community Services Organization for the West Coast.

Ross recognized in Chavez a potentially effective and articulate organizer of the large Mexican-American population of California. According to Chavez, he first met Ross and went to work for him in 1952. For many years Chavez was carefully trained in all of the significant mechanics of leading a successful social revolution. He was taught how to mobilize large groups of people, how to propagandize effectively, how to use the mass media, and how to enlist the support of misguided and uninformed zealots who would blindly champion any cause by which they could convince themselves they were "doing good."

Thus it was after a decade of preparation that Chavez was placed in the Delano area to lead what was originally a social reform movement. Delano was chosen because it had a stable and non-migrant base of Mexican-American farm workers. Chavez assumed he would be able to form the core group of what was to be a Statewide organization of the Mexican-Americans.

I emphasize this point that originally Chavez was neither a labor leader nor seeking to benefit the poor itinerant farm worker. Chavez and his superiors were opportunists seeking for a group of people whom they could bring into a cohesive base of support from which they could launch a social revolution. That is why they chose Delano. It had a large group of stable non-migrant workers.

Early in Chavez' efforts, the pretense of a "strike" of the farm workers became necessary in the hope that it would provide a rallying point for the hopefully "dissatisfied, frustrated, and victimized" farm workers. To this day there has never been a strike by the workers in California.

Chavez called his organization the National Farm Workers Association—a rather imaginative title for the rag-tag group of non-farm worker roustabouts and troublemakers that he gathered to work with him. Eventually he united with a group called the Agricultural Workers Organizing Committee, primarily a Philipino-American organization. The two combined to become the United Farm Workers Organizing Committee. Chavez and his UFWOC organization became dominated by the AFL–CIO simply because of the massive amounts of financial assistance the AFL–CIO put into the organization.

Sol Alinsky, under whose tutelage Chavez was groomed, once wrote that the secret to any successful social reform movement (the phrase used to describe what the Socialists mean when they talk about the revolutionary socializing of the United States), would be to utilize the active support of America's churches and the power of organized labor. Alinsky noted that the combination of the dignity of the church and the financial and human resources of the labor movement would provide the base for a true revolution throughout the country.

Chavez has effectively applied the concepts taught him by Alinsky in the mobilization of church and labor in support of the boycott.

While Chavez and his original team of cohorts are kept functioning in the matter of providing propaganda for the boycott, the true organizational control of the Union itself and the boycott activity rests with a long-time lieutenant of Walter Reuther, Mr. William Kirshner. Bill Kirshner is a very brilliant technician in the field of labor organization and has for some time been directing the affairs of UFWOC.

The critical factors for our consideration, however, are not the internal operation or even the personalities of the boycott movement but rather the merits of the allegations being made concerning the farm workers, the conditions of their employment and the circumstances of their lives. Because of the vastly conflicting stories that were coming out of the farm area, I decided to personally visit the Delano-Bakersfield and San Joaquin Valley farm areas to see for myself what was really happening to the farm worker. Because Chavez had headquartered himself in Delano I chose to go there first.

I might add that I did not go in my capacity as a senator. I went to the area unannounced and spent several days talking with farm workers, growers and others who had reason to be involved.

Particularly revealing were the conversations with the workers themselves. Once their confidence had been won and they were willing to chat with me it became obvious that they despised Chavez. A review of the facts and the data that were obtained through these visits revealed the following:

1. The California farm worker is the highest paid agricultural worker in the United States and the world. His base wage is $1.70 an hour according to the United States Department of Agriculture's Bureau of Labor Statistics. Adding to that the incentive pay that he gets, it is not uncommon to find many workers averaging better than $3.50 to $4.00 an hour during three to five months of the year and $1.80 to $2.50 an hour during the non-harvest season.

2. The California farm worker is not an itinerant migrant. Over 90% of the workers employed on the farms in the Delano-Bakersfield area live within the immediate area in their own homes which they either own or rent. The best estimates available from authoritative sources indicate that less than 3% of the farm workers are truly migrants in the sense that they move from place to place following the crops.

3. The working conditions and the circumstances surrounding the employment of the workers were beyond reproach, and excelled in almost every way the living conditions and working circumstances of farm workers anywhere in the Nation.

4. The California farm worker is covered by more State legislation protecting him from exploitation, coercion and danger to his health and welfare than any other farm worker in the Nation. California has enacted nine of ten possible agricultural worker protection laws. No other state in the Nation comes close to that number.

Most interesting was the fact that the workers themselves revealed that there had never been a strike. Never once has a grower failed to be able to have an ample number of workers in his field ready to work and harvest. Never once have the workers who live in the area involved themselves in the strike or in support of Chavez. In fact, it is obvious that they despise Chavez, looking upon him as an opportunist who seeks to use them for his own goals.

One of the most poignant examples of this was a worker picnic which I attended in Delano. Over 2500 farm workers came to demonstrate their opposition to Chavez and their determination not to be forced into accepting his union. After the ceremonies were finished, I was surrounded by a number of these people, and as they were talking to me, one of them asked, "Why doesn't someone tell our side of the story? Why doesn't someone speak up for us and point out that Chavez is only trying to use us? He is destroying our jobs, forcing the growers to search for other crops, and before long, there will be no jobs. Why doesn't someone tell our story?"

"Chavez is the opportunist—Chavez is the oppressor—Chavez is the source of our troubles, not the growers," was the message that time and time again the workers gave to me.

One thing is certain. After numerous visits to the fields, it was obvious that indeed there had been no oppression, no exploitation, and that the allegations against the growers being repeated so widely by everyone from the mass media and the clergy to the misguided students had no foundation in fact.

Perhaps a vivid example of this is the mythical "poor Juanita." Who is poor Juanita? "Poor Juanita" is a little Mexican-American girl who sits plaintively on the side of an old bedstead and who becomes the symbol of Chavez and his propaganda ministry in illustrating the alleged exploitation of the workers. "Poor Juanita" supposedly is seven years old and is at home taking care of her little brother so that her mother and father can work in the fields for less than $1.00 an hour.

One of the "itinerant ministry" who has climbed aboard the Chavez band wagon was challenged to produce "Poor Juanita" and to produce her family and to show that they had ever worked for any grower anywhere in California. The challenge included an offer to give the family the challenger's salary for a year. Needless to say, he did not lose the year's salary, and no production was made.

There are obviously poor people in the rural areas of California. There are obviously people whose lives are less than they would like them to be, but the existence of these people has no demonstrable relationship to the growers and/or to the California agricultural industry. Those who work are the highest paid, the best housed, and the best fed farm workers in the world.

I might point out that one of the more absurd contradictions in the boycott propaganda is the constant reference that is made to the income of the California farm worker family. California's extremely liberal welfare laws and Medi-Cal program would provide a family with a basic standard of living well in excess of $3,000 a year. Medical care would be rendered for all members of the family covering their total health needs. Yet the assertion is constantly being made that many a worker family has an annual income of less than $2,000 in exchange for 12 to 15 hours a day of work in the fields by both parents and the children.

One need only drive past the vineyards where the workers are engaged in picking and see the late model cars that they have driven from their homes to the fields where they are working to realize the absurdity of many of the assertions made about their lives.

The question is then, "How can such a phenomena exist as the nationwide mania for boycotting the California grape because of the alleged oppression, and exploitation of the California farm worker?" The answer is really a complex story and one that we have already alluded to. Chavez was trained to lead a social movement, and the grape boycott is really a combination of a social-labor movement with a deep emotional appeal. It is a combination of Alinsky's methods for revolution and at the same time, the expertise and financial muscle of organized labor.

A combination of three factors has brought us to our present situation. First of all, you remember that there has never been a strike, and so the growers were never threatened in their fields with the loss of their crops. Workers have always been there and always been actively engaged in harvesting the crop. Until this year, the Boycott has not really noticeably damaged their marketing. However, it has now become apparent that the Boycott is, in fact, adversely affecting sales. So it was just recently that the grower really received the incentive to tell his side of the story. Until now he could complacently ignore the outlandish misrepresentations that were being made by the Boycott group—even though he could not comprehend how anybody could believe them.

Second, the mass media have aided and abetted the boycott situation by publishing the propaganda and allegations of Chavez without confirming the truthfulness or falsity of these claims. This willingness of the mass media to give broad publicity to the boycott group has been effectuated not only by Alinsky's methods but also by the fact that political opportunists have identified themselves with Chavez.

The third and final factor involved in the success of the boycott has been the willingness of organized labor and the churches of the country to give their muscle and their dignity to these misrepresentations without any concern about what the true facts may be. The net effect has been that a large segment of the population have been told by ordinarily respectable and authoritative sources a great deal of untruth which has made them willing to support the Boycott.

It has been interesting that a number of responsible government officials—including the Mayor of Vancouver, British Columbia, among others, have come and spent two and three days in the Delano-Bakersfield area attempting to learn the truth. The Mayor of Vancouver asserted after spending three days intensively looking at the situation that in his opinion, Chavez was a fraud, and the California farm workers' circumstances were nowhere near that which had been represented and certainly not such as would justify a support of the Boycott. This type of visit and statement has not been given the same coverage by the mass media as were the efforts of the Brothers Kennedy to use Chavez.

Perhaps an additional factor should be noted in the success of the Boycott. Chavez last year filed with the United States Department of Labor a report in which he noted the receipt of $684,000 in contributions for the support of the Boycott alone. When one has nearly $700,000 to sell a story nationwide, it is not that difficult to do a pretty effective job. The growers amassed nowhere near that sum of money to use in telling their side of the story, and, of course, the workers themselves—the most critical group here—have had only one lonely voice speaking for them—an individual named Jose Mendoza.

Mr. Mendoza headed an organization born out of the frustration of the workers in finding that no one was telling their side of the story. His group was called the Agricultural Workers' Freedom to Work Association. The farm workers demonstrated their overwhelming support of Mendoza whenever they were publicly able to do so. Mendoza did speak throughout the Country and received some amount of press coverage by what he said. However, no one of national reputation has sponsored Mendoza as the Kennedy's did Chavez. Mendoza has been a lonely voice in the wilderness.

Chavez' marches, which have been debacles of the worst type and a matter of great disdain by the legitimate farm worker, have received nationwide coverage. His alleged fast (which one of his closer associates said was completely phoney and that he often times received food during the period of the fast) was another matter of national intensive coverage.

All of these things have been calculated to arouse the idealistic crusading element in our society who have made themselves a part of this fraud upon the public and in such a way as to create grave concerns now for the future of the agricultural industry of California.

The fruits of Chavez' efforts have been lies, violence, deceit, and fraud, and the probable loss of thousands of jobs for innocent victims of his ambitions. Hardly the qualities of the "Saint" Chavez is portrayed to be by the adulating mass media.

The Boycott is well organized and financed. It has hurt the grower, the worker who is the innocent victim of Chavez' opportunism, and of course, finally, the consumer. Not only has the Boycott caused the price of grapes to increase, but of course the quality of grapes available has been substantially reduced as those stores which have fallen victims to the Boycott have sought out alternative and invariably inferior sources.

Paradoxically, the effect of the boycott has been to provide a market for grapes harvested by workers in South America, who do in fact, live under the conditions and work for wages alleged by the promoters of the boycott to be true in California. Apparently supporting "oppressive exploitation" in other countries does not bother the boycott advocates. There are some things that need to be done immediately. First of

all, we need to obtain some legislative changes which will take the capacity to wage such a boycott out of the hands of anyone. Because of the provisions of the National Labor Relations Act excluding agricultural workers and products from its coverage, the Department of Labor and the NLRB have declined to assert any jurisdiction to prevent the use of the boycott—even though a boycott per se is unlawful under the Act.

Since agriculture is my State's number one industry, this, of course, portends a fantastic and very serious problem for the State of California.

Many states including my own need to enact anti secondary boycott statutes that will be both meaningful and effective. We have such a bill under consideration in the California Senate now.

Most importantly, we need to be more effective in getting the right type of information—the truth—to the people. To their great credit, a number of chain stores have not only refused to be intimidated by the Boycott but have on their own initiative undertaken advertising campaigns by which they inform the public of the true facts and circumstances surrounding the boycott. They did so not as advocates but simply to disclaim responsibility for the effects of the Boycott and to point out the patent unfairness of involving these stores in a situation for which they were not responsible.

Finally and most importantly, someone needs to speak for the workers. The mass media, without the artificial attraction of political opportunists, needs to assume the responsibility to give equal time and consideration to their side of the story.

If Chavez is allowed to succeed, if the Boycott achieves its purpose, ten thousand workers in the San Joaquin Valley and many other thousands in California will be brought under the power of a man and a union whom they despise, for whom they have complete contempt and with whom they want no association. They will be brought within the power of that union not because of anything they asked or did, but because the public was deluded by blatant propagandizing into forcing it upon them for "their own welfare and benefit".

It is this danger perhaps above all others that mandates that we move quickly and effectively to protect the workers and the consumers from this type of economic coercion and oppression.

I plead with you to use the offices of your Association and your own vast economic power to carry this message to all the people whom you serve, whom you employ, and with whom deal. What is being done to the growers of California can be done to your state, to your industry as well as to ours. The growing, shipping, processing and packaging of food is not limited to California, but all of it, theoretically, could be outside the purview of the National Labor Relations Act as it has been interpreted by the NLRB and the Department of Labor. The power to control the vital progress of food to our economy would be an economic power at the Nation's throat which would be unconscionable indeed.

We have nothing to be afraid of in terms of a confrontation with the proponents of the Boycott. Based entirely on facts, in each and every instance we can prevail. Our enemy is the ignorant, the well meaning, the misguided individual who on the basis of the misrepresentations and inflaming propaganda uses his time and means to coerce and oppress the worker into the acceptance of a union which seeks only to use him to dominate his life and to provide him with no real benefit.

I have every confidence that in the American system, the right will prevail. I have every assurance that given time for the growers and the workers to effectively tell their story, Chavez will be thoroughly repudiated and his movement will not succeed. I fervently hope and plead that you will join us in seeing that that is the end that will be written to this unbelievable story.

Thank you very much.

BIBLE TRANSLATION DAY

Mr. HATFIELD. Mr. President, yesterday the senior Senator from Oklahoma (Mr. HARRIS) introduced Senate Joint Resolution 135, a joint resolution to authorize the President to issue a proclamation designating September 30, 1969, as "Bible Translation Day."

Inadvertently, the list of cosponsors was omitted. He has asked me to announce that Senators CURTIS, ERVIN, and myself join him in cosponsorship of this resolution.

I have profound respect for the work being done by the Summer Institute of Linguistics and its related organization, the Wycliffe Bible Translators. Both groups have had enormous impact on developing nations, and the value of their work is of immeasurable benefits in the establishing of good relations with these countries. Recently an excellent article concerning the activities of these groups apeared in the New York Times. I ask unanimous consent that this article be printed in the RECORD.

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

EXPERT LINGUIST SPREADS THE WORD WITH MISSIONARY ZEAL

(By Israel Shenker)

STANFORD, CALIF.—In "My Fair Lady," Prof. Henry Higgins taught a primitive Cockney named Eliza Doolittle to speak correctly. Prof. Kenneth L. Pike of the University of Michigan has taken the whole world of primitive tribes for his province, and he is trying to understand what they say.

He wants to give their languages a written form and printed materials—above all, the Bible.

An unusual amalgam of scholastic and divine, Professor Pike is an authority on linguistics and one of the most zealous of missionaries.

As he explained in an interview here at the Center for Advanced Study in the Behavorial Sciences, where he has been spending the last year, the linguistic-missionary work is carried on by two organizations with interlocking directorates: the Summer Institute of Linguistics, and the Wycliffe Bible Translators, Inc.

500 STUDENTS A SUMMER

Professor Pike is president of the 35-year-old institute—which holds courses each summer for a total of about 500 students at the Universities of Oklahoma, Washington and North Dakota, and in four foreign countries.

Graduates, who often continue as members of the Wycliffe group, constitute the corporation, based in Santa Ana, Calif. Their work is sustained by their personal funds and by donations from church groups and others.

Named to honor John Wycliffe, who first translated Old and New Testaments into that primitive language called English, the corporation began as a single man—William Cameron Townsend, a self-trained linguist who communicated his fervor to others.

"We recruit for motive," said Professor Pike, "and the first has to be religious motive.

"We're starting on the assumption that God is very much there, and very much running things in a way we don't understand. He's the boss, and He wants us to use our abilities. Among these abilities are intellectual pursuits, and among these intellectual pursuits is the study of language."

SOUNDS STUDIED

For the study of languages, in the beginning is not only the Word, but also the sound. As Professor Pike put it: "The sounds we speak are those we make by moving something above the thorax—lips, tongue, soft palate, vocal chords, and once in awhile something else in the back of the throat.

"In Asia, a belch—rattling the mouth of the esophagus—expresses appreciation, as for a good dinner. I included belches in my book of sounds, and I tried to learn belch talk.

"My 'Phonetics,' published in 1943, was an attempt to exhaust all sounds the human voice could make except whistles and trills, which my technique couldn't include." (Professor Pike has nothing against whistles—he has even whistled up a Cheyenne conversation with modulations on a sliding tube.)

"With sounds you can produce an infinite variety," he said. "Take 'eee.' Talk through your tongue and it doubles the number of sounds, double up your tongue and there are more, talk through your nose—still more. Eventually, repeating this procedure with other sounds, you get several million altogether."

In Mazatec, a Mexican tribal language, "father," "devil," and "Lord" sound wondrously alike; in Guatemala's Cakchiquel, "our Saviour" and "a deceiver" are hard to tell apart.

Mexico's Mixtec, one of many tongues which Professor Pike set out to scale, had pitfalls galore. The sound "chaa" had different meanings depending on its pitch: it could signify "come," "man," and "will you smoke a cigarette?" When the pitch was less than perfect, the result could be blasphemy, as in Matthew, VIII, 7: "And Jesus said unto him, I will come and heal him."

From the millions of sounds available, Professor Pike drew up a list of 300 to help train linguist-missionaries. In 25 years of practicing and preaching, he has found only about five sounds not included in his 300.

"One of them we encountered in Africa," he said. "You take the lower lip and flip it against the upper."

From simple sounds it is a hop, lip and jump to deeper knowledge. "After we've got the students aware of the kinds of sounds they may meet," said Professor Pike, "it's up to them to write these sounds down in a crude approximation. But then they don't know what's important and what's not important in what they've heard.

"Our problem is that we must train students for languages which they don't know, which no one else knows, and for which there are no teachers.

The linguist-missionaries must be capable of handling not only sounds and grammar, but also dramatic form. With the Baribas of Dahomey, the third person is used for introductions, the first person for action.

But the choice of person also depends on who is hero, who villain. Person-to-person niceties help in translating lines such as: "Jesus said, 'No one can come to the Father but through Me'" or (perhaps) "Jesus said that no one can go to the Father but through him."

ANTHROPOLOGY IMPORTANT

Bible translators have to appreciate anthropology as well. It is essential, for example, to know that the Mnong Rolom people of Vietnam, if they are still there, consider the ear not only a hearing instrument, but also the seat of memory and emotion.

The institutes give students two summers' work in linguistics, and then three months of training in primitive living at a jungle camp.

"When we turn our people loose in the jungle on a language," noted Professor Pike, "they often get started all right, and then run into problems. At this point I come into

the picture. I often work on 20 languages at once, and think of it as code-cracking.

"Though we have 2,000 people for 440 languages, they aren't all Ph.D.'s in linguistics—there aren't that many in the world. Even if there were, they wouldn't want to live in the jungle for 20 years."

LANGUAGES ON 5 CONTINENTS

Wycliffe-Institute men have dealt with tribal languages in 18 countries on five continents. In the most recent institute bibliography of work by its members, subjects range from the parochial "Tonomechanics of Northern Tepehuan" to popular ("The snake that gives money: a Totonac myth") to pedagogic ("Tiipmayamoonawi naowa kapma gavat yiba vat"—"How the coconut tree and sago tree came to grow in different places").

Languages run the gamut, from such obscure families as Enga-Huli-Pole-Wiru to such little-exercised tongues as Amarakaeri, Dogrib, and Izi—which is not as simple as it sounds.

To help decipher this complex mix, Professor Pike leaves Michigan every third year to work abroad, where missionaries deal also with classic matters such as health, schools and preaching. He points out that primitive peoples who come into contact with modern civilizations often lose hope and—as he put it—"disintegrate morally."

"If we can get the Bible to them in their language," he insisted, "and get them to try to read it, and take it as a source of hope and courage, they may be able to survive the transition."

Wycliffe-Institute men have put out eight New Testaments in as many primitive languages, and at least a gospel in about 130 additional tongues. There are about 2,000 languages to go. Translating the New Testament into any one of them usually takes about 15 years. A gospel can be rushed into print after a mere five years of tribal living.

THE SENIOR AMERICANS

Mr. KENNEDY. Mr. President, in the United States today 19 million of our citizens are 65 or older. Of these, 40 percent are poor or near poor. Five million fall below the poverty line.

All our senior citizens, Mr. President, merit our strong interest and concern. We have an obligation to recognize and try to meet the needs of persons who have contributed most of a lifetime and are now in their later years. And we have an opportunity to benefit from their experience and dedication and talent and wisdom.

One of the important Federal programs for senior citizens is the Older Americans Act. It provides support to help strengthen State and local agencies for the elderly. It gives assistance to new and expanded programs to meet the needs of older citizens and utilize their abilities. It encourages further research on how most effectively to serve our senior citizens. And it supports training of professional personnel in special problems of the aging.

I am pleased that earlier today the Committee on Labor and Public Welfare unanimously voted to order reported H.R. 11235, to extend and expand the Older Americans Act. New provisions include a volunteer program to recruit and use the elderly for community projects, and transfer of the foster grandparents program to the Administration on Aging, in the Department of Health, Education, and Welfare. I hope that the full Senate will act favorably and soon.

Last Tuesday the Washington Post carried an editorial discussing the importance of the Older Americans Act and the need for adequate funding. I feel that the editorial captures well the importance of the act, and I am sure that it will be of interest to my colleagues who may not have seen it.

Mr. President, I ask unanimous consent that the editorial, entitled "The Senior Americans," which appeared in the Washington Post on July 8, 1969, be printed in the RECORD.

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

THE SENIOR AMERICANS

In a country where youth, sex, speed and beauty are glorified almost to the point of liturgy, it is small wonder that 19 million older people are often kept out of sight and out of touch. A small wonder but a large disgrace.

The Older Americans Act of 1965, and its later amendments, was an attempt at meeting the rights and needs of the elderly, 40 per cent of whom are poor or near-poor. As far as they went, programs generated by the Act were effective: over 1000 community projects were funded through the Title III programs, serving over 660,000 older persons in such things as home health aide services to paid part-time jobs. Nevertheless, in FY 1969, only $1.10 was spent per senior citizen, with $1.41 the appropriation for this year.

In mid-June, the House, led by John Brademas and Ogden Reid, approved an authorization of $62 million for FY '70. Despite this, the Nixon Administration appears determined to stand firm with its niggardly $28.3 million budget request for the program's continuation. It is tempting for politicians to feel that they can get away with short-changing the old: many are too worn or weak to fight back; they have no lobby to speak of and less prospect of an opportunity for future political reprisal.

But the Nation needs the elderly. The Foster Grandparents program alone has used the talents and energy of 4000 older people who, on a small stipend, are matched on a personal basis of service with 8000 orphaned and disturbed children. If this simple idea of matching the leisure time of the old with the special needs of the very young has worked for 4000 old people why can't it be done with 40,000 or 400,000?

The answer, or at least the political answer, is lack of funds. Yet in recruiting the elderly for community projects, massive funds are not necessarily needed. For example, the House Education and Labor Committee adopted the Retired Senior Volunteer Program (called RSVP) which requires only $5 million—money that will be returned many times over in services rendered by the elderly.

The Senate Labor and Public Welfare Committee will shortly consider new amendments to the Older Americans Act, and will likely see the need for an authorization figure equal to the House's $62 million. It is not too late for the Administration to go beyond its $28.3 million sum and begin recognizing that 19 million older Americans have not just rights and needs to be met, but contributions of talent and wisdom to be made.

TV STATEMENT BY SENATOR BYRD OF WEST VIRGINIA ON THE BUREAU OF MINES BUDGET

Mr. BYRD of West Virginia. Mr. President, on June 9, 1969, I made a statement for television regarding the Bureau of Mines budget.

I ask unanimous consent that the transcript of that statement be printed in the RECORD.

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

BUREAU OF MINES BUDGET

Through the Appropriations Subcommittee, of which I am Chairman, I have been able to add three quarters of a million dollars to the Bureau of Mines budget for three items of utmost importance to West Virginia. One of these is a mine health and safety institute which could provide highly-specialized, long term training for mine inspectors, engineers, and laboratory research technicians. National attention has been focused on mine health and safety problems and I believe that the need for such an institute is very evident. The other two items which I have been able to place in the Bureau of Mines budget were money for the immediate hiring of additional federal mine inspectors, and money for a research program to develop effective methods for suppression and control of mine dust. I intend to do my utmost to see that these programs become a reality.

ORDER OF BUSINESS

The PRESIDING OFFICER. Before the Senator from Nebraska is recognized, the Chair informs the Senate that at the hour of 1 o'clock the unfinished business will be laid before the Senate. The Senator from Nebraska will then be recognized again, after which the Chair will recognize the Senator from Texas.

The Senator from Nebraska is recognized.

ILLEGAL ELECTRONIC EAVESDROPPING IN THE FEDERAL GOVERNMENT

Mr. CURTIS. Mr. President, today I am going to disclose, with proof, the existence of illegal electronic eavesdropping in at least one large Government agency. There is added evidence that this same electronic snooping is going on in other agencies of the Federal Government.

This malodorous practice started under the previous administration and was so widespread that it has been impossible to root out in the 6 months that the Nixon administration has been in office. I hope my disclosures today will speed the process.

I think it is a fair statement that a Federal agency cannot, without notifying either employee or caller, listen in on telephone conversations where national security is not involved. To do so, I believe, is a violation of law.

Seven States—California, Illinois, Maryland, Massachusetts, Nevada, New York, and Oregon—prohibit surreptitious eavesdropping by mechanical or electronic device.

Thirty-six States prohibit the specific type of eavesdropping known as wiretapping.

And Congress itself, in the enactment of title III of the Omnibus Crime Control and Safe Streets Act of 1968, outlawed all wiretapping and electronic eavesdropping other than that occurring within certain tightly drawn instances involving suspected organized criminal activity or the national security. In cases involving suspected syndicate crime, lis-

tening devices can be used only with court permission. Even in emergencies, court permission must be obtained within 48 hours or the listening device and its use are illegal.

Yet, I have here such a device, taken within the past few weeks from a telephone at a major Government agency. It was brought to my attention by a Government official whose own telephone was being monitored illegally. I have sworn affidavits from him recounting the whole story. But for his honest courage we would know nothing of this illegal activity.

The agency in question is the General Services Administration. I have already discussed this case with Administrator Robert Kunzig of GSA. He is entirely in agreement with me as to the illegality and impropriety of such electronic eavesdropping.

In fact, Mr. Kunzig, when he heard about the use of "snooper button" telephones and monitoring systems within GSA, was shocked. This was shortly after he became Administrator. He at once—on May 6—issued orders forbidding this practice which is both questionable as to ethics and illegal by law.

Someone in GSA apparently did not feel compelled to abide by the Administrator's orders.

I call attention to the fact that the actual discovery of the device I have here was made over a month after Mr. Kunzig's order prohibiting the use of what he termed "telephone monitoring." I further call attention to the fact that these devices were installed and in use prior to Mr. Kunzig's appointment as Administrator.

What I intend to do today is recount for you the shameful story in a straightforward and factual a manner as possible.

This Federal employee, a well-educated, responsible, professional person and, incidentally, highly knowledgeable in the field of electronics, states that many months ago—long before Mr. Kunzig took over under the Nixon administration—he became aware of "excessive electronic noise and a very slight decrease in power" on his telephone line.

Mr. President, I have no personal knowledge of what this sort of thing means.

However, I have consulted experts, and they tell me these are characteristics of a telephone where the distribution of sound and current serves more than two outlets being used by more than two parties in a telephone conversation.

In other words, these are the conditions that exist when a telephone conversation is being monitored by a third party.

On May 5, 1969, our Mr. X was informed by a fellow employee that there was "a listening post" on Mr. X's phone, and that it was then in operation. Another employee present at the time has sworn in an affidavit as to the truth of this conversation as reported.

The next day, May 6, 1969, a memorandum from Mr. X's superior was issued. It stated that the new Administrator, Mr. Kunzig, at a staff meeting on May 6, 1969, announced there was to be no more monitoring of phone calls.

This new policy, according to Mr. X, was transmitted to all offices in the agency. As Mr. X puts it:

> To my knowledge, the request to cease telephone monitoring constituted an attempt to stop the day-to-day practice of using the so-called "snooper button."

When asked to describe this "snooper button" system, a representative of the C. & P. Telephone Co. supplied, in writing, this summary:

> TRANSMITTER CUT-OFF
>
> As a key telephone system arrangement, the transmitter cut-off is a feature that enables the telephone user to cease transmission of sound into the telephone without losing the capability of listening to the other person's conversation. Because of its monitoring nature, the installation and use of it has been highly discouraged by the General Services Administration.

According to Mr. X, these snooper buttons have been used in his office to monitor calls of employees to other persons in Government as well as persons outside the Government, without the knowledge of participants in the telephone calls.

Mr. X took no action in May about the information concerning a "listening post" on his phone, since the policy announced by Mr. Kunzig could be expected to end such snooping.

One month later, despite the Administrator's order, there was evidence that in certain offices telephone snooping was continuing. And there was no evidence that such devices had been removed from various telephones.

At this point, Mr. X decided to collect information on the extent of these illegal eavesdropping operations within GSA.

His determination to do so was reinforced by information given him on June 3, 1969, by a secretary to a high official in GSA.

She informed him that she had monitored telephone conversations in Mr. X's division during 1968, and in the division in which she was presently working. The monitoring was through use of the "snooper button." It was done by order of her superior. Finally, and most important and despicable, it was done without the knowledge of those whose phones were being monitored.

The next day, June 4, 1969, Mr. X received even more disturbing information. Another secretary formerly employed in the office of his superior informed him that at that superior's instruction she monitored every telephone call that came into his office.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the selected reserve of each Reserve component of the Armed Forces, and for other purposes.

ILLEGAL ELECTRONIC EAVESDROPPING IN THE FEDERAL GOVERNMENT

The PRESIDING OFFICER. The Senator from Nebraska may resume.

Mr. CURTIS. I thank the distinguished Presiding Officer, and I ask unanimous consent that I may proceed until I have finished my prepared remarks.

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

Mr. CURTIS. Mr. President, the point to keep in mind is that this secretary operated a telephone which served all of the lines of all of the employees in that office. All calls coming in and going out of the office, regardless of by whom or to whom they were made, were wired through telephone equipment located on and near her desk.

Thereafter, on the same day, Mr. X discovered that in his office "snooper buttons" remained operable. Mr. X tested them personally for effectiveness, and took photographs of these installations.

For the information of Senators, I have pictures of these infamous snooping devices in operation as of June 4, 1969.

Since then, Mr. X has talked with several employees in GSA and the Department of the Interior, who confirm the widespread, deliberate, systematic use of "snooper" devices over the past 2 years. In each case, employees were instructed by their superiors to monitor all calls, to take notes, and to make no disclosure of any kind that might make either party to the telephone conversation aware of such eavesdropping.

One more fact: I am sure it will be of interest to Senators to learn that this monitoring included calls from Members of Congress. In fact, one person charged with responsibility for taking notes on such telephone calls said she was specifically instructed to monitor calls from Representatives, Senators, Government officials, and others.

Again, let me point out to Senators that these telephone calls were being monitored without at least one participant, and in many cases both participants, knowing about it, and certainly without their permission.

As to the mechanics of setting up such snooper systems, the telephone company installed these devices at the request of GSA officials. I hope to find out who these officials were, whether they are still with GSA, and if not, what they are presently doing.

The General Services Administration is, after all, a quarter of a billion dollar agency, with almost 40,000 employees.

It lets annual contracts amounting to millions of dollars for the provision of supplies to the Government, and for 1970 alone, the General Services Administration will spend on the order of $100 million for the acquisition of new facilities.

Thus, there could well be an economic motive for this high level eavesdropping.

The only other possible motive is political at best, and since the facts point to intra-agency use, it seems more likely to be of the cheap, bureaucratic, gutter-fighting variety.

Equally obnoxious is the use of such "snoopers" simply to spy on subordinates, to deny them the privacy to which they are entitled. We have had too many examples of how Federal employee rights are invaded by peeping tom superiors.

It seems to me that both the Senate Government Operations Committee and the Senate Judiciary Committee should find this information of great interest and worth pursuing further.

There is a collateral issue that must be faced. As I have said, the telephone company installs such snooper devices, technically styled "transmitter cutoffs," although it does not advertise the service in its available promotional brochures. The general justification of such devices is that they allow a secretary on a third phone to take notes of a phone conversation between two parties, without the office noise intruding through her phone mouthpiece into the conversation between the principals. I could accept this, I suppose, if I had definite assurance that such devices would be used only in such a situation and, of course, with the full knowledge and consent of the two principals.

Instead, here we have a clear example of how ridiculously easy it is to convert these devices into eavesdroppers, little spies for crooks or paranoids who hope to profit one way or another by denying the honorable right of privacy to others.

I am coming rapidly to the conclusion that such "transmitter cutoffs," as they are euphemistically called, are far too tempting to the crook or the paranoid.

Mr. President, this type of eavesdropping and electronic snooping—where there is not the slightest pretext that the national security is involved—must stop. It must stop now, without equivocation or exception. I am convinced that the new administration wishes to reverse this proliferation of illegal eavesdropping devices throughout Government. I compliment Administrator Kunzig for making this a first order of business within the GSA. I commend his action to other Government agency heads. I could only wish that Mr. Kunzig's subordinates—many of them holdovers from a previous administration—had taken his orders to heart and halted this nefarious practice.

It seems to me, however, that the telephone company should take a long, hard, and careful look at its practice of installing such devices, in light of the misuse that can be made of them. They offer too easy a temptation for the users to turn them into electronic eavesdroppers with unlimited scope. I sincerely request the cooperation of the telephone company in changing this practice.

In closing, Mr. President, let me restate my case.

We know that there has been and apparently still is large-scale electronic snooping going on in one major U.S. agency, the General Services Administration. This is happening not only here in Washington, but apparently in regional offices across the country as well.

There is evidence that it is going on in a major Government department—the Interior Department.

I ask, Mr. President, and I think all my colleagues are justified in asking the same question, how much further has this practice permeated our Government?

How many agencies and departments in which no national security is involved are in the habit of listening in on their employees' most private conversations?

I submit that this is a matter which the Justice Department should investigate—and at once. I submit further that our own Committees on Government Operations and the Judiciary should oversee such an inquiry by the Justice Department, to determine that this evil is brought to a complete and total halt.

Mr. President, to be specific, the General Services Administration let contracts, many of which, by the nature of them, cannot be competitive; they are negotiated. The individuals in places of power have been monitoring the conversations of their subordinates to find out what their subordinates know. Is that not an open invitation to corruption? It is a practice that should end.

Mr. President, I yield the floor.

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). Under the previous order, the Chair recognizes the Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, I am going to make some remarks on the compromise proposals or amendments that have been offered to the procurement bill, and I ask unanimous consent that those remarks appear at the conclusion of my main address on the military procurement bill.

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

COMPROMISING THE SAFEGUARD ABM SYSTEM

Mr. TOWER. Mr. President, there has been considerable discussion in these last few days of debate about the possibility or advisability of compromising the Safeguard ABM system. To that end, two amendments have been offered for consideration by the Members of the Senate.

While I have the greatest respect for the authors of the amendments, I must oppose them because I am convinced that acceptance of either amendment would materially weaken our defense posture.

Let me discuss first the amendment offered by the distinguished Senator from Kentucky (Mr. COOPER) and the able Senator from Michigan (Mr. HART).

This amendment would prevent the use of funds appropriated with this year's act and earlier acts for other than research, development, testing, evaluation, and normal procurement incident thereto. It would specifically prevent their use for deployment or for acquisition of any site for deployment without further action by Congress. To all intents and purposes, then, the very large effort already underway in preparation for deployment would cease. The program would revert to a purely R. & D. status. The results of such an action would be profound. Let me mention a few of them.

If this amendment is accepted, the effort already underway would be almost a complete waste. Furthermore, it would cause a substantial delay in deployment, should we decide, at some future time, that deployment was in fact necessary. In fact, if we decided as early as the next session of Congress to proceed with deployment, it would not be possible to have the first site ready until some 2 years after the date presently planned. A first site then could not be available until early 1976, and a full deployment, such as that called for in phase II of the program would not be ready until 1978. This delay would result from the problems of personnel dislocation. If we destroy the reason for the existence of the present talented and trained personnel base, which is necessary for production, site engineering, construction, and the like, we cannot expect to be able to rebuild it overnight. I wonder whether the highly talented individuals involved in the program would return at all if once separated from the program.

There are serious implications to this kind of delay. It is within the U.S.S.R.'s capability to build an ICBM force which would seriously threaten our Minuteman by 1975 and, as well, pose a serious threat to our alert bombers. The United States could be left with a period of years in which we had no counter other than to increase greatly our offensive retaliatory forces. Additionally, the Chinese Communists could have an operational ICBM capability by the mid-1970's. And there would be no way of regaining that lost time in the installation of defensive deployment.

Second, of course, a very great loss of funds would be involved. As you know, Congress has already appropriated for deployment $1.744 billion. An estimated $500 million of these funds would be lost effort if we decided to cease deployment. Even if we again decided to deploy in the next Congress, the cost of a 12-site deployment would be over $250 million and possibly $500 million higher than if

we continue our current effort. This cost includes the effect that comes about naturally from the discharge of some 5,000 trained personnel which we now have on preproduction and construction engineering efforts and the necessity to replace them later. The greater cost also comes through the termination of contracts with subcontractors throughout the country who have made commitments for undertaking parts of the program. It comes about from the necessity to build up and train again, to reestablish production lines and build a new construction engineering base.

A third point of great significance is the possible impact of such unilateral action by the United States on the strategic arms limitation negotiation. It has been our position that any such negotiation should apply to both offensive and defensive missiles—that the negotiation should effect overall strategic potential, not just consider separate parts in isolation. With such unilateral action, what can we expect in the way of bargaining power with the U.S.S.R. in the defensive weapon area? We would then be dealing with a U.S.S.R. which has already initiated deployment of a defensive system, has some sites operational, and is presently carrying on a most active test program on an advanced ballistic missile defense system. In brief, we will enter the negotiation having not only lost—but having publicly denied—a very great bargaining factor.

There are those who argue that delay in deployment will give time to determine whether the U.S.S.R. will undertake logical agreement. I would remind all of my colleagues that the whole history of negotiations with the U.S.S.R.—even on simple matters—has been one of long and careful debate and negotiation. It would seem questionable that any meaningful and effective agreement could be reached in a 1-year period. I hope that this will change, but there is little reason to believe that it will. In the meantime, however, I cannot advise that we adopt a policy which will delay deployment of Safeguard 2 or 3 years.

Part of the argument for delaying Safeguard lies in the assertions that if the Soviet threat develops we can always deploy additional Minuteman, and that this can be done in a very short time—say 1½ to 2 years. This does not say that from decision to deploy to operational status is 1½ to 2 years. To go through the entire budgetary, appropriation, procurement, and construction cycle would normally take 4 to 5 years, and even on an expedited basis 3 to 4 years. Consequently, if we heed those who favor delay, we may well face a much earlier decision to deploy offensive missiles than we now anticipate.

Even more importantly, those who are favoring delay are advocating—perhaps unknowingly a decision now that if the Soviet threat develops we will meet it by proliferation and not by defense. The option for defense might be lost, and, with it, the chance for stabilizing the relative postures of the two countries at a lower level of offensive weapons.

The proposed deployment is a phased one. It takes an initial limited step to minimize the time for deployment and to prove out the system. It does so at limited cost. It does so without committing us to the full phase II deployment while preserving the ability to respond flexibly to the threat as it evolves and to the possible results of the arms control negotiations.

For these reasons, then, I oppose the amendment offered by Senators COOPER and HART. It simply eliminates any possibility that Safeguard will be a viable defense weapons system.

Mr. COOPER. Mr. President, will the Senator yield.

Mr. TOWER. I would be happy to yield to the Senator. I would prefer to finish my remarks which will require only 1 more minute. Then I shall yield to the Senator.

My colleague on the Armed Services Committee (Mr. MCINTYRE) has also offered an amendment to the bill before us. Another member of the committee, the distinguished Senator from Colorado (Mr. DOMINICK), effectively raised several significant objections to the amendment. Since they are preserved in yesterday's RECORD, I shall not repeat them. I do not think a more able rebuttal could be presented.

I would like to comment on the philosophy of the amendment, however. The amendment has been referred to as a "compromise." I respect the sincerity of those who so view it, but I must in good conscience point out that it is really no such thing. Any proposal which eliminates deployment from the Safeguard plan is not a compromise. The Safeguard plan is itself a compromise. It recognizes that there is considerable disagreement among intelligent, sincere men over the advisabiilty of developing a significant anti-ballistic-missile system.

But, Mr. President, it is the minimum acceptable alternative. I cannot emphasize that point too much. I firmly believe, like President Nixon, that the Safeguard system represents the most limited defensive missile system that is consistent with the national defense of this country.

In light of a lot of rumor that seems to be flying around about possible compromise and a favorable climate at the White House for compromise by the administration, may I say emphatically that the administration is not now disposed to compromise. The administration opposes the two amendments offered; it believes it made a minimal proposal and it wants to see this provision passed intact. There is currently no intention on the part of the administration to participate in such compromise effort.

I am delighted to yield to the Senator from Kentucky.

Mr. COOPER. I wish to ask the Senator, since he spoke of delay in deployment, at what date, if the present plan is approved, could an integrated deployment of the first stage be completed?

Mr. TOWER. About 1975—1974.

Mr. COOPER. In 1974. If we should proceed on the deployment of the entire system, as I believe the testimony of Secretary Laird shows an intention to do, when would the full system be deployed?

Mr. TOWER. Around 1976 or 1977, I believe.

Mr. COOPER. Is there any component of this system that could be placed on one or two missile sites of phase I in the coming fiscal year?

Mr. TOWER. I am not sure I understand the Senator's question.

Mr. COOPER. What we are talking about primarily is whether or not the Senate should vote to deploy Safeguard, phase I. As I understand the word "deployed," it means the physical emplacement of the system on the two proposed sites at Grand Forks and Malmstrom.

Mr. TOWER. There is no provision for deployment in this fiscal year but we will face substantial delay in deployment if we proceed on the R. & D. route.

Mr. COOPER. Is it correct then that there is nothing in the bill which provides that any part of this system would be placed on these two sites in the coming fiscal year?

Mr. TOWER. It was. There is nothing to prevent it, but there is no provision for it. I do not think we would be ready to deploy by the end of this fiscal year, anyway.

Mr. COOPER. Is not the basic reason for the decision not to deploy in fiscal year 1970, the fact that none of the elements have been fully tested, approved for deployment?

Mr. TOWER. All the components have been tested, which lead us to believe that the system will work.

Mr. COOPER. Has PAR been tested?

Mr. TOWER. I will yield to the distinguished Senator from Arizona to answer that.

Mr. COOPER. Is it not correct that PAR has not even been built?

Mr. GOLDWATER. Will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. GOLDWATER. Both radars have been built in model form. The theory has been tested. There is no question about the radars. The MSR is merely a greatly enlarged radar with 5,000-someodd sensing units, instead of the one we usually associate with the radars we see around the field.

One important thing, if I may interject here, concerning the delay, is that we are now talking about acquisition money for missiles. If this is delayed, what happens will be to put people out of employment in the plants building the components. I am not arguing for or against unemployment, but merely state that should we decide in another year or two to go ahead with it, we will have lost the expertise needed to make the missiles, and the factories will have been shut down, so that we cannot proceed even with testing. All the components of the system, with the exception of the actual radar, not only have been tested, but are being tested right now. They work.

In fact, the results with Sentinel are fantastic. I know that some opponents will say, "Yes, but it is something else to shoot at a target, whose position is known, than to shoot at a target whose position is not known."

However, I think I can say this, without violating confidential matters, that it does not take a great deal of genius to figure out where a missile from Russia will be coming from to hit any city in

this country, that it would not be more than two or three degrees. So that the success we have achieved with Sentinel, and are now beginning to achieve with Sprint, so far as I am concerned, indicates that the system could be made operable as soon as the large radars are finished. They are being constructed now.

Mr. COOPER. What I am trying to elicit is the status of the components. I will take each component in turn. The testimony of Secretary Laird before the House Appropriations Subcommittee on May 22, testimony which he described as the latest situation analysis, was that PAR had not been constructed. Is that correct?

Mr. GOLDWATER. That is correct, but models have been constructed, and the models have worked.

Mr. COOPER. Where is the model?

Mr. GOLDWATER. At Bell Laboratories. They have charge of that.

Mr. COOPER. Just a model?

Mr. GOLDWATER. Well, it is just a model but it is a pretty good model. When we get through with the PAR, it will have an antenna with a diameter of 116 feet, which is a tremendous antenna.

Mr. COOPER. Yes; a tremendous antenna. What about the MSR? Is it not correct that it must be redesigned?

Mr. GOLDWATER. No; I do not think so——

Mr. COOPER. It must be redesigned to provide more faces and must be hardened, is it not correct?

Mr. GOLDWATER. There is discussion of redesigning it. It now has four faces, but the antenna diameter will be 13.5 feet, which is still a pretty large antenna. The redesigning they are interested in is more for hardening, to be able to have it withstand any close hits or direct hits. However, that is not really of great concern, because the detection ability of radars will take place, we hope, long before the missiles come close to the target. If they do not, then it does not do any good to have them, anyway.

Mr. COOPER. The point I am making—which my questions and the answers indicate—is that Safeguard is still in the research and development stage, PAR has never been built. MSR is being redesigned, according to the testimony of Secretary Laird, to provide more faces. Also, as the Senator from Arizona has said correctly, it is a soft component. Unless it is redesigned—hardened—it cannot withstand missile attack.

Mr. TOWER. The components of PAR are currently being used for space tracking. All we have to do is put them together and integrate the package. It works. All the components now work.

Mr. COOPER. At the space center it is used for its tracking purposes. Secretary Laird stated, using the base of that design, an appropriate PAR for missile-site defense could be designed and built; but the point I am making is that this has not been done and cannot be done in fiscal year 1970. It is correct, also, that to have an effective MSR it must have more faces, and if it is to be able to withstand an attack from incoming missiles, it must be hardened.

Mr. TOWER. We can put them together. The fact that we do not have it all put together now I do not believe is an argument against proceeding to do it.

Mr. COOPER. My purpose is to show that we can have nothing ready in the coming year and for some time after that. Sprint and Spartan, again according to the testimony of Secretary Laird—I want to give his testimony the best possible construction—the interceptor missiles have not been tested as to intercepts. They have been tested for firing.

Mr. GOLDWATER. No, that is not correct. I have seen motion pictures of them being used off Kwajalein—interceptor missiles sent from Vandenberg—and they have been used successfully. I think the correct interpretation of Mr. Laird's remarks would be that Sprint, at that time, had not actually been tested against a target, but that it has been tested as to firing. Sentinel had been fired, at that time, and I think they made some 10 shots and achieved about 70 percent, as a rough guess, success with it. Success, of course, is the diameter of the CEP. I would not want to talk about that here.

One point, though, that the Senator has not mentioned, where I think we will have more trouble, although it will be solved, is in the computers.

Mr. COOPER. I am coming to that. There were some intercepts under the Nike-Zeus system, but I cite the testimony of authority—that if Secretary Laird—that no actual intercepts had been made by Sprint or Spartan. They have only been flight-tested.

Mr. GOLDWATER. Well, we were shown motion pictures of Sentinel being fired. We saw no pictures of any hit, because, of course, that would be impossible; but Sprint, at that time, had only been tested in firing.

Mr. COOPER. It is correct, is it not, that Spartan is being modified?

Mr. GOLDWATER. It is being modified. As I have said very often, it would not surprise me to know that when we finally conclude that we have an ABM system, what we are talking about could well not be the weapon that we will use. I say that because just like Minuteman, we started out with Titans and then we got to the Minuteman and we are now up to a fourth stage of the Minuteman. We never quit developing weapons. We cannot do that.

Mr. COOPER. I understand. It is an evolutionary process. The Senator is absolutely correct. Has this system, as yet, been tested as an integrated unit?

Mr. GOLDWATER. No.

Mr. TOWER. No. It has not been.

Mr. COOPER. Is it finished?

Mr. TOWER. They do have it tested in the area of Kwajalein.

Mr. GOLDWATER. Yes.

Mr. COOPER. Suppose phase I of Safeguard were deployed in the United States as the administration wants, with the PAR designed and constructed, as well as the MSR, Sprints, and Spartans, and computer systems, could it be tested in the United States?

Mr. GOLDWATER. I do not think it would have to be tested in the United States. I think the testing would be confined to ranges we already have such as in Kwajalein and possibly on Johnson Island.

Mr. TOWER. In Eniwetok.

Mr. GOLDWATER. Yes. Eniwetok. I would say frankly, there is no feasible way of testing it in the present suggested sites because all of our in-continent, down-range sites are down into the White Sands region of New Mexico.

I think it would be ridiculously expensive to erect a test site there, to have something fired from Wyoming into New Mexico; so I would assume it would not be tested, any more than they tested the Minuteman in our country.

Mr. COOPER. Could the Spartans and Sprints be fired in the United States for tests, as they do in Arizona?

Mr. GOLDWATER. The landing area would certainly have to be somewhere where people did not live, because we would not use nuclear heads. We could not use them. We prohibited ourselves from using them under the Test Ban Treaty. So all we could do would be to see how close we could come to intercepting.

Mr. COOPER. Could a nonnuclear interceptor be used in the United States?

Mr. GOLDWATER. The Senator probably knows that a nonnuclear interceptor is in the process of research. In fact, there are two of them.

Mr. COOPER. But the Defense Department is preparing to test at Kwajalein. It has MSR. As I read the testimony, a radar to simulate PAR would be used. Missiles could be firing from the United States and the system could be tested in Kwajalein. Is that correct?

Mr. TOWER. A missile could be fired from the United States toward the Kwajalein range, yes; but we could not do anything that would require using the United States as a recovery area.

Mr. COOPER. I think the Senator has answered my inquiries. My questions were to establish that what is contemplated by the Department of Defense is a continuation of research and development in fiscal year 1970.

Mr. TOWER. That is it essentially, and preproduction procurement. This whole matter is going to be geared to deployment, of course. There will be some predeployment procurement.

Mr. COOPER. The amendment that the Senator from Michigan (Mr. HART) and I have offered, for ourselves and other Senators, provides the Defense Department with all the money it needs. It does confine the use of the funds to research and development, test and evaluation, and to procure all the elements necessary for the testing. If all that is going to be done in this coming year is to continue the testing, without physical deployment, why would not our proposal provide all the money needed, and without a timelag?

Mr. TOWER. Because they are already underway for deployment. Thousands of personnel are already engaged in that activity. Skilled technicians are employed. If we cut them off, we may never get them back.

Mr. COOPER. Where are they employed? What are they doing?

Mr. TOWER. They have been employed in connection with the Sentinel

program. They are employed at present at existing sites. The fact of the matter is that there are nearly 5,000 persons involved in this program who would probably have to be discharged. It is something like what many people do not understand in the oil business. They say we do not have to encourage oil exploration in this country because we have all the oil we need in Arabia and all we have to do is turn the faucet on when we need it. But the people would not be there at the time we needed it.

If we cut off this program, the approximately 5,000 people who will be thrown out of jobs will be absorbed by industry or other elements of the Defense Establishment. So to that extent we would not have them there when we needed them. By disturbing this pipeline now, it would cost an additional half billion dollars in the future, plus about 2 years' delay.

Mr. COOPER. All the Department is, in fact, doing now is testing elements for later production of an ABM system. If this has hardly started yet, why would those people be discharged? I do not think the labor cost element is essential to this discussion. But what would be lost in time? What are they doing?

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

Mr. TOWER. I yield.

Mr. GOLDWATER. Actually, I may say to the Senator from Kentucky, what will be going on for the next 4 or 5 years is essentially what the Senator is suggesting in his amendment. That is what has me rather puzzled. We are not ready to deploy these ABM's yet. I am interested, for example, in how the Senator's amendment would affect the $345.5 million that is new obligational authority in this budget.

Mr. COOPER. It does not remove it. It does not strike any funds. Questions have been asked, why it does not strike funds asked for deployment. All that will be done during the year—as the Senator's answers have shown—is research and development. In fact, someone in the administration has described next year's work as a research and development program. If the money is available to carry on the program and these people are working on the program, I cannot see any timelag. One purpose in providing the money was to assure there would be no timelag if at some later date—next year or before—the threat as projected by the amendments became a reality and deployment became necessary.

Mr. GOLDWATER. Let me explore a little what the Senator's amendment really does. For example, by the Senator's amendment, he is not going to deny any money.

Mr. COOPER. That is correct.

Mr. GOLDWATER. Under the fiscal year 1970 procurement program, we do some other things. For example, we plan to procure a missile site radar at Grand Forks; a missile site radar data processor at Grand Forks; training equipment; advance procurement for a perimeter acquisition radar and a missile site radar and another missile site radar at Malmstrom; leadtime missile parts requiring $600,000.

We already have acquired some sites. The items to be procured with the fiscal 1968 and 1969 funds are one perimeter acquisition radar at Grand Forks; one perimeter acquisition radar data processor at Grand Forks; one of the same at Malmstrom; a data processor at BTL at Whippany, N.J.

Again, I know what the intent of the Senator's amendment is—it is to try to convince the Soviets that we are not going to install these weapons——

Mr. COOPER. Not at this time.

Mr. GOLDWATER. Not at this time; but, at the same time, I cannot understand the psychology, or the double shuffle, an old river term, if one wants to call it that, of fooling the Soviets. If we are going to buy radar sites and sites for radar data processors and leadtime for missile parts, the Soviets know we cannot develop the system until 1974, no matter how hard we work on it. So I do not see how the Senator's amendment is going to convince the Soviets that we have no intention of deploying an ABM system.

Mr. COOPER. Because the political decision will not have been made by the Congress to proceed with deployment of the ABM. The desire of the administration is this: Although the full system cannot be put on the ground until 1974, and could not put in components on the site in the coming year, yet, upon the basis of the projected threat—and extrapolations made by Secretary Laird—the administration and proponents of the system want Congress to decide this year to deploy the ABM system.

I believe the Senator knows of the doubts that have been raised about the reliability of the system. Does the Senator have any doubts about it?

Mr. GOLDWATER. I have no doubts about it. I may say to the Senator that I can remember, just before the onset of World War II, an electronic marvel called radar. People did not even know what it was. They called it a direction finder, which came into being in England. We doubted seriously that they would be practical devices, because they would require people with at least a doctor's degree to be able to operate them.

Yet we have progressed in radar until today a man who owns a small boat or a small airplane can, by spending $5,000 or $6,000, have a radar and operate it himself, even though he has never even seen the inside of his home television set.

I cannot think of a single weapon we have ever developed that was not approached with this same thought, that it could not work.

I remember, in the days of World War II, when, to fly a new fighter plane, for example the P-40, the P-31, or the P-38, you had to have a thousand hours of flying time behind you. This was the amount of experience they thought was required. Today we put kids in airplanes that you would not have been allowed to fly in the forties unless you had 10,000 hours.

So the argument by some of the scientists that it will not work is, to me, to use a popular term used yesterday by my friend from Illinois, "hogwash." Because it is working. We have radar that we know will work. The computer is not working now, but I cannot believe that the Bell Laboratories, plus all the scientific know-how in this country, cannot make a computer that will work under these situations.

We always approach these things with the idea they will not work. I am a little surprised that the scientific community would, for the first time in my memory, say they did not have the ability to make it work.

Mr. COOPER. Mr. President, I have never said we cannot build a system that will work. I believe, too, that the scientific and engineering people in this country can build one that will work. But the question is, How effective it will be?

Another purpose of our amendment opposing a decision to deploy is to keep open for the Department of Defense the opportunity to design a better system, before it is locked in with the modified Sentinel.

The Senator from Missouri (Mr. SYMINGTON), at some point in the debate, I hope next week, or whenever he wants to, will call for a closed session. I do not know whether I should be speaking for him, since he is in the Chamber. But he will show that though you may assemble the Safeguard system, with all its elements, it will still not provide a defense against an attack by the SS-9.

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

Mr. COOPER. I yield.

Mr. TOWER. Probably an essential difference between us is that the Senator from Kentucky appears to believe that we should always wait and see what the Soviets do, and just react to what they do, rather than proceed on our own. The Soviets do not do that, as far as we are concerned. They have programed certain weapons systems for the future, and they are going to go ahead and build them, regardless of what we do, if history and experience are any guide.

If we are going to just sit down and react to the Soviets, wait and see what they do, see if they develop something sophisticated and then say we will develop something sophisticated, we are not going to find ourselves in a position of military parity with the Soviet Union in the mid-1970's; we are shortly going to find ourselves in a position of military inferiority.

I yield to the Senator from Arizona.

Mr. COOPER. Mr. President, the Senator from Texas is not drawing a correct distinction between those who support and those who oppose an ABM system at this point.

Mr. TOWER. The Senator keeps saying he wants to wait and see what the Russians do.

Mr. COOPER. With respect to negotiations—not because of any fear that the Soviets can overcome us. It amazes me that those who want to produce new systems of nuclear weapons, who know that today we have full retaliatory power—we can destroy the Soviet Union 48 times over—are so glum and think the Soviet Union can overcome us.

Mr. TOWER. It occurs to me that our deterrent would be far more credible if we have a better ability to defend it, than if we cannot defend it against a first strike.

We do not have a first-strike policy; the

Soviets do. If the first blow is struck, the Soviets will strike it. We do not intend to initiate a war. We do not choose war as an instrument of national policy. We are not going to war unless somebody else starts one. We do not have a first-strike mentality.

Thus it seems more logically that we ought to be in a state of preparedness to defend ourselves against a first-strike mentality.

I yield to the Senator from Arizona.

Mr. COOPER. Let me make a short statement; then I think we will understand each other better.

Those who oppose deployment this year have great confidence in the retaliatory power of the United States, as I believe the Senator from Texas has. The President has said. The Secretary of Defense has said. The testimony is that our ability to inflict upon the Soviet Union full retaliation and assured destruction would not be threatened until at least the middle 1970's.

The United States has something like 4,200 warheads, capable of delivery upon the Soviet Union when only 200 or 300 are needed for its destruction. The Soviet Union has some 2,000 deliverable warheads when only 200 or 300 would destroy this country. Year after year we keep adding to this armament. I do not know whether the figure is accurate or not, but I have heard it stated that the nuclear weapons of the United States and the Soviet Union are equal in destructive power to something like 15 tons of TNT on every person on the earth.

The continuation of the arms race will choke the world with nuclear weapons, far beyond the number needed to destroy our two countries and without ultimate and true security.

We differ, and I must be clear in saying so, in our conception of security. It may be a false hope that the arms race can be halted. It may not be possible to come to any formal agreement with the Soviet Union in a year—and frankly, I do not think we could—but in the course of talks, each side knowing that it can destroy the other, that ABM and MIRV are in the offing and that each has the capacity to build up and match destructive power, this mutual danger and power might lead to an agreement, formal or tacit, that our countries will not go ahead with the nuclear arms race, and civilization may be saved. This is a year when negotiations are possible, and we should not deploy weapons we seek to control. This, I think, is the essential difference between those who oppose deployment of ABM and those who support it.

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

Mr. TOWER. I promised to yield to the Senator from Arizona next.

I should like to respond by saying that to argue we have more bombs or more warheads than are required to destroy the enemy is like saying, in effect, that if there are a hundred enemy soldiers, you ought to make only a hundred rounds of ammunition; whereas sometimes you are going to use up a hundred rounds of ammunition on one enemy soldier.

The fact of the matter is that this is a long leadtime item. The President of the United States has determined that it is essential to the security of the United States. The fact of the matter is that negotiations with the Soviet Union traditionally drag out for a long time, so we could hamstring ourselves by being good guys, going to the bargaining table and negotiating with the Soviets, while all the time they are getting ahead of us, technically, because they are not observing that kind of restraint.

So they are getting ahead of us. Furthermore, as long as they think that we will hold back on technological development as long as they negotiate with us, they might negotiate for a long, long time, until they have the biggest arsenal in the world, until they have more weapons than they will ever need to assure their superiority over the United States.

I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I want to assure the Senator from Kentucky that our basic desires in this matter are exactly the same. I would be the first to stand up and agree to disarmament talks, if they are multilateral. If we can be convinced that the Russians will do what they say, I think we should engage in these talks.

I will agree that they certainly have a first-strike capability. I disagree with the statement that we do. We do not. I think we have a retaliatory ability. However, the thing that bothers me relative to the amendment of the Senator is that we are doing precisely what he is seeking to do. So why have the amendment? An amendment to a bill this year providing that we may go ahead and do what we are doing can be changed in the next Congress.

Also, what disturbs me to some extent about the attitude of those people who oppose the ABM is that they see in this gesture a real possibility of getting together with the Russians.

I remind the Senate that we have been disarming in this country for about 8 years. The percentage of money we spend—and that includes $2.6 billion a month for the South Vietnamese war—is about the same percentage of the gross national product as we spent in the forties during World War II.

When the South Vietnamese war ends and we are able to bring men home, every 100,000 men we bring home out of the service will mean that we will save $1 billion. However, if we do not buy new weapons, we will be in a very disarmed position.

Having been through this, the Russians are not saying, "We like what you are doing. You are not building up your armament. Let us talk."

We were supposed to have 1,800 Minutemen. That figure was cut off at 1,000. Our submersive force is limited. The Russians are making eight "Y" class submarines a year and 15 attack submarines a year.

I cannot see any indication on the Russians' part that they want to disarm.

As I said earlier this morning, they have opportunities all over the world to show the world that they want peace and disarmament.

They ship 85 percent of the merchandise of war to our enemies in Vietnam. If they have any power in the Communist world—and I do not believe communism is a monolithic structure—and if they have any respect for themselves, certainly they can have some effect on the peace talks. We have been waddling around over there for a year or so and have gotten nowhere.

I am not even partially filled with a sense that we can reach a detente with the Russians if we are not building an ABM system or if we delay it.

I say this with all respect. I know exactly what the Senator has in his mind. His amendment would do precisely what we are doing.

Mr. COOPER. I think the Senator should vote for it.

Mr. GOLDWATER. No. I do not think you should vote for it. If the Senator votes for the bill, he will have his amendment included therein.

Mr. COOPER. Mr. President, I made the point a while ago that in one way the amendment will do exactly what they are doing in that it will continue research and development, which the Senator has admitted is all they are doing now. The answer to the question is the timelag.

The Senator says—and this is from a majority of the Armed Services Committee—that it would delay—and I speak honestly—the political decision to deploy until we determine whether the Soviets will actually go ahead with the threat which has been projected by Secretary Laird, or if it will be possible in this year to see if we can reach some agreement.

Would the Senator agree that if we could control the arms race or if it could be stopped, we would be better off than if we were to go ahead with the nuclear race?

Mr. GOLDWATER. I would not argue that for 5 seconds.

Mr. TOWER. Mr. President, we are the only ones who have acted with restraint, as the Senator from Arizona has pointed out. We have leveled off, and they have gone up. Since 1950 we have developed one superiority aircraft. How many have they developed?

Mr. THURMOND. Eighteen.

Mr. COOPER. Perhaps we do not care for them and they do not care for us. However, we might have a mutual interest. Both might want to save themselves from retaliatory destruction. To say that we have not armed ourselves is incorrect.

In 1959 or 1960, it was said a missile gap left the United States behind the Soviet Union. I have not served on the Armed Services Committee for some time, but I have tried to keep up with the state of our defenses and security.

The missile gap fiction came after the Soviets had launched sputnik. The Soviets had a launcher of great thrust and power and we did not have one.

Mr. GOLDWATER. Mr. President, I believe that was more of a political phrase than an actual phrase.

Mr. COOPER. We had bombers.

Mr. GOLDWATER. But we will not have them much beyond 1974, and we have no new bombers coming.

Mr. COOPER. In 1960 we had superiority. Neither force had strategic intercontinental missiles. However, we had more bombers. We were ahead.

After the missile gap scare came along, I might say that in 1961, after we had

heard about the missile gap scare, I was going home to my State. I knew that I would be asked by people in my State about the missile gap.

I did not know about it myself. However, I knew that I could not talk to them honestly and say there was no missile gap if, in fact, there were.

I went to the Defense Department to see Mr. McNamara. I told him that I was going to my State and that I knew people would be asking about this question and that I had to speak to them honestly.

I said, "Is there a missile gap?"

He brought out a book—I will never forget the scene—about 12 inches long and about 6 inches wide. He opened up the book and showed me in that book every missile, bomber, everything we had that we could use against the Soviets. He showed me his understanding of what the Soviets had. Even then, we had superiority of at least 2 to 1.

He said, "You cannot use these numbers, but you can tell these people that there is no missile gap."

I said to him, "If this is correct, why do you not make a statement disclosing these figures to the people of the United States and to our enemies?"

I do not know whether I caused him to do it, but a month or two later he and Mr. Gilpatrick made speeches and told the world that we had superiority over the Soviets.

There never has been a day when we did not have it.

After that, we began to build intercontinental missiles. We built up to 1,054. At one point the Soviets had about 200 or 300.

Then we began to add another element to our retaliatory force—the Polaris. We built 41 with 656 nuclear missiles. We, of course, have over 7,000 tactical nuclear weapons in Europe and others elsewhere in the globe.

The Senator now says we are disarming and that the Soviets have been just moving up to us. They have not gotten close to us yet.

Then we began to develop the MIRV. Am I correct?

Mr. GOLDWATER. The Senator is a little mistaken on some of his figures.

Mr. COOPER. I might be mistaken on a figure or two, but I am not mistaken on our overall superiority.

Mr. GOLDWATER. I have heard it stated on the floor quite a few times that we hold a 5-to-1 superiority over the Soviets in nuclear strength. That is not so.

Our nuclear strength does not include the warhead we have buried some place. Placing a warhead on a missile is not done in 10 or 15 seconds, 10 or 15 minutes, or 10 or 15 hours.

We have now approximately the same number of ICBM's as the Russians. I think they have 1,078. And, if we count the Titans, we have about 1,054.

We are not building any more sites or doing anything but modernizing the Minuteman force.

They are able with their SS-9 to deliver 25 megatons if they want to do so. I think that is rather a large load with which to do any targeting job that is needed. However, they have developed, the footprint in the Pacific shows, a MIRV. We are testing a MIRV also.

However, one of the figures Secretary McNamara was always careful to leave out was—and I tried to have it shown to the public—the 1,100 intermediate-range missiles that the Russians have aimed at us and our allies in Europe.

If we have to go to war in Europe, we will have to depend upon the use of their strategic destructive force. And the transportation capability and the missiles could deny us that.

So it is just as important to the Russians to have Europe targeted as it is to have our country targeted.

We are heavy in submersible missiles, but they are building nuclear submarines, 80 of the conventional type and six attack submarines.

I do not want to get into a technical discussion of what an increased Soviet submarine force and Soviet Navy means. I will discuss that in a speech I shall give next week. But the point I am bringing out is that we are now behind the Soviet Union in deliverable weapons for a retaliatory attack. We are not up with them—unless we want to count what we can carry in the bomb bays of our B-52's. But we have modified most of those bomb bays, but not as to the Mark bomber—I will not quote the number—which is a gigantic thing, but is now laid up, designed for 500-pound bombs. We are using them in Vietnam. It would take quite a modification program to replenish the force. So we can depend on the B-52, and we would probably have the same percentage of them get through as got through in World War II. But even in spite of the size of the bombs, we could not do the damage we would have to do. We have not kept pace with the Russians. I doubt whether we would have, had not Vietnam come along.

Vietnam forced Secretary McNamara to do something in the weapons field. He had lagged. I think this debate, if it shows one thing, is showing that for 8 years we had a Secretary of Defense who did not do anything for the U.S. military forces. I hate, as an American, to admit that with this country's great technological ability and great academic ability we have not produced a modern fighter plane since 1955 or 1956. I think we built 13 of one model, and they are now in storage on a desert in sunny California. It is the mach 3 type. But that is beside the point.

I hope, when my time comes to speak on this subject, to show the Senate that we have gone through a period of almost disaster, so far as our military goes; and that had it not been for the unfortunate war in South Vietnam, which pointed up immediately our deficiencies, we would still be suffering.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, a table showing the national defense purchases as a percentage of gross national product from 1958 to 1970.

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

NATIONAL DEFENSE PURCHASES AS PERCENT OF GNP, 1958-70 [1]

Year	Calendar year	Fiscal year
1958	10.3	10.2
1959	9.5	9.9
1960	8.9	8.9
1961	9.2	9.1
1962	9.2	9.2
1963	8.6	8.9
1964	7.9	8.3
1965	7.3	7.5
1966	8.1	7.5
1967	9.2	8.8
1968	9.2	9.2
1969	[2] 8.9	[3] 8.9
1970	[4] 8.5	[5] 8.8 [6] 8.6

[1] Federal Government purchases of goods and services for defense on national income accounts basis in current dollars as percent of GNP in current dollars.

[2] Assumes GNP growth of 6 percent over calendar year 1968 and Defense purchases of goods and services of $81,000,000,000.

[3] Uses BOB estimate of fiscal year 1969 GNP and of Defense purchases of goods and services on national income basis of $79,900,000,000.

[4] Assumes GNP growth of 5 percent over calendar year 1969 and Defense purchases of goods and services of $81,000,000,000.

[5] Assumes GNP growth of 5 percent over fiscal year 1969 and Defense purchases of goods and services on national income basis of $82,200,000,000 (Johnson budget).

[6] Assumes GNP growth of 5 percent over fiscal year 1969 and Defense purchases of goods and services of $81,100,000,000 (Laird budget).

Mr. GOLDWATER. Mr. President, I invite the attention of the Senator from Kentucky to the fact that in 1960 the percentage was 8.9; in 1970, it will be 8.8, and that includes the $2.6 billion a month that is spent for the war in South Vietnam.

To get back for a moment or two to the amendment, I cannot see any psychological advantage, in dealing with the Russians, merely to tell them we are going to do what we will have to do anyway. We cannot develop these weapons fast enough to complete them by 1971 or 1972, 1974 is the earliest date. They know that.

One night the Senate had a secret session, the only one I ever attended. Of course, it was about as secret as Sunday's funny paper. But it was secret, and the distinguished Senator from South Carolina (Mr. THURMOND) told us about the Russian ABM.

Mr. COOPER. I was present.

Mr. GOLDWATER. That was several years ago.

Mr. COOPER. It was 1963.

Mr. GOLDWATER. Only today the Russians seem to feel that they have a system they can deploy. This is their third phase.

If we are going to say to the Russians, "We are never going to deploy this missile," I do not think we will entice them to the bargaining table. I think that if we do what the President has asked us to do—and he is the Commander in Chief; we are not—we are going to show them that we are no longer going to lag.

We do not want an arms race. I would like to see disarmament just as much as the Senator from Kentucky or anyone else. But I do not think we can bargain the safety of the 200 million people of this country.

Mr. COOPER. Mr. President, will the Senator from Texas yield 1 minute to me?

Mr. TOWER. Mr. President, I have a

speech that I have been waiting 1 hour to deliver.

Mr. GOLDWATER. I thought the Senator had delivered his speech.

Mr. TOWER. I want to address myself to the amendment, so as to try to clear up some doubts that have been flying around, concerning the administration's position. I reiterate that the administration does not support either of the amendments and is not disposed to compromise its minimal proposal.

At this moment, I think it would be better if I presented my speech, because it covers many matters that we have already discussed, and others. Then I shall be glad to engage in a colloquy, and we can "colloquize" all night, if we wish.

Mr. GOLDWATER. I would not want to have this item go too far beyond the colloquy with the Senator from Kentucky, because it deals with PAR. It refers to the statement of Secretary Laird.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a paragraph, which I have marked, concerning the principal functions of PAR.

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

The principles, functions, power level, and frequency of the PAR are quite similar to existing operational space and air defense radars. Hence, there is no need to build a complete R. & D. PAR, and the first PAR can be assembled directly at an operational site. The status of the work on this radar is as follows: The equipment configuration has been chosen, the design and performance specifications have been prepared, a partial prototype test model has been started and is now 40 percent complete, the design for the PAR structure has been finished, and the PAR computer is 25 percent complete. In short, work on the PAR is well along and no major problems are anticipated.

The PRESIDING OFFICER. The Senator from Texas has the floor.

Mr. COOPER. Mr. President, in view of the last statement, would the Senator from Texas be kind enough to yield me 30 seconds?

Mr. TOWER. I yield 30 seconds to the distinguished Senator from Kentucky.

Mr. COOPER. I thank the Senator. He has been very generous.

I ask unanimous consent to have printed in the RECORD a statement concerning the PAR radar, of which no prototype has yet been built, furnished me by Mr. Foster, of the Department of Defense. It is from the unclassified portion of a letter written to me by Dr. Foster which supplies answers to various questions I asked about Safeguard.

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

There will be no prototype of the PAR constructed because the technology is well known. The PAR is similar to the FPS-S5 which is now in full operation at Eglin Air Force Base. The first PAR will be the tactical radar constructed on site and it will be ready for testing in mid-1972.

Mr. TOWER. Mr. President, I hope that we can keep the audience in the Chamber. A number of Senators have left, and I intend to cover quite a number of items. I hope that Senators will remain in the Chamber.

First, I wish to commend the distinguished Senator from Mississippi on the excellent job he has done in explaining the military procurement bill. It would be superfluous for me to expound on the material he has so ably presented.

I also wish to commend the ranking minority member of the committee, the distinguished Senator from Maine (Mrs. SMITH), for her able presentation of this important subject and for the work she did when the committee considered the bill. My objective today is to give my general views on the bill and to ask the support of the Senate for it.

Our committee's examination of the military requirements under the directions of our able chairman (Mr. STENNIS) has been most critical and exhaustive. Wherever we have found room for reductions without exposing this Nation and its military forces to undue risks, we have trimmed the requests. In areas where there appeared to be unnecessary duplication of effort among the services—as in the case of air-to-surface missiles, for example—we have made reductions. Projects which we felt, however reluctantly, could safely be postponed have been deferred—such as fast deployment logistics ship, for example. Overall, the Committee on Armed Services reduced the military request for equipment by over $860 million. We reduced the request for research and development—an area in which I have always supported a strong effort—by even more: by $1,042 million. But however much we may have wished to make even greater reductions in military expenditures, it became very apparent during our deliberations that to do so without some concomitant reduction in our worldwide commitments would be folly.

Until our involvement in Vietnam ends, we must provide our fighting men there with the most effective weapons we can produce. As long as we maintain forces in Europe to deter and repel Communist aggression, we have an obligation to man and equip them properly. We cannot ask our military men to be first-rate soldiers, sailors, and airmen around the world if we give them second-rate support here in Washington.

I sense among Members of Congress and the public a temptation to try to alter our military commitments by manipulating the military budget. We must not succumb to this temptation. There are valid questions concerning our national goals and priorities which ought to be debated, but we cannot resolve these problems simply by the indiscriminate withholding of funds. It is the responsibility of this Congress to support adequately and properly those forces which are required—even while this country's role in international affairs is being decided.

To do this, a certain amount of modernization of equipment is essential. The bill before the Senate provides for only very modest progress in that. The same is true for research and development. We must not be lulled into a state of insecurity either by reassurances of good intentions from the Communist world or by the vocal dissent here at home. We cannot afford to err on the side of unacceptably lowered security under the guise of savings; any indiscriminate reductions could cost us dearly in the long run.

Furthermore, we must recognize that the expenditures which are authorized by the bill before the Senate fall generally into two catagories. First, we have those expenditures needed to insure that our Armed Forces are capable, up to a decade or more from now, to meet those requirements arising from threats to our national security. I see nothing in the world situation to make me believe that we can safely disregard these threats. Thus I see no justification for further cuts in our long-range programs.

The second major category of expenditures in this bill is to support our men in Vietnam. I will not predict what the judgment of history on our involvement in Vietnam will be. On the other hand, I will predict that no Senator wants to have on his conscience a single American death in Vietnam which results from an unwise reduction of funds to support them. There are some signs of relief from our heavy military commitments, however. Skeptics notwithstanding, we are making progress toward disengagement in Vietnam. The South Vietnamese forces are improving slowly but surely.

We are beginning an ever-increasing measure of stability to Vietnam, and loosening the hold of the North Vietnamese and Vietcong on the country. We must have the patience and resolve to see the struggle through to a satisfactory conclusion while at the same time, keeping our guard up elsewhere around the world. That is what the major portion of this year's authorization bill is designed to do.

While the funds allocated for the continued development and initial deployment on the Safeguard anti-ballistic missile system do not represent a high percentage of the money authorized in the military procurement bill, they have been the subject of greater discussion and debate than any other appropriation authorization in the bill. Many of my able colleagues on both sides of the aisle have spoken out on the issue, and I suspect that all will voice an opinion before the debate is through.

This is all well and good for the importance of the issue at hand justifies considerable discussion.

It has been interesting to note the various ways in which the issue before us has been phrased. Some seem to see it as a test of our determination to establish national priorities. Others see it as a measure of our determination to seek peace through disarmament. Still others say that the issue is to what extent this body will exert direct control over expenditures and recommended expenditures made by the Department of Defense. Indeed, it has been suggested that the ABM itself was not so very important, but that it was merely a vehicle to provide the Senate with an opportunity to demonstrate a "get-tough" policy with the Department of Defense and, presumably, the military-industrial complex—whatever that term may encompass.

While all of these issues, or all of these manners of stating the issue before us are important—and deserving of comment and analysis by this body—they do not go to the heart of the matter. What is before us for discussion is the authorization of funds for the Safeguard anti-ballistic-missile plan—a plan proposed by the President and approved by a majority of the full Senate Committee on Armed Services. Therefore, we should concentrate our efforts upon determining the merits and demerits of the Safeguard weapons system—and not get completely entangled in an attempt to correct all of our previous shortcomings in disarmament, legislative independence, and establishment of priorities. Granted, it is important that these issues be discussed in order to place the Safeguard ABM system in the proper context of past, present, and future events. However, we must not lose sight of the subject under discussion—we cannot allow the ABM to become a mere vehicle to be used to raise other issues. To do so, I fear, would open the doors of this Chamber to emotionalism at a time when reason is essential.

As I have said, what is before us is the military procurement bill, a part of which authorizes funds for the Safeguard ABM system. We must decide then, whether to authorize those funds as part of our overall defense plan. Therefore, the issue is this: Will the Safeguard ABM system make a great enough contribution to our national security to justify the expenditure of the $759.1 million authorized in the bill before us?

Because I am deeply committed to the approval of the Safeguard plan, my answer to this question is "yes"—and I shall share my reasons for favoring approval with Senators, who, in the final analysis, will resolve this issue.

It seems to me that there are two main considerations directly relevant to the issue as I have stated it. I do not mean to suggest that all other commentary is irrelevant. I simply wish to avoid all but the essential points. Those main considerations can be phrased best in the form of simple questions: Are the costs of the Safeguard ABM system acceptable? How well will the Safeguard system work? I think the answers to these simple questions demonstrate the need for approval of the initial implementation of the Safeguard system.

So many cost figures have been bandied about as authoritative that it is very difficult to separate fact from fictional estimates. I think it is absolutely essential that we remember the exact amount which we are talking about in this bill today. That amount is $759.1 million. We are not here to accept or reject a $20 or $100 billion weapons system as some would have us believe.

Those who claim that the costs of the system will reach the latter amount should remember that not one penny more than $759.1 million will be spent without further approval of this body. I, for one, will feel no obligation to approve a $100 billion request for a missile system next year simply because I voted "aye" to spend $759.1 million for it this year. To Senators who are concerned about cost overruns as I am, I say this: If the next request for the funding of this missile system is so great as to indicate that we are not getting a dollar's worth of national defense for each dollar spent, we can simply refuse to further fund the program.

For the present I would like to present reasons for accepting the initial phase costs of the Safeguard ABM system. The continued research and development, when coupled with minimal deployment, will do much to provide us with accurate estimates of the cost of missile defense. Probably the major reason for the proliferation of cost estimates on the ABM is that no actual construction and deployment of missile defense weaponry has been done. Instead, we have always concentrated on retaliatory missiles because we assumed that the "cost exchange ratio" between defense and offense was in the nature of 100 to 1. This meant that $1 spent on offensive weaponry would develop equipment sufficient to overcome $100 worth of defensive missile weaponry. There is reason to believe, however, that the cost exchange ratio is actually much lower. Our own difficulty in developing penetration aids designed to insure that our missiles pierce Russian defenses has shown that penetration is an expensive thing to insure. On the other hand, as we become knowledgeable about defensive weaponry, we are able to reduce the costs of developing it. Consequently, there is reason to believe that the cost exchange ratio may be approaching 1 to 1.

The initial phase of the Safeguard ABM system will greatly increase our ability to understand the cost exchange ratio. After minimal deployment we will have an actual example of defensive missile weaponry to serve as a basis from which to more accurately estimate the costs of defense vis-a-vis offense. If it turns out that the cost exchange ratio is still very high, we can opt for retaliatory weaponry. But, if it is 1 to 1 or less we can concentrate our efforts on defensive weaponry. Bear in mind that we do not have a first-strike mentality; that the only reason for this kind of weaponry is to defer offensive weaponry.

The point is this. Without some actual deployment, we will know no more about the cost exchange ratio than we do now. If we do not deploy, we will have abandoned the entire concept of defensive missile systems without ever realistically examining the cost of such weaponry. We will have said, "Because we are not sure that the system has an acceptable cost, we will not spend even a small amount to find out if it is acceptable." We will have made a decision on the basis of ignorance rather than on the basis of knowledge. This, I suggest, is not sound.

Before I leave the question of cost, I would again like to point out that a "yea" vote on the military procurement bill as it stands now would obligate us to spend only $759.1 million on the Safeguard ABM system. The expenditure of that money will greatly increase our ability to judge whether to proceed with defensive missile weaponry in the future. We will have the opportunity to make that judgment in the next military procurement bill in the next Congress.

EFFECTIVENESS OF THE SAFEGUARD

A great debate has raged over whether the Safeguard ABM System is technically effective. Scientists of every pedigree imaginable have come forward with statements, position papers, and books to show why the Safeguard system will or will not work. I am not a great scientist and can add little to the technical expertise which has been made available to all of us. I barely passed the minimum requirements in physics as a freshman in college.

However, I think it is important to stand back from the battle a moment and view the overall situation. The situation is this. On one side, we have a group of distinguished scientific minds who say that the Safeguard cannot work because it is too easily overpowered by the offense, which has many options for deception. In addition, they believe that Safeguard can never be brought up to and maintained at the peak of perfection required.

On the other side, we have an equally eminent group of scientists who say that the Safeguard system will work well enough to do the job. They argue that protection of missile sites does not require the great degree of freedom from technical breakdowns that a city defense would need to have.

In my opinion, we do not, at this time, have to irrevocably commit ourselves to one side or the other. Refusing to approve deployment of the Safeguard system would be equivalent to accepting the views of the "no" scientists and rejecting those of the "yes" scientists. Approving the Safeguard plan, however, would not amount to an acceptance of the "yes" scientists. It would simply be a decision to proceed to find out who is correct. It appears, then, that we have a choice between a course of action which stops the scientific search and one which continues it. When faced with a decision to close options or keep them open, I suggest that it is militarily sound to retain options.

Finally, I would like to say that I am impressed by the distinction between technical effectiveness and military effectiveness. The mere existence of the deployed ABM forces the enemy to reevaluate his military stance. Unless there is "assured destruction capability," an attacker cannot attack a target. The retaliatory risk is too great. Consequently, the mere existence of Safeguard would force a potential enemy to concentrate more missiles on the protected targets. This means that for other targets there will be fewer missiles. Perhaps there will be no missiles for some targets. So far as those targets are concerned, then, the Safeguard system has been militarily effective. They have not been destroyed because they have not been attacked. They have not been attacked because of the Safeguard.

In addition, inability to be sure of "assured destructive capability" might very well deter a potential attacker from becoming an actual one. This, of course, means that the Safeguard system, which

will have created this doubt, will have been 100 percent effective.

Mr. President, I have studied this proposal as thoroughly as time has allowed. I know that the question is complex. But I believe that an analysis of the two factors, cost and effectiveness, which directly relate to the issue, dictate the conclusion that the Safeguard ABM plan should be approved.

The cost of the system is acceptable. Let me repeat: we are not being asked to commit ourselves to the expenditure of $10, $20, or $100 billion for a weapons system. If we will simply concentrate on the actual dollar amount requested in this bill, we find that we are talking about $759.1 million. That is all that is in the bill.

For this money, we get the initial phase of Safeguard. We get a knowledge of the effectiveness of defensive missile systems, and we get the groundwork for actual deployment of the missiles. This alone represents a satisfactory return on our investment. But, Mr. President, we may never know what else we have gotten. It may well be that the Safeguard ABM system will contribute to the prevention of a disastrous nuclear holocaust. It may then have saved the lives of countless American citizens and people around the world. But we will never know this. I will not be able to come into this Chamber and definitively prove that Safeguard contributed to the existence of peace. Neither I nor anyone else can show a war that did not happen.

On the other hand, we may find, a year from now, that missile defense systems do not represent the most effective deterrent to nuclear attack. We may find that we should abandon the ABM. But, let us not do so now. Not now, when there is every bit as much reason to believe that the Safeguard system will work as there is to indicate that it will not work. So, let us proceed. If we err, let us err by acquiring too much knowledge rather than by acting out of ignorance. If we err, let us err by having too much national defense. We certainly owe that much to the citizens of our country and to the people of the free world.

Mr. President, 2 days ago the distinguished Senator from Maine (Mrs. SMITH) delivered an extremely important message to the Senate. She expressed her great concern over the disparagement of our men in uniform for what some see as past mistakes. I, too, feel that such disparagement is completely unwarranted. We have a grand tradition in this Nation of civilian control of the military. Our military men wholeheartedly support this tradition. They have done what their civilian leaders have told them to do. They have done what they were told to do with the tools that their civilian leaders have made available to them. And, in some instances, they have done what they were told to do in the specific manner directed by their civilian leaders, although the military mind would have advised otherwise. To assign them the blame when events turn out not as all would desire is manifestly inconsistent and unfair. Our soldiers, sailors, marines, and airmen should be granted, instead, the Nation's praise. After viewing their efforts around the world, after seeing them in combat conditions, I can affirm the fact that they are the finest generation of fighting men this country has ever produced. I am proud of them and their accomplishments.

Mr. President, I am confident that the Senators here today will base their decisions on this authorization bill on a sober and rational evaluation of the facts, as our committee has done. Only in this way can we keep our country strong as we search for solutions to the many problems which face us. I urge the Senate to approve this bill. In my judgment, we cannot afford to do less.

Mr. PEARSON. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. PEARSON. Mr. President, I want to commend the Senator from Texas for his most careful and excellent analysis of the position supporting his views. It has been my very great honor for 2 years to sit in the chair next to his as a member of the Armed Services Committee.

Earlier, the Senator from Texas made reference to the fact that if the so-called Cooper-Hart amendment were to be adopted, there may very well not only be a lapse of time but also a loss in the technical and scientific team which we have put together. Am I correct on that point?

Mr. TOWER. That is correct.

Mr. PEARSON. I do not have the opportunity to sit in the hearings as the Senator does, but I recall the excellent presentation made by Under Secretary of Defense Packard before the Republican Senate group, when he made a pretty good point in reference to those people who were opposed to the system on the basis of its cost. He said that in relation to phase I, if we go back merely to research and development, we will spend as much money as we will if we proceed with phase I deployment.

That, as I understand it, is the thrust of the amendment offered by the Senator from Kentucky and the Senator from Michigan. They do provide the full amount.

I also recall—and the Senator may correct my memory if it is faulty—that at the time of our discussion, he indicated we would be able to hold together the scientific and technical team to date, without deployment in view; also—if I am correct in my memory—that we could do so in the future without proceeding to deployment.

Does the Senator recall those conversations with Under Secretary of Defense Packard?

Mr. TOWER. I am not sure that I remember what it is the Senator is referring to.

Mr. PEARSON. In the question-and-answer period, I thought he made the statement that even if we continued with research and development, we would be able to maintain our scientific and technical team.

Mr. TOWER. I would say that we could, even though we made no plans for deployment; but I do not recall that.

Mr. MURPHY. Mr. President, will the Senator from Texas yield?

Mr. TOWER. I yield.

Mr. MURPHY. I think that I recall the conversation. I think the word "deployment" may be one that is creating a hangup here, because I think in the discussion his intention was as to construction. Deployment is a word which envisions many spreadings out of this thing, which is not in the present plan. The present appropriation bill calls for construction. Until there is a construction, we do not have the unit. I think he was talking about the figure, as the figure breaks down as to the cost of research and development.

I believe that pure research, without possible development, amounts to about $400 million. I think the construction asked for in the bill adds less than $400 million. It comes to about $380 million. So that the figures which we have been hearing, of $700-odd million, includes research, development, and construction as envisioned and requested by the President under the present bill. I think that is the thrust of what the Senator said.

Mr. PEARSON. I am grateful to the Senator from California. I merely wanted to clarify the point that the full amount is made available under this amendment for research and development and make reference to what I understood the Under Secretary of Defense to say in relation to maintaining this very excellent scientific and technical team.

On another point, I thought the Senator from Texas made reference to the fact that the ABM, as authorized under this proposal, was essential as a bargaining point for the President and for those who represent this Nation.

Mr. TOWER. I believe it is, and the President thinks it is.

Mr. PEARSON. I have some trouble in accepting that belief. Let me indicate to the Senator why I feel that way. We have a lot of figures offered here in the Senate, but with reference to the ABM, the Minuteman II, and the Titan, is it agreed that we can use the figure 1,054?

Mr. TOWER. It is 1,054.

Mr. PEARSON. The Senator said we had 1,078 ICBM's.

Mr. TOWER. The figure is 1,078.

Mr. PEARSON. So if we add our ICBM's and the Polaris together, and add their ICBM's and their Polaris-type missiles together, we really come, in round figures, to about 1,700 for the United States to 1,100 for the Soviet Union. Is that correct?

Mr. TOWER. The Soviet Union has missiles that can be launched from ships. I am not sure what the figures are. They do not have submersible missiles. They do not have any Polaris- or Poseidon-type missiles.

Mr. PEARSON. What is the Senator's recollection of their ICBM's?

Mr. TOWER. I am sorry; I cannot give that figure. I do not have it now.

Mr. PEARSON. In relation to bombers, the estimate is that we have about 650 to their 150. Is that correct?

Mr. TOWER. That is correct. To be sure, they have some other bombers, but those bombers do not have a long range.

Mr. PEARSON. I am talking about strategic bombers.

Mr. TOWER. About 150. There are others they could use in Europe.

Mr. PEARSON. I understand; but we are talking about strategic forces.

Mr. TOWER. I would say they would be strategic forces for use in Europe.

Mr. PEARSON. I am talking about strategic forces as they relate to an ABM defense. There are many measurements for strategic force, but when we move to the ICBM's, the Polaris, the intercontinental bombers, and the number of warheads on each side, it is my understanding we have about 4,300 warheads on our side——

Mr. TOWER. I agree with all this. I see the Senator's point. We are currently superior to the Soviet Union in terms of strategic power. I think we are superior in most areas. However, I think in some areas they have superiority to us. But, overall, we do currently possess superiority.

Mr. PEARSON. Now I come to my point. I think terms like "superiority" and "parity" in relation to thermonuclear warfare are useless terms. I think the President's use of the term "sufficiency" is the correct one. But if we are superior in numbers of ICBM's, superior in numbers of bombers, superior in numbers of warheads——

Mr. TOWER. Superior overall.

Mr. PEARSON. Then I fail to see why we have to have an ABM as a bargaining point to go to the bargaining table, when we are superior in all these other fields.

Mr. TOWER. We are superior this year. At the present rate of military development in this country and the Soviet Union, we will be in a position of inferiority by the mid-1970's.

Mr. PEARSON. The Senator assumes, then——

Mr. TOWER. I assume that they are going to keep on doing what they are doing, and I think it is dangerous to proceed on any other assumption.

Mr. PEARSON. Will the Senator also assume that, having reached the level of 1,000 ICBM's—and that was the figure that was determined almost one decade ago—we are going to maintain that level in strategic weapons?

Mr. TOWER. Our present situation is good. The Russian's R. & D. is much better than ours. From the standpoint of submarine technology, they are very good. As a matter of fact, they are building at a greater rate than we are, and we cannot hope to think that one day they will not have Poseidon or Polaris type submarines. As far as air superiority is concerned, they are superior to us now.

Mr. PEARSON. In swept-wing aircraft and in numbers of submarines?

Mr. TOWER. They are superior in numbers of submarines. I do not think they are superior in quality right now, but they may be some day. The Senator from Maine (Mrs. SMITH) has some interest in that subject. I think she can enlighted the Senator at much length and has far more expertise in that subject than I have. But the fact is that we have lagged in development or in the level of research and development. We have not developed a superior research and development program. We have stabilized it, and the Russians keep going up and up. They keep devoting more and more of their resources to development. We cannot proceed on the assumption that they are going to have a sudden change of heart and do differently than they are now proceeding to do.

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

Mr. TOWER. I yield to the Senator from North Carolina.

Mr. ERVIN. Is it not a fact that the United States has not been building big bombers capable of carrying a nuclear load to Russia during the last few years?

Mr. TOWER. We have not. The B-52 is an old weapon.

Mr. ERVIN. Is it not a fact that the Russians have in their bomber the finest bomber of any nation on the face of the earth?

Mr. TOWER. I do not know the relative performance figures. It does seem to be very good. They do not have it in the numbers we have, but they have a good one, and it is much newer than our B-52.

Mr. ERVIN. According to information by General Twining, he says it is the most dependable bomber in existence.

Has the Senator read a copy of the letter which Admiral Rickover wrote to the Senator from Rhode Island (Mr. PASTORE)?

Mr. TOWER. I do not recall it.

Mr. ERVIN. It was inserted in the CONGRESSIONAL RECORD. Admiral Rickover says that, with the exception of the Polaris submarine, Russia has a vast superiority in submarines over the United States. He also states in that letter that the Russians now have the capability of building Polaris submarines at such a rate that at present rates they will equal or overtake us in Polaris submarines by 1974.

Mr. TOWER. I was aware of that information.

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

Mr. TOWER. I yield to the Senator from Kansas.

Mr. PEARSON. Mr. President, I am grateful for the contribution made by the distinguished Senator from North Carolina, because he brings me to my next concern, and that is in relation to the cost of the ABM. I understood that the ABM, as first announced, was a system that would cost about $6.5 billion. Then research and development were added to it. Then the cost of warheads was added. Then the cost of possible sites in Alaska and in the Hawaiian Islands was added. So it is now, as I understand it, about a $10.4 billion system.

I make reference to the cost, not because I have so much concern with it; I have a concern, but it is not a commanding concern that this money should be pulled out and put into so many social welfare programs that many of us would like to promote. But the point was made, and made very well, that we are behind in submarines, we are behind in adequate manned bomber aircraft, and in conventional systems that we usually associate with the kind of warfare which is going to be essential if we are not going to be children of the concept of massive retaliation, which was so massive that it was useless.

We have great expenditures to make in relation to our naval fleet, in which some authorities say we are 20 years behind the Soviet Union. I did not see the letter written by Admiral Rickover, though I have the highest regard for him. For example, a Navy fighter to come after the F-111, with which we have not had very good luck——

Mr. TOWER. Mr. President, if the Senator will yield——

Mr. PEARSON. One can go on down the list. There are also other limitations.

Mr. TOWER. Those are in the bill. We have the F-15 and the F-14, the Air Force and Navy patrol planes. They are in the bill. If the Senator wishes to offer an amendment providing for additional submarines, additional shipbuilding, and additional airplanes, I will support him, provided he supports me on the ABM.

Mr. PEARSON. I do not think we can make that deal, Mr. President. But if the Senator will indulge me, I think the point I was trying to make is valid. Perhaps there are within this procurement bill adequate funds to build up our conventional forces. I accept the judgment of the committee on that. I simply wish to make the point and express the concern that as the cost noses upward, as the $6.5 billion becomes $10.3 billion in the space of 2 months, in the years ahead, when the cost of this program jumps more drastically, we may very well feel the pinch on some very necessary, conventional warfare items, a pinch similar to that felt in connection with the Vietnam war.

Mr. TOWER. Mr. President, I shall stand warmly at my friend's side any time the question comes up about development of weaponry. I think we need a full spectrum of tactical weapons, everything from improved rifles to the most sophisticated nuclear weapons. I believe, too, in a full spectrum of deterrents. You can deter nuclear war if you have nuclear weaponry to do it with.

I think basically the argument in behalf of this amendment is that we should not make a political decision to deploy the ABM now, because apparently it might rupture the good and wonderful relations we have with the Soviet Union, and the immediate prospect for negotiations for disarmament. They say we are basing our arguments on assumptions; but this is the most dangerous assumption I can think of to base an argument upon.

Mr. ERVIN. Mr. President, will the Senator yield, so that I may lay down a premise and then ask a question?

Mr. TOWER. I am happy to yield.

Mr. ERVIN. I saw former Secretary of State Dean Acheson testifying before what I call the Proxmire committee with respect to the cost of national defense, and he said, in reference to the cost of national defense, that we could overspend for national defense, or we could make the determination to underspend for national defense; and he said the difference between the mistake one way or the other would be this: If we overspend for national defense, and deploy some weapons the future shows are not

needed, all we have done is lost some money, but if we underspend for national defense, we might run the risk of losing everything, including our liberty. Does not the Senator think that was a sound observation?

Mr. TOWER. I certainly concur with that statement; and I have always said we cannot have a great society, or an affluent society, or a free society, unless we first have a secure society. That is all we are trying to achieve here.

I would love to see the day when we can beat our swords into plowshares and our spears into pruning hooks. I detest war as much as anyone. But while there are nations in this world that choose war as an instrument of national policy, nations with aggressive designs on the rest of the world, we cannot afford to be ill prepared.

Mr. ERVIN. I should like to ask the Senator if it is not a teaching of Marxism, as adapted for Russia by Lenin, that there is an irreconcilable conflict between a nation with a free enterprise system of government, such as ours, and a nation with a Communist system of government, such as Russia; and if it has not been stated on many occasions by leaders and officials of the Communists that there will be a fight to the finish, either economically, politically, or militarily, between these two irreconcilable systems, until communism triumphs.

Mr. TOWER. This, of course, is part of the Marxian historical analogy, that ultimately this will come about, that ultimately we will have a Communist world; and, indeed, for communism to succeed at all, the whole world has to be Communist. Then, when that happy day occurs—happy in Marxian eyes, of course—all the trappings of government will be done away with, and we will live in an anarcho-syndicalist society. I do not believe the Russians believe that is ever going to happen, but the fact of the matter is that they do have have imperialistic designs on the rest of the world, and that is a certainty.

Mr. ERVIN. They have a combination of Russian imperialism and communism as modified to adapt it to Russia by such Communists as Lenin.

Mr. TOWER. Right.

Mr. ERVIN. Does the Senator from Texas understand, as does the Senator from North Carolina, that virtually ever since the end of the Second World War, the United States has been attempting to negotiate at lower than summit levels with the Russians to obtain an enforceable arms limitation agreement?

Mr. TOWER. We have certainly tried.

Mr. ERVIN. And does the Senator think that after all these years, from the end of the Second World War down to the present date, that we now have any additional reason for thinking that Russia is any more susceptible to being persuaded to enter into any such agreement than it was in years past?

Mr. TOWER. They do not seem to be any more susceptible, though some of my friends seem to think that if we cut the ABM out of this bill, the Russians will immediately become so friendly that they will want to sit down and negotiate with us at once.

Mr. ERVIN. Does the Senator from Texas recall, during the Eisenhower administration, that there was an agreement, not embodied in a treaty, between Russia and the United States, for a moratorium on testing nuclear weapons; that the United States kept that agreement and did not make any preparations to test nuclear weapons, and then Russia put an end to the agreement, and immediately thereafter exploded the biggest nuclear weapon ever exploded in the history of the world up to that time?

Mr. TOWER. That is correct.

Mr. ERVIN. Does the Senator feel that we can have any confidence in the benevolence of the politburo, as long as Russia maintains imprisoned behind the Iron Curtain the people of Poland, the people of Czechoslovakia, the people of East Germany, the people of Rumania, and the people of Bulgaria?

Mr. TOWER. I certainly am less than sanguine about them. I trust the Senator was here the other day, and heard the Senator from Washington (Mr. JACKSON) present his very fine paper, just going through the traits and personalities of the present Soviet hierarchy. They are Stalinist to the core.

Mr. ERVIN. Will the Senator from Texas accept my assurance that I have just finished reading a book by a French journalist who was for many years in Moscow, whose name was Michel Tatu, in which he states that the only reason Khrushchev took the missiles out of Cuba was because the United States possessed overwhelming superiority in intercontinental ballistic missiles?

Mr. TOWER. Yes, I accept the Senator's assurance.

Mr. ERVIN. I ask the Senator further if he will accept the assurance of the Senator from North Carolina that the Senator from North Carolina has just read a book dealing with Russia by a man with a Russian name, in which he says that the men who control Russia at this time are so secure in possession of the power of rule over that nation that there is no reasonable hope that Russia's attitude will be susceptible of being changed at any time in the foreseeable future, by either evolution or revolution within Russia.

Mr. TOWER. I do accept that assurance, and I concur.

Mr. ERVIN. I thank the Senator.

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

Mr. TOWER. I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I very definitely thank the Senator. I know the Senator has made an outstanding contribution to this subject, which is quite involved.

The Senator made an outstanding contribution. I commend highly the reading of his speech, no matter which side of the subject a Senator may be.

It is a difficult matter, but the Senator has handled it splendidly, as he always does in a matter that he sets himself to give special attention to.

I shall wish later to make a few brief remarks about the provision and use of this money and how it might be applied to the amendment of the Senator from Kentucky, who has been called from the floor temporarily. I would rather bring the matter up when the Senator from Kentucky is present. However, for the time being, I refer Senators to page 25 of the committee report, where the money part of the ABM is set forth in great particularity. The supporting information came to the committee from the Department of the Army. And they are bound by it in a double way, because it is what they were justifying it on and what we included it in the bill on.

We have in round figures $400 million particularly for research and development. However, referring now to page 25, the committal for the $345.5 million is for one missile site radar at Grand Forks; one missile site radar data processor at Grand Forks; training equipment; advance procurement for one other perimeter acquisition radar and one other missile site radar at Malmstrom; and the relatively small sum of $600,000 for leadtime missile parts.

For the actual hardware, the actual missile, only $600,000 is included in the bill, and that is for a long leadtime item for the guidance system. That requires an unusual time.

I refer this now to the Senate for decision on the money. I will make some remarks later.

Again, I commend the distinguished Senator from Texas for a fine presentation.

Mrs. SMITH. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mrs. SMITH. Mr. President, first I take this opportunity to thank the distinguished Senator from Texas for his very kind words to me as a member of the Armed Services Committee. The Senator has made a great contribution during the hearings in helping the committee bring to the Senate what I consider to be a good bill.

Mr. President, the Soviet Navy has in late years assumed new responsibilities far beyond its traditional ones of defending the seaward approaches to the U.S.S.R. and supporting the land forces. It has made great strides in developing forces to carry out these new missions. The impact of new roles and growing capabilities is demonstrated by the striking increase in naval operations beyond home waters and by the current expansion of the Russian submarine forces.

Past Soviet efforts to develop effective long-range seapower were deterred or deferred by economic conditions, purges, leadership changes, war and technological lag. In recent years, however, Soviet naval expansion has been relatively unencumbered by such problems. Today's Soviet naval programs bear witness to the capability and determination to create a significant sea-launched ballistic missile force and a formidable fleet to counter the U.S. Navy in peace and war anywhere in the world. Beyond this, the Soviets are building a modern navy with which to project a naval presence overseas in support of Soviet political objectives.

The Soviet submarine force consists of some 375 units, of which 65 are nuclear powered. The entire force, unlike

that of the United States, is of post-World War II construction. It poses a triple-dimension threat, consisting of a rapidly expanding force of ballistic missile submarines, numerous torpedo attack boats, and significant numbers of submarines uniquely equipped with surface-to-surface cruise missiles. In the last 2 years a new class of ballistic missile submarine and several classes of attack submarines have become operational. The former is roughly comparable to our Polaris submarines, the latter represent improved general purpose designs.

Today, the Soviet surface navy consists of some 195 major combatants including a helicopter ship, nine guided missile cruisers, and 30 guided missile destroyers. The great majority of these ships are less than 15 years old.

Soviet warships are of excellent design and well armed. The highly publicized helicopter ship *Moskva* carries an imposing array of surface-to-air missiles, antisubmarine weapons, and new and sophisticated electronics, in addition to her ASW helicopters. A sister ship to the *Moskva*, the *Leningrad*, is expected to be operational soon. The new guided missile cruisers of the *Kresta* class carry an equally impressive combination of surface-to-surface and surface-to-air missiles as well as guns and antisubmarine weapons. A third example of advancing technology is the *Kashin*-class frigate. It boasts strong air defense and antisubmarine armament, and is the largest type of warship in the world powered solely by gas turbines, giving it a maximum speed of 35 knots.

The Soviet Navy is operating out of its home waters for longer periods, in greater numbers, and at greater distance than ever before. It is showing the flag in the Mediterranean, off both coasts of Africa, and elsewhere along the entire Indian Ocean littoral.

These developments are making the Soviet Navy a force of growing importance in our strategic calculations. Apart from the challenge it would pose in wartime, its growing capability to project Soviet power into distant areas is likely, if left uncountered, to have a profound effect on political developments in the emerging nations and uncommitted world.

Mr. President, during the hearings there was an exchange of letters between the Senator from Washington (Mr. JACKSON) and Admiral Rickover which helped to a better understanding of what happened with respect to the nuclear submarines.

I ask unanimous consent that these two letters be printed in the RECORD at this point.

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

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., June 5, 1969.

Vice Adm. H. G. RICKOVER,
Naval Ships Command, Department of the Navy, Washington, D.C.

DEAR ADMIRAL RICKOVER: I have read your April 25, 1969 letter to Senator Pastore with great interest. As usual, you have reduced a complicated issue to a few basic questions.

There is one subject vital to this issue in which I know the American people will respect your judgment—nuclear submarines, and in particular, our Polaris submarines.

I would appreciate your assessment of the effectiveness of our Polaris forces after 1972 in light of the remarkable advances recently made by the Soviet Union in their submarine and anti-submarine capability. I am particularly interested in your views concerning the ability of our deployed Polaris submarines to survive a planned attack by Soviet anti-submarine forces in the mid-70's time frame.

I would hope your response can be written in such a way that the American people can have the benefit of your views.

Sincerely yours,

HENRY M. JACKSON,
U.S. Senator.

U.S. ATOMIC ENERGY COMMISSION,
Washington, D.C., June 12, 1969.

Hon. HENRY M. JACKSON,
U.S. Senate
Washington, D.C.

DEAR SENATOR JACKSON: This is in response to your letter of June 5, 1969, asking for my views concerning the ability of our Polaris submarines to survive a planned attack by Soviet antisubmarine forces in the mid-1970's time frame.

Let me first say that based on the best evidence available, I believe that *today* our Polaris submarines are safe from a massive, neutralizing blow. Further, I am not aware of any valid information indicating that the Soviets possess a means to track and destroy our Palaris submarines while they are on station. However, there is no assurance that this situation will prevail for long.

There is, in fact, evidence that the Soviets are actively engaged in a determined effort to acquire the capability to neutralize or destroy our Polaris force. They have developed and they continue to develop faster and quieter submarines. They are experimenting in all phases of submarine and antisubmarine warfare—we are not. In fact, during the past year alone they have developed several new types of nuclear submarines; we have developed only one new type in ten years. It is clear that a major objective of their naval programs is to invalidate our own Polaris system.

Given the recent Soviet progress in undersea warfare and the sheer magnitude of their nuclear submarine program, the conclusion is inevitable that, unless we are willing to match their effort, they will surpass us in this field during the 1970's.

Of course, in the present era of rapid technological change accurate prediction of *future* military developments is difficult, if not impossible even for such a relatively short period as five to ten years. It is equally difficult to predict the outcome of future military engagements, since these are dependent on successful exploitation of the latest technological advancements. All we can do is learn what we can of the progress being made by other nations in the areas related to submarine and antisubmarine warfare and then to compare this with our own progress.

The Soviets now have by far the largest submarine force in the world—about 375 submarines, all built since World War II. We have 143, including 61 diesel submarines most of which are of World War II vintage. Thus, they have a net advantage of about 230 submarines. It is estimated that by the end of 1970 they will have a numerical lead even in nuclear submarines.

In the single year 1968, the Soviets put to sea a new type ballistic missile nuclear-powered submarine as well as several new types of nuclear attack submarines—a feat far exceeding anything we have ever done. It is estimated that by 1974 they will have added about 70 nuclear-powered submarines to their fleet, whereas we will add but 26—thus further increasing their numerical superiority. As for ballistic missile submarines, the Soviets have undertaken a vigorous building program to equal or surpass our Polaris fleet of 41. At least seven of their new Polaris-type submarines have been completed, and they now have the capability of turning out one a month. We have no Polaris submarines under construction or planned. We must assume that by the 1973–1974 time period they will be up to us.

To achieve this, the Soviets have greatly expanded and modernized their submarine building and repair facilities. Just one of their numerous submarine building yards has several times the area and facilities of all U.S. submarine yards combined. They use modern assembly line techniques under covered ways, permitting large-scale production, regardless of weather conditions.

The progress made by the Soviets over the past few years in nuclear submarine design, construction, and operation could only have been accomplished through the efforts of a large group of highly competent technical personnel. We must assume the talents and efforts of this group will continue to provide the Soviets with additional advances in nuclear submarines.

The superiority of a given weapon system is never static. The history of warfare is an ever-changing contest between weapon and counterweapon. Whenever man invents a new weapon, two things happen immediately. First, his potential adversaries start to develop a counterweapon. Second, improvements are made in the original weapon to make it even more effective. This was the case with the bow and arrow, gunpowder, battleships, airplanes, rockets, etc.

The battleship is a good example. In 1907 when the British *Dreadnought*, the world's first modern battleship put to sea it was hailed as "invincible." It had armor plate thick enough to stop any naval shell then in existence. Soon afterwards other countries built their own battleships with large guns and heavy armor. The British then developed the destroyer to protect the battleship by firing torpedoes against opposing battleships. The other side, of course, soon had its own destroyers. The battleship then was given the capability of carrying airplanes to increase its range of visibility; this added the new element of air power to the battleship.

Although it became evident during World War I to farseeing officers like General Billy Mitchell that aircraft constituted a new and formidable weapon against the battleship, it nevertheless took a long time for those who had faith in the battleship to accept this and prepare against the danger. Even as in 1907 it was impossible to predict how long the battleship would remain "invincible," so is it today impossible to predict how long the Polaris submarine will remain invulnerable.

As in the case of the battleship, the competition between the submarine and its foes has seesawed since the former proved its worth in World War I. As advances have been made in submarine design since World War I, progress has also been made in developing antisubmarine warfare.

Submarines have the protection of the ocean depths. When submerged they cannot be seen by the human eye or by radar. The only way we know at present to detect a submerged submarine is by the sound it makes. For years, groups of scientists and engineers have tried to make submarines quieter, while other groups have worked just as hard to develop more sensitive listening devices. This technological battle continues.

With the advent of nuclear propulsion, the submarine has been able to operate submerged at high speeds for long periods of time; this gave the nuclear submarine the edge. However, great strides are being made in the mobility of antisubmarine forces and in their capability to detect and destroy submarines. In fact, the nuclear attack submarine itself is now being used as an antisubmarine weapon.

We do not know, of course, how these developments will work under actual war conditions; nor do we know how effective our Polaris submarines would be in an encounter with an enemy antisubmarine force—be it air, surface, or subsurface—or how effective our own antisubmarine forces would be against the latest Soviet nuclear submarines.

The answer to your question concerning the survivability of our Polaris submarines in the mid-1970's depends on whether we can regain the advantage we had in the past. Will our progress in undersea warfare during the 1970's match that of the Soviet Union? Can we assume that our Polaris system will be the first weapon in history to remain invulnerable? The developments I have cited should caution us against making such an assumption.

As I pointed out in my April 25, 1969, letter to Senator Pastore (Page 10629 of the Congressional Record, April 29, 1969), the Soviet Union is embarked on a program which reveals a singular awareness of the importance of sea power and an unmistakable resolve to become the most powerful maritime force in the world. As a result of the Cuban missile crisis, the Soviet leadership resolved never again to be placed in a position where they would have to negotiate from weakness—in that case lack of strategic and naval superiority. They have publicly avowed their goal to become preeminent in sea power, and all evidence indicates they are proceeding with competent speed. This is especially true in their undersea warfare forces. They have openly stated that these are to be the major arm of their fleet.

To recapitulate: I believe that while *today* our Polaris fleet is safe from a planned attack by the Soviets, there is sufficient evidence concerning their progress in this field to cause doubt by the mid-1970's. We must increase our own efforts if we expect our Polaris fleet to remain the deterrent it now is.

Respectfully,

H. G. RICKOVER.

Mrs. SMITH. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD a letter from Admiral Rickover to Senator PASTORE under date of April 25, 1969.

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

APRIL 25, 1969.

DEAR SENATOR PASTORE: In your letter of April 15th, you asked me to give an estimate and an opinion as to where we are and where we are going and what needs to be done in a military way in these times of turmoil and peril. There is, as you point out, a division of opinion among the American people regarding the necessity of reinforcing our military strength.

The first point I would like to make is that in judging between conflicting views on this matter, the deciding factor must be their relevance to the world as it is, not as we would wish it to be. Granted the hideousness of modern war, can we deduce therefrom that mankind is now wise enough to forgo recourse to arms? A look at history should put us on guard against those who claim that humanity has now reached a state where the possibility of armed aggression can be safely disregarded in formulating national policy.

I am reminded of the intense opposition to the Navy's 15-cruiser bill in 1929. It was argued by many that with the signing of the Kellogg Peace Pact the year before, it was no longer necessary to build new warships. And this in light of the lessons of World War I which erupted despite the various Hague Peace Treaties! These ships were of inestimable value in helping us win World War II. The war itself was prolonged because Congress—heeding the "merchants of death" argument—in 1939 prohibited shipment of war materials to Britain and France.

Then, too, weight must be given to the credentials of those propounding opposite views. Are they public servants charged with the awesome responsibility to secure our country against foreign conquest, or are they private individuals not accountable for the consequences of their opinions, who feel free to express their personal abhorrence of war and to agitate for a reduction of the financial burden military preparedness imposes on the taxpayer? Would the majority of the electorate accept their arguments that given our unmet domestic needs, we cannot afford an effective defense position vis-a-vis our potential adversaries? Or that war is so horrible that it is better to suffer defeat than to fight?

As for the high cost of preparedness, it is in fact no greater proportional to total U.S. output than 10 years ago—8.8% of total U.S. goods and services. Omitting the costs of the Vietnam War and allowing for inflation, our armed forces have less buying power today than a decade ago. In the Soviet Union, on the other hand—according to the Annual Report of the Congressional Subcommittee on Foreign Economic Policy issued last June—resources have been diverted from the farm sector to defense, where outlays rose dramatically in 1966–67, after remaining static since 1962. The Report talks about their new preoccupation with national security. And you must bear in mind that actual war costs absorb but a small portion of their expenditures while we are spending some two and a half billion dollars a month in Vietnam.

If history teaches anything it is surely that weakness invites attack; that it takes but one aggressor to plunge the world into war against the wishes of dozens of peace-loving nations if the former is militarily strong and the latter are not. Yet there are those who deprecate the need to maintain military supremacy or at least parity with the communist empires, on the grounds that other nations have accepted a decline from first to second or third rank and that we ourselves for most of our history were militarily a second-rate power yet secure enough within our borders. They forget that we then profited from the *Pax Britannica*, even as the former great powers of Europe who have lost their defense capability enjoy political freedom today only because we are strong enough to defend them and ready to do so. What it means to be weak and without American protection should be evident to all as we observe the tragic drama of Czechoslovakia "negotiating" wtih Russia the continuing subjugation of her people.

As a lawyer, you are familiar with Blackstone's statement that security of the person is the first, and liberty of the individual the second "absolute right inherent in every Englishman." Just so, the first right of every American is to be protected against foreign attack, and the first duty of government is to keep our nation alive. Given the world situation, this calls for maintenance of a defense capability which is adequate to discourage potential aggressors. Said President Nixon, in discussing the Cuban missile crisis, "It is essential to avoid putting an American President, either this President or the next President, in the position where the United States would be second rather than first or at least equal to any potential enemy. . . . I do not want to see an American President in the future, in the event of any crisis, have his diplomatic credibility be so impaired because the United States was in a second-class or inferior position. We saw what it meant to the Soviets when they were second. I don't want that position to be the United States' in the event of a future diplomatic crisis."

There can surely be no doubt that the overwhelming majority of the American people are opposed to relinquishment of our deterrent capability, recognizing full well that there will then be no one left to prevent the takeover by communist power. Whether one takes the optimistic view that a permanent East-West detente can be negotiated, or the pessimistic view that ultimately we shall have to fight for our liberties, this nation has no future if it allows itself to be outmatched militarily.

To turn now to specific matters currently in dispute. There is the ABM system which is under heavy fire on grounds that it (a) will escalate the arms race and (b) will not work. It should be stressed that the Soviets have had their own version of the ABM for several years without inducing us to expand our military power. Just as the Soviet ABM version has not added to the Soviet threat, so our own ABM would not add to ours. The Russians have been singularly silent in this respect; the outcry has come mostly from those in this country who habitually apply a double standard when adjudging military developments in the U.S. and the U.S.S.R. One must ask how can our defensive capability be considered provocative, while theirs is not? Is there not something deeply disturbing when one observes scientists, formerly holding responsible positions in government, advocate policies directly contrary to those they supported when in office? It must not be forgotten that many of our most prestigious scientists were bitterly opposed to development of the H-bomb. Where would we be today had not the Congressional Joint Committee on Atomic Energy and President Truman—who had the responsibility for the safety of the U.S.—disregarded their advice?

As for the assertion that the ABM cannot be made to work, I must disagree. If there is one lesson I have learned in the many years I have devoted to the development of nuclear propulsion plants, it is that, given the soundness of a theoretical concept, it can, with drive and imaginative engineering be *made* to work.

Contrariwise, for a theoretical concept to be translated into reality, it must be *worked* on Research alone—no matter how prolonged—will not do it. The very act of developing the concept through detailed engineering work produces improvements in the original concept—improvements which would have been neither obvious nor possible without such actual engineering work.

The Soviets are just as adept in research and development as we are. They have amply proved this by their progress in space, in missiles, in aviation, in military equipment, in nuclear submarines. They know full well from their own experience that with research alone—without development engineering—our ABM system or any other system would not be meaningful and could be discounted. For this reason we must guard against those claiming that we can limit ourselves to research—that research alone will suffice.

You also ask me to comment on what needs to be done in these times of turmoil and peril. As I am more familiar with the threat posed by the Soviets to our naval power, I would like to confine myself to this area, and specifically to submarines. But what I say here is valid for our land, sea, and air power as well.

The Soviet Union is embarked on a program which reveals a singular awareness of the importance of sea power and an unmistakable resolve to become the most powerful maritime force in the world. They demonstrate a thorough understanding of the basic elements of sea power: knowledge of the seas, a strong modern merchant marine, and a powerful new Navy. They are surging forward with a naval and maritime program that is a technological marvel.

At the end of World War II, the Soviet Union had a fleet of 200 diesel-powered submarines. They then embarked on a massive building program, producing over 550 new submarines through 1968, at least 65 of

which are nuclear-powered. During the same period, the United States built 99 submarines, 82 of them nuclear-powered. The Soviets have scrapped or given away all their World War II submarines as well as some built since. They now have a new submarine force of about 375; we have 143, which includes 61 diesel submarines most of which are of World War II vintage. Thus the Soviets have a net advantage of about 230 submarines. It is estimated that by the end of 1970 they will have a numerical lead in nuclear submarines.

To achieve this the Soviets greatly expanded and modernized their submarine building facilities. Just one of their numerous submarine building yards has several times the area and facilities of all U.S. submarine yards. They use modern assembly-line techniques under covered ways, permitting large-scale production regardless of weather conditions.

In the single year 1968, the Soviets put to sea a new type ballistic missile submarine as well as several new types of nuclear attack submarines—a feat far exceeding anything we have ever done. In looking to the future, it is estimated that by 1974 they will add about 70 nuclear-powered submarines to their fleet, whereas we will add but 26—further increasing their numerical superiority. In the case of the ballistic missile submarine the Soviets have undertaken a vigorous building program to surpass our Polaris fleet of 41. They have completed seven of the new Polaris-type submarines, and have the capability to turn out one a month. We have no Polaris submarines under construction or planned. We must assume that by the 1973–74 time period they will be up to us.

Numerical superiority, however, does not tell the whole story. Weapon systems, speed, depth, detection devices, quietness of operation, and crew performance all make a significant contribution to the effectiveness of a submarine force. From what we have been able to learn during the past year, the Soviets have attained equality in a number of these characteristics and a superiority in some.

In order to achieve the results so far attained in all areas of modern technology the Soviets had to develop their most important resource—technical and scientific personnel. The Soviet educational program enjoys highest national priority. The statistics on the total numbers of Soviet degree graduates are extremely impressive. The U.S. National Science Foundation data indicates that in 1966 alone, 168,000 engineers were graduated; the U.S., on the other hand, produced but 36,000. With specific application to the Navy, the Leningrad Shipbuilding Institute, just one naval institute of several, had over 7,000 students in 1966 studying naval architecture and marine engineering. I doubt we had over 400 enrolled in these subjects in all U.S. colleges.

While we cannot specifically count the number of Soviet scientists and engineers devoted to naval work, it is apparent that they have created a broad technological base. They have committed extensive resources to support development of their naval forces. The steady build-up of the Soviet submarine Navy from an ineffective coastal defense force at the end of World War II to the world's largest underseas navy today deserves admiration; also it should deeply worry every American. By the end of this year we face the prospect of losing the superiority in nuclear submarines we have held for many years. The threat posed by their submarine force—with their new ballistic and cruise missile launchers and new attack types, is formidable. If more sophisticated types are added in the near future, as is likely considering their large number of designers and their extensive facilities, the threat will rapidly increase.

The Soviets have frequently announced their intent to be the pre-eminent world power. Why do we not believe them? Hitler in Mein Kampf plainly announced his intent to dominate the world. We did not believe him either—until it was nearly too late. Admiral Gorshkov, Commander in Chief of the Soviet Navy, said recently: "The flag of the Soviet Navy now flies proudly over the oceans of the world. Sooner or later, the U.S. will have to understand that it no longer has mastery of the seas." And just a few days ago the Russians announced a projected 50% increase in the size of their merchant fleet. These facts should be weighed when assessing the judgment of those who argue for a reduction of American military power while the Soviet military power is rapidly expanding.

The bearer of bad news is always punished. In ancient times, he might be put to death. Today he becomes "controversial" and unpopular. But if there is one subject on which the American people must know the truth, however unpalatable, it is our military position vis-a-vis the Soviets. I believe no one can better inform them than members of the Congress—who have such close ties to their constituents.

I suggest that by keeping secret our knowledge of Soviet strength at this time we may lose more than by confiding the truth of the danger we face to the American people.

Respectfully,

H. G. RICKOVER.

Mrs. SMITH. Mr. President, whether one likes Admiral Rickover or not, in his assessment of our Navy during the years, he has never been found wrong.

Mr. TOWER. There is some information that has been prepared by the staff of the Armed Services Committee relevant to the deployment sites. I think it should go into the RECORD at this point.

Two sites do provide a more realistic test bed that we plan to provide at Kwajalein. Two major test objectives can be accomplished.

First, we can test the Phase 1 complex under realistic conditions of military operators and 24-hour per day operation. This will provide experience with the problems of installation and early operation that cannot be obtained in a research environment.

Second, we will be able to check the operation of a two-site, four-radar network with its inter-computer communications and its command and control ties to higher headquarters. We can verify proper operation of such important system features as control of PAR tracking load (one missile, or satellite, will usually be seen by more than one PAR), the ability of one PAR to look behind a simulated black-out region to assist an adjacent PAR, and the transfer of targets from a PAR at one site to an MSR at another site.

Phase 1 operation will provide invaluable experience and knowledge.

Mr. President, I think the arguments against the amendment offered by the Senator from Kentucky are overwhelming. As I see it, the only real argument is that we should delay a political decision to deploy. But this is not solely a political decision; it is a military decision, as well. It is said that we should delay in the hope that to do so might produce the right kind of climate in which we could sit down and have successful disarmament negotiations with the Soviets; in the hope that perhaps their attitude has changed.

Again, I think this is a dangerous assumption on which to base an argument. We have been accused of basing our argument on assumption—the assumption that the Soviets will develop and deploy an SS–9; that they are expanding their ABM system. But we assume these things on the basis of valid experience and the continuing intensification of technology, both military and strategic, by the Soviet Union. Therefore, I think they are on much more solid ground.

Mr. JAVITS. Mr. President, before the Senator yields the floor, will he yield to me?

Mr. TOWER. I yield to the Senator from New York.

Mr. JAVITS. I heard with great interest—I did not wish to interrupt him—the Senator's statement about "unilateral disarmament" and good faith, or at least some moral argument concerning the Russians. Does the Senator think that the result of any negotiations is necessarily limited to what the United States and the Russian negotiators may come in with, once they start with prepared briefs? Does he feel that that is what we have to be limited to? Or does the Senator feel that it may very well be possible to negotiate either much broader or perhaps much more limited agreements, depending on the practical situation in the world and how the negotiations develop?

May I give the Senator this example? Suppose we really had a completely effective ABM that could knock out as many Russian missiles as they sent over here. Would the Senator feel that there was any hope of any negotiations at all? Or would he think the U.S.S.R. would believe it must first catch up with us before they could negotiate?

Mr. TOWER. The Russians are already catching up with us and, I think, will eventually surpass us. As a matter of fact, they are ahead of us in many fields. I do not think that the Soviets arming themselves is a matter of a reaction to what the United States does. Remember that we demobilized after World War II, but the Soviet Union did not. I think the Russians know that we have no imperialistic designs on them; that we are not going to initiate a war against them.

After all, we could have fought a preemptive war against them and could have destroyed them in the late forties—and they know that—and we were sorely provoked at that time, but failed to do it.

So far as negotiations are concerned, I hope we can begin to negotiate, and negotiate in good faith. But I do not think we are going to be in a position to negotiate if they get into a position of military superiority. The President thinks this, and he has had as many confrontations with the Soviets as has anyone else.

I think it would be well to talk about a wide range of things, and the discussions would not have to be bilateral. Other countries might be brought in, countries which have nuclear potential or which actually have nuclear weapons.

I do not oppose the idea of negotiations.

Mr. JAVITS. We are not talking about opposition to negotiations. The Senator was talking about unilateral disarmament, a label which I find is used to throw up a big smokescreen in connection with this issue. Can the Senator tell

me if he believes anyone speaking in support of the Cooper-Hart amendment, has indicated in his argument that he wants unilateral disarmament?

Mr. TOWER. I do not think any Member of the Senate believes there will be unilateral disarmament. The Senator from Colorado (Mr. DOMINICK) referred to his mail. I said:

> Yes, unfortunately there are people in this country who think we should disarm unilaterally, and that the rest of the world will bring moral suasion on the Soviet Union to do likewise.

But I do not think that any Member of the Senate, anyone who has the sophistication of a U.S. Senator, believes that. However, there are many people who do, and they write letters.

Mr. JAVITS. I have one other question. If we pursue the doctrine that the only time the United States can safely negotiate is when we have the edge—when we have nuclear "superiority," as he calls it—is it not logical to suppose that they think the same way about their security and that we simply cannot then come to an agreement? Both sides cannot enjoy "superiority." But, both sides can have nuclear "sufficiency," as President Nixon has so wisely suggested. Most objective strategic experts believe that both the United States and the U.S.S.R. do have a "sufficiency" of nuclear power to insure their security under present conditions. That is why the prevailing situation is such a logically compelling stopping point in the nuclear arms race.

Mr. TOWER. I am not prepared to think that the Soviets think the same about us that we think about them. I think they are a little smarter than that.

Mr. JAVITS. I respectfully submit that we certainly cannot assume in negotiations with the Russians that they have a fine, high-minded view of our motives, while our view of their motives is that they are trying to subvert the world, and prepare for a preemptive war attack capability on us.

Mr. TOWER. I do not believe the United States constitutes an obvious military threat to the Soviet Union. I believe that the Soviet Union believes the United States constitutes a threat to their expansionist opportunities or goals.

Mr. JAVITS. If that is the illusion under which our negotiators go to negotiate, believing that the Russians are going to accept a freezing into permanence of a U.S. military advantage or "superiority," because they trust our motives, and they know they should realize that we distrust theirs—I do not think that we are going to get anywhere.

Mr. TOWER. Maybe we would not get anywhere. I do not think we will get anywhere as long as the Soviets are bent on expanding their influence in the world. They are moving into the Mediterranean. Does the Senator believe we should take our 6th Fleet out of the Mediterranean?

Mr. JAVITS. I certainly do not. At the same time, I certainly must contemplate that if their system is better than ours, their people more productive, their handling more competitive, they will get more influence in the world.

Mr. TOWER. They are not better than us. They are a dictatorship, and they channel their resources into armaments, and more cheaply, too.

Mr. JAVITS. The more than 2 billion in the world are not going to take the word of the Senator from Texas on that. Maybe the 200 million Americans will, but the more than 2 billion people in the world will not. That is what we are engaged in—competitive demonstration of whose system works better. It is something which must be demonstrated and not just claimed.

Mr. TOWER. I do not think that is relevant to this discussion.

Mr. JAVITS. I think it is very relevant because people like me feel we are under some real compulsion to do things to produce a nuclear arms agreement without endangering our security.

I think people who are arguing the case as the Senator has—and he is a gifted and able man or I would not be discussing the matter with him—are laboring under the assumption that this really cannot happen; that really and basically we cannot come to any agreement with the Soviet Union at all. This is really at the nub of the argument and that is why I rose when the Senator brought me to my feet with his remarks about world trade and unilateral disarmament.

I think the essence of the consideration the Senator gives us is that we must always have a built-in military advantage or we might get taken. This means we can never make a deal since the Russians are not going to make a deal. They are not going to trust their security to some one else's high motives and good intentions—just as we would not accept that approach.

The most we can hope for is that there will be a time when we are roughly in balance so we can reach some kind of agreement. At this point we are roughly in balance; we both enjoy sufficiency and there is no sense in both sides spending billions to try to reach an empheral weapons advantage over the other—which neither side will accept.

Mr. TOWER. I argue for superiority because I believe we should have it. The Senator thinks we are more likely to have a settlement. One of the things I am concerned about is how we know when we have reached parity; or do we wake up some morning and find ourselves in an inferior position?

Mr. JAVITS. Mr. President, will the Senator yield for one further point?

Mr. TOWER. I yield.

Mr. JAVITS. I would like to have our argument presented. That is why we argue only for a delay in deployment. That is why we are not arguing for junking the ABM system, because we are aware of that uncertainty. But we believe, based on the case introduced at this moment, that given a little opportunity to use it in the negotiating process, in the eyes of the Russians and in our eyes we are resonably in balance with respect to second-strike, assured-destruction capability. What we are arguing against is moving to the next plateau until we have exhausted the opportunity now presented to negotiate a limitations agreement.

Mr. TOWER. The view of the experts is that we would lose valuable leadtime if we faced any delay toward deployment at this moment. Beyond that, it is a slap or would be interpreted as a slap at the administration, which asked for this authority. It is, in a way, trying to gut the ABM provision. I do not see why this is necessary to achieve the full R. & D. and testing and evaluation of this thing. According to the experts, we can do it better if we have these things deployed at the site.

Really, the basic argument is: Should we make the political decision to deploy? I do not entertain the same views that the Senator from New York does, and he does not entertain the same views that I do.

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

Mr. TOWER. I yield.

Mr. JAVITS. Speaking about the administration, is it not fair to say those of us who are on my side of the issue, if we are right and the administration can achieve an armaments limitation breakthrough, would have had a far more monumental success, a great historic success, unbelievable in its size, for President Nixon, than if he succeeds in getting Safeguard by two or three votes, as the Senator from Vermont said yesterday. Therefore I ask: Who is really trying to make this administration successful? Should we not test that before we say that the people on my side would harm the administration if we were successful. I respectfully submit that if I can be here in the Senate under a Republican President when he achieves an agreement which will freeze nuclear armaments where it is, that alone would make his place in history infinitely more hallowed than if he succeeds to get through this provision to deploy the Safeguard system in the two places mentioned.

Mr. TOWER. If that occurs, I will be the first one to congratulate the Senator and call him a prophet.

Mr. JAVITS. I thank the Senator.

Mr. TOWER. But I do not think it will happen.

Mr. JAVITS. We do not know until we try.

Mr. YOUNG of North Dakota. Mr. President, I commend the Senator from Texas for the excellent speech he has made on the ABM. There is a lot of good food for thought in his speech.

I note that the Senator mentioned that only $759 million of the amount contained in the bill is for the ABM program.

Only a year ago this same body approved more than twice as much money for an ABM program.

The world situation has worsened, I think, during this year's time. Certainly Russia has gained tremendously in military strength over what they were a year ago. On a parity basis, we have lost ground militarily to the Russians during the last year.

Mr. President, I am somewhat reluctant to speak in behalf of the ABM system as North Dakota would be one of

the two States where the first ABM's would be deployed. I hesitate because some may think that I am speaking only because of some benefits that would accrue to North Dakota.

We do have some opposition to the deployment of an ABM installation in North Dakota, but I believe the vast majority of the people support President Nixon on this issue. There is practically no opposition among the people where this site would be located in North Dakota. Most of them are farmers and smalltown businessmen.

They are accepting the decision to locate the ABM site in North Dakota just as they did in the case of the Minuteman. North Dakota has 300 Minuteman missiles with their nuclear warheads—along with two SAC bases with their B-52's and their nuclear bombs.

Not all communities would accept such a huge number of powerful nuclear bombs and warheads to be located in their midst. Our people do feel now that they are entitled to some protection from a possible enemy attack against these Minuteman missiles and SAC airbases. They believe the ABM would give them at least some protection.

Most of our newspapers support the ABM. Mr. President, I ask unanimous consent to have editorials from our three largest newspapers on this subject printed in the RECORD as a part of my remarks—the Fargo Forum, the Minot Daily News, and the Grand Forks Herald. I concur in the position they take.

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

[From the Minot (N. Dak.) Daily News, Mar. 31, 1969]

MISSILE DEFENSE IS NEEDED

A lot of dust is being kicked in the air in the nation about establishment of an anti-ballistic missile system, now known as Safeguard.

The Minot and Grand Forks areas have good reason to be interested in what is going on.

While the current proposal is to establish the missiles in the Grand Forks area, assurance is given they would provide protection for the Minot territory.

It has been of concern to us for a long time that the military complex in the Minot vicinity—Minot Air Force Base and the 150 Minutemen missiles—is without adequate missile defense.

It would seem to us that an enemy would think in terms of trying to knock out such retaliatory forces as now exist here.

Outside of fighter aircraft based at Minot Air Force Base, which would be effective against a bombing raid, we now are virtually armless so far as defense is concerned.

Everything in the book is being thrown by opponents at the ABM proposal. Scientists in large numbers, as well as shallow thinking do-gooders, have gotten into the act. Who are they to decide whether we're going to be clobbered?

Those of us old enough to remember can recall without great difficulty we had blabbermouths hopping around the country, prior to World War II, screaming against preparedness. The trouble with some people is they think they are experts on everything except what counts—treachery.

Until and unless, in good faith and demonstration, any potential enemy of this nation proves itself to be willing to slow down the arms race, it is good sense to protect ourselves.

[From the Fargo (N. Dak.) Forum, June 27, 1969]

NORTH DAKOTA HAS GOOD REASON TO BACK ABM SYSTEM

(By John D. Paulson)

Trying to pass judgment on whether the United States should proceed with the construction and deployment of an anti-ballistic missile system is no easy matter for an editor, a member of Congress, or an average citizen. This is particularly true in North Dakota, which has been selected as one of the states in which an ABM installation will be deployed in the first phase of President Richard M. Nixon's proposed Safeguard ABM system.

With 350 underground silos holding Minuteman Intercontinental Missiles tipped with nuclear warheads already located here, North Dakota wasn't particularly concerned when President Nixon proposed that one of the ABM installations go into this state. But since then the residents have been the target of an intensive propaganda campaign both pro and con. If a person tries to figure out his personal attitude on some basis other than whether he is for or against President Nixon, the answer doesn't come easily.

Shortly after President Nixon outlined his proposed Safeguard system, North Dakota gained nationwide notoriety. On a trip to Washington, to a gathering of newspaper editors, I was almost invariably asked what I thought or what North Dakotans thought about President Nixon trying to install a battery of nuclear-tipped missiles in our state to knock down enemy missiles from somewhere overseas.

When I replied that the state already had a full arsenal of nuclear-tipped ICBM's, and probably most residents were not averse to the fact that the nation was now going to try to put out of action any ICBM's aimed in our direction, the inquisitive all of a sudden stopped their joshing and started to ask questions about our familiarity with the nation's nuclear retaliatory armament.

Those who were opposed to the ABM system apparently started out with the idea that they were using scare tactics on the residents of a state slated for ABM installations, but they had nowhere to go when they realized that North Dakota had already accepted its role as the location of a large portion of the nation's nuclear armament.

Of course, probably a good many North Dakotans didn't and still don't realize the huge amount of explosive power that is kept under wraps in the 350 underground silos stretched across the northern half of the state from Minnesota to Montana.

At a banquet at the same newspaper convention, I had the opportunity of sitting at the same table with James Webb, who resigned early this year as director of the National Aeronautics and Space Administration. Most of his conversation, of course, was about the forthcoming Apollo trips to the moon and the moon landing. He was most enthusiastic about America's capability and performance in space exploration, and the unlimited challenges that lie ahead of us after the moon landing. I had a chance to ask him his views about President Nixon's ABM decision.

He declared he most certainly approved the construction and deployment of an ABM system, but not for the reasons the President stressed. This construction phase is simply a continuation of the research and development on what the nation has already spent $5 billion, not necessarily a needed defense against Russia. We would never be reaching for the moon if we hadn't started our space explorations one step at a time, with the Mercury and Gemini space flights, he explained. Completed research indicates, he said, that we have the potential to knock down an incoming ICBM, but "you won't know whether you can really do it in time of need until you put all the components together."

In considering the pros and cons of the ABM issue, you mentally have to put yourself into a world you can hardly believe exists. But the plain facts are that we are already in one of the strangest—and most dangerous—worlds ever conceived.

In Europe, U.S. travelers are surprised and shocked when they come to the border of an Iron Curtain country, such as Czechoslovakia, and are met by soldiers with drawn guns and bayonets, instead of a welcoming customs and immigration official.

We in America think we are far removed from such a military gunpoint at our heads every time we move from one state to another. Unfortunately, almost every American citizen goes about his every day tasks under the "gunpoint" of a Russian intercontinental missile. According to United States intelligence, Russia has—or will have—1,000 ICBMs aimed at every population center, every industrial center and every major military target in the United States. Now President Nixon suggests that instead of being aimed at the centers, they are being aimed at the ICBM retaliatory missiles planted in their silos in North Dakota, Montana and other areas which are within range of Russian territory. In return, the U.S. has a thousand missiles aimed at Russia in Minuteman silos and another 500-600 missiles at sea being carried by Polaris submarines ready to retaliate against any nuclear attack.

So the nuclear threat is with us each and every day, and the assumption is that neither nation would dare to push the button which would send an ICBM on its way for fear of the retaliation that the target nation could inflict by answering with its own ICBM forces.

The ABM, if it worked 100 per cent perfectly, presumably would stop any Russian missiles launched at us, whether a few or many. If the ABMs stopped a Russian attack, at least it would give this nation a choice of responses instead of the only single response now available—instant retaliation. And if the ABMs fail to work, then there would still be time to send off our Minuteman missiles on their message of total destruction.

Here is where the mind bogs down: No one can foresee the circumstances under which either nation will press the button that would start nuclear warfare. Certainly, it seems, Russians would be smart enough not to send missiles on a destructive mission towards the U.S. if they were readily identifiable as coming from Russia. We would be in a position to retaliate before being knocked to our knees.

But the day of ready availability of nuclear weapons is not far away. There could be the day when the Russians or Red China or North Vietnam or some dissident Arab nation would become convinced that the United States needed a lesson. Then it might find a way to launch a few ICBMs from a ship at sea, from an uninhabited island, from the direction of Cuba or South America. How would the United States use its ICBMs then? They are all aimed at Russia. If Washington or New York were hit by a missile coming from a ship at sea just the other side of Cuba, would we answer with an automatic reflex by pushing the button which sends a fleet of destructive missiles at Russia?

Would we be better off if we had an ABM system which would have a good chance of knocking these missiles out of the air, no matter which direction they came from?

We in North Dakota and nearby Minnesota have reason to believe that we are even more of a target than other areas in the United States. It seems that once we take a realistic look at the type of world in which we live, we would be much better off to proceed with the development of a system which could detect and stop an incoming nuclear-tipped missile.

When we can send Apollo spaceships to the moon and back, when we can contemplate landing men on the moon within the next month, and bringing about their safe return, there is no reason to doubt but what our scientists can devise a system which would provide protection against incoming ICBMs.

Until the time comes that we can convince Russia and any other nation which might have ICBMs that all such missiles should be scrapped, then it seems that we would be unwise not to proceed with the development of a defense that could protect us against accidental or intentional firing.

We all hope that the nuclear warfare never develops, but until there is a guarantee that no nation will launch such a missile, then the development of an ABM system seems a reasonable course for America to follow.

It is not an issue on which a member of Congress can vote "maybe." He has to say yes or no on the appropriations and the authority asked by President Nixon. We can't have continued research without deployment. If we are on the bullseye of a Russian ICBM target, that is all the more reason for North Dakotans to support the Safeguard system.

[From the Grand Forks (N. Dak.) Herald, June 28, 1969]

ABM HELD NEEDED

The Fargo Forum, which early in the Safeguard controversy seemed to be leaning toward a position against the deployment of an anti-ballistic missile system, now has come to the conclusion a start is needed on ABM deployment.

The Forum Friday devoted its entire editorial page to the subject. It gave space to the arguments of both proponents and opponents of Safeguard, including Sen. Milton R. Young and Rep. Mark Andrews who favor the Safeguard program and Sen. Quentin N. Burdick and Gov. William L. Guy who oppose it.

It concludes, however, that "After a thorough study into the claims and counterclaims about the anti-ballistic missile system, The Forum regretfully comes to the conclusion that work on the anti-ballistic missile system should continue, but always with a proviso that it will stop whenever an effective arms control treaty with other nuclear power nations—Russia, China, France or any new member of the power elite—becomes the law of the world, backed up by international inspection and control."

In this position, the Grand Forks Herald agrees. It has said repeatedly that conditions in the world today require that the United States provide whatever defensive weapons are available for the protection of this country. It would rather use defense than be in the constant position of having to rely on the threat of destroying the world to keep the peace.

As the Forum says, the question now before the Congress is simply this: "Shall the United States spend $800 million to $900 million in 1969–70 to continue development and start deployment of an anti-ballistic missile system intended to give us whatever protection is possible against the 1,000 missiles already in place in Russia and aimed at this nation, or shall we sit naked to an aggressive nuclear attack to which our only reply would be complete destruction of the offending nation with our own ICBMs?"

Mr. YOUNG of North Dakota. Mr. President, I concur in the position taken by these editorials.

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

Mr. TOWER. I yield.

Mr. DOMINICK. Mr. President, the Senator from Texas has done a very fine job in trying further to delineate what we are trying to do in the committee report on the ABM.

In connection with what the distinguished Senator from North Dakota just finished saying, I think it might be of some interest to note that my State has recently conducted a poll among the people, an independent poll, in which three questions were asked.

The first question was:

Do you think it is possible to build a defensive system against enemy missiles?

The answer was:

55 percent, yes; 29.5 percent, no; and 15 percent, do not know.

The next question was:

Do you think the U.S. should have some sort of ABM defense?

The answer was:

Yes, 80.8 percent; no, 10.6 percent; and no opinion, 8.5 percent.

That is pretty low in view of the complexity of the issue, it seems to me. Nevertheless, this is the way it came out in an in-depth survey.

The third question was:

President Nixon has come out for a limited system called the Safeguard System, which is supposed to protect our ability to strike back at an attacker. Do you think Congress should approve this system?

The answer was:

Yes, 72; no, 12.5 percent; depends, 6.5 percent; and no opinion, 9 percent.

I bring out these figures because I think they are of interest in view of the fact that, in my State at least, of the letters coming to me, 10 to 1 are opposed to the ABM system. It would indicate to me that a relatively small group of people, compared to our population, are really pushing the anti-ABM idea.

I think, therefore, that the colloquy on this particular policy is of interest, indicating that perhaps there is far more popular support for the ABM system than anyone has any idea of.

I thank the Senator.

Mr. TOWER. Mr. President, a number of people in this country feel that if the United States will unilaterally disarm, the rest of the world will bring moral pressure on the Soviets to do likewise. I cannot recall any time in history when the Soviet Union has responded to moral pressure from anywhere.

I do not expect them to change their ways in the future.

Mr. President, I yield the floor.

THE SAFEGUARD SYSTEM

Mr. MANSFIELD. Mr. President, one of the country's finest newspapers, the Denver Post, wrote a very detailed analysis on June 15, 1969, of the Safeguard ABM system, listing the arguments both for and against. On the same day that this article presenting the case for and against appeared, there appeared a very penetrating editorial concluding that the Safeguard should be delayed and that we should press for arms control talks.

I ask unanimous consent that the article concerning the Safeguard ABM as well as the editorial that appeared in the Denver Post on June 15, 1969, be inserted in the RECORD at this point.

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

GREAT DEBATE: IS "SAFEGUARD" ABM SYSTEM REQUIRED FOR UNITED STATES?

(By Leverett Chapin)

The big Antiballistic Missile debate of 1969 is nearing a climax. The Nixon administration, through such spokesmen as Secretary of Defense Melvin R. Laird, has jarred the country by contending that Russia for the first time is building a missile arsenal powerful enough to devastate the United States without fear of reprisal.

Laird and others believe the Russian buildup is intended to give that country a "first strike capability," meaning so much missile power that the Russians would no longer be deterred from making an attack on us for fear of the damage we could do them in return, even after being hit first.

This interpretation of Russian intentions, if correct, would mark a new dangerous period in Soviet-United States relations.

The administration sees this new threat as requiring a start by this country on a multibillion-dollar Antiballistic Missile (ABM) system, called "Safeguard," to protect our Minuteman missiles in silos and our big bomber bases from a Russian first strike.

It argues that to be sure that Russia doesn't decide some time in the future to try to destroy us it is necessary to preserve our deterrent—our "second strike" ability—by deploying an ABM system capable of knocking out incoming missiles before they reached their targets.

The administration sees the mid-1970s as the time when this new danger will develop and it wants to make a start on the ABM system now with an appropriation by the present Congress of approximately $800 million. It says that if we start now the first two Safeguard installations won't be completed until 1973.

With the debate near fever heat, the Defense Department just last Wednesday sought to cinch its case by releasing a "white paper" on the Russian nuclear building. It disclosed some previously classified information such as that the Soviets are testing an ABM missile which could loiter in the atmosphere where it would be in position to destroy an incoming missile.

It also disclosed that an effort to give greater protection to our own missiles by putting them in hard rock silos has encountered difficulties and is in an early stage of consideration.

OPPOSITION LINEUP

Arrayed against the administration are many senators—more than 40, according to most counts, most of them Democrats—and an impressive array of scientists and other "intellectual leaders."

They contend that:

Our nuclear missile force is superior to that of Russia now.

It will continue to be superior to that of the Russians in the mid-1970s or, at least, will be strong enough to provide an effective deterrent, even if we do not start an ABM system now.

Even without Safeguard we are not in danger of losing our deterrent unless Russia gains a 2 to 1 superiority in missiles over us, enough to be able to target two of their missiles for each one of our missile sites. Russia cannot gain such superiority within the foreseeable future.

An ABM system probably wouldn't work effectively.

To deploy an ABM system would escalate the arms race, further militarize a world already bristling with weapons, add to international tensions, use up money more urgently needed for domestic programs in our strife-torn country.

A start on an ABM system would hurt the chances for an arms limitation agreement with the Russians because the Soviets would not negotiate if they thought they were any weaker in any phase of nuclear warfare than we are.

A golden opportunity for arms limitation talks now exists because the United States and Russia possess effective deterrents but an ABM system would upset the delicate balance of nuclear stability.

These are the main pros and cons of the big debate.

Adding heat to the controversy are the disillusionments many senators and others feel with efforts to reach military solutions for international problems—as in Vietnam.

With military expenditures in this country already at the $80 billion level, there is a widespread feeling that defense costs are out-of-hand, that the "military-industrial" complex really runs the country, that Congress has lost control of the budget because every time science devises a new weapon, no matter how expensive, an irresistible urge to go ahead and build it develops.

ISSUE OF WASTE

The disclosure of vast waste in defense expenditures has added to resistance to the launching of the ABM program.

Opponents of ABM see the present controversy as a crucial test of whether the country—and the world—will continue to build up vast armaments or whether a new era of negotiation between countries is possible.

Usually when the Defense Department asks for a new weapon, Congress grants the request with little question. ABM, however, has stirred the first full-scale debate on a new weapon in many years.

Tempers are short. When President Nixon, speaking at the U.S. Air Force Academy at Colorado Springs recently, warned about "new isolationists" who would have this country disarm unilaterally, many of the Senate opponents of ABM construed his remarks as referring to them and reacted strongly.

Senator J. W. Fulbright, D-Ark., who has been critical not only of the Vietnam war but of military expenditures in general, has accused the Defense Department of using "fear tactics" to "sell" the ABM to Congress.

He and others have said the claim that Russia will out-gun us by the mid-1970s is like the phony fears of a "bomber gap" in the 1950s and a "missile gap" in the early 1960s.

Secretary Laird sees a new Russian missile, the SS9, which, he say, is capable of carrying warehads of 25 megaton yields (equivalent to 25 million tons of TNT), as the tipoff to the intention of the Russians to develop an offensive force which could devastate this country without fear that we could retaliate effectively.

STRENGTH COMPARED

Experts on both sides are pretty well agreed that at this time the United States has 1,000 Minuteman missiles and about 50 Titan II missiles, all in hardened silos, while the Russians have 600 SS–11 missiles (similar to the Minuteman), about 230 of the new powerful and accurate SS9 missiles and a few earlier model missiles.

However, Laird claims the Russians are increasing their SS9 force so rapidly that by the end of this year the Russians will for the first time have more Intercontinental Ballistic Missiles (IBMs), either in place or being built, than the United States has.

In addition the United States has 656 missiles on 41 submarines although perhaps not more than 30 of the submarines would be in service at any one time, the others being in port for maintenance.

By contrast, Russia, according to testimony given before the Senate subcommittee on disarmament, may have about half a dozen nuclear submarines and has the capacity to build more at the rate of seven a year.

As far as intercontinental bombers are concerned, the United States has approximately 650, capable of carrying four nuclear weapons each, while Russia has about 150.

In the light of these comparable strengths, where does the new threat to our security arise?

Secretary Laird has declared that the great accuracy of the new Russian SS9, plus the fact that it can carry a large warhead, has forced him to conclude that the SS9 is intended primarily to destroy our ICBM missiles in their silos, thus making it impossible for us to reply with a devastating attack if the Russians should strike first.

PROTECTION ISSUE

Therefore, he wants the Safeguard ABM system, primarily for the protection of our missiles, or as he puts it, our "deterrent."

If our ICBMs were destroyed in their silos, our nuclear submarine fleet by itself would not constitute an adequate deterrent, Laird says.

His testimony on this point has been accompanied by vague hints that the Russians are working on antisubmarine warfare tactics which might render our missile fleet of little effective value.

Laird has refused to say, except in closed committee sessions, what these tactics involve although newspapers have reported the threat, or supposed threat, to our nuclear submarines is a so-called Russian SSN attack submarine, said to be very speedy.

Laird's hints have irritated a number of senators, including Sen. Stuart Symington, D-Mo., former secretary of the Air Force.

He and others claim that Laird's downgrading of our submarine deterrent is without foundation in solid evidence, that our nuclear submarines are the greatest potential weapons ever devised and that Laird has revealed such hitherto secret information, about the SSN and the Soviet loiter ABM missile, as would help the case for the Safeguard ABM system while continuing to keep under classification information which would show ABMs are unnecessary.

Senator Symington and others have suggested that a simple way to save our land-based missiles from destruction, without Safeguard, would be to fire them as soon as an enemy missile attack is detected by warning radar.

The Defense Department's answer is that a plan to make such an automatic response to an incoming missile sighting would resemble a "doomsday machine" defense system and would leave the President with no alternative to try to ride out a first attack by relying on Safeguard if it appeared best to him to do so.

RUSSIAN EXPERIMENT

Our nuclear bomber force, according to Laird and others, is threatened by the fact that Russia is experimenting with a Fractional Orbit Bombardment System (FOBS).

FOBS missiles would come in on low trajectories which would make it impossible to detect them until they were near their targets. Also, FOBS missiles could be sent around the world over the South Pole, a direction from which we have no warning system as yet.

The Safeguard ABM system, if fully developed as the Defense Department has conceived it, would provide some protection for seven U.S. bomber bases and for U.S. command headquarters in Washington as well as protection for our Minuteman and Titan II missiles.

Arguments over classified information have enlivened the debate from the first. Some senators have hinted that the Central Intelligence Agency (CIA) does not wholly agree with the appraisal of the Russian threat that Laird has made.

In one committee meeting, for example, there was a remark that the CIA does not believe the SS9 warhead is nearly as large as the 25 megaton figure provided by Laird. There have been hints of other disagreements on intelligence appraisals.

To Sen. Albert Gore, D-Tenn., it is inconceivable that Russia by the mid-1970s could hope to knock out our entire deterrent of ICBMs, submarine missiles and heavy bombers, mainly the B52s, in a single coordinated attack which would render this country helpless to retaliate effectively.

GORE CRITICAL

Gore was particularly critical because the early Laird-Defense Department estimates of future U.S. and Russian missile power did not take into account the fact that both countries might soon have Multiple Independently Targetable Reentry Vehicles (MIRVs).

MIRV is a scheme to fit each nuclear missile, whether fired from land or under the sea, with several warheads, each of which could be aimed at a different target. Apparently in response to Gore's criticism, the new Defense Department white paper says Russia now has the capability to put MIRVs on its missiles.

The Tennessee senator figures that by using MIRVs this country can have 8,766 warheads by 1974—5,120 of them on submarines, 3,000 on ICBMs and 646 on bombers—as compared with 5,150 MIRV warheads for Russia—500 of them on submarines, 4,500 on ICBMs and 150 on bombers.

Since only 250 warheads would have to be delivered by either side to devastate the 50 largest cities of the other side, Senate Gore sees no possibility that we will lose our deterrent even if the Safeguard ABM system is not built.

Of course, if the Defense Department is right and our submarines could be rendered helpless, Russia, even using Gore's figures, would have more warheads than the United States in the 1970s.

Whether it would have enough more to knock out all U.S. forces before this country could reply to a first strike by the Russians is the big issue upon which judgments differ.

"OVERKILL" CLAIM

Senator Gore contends we now have enough warheads to fire 48 at each of Russia's 50 largest cities, a vast "overkill" potential since even one missile would be enough to devastate a large population. He says Russia could now fire 22 missiles at each of the 50 largest U.S. cities, also an overkill potential.

What is Safeguard, how would it work and how did it come about?

Fourteen years ago, back in 1955, the Army let a contract to the Bell Telephone Laboratories to determine if it would be feasible to develop a missile system which would destroy enemy missiles before they reached their targets.

This first effort, known as Nike-Zeus, was likened to an effort to hit a bullet with a bullet to render it harmless.

Nike-Zeus developed into the Nike-X and research and development work continued year-by-year until the total cost of such work has now reached $4 billion.

Presidents Eisenhower and Kennedy both decided against the installation of an ABM system although some promising progress had been made. In 1966 Congress voted $167.9 million to begin acquiring an ABM system although the money had not been requested and was not spent by the administration of President Johnson, who was hopeful of getting an arms limitation agreement with the Russians.

In September 1967, Defense Secretary Robert S. McNamara announced a decision to install a "thin" ABM system, primarily to protect U.S. cities from the kind of light missile attack Red China might be able to make in the 1970s.

ADVANTAGES CITED

It would be hopeless to try to protect cities from the kind of massive attack the Soviet Union could make, McNamara said, but the thin ABM would provide some pro-

tection for our Minuteman missiles, even from a Russian assault.

Another advantage of the system, he said, was that it would provide protection from an accidental firing of one or a few missiles from the Russians.

McNamara expressed confidence that our ability to strike back would be the best protection against Russian action to start a nuclear war but he thought the Chinese might not act rationally and might, for the sake of making a first strike against this country, risk the kind of devastating retaliation we could throw back at them.

The kind of system McNamara wanted became known as "Sentinel."

Many persons were never convinced that the primary mission of Sentinel was to guard against a Chinese attack. They thought its main purpose was to give cities some protection, however light, from a possible Russian assault, and thus reduce casualties.

They believed the talk about a Chinese threat was intended to allay any fears that Russia might have that we could so protect our cities that we could, if we wished to do so, make a first strike against the Soviet Union at some time in the future.

Difficulties for Sentinel arose when residents of Boston, Seattle and other cities selected for the location of ABM missiles protested that the presence of the system would make them prime targets in the event of a nuclear war.

HURRIED REAPPRAISAL

When the Nixon administration came in, Secretary Laird, Deputy Secretary of Defense David Packard and others made a hurried reappraisal of the Sentinel system.

They changed its name to Safeguard. They decided the possible threat from China had not developed as rapidly as expected so protection of cities from a light attack was no longer the main need.

The primary need, they decided, was to protect our land based ICBMs from the new threat of the highly accurate Russian SS9, hence the ABM missiles themselves could be grouped around Minuteman silos and bomber bases, rather than around cities.

Such a configuration would still provide some protection for cities from a light Chinese attack, if necessary, and it could still protect against any accidental missile firings from either Russia or China.

Administration spokesmen said the Safeguard system would be less likely than the Johnson administration's Sentinel system to provoke the Russians into an effort to escalate the arms race.

They argued that a system designed to protect our missiles—our deterrent—would constitute no new threat to which the Russians would feel they should react. On the other hand, they insist, a Sentinel system, designed to give thin protection to cities from a small nuclear attack, would make the Kremlin think we intended to thicken the system later so that we could make a first strike against Russia without fear that our cities would be ravaged in retaliation.

Here the arguments get somewhat abstruse. Critics of Safeguard say it would provide some of the thin protection for cities that Sentinel was designed to provide so Safeguard would be just as likely as Sentinel to provoke the Russians to greater arms efforts.

SHIFT IN EMPHASIS

The shift in emphasis from protecting the cities to protecting missile sites looks to some critics of Safeguard like an effort to find some possible justification for installing an ABM system which is not needed.

They characterize the whole scheme as "an ABM system in search of a mission."

Secretary Laird insists, however, that the change in mission—from protecting cities to protecting missile sites—is fully justified by new developments, the failure of the Chinese to develop weapons as rapidly as expected and the speedup in the Russian deployment of SS9 missiles.

Safeguard and Sentinel, before it, have been described by scientists as the most complex weapons system ever undertaken any place.

Because of the complexity, the Nixon administration proposes to go ahead with Safeguard on a piecemeal basis, testing and possibly making changes as circumstances dictate.

As a starter, the administration wants to install Safeguard at only two sites, one at Malmstrom Air Force Base, Great Falls, Mont., and one at Grand Forks, N. Dak.

These two would be designed to protect about 300 of the 1,000 Minuteman missiles in the U.S. arsenal. The $800 million being sought from Congress in the new budget for Safeguard includes money to start on these two installations and also money to acquire sites for 10 additional installations in other parts of the country, including one at Warren Air Force Base, Wyo.

Each Safeguard installation would have two radar systems, two missile systems and a computer.

RADAR DETECTION

One of the radars, known as perimeter acquisition radar (PAR), would be able to detect high-flying incoming missiles at a distance of 1,000 miles or about 10 minutes before they reached their targets.

The components of PAR are now being tested and, according to Deputy Defense Secretary Packard, should have good ability to distinguish between missiles and other objects in space, although it could not distinguish between a dummy missile and one carrying a live warhead.

Information from PAR would be fed into a computer and also into a smaller radar, known as a missile site radar (MSR). The PAR installation would be large, requiring a building 200 feet square and 130 feet high.

The MSR would be smaller, requiring a building 100 feet square and 40 feet above ground, thus the MAR could be "hardened" for protection more readily than the PAR.

If it was decided to respond to a PAR warning that a missile was on the way, the MSR would guide a Spartan missile to intercept the incoming missile. Spartan would have a nuclear warhead which could destroy the enemy missile with Xrays if it exploded in the near vicinity of its target.

The interception would be made in space, outside the earth's atmosphere.

Spartan, according to Packard, would have a range of 300 or 400 miles so it could protect a wide area. Efforts to develop an even better Spartan are under way.

If Spartan failed to stop an incoming missile, Sprint missiles would be guided by computers and the MSR to destroy it in the atmosphere, nearer to earth.

SPRINT SPEEDY

Sprint has been described as a "very fast" weapon with a range of 20 to 30 miles. Its destructive force would consist of neutration radiation rather than Xrays.

Steven Weinberg, professor of physics at Massachusetts Institute of Technology and one of the scientists opposed to installing an ABM system at this time, estimates the average incoming missile from space would be within range of Sprint for only 6 seconds so hair-trigger response and highly accurate guidance would be necessary.

Under the Safeguard concept, Spartan would provide an area defense over most of the country against a light missile attack if all 12 installations are deployed.

The present administration agrees with previous estimates that an effective defense against a massive missile attack on cities is impossible.

Sprint would provide only what is known as a "terminal" defense for the missile sites or air bases where they would be located.

The number of Spartan and Sprint missiles planned for each site is classified information but experts outside of government have guessed each site might have 70 Spartan and 300 Sprints.

The radars, missiles and computers used for Safeguard would be generally the same as those planned by the Johnson administration for the Sentinel system, but the radars would be provided with more "faces" so they could detect missiles coming in from directions not covered by the earlier plan.

Secretary Laird has expressed confidence that Safeguard will perform the task assigned to it—the protection of enough missiles to leave this country with an adequate deterrent force even if we were attacked first by Russia.

CLASSIFIED ESTIMATES

The Defense Department earlier this year furnished senators classified estimates on how many of our missiles would survive such an attack if Safeguard were fully deployed.

Senator Symington claimed that the difference between the number of our missiles which would survive with and without Safeguard was so small that Safeguard would be voted down in Congress if the Defense Department estimates could be made public.

It may have been in response to Symington that the new Defense Department white paper includes a hitherto classified statement by Laird that if the Russians expand their SS–9 force to 420 missiles, each equipped with MIRV's, they could under optimum conditions destroy 95 per cent of our Minuteman missiles, leaving us with only 50.

Jerome B. Wiesner, provost of Massachusetts Institute of Technology and a member of the President's Science Advisory Committee, has made an estimate of his own on missile survival.

He believes that if the Russians attain an SS–9 force of 500 missiles (more than double their present force), each equipped with three warheads, and if they would fire them all at U.S. missiles and control centers, 270 of our missiles, a respectable retaliatory force, would survive even without a Safeguard system.

Under the same conditions, if we had Safeguard at two sites, one in Montana and the other in North Dakota, he estimates 350 missiles would survive, only 80 more than if we had no Safeguard.

He concludes Safeguard would accomplish little for the money spent.

Deputy Defense Secretary Packard has said the first two Safeguard installations would cost $2.1 billion, exclusive of the research cost that has already gone into ABM, exclusive of the cost of warheads for the Spartan and Sprint missiles, and exclusive of cost of manning and operating the two systems once they are installed.

COST FIGURES

If Safeguard is installed at 12 sites, the cost, exclusive of the items already mentioned, would be $6.6 billion and if extra installations were made in Hawaii and Alaska, bringing the total number to 14, the cost would be $7 billion, Packard testified in March.

The debate has been full of claims that weapons always cost far more than the Defense Department estimates and that once started Safeguard could run into many billions, perhaps $60 billion if it were decided later to thicken the system with more missiles and other equipment.

In its white paper, the Defense Department was more explicit on expected costs than it had been earlier. It said the cost of a full system, 12 sites in the continental United States and sites in Alaska and Hawaii, would be $11.8 billion, including warheads, research and testing.

Both Laird and Packard contend that while our defense expenditures are high we are spending only about one-fourth as much as Russia is spending when the rela-

tive wealth of the two countries is considered.

They point out that Russia has an ABM system.

Several years ago Russia began installing what appeared to be a warning system, called Tallinn, across the northern part of the country. It now is believed that Tallinn has no ABM capabilities but an ABM system, known as Galosh, has been partially deployed around Moscow.

It was expected in Washington that Galosh eventually would have some 120 missiles but estimates now say work on Galosh has slowed with about 70 missiles in place. Some experts believe the slowdown may have resulted from a realization that Galosh would be obsolete in a short time.

The Defense Department white paper discloses that Russia is testing a loiter ABM missile could explain why work on Galosh has slowed pending the outcome of these tests.

A battle of books has developed during the ABM debate.

Sen. Edward M. Kennedy, D-Mass., one of the leading foes of deployment of Safeguard, although he would continue with ABM research to try to develop a better system, asked one group of scientific experts to prepare a book, just published, showing faults of the proposed system.

SCIENTISTS DIVIDED

Another publication, urging the approval of Safeguard, has appeared under the sponsorship of the American Security Council, which includes such noted scientists as Dr. Willard F. Libby, Nobel laureate of the University of California at Los Angeles; Dr. William J. Thaler of Georgetown University, and Dr. Edward Teller, "father" of the H-bomb.

Anti-Safeguard scientists have hit hard at its reliability. Among their claims are these:

Safeguard would be vulnerable because its radars would be "soft" targets, difficult to harden and protect.

The Russians are capable of developing sophisticated penetration aids which would render Safeguard ineffective.

These aids would include radar jamming, the use of "chaff" (multitudes of fine wires released in space) which would confuse defensive radars and enable live warheads to get through, the use of nuclear explosions to black out radar reception for as long as 10 minutes at a time and the use of a large number of other devices.

By adding more missiles with multiple warheads, the Russians could exhaust all our Spartans and Sprints and then launch their main attack, the cost of such tactics being less to them than the cost of Safeguard to us.

All the components of Safeguard cannot be tested under actual combat conditions until it will be too late to correct any "bugs" which may develop.

Each Safeguard computer would have to be very large—equivalent to 100 ordinary business-size computers—so the possibility of computer malfunctions would be considerable.

While the PAR radar system is supposed to be able to keep track of 100 incoming objects at a time, it would not be difficult for the Soviets to send in far more MIRVs than that.

For these and other reasons, Senator Kennedy has said Safeguard "may never work at all."

CHEAPER?

Some opponents of Safeguard contend it would be cheaper to add more missiles of our own, so more of them would survive in the event of a Soviet first strike, than it would be to install Safeguard.

Some take the position that any real defense against a nuclear attack is impossible because a country determined to do us great damage could sneak portable nuclear time bombs into our cities or could set off nuclear explosions near our shores to cause tidal waves which would wreck port cities.

The big hope of most anti-Safeguard senators is that refusal to vote the $800 million to make a start on the ABM system would prod the administration into seeking an arms limitation agreement with Russia.

President Johnson sought such negotiations with Moscow and the Kremlin reacted favorably. Immediately after that, however, Russian troops marched into Czechoslovakia and Johnson thought it would be inappropriate to open new talks just as the Russians were acting more aggressively.

In his Senate testimony, Secretary Laird indicated that because of Czechoslovakia we still cannot get into arms limitation negotiations at this time.

Senators who want arms limitations point out that Russia now seems more willing to get into such talks than at any time in the past.

They fear that if this opportunity is lost and Safeguard is launched the arms race will be off again on a new lap and the danger of a worldwide nuclear holocaust will be increased.

To which the Nixon administration replies:

Safeguard would be purely defensive. In spite of what critics say it would give a good measure of protection.

It would constitute no offensive danger to the Soviet Union and, therefore, would not provoke an extension of the arms race.

It is necessary to guard our missile deterrent from the new danger of the SS9 Soviet missile. Failure to provide Safeguard would constitute a gamble with national security.

Unless we provide such protection Russia for the first time will have a first strike capability against the United States by the mid-1970s. Russia is advancing more rapidly than previously supposed to attain such capability.

We can afford it because it would cost only about $1½ billion a year until completed.

So go the arguments. The nation listens and hopes Washington will have the wisdom to choose the right course.

OUR BEST JUDGMENT: DELAY SAFEGUARD, PRESS ARMS AGREEMENT EFFORTS

(*Issue: There are too many unanswered questions to warrant a quick start on proposed ABM system.*)

After considering pro and con arguments over the proposed Safeguard antiballistic missile system which the Nixon administration has asked Congress to approve, this newspaper has revised its thinking somewhat and now believes there should be a delay for more study and research.

(The arguments are explored by Associate Editor Leverett Chapin elsewhere in today's Perspective section.)

We keep recalling that less than two years ago the nation was told by the Johnson administration that we had to have a similar ABM system to protect our cities from the kind of "light" nuclear attack that Red China would be capable of making within a very few years.

Now we are told the danger from Red China is not developing as rapidly as previously expected—but that we still need an ABM system, not primarily to protect our cities but to protect our own missile sites because Russia is suddenly developing new and frightening potentials for nuclear warfare.

Secretary of Defense Laird has been busy spreading the word on Capitol Hill that Russia is becoming a nuclear colossus; that by the end of the year it will have more missiles in place or being built than we have; that Russia must be intending to develop a force so powerful that it could attack this country first without fear of retaliation because our missiles would be knocked out; that a new, highly accurate Russian weapon, the SS9 missile, is particularly dangerous; that Russia is testing an advanced ABM missile of its own, and that new developments in antisubmarine warfare may wipe out the big advantage this country now has in nuclear submarines.

All this is reminiscent of the "bomber gap" which we were told existed in the 1950s but later proved to be a myth and the "missile gap" which frightened the country in the early 1960s, unnecessarily.

It is the business of the Defense Department to take a gloomy view of our military strength as compared with that of the Soviet Union.

Past experience, however, has made us gun-shy of the kind of dire predictions and projections that Secretary Laird has been using.

If the need for ABM protection against the Red Chinese can fade into mist in less than two years, can we have any assurance that the awful prospects seen by Secretary Laird are any more substantial?

Must the country react with new defense projects costing billions of dollars every time intelligence estimates in the Department of Defense raise visions of new dangers?

The new administration had been in office only about seven weeks when President Nixon announced it had discovered the need for the Safeguard system to protect our missiles from the new Soviet menace.

That was fast work. Whether the need is real or imagined depends to some extent on the interpretation of data available to military intelligence of what Russia is doing.

The administration has interpreted the data one way just as the previous administration interpreted data on Red China to show the need for an ABM system.

Should billions be spent on the basis of quick judgments?

The Russians started an ABM system around Moscow, called Galosh, some time ago but now appear to have stopped, supposedly because it might be obsolete when finished in the light of new Russian ABM tests.

The administration wants to start deploying the Safeguard system even before tests on the component parts of the system have been completed to determine if they will work.

One part of the system would be a Spartan missile which could hopefully destroy an incoming missile with X rays above our atmosphere. The administration admits research is being carried forward on a "better" Spartan. In other words, it is not satisfied with a major part of the Safeguard system yet it wants to go ahead deploying the system.

After some prodding the administration has admitted Safeguard, as now contemplated, would cost about $11 billion. If past experiences on defense cost estimates show anything, they show the total bill could run much higher.

The system is described as a thin area defense system because all experts now agree there can be no really effective defense against a massive nuclear assault.

But we can foresee the probability that if a thin system is deployed there will be pressures to thicken it, at the cost of more billions, as time goes on. The arms race would be escalated, we anticipate.

At this time there are too many unanswered questions to warrant a quick start on Safeguard. For example:

Would Safeguard really protect our missiles? Is the system too complex to function? Could it be rendered ineffective by the use by the enemy of "chaff" and other penetration devices on their missiles?

Could Safeguard be overwhelmed if the enemy sent more missiles than Safeguard's radar could spot and track? Will the use of multiple warheads on enemy missiles, a likely development for the near future, make it relatively easy to thwart Safeguard? Will it be possible to protect our missiles by placing them in hard rock silos, a subject just now being explored?

Would Safeguard merely spur the Russians to greater efforts to develop new nuclear threats? Would the development of fractional orbital missiles—missiles coming in on low trajectories—render Safeguard helpless? Will the supposed threat to our nuclear submarines actually develop or will we find countermeasures to assure our under-sea weapons from destruction?

The answers to these and many more questions are not known. More answers are necessary before a new mutibillion-dollar commitment for a Safeguard system is made.

Perhaps the President should submit the matter of nuclear defense to a "neutral" board of experts for re-evaluation while additional research is carried on to find out if Safeguard is feasible.

Secretary Laird has said that if we do not have Safeguard we will have to increase the number of our missiles to assure that more of them would survive if Russia should attack this country first and unexpectedly.

Some opponents of Safeguard claim it would be cheaper and better to have more missiles. That is a fitting subject for study.

Secretary Laird has said Safeguard must be approved now because it will be 1973 before we can install the first two Safeguard bases and the middle of the 1970s before the entire system could be deployed.

We doubt that the need for a quick start is as pressing as the secretary says. We now have 1,000 Minuteman missiles, 50 Titan II missiles, more than 600 missiles on submarines and we have a force of 500 B52 bombers capable of delivering nuclear weapons.

That is enough force to wipe out Russia several times over and it is inconceivable that it can be rendered harmless by any new devices the Soviets may be able to perfect and deploy in less than 10 years.

A delay in the authorization of Safeguard, we believe, would spur the administration to try to make an arms limitation agreement with Russia. In the long run the only hope for ending the arms race must lie in such negotiations.

If the nuclear arms race continues the world will be in increasing danger of incineration. That is why we believe a delay in the deployment of Safeguard—another nuclear weapon—is advisable and that all-out efforts be made to reach arms agreements, before it is too late.

SENATORS LIVE ALMOST 6 YEARS LESS THAN AVERAGE AMERICAN MALE

Mr. PELL. Mr. President, recently I read a study of the longevity of U.S. Senators and found it depressing, in that it showed our life expectancy as of the date we took office is 5.9 years less than that of the average American male of the same age.

There are other nuggets of information which I thought might be of interest to my colleagues and, accordingly, ask unanimous consent to have printed in the RECORD at this point, "Longevity of U.S. Senators" from the Statistical Bulletin, May 1969.

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

LONGEVITY OF U.S. SENATORS

Senate: literally a council of elders, from the Latin senex: elder. In this century United States Senators have indeed been more of a council of elders than those who served in the first 56 Congresses, but the life expectancy of those in office since 1930 has fallen significantly short of that for white males in the general population. During the 69 years that elapsed between the outbreak of the Civil War and 1930, the longevity of United States Senators closely approximated that of white males in the general population.

This conclusion is drawn from a study of the longevity of 1,619 men elected or appointed to the United States Senate from the time of the First Congress of the United States in 1789 through the First Session of the Ninetieth Congress to the end of 1966. During this 178-year period, 1,416 Senators died, 223 of them (about 16 percent) reportedly passed on while in office; four deaths were due to assassination, three resulted from duels, and one occurred in a Civil War battle. The nine women Senators who served during this period are not included in the study.

Expectations of life for the deceased Senators at the time of their first taking office were calculated on the basis of special cohort mortality tables for the white male population of the United States. Such tables, prepared in the Statistical Bureau of the Metropolitan Life Insurance Company, trace the changing longevity over the calendar years following each Senator's accession to office. For white men born prior to 1840, it was assumed that mortality rates in the United States conformed substantially to those shown in the Wigglesworth Table and English Life Table No. 2. From 1840 on the mortality rates assumed were those developed by P. H. Jacobson in his paper "Cohort Survival for Generations Since 1840" (*Milbank Memorial Fund Quarterly*, July 1964) but with modifications designed to reflect the fact that since about 1955 the death rates of white males in the United States have shown virtually no change.

LONGEVITY OF U.S. SENATORS, 1789–1966

Period of taking office	Number of Senators	Average age on first taking office	Number died before end of 1966	Average age at death	Differences in life expectation [1]
1789–1860	571	45.4	571	68.5	−2.3
1861–1900	392	49.9	392	71.5	.6
1901–30	319	52.8	309	73.3	.3
1931–66	337	52.0	144	69.0	−5.9
1789–1966	1,619	49.3	1,416	70.4	−1.3

[1] This difference measures (a) the average number of years actually lived by Senators from date of taking office to date of death, and (b) the life expectancy of white males in the general population born in the same years as the Senators. The life expectancy in the general population for white men born prior to 1840 was approximated from available data, such as the Wigglesworth table and English life table No. 2. For men born since 1840, it was based on figures developed by P. H. Jacobson, in his paper "Cohort Survival for Generations Since 1840." Milbank Memorial Fund Quarterly, July 1964, pt. 1, 42: 36–53, with modifications to reflect the relative stability of white male mortality since 1955.

Over the entire period since 1789, the average duration of life of deceased Senators from the time they took office was 1.3 years less than might have been expected on the basis of contemporaneous mortality rates in the general population. The longevity of Senators in relation to that of white males in the general population has varied considerably over the years, as shown in the accompanying table. The 571 Senators who took office prior to the Civil War lived on the average 2.3 years less than did the white males in the general population during the same period. By way of contrast, the Presidents who served before Lincoln lived on the average about .3 of a year longer than white males in the general population.[1] The most favorable longevity record among Senators was achieved by the 392 men who took office between 1861 and 1900; they lived on the average .6 of a year longer than white males in the general population during the same period. The 309 Senators who took office between 1901 and 1930 and died before the end of 1966 also on the average outlives white males in the general population, but only by an average of .3 of a year.

The 144 Senators who took office after 1930 had the poorest longevity record; they fell short of the contemporaneous life expectancy of white males in the general population by 5.9 years. This record may reflect the increased pressures on and the more onerous duties of our legislators in the depression years, during World War II, and over the period when the United States assumed global responsibilities.

The mortality rates among Senators since 1930 are actually more unfavorable than appears from the comparisons made with white males in the general population, because in the recent past Senators have more often than not been drawn from the higher socioeconomic segments of the population, which have experienced a mortality rate below that of all white males in the United States—about 10 percent lower in 1950.[2] Even more pointedly, a recent followup study[3] of men in the 1950–51 edition of *Who's Who in America* indicates that prominent men have been subject to mortality rates as much as 30 percent below those for all white males in the general population; government officials (including Senators) within this group recorded death rates 20 percent lower than those of white males in the general population.

The average age at which Senators took office for the first time has increased over the years. Prior to the Civil War the average age of Senators was 45.4 years, rising to 49.9 years for the men who became Senators between 1861 and 1900. Since the turn of the century the average age of Senators has been about 52 years. Two octogenarians became Senators for the first time: Andrew Jackson Houston, of Texas, in 1941 at the age of 86, who died within two months, and John Wolcott Stewart, of Vermont, who assumed office in 1908 at the age of 82 and lived to be almost 90 years old. Senator Cornelius Cole of California, who was elected Senator in 1867 at age 44 and served one six-year term, lived to be 102 years old and thus holds the record as the longest-lived Senator.

[1] Presidents and Their Survival. *Statistical Bulletin*. April 1969.

[2] Guralnick, L. *Mortality by Occupation and Industry Among Men 20 to 64 Years of Age: United States, 1950*. Vital Statistics-Special Reports. National Vital Statistics Division. Vol. 53, No. 2. September 1962.

[3] Quint, J. V. and B. R. Cody. *Preeminence and Mortality: Longevity of Prominent Men*. Given before the Annual Meeting of the American Public Health Association, November 13, 1968. A summary was also published in *Statistical Bulletin* of the Metropolitan Life Insurance Company. January 1968.

THE NEED FOR AN AMBASSADOR TO SWEDEN

Mr. PELL. Mr. President, over the past few days, I have read articles in the press that comment on the fact the United States has no Ambassador to Sweden, and stressing the anti-American feelings of many Swedes.

If ever there was a time when we should send a topnotch diplomat to Stockholm, this is it. Here we are faced with a situation where a nation that immediately follows us as the most technologically advanced nation in the world is being ignored. All it takes is conversations with a Swedish man or woman, or a trip to Sweden, to make one realize that our two countries should be march-

ing hand in hand and not have our relations marred or aggravated.

If we want to express our annoyance with any actions of Sweden, let us do so openly and publicly through diplomatic notes. But, let us not cut off our noses to spite our face, by not sending an Ambassador to Sweden.

I also believe that a competent ambassador could do a great deal to dispel present anti-American feelings by explaining the predicament in which we find ourselves.

Our present action in ignoring the Swedes is, I think, an insult to a proud nation that has many of the same values as we have.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the Providence Journal of June 24, entitled "Sweden Lacks U.S. Envoy, Wonders Why," and an article from the Washington Post of July 5, 1969, entitled, "Swedes Vent Anti-U.S. Feelings, Admiration Dissolved With War."

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

[From the Providence (R.I.) Journal, June 24, 1969]

SWEDEN LACKS U.S. ENVOY, WONDERS WHY

STOCKHOLM.—The arrival last weekend of new Chinese and North Vietnamese ambassadors has increased Swedish concern that, six months after the Nixon administration was installed, there is still no sign of a new American ambassador here.

What official impatience exists is carefully concealed in Foreign Ministry circles. But it has been heightened by reports from Peking that the Chinese want to shift the site of future official discussions with the United States from Warsaw to Stockholm.

Swedish officials refuse to confirm or deny the report. They admit they have received it from their embassy in Peking, but as a rumor without official confirmation.

No attempt has been made to clear it up. "We are careful not to interfere," a Foreign Ministry official said. But officials say China is not happy with the Warsaw site of past Chinese-American talks, because the Poles have sided with Moscow in the Chinese-Soviet confrontation.

Whether the Americans would be happier with Stockholm as a site for future talks is an open question. Swedish sentiment against the Vietnam war runs high, and the next scheduled demonstration is for July 4th, when a relay of speakers is to recite the names of all American war dead in the war. The marathon, in front of the U.S. Embassy here, is expected to last 22 hours.

Swedish officials profess not to know the reason for the delay in appointing a new American envoy. Some political and journalistic circles here have interpreted it as a sign of ire over Swedish neutrality and the recognition earlier this year of North Vietnam.

If there is anything to the report about shifting the site of the Warsaw talks, Swedish officials assume they will be getting a professional diplomat who is a skilled negotiator as the next American envoy. The last one, William W. Heath, was a political appointee and close friend of President Lyndon B. Johnson whose relations with the government here were anything but close.

The new Chinese ambassador is Want Ting, an experienced diplomat who has seen service in the Balkans. He replaces a man called home in the mass withdrawal of Chinese diplomats abroad during the Cultural Revolution and never heard from again.

The North Vietnamese is Nguyen Tho Chan, who is ambassador to the Soviet Union and lives in Moscow. Both will present their credentials next Friday.

[From the Washington (D.C.) Post, July 5, 1969]

SWEDES VENT ANTI-U.S. FEELINGS—ADMIRATION DISSOLVED WITH WAR

(By Roland Huntford)

STOCKHOLM, July 4.—A group of Swedes spent the Fourth of July reciting the names of the 22,000 Americans killed in Vietnam, as a protest against U.S. policy there.

The group was predominantly, but not exclusively, extreme left. One prominent young leftist refused to participate because, as he said in a newspaper interview, "I refuse to look at the war from the American point of view. I'm more concerned about the far larger number of Vietnamese killed."

Although the protestors represent only an articulate minority, it is symptomatic of widespread anti-Americanism among Swedes of all classes, ages and political opinions. Vietnam has been only a catalyst, not a cause in itself; it is attacking the Americans, not supporting the Vietnamese, that interests Swedes today.

Yet, Sweden is one of the world's most Americanized countries. American residents here say almost without exception that the Swedish way of life is exactly what they have been used to.

Like the United States, Sweden is basically a society which concentrates on technology and material prosperity, without, perhaps, the compensating idealism of Americans. Swedes look, act and even think American. Their clothes owe more to California than to Paris or London. Their language bursts with Yankee phrases.

A glance at any bookshop shows the deep influence of American intellectuals.

"What we Swedes will rarely admit," said a professional man in a moment of ingenuousness, "is that we have no culture of our own and we have to import it. Once it was from Germany, but that finished in 1943, around Stalingrad and Alamein. And then we turned to America instead."

But conscious liking for America began to evaporate in 1963 with the assassination of President John F. Kennedy. Building up a year or so later as it became clear that the United States would not get a quick victory in Vietnam.

Americans in Sweden, by no means supporters of the Johnson or Nixon administrations, are appalled or amused at the image of their country given to the population by the Swedish press. "You'd think we're nothing but murderers, student demonstrators, and Black Panthers," one said, "but it's really the Swedes I'm sorry for. What kind of picture are they getting of the world?"

The government has cashed in on the groundswell of anti-Americanism. Despite Swedish neutrality, Foreign Minister Torsten Nilsson has on several occasions made public statements in favor of North Vietnam and the Vietcong. Olof Palme, the Minister of Education (and strongly tipped as the next Prime Minister), made a widely publicized appearance last year at a pro-North Vietnam rally in Stockholm, together with delegates from Hanoi. American deserters in Sweden have been given a quasi-official status, including a special civil servant at the Ministry of Social Welfare detailed to look after them.

These acts need not be taken at face value. They were intended to profit from the currents of domestic opinion quite as much as making gestures against the United States.

There is little doubt that Palme's action swung younger voters over to the Social Democrats, helping them win the general election last year. In a local context, his appearance at a political demonstration was the psychological counterpart to nationalizing U.S. firms in Latin America.

In neighboring Norway and Denmark, which belong to the Atlantic Alliance, and in Finland, which is neutral, there is just as much disquiet over U.S. Vietnam policy as in Sweden. But, except for a few Communists, politicians have refused to exploit it. They feel that since the Americans are in trouble, it would be unkind to add to their difficulties.

And, too, Danes, Norwegians and Finns have preserved more of their own national culture, and are therefore not so vulnerable emotionally as the Swedes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

ORDER FOR RECOGNITION OF SENATOR PROUTY ON MONDAY NEXT

Mr. DIRKSEN. Mr. President, I ask unanimous consent that on Monday, after the morning hour, the first order of business be an hour's time for the distinguished Senator from Vermont (Mr. PROUTY).

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

TRAVEL RESTRICTIONS TO CUBA

Mr. THURMOND. Mr. President, knowledgeable persons have reported to me that the lower policymaking levels in the State Department are seriously considering the removal of travel restrictions on U.S. citizens going to Cuba. I am sorry to hear these reports. I realize that the administration has had to face many pressing issues in its first few months and has probably not had time to give careful consideration to this question of the travel restrictions. However, I hope that before the question goes much further, a broader consideration of its possible consequences will stop any such action.

The rumors concerning the dropping of travel restrictions are all the more ominous in view of the fact that subversives in the New Left movement have just announced plans for massive visits to Cuba. The so-called revolutionary youth movement is seeking to organize an international brigade of 300 students to go to Cuba late this autumn on the pretext that they are volunteers to cut sugarcane for Castro. Actually, this is a thinly disguished pretext for these students to receive ideological indoctrination and guerrilla warfare training in the hope of formenting revolution in the streets of American cities.

The object of this visit is to make the American students "one division of the international liberation army." The literature of the New Left is filled with references to plans for violent and massive revolutionary struggle. In the context of today's social situation, these are plans which have to be taken seriously.

Too few people today realize the importance of movements such as this proposed international brigade. Too few memories go back to the period of the 1930's when brigades were a recruiting ground for agents and workers for the Communist cause. The most famous of these brigades was the Abraham Lincoln Brigade which fought for the Communists in Spain. The technique is part of a campaign called the United Front Against Fascism, in which fascism is identified with everything which opposes communism in any respect.

Mr. President, the recruiting for the Cuban visits and the history of this movement have been admirably set forth in a forthcoming report published by the Osth Information Service of Berryville, Va. Mrs. Osth has a well-deserved reputation for careful reporting and keen understanding of the deeper meaning of the New Left movement in its varied and shifting forms. I recommend Mrs. Osth's report on the international brigade to my colleagues and to those in the State Department who are considering the Cuban travel restrictions, and I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, too few people today understand the real nature of the Communist movement and its true purposes. These purposes were summed up Tuesday in a fine column by David Lawrence which appeared in the Washington Evening Star.

An understanding of the definitions put forth by Mr. Lawrence would help us assess the danger presented by such operations as the International Brigade. I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks the article entitled "A Definition of Communism Offered," written by David Lawrence and published in the Washington Evening Star of July 8, 1969.

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

(See exhibit 2.)

EXHIBIT 1

[From the OSTH Information Service, Berryville, Va., July 20–27, 1969]

TODAY'S COMMUNIST INTERNATIONAL BRIGADE—TO OVERTHROW THE U.S. GOVERNMENT BY FORCE AND VIOLENCE—PART I

Red history is repeating itself, but this time Communist leaders do not intend to make mistakes of the thirties during the "united front" period established at that time. The new Revolutionary Youth Movement and the forthcoming Conference organized by Black Panthers from the West Coast to establish the "United Front Against Fascism in America," evidently will be the modern version of the old International Brigades.

A little background about the old Brigades may help bring into clear focus the intent of today's radicals. In 1936, the world Communist movement was and had been for some years organized as the Communist Internationale under the hegemony of the Soviet Union and had as integral, disciplined sections, national Communist parties in countries throughout the world, including the Communist parties of the United States and Spain.

Due to certain events in Spain, various political parties of the popular front, including the Communist Party Spain, organized field armies from among their adherents. The clearly revealed Communist plan in Spain was, through the united or popular front technique, to become the dominant force and upon the re-institution of the assailed Republican government, to dominate and control it and, ultimately to align Spain in the camp of the Soviet Union. That is why the Communist Parties of the U.S.A., the Soviet Union and of Spain among others, fought in Spain, and the United States arm of that action was called the Abraham Lincoln Brigade, or Battalion. It still exists today and holds reunions reported regularly in the Communist press.

International Communists used an international anti-fascist united front technique in those days so that various countries' Communist Parties furnished troops to fight in Spain and these were organized into five International Brigades. The Communist Party of the U.S.A. of course operated as a part of that international movement, but, being a front, drew a few members who were not Communist Party adherents.

The above information, with minor changes in condensing it by this Information Service was taken from a Report by the Subversive Activities Control Board in 1955. The Abraham Lincoln Brigade was cited as Communist by both Attorney General Tom Clark and the Special Committee on Un-American Activities. It is easy to see why the Communists and those under Communist discipline as well as duped liberals and others continue to attack the SACB and other investigating committees today. They hit the nail on the head.

By studying those International Brigades of the thirties it becomes clear why the Communist Party's *Daily World* gave a whole page in its Magazine Section of July 5, 1969, to "Panthers Project: United Front." Communist writer Margrit Pittman reported that West Coast Black Panthers came into the Communist Party's New York office to discuss eagerly the "United Front against Fascism in America," and its Oakland California conference scheduled for July 18–21 with its main projected action seeking "community control of the police."

Margrit Pittman stated all six who came to New York are "leading members of the Black Panther Party, who devote their full time to 'the revolution.'" She claims recent police attacks on Panthers have caused their need for alliances with other groups which "will unite all radical and liberal elements."

The article calls attention to the fact that the Panthers, in their effort to organize this new Front, are studying Georgi Dimitrov's essays and speeches on the United Front against Fascism prepared in the 1930's, and they quote them liberally to make their points.

At the same time *Guardian* writer Stanley Aronowitz is running a series of columns explaining to leftists just what "fascism" really means from the Red viewpoint, and tells step by step what Dimitrov really meant in his United Front writings and how mistakes Communists made, for example in Germany, must not be repeated in the new effort. He carefully cited the Dimitrov speech of 1935 as being the signal for the end of previous Communist policy which had consisted of attacks on left tendencies deviating from established Communist Party beliefs, and said the idea now was to join all "workers' organizations in a front against the corporate bourgeosie's efforts to establish a terrorist dictatorship."

Today the Panthers, SDS and others including the SDS's Revolutionary Youth Movement, a part of the Revolutionary Youth Union, insist they must fight against "Fascism" here, and unite to do so. It is certain that the Black Panthers did not dig out of the archives the books and speeches by the very important old Bulgarian Bolshevik Georgi Dimitrov, without at least a small suggestion by the Communist hierarchy. Let us not be naive about that.

Margrit Pittman's *Daily World* article stated, "The original conference call had only a few non-Panther sponsors, among them Tom Hayden, formerly of SDS; Dr. Philip Shapiro, a Bay Area white psychiatrist and prominent member of the Medical Committee to Defend Human Rights; Dr. Carlton Goodlett, publisher of the Sun Reporter, the Bay Area's most important black weekly, and attorneys Charles R. Garry and William Kunstler. The latter two have long been active in the defense of frame-up victims. Garry is the attorney for Huey Newton."

By mid-June the Panthers had already mailed out 2,000 invitations to various organizations and obtained support from the Young Lords of Chicago consisting of Young Puerto Ricans, Los Siesta de la Raza, Latinos from San Francisco's Mission District, Young Patriots, Chicago white working-class people composed mostly of refugees from "Appalachia," and the W. E. B. DuBois Clubs of America, according to the *Daily World*.

Black Panther Chief of Staff Dave Hilliard said they were working to get unions and unionists, wanting "all the workers and peasants to be there."

The *Daily World* article concluded with what amounted to a directive to Communists to attend and become involved with the new United Front against Fascism in America. "This is an important national initiative for the all-black Panther organization who originally stuck to community self-help activities in the ghettos.

"The Panthers hope that the July conference will result in another, larger gathering later this year so that, in the words of one of our visitors, it can unite 'all forces that are anti-fascist but not anti-communist.'"

Probably to help put the message across to Communist Party members that they must "put down" anti-Communists with renewed vigor, the same issue of the *Daily World* printed a column datelined San Diego which quoted the identified Communist Party member Harry Bridges of the International Longshoremen's & Warehousemen's Union. The quotation was a direct smear and attack upon Dr. Fred Schwarz. The same article attacked San Diego's Richard Barnes and others. There is also a long two-page article consisting of a vicious attack upon the Church League of America, Edgar Bundy, Herbert Philbrick, George Washington Robnett, and many deceased effective anti-Communists like Bella Dodd, Senator Joseph McCarthy, J. B. Matthews, and a number of Congressional investigating bodies. In the same edition is a 2-page article praising the late Ernest Hemingway, citing his work in Spain. But the interesting point is that the author of the article is none other than Milton Wolff who commanded the Abraham Lincoln Battalion (also known as Brigade) during the Spanish Civil war. So these, and other articles in that issue of *Daily World* are obviously part of an "operation," designed to provide the "line" to cadres. At the same time columns and editorials in the liberal press have gone into high gear with vicious attacks upon good United States citizens. Drew Pearson who writes just enough truth to sell unsuspecting readers his falsehoods, has attacked Otto Otepka for months, trying to associate him in the minds of his readers with all manner of neo-Nazis with whom, actually, Mr. Otepka has nothing to do. The *New York Times* and *Washington Post* not only have attacked Otepka, but also the Subversive Activities Control Board, investigating committees and Mr. J. Edgar Hoover.

Meantime, the June 28, 1969 issue of Liberation News Service published an interview with Black Panther Bobby Seale about The National Conference for a United Front

Against Fascism. Bobby Seale makes it crystal clear what the new front means, clearer even than the *Daily World* or the *Guardian*.

Seale says the Conference is held to bring in "all strata of society . . . people and representatives of organizations across the country, all progressives and progressive type organizations, all churches and church representatives of all different faiths and religions, all workers especially . . . be they liberal, semi-liberal . . . even black policemen's associations—if they stand firmly with the united front against fascism."

The Conference is not be a debating society but to have concrete action. Seale told about a branch of the National Committee to Combat Fascism in New York, and others in Los Angeles and Chicago. (The *Daily World* last June 11 gave publicity to pro-Communist action by The American Association to Combat Fascism, Racism and Anti-Semitism, which possibly is one organization Seale had in mind.) Seale expects these committees to "combat fascism scattered throughout their local areas."

Seale stated objectives precisely: having community control of police groups with people working for community control of police in their own areas; deal with all political prisoners in the country, not only Huey P. Newton and the Connecticut Panther leadership and the New York 21, etc., but all of them; talk about how to take a stand against law-and-order politicians in the nation who are demagogues and liars; set up something constructive to understand the court system and how it relates to the "fascicization" of the country; deal with black and white workers versus fascism, with religion versus fascism, students, education, teachers, professionals, etc. versus fascism. From these objectives Seale anticipates many committees to be established throughout the nation to combat fascism in their local areas and "to relate to a national united front."

A possible result of the above effort may be an "American Liberation Front," Seale said. While that is not necessarily the objective of the Panthers, those present at the Conference might want to develop some kind of political party or apparatus called the American Liberation Front.

Working with churches is one of the aims, said Seale. When we says "religion vs. fascism," he means the churches are going to *"have"* to really begin to tell the people exactly what is happening and exactly what is going to *"have"* to happen. For example, he explained "They can't wait until the last moment when all of a sudden the churches themselves are attacked by the fascist regime like Franklin's church was attacked in Detroit . . . And even Father Neil's church here in Oakland was attacked when the cops stormed into the church supposedly to arrest someone."

Apparently priority will go toward eliminating effective police forces, however. The plan is set out: "Community control of police itself is in fact directed to the ballot. The community control of police concept is related to a petition that is to be circulated in every city. You get a percentage of the voters in that city to sign the petition, thereby it automatically goes on the ballot where the masses of the people themselves can in fact vote to decentralize all police departments."

In their view, "both police and politicians are financed and managed by the 'avaricious businessman' working through the state and federal governments. To wreck established order, they make it clear that the United Front Against Fascism is not intended as a front group for the Panthers, but a working organization for many interested people. The United Front represents to some extent, a new tactic, Seale noted.

Liberation News Service has access to tape recordings made by Eldridge Cleaver, Minister of Information of the Black Panther Party, who is now in Red Cuba. Words on a tape published in the same issue quote Cleaver as saying, "We are revolutionaries, and as revolutionaries our goal is the transformation of the American social order. In order to transform the American social order, we have to destroy the present structure of power in the United States, *we have to overthrow the government.*" (Emphasis added. EHO)

Cleaver elaborated: Revolutionaries must "have their minds centered on destruction. We're out to destroy the present machinery of the ruling class, that is our task and that's what we must be about. And we say that we will do this by any means necessary." He said the only means possible "is the violent overthrow of the machinery of the oppressive ruling class. That means that we will not allow the ruling class to use brutality and force upon us without using the same force and brutality upon them."

Moreover, said Cleaver, "We must destroy their institutions from which they derive their power . . . We must not get into a bag of thinking that we're involved in a game. A revolution is not a game, it's a war. We're involved in a war—a people's war against those who oppress the people, and this is the war in the clearest sense of the word . . ."

Meantime, at the recent SDS convention in Chicago where Progressive Labor Party members were expelled, it was the words of Chaka, Illinois Minister of Information for the Black Panthers, that brought the festering boil within SDS to a head, bringing about the expulsion. Chaka told SDS leaders, "If you can't relate to Huey P. Newton then you can close up your red book." He asserted the Panthers are the vanguard and had earned that title with their blood.

Now the new leadership of SDS, including the 11-man "national collective" which set out the strategy and ideological outline for the Revolutionary Youth Movement, defines itself clearly within Marxist-Leninist revolutionary traditions and they hope their new line will lead to a new Marxist-Leninist party. That information was duly reported in the June 26, 1969 Liberation News Service.

What more proof do we need other than what is provided in these homegrown Reds' own literature that they mean to overthrow this government by force and violence? They openly publish their plans, their names and their ideas. We ignored Hitler's *Mein Kampf* and writings of Lenin, Stalin and Marx. We ignore today's communists here and abroad only if we wish to be enslaved or murdered.

[From Liberation News Service, June 26, 1969]

FOR A UNITED FRONT AGAINST FASCISM

(Excerpts from speech delivered at the seventh world congress of the Communist International, July 25th,-August 20th, 1935—by Georgi Dimitroff. Book; entitled "United Front Against Fascism")

Incipient American fascism is endeavoring to direct the dillusionment and discontent of those masses into reactionary fascist channels. It is a peculiarity of the development of American fascism that at the present stage it appears principally in the guise of an opposition to fascism, which it accuses of being an "un-American" tendency imported from abroad. In contradistinction to German fascism, which acts under anti-constitutional slogans, American fascism tries to portray itself as the custodian of the constitution and "American democracy." It does not yet represent a directly menacing force. But if it succeeds in pentrating to the broad masses who have become disillusioned with the old bourgeois parties, it may become a serious menace in the *very near future.*

And what would the success of fascism in the United States entail? For the toiling masses it would, of course, entail the unrestrained strengthening of the regime of exploitation and the destruction of the working class movement.

Under these circumstances, can the American proletariat content itself with the organization of only its class conscious vanguard, which is prepared to follow the revolutionary path? No.

It is perfectly obvious that the interests of the American proletariat demand that all its forces disassociate themselves from the capitalist parties without delay. It must at the proper time find ways and suitable forms of preventing fascism from winning over the broad discontented masses of the toilers. And here it must be said that under American conditions the creation of a mass party of toilers, a *"Workers' and Farmers' Party,"* (*"Poor Black and Oppressed Peoples' Party".*) might serve as such a suitable form. Such a party would be a specific form of the mass people's front in America that should be set up in opposition to the parties of the trusts and the banks, and likewise to growing fascism. Such a party, of course, will be neither Socialist nor Communist. But it must be an *anti-fascist* party and must not be an anti-Communist party. The program of this party must be directed against the banks, trusts and monopolies, against the principal enemies of the people who are gambling on its misfortunes. Such a party will be equal to its task only if it defends the urgent demands of the working class, only if it fights for land for the white and black sharecroppers and for their liberation from the burden of debt; only if it works for the cancellation of the farmers' indebtedness, only if it fights for the equal status of the Negroes, only if it fights for the demands of the war veterans, and for the interests of the members of the liberal professions, the small businessmen, the artisans. And so on.

It goes without saying that such a party will fight for the election of its own candidates to local offices, to the state legislatures, to the House of Representatives and the Senate.

Our comrades in the United States acted rightly in taking the initiative for the creation of such a party. But they still have to take effective measures in order to make the creation of such a party the cause of the masses themselves. The question of forming a "Workers' and Farmers' Party", and its program, should be discussed at mass meetings of the people. We should develop the most widespread movement for the creation of such a party, and take the lead in it. In no case must the initiative of organizing the party be allowed to pass to elements desirous of utilizing the discontent of the masses which have become disillusioned in both the bourgeois parties, Democratic and Republican, in order to create a "third party" in the United States, as an anti-Communist party, a party directed against the revolutionary movement.

[From OSTH Information Service, Berryville, Va., July 20–27, 1969]

REVOLUTIONARY YOUTH MOVEMENT—NEW INTERNATIONAL BRIGADE—PART II

We are in for civil war if legal authority is not permitted to put an immediate stop to the new Revoluntionary Youth Movement.

The "new left" as it had been known before the recent Chicago SDS convention, is now replaced by Marxism-Leninism and has set the tone for "revolutionary politics" in the U.S. for the decade of the 1970's. So stated a recent editorial published by the independent radical weekly, *Guardian*, powerful voice for all leftist tendencies. The Communist Party's *Daily World* on July 1, carried the Statement of SDS's Revoluntionary Youth Movement, and that organ promises Communist Party and W. E. B. DuBois Club criticisms concerning RYM will be published later.

The June 18 and June 25 issues of SDS's

New Left Notes clarify its position, and a resolution to be put in effect, submitted by such past and present officers as Mark Rudd, Bill Ayers, Jeff Jones, Bernadine Dohrn and others, accepted by the membership, stated flatly that, *"The goal is the destruction of US imperialism and the achievement of a classless world: world communism."* Moreover, it contended, "Winning state power in the US will occur as a result of the military forces of the US overextending themselves around the world and being defeated piecemeal; struggle within the US will be a vital part of this process, but when the revolution triumphs in the US it will have been made by the people of the whole world."

By now it is well-known that there was a split during the SDS convention when the "regulars" purged their membership of persons affiliated with the Progressive Labor Party, thus making the "regulars" much stronger in new unity. New SDS officers, Rudd, Ayers and Jones, in an article headed, "Victorious Struggle," openly state actions at the recent SDS convention must be considered a critical turning point in the development of SDS as a "mass revolutionary organization." Their article closes with the slogan, "All Power to the People! Long live the victory of People's War!"

A resolution passed by the National Convention, submitted by self-confessed communist Mike Klonsky, the Bay Area Revolutionary government there which has a probirth of the American revolutionary movement" which has been "closely linked with the heroic struggles of the Vietnamese people fighting against US imperialism for national liberation." They state the "rebellions in Detroit, Watts, etc. have been the vanguard actions against US imperialism in Vietnam by bringing the war home," and boast that the necessity of having sent two divisions of troops to Detroit "to put down urban insurrections" instead of to Vietnam was commendable. They announce that there shall be a "revival of the mass movement against the war, elevated to a higher level of militancy" which will be powerful because of a "working class base and leadership." They explain the communist meaning of "internationalism" as the recent formation by the Vietnamese of the new revolutionary government there which has a program of support for the "struggles of oppressed peoples in Africa, Asia, Latin America and black people in the US." They insist SDS response must be to win "masses of Americans to support of the struggles of the oppressed nations for self-determination," which is the "primary way in which we can break the chains that tie them to capitalism."

Their tactics include "attacks on white supremacy," which will "connect the war in Vietnam to the war in the black colony in the minds of the people." Therefore, their program for summer and fall will include a call for a mass action against the war for September 26–28 in Chicago in the following demands:

"Immediate withdrawal of all U.S. occupation troops from Vietnam, the black and brown communities and the schools, and all foreign countries.

"Support for black liberation.

"Free Huey Newton and all political prisoners.

"No more surtax.

"Independence for Puerto Rico.

"Solidarity with conspiracy.

"Support for GI's rights and GI rebellions."

In building a summer program toward the above action, they still (regardless of all the publicity by Chambers of Commerce, etc. in opposition) intend to take the "issues" to the working people through a program of work in factories and in working class communities. They expect to build "revolutionary collectives" wherever they work that can "study revolutionary theory, apply it to practice and do criticism and self-criticism while developing a program in a collective way." They add that this is also an important step to "building a part of the proletariat, which is necessary if victory against imperialism is to be achieved." They foresee building toward "work stoppages and mobilizations of workers who are won to the fight." They intend to promote a student strike for the week of demonstrations, and conclude their lengthy statement headed, "Take the War to the People," with the following quotation from Mao:

"All reactionaries attempt to stamp out revolution by mass murder, and they think that the more people they massacre, the weaker the revolution will become. But contrary to this wishful thinking of reaction, the facts are that the more people the reactionaries massacre, the greater the strength of the revolution becomes, the nearer the reactionaries are to their doom. This is an irresistable law."

Photographically reprinted on the same page is a telegram dated June 24 sent by Hanoi to the SDS Convention, calling for "immediate measures" to demand the U.S. Government stop 'encroachments' on their security." A footnote written by *New Left Notes* editor called attention to that wire and stated it "underscores the need for national action." So SDS takes its orders, in part, from Hanoi! There is the proof in black and white.

Now, the section of *New Left Notes* detailing strategy for the Revolutionary Youth Movement, written by Rudd, Dohren, Jeff Jones and others, is 6 full pages long. The article is replete with flattering photographs of Marx, Lenin, Mao, and silhouettes of guerrilla fighters carrying guns. It takes hours to read and is extremely difficult to comprehend fully. It is impossible to believe these young revolutionaries wrote this piece without a great deal of assistance from seasoned communists. The Revolutionary Youth Movement is often known also as "Weatherman," that term taken from a song sung by Bobby Dylan, one of SDS's long-haired idols.

They refer to the United States as their "Mother Country" and state, "We are within the heartland of a world-wide monster, a country so rich from its world-wide plunder that even the crumbs doled out to the enslaved masses within its borders provide for material existence very much above the conditions of the masses of people of the world."

They quote Black Panther Huey P. Newton who was one of those finally imprisoned, who said, "In order to be a revolutionary nationalist, you would of necessity have to be a socialist." They explain that "black self-determination" in this country cannot be won except as a "victory for the international revolution as a whole." It is impossible, they conclude, for black militants to carve a black nation out of a portion of the United States, therefore, "the black liberation movement, as a revolutionary nationalist movement for self-determination, is automatically in and of itself an inseparable part of the whole revolutionary struggle against US imperialism and for international socialism." So the "Weatherman," Revolutionary Youth Movement program, consists in part of building a white movement which will support the blacks in moving as fast as they must and can, yet the whites should "keep up with that black movement enough so that white revolutionaries share the cost and the blacks don't have to do the whole thing alone." They state any person who does not take that position and still calls himself a revolutionary, is "objectively racist."

It is interesting to note that while all left-wing tendencies call for U.S. removal from Vietnam, at the same time SDS international strategy calls for what Che Guevara called "creating two, three, many Vietnams," meaning mobilizing "the struggle so sharply in so many places that the imperialists cannot possibly deal with it all. Since it is essential to their interests, they will try to deal with it all, and will be defeated and destroyed in the process."

In other words, though they demonstrate against U.S. involvement in the war in Vietnam, at the same time they want our troops and financial resources used there as part of the strategy to overextend ourselves. Obviously, should we pull completely out of Vietnam, the communists will see to it that we become bogged down in "wars of national liberation" in other areas of the globe as well as in the "Mother country."

The Revolutionary Youth Movement expects to reach young people wherever they are, in shops, schools, the army and in the streets, to recruit them "to fight on the side of the oppressed peoples of the world," and to make them "part of the International Liberation Army." They explain that the issues used in various militant actions are not at all necessarily the real issues, but only a means to bring others into the movement. They openly state, "At Columbia (University) it was not the gym, in particular, which was important in the struggle, but the way in which the gym represented to the people of Harlem and Columbia, Columbia's imperialist invasion of the black colony. Or at Berkeley, though people no doubt needed a park . . . , what made the struggle so important was that people, at all levels of militancy, consciously saw themselves attacking private property. And the Richmond Oil Strike was exciting because the militant fight for improvement of material conditions was part and parcel of an attack on international monopoly capital. The numbers and militancy of people mobilized for these struggles has consistently surprised the left, and pointed to the potential power of a class-conscious mass movement."

They spoke of the Black Panther Party Breakfast for Children Program as important because it is "socialism in practice" by revolutionaries with the "practice" of armed self-defense and a "line" which stresses the necessity of overthrowing imperialism and seizing state power.

Describing organizing in high schools and colleges at this time, they state their intent to put forth a mass line to close down the schools, rather than to reform them so that they can serve the people. They expect to send cadres to stick more closely to high school activists, saying they are important, and are already far beyond the need for elementary tactics of "reform," and are obviously prepared "for the full scope of militant struggle" as they already demonstrate a "consciousness of imperialism." It would not "raise the level of (high school activists') struggle to its highest possible point" to tell them about reform.

Rudd and company make a great point of the fact that agitational demands for impossible, but reasonable, reforms are a good way to make a revolutionary point, thus while they do not really desire "reform" in schools, it helps bring others to movement activism. So their line on schools in terms of "pushing any good reforms" should be "open them up and shut them down!"

These "white Mother country radicals," as they refer to themselves time and again, cite their "Position on the Cuban Revolution" in part as follows:

"As participates in an anti-capitalist, anti-imperialist movement, we fully support the Cuban revolution on the basis of the following:

"1. The Cuban socialist revolution has brought about a re-distribution of wealth and created an economic policy aimed at creating the economic basis (abundance) for a communist society.

"2. Cuba is among the vanguard of an effort to revitalize socialism and create a new socialist man . . ."

In support of a "North American Brigade to Cut Cane in the 1970 Sugar Harvest" in Cuba, the Revolutionary Youth Movement calls for a "brigade of 300 Americans (called the Venceremos brigade)" to organize to go to Cuba and cut cane. The brigade will be divided into two sections, one to leave in late November, the other in late January, each group staying in Cuba for a 2-month period. Members of the brigade will be recruited from activists in the revolutionary movement here, and will include "blacks, Latinos, white working class youth, students and dropout GI's." They believe the work will result in furthering their education in "imperialism and about the international revolution against imperialism," as there will be a "well-developed education and propaganda program" while in Cuba. They are also expected to "gain a practical understanding of the creative application of communist principles on a day-to-day basis." Quite openly they state that the New Left in capitalist countries have been ten years clearly identified themselves "within the tradition of socialist and communist struggle," even though the "American mass media and educational system have made the word communism into anathema." Their experience in Cuba is expected to help them "develop ways of combatting anti-communism."

Deviating a moment from the *New Left Notes* article, let us glance at Liberation News Service for June 28, 1969, which provides more information on the Cuban venture. It states the brigade was first conceived by several Americans who subsequently discussed it in Havana with representatives of the Cuban government whose Cuban officials indicated brigade members would be welcome. They urge no one to apply unless he is in good health because the work is hard. A spokesman for the executive committee planning the brigade contends no one need worry about financial need for "local fund raising efforts by groups and individuals, as well as a national fund, will be organized."

LNS boasts that although "unauthorized" travel to Cuba is officially banned, the U.S. government has no way of enforcing current State Department regulations, and in the past few years hundreds of Americans have traveled to Cuba. Members of the national executive committee include the following leftists:

Arlene Eisen Bergman of The Movement; Karen Ashley and Julie Michamin of SDS; Allen Young of Liberation News Service; Jerry Long of Chicago Newsreel; John McAuliff of the Committee of Returned Volunteers; Al Martinet of La Raza; Dave Dellinger of Liberation Magazine. Also representatives from the National Organizing Committee, the New York High School Student Union, the Black Panther Party and the Revolutionary Union Movement. Further information and application forms are available at Brigade, P.O. Box 643, Cathedral Station, New York, N.Y. 10025.

Returning now to *New Left Notes*, RYM discussed building a "movement oriented toward power," noting "Revolution is a power struggle." A major focus, in their view, must be the war against police whom they consistently call "pigs," and reiterate that emphasis must be placed on the fact that police are their "real enemy," which must be realized if they "fight that struggle to win." Their job as they see it is to prepare to meet police power and defeat police, the army, and at the same time stress self-defense, building defense groups around karate classes, learning how to move on the street and around neighborhoods, get medical training, move toward armed self-defense, and honor the principle that "political power comes out of the barrel of a gun." These "self-defense groups" look toward initiating "pig surveillance patrols, visits to the pig station and courts when someone is busted."

RYM anticipates establishing active conscious participating mass bases in neighborhoods, communities, cities and states in order to operate not only locally in given situations, but also to achieve "maximum active participation" when needed on large scales. It expects this to lead to such effective organization that a real revolutionary war will come about. Therefore, they state requirements as follows:

"This will require a cadre organization, effective secrecy, self-reliance among the cadres, and an integrated relationship with the active mass-based movement. To win a war with an enemy as highly organized and centralized as the imperialists will require a (clandestine) organization of revolutionaries, having also a unified 'general staff'; that is, combined at some point with discipline under one centralized leadership. Because war is political, political tasks—the international communist revolution—must guide it. Therefore the centralized organization of revolutionaries must be a political organization as well as military, what is generally called a 'Marxist-Leninist' party."

Next the RYM detail what is needed to accomplish the building of such an organization, explaining the time is not yet ripe except among the blacks, for success here in such an undertaking. However, they anticipate creating a unified centralized organization to have a "common revolutionary theory" to explain generally the nature of their revolutionary tasks and how to accomplish them. They require the existence of "revolutionary leadership tested in practice." They also need the revolutionary mass base which they described in lavish detail.

They see the need to establish "revolutionary collectives within the movement" to test their ideas and plans because "The development of revolutionary Marxist-Leninist-Maoist collective formations" will undertake this "concrete evaluation and application of the lessons of our work" which is not only the task of specialists but also of every revolutionary.

They see as their most important task in "making the revolution" the creation of a mass revolutionary movement without which a "clandestine revolutionary party will be impossible." This revolutionary mass movement should be different from the "traditional revisionist mass base of 'sympathizers.'" Rather, it should be akin to the Red Guard of China, based on the full participation and involvement of masses of people in the practice of making revolution; a movement with a full willingness to participate in the violent and illegal struggle. It is a movement diametrically opposed to the elitist idea that only leaders are smart enough or interested enough to accept full revolutionary conclusions. It is a movement built on the basis of faith in the masses of people."

It is intended through the above strategy that the Revolutionary Youth Movement in the United States will become "one division of the International Liberation Army," and "its battlefields are added to the many Vietnams which will dismember and dispose of U.S. imperialism."

Finally, the last words of the long difficult analysis: "Long Live the Victory of People's War!"

If established authority is not permitted to stem this newly-accelerated Red Tide, Americans will take the law into their own hands. Civil war and anarchy will result, and nothing could make the world Marxist-Leninist movement happier. As a first step, at least Congress should legislate in such a way that the cane-cutting brigade planning to go help Castro should be forced to remain in Red China, losing their United States citizenship.

EXHIBIT 2

A DEFINITION OF COMMUNISM OFFERED

(By David Lawrence)

Almost every week people read in the news dispatches something about "communism" and its relationship to activities in the United States. But rarely has a comprehensive definition of the word been given based upon an official inquiry authorized by Congress.

Such investigations have been occurring for many years. Most of the witnesses testify voluntarily and represent all walks of life—priests, ministers, college professors, schoolteachers, state and city officials, industrialists, farmers, officials of big labor unions, and representatives of various industries, and patriotic societies and other organizations, including the American Civil Liberties Union and the American Legion.

It is not generally realized that one of the practices of the Communists is secretly to advise and inform the members of different types of organizations how to plan for demonstrations on public issues.

Year after year, as the House Committee on Internal Security and the Senate Internal Security subcommittee have carried on their investigations, evidence relating to Communist activities has been revealed.

One of the earliest explanations of what is meant by communism was issued by a House committee in an official report, and is worded just as if it were written today. It says:

"The following is a definition of communism, a worldwide political organization advocating:

"(1) Hatred of God and all forms of religion;

"(2) Destruction of private property, and inheritance;

"(3) Absolute social and racial equality; promotion of class hatred;

"(4) Revolutionary propaganda through the Communist International, stirring up Communist activities in foreign countries in order to cause strikes, riots, sabotage, bloodshed, and civil war;

"(5) Destruction of all forms of representative or democratic governments, including civil liberties, such as freedom of speech, of the press, or assembly, and trial by jury;

"(6) The ultimate and final objective is by means of world revolution to establish the dictatorship of the so-called proletariat into one world Union of Soviet Socialist Republics with the capital at Moscow.

"Communism has also been defined as an organized effort to overthrow organized governments which operate contrary to the Communist plan now in effect in Russia. It aims at the socialization of government, private property, industry, labor, the home, education, and religion. Its objectives are the abolition of other governments, private ownership of property, inheritance, religion, and family relations."

The customary method of carrying on Communist activities is through infiltration of large organizations by a relatively few persons. They have available manuals of guidance and instruction which they give privately influential leaders to help them organize demonstrations. Communism, of course, is never mentioned. The FBI has discovered many instances of this kind, including donations of funds by some wealthy

Americans who are sympathetic to socialistic ideas.

The same techniques are apparent in Latin American countries. When an occasion like the visit of Gov. Nelson Rockefeller to South America arises, the Communist agents get busy and help to organize the demonstrations which will get publicity and arouse antagonism to the United States. Many of the agents are working for Red China or Cuba and are individuals of Spanish background or Europeans who speak Spanish.

In the United States, also, the conspirators are often not foreigners but Americans who are trained abroad or students in this country who have been converted to communism by agents of the Soviet or other Communist governments.

The general assumption has been that such plotters cannot be prosecuted unless it can be proved that they are being financed by a foreign government. The Constitution, however, does provide Congress with power to punish treason or efforts to overthrow the government of the United States by force.

When the average American reads about "communism," he still does not learn much about the techniques of treason and espionage that are being used to damage the American system of government and the established institutions of the country—including colleges, churches, labor organizations and other groups which play a conspicuous part in domestic controversies.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1970 FOR MILITARY PROCUREMENT, RESEARCH AND DEVELOPMENT, AND FOR THE CONSTRUCTION OF MISSILE TEST FACILITIES AT KWAJALEIN MISSILE RANGE, AND RESERVE COMPONENT STRENGTH

The Senate resumed the consideration of the bill (S. 2546) to authorize appropriations during the fiscal year 1970 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and research, development, test, and evaluation for the Armed Forces, and to authorize the construction of test facilities at Kwajalein Missile Range, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, on Tuesday, July 8, 1969, during the course of the debate on S. 2546, the distinguished Senator from Florida (Mr. HOLLAND) asked for certain information with respect to cost overruns on the programs covered by the authorization bill and also for information about recoveries under the renegotiation process. The full information was not available at that moment, but I promised to furnish it for the RECORD. I now have that information and ask unanimous consent that it be placed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. STENNIS. Mr. President, I would emphasize that the attached information points out that there is no direct relationship between the cost overrun problem and the matter of renegotiations of Defense contracts because of excess profits.

The cost increases represent obligations for which the Government is liable. It is unlikely that these overruns will result in there being an excess profit although this is something to be determined later.

The matter of renegotiation of excess profits is not a matter within the jurisdiction of the Department of Defense but is administered by the Renegotiation Board which is a separate statutory agency.

I hope that this additional information will be helpful in explaining this problem.

I ask unanimous consent that a statement and tabulation to which I have referred be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

EXHIBIT I

FUNDING DEFICIENCIES RELATED TO COST INCREASES ON PROGRAMS APPROVED FOR FINANCING THROUGH FISCAL YEAR 1970

In connection with review of FY 1969 and FY 1970 programs which was directed by the Secretary of Defense on January 28, 1969, extensive cost overruns were detected in the shipbuilding program.

On March 3, 1969 a survey was ordered to identify all unbudgeted funding deficiencies which might exist on approved programs due to cost overruns. This survey surfaced a total of between $1.6 and $1.8 billion in funding deficiencies, of which about $874 million to $1.0 billion was expected to mature by June 30, 1970 and another $768 million after Jnue 30, 1970.

Appropriate revisions were made in the FY 1970 budget to cover the deficiencies identified through June 30, 1970.

On May 14, 1969 a review was requested of the Military Departments to revise the estimate of cost overruns to reflect the latest information available. The new total funding deficiency is $1.6 billion of which $710 million is estimated to mature by June 30, 1970. Of the several adjustments which caused the net reduction, the largest was the cancellation of the Cheyenne production contract which reduced the total deficiency by $120 to $252 million.

Attached is a summary of the revised estimates of funding deficiencies.

MANAGEMENT OF COST OVERRUNS

A series of significant actions have been taken to improve management detection and control of cost overruns of major weapons systems:

The selected acquisition reports coverage has been expanded and tightened to provide a better basis to top management for early identification of potential cost overruns. These are special reports covering cost and production status of major weapons systems accounting for a significant dollar value of defense programs.

A standard definition of the elements of costs to be included in stating weapon systems costs has been issued to assure a consistent basis for reporting, analysis and the issuance of cost data in internal and public use.

Military service secretaries have been charged with personal review and evaluation of major weapons systems progress and costs to provide for early identification and management attention and action where cost overruns appear to be developing.

Management attention throughout the Department is being focused on the need for early decision as to future action concerning weapons systems where significant cost overruns have or are projected to occur. These reviews will address the relative costs of the systems versus the urgency of need, and will lead to more timely decisions to proceed with, cancel, or modify major weapons systems programs.

FUNDING DEFICIENCIES RELATED TO COST INCREASES IN PROGRAMS APPROVED FOR FINANCING THROUGH FISCAL YEAR 1970

[In millions]

Program	Total funding deficiencies	Year in which obligational authority required				
		Prior years	Fiscal year 1969	Fiscal year 1970	Fiscal year 1971	Later years
Army						
Air Force	($624.6)					
C-5	424.1				$220.5	$204.1
F-111 A/E/D	200.5				200.5	
Navy	(937.0)					
Shipbuilding	559.0		$183.0	$271.0	115.0	100.0
Aircraft	86.8	$9.3	45.3	32.2		
Missiles	20.5		8.2	12.3		
Ships support equipment	21.9	7.5	4.0	10.4		
Communications and electronics equipment	26.8	18.1		8.7		
Aviation support equipment	84.9	84.9				
R.D.T. & E., N	27.1		1.8	12.4	12.9	
Total funding deficiencies	1,561.6	119.8	242.3	347.0	548.4	304.1
To be financed by reprograming	709.1	119.8	242.3	347.0		
Remaining deficiency	852.5				548.4	304.1

EXHIBIT 2

RENEGOTIATION REFUNDS

While a large proportion of Defense contracts are subject to the Renegotiation Act, Defense does not administer the Act. That is a responsibility of the Renegotiation Board.

Renegotiation refunds of excessive profits are not returned to Defense appropriations, but are deposited in the Treasury. In addition any attempt to relate such refunds to particular contract overruns is not possible for the following reasons:

1. Renegotiation considers profits on all

renegotiable business of a contractor on a fiscal year basis—not on a contract-by-contract basis.

2. A contractor's renegotiable business includes sales to certain agencies other than Defense such as NASA, GSA, and AEC.

3. Due to the time lag in contractor reporting and Board processing, refund data for any Government fiscal year may involve various business years for different contractors.

However, to give a general idea of the order of magnitude of such refunds, data for Fiscal Years 1965 through 1968, are as follows:

[In millions]

	1965	1966	1967	1968
Gross determination of excessive profits	$16.1	$24.5	$16.0	$23.1
Voluntary refunds	16.4	23.2	30.3	15.6
Gross recoveries (to be reduced by applicable tax refunds)	32.5	47.7	46.3	38.7

Mr. STENNIS. Mr. President, as I understood, the Senator from Kentucky (Mr. COOPER) in debate this afternoon indicated that his amendment would not affect any of the funds in the pending bill. The Senator has been called from the floor and cannot be present now. However, I think I should place a short statement in the RECORD emphasizing what these funds in the bill propose to be eligible for, and what they propose to do with them.

This is a highly important issue, and I think it should clarified. I will submit the question, and the Senator from Kentucky can comment on it later as to whether his amendment would affect and how it would affect these funds.

The amendment of the Senator from Kentucky reads as follows:

Funds authorized to be appropriated by this Act or any other Act for the acquisition of an antiballistic missile system may be used only for research, development, testing, evaluation and normal procurement incident thereto, and may not be used for the deployment of an antiballistic missile system or any part or component thereof or for the acquisition of any site or preparation of any site for the deployment of any such system.

As the Senator may know, beginning on page 25 of the report the money elements are outlined totaling $759.1 million, consisting of the following:

(a) $400.9 million for research for Safeguard

(b) $12.7 million for the construction of test facilities for Kwajalein for Safeguard

(c) $345.5 million which would authorize the procurement of elements in the Safeguard system.

On page 25 also the use of the fiscal year 1970 procurement funds is outlined as to their principal purpose, listing the five major elements as follows:

(1) One Missile Site Radar (Grand Forks).

(2) One Missile Site Radar Data Processor (Grand Forks).

(3) Training equipment.

(4) Advance procurement for one other Perimeter Acquisition Radar (PAR) and one other Missile Site Radar (MSR) (Malmstrom).

(5) Leadtime missile parts ($600,000).

On page 27 there is a detailed outline of how the $345.5 million would be spent; $249 million of this consists of costs relating to the radar, data processing, and ground equipment incidental thereto. There is only $600,000 relating to hardware for operational missiles and these are long leadtime parts for Spartan and Sprint. That is a leadtime item regarding the long time guidance system elements. Only $600,000 out of the overall total of $759.1 million is to be devoted to that. There is over $100 million which will go for preproduction costs, that is, factories, engineering, and all the various elements relating to preproduction expenses for the Spartan and Sprint missiles. These funds, however, are preproduction and go for preproduction expenses.

Mr. President, I want to emphasize the following points:

First. Except for the $600,000 there are no funds in this bill for operational missiles. Therefore, none can be deployed because none is to be built with these funds and none have been built.

Second. The $249 million for the radar parts and components will be deployed because these are the radar elements for the two sites in phase I.

In order that we have a clear understanding, Mr. President, I think I respectfully ask the Senator from Kentucky how he thinks his amendment would affect the authorization in this bill as I have outlined:

First, the $400.9 million for R. & D.

Second, the $345.5 million for procurement.

Third, the $12.7 million for test facilities at Kwajalein.

If it is not intended that the amendment affect any of these items, what we will then have is a situation where we are building the radar components for the Phase I sites but with no authority to place them on the sites.

SITE MONEY

With respect to that part of the amendment relating to site acquisition. I would like to ask the Senator is it clear that the Senator intends that no moneys of any kind can be used to acquire sites even in phase I. I would like to add that this bill does not contain any funds for sites. However, there is about $196 million in unobligated funds previously appropriated from military construction which could be used for this purpose.

Mr. President, I think that statement fully sets forth the uses for which this money could be used and makes a differentiation and points out about the sites.

I very respectfully submit this matter now and will advise the Senator from Kentucky (Mr. COOPER) about it. He will have a chance to respond to these questions next week.

I think it will be quite helpful to the membership to nail down these figures on these purposes.

Mr. McINTYRE. Mr. President, as appears on page 18903 of the RECORD for July 9, 1969, the Senator from California (Mr. CRANSTON) asked:

I wonder whether the Senator from New Hampshire could advise Senators, before consideration of this measure is complete, a bit more about the area of studies of men under danger—not stress so much as personal danger.

A number of studies undertaken by the Department of Defense and the services fall in the general category raised by the Senator from California. It is difficult to be specific in all cases since the line between personal danger and stress is often very close in the studies done.

However, I ask unanimous consent that the brief descriptions of 10 such research studies be printed at this point in the RECORD.

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

SUMMARIES OF VARIOUS STUDIES CONDUCTED BY DEPARTMENT OF DEFENSE

Service: Air Force (AFOSR).

Title: "Research on Special Personnel Utilization Problems of the USAF."

Principal investigator: James Monroe, Preston and Associates, Inc., 1050 Thirty-first Street, N.W., Washington, D.C.

Funds: $69,870 (12 months—1 May 68–30 April 69).

Abstract: The objective of this proposed effort is to develop methods for analyzing behavior and performance of Air Force personnel engaged in difficult or stressful military activities, such as combat, captivity by a hostile power, assignment to unusual tasks, threatening physical environments, and service with foreign nationals. The proposer and his staff have military experience, familiarity with related work in this area, and resources in the academic and nonacademic community. The contractor will work closely with the technical monitor and Air Staff in selecting problems, orienting research tasks, and reporting results of his studies in a form that will be readily applicable in policy studies, decision-making, or in military education and training programs.

Air Force relevance: The proposed research will provide methods of analysis and finding to Hq USAF and SAF policy and operational planning staffs on such critical functions as selection and testing, evaluating performance, training, and preparing personnel for special overseas assignments and coping with possible detention in enemy control. The results should be of interest to DCS/P–PTR; AFNIN–Deputy for Collection, and Chief, E&E Branch; AFXPD–Special Warfare Division; SAF General Counsel and Personnel Counsel.

Status: Completed.

Service: Air Force (AFOSR).

Title: "Effects of Physical and Symbolic Stressors on Perceptual Mechanisms."

Principal investigator: Dr. Ross A. McFarland, Harvard University, Boston, Massachusetts.

Funds: FY–68 $52,650 (24 months: 1 Apr. 68–31 Mar 1970).

Abstract: This research seeks to develop ways of increasing man's ability to perform complex tasks under unusual environmental conditions and in the presence of fear producing events. It will test the theory that at extreme stress levels, degradation in performance will be associated with a loss in the ability to maintain a narrow focus of attention. The research will also test the proposition that stressful warning signals presented a highly aroused, but adequately performing individual will result in an early

loss of the ability to maintain necessary concentration.

Air Force relevance: Wartime and many peacetime Air Force operations are performed under extremely stressful conditions. This research effort will contribute to our understanding of the effects of stress on performance and the means of controlling such reactions. Methods will be provided for countering the bad effects of stress on performance and predicting the type of performance most likely to be impaired by high levels of stress.

Status: Proceeding.

Title: Human Factors in Tactical Nuclear Combat (TAS).

Service and sponsor: US Army, US Army Combat Developments Command, OCRD.

Purpose: To forecast from existing literature the probably human factors in nuclear combat.

Abstract: A summary of what is known about man's behavior under extreme stress was made from existing literature. Charts were developed for estimating the extent of psychological casualties to be expected in tactical nuclear combat. Implications were drawn for special training to prepare the soldier to fight and survive in nuclear combat.

Status, completion date: Completed in 1965.

Cost: Estimated cost, $21,000.

Title: Correlational Analysis of Aviator Performance (PREDICT).

Service and sponsor: US Army; US Continental Army Command; Deputy Chief of Staff for Personnel.

Purpose: To develop a system for continuous prediction of aviator performance in training and combat.

Abstract: Based on the tests now in use in the Army for initial selection of Warrant Officer candidates for flight training and on results of previous research on predicting successful performance under stress, a system is being developed for making updated predictions of an aviation student's success as he progresses through flight training. The major utility of the system will be earlier detection of probably failures in this costly training sequence. Also, the system will improve the accuracy of advanced training assignments and may reduce aircraft accidents.

Status, completion date: fiscal year 71.

Cost: $239,324.

Title: Curriculm Engineering to Enhance the Soldier's Resistance to Stress in Combat and Hazardous Job Situations (SKILLCON).

Service and sponsor: US Army; US Continental Army Command.

Abstract: Aspects of basic combat training involving some psychological stress such as rifle firing and grenade throwing, have been recast in light of new knowledge of stress and evaluated. Results suggest the approach should help to increase the trainee's effectiveness in stress situations. Guidelines for modifying other hazardous duty situations will be developed.

Status, completion date: Ongoing research.

Cost: $68,755.

BEHAVIORAL SCIENCE RESEARCH IN THE MILITARY

Title: Performance of Young Commanders under Stress. Subtitle: Lieutenants being interrogated by the enemy (simulated).

Service: Army.

Sponsor: Chief of Staff, Deputy Chief of Staff for Personnel, Chief of Research and Development, other General Staff Agencies.

Purpose: To develop effective performance of young commanders who may become subject to hostile interrogation, and to evaluate performance under stress.

Abstract: As part of a stressful three-day leadership simulation designed by behavioral scientists using the subject-matter knowledge of several hundred combat officers to simulate guerrilla combat, lieutenants were sent individually on a three-hour jeep-mounted reconnaissance patrol during which each lieutenant was captured, interrogated, and ultimately released. Scientifically controlled realism was built in throughout. In addition to the mounting stresses of confusion, harassment, hunger, and fatigue (though without fear of death), those stresses normally employed in military training for resistance to interrogation were introduced in connection with the simulated interrogation. A number of behavioral factors influencing resistance to interrogation were identified. Favorable influences were previous disposal of all personal papers, preference for a combat-type assignment by the lieutenant, his measured level of motivation and his willing effort (self-reported). Unfavorable behavioral influences were a tendency by the lieutenant for falsifying information, his pretending of illness, a show of belligerence by the lieutenant; and self-reported drowsiness, apprehension over possible dangers, being bothered by long periods of solitude, being stressed by the patrol mission, and being bothered by the capture and interrogation events themselves. Such research results provide a basis for aiding young commanders to perform more effectively under stress.

Completion date: December 1969.

Estimated cost: $150,000.

Title: "A Conceptual Model of Behavior Under Stress, With Implications for Combat Training."

Service and sponsor: U.S. Army; U.S. Continental Army Command.

Purpose: To identify and measure factors related to effectiveness and ineffectiveness of individuals in combat.

Abstract: On the basis of reported observations of the behavior of individuals under various prolonged physical harm conditions, a sequential pattern of behavioral reactions is described, reflecting the behavioral manifestations of a stress process. This sequential pattern of behavior would be expected, over time, to apply to any individual in any severe physical harm threat. The rate of development of this behavioral pattern under a given set of environmental stressor conditions represents the individual's stress resistance. A conceptual model was developed to describe the mode of operation of key attitudinal variables and environmental stressor variables in producing this behavioral pattern as well as the individual differences in stress resistance. Design of training to increase stress resistance in combat or other hazardous jobs is discussed from the basis of this conceptual framework.

Status, completion date: June 1966.

Cost: $28,000.

Title: "Aviator Performance Under Stress."

Service and sponsor: U.S. Army; USA Combat Developments Command.

Purpose: The general objectives of the research are to provide the Army with readily usable information on variables affecting aviator performance of Army aviation missions, and to provide for the integration of this information into a dynamic system of performance prediction. The immediate principal concern is with the decrements in performance resulting from the various stresses associated with combat missions.

Abstract: What has emerged is an Army whose equipment has grown more complex and whose environment has taken on much greater variability. The human operator in this system is the Army aviator. In combat, he is required to perform for extended periods, involving many missions within a single day. What happens to his performance as a function of factors such as fatigue, monotony, enemy fire, turbulence, low-level flight, and operation at night? We may safely predict that factors such as these generally result in a decrement in performance; the critical question as to amount of decrement has not been answered for most of these factors. In the course of this effort HumRRO surveyed some 10,000 abstracts of psychological and physiological articles and books relevant to human performance under stress. From these HumRRO has compiled a stress reference library consisting of approximately 2,000 scientific and military articles that are most pertinent to the Army aviation situation. They summarized this information and categorized it in terms meaningful to lay military audiences so that it can be used on a day-to-day basis as inputs for planning. The categories being used are generally related to ranges of effective human performance. Especially important in this context are tolerance limits related to ancillary stresses encountered in the combat environment—such as extreme temperatures, or chronic and acute sleep loss—and their interactive effects on perceptual, motor, and cognitive functions.

Status, completion date: April 1967 (Report is in HumRRO Professional Paper 27-67 titled "Human Factors Research in Support of Army Aviation").

Cost: $43,000.

Title: "Performance, Recovery, and Man-Machine Effectiveness."

Service and sponsor: US Army, with technical monitorship assigned to: US Army Human Engineering Laboratories, Aberdeen Proving Ground, Maryland.

Purpose: To identify and measure the major parameters of long-term performance, and of recovery of the ability to perform.

Abstract: Army tactical units and their commanders are required to accomplish their missions under the stresses of noise, vibration, unfavorable climatic conditions, overload of job demands, and hazard of injury and death. Improved battle area surveillance and other tactical hardware will shortly enable a doctrine of continuous operations. The doctrine's primary limitation is expected to be man's ability to perform effectively for long periods of time and to recover quickly for renewed efforts. Knowledge and indicators of performance limits, and means of speeding recovery, are of utmost importance.

Experimentation will measure, and identify valid indicators of, the limits of effective endurance of individuals and organized groups in the performance of arduous, stressful, and responsible duties; and seek more effective techniques for speedy recovery and return to duty.

Experiments are being designed to take differential account of: organizational and motivational emphasis; congruity and ambiguity of instruction and training; personality and dietary habits; vigilance and cognitive processes; conditions of vibration, physical loading, ionization, and temperature and humidity.

Status, completion date: Year 1 (Sept. 1968–Sept. 1969): design of experiments, installation and test of instrumentation, pilot orientation and calibration studies in progress. Sept. 1973.

Cost: $467,500, Initial contract amount; $234,000, Annual level of effort; $702,000, Total 3-year effort.

Mr. McINTYRE. Mr. President, on July 9, during a colloquy with the Senator from Arkansas (Mr. FULBRIGHT), I was asked about AWOL and desertions from the Armed Forces during the fiscal year 1969.

With reference to Department of Defense statistics concerning absentees contained on page 24 of Senate Re-

port No. 91-93 dated March 11, 1969, the following are similar statistics reported for the first three quarters—July-March—of fiscal year 1969:

Number of unauthorized absentees (AWOL) for less than 30 days

Army	113,330
Navy	6,766
Marine Corps	(1)
Air Force	2,546
Total (less Marine Corps)	122,642

[1] Not available.

Number of unauthorized absentees over 30 days, administratively classified as deserters and dropped from their unit rolls

Army	43,223
Navy	3,756
Marine Corps	8,092
Air Force	387
Total	55,458

As appears on page 18904 of the RECORD for July 9, 1969, the Senator from Washington (Mr. JACKSON) asked:

Will the Senator (MCINTYRE) supply for the RECORD the amount of money supplied the Massachusetts Institute of Technology by the Department of Defense?

The Defense Department states that in 1968, the last year for which firm figures are available, the MIT and its divisions received the following:

[In millions]

From DOD (prime contracts):	
Instrumentation Lab	$30.7
Lincoln Lab	63.2
MIT	25.3
Total	119.2
From other Federal agencies (NASA, AEC, FAA)	28.8
Grand total	147.0

As appears on page 18904 of the RECORD for July 9, 1969, the Senator from Maryland (Mr. TYDINGS), asked:

How much did the Hudson Institute receive directly or indirectly from the Department of Defense or the Pentagon in 1967, 1968, 1969, and how much is it going to receive in 1970? I think it might be helpful if the Senator could provide any information with relation to the amount of the cost of the book "Why ABM?" authored largely by members of the Hudson Institute, of Croton-on-Hudson, N.Y., and the relationship between that book and the funds received by the Hudson Institute from the Pentagon.

I am informed by the Department of Defense that the following facts cover the situation regarding the Hudson Institute. I ask unanimous consent that the statement be printed in the RECORD.

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

THE HUDSON INSTITUTE

Hudson Institute was formed by a group of former Rand scientists, headed by Herman Kahn. It was never, in the truest sense of the word, a Government-sponsored FCRC, and it has always competed for work outside the Government. Nevertheless, it has consistently drawn most of its funds from Department of Defense contracts and, until FY 1969, it was reported to the Congress as an "FCRC." In FY 1968, 69%, or $950,000, of Hudson Institute's $1.36 million operating budget came from DOD-funded contracts.

Twenty-seven percent came from non-Government sources, and 3% from Federal agencies other than the Department of Defense. DOD does not have firm figures for FY 1969 but estimates that the funding and the sources of same are approximately the same as FY 1968.

The criteria which distinguish an FCRC are principally the following:

1. Virtually complete dependence on DOD as the source of funding;

2. An understanding that it will devote its capabilities exclusively to DOD projects as required; and

3. The absence of the necessity to compete for DOD contracts.

Because it no longer meets these criteria, Hudson Institute was "delisted" by the Defense Department and for FY 1969 was not reported to the Congress as an FCRC. Since that time it has been required to compete for DOD contracts on the same basis as a profit-making, private corporation or university center. Because it must compete for FY 1970 funds with other organizations having like capabilities, it is not possible to predict the FY 1970 projects which DOD will award to Hudson Institute.

On the question of the book, "Why ABM?", the following information has been furnished by DOD, which presumably obtained this information from the Hudson Institute:

The book cost between $15,000 and $20,000 to publish. It was written by fellows and associate fellows of the Hudson Institute and is financed with the Hudson Institute funds. Our information is that the contributors were not paid for their essays which make up the book and that Hudson Institute hopes to recoup its publishing expenses from sales. We are assured that no defense funds were used for the book.

ADJOURNMENT TO MONDAY

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate adjourn until 12 o'clock noon on Monday next.

The motion was agreed to; and (at 4 o'clock and 5 minutes p.m.) the Senate adjourned until Monday, July 14, 1969, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate July 11, 1969:

JUDGE, DISTRICT COURT, VIRGIN ISLANDS

Almeric L. Christian, of the Virgin Islands, to be judge of the district court of the Virgin Islands for a term of 8 years, vice Walter A. Gordon resigned.

U.S. ATTORNEYS

Nathan G. Graham, of Oklahoma, to be U.S. attorney for the northern district of Oklahoma for the term of 4 years, vice Lawrence A. McSoud.

C. Nelson Day, of Utah, to be U.S. attorney for the district of Utah for the term of 4 years, vice William T. Thurman.

Robert T. Lawley, of Illinois, to be U.S. attorney for the southern district of Illinois for the term of 4 years, vice Richard E. Eagleton.

Douglas B. Baily, of Alaska, to be U.S. attorney for the district of Alaska for the term of 4 years, vice Richard L. McVeigh, resigned.

CONFIRMATIONS

Executive nominations confirmed by the Senate July 11, 1969:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Dr. Roger O. Egeberg, of California, to be an Assistant Secretary of Health, Education, and Welfare.

OFFICE OF SCIENCE AND TECHNOLOGY

Hubert B. Heffner, of California, to be Deputy Director of the Office of Science and Technology.

NATIONAL SCIENCE FOUNDATION

William David McElroy, of Maryland, to be Director of the National Science Foundation for a term of 6 years.

U.S. DISTRICT JUDGES

Gerald S. Levin, of California, to be U.S. district judge for the northern district of California.

H. Emory Widener, Jr., of Virginia, to be U.S. district judge for the western district of Virginia.

U.S. ATTORNEYS

Charles S. White-Spunner, Jr., of Mobile, Ala., to be U.S. attorney for the southern district of Alabama for the term of 4 years.

R. Jackson B. Smith, Jr., of Georgia, to be U.S. attorney for the southern district of Georgia for the term of 4 years.

Charles H. Anderson, of Tennessee, to be U.S. attorney for the middle district of Tennessee for the term of 4 years.

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.

James M. Sullivan, Jr., of New York, to be U.S. attorney for the northern district of New York for the term of 4 years.

Leigh B. Hanes, Jr., of Virginia, to be U.S. attorney for the western district of Virginia for the term of 4 years.

Henry A. Schwarz, of Illinois, to be U.S. attorney for the eastern district of Illinois for the term of 4 years.

Evan LeRoy Hultman, of Iowa, to be U.S. attorney for the northern district of Iowa for the term of 4 years.

Robert J. Roth, of Kansas, to be U.S. attorney for the district of Kansas for the term of 4 years.

Donald E. Walter, of Louisiana, to be U.S. attorney for the western district of Louisiana for the term of 4 years.

U.S. MARSHALS

James E. Williams, of South Carolina, to be U.S. marshal for the district of South Carolina for the term of 4 years.

Isaac George Hylton, of Virginia, to be U.S. marshal for the eastern district of Virginia for the term of 4 years.

Frank M. Dulan, of New York, to be U.S. marshal for the northern district of New York for the term of 4 years.

George E. Tobin, of California, to be U.S. marshal for the northern district of California for the term of 4 years.

Charles R. Wilcox, of Wyoming, to be U.S. marshal for the district of Wyoming for the term of 4 years.

Melvin A. Hove, of Iowa, to be U.S. marshal for the northern district of Iowa for the term of 4 years.

Robert G. Wagner, of Ohio, to be U.S. marshal for the northern district of Ohio for the term of 4 years.

BOARD OF PAROLE

William F. Howland, Jr., of Virginia, to be a member of the Board of Parole for the term expiring September 30, 1972.

William E. Amos, of Maryland, to be a member of the Board of Parole for the term expiring September 30, 1974.

EXTENSIONS OF REMARKS

PROPOSED EXPERIMENTAL CITY IN MINNESOTA

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Friday, July 11, 1969

Mr. JAVITS. Mr. President, the crisis of our cities is both complex and challenging, and many proposals have been offered to improve urban life. I wish to bring to the attention of my colleagues in the Senate a new and exciting approach to solving the ills of urban America.

A group of distinguished Americans, including university, city, and industry officials, have begun to plan the construction of an experimental city in Minnesota to commemorate the 200th birthday of the United States in 1976. I can think of few better ways to celebrate this historic occasion than by designing the city of tomorrow to serve the citizens of today.

The public and private sectors should cooperate in designing and building a city which will demonstrate to all Americans that our cities can, and will, be as viable a part of our Nation's future as they have been throughout our country's first 200 years.

Mr. President, I ask unanimous consent that a speech by Otto A. Silha, chairman of the steering committee of the experimental city project, and executive vice president and publisher of the Minneapolis Star and Tribune, be printed in the RECORD.

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

HOW A CREATIVE PARTNERSHIP OF THE PRIVATE AND PUBLIC SECTORS CAN COMBINE TO CONSTRUCT AN EXPERIMENTAL CITY IN MINNESOTA BY 1976 TO COMMEMORATE THE 200TH BIRTHDAY OF THE UNITED STATES

(Address by Mr. Otto A. Silha)

I'm delighted today to discuss a project which is completing its first stage at the University of Minnesota.

In the beginning, some people considered it "far out."

Now, many consider it one of the most significant, far-reaching undertakings ever launched in America.

I'm speaking about an Experimental City for the United States.

In order to focus this project clearly in your mind I would like to review briefly the 1968 nomenclature of "the cities."

You are familiar with the *Model City program*. Formerly called the Demonstration City program, the Model City plan, as it was passed by the last Congress, is basically much-needed extension of what we have come to know as Urban Renewal, a super coordination effort involving the many departments of government which deal with the problems of the city. Minneapolis has a model city program.

Let me emphasize that the Model Cities program basically involves tearing out slum areas, replacing them with new construction, and attempting to deal at the same time with the "people problems" which are overwhelming in these areas of dense urban population.

A second designation for urban development which has come into the vocabulary in the past three or four years is the New Town. There are now in construction or on drawing boards, more than 250 "New Towns" in the United States. The two with which you are probably most familiar are Reston and Columbia, both of them in the greater Washington, D.C., area. Jonathan in Carver County is the nearest thing we have in this part of the country.

Actually, in oversimplified terms, the New Town is a real estate development. They are all primarily in the private sector and many of them are spearheaded by large corporations. In each case, the project usually begins with the acquisition or optioning of large acreage, ranging from 200 to 17,000 acres, and proceeds from there.

Interestingly enough, almost all of these planned "New Towns" are located around the "rims" of the United States. You can trace the concentration starting from the Boston area in New England down along the East Coast into Florida, across the Gulf Coast into Texas, through Arizona and then up the West Coast of California. Very few of them are mapped out for the Midwest.

I want to make the distinction now between the Model Cities, the New Cities and the subject to which I address myself today—the Experimental City. The key phrase which I prefer to use in describing the Experimental City is that it will comprise an *overleap* in research and in seeking more alternatives in dealing with the problems of the city.

This experimental overleap would offer an opportunity, in some degree, to start anew rather than to have to deal with the entangling restrictions of every sort—in power, transportation, sewer lines, to name a few—which are present when we attack the established city or even the environs of the established metropolitan area.

You might be interested in a brief résumé of the genesis of the Experimental City.

First and foremost, of course, is Dr. Athelstan Spilhaus, our former University of Minnesota Institute of Technology dean, who is now president of Franklin Institute, Philadelphia. Dr. Spilhaus first proposed *an* Experimental City formally in a 1966 report made to the White House by the American Academy of Sciences Committee on Pollution, of which he was chairman. That report indicated it was almost impossible to find the best solutions to urban pollution problems because the pollutants cannot be manipulated or controlled in a manner which would diminish them substantially or combine them for positive results.

The second generating spark for the city project came through Dr. John Clegg, president of North Star Research and Development Institute. Several years ago he suggested that North Star might do some research in the private sector on the subject of enclosure, dealing with an area as large as 200 acres. Investigations proved this commercially infeasible.

The third impetus came from California when Wayne Thompson resigned as city manager of Oakland to come to Dayton as a vice president. He had been working with the Tempo Advanced Research Division of General Electric on a New City concept for the Oakland area and the Tempo group in Santa Barbara had done considerble work on the enclosure idea and in the transportation field.

In brief, it was possible for me to bring all of these forces together here in Minnesota. The University's proposal for the first phase of research was presented to the Departments of Housing and Urban Development (HUD), Health, Education and Welfare (HEW), and Commerce in June, 1966, with the strong support of Vice President Humphrey, the entire Minnesota Congressional delegation and, of course, from Governor LaVander.

The proposal called for preparation of a plan for a systems engineering analysis and design of the Experimental City;

Investigation of the social implications—dealing with the grave "people problems";

Exploration of the possible techniques for implementing the whole plan.

As a starting point for concept discussion, we have talked in terms of a city population of 250,000 and a location 100 to 150 miles from the Twin Cities.

Phase I of the work is almost completed at the University. The objective has been to achieve a comprehensive definition of the project through a survey of the literature and experience and through delineation of the problem areas by convening a series of conferences and workshops, bringing together the top experts, the best brains in the world for each area of investigation.

You will be interested in the succeeding phases as outlined:

Phase II would evaluate untried concepts and systems in laboratory environment, experimentation with small scale models, and investigation of anticipated problems. (Guestimate on cost: $4 million.)

Phase III would include construction of pilot model.

Phase IV: design for the actual city.

Phase V: construction and occupation—conceivably 10 years from the beginning of research.

Phase VI: continuing evaluation, modification and development.

Who are the 22 members of the steering committee.

The University of Minnesota principals are:

President Malcolm Moos;

Walter Vivrett, Professor of Architecture and Planning, who is serving as Project Director;

Dr. Walter Heller, professor of Economics;

Dr. Gaylord Anderson, professor of Public Health.

You will also recognize many of the rest of the names:

Walter M. Beattie, Jr., School of Social Work, Syracuse University, top ranking sociologist;

Harrison Brown, the Cal Tech geo-chemist;

Dr. James C. Cain of the Mayo Clinic;

R. Buckminster Fuller, Engineer, Southern Illinois University; Max L. Feldman, General Electric TEMPO (Center for Advanced Studies); T. Keith Glennan, Vice Chairman of the Urban Coalition; Dr. Martin Marty, University of Chicago School of Divinity and Associate Editor of Christian Century;

Joseph A. Pechman, Director of Economic Studies, Brookings Institution;

Harvey S. Perloff, Resources for the Future, Washington;

Roger Revelle, Head, Center for Population Studies, Harvard;

Bernard Schriever, General, U.S. Air Force (retired);

Athelstan F. Spilhaus, President, The Franklin Institute, Philadelphia;

William L. C. Wheaton, Director of the Institute of Urban and Regional Development, University of California;

Paul N. Ylvisaker, Commissioner, Department of Community Affairs, State of New Jersey (formerly Director of Public Affairs, Ford Foundation);

O. Meredith Wilson, Director, Center for the Advanced Study of the Behavioral Sciences, Palo Alto;

Whitney Young, Executive Director of the Urban League;

Finally, Wayne Thompson and your speaker as chairman.

Fifteen workshops have been held in Minneapolis, each with attendance ranging from 10 to 18 leading national experts in the various fields of inquiry. Here are the subjects for the workshops:

City Building Technology;

Enclosure at City and Community Scale;

Waste Management Systems and Pollution Control;

Transportation of People and Goods;

Communications-Information;

Planning, Developing and Marketing;

Human Institutions: Living Patterns and Residential Structure;

Health, Medical and Rehabilitation Services; Environmental Health;

Energy and Energy Transmission;

Manpower, Immigration and Motivation;

Policy Considerations—Governmental and Political;

Governmental Organization for MXC;

Economic Development; and

Area Linkages and Economic Development.

I have met with or attended all but four of the workshops and I can testify that the participation has been arduous and enthusiastic.

The steering committee for the Experimental City project has held five meetings in Washington, Minneapolis, New York and Princeton, New Jersey.

Dr. Kenneth Clark, social psychologist and Executive Director of Metro Applied Research Center, New York, met with the steering committee in January at Princeton and commented at some length on the relationship between the urban ghetto problems and the Experimental City. Prior to that conversation with Dr. Clark, the steering committee toured the Central Ward of Newark and received full-scale briefing through the excellent arrangements made by Paul Ylvisaker.

Needless to say, all of these deliberations have produced some exciting concepts and possibilities for intensive investigation. The problem of the Phase I final report will be to select some 100 to 150 of these major areas for massive Phase II research and/or development:

Here, then, are some of the ideas which have thus far been generated:

The concept, for the first time in the history of man, of building a city from an ecological base.

Can free public mass transportation be built into The City the way an elevator is built into a building?

The possibility exists for co-ordinated testing and experimentation with MXC ideas in the near-term future. We find an emerging interest in conducting experiments wherever possible in existing communities, including our central cities. For example, certain experimental ideas may be suggested for the Model City area of Minneapolis. We may be able to begin some experimental work in the para-medical field at Rochester, Minn., before the end of this year. Certain ideas may be planned in connection with the new town of Jonathan near the southwest edge of Minneapolis. The Ford Foundation has funded a "micro-city" study involving Professor Edward Henry of St. John's University. Certain experimental ideas designed ultimately for the Experimental City may be tried in smaller communities such as St. Cloud. The campuses of the University of Minnesota conceivably might serve as experimental areas.

This concept will make it possible for the Experimental City to begin producing worthwhile solutions for certain urban problems in 1969. The ultimate experiment, of course, is to put all of these ideas together in one great urban community—the Experimental City.

The whole concept of research on "the new" and people's capacity to absorb new ideas and new things. The "marketing" aspects of new ideas constitute a whole new field for concentrated research.

A "situation room" or an "information transfer" room may be constructed for use in the planning and design stages of The City, but also as an experiment for early application in existing cities.

Development of the first air world transportation center for the U.S.

The educational possibilities of the project itself. Can a new kind of university "without walls" be built into the project as it unfolds? We believe so.

What new horizons can be explored in supplying food to a city?

Members of the President's Bi-Centennial Commission have shown considerable interest in the Experimental City project as one possible national activity for 1976 when the United States will celebrate its 200th birthday.

Again, these are only some of the interesting thoughts which have developed in the first planning stage of MXC. Many more will be discussed in the formal project report soon to be released.

I might say a word about enclosure because this is a subject which intrigues most people.

Enclosure will be a part but only one portion of the experiment. It could be, however, an important part of the experiment.

One possibility would be to enclose a medical complex to secure maximum health administration benefits from a controlled climate.

In such a complex might be contained a general hospital, a specialized hospital like the Variety Club Heart Hospital, a so-called secondary care hospital, nursing homes, a motel-like structure with private housekeeping facilities, but some nursing care, and finally, individual homes for people who should live for a period near a major medical complex.

It is now technologically possible to enclose a diameter of two miles, more than 2,000 acres. This would be the Houston Astrodome multiplied by a factor of more than one hundred.

Such a procedure, would make it possible to create "Arizona" in Minnesota. And if you wished you could live in a structure which would have its front door in "Arizona" (or "Hawaii") and your back door in Minnesota so that you could ice skate or ski in the back and play golf in the front. This emphasizes that enclosure would be experimentally desirable for a recreation area.

There are many facets of current research which will be conducted throughout the country by businesses as well as by educational and scientific institutions which need a place for testing in actual use.

Transportation will, of course, be an important phase of the experiment. Possibly there will be no automobiles in the central city itself. My Upper Midwest friends here today may have seen a recent proposal to link the St. Paul and Minneapolis campuses of the University by a small-car automatic transport system. This would be an electrically powered continuous series of four-passenger vehicles which would move people in an orderly manner between the campuses and between various parts of the campuses.

One of the reasons it will be extremely difficult to proceed promptly with this plan here in the Twin Cities is that there are a multitude of restrictions and hurdles which must be jumped in order to secure the right-of-way and all of the other approvals necessary, wholly apart from the expense factors involved. If such a system were operating in an Experimental City it would be much simpler to demonstrate to people the convenience and economic desirability of such a plan.

We desperately need an Experimental City to demonstrate the advantages of progress so we can enjoy those advantages, which are technically feasible and fiscally desirable in our lifetime.

As you can see from this brief overview, the private sector of the economy—the business community—has already played an extremely important role in the conception and development of this project. Each of the three Federal agencies involved has provided a grant of $80,000. To this $240,000, private industry added $120,000.

Major Minnesota companies have joined the University in providing the additional funds needed for the first phase. The following have each contributed $10,000 toward the initial research:

The Dayton Company, The H. B. Fuller Company, Honeywell, Inc., IBM, Minneapolis Banks' Clearing House Association, Minneapolis Star and Tribune, Northern Natural Gas Company, Northern States Power Company, Northwestern Bell Telephone Company, Polaroid Corporation, Boise Cascade, and Control Data.

Ultimately, in the final stages involving construction of the Experimental City, major investments will have to be made by business leadership. Why will these investments be worthwhile?

In the first place, many American industrial firms are in the same position as our urban centers—research and the technology are far ahead of the ability of management to transform that research into reality through the construction of a new kind of plant or facility. In the same way that our cities face all of the impediments on the road to change, so, too, the industrial firm is confronted with regulations and restrictions and codes and customs and practices which make it almost impossible to try anything new, to break with the past, to really experiment with a new technique that might produce a breakthrough for a whole industry.

The Experimental City would offer the ideal location for such a new plant or facility where the "fresh start" could be preplanned in concert with the surrounding other plants and service facilities so as to maximize the possibility of success.

What will be the ultimate cost of the Experimental City? All one can say today is that it will surely be a multi-billion dollar program and that much of the expense will be borne by American business and industry.

To put any numbers into context, it is well to remind ourselves that the supersonic transport, if it proceeds, will cost about $4 billion.

Thus far our nation has spent about $30 billion in our program aimed toward landing a man on the moon. The space program expenditures have been at the rate of about $5 billion a year.

It would seem sound and logical for business and labor to join with the Federal government and the citizens of the United States in an Experimental City project designed to produce a laboratory for urban living which might help us solve so many of the knotty problems we face right now in everyday life.

I would like now to point out the similarity between the Experimental City project and the development of taconite, the low-grade ore which now is being utilized by the steel industry. More than 40 years ago on the campus of the University of Minnesota experiments began in the minds of men and in the laboratories which later developed into the iron ore processing procedure which has made taconite an important part of the world's economy.

The taconite research had Federal support and state legislative support and University support, but in the final stages of its evolvement into its place in the economy, it required massive investment from the private sector along with a spirit of understanding and co-operation demonstrated by

officials of government, members of the legislature and ultimately the people of Minnesota.

In order for the Experimental City project to proceed to its final objective—construction of the city—much the same process will have to take place. Ultimately, American business and industry will finance major investment in the Experimental City.

I'm sure that 40 years ago most people would not have guessed that taconite would develop into a vital industrial process on both American continents and other places in the world. The Experimental City is approximately in that position today and the need for the successful conclusion of the experiment, in many ways, is much greater.

I will quote one member of the project steering committee anonymously. He has dealt with major problems of our nation and around the world. His statement was this: "Next to national security, this has to be the most important and challenging problem facing the country."

Incidentally, the city itself will probably be built by a new type of corporation, perhaps patterned after Communications Satellite Corporation but with surprising innovations.

I might add at this point that we have had considerable encouragement from many quarters on the project—members of the House and Senate have demonstrated their interest. Other Cabinet departments—Department of Defense, Interior, Transportation, Agriculture—will be briefed. The Edison Institute, American Gas Association and Bell Labs have all met with us and are preparing plans for Phase II. Major corporations and institutions like Chase Manhattan Bank, Westinghouse and Daniel, Mann, Johnson and Mendenhall are studying the project.

It is important to point out that members of the Legislature are working with us and the Governor's office and the Attorney General's office on the legal and governmental aspects of organization, including the monumental problem of land acquisition.

Obviously we are now seeking the financing of Phase II which will begin January 1, 1969, extending through June, 1970. Although all the proposals are not yet completed, we feel that about $4 million will be needed to finance the necessary research. About $2 million of this will probably come from the private sector, including foundations.

The prospect is bright for substantial project support from the private sector. Major corporations who helped finance Phase I have indicated continuing interest. The American Gas Association has pledged manpower and money; specific projects are in planning. Similar meetings are in progress with Edison Electric Institute. General Electric has proposed a large-scale communications experiment at the University.

The University of Minnesota will again be the prime contractor for Phase II, along with North Star Research and Development Institute. Planning for the ultimate corporate entity has also begun.

In conclusion let me quote an editorial in the Washington Post:

"The move toward planning and construction of an entirely new city in the open spaces of Minnesota is one of the most exciting ideas of the year. The project is, of course, highly experimental. But it is an experiment that may have a profound influence on the future of this and other countries.

"The opportunity of beginning a new city from scratch, free from all the handicaps of congestion, blight, obsolescence, and so forth, should itself be an extraordinary stimulus. The appeal to new industry, business, workers and residents will be very substantial.

"Our new frontier may well be the open space of today where new cities will rise in the decades ahead."

Barbara Ward, writing in The Economist, stated the case for the Experimental City most eloquently:

"There are new insights into urban planning. There are new technologies available to give the plans a solid base in fact and extrapolation. There are a myriad inventions—in power, in traffic control, in automation—waiting to be applied to urban problems. And there are the resources which will in any case be spent. What is lacking so far is the unifying vision of the whole urban order as a proper field of coordinated inquiry and action. Until it is achieved, men may well remain more visionary about their outer space than their inner space and give themselves a rougher landing in the city than on the moon."

As the final Phase I report nears completion, it is clear to me that the Experimental City project is well on its way toward ultimate construction of The City. With the kind of support and enthusiasm we have seen demonstrated over these past months, it is abundantly clear that a project of this magnitude and of this importance to the United States and to the other countries of the world cannot fail to reach its goal.

RAILROAD'S INDIFFERENCE TO TRAVELING PUBLIC

HON. JAMES F. HASTINGS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1969

Mr. HASTINGS. Mr. Speaker, on June 4, the Erie-Lackawanna Railroad announced that it was discontinuing passenger service on trains No. 5 and 6, traveling between Hoboken and Chicago. The trains, one eastbound and the other westbound, constitute for most of the cities throughout the southern tier of New York State, the only passenger service available.

We may wax sentimental about the disappearance of the passenger train and the romance associated with an earlier era when a ride on the train was one of life's thrilling experiences. But I can assure you that the rapid demise of passenger train service to these communities is no subject for deep nostalgic reminiscence. It is a subject of supreme concern. The Erie-Lackawanna says it is discontinuing its services because of lack of passengers and that by doing so it will be able to save yearly some $1.7 million which it says it can apply to improved freight service. I suggest that this is the source of the railroad industry's plight with its passenger service. I can sympathize with their plea of financial distress because people are not riding the trains any more but I wonder if the railroads are not pointing the accusing finger in the wrong direction.

Railroading is a $10.2 billion a year business and 90 percent of that comes from freight. I cannot help speculating how those figures might be changed if the railroads had, over the past years, paid more attention to its passengers.

Recently, I, along with several of my colleagues, introduced a bill which would establish tougher tests in determining if a railroad was justified in discontinuing passenger service to a community, especially when that service was the only one available. I am more convinced now than ever of the merits of that proposal. Railroads, instead of giving up on passenger service, must launch a program catering to the public.

For one thing, they could clean up the unkempt coaches, and another, get to their destinations on time. Reporter Kevin Doran, of the Hornell Evening Tribune, who conducts a column called Kevin's Korner, recently wrote an article for that newspaper, which we think, briefly but pointedly, underscores the railroad's indifference to the public. Under unanimous consent I include it in the RECORD:

END OF PASSENGER SERVICE LAMENTED

(By Kevin Doran)

So the Erie-Lackawanna wants to make it official—no more passenger service. It seems that the railroad has been trying for years to discourage people from using its "services" and now, it has succeeded to the extent that officials feel they can approach the Interstate Commerce Commission with "proof" that not enough people use their passenger service to make it worthwhile.

What a shame! It's too late now but there was a time when the railroad might have made passenger travel so attractive that people would have been lining up for railway tickets.

Ever ride on a train west of the Mississippi? What a difference!

Their conductors are polite—as are the ticket sellers. When you call for information they are something like the airlines—pleasant, courteous and, they even make you feel like they want your business.

There is a real effort to arrive and depart on time and the coaches are modern, attractive and clean. If only the Erie-Lackawanna would have tried to imitate some of the western railways.

A couple of years back—when there was still train service from Buffalo to Hornell—I tried to take the E-L home. I called the Buffalo office and the conversation went something like this.

"Do you have a train leaving for Hornell today?"

"Yes, but I don't think you'd like to travel it."

"Why not?"

"It has no diner—no drinking coach—and it takes a long time."

"I'll eat before I get on—I don't want a drink and I haven't any car."

"Well, if you really want to."

Maybe the girl was trying to do me a favor but I had the distinct impression that she didn't want to sell me a ticket.

GEN. DWIGHT DAVID EISENHOWER

HON. THOMAS J. MESKILL

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1969

Mr. MESKILL. Mr. Speaker, the death of Gen. Dwight David Eisenhower on March 28, 1969, brought sadness to the entire Nation. The general was undoubtedly a great soldier, a true humanitarian, and a distinguished President.

General Eisenhower will long be remembered in history for his outstanding leadership of the Allied Forces in Europe in World War II. He demonstrated that he was a man of great courage and wisdom. Every serviceman who had the privilege of serving under his command will testify to his leadership and genius.

But it was Dwight David Eisenhower's humanitarian concern which brought him back to the United States to serve as the President of one of this Nation's most distinguished universities. His service to Columbia University and to the role of education in our society tells us much about the depth of this man's personality.

As President of the United States for two terms, General Eisenhower made some of his most outstanding contributions to the world community. He was a true statesman who was fully dedicated to bringing peace and stability to the conduct of affairs between Nations. President Eisenhower was a peacemaker first, last, and always. He set the tone for his administration by concluding the Korean war and followed through by maintaining peace in a troubled world.

All Americans owe a debt of gratitude to this man who, throughout his life, served as an example of everything that we strive for in America.

SMUT PEDDLERS—PART IV

HON. THADDEUS J. DULSKI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1969

Mr. DULSKI. Mr. Speaker, California can claim many firsts, including the lead in State population—much to the chagrin of we New Yorkers who have led the States for years.

There is one first of which California rightfully is not proud. That is the conclusion by many that California is the pornography capital of the United States.

Californians, as well as others of us, are trying to do something about the flow of smut through the mails. It is not an easy task simply because of the difficulty in acting without infringing upon the right of we Americans to certain privacy.

So the battle against the smut kings is not an easy one. It requires the cooperation of everyone and we cannot rely on legislation. There are things which we can do and they have been spelled out by Max Rafferty, a Californian, in an article in the November 1968 issue of Reader's Digest.

Mr. Rafferty served as a public school teacher, principal, and superintendent in California for 22 years before being elected in 1963 as the State's superintendent of public instruction.

Following is his article:

CRACK DOWN ON THE SMUT KINGS

(By Max Rafferty)

I'm a Californian. I've lived in the Golden State nearly all my life, and I'm proud of her. She has so many "firsts" in such fields as industry, agriculture, education and entertainment that it's not easy to find another state to compare her with.

But one of those "firsts" I'm *not* proud of: California is the pornography capital of the United States. On my desk as I write are stacks of books, magazines, movies, tapes, photographs and picture postcards. All of them portray, in meticulous detail and in living color, acts of sodomy, bestiality, lesbianism, sadism and masochism that turn the stomach—and pander to the rottenness that all of us have a little of. All of them were made, processed and distributed in California.

Before me is a pocket book with the title *Memoirs of Josephine M.* It's purportedly the diary of a prostitute, and it chronicles 192 pages of alleged sexual activities from the time the authoress was five. Over and over she mouths the same Anglo-Saxon words, does the same things with a succession of carboncopy males, and experiences the same highly unlikely marathon ecstasies. There are only a relatively few ways in which the sex act can be performed, and after you've read about them or seen them pictured once, a constant succession of unreasonable facsimiles loses its allure, except for the mentally defective and the childish. Any adult with an I.Q. above 65 must find *Memoirs of Josephine M.* as boring as an endless recital of identical corned-beef-hash recipes. It was sold by an outdoor bookstore in a sunny San Fernando Valley suburb.

On another corner of my desk is a reel of color film which portrays a so-called Hollywood sex orgy. All the actors and actresses are nude (which gets to be pretty depressing in itself); all of them are apparently sexual athletes; and all of them take turns doing the same thing to each other. The photography is good. The lighting is excellent. The plot leaves something to be desired. This film came from a downtown Los Angeles smut store.

Then there are the slides and the picture postcards from San Francisco. These show men and women all tumbled about in postures which would challenge a contortionist, and all wearing nothing but interchangeable leers.

The production of pornography is a $19-million annual business in my state. Nationwide, the production and sale of pornography is perhaps a $500-million industry. I estimate that more than 50,000 Californians participate in some way in the filth racket. Out of our state's school population of almost six million children, half a million have been mailed, sold, handed or shown the kind of sordidness I have been describing.

Here are some sad facts about my home state:

Los Angeles is the home of the undisputed top publisher of "girlie" and "nudie" magazines. Each month, more than 700,000 copies of sex-oriented magazines are printed here, and pour out across the land.

California's eight major publishers of dirty paperbacks turn out 1,500,000 books a month.

In 1967, four of the nation's six major publishers in the bondage-flagellation-fetish field were located in Los Angeles and San Diego.

The sale of mechanical sex devices is centered in Los Angeles, with more than 100 firms engaged in the mail-order business.

Obscene photos and films bring a million-dollar profit to California each year. The still photos sell at $2 a six-pack, usually in "twilight" bookstores, sex-oriented theaters, and arcades. The movies—ordinarily 200 feet of 8-mm. film with a running time of 12 minutes—wholesale for $2 and retail at around $10 each. Female participants are usually prostitutes, who get paid $50 per film; the male participants don't get paid.

Made as a sideline by cameramen, technicians and processors already employed in the vast motion-picture industry, the films and stills bear the unmistakable hallmark of Hollywood know-how—the gloss, the technical excellence which have made the California label a byword for quality around the planet. It's as though the hard-won research findings and marketing techniques of top pharmaceutical companies were suddenly put to use in packaging deadly poison for distribution among the children of the nation.

For the pornographer victimizes juveniles especially. Juveniles are his natural prey. They're curious, they're naive, they want to pose as adults, they have plenty of money. Often the slime salesman uses youthful pushers to do his dirty business of merchandising the stuff; sometimes it's sold in the classroom, almost under the nose of the teacher. What helps the smut seller most is the pervasive climate of parental permissiveness and downright indifference to what young sons are doing.

If I read the future aright, the most damnable after-effects of the Sick Sixties may be the young lives that have been wrecked and shattered by the refusal of mothers and fathers to direct their children's lives and to supervise their daily activities. Parents today should take considerably more interest in where Jimmy is and what he is doing in his spare time. It's a disheartening thing to have to say, but it's true: Jimmy just isn't *safe* anymore on the loose.

Venereal disease among our California youth has more than doubled in five years. Premarital pregnancies are running off the top of the graphs. Sex crimes, especially against children, are proliferating in such ghastly profusion that many California parents are afraid to send their youngsters to the grocery store. Law-enforcement officers in my state tell me that they find stacks of printed nastiness in the possession of almost every juvenile sex offender they pick up. If you doubt this, I suggest that you ask your own police chief.

No, I can't prove definitely that pornography *causes* such tragedies, any more than I can prove beyond peradventure that fleas cause a dog to scratch. But the evidence is overwhelming. For almost 30 years I've been an educator and worked among the young, and never have I seen a direr, dirtier danger to our youth than this avalanche of obscenity that is now burying us. In its own way, this material is as dangerous for them as a diet of strychnine.

Besides showing more concern as parents, what can we do to dethrone the smut kings?

First, encourage judges to hand down more severe penalties for producing and peddling commercial pornography. As it is now, the fines are so light and the jail sentences so nearly non-existent that the smut salesman has almost no roadblocks.

Second, elect a President of the United States who will appoint Justices of the Supreme Court who recognize pornography as such when they see it. (Happily, the Court recently upheld a decision that stricter standards can be applied in determining what is and is not salable to minors.)

Third, pick city and county prosecutors who will put the obscenity racket high on their target lists, and who will track down the sex racketeers through bush, brake and mire.

Fourth, support such national organizations as Citizens for Decent Literature (5670 Wilshire Blvd., Los Angeles, Calif. 90036). CDL wars ceaselessly on the dirt mongers.

Finally, lead neighborhood boycotts of stores and newsstands that sell this vileness. Placard them, agitate, protest.

And don't get sidetracked by sneers that you are showing an "unhealthy interest" in pornography, that you are interfering with "freedom of artistic expression," or that a "new morality" abroad in the land has outmoded your own repressed Puritanism. Horsefeathers! Money is the only god the pornographer has, the only thing he has ever been interested in. He couldn't care less about avant-garde literature, artistic expression, or morality of any kind, new or old.

The stakes are too high to be lost sight of in a cloud of semantics. The issue is more than a temporary loosening of our moral fiber. The issue is our children. And our grandchildren. They are *our* responsibility, nobody else's. They are worth fighting for, worth saving. And nobody can do the fighting but you.

DR. JOHN STOKES MARTIN

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1969

Mr. GRIFFIN. Mr. Speaker, last week, Dr. John Stokes Martin took the oath of office as superintendent of the Jackson Municipal Separate School District. The State of Mississippi welcomes this distinguished educator to her capital city. Dr. Martin, who began his career in education in 1951, comes to Jackson from his post as assistant superintendent for the Atlanta public schools.

Jackson has one of the most progressive school systems in the South. I am confident Dr. Martin will continue its development.

At this point, I include in the RECORD the remarks of Mr. C. H. King, president of the board of trustees, in presenting Dr. Martin at the installation ceremonies on July 1:

PRESENTATION OF DR. JOHN S. MARTIN
(By C. H. King)

Ladies and Gentlemen: We are here this morning at the beginning of another fiscal year, on this first day of July, 1969, to install Dr. John S. Martin as superintendent of schools for the Jackson Municipal Separate School District.

Dr. Martin, your entrance upon your duties comes at a propitious time in the history of this school system. As we view it you are the right man in the right place at the right time! We entrust to your capable hands a cooperative, competent administrative staff that has brought this school system to this good hour. We also tender you a cadre of some 1700 professionals and another thousand individuals in supportive roles. This collective team stands ready to respond to your leaderhip as you assume office.

You and your associates should know that business of this school board will be transacted in open meeting with you present, and that these trustees will consider all school business at announced meetings of the board. Further, we want you to know that we shall avoid commitments through personal interviews that might tend to hamper or embarrass the board or prejudice decisions when matters come before it for action.

Specific powers and duties of the board of trustees are defined in the school laws of this state. The board is empowered to prescribe and enforce rules and to set up the administrative machinery whereby policies and regulations are enforced in the administration of the school program. This board has properly exercised its prerogative by employing you as superintendent of schools and assigning to you the responsibility of administering the schools in this system in conformity with the state laws and the policies adopted by this board. The board has created the unit-executive type of organization which means that the board delegates completely the executive activity to you and that you will be held fully responsible for the execution of all school policies.

Let us emphasize that your duties are to:

(a) Facilitate the instructional process by maintaining the adopted educational policies of our state and of the board of trustees;

(b) Appraise these policies in accordance with existing needs;

(c) Supply the board with the means for informing the people of conditions in the schools;

(d) Furnish creative leadership to the teaching staff; and

(e) Act as professional adviser to the board of trustees.

To assist you in the proper discharge of your duties, a central administrative office has been established by the board and a staff of assistants to the superintendent has been employed whose responsibilities are to carry out administrative, consultative, and supervisory functions as delegated by you. These officers are directly responsible to you, and you in turn are responsible to the board, not only for your actions but for the actions of all school employees.

These comments may sound somewhat formal and austere, but they are made for the purpose of making clear to you the scope and magnitude of your assignment, and reiterate to trustees and staff the stated position of this school board as to the administration of this excellent school system. These written policies will be found in the *Administrative Services Handbook*—sometimes referred to by your associates as The Gold-lettered Book.

This community has an unbroken record of enthusiastic support for its public schools. There has been measured progress and improvement in educational services to youth and adults and we are fully confident that you and your staff will give further impetus and acceleration to the improvement of this school system.

You have the goodwill and best wishes of your staff and of all citizens of this school district as you begin your work with us.

We call upon you now to execute the *Oath of Office*.

COMMONSENSE

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1969

Mr. GAYDOS. Mr. Speaker, in recent years gun control legislation has been the subject of much controversy and heated debate. Sportsmen's clubs across the country quickly rose opposing legislation which would restrict their right to own and use firearms. And rightfully so. They should not be penalized for the actions of those who use firearms for breaking the law.

A recent editorial from the McKeesport Daily News states the case very clearly. I submit it for the RECORD at this time:

COMMONSENSE

The traditional right of individual American citizens to own firearms has become a controversial issue as a result of the acts of berserk assassins and the rise of violence.

So far, law-abiding citizens have not become the victims of the extremists who would like to outlaw ownership of guns and subject the citizen to something approaching police state surveillance.

In our deep concern over lawlessness, it would be easy to fall prey to needless and futile repression—futile since curbing the liberty of law-abiding citizens has little bearing on the acts of law violators.

Fortunately, evidence is growing that common sense is beginning to enter the picture of firearms control. Rather than saddle the law-abiding citizen with onerous restrictions, a number of states have enacted or have pending measures which would impose mandatory penalties for the misuse of firearms in a crime.

Many groups such as veterans' organizations and sportsmen's clubs are adopting resolutions urging our lawmakers and courts to provide for stiffer sentences for crimes with firearms instead of forcing those who obey the law into some kind of federally controlled firearms registration and licensing program.

These are constructive steps and they are encouraging because they contrast so sharply with the kind of extremist approach which holds that the cure for almost any problem lies in granting the federal government increased police powers over the affairs of nonlawbreakers.

The American people have never taken kindly to this kind of oppression. So far as most of them are concerned, that kind of police state approach went out with the American Revolution.

CLEANING UP A RIVER

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 10, 1969

Mr. O'HARA. Mr. Speaker, I want to report today on a massive volunteer effort being organized in the city of Sterling Heights, Mich.

The citizens of this young city, incorporated only last year, are preparing to mobilize 5,000 volunteers in August to clean up the Clinton River, which flows through Sterling Heights.

The Sterling Height project is a sequel to a "Clean Up the Clinton" campaign earlier this year in an area downstream, near the city of Mount Clemens.

Mr. Speaker, the organizing committee and its chairman, Sterling Heights Councilman Al Martin, are to be commended for their work in planning the project.

I know that the people of the city will respond to the call for volunteers, and that the "Sterling Heights, Clinton River Cleanup" will be a success.

Mr. Speaker, I hope that Americans everywhere will hear of this project—a truly community effort to clean up a badly polluted waterway—and use it as a guide for similar campaigns in their own areas.

An outline of the project and news reports concerning the Sterling Heights Clinton River cleanup follow:

STERLING HEIGHTS CLINTON RIVER CLEAN-UP COMMITTEE

GENTLEMEN: This is to inform you that a Sterling Heights Rotary Club Spearhead Committee for the Clinton River Clean-Up was formed May 22nd, 1969, with Councilman Al Martin as Chairman.

The purpose of the Spearhead Committee was the formation of a community wide Sterling Heights Clinton River Clean-Up Committee. This large committee is composed of representatives from all local service clubs, civic organizations, governmental agencies, and interested individuals. One representative from each organization and Co-Chairmen of the twelve committees make up the "Sterling Committee" which is the policy making body for the Clean-Up project.

The task will be monumental, requiring 5000 volunteers from this community as well as the surrounding communities. The venture will be promoted as a citizens or community wide project with the people and organizations setting out to accomplish an extremely worthwhile project for the City, County and State. It is a united effort project whereby citizens and members of many

organizations will rub shoulders when working together to do something worthwhile for the community instead of waiting to see what the community can do for them.

The Sterling Heights Clinton River Clean-Up Committee will have several purposes or goals to accomplish and they are as follows:

1. To make the river a cleaner river by removing debris and encouraging strict pollution control.

2. To be instrumental in making the river an adequate water channel to drain the area.

3. To encourage development of badly needed recreational facilities. (a) Land use could include picnic areas, hiking, biking trails and parks. (b) Water use could include canoeing, boating, fishing and wildlife.

4. To encourage and assist in similar river clean up projects up and down stream from Sterling Heights—observers from throughout the nation will be invited to attend the clean-up and take back ideas and information to their organizations.

5. To encourage appropriate legislation and pollution controls in the recreational and natural resource areas.

6. To encourage the naming and funding of a governmental agency to control, develop and maintain the Clinton River.

Sterling Heights Clinton River Clean-Up Committee was formally organized on June 4, 1969, at Stevenson High School at which time there were about 100 officials from County and various civic organizations, including Mr. Tom Welsh, Macomb County Drain Commissioner, who supported the project and stated all facilities at his office were at the committees disposal. Other officials from the U.A.W., Teamsters Union, Department of Natural Resources, the Huron Clinton Metropolitan Authority, the Rochester-Utica Recreational Area, Dodge Park #8, the Detroit Sportsmen's Congress, the lower Michigan Paddling Council and many others also publicly stated their full support of this project.

Mr. Martin remained Chairman of the newly created Committee and created 12 subcommittees and appointed Co-Chairmen to these respective committees. The list of the Committees are as follows:

Public relations.
Equipment.
Right of way and access.
Communications.
Work coordinating.
Refuse disposal.
Food and comfort.
First aid.
Volunteer recruitment.
Finance.
Survey and photography.
Secretarial.

Mr. Michael David Schwartz has volunteered to be Mr. Martin's legal counsel.

A survey trip of the river by canoe will have been undertaken by June 14th, at which time the concentration of debris will be noted on maps and designated as working areas. Also, during this trip photographs and movie film footage will be shot for the express purpose of developing slide and movie presentations for making presentations to any interested organization who may wish further information regarding the clean-up project. The volunteer clean-up committee will give these presentations and you may call at this office for this service.

The target dates for the clean-up have been set for the weekend of August 16th and 17th and it is hoped that Governor Milliken will be the project kickoff speaker at Dodge Park #8 on the 16th of August.

In order to raise funds for the projects operational expenses, a "Send a Dollar" program will be instituted immediately. A slogan such as the following will be instituted—"Get in the action—now's the time to fight pollution. For a better recreational solution tomorrow—send your dollar to the Clinton River Clean-up today." All other funds that are received over and above the operational expenses will be specially ear-marked to develop a Canoe Livery and for the development of water and land recreational facilities along the Clinton River. Also on schedule for August 30th is an Awards and Recognition picnic to be held at Stoney Creek Metropolitan Park at which time another well-known dignitary will speak and he will be assisting in making awards to those that have participated or contributed to this clean-up project. Sports figures and other celebrities will also be invited to attend.

At this function two newspaper tabs will be awarded to the participants. The tabs will contain the complete story of the Clinton River Clean-Up project from May 22nd thru the actual completion of the Clean-Up. It will carry action pictures, names of all participants and contributors, and pictures of all working crews will also be included. Our intent is to recognize all organizations and individuals who have donated their time, equipment and funds to make this a successful project.

With all the above goals in mind, the full support and assistance of your organization is respectfully requested and any contribution of manpower, equipment, or monetary donations will be greatly appreciated. In case of monetary donations, please make check payable to: "The Sterling Heights Clinton River Clean-Up Committee" and send to Al Martin, 12159 Fairview Drive, Sterling Heights, Michigan.

It is urged that businesses and other organizations consider making a definite pledge as to whatever donation of manpower, equipment and/or funds that they may consider donating to the success of the project.

Best regards and thank you in advance for your cooperation, support and assistance that you may consider for this united community effort.

Very sincerely,

AL MARTIN,
Chairman, Sterling Heights Clinton River Clean-Up Committee.

[From the Clinton (Mich.) Sentinel, June 17, 1969]

CLINTON CLEAN-UP COMMITTEE INCORPORATES; MARTIN PREXY

(By Bob McCormick)

Incorporation of the Sterling Heights Clinton River Clean-Up Committee and the residents who will serve as officers was announced by Councilman Al Martin during a meeting of the group Monday night. Martin said the incorporation is necessary for insurance purposes and local attorney Michael D. Schwartz has volunteered to serve as the committee's legal counsel for this and other legal work.

Martin will be president of the corporation, Schwartz vice-president, and James Boehmer will serve as treasurer, Ernest Belcher as secretary, and Richard Mancini, Ugo Padovini and Thomas Chaplow will complete the board of directors.

Martin also announced the Oakbrook Homeowners Association has pledged 25 men to help in the clean-up operation on Aug. 16 and 17 and that the Macomb Action Program will send 25 boys from the Neighborhood Youth Corps, and three staff members to supervise them, to aid in the project. Frank Bouchar, director of the group, attended Monday's meeting.

Chuck Hoffman, president of the National Campers and Hikers Association, and several representatives of the organization also attended the meeting and pledged their help in the massive clean-up program.

Martin said that financial contributions have been received from the Sterling Heights Rotary Club, Michael Schwartz, Phillip Runkel, Judge Gordon Havey, Ugo Padovini, Raymond Larson, John Sikos, Don Fox and Charles B. Mark.

Residents or businessmen wishing to make contributions to the clean-up program may do so by sending a check to the Sterling Heights Clinton River Clean-Up Committee in care of Al Martin, 12154 Fairview, Sterling Heights 48077.

A "send-a-buck" campaign has also been started by the committee and Martin said they have already received many contributions from residents. The first donor to send a dollar was Charles Mark, who also volunteered other assistance for the project.

Attorney William Donovan, co-chairman of the Right of Way and Access Committee, reported good progress in receiving licenses and sees no problem in having all the necessary clearance by July.

Tom Chaplow, co-chairman of the Volunteer Recruitment Committee, said anyone interested in providing "muscle power" for the program may call him at 731-3300 for further details.

Martin said there is also a need for secretarial help and any volunteers for this kind of work may call Naida Ayadi at 731-1000 or 264-2651.

He reminded residents that the clean-up committee now has a headquarters trailer set up at the Sterling Shopping Center, Van Dyke and 17 Mile, and the phone number there is 268-1070.

SURVEY CREWS FIND ENORMOUS CLEAN-UP NEEDED ON CLINTON

(By Bob McCormick)

Old tires, baby carriages, washing machines, junked cars, oil drums, pop and beer bottles and tons of all kinds of rubbish and garbage from the suburban "civilization" surrounding the once-beautiful Clinton River greeted members of the Sterling Heights Clinton River Clean-Up Committee as they took a survey canoe trip on Saturday to look at the massive problem up close.

Twelve canoes and 25 people took part in the four-hour trip organized by Councilman Al Martin, chairman of the clean-up committee, and the Sterling Heights Rotary Club who activated the campaign last month. Ray Filipchuk, president of the Rotary Club, and members of the Rotary spearhead committee also participated in the ten-mile journey down the swift-moving and swollen river.

A police rowboat, with Lt. Eugene Lane, Sgt. Elijah Boffa and Officer Harry Morgan, followed the canoeists down the river in case of any accidents or other problems.

"This was my fisrt trip down the Clinton and I was amazed by its beauty," said Councilman Martin. "Even in its clogged condition it compares favorably with the Au Sable and has great potential for future recreation programs," he added.

Martin said he anticipated the need for special roads to be constructed to go into the area so heavy objects like dead trees and other debris could be moved out to the trucks that will carry it to the dumping sites.

A meeting of the clean-up steering committee will be held at 8 p.m. tonight at Stevenson High School and all interested citizens, and members of service clubs and other organizations wishing to participate in the project, scheduled for mid-August, are urged to attend, Martin added.

Donations and pledges of equipment and labor continue to come in as the campaign picks up steam. Donald Clark, a long-time Sterling Heights resident of 40815 Utica Road, contributed $20 to Martin while the canoe group paused at Dodge Park No. 8 for lunch and also promised his help in getting right-of-way permission from residents in his area.

Charles Mark, another Sterling Heights resident, became the first citizen to contribute a dollar in the "send-a-buck" campaign started by Martin last Friday.

Canoes for Saturday's trip were furnished by Herman Gentry, of Clinton River Canoe Rentals, Mt. Clemens, and the Lower Michigan Paddling Association who had also

cleaned up parts of the river in May to make way for a trip by its members.

Anyone interested in complete information about the project to clean up the Clinton River may stop at the committee's trailer in the Sterling Shopping Center or call 268-1070.

Members of the survey party also saw many drains pouring polluted water into the river and the main outlet from the Sterling Sewage Plant on Clinton River Road. In some areas the river was so clogged with green scum, garbage and rubbish that the water was barely moving although the main current was rather fast.

It was obvious that many Sterling Heights residents considered the river as their own personal dumping ground and didn't hesitate to use it for getting rid of garbage, construction debris, grass cuttings, old car parts and the residue from picnics and backyard barbecues.

Although some of the main obstructions, mostly submerged tree trunks and newly fallen trees, had been cleared away last month, there were still many places where the survey group had a rough time getting through. Recent storms had blown down many trees and moved submerged objects to the surface of the river.

HOUSE OF REPRESENTATIVES—*Monday, July 14, 1969*

The House met at 12 o'clock noon.

Rev. Jack P. Lowndes, Memorial Baptist Church, Arlington, Va., offered the following prayer:

We do not lose heart because we look not to the things that are seen, but to the things that are unseen; for the things that are seen are transient, but the things that are unseen are eternal.—II Corinthians 4: 16, 18 (RSV).

For our Nation and all she stands for, we give Thee thanks, our Father. Looking about us, we can see that we have been blessed beyond measure.

For our form of government and this body of our Government, the U.S. House of Representatives, and the dedicated men and women who serve here, we are grateful.

In the midst of our material blessings, help us not to forget the unseen spiritual values that have helped to make us great.

Let those who make decisions here, as well as all of us, be inspired to new heart and hope, remembering that love cannot be defeated by hate, nor truth by error, nor life by death. In the name of the Prince of Peace, we pray. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, July 10, 1969, was read and approved.

MESSAGE FROM THE PRESIDENT

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

On July 8, 1969:

H.R. 265. An act to amend section 502 of the Merchant Marine Act, 1936, relating to construction-differential subsidies; and

H.R. 4297. An act to amend the act of November 8, 1966.

On July 9, 1969:

H.R. 8644. An act to make permanent the existing temporary suspension of duty on crude chicory roots.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6508. An act to provide assistance to the State of California for the reconstruction of areas damaged by recent storms, floods, and high waters.

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

S. 1075. An act to establish a national policy for the environment; to authorize studies, surveys, and research relating to ecological systems, natural resources, and the quality of the human environment; and to establish a Board of Environmental Quality Advisers.

S. 1686. An act relating to age limits in connection with appointments to the U.S. Park Police; and

S. 2173. An act to amend an act entitled "An act to prescribe penalties for certain acts of violence or intimidation, and for other purposes," approved April 11, 1968.

DISTRICT OF COLUMBIA INTEREST RATE BILL, H.R. 255

(Mr. PATMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. PATMAN. Mr. Speaker, at one time in these United States, there was a money lender who sought to achieve the distinction—and he considered it an honor—of being the richest man in the cemetery. He soon achieved his "distinction" and the good citizens got together and agreed upon an epitaph for his monument.

It was as follows:

Here lies old Sixteen Percent,
The more he got, the more he lent,
The more he made, the less he spent,
He's gone. We don't know which way he went,
But if to heaven his soul has went
He'll own the place and charge them rent.

Mr. Speaker, I note that the calendar lists H.R. 255 as a bill to "deduct interest in advance on installment loans."

Mr. Speaker, we would be more accurate if we retitled this legislation the "Usury Act of 1969" or the "Bankers Poverty Act of 1969" and referred it to the Office of Economic Opportunity for special attention.

These District of Columbia bankers are coming in here asking for 16 percent interest on installment loans obviously because they feel they are suffering—apparently in grave danger of being another statistic in our poverty program.

Only last week, Mr. Speaker, I noted that one of these banks—Riggs National—had a profit increase of 23 percent for the first half of 1969—23 percent more than they made in the first half of 1968.

After paying taxes and stock dividends, the bank had $4,586,000 in profits for the first 6 months.

And another one of these banks—American Security & Trust Co.—reported an increase in net earnings of 12 percent in the first 6 months of 1969—12 percent more than they made in the same period of 1968.

This bank's take-home pay—profit—was a cool $4,214,118 in the first 6 months.

It is my understanding, Mr. Speaker, that all of these District of Columbia banks that are poor-mouthing it here today are enjoying similar profits—way up from their 1968 net earnings.

So, unless we are setting some new and fantastic figure on poverty levels, I think it is obvious that these banks do not need this special legislation to protect their earnings. They are raking in a bonanza in profits as it is now without this Congress giving them any more help.

BILL AFFECTS INTEREST RATES NATIONWIDE

Mr. Speaker, I realize that this bill—H.R. 255—affects only a handful of the Nation's 13,000 banks and only a small percentage of the total population. But, Mr. Speaker, what we do here today concerning the interest rates charged in the District of Columbia will affect every citizen in every congressional district across the land.

We cannot stand here today and endorse 16 percent bank interest in the District of Columbia and then tell our constituents that we are for low interest rates.

The banks and the legislatures across the land will interpret our actions here today as a new mandate—a new standard on usury—on interest rates. Passage of H.R. 255—with its 16 percent interest rates—will hamstring any action this Congress might want to take later to control interest rates across the country.

Mr. Speaker, many Members of this House have spoken in strong terms against the commercial banks' latest increases in the prime interest rates. Others have spoken to me privately and expressed deep concern about the prime rate and I have seen many of the letters that Members have written to their constituents pledging a fight for lower interest rates.

Today is an opportunity for the House of Representatives to go on record against high interest—against 16-percent rates for bank loans. It is our first opportunity since the banks raised their rates on June 9.

Mr. Speaker, it is foolish for this Congress to stand up and talk against a national prime interest rate of 8½ percent and at the same time vote for a 16-percent rate under the guise of a District of Columbia bill.