adverse effects of inadequate long term financing upon the housing industry; to the Committee on Ways and Means.

By Mr. SIKES:

H. Con. Res. 411. Concurrent resolution expressing the sense of the Congress with respect to the revocation of the United Nations economic sanctions against Southern Rhodesia; to the Committee on Foreign Affairs.

By Mr. ALBERT (for himself and Mr. GERALD R. FORD):

H. Res. 582. Resolution relating to demonstrations for peace; to the Committee on Foreign Affairs.

By Mr. POAGE:

H. Res. 583. Resolution to provide additional funds for the Committee on Agriculture; to the Committee on House Administration.

PETITIONS, ETC.

Under clause 1 of rule XXII,

294. The SPEAKER presented a petition of Ralph Boryszewski, Rochester, N.Y., relative to denying jurisdiction to the U.S. Supreme Court on *Chandler* v. *Tenth Judicial Council*, which was referred to the Committee on the Judiciary.

SENATE—*Wednesday, October 15, 1969*

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

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

Eternal Father, in whose will is our peace, take this Nation today under Thy holy care. Give us ears to hear, not the frenzied mob but the inner voice of Thy spirit. Give us eyes to see, not the world which now is, but the new world which is yet to be.

O Thou who hast granted youth to see visions and age to dream dreams, help each to understand the other. May those who are younger not resent the discipline of learning nor reject the wisdom which is brought only by experience. Save those who are older from the foolish confidence that they know it all and that wisdom perishes with them. Draw together both youth and age that, dreaming dreams and seeing visions, they may welcome those new truths which can fashion a better world. Strengthen the faith of all the people to see beyond the tentative and temporal that which is enduring and eternal. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, October 14, 1969, be dispensed with.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States, was communicated to the Senate by Mr. Geisler, one of his secretaries.

REPORT ON ACID MINE DRAINAGE IN APPALACHIA—MESSAGE FROM THE PRESIDENT

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was referred to the Committee on Public Works:

To the Congress of the United States:

Pursuant to section 302(b) of the Appalachian Regional Development Act, I hereby transmit the Appalachian Regional Commission's report, Acid Mine Drainage in Appalachia.

This comprehensive study was carried out by the Commission in cooperation with a special panel of experts convened by the National Research Council of the National Academy of Sciences—National Academy of Engineering. I recommend it for thoughtful consideration by all interested parties.

RICHARD NIXON.

THE WHITE HOUSE, *October 15, 1969.*

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

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

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR ADJOURNMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDENT pro tempore. Without objection, the Senator from Montana is recognized for 10 minutes.

SENATOR MANSFIELD ANSWERS QUESTIONS OF MONTANANS

Mr. MANSFIELD. Mr. President, I have just returned from 3 days in Montana, during which period I met with groups of college students at the University of Montana, the Montana College of Science and Technology, Carroll College, and Eastern Montana College.

I also had the opportunity to visit the mining camps, the small ranch towns, and some of our larger cities. The questions asked by my constituents had to do with Vietnam, the moratorium, tax relief and tax reform, inflation, high interest rates, and the plight of the homebuilding and lumber industries, among other matters.

At all the institutions of higher learning which I visited, the main question was the moratorium to be held on October 15. I was asked if I was in favor of the moratorium and my answer was to quote from the Bill of Rights, the first amendment to the Constitution. That amendment reads as follows:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

I said that as far as I was concerned, this constitutional right applied to all our citizens, to those who favored a moratorium and to those who indicated that they might want to assemble in opposition to a moratorium. I emphasized the use of the word "peaceable" in the first amendment and stated that it was my hope that any assemblies or demonstrations would be conducted with dignity and decorum and would be within the law.

I stated that I did not believe in violence or license or destruction or assault upon persons because all these were contrary to the law and those who indulged themselves in such a manner should be and would be subject to law.

The question was raised as to what should be done if one did not believe in the law, and my answer was that there were many laws passed by Congress and many decisions laid down by the Supreme Court to which I was opposed and did not approve; but once a law was passed by Congress and signed by the President and once a decision was made by the Sureme Court, regardless of my personal feelings, I felt it my duty, my obligation, and my responsibility to obey that law and to accept those decisions as long as they were in existence. Otherwise, I pointed out, a democracy such as ours would disintegrate and fall.

I was queried as to my views on the situation in Vietnam. I told my fellow Montanans that it seemed to me that the President was doing all that he could do on the basis of the best advice he had available to bring about a responsible settlement. I stated further that, in my opinion, there were elements which were encouraging and which might lead toward a possible settlement.

I pointed out that in the 7-month period since last March, the total number of North Vietnamese infiltrees numbered approximately 20,000 compared with an annual rate of infiltration last year between 7,000 and 13,000 a month; I pointed out that there had been a lull in

the fighting, that the casualties had been reduced though, in my opinion, they were still too high; I pointed out that the President had ordered the withdrawal of 60,000 troops by the end of this calendar year and that this was a decided shift away from escalation toward deescalation; I pointed out that a new military strategy of "protective reaction" had replaced the strategy of "maximum pressure" which had been followed in the previous administration and during the first months of this administration.

I stated further that it was my understanding that the orders for this shift had gone to General Abrams last July. To me, a strategy of "protective reaction" means that we have moved a long distance in the direction of a cease fire and stand fast policy because, as I interpret it, the search and destroy missions are a thing of the past, and under the new policy, we will fire only when there is a threat that our forces will be fired on even while remaining prepared to undertake necessary action should any attack be in the offing.

I said to the people of Montana that I thought the President was moving in the right direction, that, from our point of view, progress was being made toward a settlement. The missing factor, as I saw it, was the need for an all-South Vietnamese government—for elections in which all the various groups in South Vietnam, religious, political and otherwise, would participate. I expressed the hope that that procedure would be undertaken in a matter of weeks or months and that the South Vietnamese people themselves would decide what kind of a government they wanted and what their future would be.

I said that the one point on which the President had stated he would not budge was the right of self determination of the people of South Vietnam and that in response to questions he had also stated that he would accept the results of such an election, regardless of the coloration of the government which it produced.

Mr. President, I found the people of Montana concerned about the situation in Vietnam and concerned about our domestic problems. I found them dignified, courteous, and attentive in discussing how these difficulties should be met. Visiting with them gave me renewed confidence in the American process. It added a dimension to my understanding of the situation. It unfolded to me the thinking of Montanans about the issues of the day and what they thought should be done.

I endeavored to reply to their questions to the best of my ability, with a full realization that I did not know all the answers. In so doing, I became more aware of their attitudes, their feelings, and their anxieties. I was the beneficiary of my latest visit to Montana. It is my hope that, on the basis of my talking to the folks, I have come to understand better their current concerns and that I will be able thereby to represent them better in the Senate of the United States.

Mr. AIKEN. Mr. President, as usual the Senator from Montana has given a very clear exposition of our position in Southeast Asia at this time. The fact that the Senator from Montana speaks as he does not only represents a pillar of strength for our own Government, and to the President, but also, the remarks of the distinguished majority leader inculcates confidence in other countries of the world.

VIETNAM: UNITY FOR PEACE

Mr. MANSFIELD. Mr. President, I have just finished making a report to the Senate on the basis of my 3-day trip home to Montana. Now I would like to speak briefly on the subject of Vietnam to which I have been giving considerable thought for the past week or 10 days.

I think I have some sense of the complexity of the difficulty in Vietnam which confronts the Nation and of the problems of resolving it. I trust that I have some compassion for President Nixon in view of the burdens which he carries in this connection.

Since his inauguration I have tried, as one Senator, to give the President whatever support I can give to him. He is the President, not of Republicans or Democrats but of every American. The President has tried to end this war; he deserves every credit for trying. I shall not criticize his efforts. Nevertheless, the war continues. It goes on draining our substance into the morass of Vietnam. It goes on spilling the young blood of the Nation. It goes on corrupting the ideals which have given this Nation its meaning to itself and to the world. It goes on sidetracking us from the mounting problems at home.

The erosion of the Nation's strength will continue as long as the war continues. It will continue even if, through changes in tactics, it is possible to cut combat fatalities from 200 a week to 100 or to whatever figure someone calculates may be necessary to make these tragic deaths palatable to the American people.

I know of no basis for believing that the problem of Vietnam can be resolved now any more than in the past by a silence of acquiescence in the Senate or in the Nation. How many times have we heard the plea to suspend discussion in the past few years? How many times have we heard it offered as an alternative to facing up to the predicament in Vietnam?

With silence or without, let there be no doubt anywhere that we will support the young men who have been sent to Vietnam by the policies of this Nation. They are there not through their own doing but through our doing. We owe them every support and, insofar as I am concerned, they will have every support which may help to bring them back alive. But let us be equally clear that silence does not support them. Nor do words of bravado spoken 10,000 miles away from the safe haven of the floor of the Senate or the sanctuary of this Nation support them. Saving faces in Washington does not save lives in Vietnam.

Neither the silence of acceptance nor the rote slogans of unity are a substitute for the sober responsibilities of this office. Indeed, who will be persuaded by silence or slogans? The Vietnamese? The national government in Saigon? The government in Hanoi or the National Liberation Front? Who still clings to the timeworn delusion that an absence or a plenitude of words, will succeed in ending a war that the greatest tonnage of bombs ever dropped in any war has not succeeded in ending?

I cannot be a party, Mr. President, to a protraction of that kind of delusion. The Saigon officials will not be beguiled by silence; they will still press their interests as they see them. We will not confound Hanoi or confuse the NLF by silence; they will still pursue their interests as they see them. A silence in the Senate and in the Nation will add only to our own bewilderment and to our own inner dissension as, indeed, the suggestion for a 60-day moratorium some days ago has already done.

It is long past the time when a gadgetry of words or some neat finesse of diplomacy can bring this tragedy in Vietnam to an end. It is time to confront the delusions of the past, to set them aside and to look, now, at the painful realities of the situation in Vietnam. It is time to look straight at the corrosive impact of this misbegotten conflict on the very vitals of this Nation.

It is long past time to stop dawdling with peace in Vietnam. It is time to make clear that this country is, indeed, united—to make clear that it is united behind the President not in order to prolong the war for face or fancy or at the behest of others but to end the war without prolonged delay. In my judgment, that is what the highest interest of this Nation demands. The sooner the point is clear to the Saigon officials as well as to Hanoi and the NLF, the better for the President, the Nation, and the world.

THE GEORGE D. AIKEN LECTURES IN INTERNATIONAL AFFAIRS AT NORWICH UNIVERSITY, NORTHFIELD, VT.

Mr. MANSFIELD. Mr. President, Norwich University in Northfield, Vt., on October 11, 1969, inaugurated the George D. Aiken Lectures in International Affairs series.

The first speaker—and a better choice could not have been made—who started the series off on the right foot was the distinguished senior Senator from Vermont, the dean of Republicans in the Senate, the man after whom this series is named, the ranking minority member of the Committee on Foreign Relations, GEORGE D. AIKEN.

At that time, he made a speech on our foreign policy in which he traced the situation as he saw it from the time of the beginning of the New Deal down to the present. I had the privilege—and it was a privilege—to read the speech before it was delivered. I was very much impressed with the thoughtfulness, the care, and the detail which went into the lecture. I think it is one of the most remarkable documents of our times.

Of course, every time the distinguished senior Senator from Vermont says some-

thing, the rest of us listen. This is an extraordinarily fine speech, and I ask unanimous consent that it be incorporated in the RECORD at this point, and express the hope that every Senator, on both sides of the aisle, will find time to read it, to cogitate upon it, and to become a better Senator and more conversant with the affairs of our country in the field of foreign policy as a result.

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

OUR FOREIGN POLICY—LEGACY OF THE NEW DEAL

It will not be immediately apparent why a lecture on foreign affairs should even refer to the "New Deal", the name of a political period in our history that most people connect with domestic policies.

It will not be obvious either why I am all of a sudden on this day in October, 1969, marking the demise of a period in history that many will say ended before World War II.

I insist, however, that there is a definite connection between the New Deal of a generation ago and our foreign policy which currently the subject of much controversy.

And I do contend that one must understand the powerful effects of the New Deal years in order to understand our position in the world today.

Young people these days justly demand of their elders that they be "relevant".

I'm going to try to meet that demand insofar as it is a serious one.

But insofar as "relevance" has come to mean a demand for instant gratification, I will leave that to others.

Some people talk about the so-called generation gap as though all generations in the past lived in perfect harmony with their parents, their political leaders, their college administrators and their police departments.

They didn't.

I didn't get instant gratification in my time, and you won't get it in yours.

What the youth of today should have is some notion of how the present relates to the immediate past so that parents of the next generation will be able to stand up better to their children than we, apparently, are standing up to ours.

My thesis is that the New Deal ended in August of 1968 in Chicago at the Democratic Convention and on the streets of that city outside of the convention.

Lyndon Johnson was the last New Deal President; Hubert Humphrey may have been the last New Deal Presidential candidate, though I do not want to seem to end his hopes prematurely for the highest office in the land.

My prediction is that the politician who will stand up, recognize the fact that that colorful era in history has had its day, and bury the New Deal with the honors it deserves will inherit the political future, at least for a while.

And this applies quite as much to the commanding heights of foreign policy as it does to the commanding heights of domestic policy.

I have waited for a long time to unfold this thesis in public because I had hoped, and still hope, that the leadership of my own political party would adopt it as their own.

I was also afraid that the Democrats might steal it.

Now I find that a man quite outside the arena of politics has alluded to the idea in a book due out this month.

He is a man of great distinction, Mr. Eugene Black, once President of the World Bank and latterly a special counselor to President Johnson on the complex affairs of Southeast Asia.

Mr. Black is writing about those complex affairs, not about American politics, but in his book he expresses my thoughts quite succinctly when he says:

". . . The New Deal years ended on the streets of Chicago . . . for there the children of the New Deal came into direct conflict with those who had benefited most from and had provided much of the leadership during the New Deal years. It was a tragedy that no Mark Anthony appeared . . . to remind us that 'the evil that men do lives after them; the good is oft interred with their bones.' "

I rather think that the Democrats would occupy the White House today if they had found their Mark Anthony.

They had the stage and the public's attention, something my party hasn't had for a long time.

Lyndon Johnson was the last of a long and brilliant line of New Deal actors.

He was no Caesar, but he was a very big man in many ways.

His policy in Viet Nam was mighty unpopular—even with me—but he laid down his political career because of Viet Nam and that was an honorable act.

He was a good party man when the chips were down; more important, he was a good American.

But there wasn't any Mark Anthony in Chicago and, as a Republican, I shed no tears.

As a Republican, I am, perhaps naturally, more interested in burying the New Deal and marking the spot in the graveyard of history than I am in praising it.

Possibly I am more interested in connecting Lyndon Johnson with Franklin Roosevelt in order to show that the New Deal is finally over, than I am in doing justice to those active and exciting years.

But I have another purpose than that of doing justice to the past; I want to help to do justice to the future.

My party has always had an ambivalent feeling towards the New Deal.

It still has, in fact.

Some of my friends even now wouldn't be caught out in public with the lady.

Some others succumbed to her charms and became prominent guests in her house.

Many, like myself, were guilty of certain clandestine meetings with her.

Now, however, if the Republicans are to inherit the political future for more than one brief administration, we are going to have to make our peace with the past and show how we are going to build on it, not try to turn the clock back.

I made my own peace with the New Deal back in 1938 and, with a few lapses, have maintained a pretty consistent attitude.

On Lincoln's Birthday of that year I undertook to read my party a lecture.

The times called for it; in 1936, you will remember, an old political slogan was rewritten to read, "As Maine goes, so goes Vermont."

The rest of the country went the other way that year in spite of the fact that Alf Landon was one of the best Presidential candidates the Republican Party ever had.

At that Lincoln's Birthday gathering—it was before the National Republican Club at the Waldorf Astoria in New York—I had some things to say about the New Deal that I think are pertinent today.

As Governor of Vermont, I had come to office in part through fighting the public utilities which I felt wanted to play fast and loose with the water resources of this State.

By the time I spoke in New York, I was fighting the Federal government, too; the New Deal had singled out our State as a testing ground for a large Federal commune or Kibbutz to stimulate employment in ways that not even the OEO today would think of suggesting.

I learned early that politicians dedicated to keeping the Big Boys honest, as I think I have been, would have to fight the Big Boys in the Federal bureaucracy just as hard as the Big Boys in the private bureaucracies.

"We must not make the mistake," I told the audience in New York in 1938, "of thinking we are protecting States' rights when we protest against Federal leadership."

I also said:

"The country needs (Federal leadership). . . . (But) there is a difference between Federal leadership and Federal domination, and that difference is the great issue today . . . The States have rights—vital rights. As Governor of Vermont, I have fought to preserve them for the people. To preserve these rights I have at times had to fight the public utilities. At the present time, I have had to fight the Federal Government. Far apart as these two forces are, I find the palms of both have the itch for acquisition."

I'd be glad to bequeath these words to anybody who wants to run for Governor of Vermont today.

There are perhaps now more powerful interests than ever who want to be absentee landlords in our State, and whoever is Governor has got to try to keep them honest whether they be the Federal Government, the corporations interested in our forests and recreation areas, or even the environmentalists interested in preserving after their own fashion for future generations.

The slogan, "keep the Big Boys honest," transcends both party and sectionalism in our land; it was used most recently by a Democrat who wanted to be Governor of Virginia and in the Primary last August came within an eyelash of upsetting nearly 45 years of rule by the political machine of my late friend and colleague, former Senator Harry Flood Byrd.

It is now being used by the Republican candidate for Governor of that State.

It lives today in Vermont; that's why we are debating in this State an issue—statewide zoning—that even that far out liberals elsewhere haven't thought of, yet doing it for the most conservative of reasons—to protect the individual against the onslaughts of big money and big bureaucracy.

The New Deal created a lot of new Big Boys.

They came into Washington on a shoestring and in a few years rode out in a Cadillac.

The popular concern for justice for the wage-earner, ignored for far too long gave our labor unions their legal birthright under the New Deal, but it also made Big Labor possible.

And does Big Labor appeal today to our sense of justice any more than, say, Big Business?

The New Deal gave us Social Security long after we should have had it, but it also gave us Big Welfare.

The most responsive note that President Nixon has struck so far is, probably, his new welfare proposals.

"The New Deal is Over" is written large across the pages of these proposals.

It will take a lot of bargaining to work out the details in legislation, but the President is surely right in saying that we need a new system to keep Big Welfare honest and efficient.

Lyndon Johnson admired Franklin Roosevelt and modeled his domestic program after the New Deal.

The legislation he proposed has doubled the flow of Federal monies into education.

The poverty program he set up would have warmed the hearts of Harry Hopkins and Harold Ickes.

And who is to deny seriously that we desperately need Federal leadership both in improving education and alleviating poverty?

But Lyndon Johnson's programs were the linear descendants of the National Recovery Act and the National Youth Administration of the 1930's.

They reflected a real need, but not the realities of the 1960's.

What President Johnson forgot was that while President Roosevelt could create bureaucracy more or less at will and get away with it because he started with so little, the President's first task now, if he wants his programs to be effective, is to make the huge Federal bureaucracy work better.

President Johnson was a great one for creating bureaucracy, exhorting it and sometimes cursing it.

But he didn't make bureaucracy work better.

That is why his Great Society failed.

I think it is obvious that the New Deal is over when it comes to domestic policies, though it is not yet obvious what the shape of political things to come will be.

It is perhaps less obvious that the foreign policies associated with the New Deal, the Fair Deal, the Eisenhower years, the New Frontier and the Great Society have also become obsolete.

These policies were of a piece, and they are now out of date.

That is the lesson of Viet Nam, and again the people are ahead of the politicians in accepting the fact.

It has been said by many that World War II ended the age of American innocence in world affairs.

It did in a way; it ended the notion that we could be safe and sound simply by telling the rest of the world how it *ought* to act while rigorously avoiding taking any actions ourselves.

It ended the age in which we could describe our national interests in romantic terms, like "saving the world for democracy."

But World War II *didn't* end our age of innocence in world affairs.

The war in Viet Nam has done that.

World War II ended the age in which we could believe that we could exert a peaceful influence on world affairs without being prepared to take part in those affairs, even with military force if necessary.

Viet Nam has ended the illusion that our military power bestows on us an equal influence in world politics.

It has taught us—or should have taught us—the vital importance of finding a halfway house between the innocence of isolationism and the arrogance which says we ought to play the world's policeman.

The Viet Nam war was as much a child of the New Deal as the War on Poverty.

Lyndon Johnson during his Presidency modeled his actions abroad, as he did at home, on Franklin Roosevelt's example, in this case on the example of Roosevelt's personal diplomacy.

In fact, all Presidents since 1945 have done this to some extent.

President Nixon's trips to Europe and Asia at the beginning of his administration—which met with my approval—are of the same mold.

But the time has come to break this mold, fashioned as it was in the New Deal years, and elaborated upon in the Truman, Eisenhower, Kennedy and Johnson years.

This we should learn from our unhappy experience in Viet Nam.

Nearly four years ago, I began to set forth in public my criticisms of the Viet Nam policies.

I found it a painful process for President Johnson was my friend.

I am here only going to repeat the heart of my objection—what I feel to be the heart of the Viet Nam tragedy—because it is central to my thesis today.

The tragedy of Viet Nam is that we have *prevented* self-determination through the weight of our intervention, even while proclaiming the *preservation* of self-determination as our goal.

It may or may not have been possible to reach this goal if we had acted more wisely; I gladly leave that kind of speculation to the historians and Monday morning quarterbacks.

But ever since President Kennedy decided to intervene and consigned the first 35,000 troops to Viet Nam, and President Johnson decided to intervene further with massive force after the attacks on our installations at Pleiku and elsewhere in February 1965 we have prevented self-determination in Viet Nam just as surely as has the force that we have called the aggressor.

When the war became an American war and the government in Saigon came to exist only by Washington's consent, all hope for a settlement vanished—with the end not yet in sight.

I am afraid we have not even yet learned this lesson.

Vitrually all the experts on Viet Nam, for example, are now demanding a "broader based" government in Saigon in the name of self-determination.

Certainly there ought to be a more representative government there.

There can be no peace until one comes.

But so long as many in Saigon have a vested interest in our arms, in our money, in our officials there, the United States itself will have to impose such a government if it is to come.

Not only is that a denial of self-determination, I seriously doubt that we can do it effectively.

We are still pretending that self-determination is possible while our military presence remains the overwhelming factor in the country.

President Nixon is fully aware of this and is slowly making progress towards correcting the situation.

He is launching a new Asian policy which, in his words, will avoid commitments that could involve us in the internal struggles of nations there.

I, too, believe that the sooner we can reduce our presence in South Viet Nam, whether or not the Paris peace talks make progress, the sooner we will escape from a predicament very largely of our own making.

But we cannot achieve instant gratification through a precipitate withdrawal of our troops.

The President needs time, and I for one, will do my best to see that he gets it.

Those who are so anxious now to spur the President into a pell-mell retreat, even to set deadlines for him, should pause to consider the likely consequences of their exhortations.

The South Vietnamese are bound to think sooner or later that we are simply preparing a case against them to cover our own errors.

That is the worst of all alternatives.

It could lead to a breakdown of order in South Viet Nam and ultimately to a wholesale massacre of those, who for good reasons or bad, put their faith in the United States Government.

And if that happens, it will invite a repetition in this country of the ugly days of the late 1940's when Americans flailed at Americans over the absurd proposition that nefarious forces within our own government "lost" China.

Viet Nam is no more "ours" than was China.

We have no cause to be self-righteous about what has happened there.

Viet Nam is just the place where the foreign policies of the New Deal years came to their logical end.

It is going to be very tempting in the months ahead to try to lay the blame for our mistakes in Viet Nam on the doorstep of this or that President.

But this misses the whole point.

Of course, the President is always responsible, ultimately.

But our recent faults lie much deeper; they are embedded in the foreign relations bureaucracy which we inherited from the past.

It may have been true in Franklin Roosevelt's day that the President was the only one who counted in foreign affairs.

But it has never been true since.

I did not think it was true even then.

If I tell you that one of my first votes in the Senate and my first full blown speech there was against Lend-Lease for England, you will probably think I was very provincial.

But the issue in that debate wasn't isolationism versus internationalism.

Like most Vermonters, I was partial to England.

The issue in that debate was something else.

You may recall that England in 1941, like Viet Nam in the 1960's, had not asked for troops or direct military intervention on our part.

They had asked for money to buy arms.

But President Roosevelt placed before the Senate a bill which would grant him unparalleled authority to order just the kind of intervention that the British had not requested.

I protested.

I was in good company.

The late Senators Vandenberg and Taft took a similar stand as did Senator Russell of Georgia, who is still an honored colleague.

"This bill," I said of the Lend-Lease Act, "is the final step before the armed forces of the United States are scattered over the waters of the seven seas and the lands of four continents . . . After this bill is enacted into law, the President of the United States can control this flow of goods to the extent of depriving England of war materials now on order in this country unless England conducts this war as he thinks she should. Is it not possible that England might prefer to run her own war without this constant threat hanging over her? Do we know that England would rather have assistance granted in this manner than an outright grant of cash or credit? . . . The proponents of this bill have taken almost sixty days to put through an act giving the President unlimited powers to meddle in all foreign affairs if he is so minded, rather than to take two days to grant England the credit and cash upon which they said her life depended."

I do not cite this passage to show how right I was or how rude I was to one of the most revered political figures of my time.

I cite it for its relevance now.

It antedated the Tonkin Gulf resolution by nearly twenty-five years.

It may be that in 1940 President Roosevelt was the only one who counted in foreign affairs, but it has been true of no President since.

As in the domestic branches of government, so in foreign affairs, the New Deal years left the nation with a bureaucracy of new, and powerful influences, each of which has become accustomed to "meddle in all foreign affairs".

In fact, the diverse foreign relations bureaucracies of today have made it all but impossible for the President to carry out effectively his constitutional duties in the realm of foreign policy.

The Defense Department is the biggest, of course, followed by the Central Intelligence Agency, the Agency for International Development, the United States Information Agency, and even the Peace Corps.

The least of all has been the State Department, which has been all too willing to defer to the others in the making of policies that should be its primary charge.

It all grew out of the New Deal years.

The Defense Department and the Central Intelligence Agency are the offspring of the Cold War—the children of a time when every precinct on the globe was seen as a focus of struggle between Soviet Communism and ourselves—of a time when to keep the Big

Boys in world politics on the straight and narrow path we felt we had to line up all the little fellows on our side.

The foreign aid agencies, born of the Marshall Plan, inevitably became creatures of this view up to the point where the present foreign aid agency has been the major banker of the war economy in Viet Nam.

The minor agencies, USIA and the Peace Corps, hark back to the earlier New Deal years when our political leadership was most anxious to convince the world that we were not going to relapse into our old, isolationist habits.

And the State Department?

President Roosevelt imposed a non-combatant status on the State Department in World War II for what seemed to him to be a good and sufficient reason.

He did not believe that our diplomatic service had either anticipated adequately the events unfolding in Europe in the 1930's, or could participate effectively in fashioning an adequate policy response to those events.

In his forthcoming book Mr. Black will tell you that the State Department was classified 4–F because it was guilty of being too much in tune with American public opinion—with isolationist opinion, that is, and that President Roosevelt believed the public was not competent to formulate foreign policy.

Rightly or wrongly, this same thesis prevailed during the Johnson Administration.

The State Department has never been reclassified.

Ever since World War II it has proved no match for the new, powerful influences in the foreign relations bureaucracy when it comes to helping the President define our real national interests abroad and to fashion policies to fit those interests.

The authority of the Congress, as well as the authority of the President, has been seriously eroded by this fact.

It is fashionable to say that diplomacy became obsolescent with World War II and has become obsolete since, what with the revolution in communications.

The jet airplane, it is said, and communications by satellite have rendered the Ambassador little more than a business manager for our more powerful bureaucratic influences overseas.

It is said that we do not need diplomats in the traditional sense, except to attend cocktail parties—that the business of foreign relations is now the business of technicians—the masters of weapons systems, monetary affairs, propaganda and something called economic development.

There is some truth in this characterization.

But there is more that is false.

Certainly, foreign policy needs to be informed as never before by the new technologies, but it remains a political art.

Neither within the Administration nor within the Congress is it possible to keep the foreign relations bureaucracy honest and efficient without a highly skilled, professional diplomatic service capable of helping the President to formulate and implement the political ingredients of foreign policy.

Without a strong State Department, the real political decisions are left largely to the technicians, or to distinguished amateurs brought in from outside of government.

As a Senator, I am particularly sensitive to this state of affairs because the technician doesn't look at the overall problem.

His interest is confined to a particular aspect of the problem.

Therefore, the "policy" which evolves is not something thought out beforehand, but rather it emerges from piecing together the decisions of the technicians.

The Senate has a special duty to make the Executive Branch accountable for its actions in foreign affairs.

This is a unique duty among the parliaments of the world—most of which in any case no longer have vital, day-to-day authorities, as does the Congress.

Most parliaments have been reduced to simply approving government actions or tossing the government out of office.

But a parliament that can only say "I am with you" or "I am against you" is really not much of a parliament at all.

Maybe that is why so many countries have decided to do away with the idea altogether.

Perhaps the Congress is an obsolescent institution, too.

But if it isn't, we have to take its authorities seriously, including the duty of the Senate to hold the Executive accountable for the actions it takes in foreign policy.

That function has been frustrated to the point where the Senate has been told what our foreign policies are to be rather than being asked for approval.

And the major reason is that no single branch of the Executive is accountable for foreign policy.

From time to time there have been proposals to reform and rebuild the State Department restoring the useful functions for which it was originally intended.

But every Administration since the New Deal days has opposed all serious attempts at reform which have come from the Congress.

Every President has been afraid that attempts to reform initiated by the Congress were really designed to undermine the President's authority over foreign affairs.

However, it is not the Congress that has been undermining the President's authority.

It is the diffuse, undisciplined foreign relations bureaucracy.

Unless and until there is a single, professional diplomatic service, capable of being accountable to the President as well as to the Congress for our political actions overseas, we will be at the mercy of forces largely beyond our control.

Until there is a responsible political bureaucracy, charged with the primary duty of helping the President to define our real national interests overseas and to fashion policies to implement those interests, we will not have really learned the lessons of the New Deal years—the innocence that led to Yalta, the arrogance that led to Viet Nam.

This is not a subject for new legislation.

The laws are adequate and very flexible.

Reform can only come from within and must be encouraged and led by the President.

For the first time since 1946 I can say there is some prospect that this will happen.

Secretary of State Rogers and Under Secretary of State Richardson are aware of what has to be done and we hear rumblings that a move is underway to improve conditions.

There will be powerful opposition to the restoration of the State Department.

This opposition will come from those who having formulated our foreign policy for the last 25 years will exert all the influence they possess against giving that authority back to the State Department.

This Department has been so overwhelmed by other programs that the original purpose and responsibility has almost been lost in the shuffle.

Out of 23,000 American employees attached to our missions overseas, only 5,000 of them are assigned to State Department functions.

The rest are attached to other agencies of government.

So I put restoring the constitutional authority and reformation of the State Department first among my recommendations looking to a sound and sane foreign policy for the future.

But let me make this clear.

The State Department will need a strong infusion of new blood.

Men and women dedicated to the service of their country—not just working out their time to retirement and who will stand up to the special interest bureaucracy—even to risking their own future like a soldier in battle, if need be.

My next proposal would be a review of all outstanding treaty commitments and international agreements of national importance to the United States.

I do not say this to be critical of treaties and agreements in general, but I do know that we are today signatories to multilateral treaties which are not taken seriously by some of the other signatories.

When we find situations like this to exist we should take immediate steps to abrogate such treaties and if found advisable to enter into new agreements with those countries which do take their commitments seriously and will live up to them.

All such treaties and agreements should be approved by the Senate as required by our Constitution and any agreements or subterfuges found to be in violation of the treaty provisions of the Constitution should be promptly cancelled.

Many treaties live on long after their original purpose has been served or has ceased to be a measure of our national interest.

They stay on our books ready to be used for other purposes that the Congress may not have approved at all.

The review of these treaties and commitments which I propose will take many months.

However, it could provide a focus for a new bipartisanship in foreign policy to replace the bipartisanship of the New Deal years which fell apart over Viet Nam.

We must not have any more Viet Nams.

We must not have any more Yaltas where Europe was divided into two spheres of influence and all of Eastern Europe was handed over to the Soviet orbit, an act of generosity which we now have reason to regret.

I am sure that many in the Congress want to help the President lift the subject of foreign policy out of the maze of particular, bureaucratic interests into which it has fallen, and install it anew on a pedestal of bipartisanship which can serve to reunite the country once again around a sane view of its role in the world.

I feel the ground for a new consensus exists.

I believe most Americans want some assurance that they will not wake up one morning to find we are off on some new adventure to impose self-determination on some small country.

And finally the time has come for the United States to adopt a "live and let live" attitude toward the rest of the world.

President Nixon informally enunciated a new Asian policy on his visit to Guam on July 25, 1969.

At that time he made it clear that while the United States would keep its present commitments to the nations of that area, we would not enter into any further agreements which would require us to become embroiled in their internal struggles.

This new policy was well received not only in the United States but throughout the world.

So, I propose that this same policy of "live and let live" be extended to include the nations of other continents.

Just because we recognize a country does not mean that we should necessarily like its government.

And just because we do not recognize a particular country does not mean that we should have to do business with them through a third party or middle man.

A ridiculous example of this will be found in our relationship with Rhodesia.

The United Nations, in effect, directed us not to do business with Rhodesia where we had been purchasing large supplies of titanium, platinum, chromium and other minerals essential to our defense effort.

So we stopped our purchases from Rhodesia and transferred them to Russia at a price well over 50 percent above what we had been paying Rhodesia with the strong possibility that we were getting the same material which Russia could pick up on the world market.

And this is only one example of biting off our nose to spite our face, a practice which would land a private business or industry in the poorhouse in a short time.

The measure of our dealings with another country should be whether it is to our advantage to do so.

Rigorous as our foreign problems seem to be, I have faith that American patriotism will reassert itself.

We are a nation of provincial patriots; our patriotism takes root in a thousand different soils—urban, rural and suburban; ethnic and racial; East, West, North and South.

We tend to be provincial in a big way, even in foreign affairs.

But I know of no force capable of keeping the peace of the world, more suited to keeping the Big Boys honest, than the collective force of our provincial patriots.

ADDRESS BY SENATOR McINTYRE BEFORE THE NATIONAL ACADEMY OF SCIENCES, HANOVER, N.H.

Mr. AIKEN. Mr. President, on Monday evening, October 13, 1969, the junior Senator from New Hampshire (Mr. McINTYRE) made a speech before the National Academy of Sciences in Hanover, N.H. The speech was entitled "Goal Must Be Peace—Not Politics." In his speech the Senator from New Hampshire urged his fellow Democrats not to make our situation in South Vietnam a political issue.

Mr. President, there is so much in the speech, which was delivered by the Senator from New Hampshire, with which I agree that I ask unanimous consent that it may be printed in the RECORD.

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

GOAL MUST BE PEACE—NOT POLITICS

(Address by U.S. Senator THOMAS J. McINTYRE, Democrat of New Hampshire, before the National Academy of Sciences, Hanover, N.H., October 13, 1969)

Mr. Chairman, distinguished members of the National Academy of Science.

The handbook for public speakers warns against opening one's remarks with an apology. Yet, tonight, I must do just that.

I have decided not to speak on the announced subject. "The Power of the Pentagon and the Consent of the Concerned," because of the urgency of the subject I have chosen in its place.

For those who came here to listen to my views on military spending and the proper control of it, I will be more than happy to discuss this informally after the program.

I have chosen this opportunity to hold a public confrontation with myself on the most pressing issue of our times—the war in Vietnam.

I have done so because the week—marking as it does the first of several scheduled classroom moratoria on the war—the occasion—a gathering of men and women whose reverence for life and dedication to the betterment of mankind's lot are so widely known and admired—and the site—my own State of New Hampshire—seen so appropriate to the exercise.

I have come here to express my conviction that we must disengage from Vietnam with all due speed.

Those who are familiar with my position in the past may appreciate the personal anguish I experience in making that statement.

I have been a supporter of our effort there. I believed in the justification of our initial involvement and when I voted for the Gulf of Tonkin Resolution I shared the responsibility for our expanding that involvement.

I did so in good conscience.

Given the circumstances of the time and the information and the counsel to which I was privy, I made what I believed was a sound judgment in the cause of freedom and in the best interests of our Nation.

But whatever the merits or the mistakes of our initial involvement with that star-crossed little nation, and whatever the merits or the mistakes of broadening that involvement, "I believe the time has now come to extricate ourselves from the quagmire that is Vietnam."

I say this because in the intervening years a new consideration has arisen, a consideration of such magnitude that it dwarfs the issue of military involvement in a small nation and of such urgency it usurps the longer-range consideration of Southeast Asian security.

We must save our own Nation first, for our own Nation is tearing itself apart under the ordeal of Vietnam.

We are all familiar with the statistical costs:

We have lost 45,000 young Americans in Vietnam, more than 200 of them from my own small State.

In our Vietnam effort, we are spending $30 billion a year, $85 million a day, $3½ million an hour—money that could be used at home to find and root out those shameful pockets of poverty in the ghetto, in Appalachia, in the hills and the backwater country of many other states—including my own; to feed children who go hungry through no fault of their own; to cure rural blight and inner city decay; to cleanse the air we breath and purify our lakes and rivers and streams—money to fund new classrooms and other educational facilities—yes, and money to finance research that would bring us healthier, richer, more rewarding lives tomorrow.

Even unspent, my friends, this $30 billion a year could have a positive effect by easing the squeeze of inflation on those who most feel it—the aged whose fixed income is stretched thin; the working man who wants to buy a house; the small businessman who wants to expand his operation; the student who needs a college loan—all victims of the tight money situation and skyrocketing interest charges.

But the money *is* being spent, every hour, every day, every passing year in bombs, in bullets, in the negativism of destruction.

And yet, somehow, we have borne such burdens in other wars without suffering the convulsions that are now racking us the length and breadth of the land.

The difference between this and other wars lies in the degree of unity of purpose:

In past conflicts, the Nation was united in a cause virtually every American regarded as just.

This is not the case in Vietnam—there is no unity of purpose.

Let us not be deluded into thinking that disenchantment over the war is confined to a handful of unkempt yippies raising hell, as they did last week in Chicago.

The unrest over Vietnam lies deep within this Nation's vitals. Indeed, it is the typical, thoughtful American who has wrestled with himself over the rightness, the wrongness or the effectiveness of our presence there.

The typical American is puzzled, troubled and doubtful. He feels any Communist takeover is bad, and he may well have therefore supported the decision to intervene to prevent that take-over.

But we have had the best trained, best equipped combat troops in the world in Vietnam for nearly six years, and he is perplexed by our inability to resolve this war in the usual fashion.

The average American has seen optimistic report after optimistic report made by our leaders in the field and in the government, and he has had his hopes dashed time after time.

The Tet offensive in 1968 was a crushing psychological blow that strained to the breaking point his faith in our military omnipotence, and the ordinary American no longer believes that men and materiel are all it takes to win a war. Now he is beginning to wonder why pajama-clad men in canvas shoes continue to fight against seemingly impossible odds for year after year after year.

But if older Americans are puzzled, disillusioned or resentful over the frustrations of Vietnam, young Americans are in open revolt.

With passionate vehemence they denounce the war and express their wholesale disenchantment with our institutions, our leaders, our systems of values and authority.

Young men are drafted under a system many of them believe is unfair to fight in a war many of them are convinced is unjust.

Some agonize first, then go into uniform.

Some agonize first, then go into Canada.

The former have their lives disrupted for two or three years—or needed in a steamy swamp.

The latter have foresworn their birthright and live forever after in the shadows of anguish.

And parents grieve whatever the choice.

In short, it is the psychological cost of this war which has simply become too much to bear.

We have become a once-noble beast who, gored from within, snaps madly at its own entrails.

We will devour ourselves if the madness does not end—and the madness will not end until we get out of Vietnam.

But how do we get out?

Well, we do not get out of Vietnam by diverting our determination for peace into a political and devisive search for scapegoats.

We got into this war together. We can only get out of it together.

Administrations of both parties acted in South Vietnam's behalf, and the Congress of the United States shared that responsibility.

So this is *not* Mr. Nixon's war, and I would hope that none of my fellow Democrats try to *make* it Mr. Nixon's war.

Mr. Nixon happens to be President at a time when the majority of Americans want a quick extrication from Vietnam, and I am convinced that the President would like nothing more in this world than to satisfy this urgent desire for disengagement.

Now let us be perfectly frank about this.

If Mr. Nixon heeds the public will and effects a quick disengagement, he runs the risk of later being accused of "selling out to the Communists"—not only by the extreme right—but, I'm sorry to say, *by some democratic opportunists who are trying to take partisan advantage of his dilemma—opportunists who over the long run may try to exploit both sides of this issue for the political purpose of discrediting a Republican President.*

What Mr. Nixon needs, I contend, is firm assurance that such charges will not be leveled by responsible members of either party and that if they are made by irresponsible spokesmen they will be quickly denounced. *As one Democrat Senator, I pledge him that assurance.*

The goal must be peace and not politics.

Now let us make it clear that by pledging to refrain from and denounce any attempts to deliberately "break the President," I in no way agree to the moratorium on free and open discussion of the war pro-

posed by the Republican leadership in the Senate.

Indeed, one of the chief sources of national unrest over Vietnam has been the public's sense of helplessness in expressing their opinions about the war.

Our people have felt totally frustrated in their inability to affect the course of this war. They have felt shut out of the councils of decision, isolated from the seats of power, voiceless in the deliberative bodies.

This Autumn, several days have been set aside as days for public expression of sentiment about the war. The first such occasion will be the Vietnam classroom moratorium scheduled the day after tomorrow.

Along with the Governors of four of the New England States (Governors representing both parties), six United States Senators from New England, again of both parties, Richard Cardinal Cushing, former Republican National Committee Chairman Thruston Morton, and many, many other officials, I believe the people have a right to make their feelings known. They believe, and I believe, that the scheduled days of public expression are within the American tradition of free speech and peaceable assembly.

There are some who shout "treason" when an American citizen seeks to express his opinions publicly and responsibly on this most basic of issues, but these extreme few neither appreciate nor understand the basic institutions of our Republic—institutions which were born in the free and open air of New England.

But there is a difference between the exercise of free speech and vehement, disorderly, and violent demonstrations of the kind that further divide us without contributing to the resolution of any issue.

And there is a difference between constructive criticism and the kind of unprincipled partisan attack that is designed solely to bring down the President and undermine the effectiveness of his office.

I supported one President when we broadened our involvement in Vietnam in 1965.

Tonight I want to support another President in his efforts to end the fighting there.

But I am keenly aware of what that will require. It will require tremendous courage on his part—

Courage to break completely free from the hobbling tangle of military caution and diplomatic doubt and delay;

Courage to thrust aside the fear of political consequences;

Courage to listen to the voices of his countrymen;

Courage to challenge history's ultimate appraisal of him.

In sum, courage to cut straight through to the heart of the matter, courage to make the decisions and issue the orders that will lead us out of this tragedy.

So tonight I call upon Americans everywhere—especially those who will participate in the moratorium this week—to use this occasion to pledge their cumulative strength to the President to help him take those courageous steps he must take; to give him that essential broad base of constructive support which would enable him to move with boldness, decision and dispatch to do the Nation's bidding.

I think the broad outlines of the course we must follow are becoming increasingly clear.

We must begin by facing up to the fact that our days in Vietnam are limited. We must recognize that unless we leave soon the consequences at home will be many times worse than the possible consequences abroad.

We must confront the blunt truth that we may have little choice about the terms of our disengagement.

All of the contemporary rhetoric about defeat or victory in this war is now beside the point. It has been truly said that in guerrilla conflicts one wins by not losing and one loses by not winning.

But within this grim framework, we still have some specific options which may not work but must be tried.

We must offer to our adversaries legitimate incentives to bring an end to the present bloodshed. The negotiated peace which President Nixon seeks depends on such incentives.

We must, therefore, offer them an opportunity to participate in a coalition government in the South. Any durable, broadly representative coalition, however, will depend on the fairness and openness of the election of its members. Let us, therefore, as a first step, seek an agreement on a provisional coalition in which both sides participate, which neither side controls, and which has the mediating influence of some neutral nation or body. Elections supervised by such a provisional body have the best chance of producing an authentic coalition—one in which our adversaries might be willing to participate and one which might have a chance of survival.

And we must couple this offer—the precise terms of which would take time to negotiate—with the offer of a cease-fire while negotiations take place.

Our adversaries might not accept such offers. Even more likely—and profoundly more disturbing—is the likelihood of their rejection by the South Vietnamese.

From the very beginning, the lack of viability of the South Vietnamese government has handicapped our effort there. Indeed, it was the failure of the Diem regime to build a broad base of support that necessitated our initial involvement.

And it has been the inability of subsequent leaders to mobilize the people that has led directly to the current impasse.

For years we have known that a viable government could not be developed until the leaders put an end to corruption, brought about needed reforms within the government, and broadened the popular front by opening the doors to a more inclusive representation of the people.

But for years little progress has been made. Even today, the news from Saigon is as much of purges as it is of any incipient national front.

I think it would be the height of folly to believe that an oligarchic clique out of touch with its own people will ever be able to hold the line alone, so until some basic democratization of that government is accomplished the hope for Vietnamization of the war and its resolution must be tempered with skepticism.

What we must do now is something we should have done long ago. We must serve an ultimatum on the South Vietnamese leaders. We must make it clear to them that unless they are receptive to a coalition and a cease-fire we will soon have to withdraw our support.

But we cannot abandon the South Vietnamese people, who have been tragic pawns in this war. If their government cooperates, we can try to give them direct protection. If it does not, we may have little choice but to offer them political asylum.

The picture I have painted is not a very bright one. But the very difficulty of finding a quick, prudent means of withdrawal points up the very urgency of doing so. The difficulty itself is the key to the Nation's frustrations and unhappiness over Vietnam.

It is clearly apparent that the people of the United States no longer support this war.

It is equally evident that few of our traditional allies believe in the validity of our effort in Vietnam.

In short, this war no longer has a substantive constituency, and it is time to get out.

Like so many others, I have been moving to this conviction over some period of time. And like so many others, the final, convincing testimony was not sophisticated, was not couched in tightly-drawn logic, but was, instead, simple, direct . . . and poignant.

Concerning an earlier national agony, Ralph Waldo Emerson wrote this little truism in 1862: "The war goes on educating us to a trust in the simplicities."

For one Senator I know, the convincing simplicity was a sudden realization of just how many letters of condolence he had sent to the parents and widows of boys slain in Vietnam.

For another, the convincing simplicity was the spectacle of a 15-year-old boy, grief stricken over the loss of a beloved brother-in-law in Vietnam, committing suicide on the steps of the Nation's Capitol.

For this Senator, it was a moment last month at Grenier Field in Manchester, New Hampshire. There, one afternoon I witnessed a scene I will never forget—the arrival of five flag-draped coffins bearing the bodies of five young members of New Hampshire's 197th Field Artillery Battalion of the National Guard—five men from one neighborhood—killed in action the very week the battalion was to return home from Vietnam.

The war had truly come home to Tom McIntyre, and I deeply believe to my State as well.

We have learned some hard lessons in Vietnam. We have learned about a new kind of war. Perhaps we have learned that wars which threaten national unity, indeed threaten national sanity, never should be fought at all.

But this war has been fought, fought by men as brave as any we have ever sent into battle, men who were, in one sense, braver, for they fought without the comforting support of a nation united behind them.

Now it is time for the bloodshed to end.

Now it is time to offer our adversaries participation in a provisional government which can supervise the election of a formal coalition government.

Now it is time to offer a cease-fire while negotiations for a coalition take place.

Now it is time to tell the leaders of South Vietnam that unless they are receptive to a coalition and a cease-fire we will soon have to withdraw our support.

Now it is time to prepare to offer the South Vietnamese people political asylum if their government does not cooperate in steps toward peace.

And now it is time to concentrate all of the American grievance about this war into a single, eloquent, powerful voice that says to Mr. Nixon:

"Mr. President—Do what has to be done to get us out of Vietnam. You will have the Nation's support in doing it. You will have the Nation's gratitude—and history's blessing—for having done it."

For now it is time, in Lincoln's words: ". . . to strive on to finish the work we are in; to bind up the Nation's wounds; to care for him who shall have borne the battle, and for his widow, and his orphan—to do all which may achieve and cherish a just and lasting peace *among ourselves*, and with all nations."

Mr. GRIFFIN. Mr. President, I wish very briefly to associate myself with the remarks of the distinguished Senator from Vermont, in commending the majority leader for his excellent report and a very statesmanlike statement concerning the situation in South Vietnam.

I particularly noted his reference to the Constitution of the United States and our guarantee of the right of peaceable assembly and freedom of speech.

While I realize there are all types of people and all kinds of motives involved in the moratorium today, I cannot help but wonder about some of the young

people who are carrying Communist flags or otherwise displaying support for Communist governments, whether they fully realize how that right they are enjoying today in our precious country would be denied and is being denied the people of the countries that are dominated by communism. I think this is something that all Americans should well ponder as we consider the meaning of what is going on today.

PEACE CORPS VOLUNTEERS OBSERVE MORATORIUM

Mr. CHURCH. Mr. President, as one who has only carried the American flag throughout his life and who would never carry any other flag, I have just returned from the Peace Corps Headquarters where I addressed a very large and enthusiastic gathering of Peace Corps volunteers who are peaceably participating today in the observance of the moratorium.

These young volunteers have signed a petition concerning the day's observance. They asked me to include the petition, together with their names, in the RECORD.

Mr. President, I ask unanimous consent that the petition, together with the names affixed thereto, may be printed at this point in the RECORD.

There being no objection, the petition and list of names were ordered to be printed in the RECORD, as follows:

WORK FOR PEACE—NATIONAL VIETNAM MORATORIUM, OCTOBER 15, 1969

To Senator FRANK CHURCH:

We the undersigned individuals, who are Peace Corps employees in Washington, wish to express our concern over the continuation of the war in Vietnam.

As members of an organization devoted to peace, we are joining with other concerned Americans on this day of national protest, October 15, 1969, in affirming our resolve to support all endeavors in Congress towards peace and all peaceful efforts elsewhere which will lead to a swift end to the war and complete withdrawal of U.S. troops from Vietnam.

(Signed by 381 employees whose signatures are annexed.)

SIGNERS

Mary Patrica Ferron, Yvonne Butler, Linda Blumenfeld, Loretta E. Silkie, Marcia Dem Koruiz, Norma M. Robinson, Minerva Figueroa, Christine Amber Schindler, Pauline Robinson, Jane A. Connell, Joseph A. Kelly, Richard I. Winton, Jean Hinson Lall, Jeanette Treat, Lavon Pilson, Doris Gilbert, A. Kochensparger, Ruth MacKenzie, Forest A. Craven, Gloria Pleasure, Roger S. Sattler, Bruce Newton, Mary Hammerbacher, Fannie B. Bush, John Gallivan, Leon Lane, Julian McPhillips, Marie A. Fitzgerald, Jean L. Gilmore, Marilyn Stenger, Cynthia Saporito, Ann Hammerbacher, Mary Kelly, Linda Abrams, Edward Ciok, Hilda Peyton, Rosemary Pearson.

Mary Martin, Doris Henderson, Ruth Archie, Phyllis Copland, Carolyn Gullatt, Edward C. Pytlik, Ed Pautienus, Virgil Brown, Homer Pallen, Eric Lax, Ethel Jordan, Phillip Ruopp, Paul Harmin, Paul C. Kirwan, Larry Menkle, Bernard I. Nelson, Vernon J. Fulcher, F. Douglas Hereford III, Catherine A. Penny, Robert J. Raczynski, Esther M. Alessio, Kelly W. Compton, Joseph L. Ashton, Jr., Manthanne C. Parker, Robert Dorn.

K. L. Hill, Jack Michael Colbern, Homer M. Hayes III, A. Theo Welte, Mary Gallagher, W. Marshall Pittman, Winifred M. Bradley, Cassandra Williams, Ray E. Smith, Steve Smallwood, R. J. Falconer, Jr., Edward D. Ames, Sandy R. McKenzie, Victor F. Klein, A. Friedland, Gilbert L. Fanall, Kathleen F. Sullivan, Judy Thelen, Marian Williams, Della McDonnell, Ellen Pence Hattie W. Johnson, Don Romine.

John Loland, Bob Joy, Judy Rager, Nancy McQuiggan. Myina Pastell, Ward Hower, Yvonne Shellman, Julia Bloch, David McGill, Bernard Telkairz, Kevin Lowther, Lea Dursten, Patricia Burch, C. Hyuhueas, Betty Y. Diggs, Nat C. Burger, Deborah F. Jones.

John E. McPhee, E. W. Taly, Camilla J. Mitchell, Lena L. Sims, Dorothy B. Wexler, Judith A. Hemanson, Eloise Williams, J. R. Wilson, Phil Logan, Jr., Arthur Brown, Don Charlan, Jane Meleney Coe, P. Lance Graef, Ronald E. Pell, Mitzi M. Wertheim, Frazile Nichol, Cathy Wallace, Betty McGurk, Delano E. Lewis, Marc Scott, Francis Whaery.

Tony Winderbaum, Daniel Beck, Thomas A. Campanini, Yvonne Green, Vivian Russ, Dorothy Douglas, Linda Simon, E. J. Comstock, Frances Vaughan, Flavia Williams Hutkosky, Daryl Alden Larson, Dave C. Williams, Robert T. Lauritt, Pamela Magee, Anne Depensbrock, Nan Harris, Patricia M. Walsh, Paul North.

Susan Littlefield, Tracy Sankey, A. W. Lewis, Jr., Leola K. Withrow, Roy Tucker, Barbara Greene, Nancy Dorris, Della D. Inliis, Dorothy Marbley, Sherry Novak, Mildred G. Herald, Rochelle Smith, Jack W. Anderson, John N. Francis.

Dale Gilles, Rachel Singer, John Salamach, William E. Howitz, Albert Ormstein, Brian O. Johnson, Odessa Slater, Minnie B. Sledge, Sylvia M. Ware, Beverly Adams, Marion H. Keophumihae, Linda Littel, Bernice Lassiter, Tim Cream, Kathy Landrum, Richard Forbes, Lirlene B. Anderson, S. C. Shulstad, Genoa M. Godbey, Gertrude J. Beach, Barbara S. Jackson, Andraya D. Dozier.

Lohita Hamilton, Lee Honemond, La Gretta Butler, Lila Williams, Wiele W. Izts, Leslie Goldman, Sandra Quick, Ann Christine Ullmier, Jim Reid, Quendaly J. Finney, Doris Leckia, Leon M. Vorlm, Waver M. McCarthy, Dorothy Young, Susie J. Tucker, Reine Virnston, Charley P. Chang, Carol M. Lemon.

Venus K. Richey, Mennan Rash, Juanita D. Daniels, Mary C. Rhores, John L. Imel, Mary A. Tadder, ——— ———, John Osborn, Barbara S. Lanier, Margie Weld, Robert McCann, Jean Hain, Barry A. Blyh, Faye C. Sellin, W. C. Lynch, Anthony Camsone, Antonio E. Duren, Cary D. Robertson, James T. Loomy, Carl A. Arn, Jr., Poholo R. Schramm, Sadie Goldsmith, ——— ———, David A. Danielson, J. Carmedy, L. Kelly, Jean Davis, Leo Myers, L. Cox, J. Robison, Linda Eden.

Sanuier, Leon Lane, Jerry Butler, Loree Imel, Jean Elmore, Marty Adler, Julian M. Phillips, Richard H. Jeanneret, John Gellivan, J. Block, Marie Fitzgerald, Marie Monsen, Ned Wilkins, John L. Vance, N. McQuiggan, Robert A. Joy, Yvonne Schellman, Ward Harder, Dave McGill, Elmer Shore, Barbara Bunch Jary Omsted, E. Green.

Cynthia Saporito, P. John Taylor, Marilyn Stnger, Rosmary Pearson, Georgene M. Twitty, B. McChesy, Ann Hammerbacher, Linda Abramo, Lonee Davenport, Mary Hammerbacher, Formi B. Buch, R. S. Stevic, Ed Ciok, Bernice Gunter, Horace M. Hayer, Jack B. Calbaur, Marshall Pittman, Bob Leavinworth, Winnie Bradley, Bo Rayak, Ted Watte, Doug Hereford III, George Goldin, Joan Wrightman, Mike Clarke, Sue Vider, Ginger Benson.

J. W. Warrington, Bryan Kurtz, George Peteides, Givens L. Thoanton, Olibectf, Sandra L. Hatton, George S. Fann, Betty Mitchell, Harriet Freedman, Walter Clarryton, Elton F. King, Robert Lovinggood, Marie Gadsden, Arlene L. Robinson, Ann M. Vitulano, Thily Washington, Theresa A. Manly.

Chuck Calley, David Lawrence, M.D., Robert G. Sellin, Carv Rutherfordin, George H. Hein, M.D., Wayne R. Weber, M.D., Sharon O. Weber, Michael B. Fisher, M.D., M T. Furst, Bruce Diamond, ——— ———, Julie Cavan, Paul Dowling, Joan Markessinis, Crystal Rowan, Pat Payner, Ruby Stroud, John M. True, John Mooney, Wendell Men, Aleathia S. Crawford, Delores H. Garner, Arlene Merino.

Kelley W. Compton, Patricia B. Armijo, Amparo Ortiz, Jean M. Wightman, Virginia M. Benson, Susan E. Vides, George Goldman, Sammie S. Jayley, Michael Clarke, Mozelle M. Earley, Genola M. Tate, Sharon Thomas, Barbara Y. Evans, Mary Mims, Anthony Gomez, Yvonne Moseley, Barbara Wyder, Jim Gunn, Michael Amand, Brenda Witcher, Dave Wheve, Dick Dugan.

Billie Norris, Arthur J. Pettaway, Mattie L. Megginson, Amy Feldblum, James D. Bland, Sylvester Auty, Paul D. Stain, Susan Folsom, Jacqueline Washington, Flora J. Sanders, Audrey Edwards, Ruthie N. Elerhe, Mabin Metcalf, Ann Gregory, Mary Venison, Barbara Jordan, Isabel Daincalf, Frances Meredith, Jim Neidert.

Joyce F. Jackson, Paula M. Mayo, Stephen M. Aronin, Ray McEache, Wayne P. Imoele, Donald H. Bell, Vernon Rayck.

Mr. JORDAN of North Carolina. Mr. President, will the Senator yield for a question?

Mr. CHURCH. I yield.

Mr. JORDAN of North Carolina. Mr. President, I wish to ask the Senator how many names are on the petition.

Mr. CHURCH. There are 381.

Mr. JORDAN of North Carolina. I thank the Senator.

ISSUES AND ANSWERS: A RESPONSE TO THE ADMINISTRATION

Mr. CHURCH. Mr. President, on Sunday, October 12, the distinguished Senator from New York (Mr. GOODELL) and I appeared as guests on the ABC weekly public affairs program "Issues and Answers."

In this telecast, the Senator from New York (Mr. GOODELL) and I answered questions from newsmen John Scali and Bob Clark concerning the administration's current policy with regard to Vietnam, the Moratorium Day observances which are taking place throughout the country today, and other issues associated with American foreign policy.

In light of the current debate over continued American participation in Vietnam and today's peaceful protests to our presence in that country, I ask unanimous consent that the transcript of this program be printed at this point in the CONGRESSIONAL RECORD.

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

ISSUES AND ANSWERS, OCTOBER 12, 1969

Guests: Senator FRANK CHURCH, Democrat of Idaho, and Senator CHARLES GOODELL, Republican of New York.

Interviewed by: John Scali, ABC News diplomatic correspondent; Bob Clark, ABC News Capitol Hill correspondent.

Mr. SCALI. Gentlemen, welcome to Issues and Answers.

Secretary of State Rogers has just told the American people that President Nixon has achieved tremendous progress in Vietnam in de-escalating the war, in that the enemy is shooting less on the ground; he is replacing his men with fewer reinforcements, and our casualties have gone down. Do you agree that this represents tremendous progress, Senator Church?

Senator CHURCH. Well, he also said that

there had been no progress at the negotiating table in Paris, and as far as the wind-down of the war and the withdrawal of American troops are concerned, at the present rate of withdrawal, we will be engaged there for the next eight to ten years. I don't think that is sufficient progress.

Mr. SCALI. Senator Goodell, do you agree?

Senator GOODELL. I don't think it is tremendous progress. I think we all applaud the fact that fewer Americans are dying. But it is now at a rate, that is, the lowest in three years. Sixty-four Americans dying a week, and at that rate there will be 3,328 Americans who have died in the next year.

I think the significant fact here is that we are pursuing essentially the same kind of a policy of putting pressure on the North Vietnamese to make concessions, and the only difference is that we are starting to make some withdrawals in hopes we can induce the North Vietnamese to respond. And that response thus far has been very small.

By the argument made by Secretary of State Rogers, if the North Vietnamese escalate this conflict and we go up to two or three hundred deaths a week in November, December or January, presumably we are going to have to re-think our policy and once again dedicate ourselves to staying there six, eight, ten years.

Mr. CLARK. Senator Goodell, a new Gallup Poll out today shows that 57 percent of the American people—a rather surprising majority—agree with your proposal to withdraw all American troops from Vietnam by the end of next year. Do you think this poll is going to be much help in the Senate where your resolution has been given virtually no chance of passage?

Senator GOODELL. Yes, I think it is going to be helpful. I think people in public life eventually respond to public opinion and this is the significance of everything that is going on. All of us who are raising this issue, debating it—the Vietnam Moratorium people, everyone else—are trying to rally American public opinion, to get a change in policy that will get us out of Vietnam.

Mr. CLARK. Senator Church, by contrast with the Goodell proposal, you appear now as almost a conservative. You are not advocating, at least, withdrawal by a specified, fixed date. Is this Gallup poll today going to make you a little more rash, move you in the direction of the Goodell resolution?

Senator CHURCH. I think the resolution I have introduced, along with Senator Hatfield, has as its purpose the coalescing of broad bipartisan support so we can get some action, which takes votes, a majority of the votes.

Senator Goodell's resolution does specify a date line, but that isn't the only way to secure a more rapid troop movement homeward. Our resolution specifies a more rapid withdrawal of American troops, as quickly as an orderly transition on the battlefield can be effected, and safety be provided for the withdrawing troops and those who may wish to leave with them.

Mr. CLARK. Isn't there a rather critical difference between the two proposals in that your resolution would give the President more flexibility?

Senator CHURCH. Yes, I think it would give more flexibility, but at the same time it puts the Senate on record as being in favor of a more rapid withdrawal, consistent with the safety of the withdrawing troops and those who may wish to leave with them, and it also puts the Senate on record in favor of a full and complete disengagement from Vietnam, which is equally important.

Mr. SCALI. Gentlemen, Secretary of State Rogers said that President Nixon has in mind a very definite timetable for complete withdrawal from Vietnam for American forces. Do you get any clue that this is something that you know about or is this something that Mr. Nixon has kept very much to himself?

Senator GOODELL. No, none of that has been conveyed to anybody I know in the Senate of the United States or in the House. You can talk about complete withdrawal under a plan if you have that in mind. This could be 1971; it could be 1975 or 1985. I am sure everyone in the Administration wants to have a complete withdrawal, but they are setting their limitations on this; they are setting their specific restrictions on how fast we will withdraw, and it is based on response of the South Vietnamese and response of the North Vietnamese—things beyond our control. The essence of this is that it fails to really put the pressure on Saigon. Our biggest problem there is Hanoi, but Saigon is almost as big a problem, and we see very little response in Saigon to broaden its popular base and to face the problems that it has.

The essence of this comes right down to the fact that South Vietnam is a country relatively equal in population and resources to North Vietnam. Actually it has an advantage over North Vietnam, and under those circumstances we must ask why can't they fight this battle with our equipment and our training? Why can't they defend their own independence, especially after six and a half years of our fighting there—when there have been no Russian, no Chinese fighting there. We have fought and we have lost 40,000 men. Now, how much longer do we stay and fight for them, protect them from their own population, in making the changes necessary to survival?

Mr. SCALI. Secretary Rogers also said that the success of the President's plan depends on public support. Now, by criticizing the President, as you are now, and by supporting the Vietnam moratorium, aren't you making it difficult, if not impossible, for him to achieve the plan he has in mind? Senator Church?

Senator CHURCH. Of course that argument has been used from the time we first began to express dissent. Opinion at that time was almost monolithic on the war, and for four years we have heard the repetition of this same sterile argument: You must not speak up, even though you are a free people, because somehow it will not set well somewhere else, and will affect the President's plan.

But, John, if we hadn't spoken up, if the dissent had not grown in this country, I don't think that the policy of accelerating the war would ever have been reversed. It was under the pressures of the dissent that President Johnson finally reversed the policy of acceleration; had it not been for that, we could easily be engaged today in a catastrophic unlimited war with China on the mainland of Asia. The dissent has been a very important factor in turning this policy around, and if we fall silent about it now, we take the pressure off.

Mr. CLARK. Secretary Rogers made a much more specific objection to the Goodell proposal today—and this is one that may be made by other people, too—and that is that any proposal that would set a fixed date for withdrawals of troops would result, in Secretary Rogers' words, in the enemy waiting until a propitious time and then making an attack. Then, the Secretary warned, there would be a tremendous massacre of the people of South Vietnam. Isn't this something that we have to be concerned about?

Senator GOODELL. Yes, and I have been concerned about it. I held off as many of us have. We have been agonizing on how we can do it. Senator Church has expressed his concern about this under my proposal. I leave the Commander-in-Chief, the President, free to determine how the troops will be withdrawn in an orderly manner. But the essence of my proposal is that I give a specific date by which we are going to be out and the South Vietnamese will know it and they will make the changes necessary for their own government to have the support of their people, and the North Vietnamese will know it.

Now, if you believe that the policy of the past six or seven years, of putting pressure on North Vietnam militarily, will bring them to make concessions, then my proposal and other proposals will undercut the peace talks. But everyone has said there is no sign of progress at the peace talks, and I don't think there is any indication that the past policies of failure will succeed in the future in getting peace talks going.

So the essence of it is, how do we get out of this thing without having our men fight there for the next four or five or six years?

Mr. SCALI. Gentlemen, President Nixon has said he will not be affected in any way whatever by the anti-Vietnam Moratorium this week. You have both supported the Moratorium. Do you expect that the President can succeed in remaining impervious to this demonstration against the war?

Senator GOODELL. No, I don't. I think he will have to respond to it. I don't think this is going to be a protest movement that can be ignored. It is not going to be limited to the students. It reaches out into the entire population. The poll taken by Mr. Gallup indicates this. It is very widespread. The people want us to get out. They want us to get our faster than the present time table, and I think the President is going to have to respond to this.

Senator CHURCH. I agree with what Senator Goodell has said. In fact, I would go further and say that the President has already taken a great deal of notice of it. I don't think it is mere coincidence that he has announced just prior to the Moratorium that General Hershey is being retired from his position; I don't think that calling home Ambassador Lodge and holding special talks to review the entire war policy in the days immediately preceding the Moratorium is a coincidence in timing either. I think it is obvious that the President is taking into account public feeling, and he should. After all this is a democratic government, not an autocratic government.

Mr. CLARK. Well, do either of you believe that the President has a duty to respond to public opinion as represented in the Gallup Poll, or to opinion as represented in the Moratorium demonstrations, even though his advisors tell him that this is the road to disaster for the United States?

Senator CHURCH. I don't think the President would prescribe disaster for the United States. I don't think that the war protest is a prescription for disaster. On the contrary——

Mr. CLARK. Secretary Rogers made it clear today that any proposal for fixed withdrawal of troops would be the road to disaster.

Senator CHURCH. The moratorium is not based upon a particular proposal. I think that Senator Goodell has made a proposal that has underscored the fact that the present rate of withdrawal is too slow. That is a very important proposal, but the moratorium is not the endorsement of establishing a fixed date. The President himself started the withdrawal. He says that is his policy, therefore it is hardly a prescription for disaster in his judgment. What we are saying is, let's move that process along faster and let's be sure we don't leave 300,000 troops behind in Vietnam the way we have left a whole Army behind in Korea and in Germany.

Mr. CLARK. Is that all you are asking, Senator Goodell: just move the withdrawal process along a little faster?

Senator GOODELL. No, I am asking that we give South Vietnam specific notice we are going to get out completely by December 1st, 1970. So they have a chance to survive. So they have a chance to make their changes.

It will be seven and a half years we have been there then, on December 1st, 1970, and I think if they really want their independence, they can do it.

I also think we have to ask the question how many more Vietnams are we going to get into, civil wars? If a country is broken up and having internal fights and the Communists happen to be involved, is it our proper role to go in with our troops and fight on one side or another? That is what we have done in Vietnam and I think it is going to be disastrous if we continue relying on a corrupt South Vietnamese Government that does not have the support of the people, which is imprisoning its opposition. Maybe two or three years from now, after 40 or 50 thousand more Americans have died, we will have moved out gradually and find that there is a coup and another government has taken over anyway.

Senator CHURCH. Could I just say a word about that, Charlie?

If we remove all of our troops, it is hardly a move that would leave the Saigon Government naked before its enemies. There are 1,500,000 South Vietnamese troops in the field against 135,000 Viet Cong, and 90,000 North Vietnamese. Now, if that vast army, supplied and equipped by the United States, can be inspired to defend the Saigon Government, it will survive, but if it cannot be inspired, then it does not deserve to survive.

Mr. SCALI. Well, Senator Church, do you think that former Senator Humphrey has undercut the Democrats who opposed the Vietnam War by meeting with President Nixon this week and then coming out of the White House and saying that he endorsed the basic conduct of the war that Mr. Nixon was following?

Senator CHURCH. I am sure his motive was not to undercut the Democrats. I don't see the war issue as a partisan issue. I think that Mr. Humphrey was consistent with his previous positions. He supported the war policy under the Johnson Administration and he has taken a position that is consistent with that under the Nixon Administration.

Mr. SCALI. Some observers of the national scene believe that the anti-Vietnam critics, both Republicans and Democrats, who destroyed Lyndon Johnson's chances for reelection, are now out to destroy Richard Nixon as a national leader too.

Gentlemen, in criticizing President Nixon, aren't you in danger of breaking the one man who has it within his capacity to negotiate an acceptable compromise?

Senator GOODELL. The purpose of our dissent is constructive. The purpose of our dissent is not to destroy a President. The purpose of the dissent two or three years ago was not to destroy President Johnson. It was to destroy a fallacious policy that was causing our country great division, which was destroying the faith of our young people in this whole system, and which was killing our young people off at very high rates; which was diverting our resources, $30 billion a year, from the tremendous needs of our people; shouldering our people with the highest taxes in the history of our country, including during World War II, and at the same time ignoring most of the crucial problems of our age internally. That is what we are trying to meet as a problem. That is what the dissent is all about; not destroying an individual. We hope the President will respond.

Mr. CLARK. I think perhaps another quote from Hubert Humphrey after that meeting with Nixon might be pertinent here. Mr. Humphrey said, "I think the worst thing we can do is try to undermine the efforts of the President. We have to accept the man's good faith; we have to realize the President is moving, that he is trying."

Have you lost faith in the President, Senator Goodell?

Senator GOODELL. No, I haven't, but let me also make one other thing clear: Congress has responsibility here too. It is only Congress that has the power to declare war. We are fighting a war in Southeast Asia that has not been declared. No one denies it is a war. Congress has the power to raise and support armies, supply the money or withhold the money for the millitary, and many of us have been talking in the past about changes in policy. I decided it was time that the United States Senate and the Congress face its own responsibility; take some of the burden of getting us out of Vietnam and pass a bill as a matter of law that it is our opinion that we get out.

Mr. CLARK. Senator Church, do you feel that the Congress or the President best exercises the responsibility for disengaging the United States from the mess in Vietnam?

Senator CHURCH. The Constitution gives the Congress a role to play in war and in foreign policy, as Senator Goodell says. I would like to see Congress play its role. That is not usurping the powers of the Presidency. It is just discharging our responsibility under the Constitution. But let me make this clear: It wasn't the dissenters that destroyed President Johnson and drove him from power. It was an erroneous and mistaken policy that drove him finally from power, and a growing recognition throughout the country that it was a mistaken policy.

I think Vietnam is probably the most calamitous mistake that has ever been made in the diplomatic history of the United States, and if this war persists, it will also destroy President Nixon. But that won't be the work of the dissenters. It will be the work of the American people who recognize that the war is a mistake, and that it is time to disengage and to bring American troops home. We didn't promise to make South Vietnam the 51st state or to defend the 17th parallel as though it were an American frontier.

Mr. SCALI. Senator, in your plan for faster and faster withdrawal, if we start to withdraw faster and the enemy suddenly hits the South Vietnamese forces with a major offensive that threatens to overrun most of the country and wound the South Vietnamese army, would you then favor reversing the withdrawal process?

Senator CHURCH. Oh, certainly not. I don't think we can ever reverse this process. After all, the vital interests of the United States were never at stake in Viet Nam. That is why I began to protest the war policy five years ago. If our vital interests were at stake there, we couldn't possibly say, "We will settle for any outcome, even a Communist government," and leave it up to others to decide, even in free elections.

That in itself demonstrates that the vital interests of the United States—meaning the safety and security of the American people—are not at stake in Viet Nam and never have been.

Mr. CLARK. Do either of you have any concern that the moratorium demonstrations which both of you have endorsed and are supporting hold the seeds of violence, that they might get out of hand and we would see some of the violence we have seen recently in other student protests across the country?

Senator CHURCH. There is always that possibility, and if the wrong groups take charge some place or other, that could happen. But that is not its purpose. The leaders are stressing that there is to be a peaceful and lawful protest within the rights of a free people, to make their feelings known to their government, and it is on that basis that I endorse it.

Mr. CLARK. Do you have any suggestions, Senator Goodell, as to how to ensure that these demonstrations do remain peaceful?

Senator GOODELL. Yes. By participation by men in public life such as Senator Church and myself and others. I am going to spend Tuesday and Wednesday going to the University campuses, as many as I can reach, agreeing with them, trying to stimulate the constructive debate.

I think if there is widespread violence or a lot of crazy antics over this very solemn issue, that is the one thing that conceivably could give the Pentagon another year or another two years to pursue its present policies. I think it would be very disastrous. I have said this over and over again to the leaders of the moratorium movement, and they agree. They agree one hundred per cent and I believe most of the participants agree. But a small group, of course, can become very newsworthy with some kind of crazy antics that they go through. We hope that will not happen.

Senator CHURCH. Incidentally, on that day I am going to be speaking at the Peace Corps here in Washington, and it is interesting that some of the people in the executive departments of the government are participating in these observances. I think that is the first time that has ever happened.

Mr. SCALI. Gentlemen, if the latest Gallup Poll is accurate there seems to be a substantial shift against the war in American public opinion in just the past few, perhaps six months. What do you think accounts for this?

Senator GOODELL. Well, I think first of all the American people wanted to give President Nixon, the new President, an opportunity. He said he had a peace plan. They waited. I waited. We felt the President should have an opportunity to get results in Paris and show other results. I think now the American people see ahead of them the possibility of a long commitment, a presence in Viet Nam until maybe 1973, '4 or '5, with just a gradual withdrawal, and I think they have come to the realization that this cannot be. They have seen how it divides our society, they see how it destroys our young people and they just will not have it.

Senator CHURCH. For a long time the American people have been saying something that has an awful lot of common sense to it. I think if we would pay more attention to the common sense remarks of the people on the streets, government policy might make more sense. They have been saying, "We are over there. We either ought to win or get out."

Now, the President has said that under the circumstances, a military victory has to be dismissed, that it is not our policy. Well then, the American people, I think, have concluded if that is not the policy then the time has come to get out. I agree with them.

Mr. CLARK. Senator Goodell, you may be in more imminent danger than Senator Church is on the issue. You have taken on both the leader of your own party, the President, and the Governor of New York, who appointed you to the Senate, in your opposition to the war, and in your call for a specific withdrawal date for troops.

Are you concerned that you might be risking political suicide in all this?

Senator GOODELL. Yes, but I think this issue transcends politics. I think it transcends the future career of any one individual in public life. I think it is right. I think what I am advocating is right; right for our country, and I recognize that it has caused me great difficulties in the Republican party with the Governor who appointed me, and it may be the end of my career, but as long as I am in the United States Senate, I am going to do everything I can to get us out of this war, which is the wrong war in the wrong place at the wrong time with the wrong policies.

Mr. CLARK. Are you concerned that you might be risking suicide for the Republican party and the Nixon Administration in the 1972 election and perhaps the 1970 election?

Senator GOODELL. I don't think I am risking political suicide in this. I don't think any President can be re-elected in 1972 if we are still in Vietnam as we are now.

Mr. SCALI. Gentlemen, President Thieu said on this program in Saigon two weeks ago that he wanted President Nixon to give him a specific timetable stretching into 1970 for withdrawal of American troops, provided it also is accompanied with the promises of sufficient equipment, training and economic aid.

Senator GOODELL. He also said we have to be there for years and years.

Mr. SCALI. Do you think the President should give him such a time table stretching into 1970?

Senator GOODELL. Obviously I don't think we should give him a time table beyond December 1, 1970. It ought to be specific—a shock treatment to the Saigon government: "Shape up or we are going to ship out."

Senator CHURCH. I think the time table should be ours. As it now stands, it is being left to Saigon and Hanoi and I think the time has come not to wait upon the pleasure of those two governments any longer.

Mr. CLARK. I am sorry, gentlemen, our time has come, too. It has been a pleasure having both of you with us, Senator Goodell, Senator Church, on Issues and Answers.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12781) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes; that the House receded from its disagreement to the amendment of the Senate numbered 41 to the bill and concurred therein; and that the House receded from its disagreement to the amendments of the Senate numbered 15, 16, 20, 24, 35, and 40 to the bill, and concurred therein, severally with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed, without amendment, the joint resolution (S.J. Res. 150) to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

The message further announced that the House had passed a joint resolution (H.J. Res. 910) to declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam, in which it requested the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills and joint resolution and they were signed by the President pro tempore:

S. 1242. An act to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting;

S. 1471. An act to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, and for other purposes; and

S.J. Res. 150. Joint resolution to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 910) to declare a national day of prayer and concern for American servicemen being held prisoner in North Vietnam, was read twice by its title and referred to the Committee on the Judiciary.

EXECUTIVE COMMUNICATIONS, ETC.

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

REPORT ON PROPERTY ACQUISITIONS OF EMERGENCY SUPPLIES AND EQUIPMENT

A letter from the Director of Civil Defense, Office of the Secretary of the Army, reporting, pursuant to law, on property acquisitions of emergency supplies and equipment for the quarter ending September 30, 1969; to the Committee on Armed Services.

PROPOSED LEGISLATION PROVIDING AUTHORITY FOR SUBSIDIZED TRANSPORTATION FOR PUBLIC HEALTH SERVICE EMPLOYEES AFFECTED BY THE TRANSFER TO THE PARKLAWN BUILDING IN ROCKVILLE, MD.

A letter from the Secretary of Health, Education, and Welfare, transmitting a draft of proposed legislation to provide authority for subsidized transportation for Public Health Service employees affected by the transfer to the Parklawn Building in Rockville, Md. (with accompanying papers); to the Committee on Government Operations.

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 administrative efficiency of the Department of Labor's Neighborhood Youth Corps program in selected rural areas of Minnesota, under title IB of the Economic Opportunity Act of 1964, Department of Labor, October 14, 1969 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

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

By the PRESIDENT pro tempore:

A resolution adopted by the City Commission of Flint, Mich., urging the rejection of any proposals to change in any manner the tax exempt status of bonds issued by the city of Flint; to the Committee on Finance.

A resolution adopted by the committee on public health and welfare, Florida House of Representatives, praying for the enactment of legislation relating to family assistance, manpower training and placement, and child care for working mothers; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with amendments:

S. 2264. A bill to amend the Public Health Service Act to provide authorization for grants for communicable disease control (Rept. No. 91-478).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H. Con. Res. 338. Concurrent resolution authorizing the printing as a House document of hearings on Science and Strategies for National Security in the 1970's by the Subcommittee on National Security Policy and Scientific Developments, and of additional copies thereof (Rept. No. 91-456).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

S. Res. 251. Resolution authorizing additional expenditures by the Special Committee on Aging (Rept. No. 91-461);

S. Res. 261. Resolution to print a list of proposed amendments to the Constitution as a Senate document (Rept. No. 91-458);

S. Res. 266. Resolution authorizing expenditures by the Select Committee on Small Business (Rept. No. 91-459);

S. Res. 267. Resolution to print "The Cost of Clean Air" as a Senate document (Rept. No. 91-460); and

S. Res. 269. Resolution to authorize the Committee on Finance to expend $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act of 1946.

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with an amendment:

S. Res. 227. Resolution to authorize the expenditure of funds by the Committee on Labor and Public Welfare generally and for its investigation of the problems of education of American Indians (Rept. No. 91-477).

By Mr. JORDAN from the Committee on Rules and Administration, with an amendment:

H. Con. Res. 368. Concurrent resolution providing for the printing of copies of the eulogies of Dwight David Eisenhower (Rept. No. 91-457).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S. Res. 230. Resolution to investigate antitrust and monopoly laws of the United States (Rept. No. 91-463);

S. Res. 231. Resolution authorizing a study of matters pertaining to constitutional amendments (Rept. No. 91-464);

S. Res. 232. Resolution to investigate matters pertaining to constitutional rights (Rept. No. 91-465);

S. Res. 233. Resolution to investigate criminal laws and procedures (Rept. No. 91-466);

S. Res. 234. Resolution to investigate the administration, operation, and enforcement of the Internal Security Act (Rept. No. 91-467);

S. Res. 235. Resolution to study and examine the Federal judicial system (Rept. No. 91-468);

S. Res. 236. Resolution to investigate juvenile delinquency (Rept. No. 91-469);

S. Res. 237. Resolution to study revision and codification of the statutes of the United States (Rept. No. 91-470);

S. Res. 238. Resolution to make a full and complete study of the separation of powers under the Constitution (Rept. No. 91-471);

S. Res. 242. Resolution to investigate problems created by the flow of refugees and escapees from communistic tyranny (Rept. No. 91-472);

S. Res. 262. Resolution providing for additional copies to be printed of Senate Document 39 (Rept. No. 91-473);

S. Res. 263. Resolution authorizing additional appropriation for the Executive Reorganization Subcommittee, Committee on Government Operations (Rept. No. 91-474);

S. Res. 264. Resolution authorizing a study of intergovernmental relationships between

the United States and the States and municipalities (Rept. No. 91–475); and

S. Res. 265. Resolution for additional funds for the Committe on the District of Columbia (Rept. No. 91–476).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable report of a nomination was submitted:

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

Charles Clark, of Mississippi, to be U.S. circuit judge, fifth circuit.

BILLS INTRODUCED

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

By Mr. EASTLAND:

S. 3033. A bill to amend the Public Works and Economic Development Act of 1965 so as to remove the prohibition against assistance thereunder for financing facilities for production or transmission of gas; to the Committee on Public Works.

By Mr. TYDINGS:

S. 3034. A bill to provide for thirty-day pre-trial detention, in lieu of bail, for certain dangerous persons in the District of Columbia; to the Committee on the District of Columbia.

By Mr. HARTKE (for himself, Mr. BAYH, Mr. BURDICK, Mr. EAGLETON, Mr. GRAVEL, Mr. HART, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. McGEE, Mr. METCALF, Mr. MOSS, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. SCOTT, Mr. STEVENS, Mr. WILLIAMS of New Jersey, and Mr. YARBOROUGH):

S. 3035. A bill to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women); to the Committee on Finance.

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

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

S. 3036. A bill to increase criminal penalties under the Sherman Antitrust Act; 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. SYMINGTON:

S. 3037. A bill for the relief of Dr. Shu-sum Cheuk; to the Committee on the Judiciary.

S. 3035—INTRODUCTION OF A BILL TO AMEND TITLE II OF THE SOCIAL SECURITY ACT TO INCREASE THE NUMBER OF DROPOUT YEARS

Mr. HARTKE. Mr. President, a problem involving social security benefits exists today which adversely affects those workers who elect to retire before age 65 or who are forced to retire before that age because of technological advances or plant shutdowns which deprive them of their jobs.

Under the law as it is presently written, the 5 lowest wage earning years are dropped out when benefits are computed. Benefits are then calculated on the basis of all other years in the computation period, which ordinarily extends from the year 1951 to such time as the worker becomes eligible for benefits. Thus, the male worker who chooses to retire on a company pension plan at age 55, after spending 30 years in the work force, will very likely have 5 or more years of no, or low income, figured against him when the time comes to compute his benefits, since the 5 dropout years presently provided would obviously not suffice to cover the entire 10-year period between his date of initial retirement and his sixty-fifth birthday.

This penalization of early retirees is certainly inequitable when it affects the employee who has put in 30 years with his company and then chooses to retire. This injustice is increased, however, when those out of work are long-term employees who are the victims of a plant closing, technological change, or other events over which they had no control and exercised no choice.

In the case of those workers who are forced into retirement, the situation would not be so serious if they were able to find employment during those years before they become eligible for benefits. But the unfortunate fact remains that it is still extremely difficult for a person over 50 to find an appropriate job. This is particularly true when a worker, after spending a number of years with one company, is automated out of his job. That such a worker should then have his social security benefits diluted because of his forced inactivity is particularly unfair.

In an attempt to remedy this injustice, I today introduce for appropriate reference two amendments for myself, Mr. BAYH, Mr. BURDICK, Mr. EAGLETON, Mr. GRAVEL, Mr. HART, Mr. INOUYE, Mr. JAVITS, Mr. KENNEDY, Mr. McGEE, Mr. METCALF, Mr. MONDALE, Mr. MOSS, Mr. RANDOLPH, Mr. SCHWEIKER, Mr. SCOTT, Mr. STEVENS, Mr. WILLIAMS of New Jersey and Mr. YARBOROUGH. The first would add 1 additional dropout year for every 10 years that an employee has worked in an occupation covered by social security. An employee who elects to retire after spending 30 years in the covered work force would thus receive 3 dropout years in addition to the five already provided. The employee who has worked 20 years would receive 2 additional dropout years, and so on.

The second amendment would change the basis upon which benefits are computed from age 65 to age 62. It is the purpose of this amendment to comport the computation period for male workers with that presently in effect for women. Thus, only those years from 1951 to that time when a male worker reaches 62 will be used in the computation of benefits. The net effect of this amendment would be to grant an additional 3 dropout years to male employees, thereby affording them the same treatment now given to women.

The effects these two changes in the current law would have on the early retiree are dramatic. The male worker who chooses to retire at age 55 after 30 years in the work force, would receive 6 dropout years in addition to the 5 currently provided, for a total of 11. These 6 additional years would enable the 55-year-old retiree to avoid any penalization as a result of his early retirement.

Mr. President, I do not believe that workers who have added imeasurably to this country's economic growth and industrial preeminence should be penalized because they choose to take full advantage of private pension plans before they become eligible for full social security benefits. For this reason I feel that enactment of these amendments would have an eminently fair effect.

I ask unanimous consent that the text of the bill be printed in the RECORD immediately following my remarks.

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

The bill (S. 3035) to amend title II of the Social Security Act to increase, in the case of individuals having 40 or more quarters of coverage, the number of years which may be disregarded in computing such individual's average monthly wage, and to provide that, for benefit computation purposes, a man's insured status and average monthly wage will be figured on the basis of an age-62 cutoff (the same as presently provided in the case of women), introduced by Mr. HARTKE (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress asesmbled, That (a) section 215(b)(2)(A) of the Social Security Act is amended by inserting ", and, in the case of an individual having 40 or more quarters of coverage, further reduced by one additional year for each 40 quarters of coverage of such individual" immediately after "reduced by five".

(b) Section 214(a)(1) of the Social Security Act is amended to read as follows:

"(1) one quarter of coverage (whenever acquired) for each calendar year elapsing after 1950 (or, if later, the year in which he attained age 21) and before the year in which he died or (if earlier) the year in which he attained age 62; except that in no case shall an individual be a fully insured indivdual unless he has at least 6 quarters of coverage; or".

(c) The first sentence of section 215(b)(3) of such Act is amended to read as follows: "For purposes of paragraph (2), the number of an individual's elapsed years is the number of calendar years after 1950 (or, if later, the year in which he attained age 21) and before the year in which he died or (if it occurred earlier but after 1960) the year in which he attained age 62."

(d) The following provisions of such Act are amended by striking out "(if a woman) or age 65 (if a man)":

(1) section 209(i);

(2) section 216(i)(3)(A); and

(3) subsections (a)(2) and (c)(1)(A) of section 223.

(e) The last sentence of section 223(a)(2) of such Act is amended by striking out "a woman" and "she" and inserting in lieu thereof "an individual" and "he", respectively.

(f) Section 3121(a)(9) of the Internal Revenue Code of 1954 (relating to definition of Wages) is amended to read as follows:

"(9) any payment (other than vacation or sick pay) made to an employee after the month in which he attains age 62, if he did not work for the employer in the period for which such payment is made;"

(g) The fourth paragraph of section 3(e) of the Railroad Retirement Act of 1937 is amended by striking out "age 65 (62 in the case of a woman)" and inserting in lieu thereof "age 62".

SEC. 2. (a) The amendments made by the first section of this Act shall apply with respect to monthly insurance benefits under sections 202 and 223 of the Social Security Act for months after the second month following the month in which this Act is enacted and with respect to lump-sum death payments under section 202 (i) of the Social Security Act for deaths occurring after such second month; except that (1) the amendments made by subsections (d) (1) and (f) shall apply with respect to remuneration paid after such second month, and (2) the amendment made by subsection (g) shall apply with respect to annuities accruing for months after such second month.

(b) The Secretary of Health, Education, and Welfare shall recompute the monthly benefits payable to individuals under title II of the Social Security Act so as to give effect to the amendments made by the first section of this Act to monthly benefits payable under such title for months after the second month following the month in which this Act is enacted, and in so recomputing such benefits the amendments made by the first section of this Act to section 215 (b) of the Social Security Act shall, notwithstanding the provisions of paragraph (4) thereof, be applicable to all individuals entitled to such monthly benefits for months after such second month.

SENATE RESOLUTION 272—SUBMISSION OF A RESOLUTION AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY, SUBCOMMITTEE ON INTERNAL SECURITY

Mr. MANSFIELD. Mr. President, on behalf of the Senator from Mississippi (Mr. EASTLAND), I submit a resolution, and ask unanimous consent that it be referred to the Committee on Rules and Administration.

The PRESIDENT pro tempore. The resolution will be received; and, without objection, the resolution will be referred to the Committee on Rules and Administration.

The resolution (S. Res. 272) is as follows:

Resolved, That the Committee on the Judiciary is hereby authorized to expend from the contingent fund of the Senate $2,100, in addition to the amount, and for the same purposes and during the same period specified in Senate Resolution 33, Ninetieth Congress, agreed to February 17, 1967.

SENATE RESOLUTION 273—RESOLUTION REPORTED AUTHORIZING THE PRINTING OF THE 70TH ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION AS A SENATE DOCUMENT (S. REPT. NO. 91-462)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 273) and submitted a report thereon, which report was ordered to be printed, and the resolution was placed on the calendar, as follows:

Resolved, That the seventieth annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1967, be printed, with an illustration, as a Senate document.

SENATE RESOLUTION 274—SUBMISSION OF A RESOLUTION REASSERTING THE RIGHT OF AMERICANS TO ASSEMBLE PEACEFULLY TO PETITION THEIR GOVERNMENT

Mr. SCOTT (for himself, Mr. MANSFIELD, and Mr. HATFIELD) submitted a resolution (S. Res. 274) reasserting the right of Americans to assemble peacefully to petition their Government, which was referred to the Committee on the Judiciary.

(The remarks of Mr. SCOTT when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 275—SUBMISSION OF A RESOLUTION RELATIVE TO THE INTRUSION OF THE PREMIER OF NORTH VIETNAM INTO THE AFFAIRS OF THE UNITED STATES

Mr. SCOTT (for himself, Mr. MANSFIELD, and Mr. HATFIELD) submitted a resolution (S. Res. 275) relative to the intrusion of the Premier of North Vietnam into the affairs of the United States, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. SCOTT when he submitted the resolution appear later in the RECORD under the appropriate heading.)

TAX REFORM ACT OF 1969—AMENDMENTS

AMENDMENTS NOS. 248 AND 249

Mr. MATHIAS submitted two amendments, intended to be proposed by him, to the bill (H.R. 13270) to reform the income tax laws, which were referred to the Committee on Finance and ordered to be printed.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, October 15, 1969, he presented to the President of the United States the following enrolled bills and joint resolution:

S. 1242. An act to amend the Communications Act of 1934 by extending the provisions thereof relating to grants for construction of educational television or radio broadcasting facilities and the provisions relating to support of the Corporation for Public Broadcasting;

S. 1471. An act to amend title 38 of the United States Code to increase the rates of dependency and indemnity compensation payable to widows of veterans, and for other purposes; and

S.J. Res. 150. Joint resolution to authorize the President to designate the period beginning October 12, 1969, and ending October 18, 1969, as "National Industrial Hygiene Week."

NOTICE OF HEARINGS CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Leon T. Campbell, of Tennessee, to be U.S. marshal for the middle district of Tennessee for the term of 4 years, vice Elmer W. Disspayne, retired

S. John Cottone, of Pennsylvania, to be U.S. attorney for the middle district of Pennsylvania for the term of 4 years, vice Bernard J. Brown

Raymond J. Howard, of Wisconsin, to be U.S. marshal for the eastern district of Wisconsin for the term of 4 years, vice James H. Dillon, term expired

Benjamin F. Westervelt, of New York, to be U.S. marshal for the eastern district of New York for the term of 4 years, vice George J. Ward

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Wednesday, October 22, 1969, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination which was reported earlier today. I understand this nomination has been cleared all around.

The PRESIDENT pro tempore. Without objection, it is so ordered. The nomination will be stated.

U.S. CIRCUIT JUDGE

The legislative clerk read the nomination of Charles Clark, of Mississippi, to be U.S. circuit judge, fifth district.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be notified of the confirmation of the nomination.

The PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

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

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

LIBRARY OF CONGRESS JAMES MADISON MEMORIAL BUILDING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 450, S. 2910.

The PRESIDENT pro tempore. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (S. 2910) to amend Public Law 89–260 to authorize additional funds for the Library of Congress James Madison Memorial Building.

There being no objection, the Senate proceeded to consider the bill.

Mr. JORDAN of North Carolina. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–454), explaining the purposes of the measure.

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

SUMMARY OF THE BILL

S. 2910 would amend section 3 of Public Law 89–260, a joint resolution to authorize the Architect of the Capitol to construct a third Library of Congress Building in square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall and for other purposes, approved October 19, 1965, by striking out $75 million and inserting in lieu thereof $90 million, thus increasing the authorization for the third Library of Congress Building by $15 million.

THE NEED

The great need for a third Library of Congress Building is amply justified in Senate Report 641 and House Report 1024, 89th Congress, first session. Public Law 89–260, approved October 19, 1965, authorized the construction of a third Library of Congress Building to be known as the James Madison Memorial Building, at a total cost not to exceed $75 million. Had funds been appropriated for the design and construction of this building in a timely manner, there is little doubt that the building could have been completed within the funds authorized. However, since the enactment of the joint resolution, only $500,000 has been appropriated for preliminary plans and designs and cost estimates. $2.8 million for detailed plans and specifications and related expenses have been included in the legislative branch appropriations bill 1970. However, the House of Representatives, in approving this bill, included the following provision limiting the availability of funds:

"That availability of these funds for obligation shall be contingent upon enactment of legislation adjusting the limit of cost of the project (fixed by section 3 of such act) to reflect projected escalated construction costs required to complete the project on the basis of the preliminary plans heretofore approved by the committee and commissions designated in such act."

In order to proceed with the preparations of the detailed plans and specifications and ultimate construction of this urgently needed building, it is now necessary to increase the authorization for the building to $90 million because of the rapidly escalating construction costs.

GENERAL STATEMENT

Public Law 89–260 recognized the critical need of the Library of Congress for additional space within which to carry out its assigned responsibilities. In 1965, $500,000 was appropriated for the preparation of preliminary plans and designs and cost estimates. The Architect of the Capitol, acting under the joint direction of the House Office Building Commission, the Senate Office Building Commission, and the Joint Committee on the Library, after consultation with the James Madison Memorial Commission, retained architects Roscoe DeWitt, Alfred Easton Poor, Albert Homer Swanke, Jesse M. Shelton and A. P. Almond to prepare these preliminary plans and cost estimates. During the planning stage a committee designated by the American Institute of Architects was consulted, as required by the law. The resulting cost estimates verified that, on the basis of known costs and anticipated cost escalation over the time necessary for construction of the building, the building could be constructed at a total cost not to exceed $75 million. Thereafter, at the direction of the chairman of the coordinating committee, concurred in by the parent commissions and committee, an appropriation of $2,800,000 was requested for the preparation of contract plans and specifications, for inclusion in the supplemental appropriation bill, 1968; and again requested for inclusion in the legislative branch appropriation bill, 1969.

In acting on the supplemental bill 1968, the request of $2,800,000 was not allowed by the House Appropriations Committee; was included in the bill by the Senate Appropriations Committee and retained in the bill as passed by the Senate; but was deleted from the bill in conference, with the following statement:

"Strike out the provision in the Senate bill that would have appropriated $2,800,000 for plans for the James Madison Memorial Library of Congress building. This action is recommended without prejudice to the merits of the project."

In acting on the legislative branch appropriation bill 1969, the request for $2,800,000 was disallowed by both the House and Senate Appropriations Committees. The House report contained the following statement:

"In connection with the proposed James Madison Memorial (third) Library building, a $75 million project, the committee has again deferred without prejudice the $2,800,000 sought for plans and specifications. It is the same proposition considered by the committee last December and laid aside in view of the critical budget situation.

"There seems to be no question about the Library needing a third building. The Library continues—inevitably—to grow. Annual space rental costs now approach $1 million, and the Library keeps looking for more available and suitable space. But the budget situation is worse than it was last December, leaving the committee little justifiable choice in the decision to defer the item."

The Senate report contained the following statement:

"The budget estimate is in the amount of $2,800,000 and these funds were requested for architect-engineer fees for preparation of contract plans and specification. The committee has denied the request for these funds at the present time in view of the budget situation."

In the meantime, due to inflationary pressures, construction costs have been accelerating at an ever increasing rate. The associate architects retained by the Architect of the Capitol estimate that it will now cost $90 million to construct this building, assuming it can be completed during 1973. In other words, if the Congress now moves expeditiously to appropriate the required funds, it will cost $90 million to build exactly the same building which could have been built previously for $75 million. The building, as projected, and the preliminary plans have not changed, but construction costs have.

COMMITTEE VIEWS

In reporting S. 2910, the committee recognizes the ever-increasing need of the Library of Congress for this third building, and realizes that further delay in its construction can only increase the ultimate cost. The need to complete the construction of the James Madison Memorial Building is urgent and the committee recommends the enactment of S. 2910.

COSTS

This legislation authorizes the appropriation of an additional $15 million for the construction of the third Library of Congress building, to be named the James Madison Memorial Building.

Mr. SCOTT. Mr. President, I am familiar with the situation here and I have said nothing because I did not wish to obstruct the passage of the bill. However, I understand the change in the authorization is due entirely to the rise of costs of materials and that there are no changes in the plan for the memorial.

Mr. JORDAN of North Carolina. The Senator is correct. This memorial was authorized in 1965. There have been no changes in the plans and specifications. This will last through the next 5 years and through anticipated rises in cost.

Mr. SCOTT. I thank the Senator.

The PRESIDENT pro tempore. The bill is open to amendment. If there be no amendment to be proposed, the question is on the engrossment and the third reading of the bill.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the joint resolution entitled "Joint resolution to authorize the Architect of the Capitol to construct the third Library of Congress building in square 732 in the District of Columbia to be named the James Madison Memorial Building and to contain a Madison Memorial Hall, and for other purposes", approved October 19, 1965 (79 Stat. 986), is amended by striking out "$75,000,000" and inserting in lieu thereof "$90,000,000".

ORDER OF BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that I may proceed for 6 minutes.

The PRESIDENT pro tempore. Without objection, the Senator from Utah is recognized for 6 minutes.

TELL IT TO HANOI DAY

Mr. BENNETT. Mr. President, today is a unique day in American history. Around the country, groups of persons are protesting the Vietnam conflict. They are protesting the policies of the U.S. Government. They are attacking the President of the United States, our elected and appointed officials, and they are doing serious discredit to our fighting men in Southeast Asia.

Seldom have I witnessed an occasion in my Senate career when an issue was more confused than this one. The essence of the so-called moratorium is a demand that all American troops be withdrawn from Vietnam immediately. This, Mr. President, is an irresponsible position regardless of whether a person agrees or disagrees with American involvement in Vietnam. If one will simply think about the situation, he must realize that a withdrawal must be orderly and phased over a period of time to allow the South Vietnam Government to take up the slack. Truly the day should

be dedicated to "Tell It To Hanoi" instead of Washington.

These same persons with a "conscience" will be among the first to vent their wrath upon the President of the United States if an immediate withdrawal causes mass execution by the Communists in South Vietnam of people who have been faithful to their government and the allied cause.

Mr. President, let there be no mistake that this war was started by Communist aggression. It is supported, directed, and controlled by Hanoi. The Soviet Union and Red China have been the main source of war materiel for Communist Vietnam.

For a long time the protesters in this country have demanded a bombing halt. They have demanded a withdrawal of American troops. Over the past 18 months, these positions have been responsibly and gradually adopted by the President of the United States, and I hasten to remind the Senate and the American people that many of the concessions required by Hanoi have been made by the United States. In spite of the bombing halt and the reduced level of American troops, Hanoi has not made a single major concession and has not made any effort to negotiate seriously. If there is any intransigence and bullheadedness it is in Hanoi, and I am frankly astounded that these protesters have their sense of direction and values so fouled up. If they are so interested in terminating the war, why do they not have the fortitude to send a protest to Hanoi; tell the Communists in North Vietnam to make some concessions. We have made many, they have made none. Let them stop harassing the American Government which has gone the extra mile in trying to reach a negotiated settlement. Let them stop doing a serious disservice to the American servicemen. Let these mistaken Americans realize that a united America would give Hanoi the message that they must negotiate at Paris.

As things now stand, the moratorium simply tells Hanoi that all they must do is wait us out.

President Nixon, as President Johnson before him, is attempting to terminate the war as soon as possible and in an honorable way. The former Vice President, Mr. Humphrey, the Democratic candidate for President last year, has endorsed the President's approach. Now is the time for these misguided people to stop doing their damage, to stand behind the President.

As part of this topic, Mr. President, I should like to call to the attention of the Senate two columns written by David Broder, which was published in the Washington Post on October 7 and October 14. Mr. Broder has entitled the columns "A Risky New American Sport, the Breaking of the President," and his second column, "Ill-Advised Moratorium Could Set Risky Precedent." In some ways our form of government is undergoing a severe test. These factions and groups have found ways to force upon our Presidents a narrow point of view.

I have to endorse the position of President Nixon expressed in his letter to the Georgetown University student on Monday, that policy decisions as critical as this cannot be decided in the streets by a radical minority. It is time for the radical moratorium types in this country to assume some kind of responsibility, to realize the damage they are doing to the peace effort, and to have the courage to "Tell It to Hanoi."

I ask unanimous consent that the Broder columns be printed in the RECORD at this point to allow the Senate and the Congress to read Mr. Broder's astute analysis, and to realize the severe damage that is being done to this Nation by this foolish approach to foreign policy.

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

A RISKY NEW AMERICAN SPORT: "THE BREAKING OF THE PRESIDENT"

CAMBRIDGE, MASS.—If there are any smart literery agents around these days, one of them will copyright the title "The Breaking of the President" for the next big series of nonfiction best-sellers. It is becoming more obvious with every passing day that the men and the movement that broke Lyndon B. Johnson's authority in 1968 are out to break Richard M. Nixon in 1969.

The likelihood is great that they will succeed again, for breaking a President is, like most feats, easier to accomplish the second time around. Once learned, the techniques can readily be applied as often as desired—even when the circumstances seem less than propitious. No matter that this President is pulling troops out of Vietnam, while the last one was sending them in; no matter that in 1969 the casualties and violence are declining, while in 1968 they were on the rise. Men have learned to break a President, and, like any discovery that imparts power to its possessors, the mere availability of this knowledge guarantees that it will be used.

The essentials of the technique are now so well understood that they can be applied with little waste motion.

First, the breakers arrogate to themselves a position of moral superiority. For that reason, a war that is unpopular, expensive and very probably unwise is labeled as immoral, indecent and intolerable. Critics of the President who are indelicate enough to betray partisan motives are denounced. (That for you, Fred Harris.) Members of the President's own party who, for reasons perhaps unrelated to their own flagging political careers, catapult themselves into the front ranks of the opposition are greeted as heroes. (Hooray for Charley Goodell.)

The students who would fight in the war are readily mobilized against it. Their teachers, as is their custom, hasten to adopt the students' views. (News item: The Harvard department of biochemistry and molecular biology last week called for immediate withdrawal from Vietnam.)

Next, a New England election (the New Hampshire primary is best but the Massachusetts Sixth Congressional District election will do as well) surprisingly shows that peace is popular at the polls. The President's party sees defeat staring it in the face unless it repudiates him, and the Harris poll promptly comes along to confirm his waning grip on public trust. The Chief Executive, clearly panicky, resorts to false bravado and says he will never be moved by these protests and demonstrations thus confirming the belief that he is too stubborn to repent and must be broken.

And then, dear friends, Sen. Fulbright and the Foreign Relations Committee move in to finish off the job.

All this is no fiction; it worked before and it is working again. Vietnam is proving to be what Henry Kissinger once said he suspected it might be—one of those tragic, cursed messes that destroys any President who touches it.

That being the case, any President interested in saving his own skin would be well-advised to resign his responsibility for Vietnam and publicly transfer the assignment of ending the war to Congress or the Vietnam Moratorium Committee or anyone else who would like to volunteer for the job.

But he cannot. And that is the point the protesters seem to overlook. Assume that they and the President are both right when they assert the time has come to end this war. Assume that the protesters know better than the President how to do so—despite the conspicuous absence of specific alternatives to the President's policies in their current manifestos.

There is still a vital distinction, granting all this, to be made between the constitutionally protected expression of dissent, aimed at changing national policy, and mass movements aimed at breaking the President by destroying his capacity to lead the nation or to represent it at the bargaining table.

The point is quite simple. Given the impatience in this country to be out of that miserable war, there is no great trick in using the Vietnam issue to break another President. But when you have broken the President, you have broken the one man who can negotiate the peace.

Hanoi will not sit down for secret talks with the Foreign Relations Committee. Nor can the Vietnam Moratorium's sponsors order home a single GI or talk turkey to Gen. Thieu about reshaping his government. Only the President can do that.

There is also the matter of time. It is one thing to break a President at the end of his term, as was done last year. It is quite another thing to break him at the beginning, as is being attempted now.

The orators who remind us that Mr. Nixon has been in office for nine months should remind themselves that he will remain there for 39 more months—unless, of course, they are willing to put their convictions to the test by moving to impeach him.

Is that not, really, the proper course? Rather than destroying his capacity to lead while leaving him in office, rather than leaving the nation with a broken President at its head for three years, would not their cause and the country be better served by resort to the constitutional method for removing a President?

And what a wonderful chapter it would make for Volume 2 of "The Breaking of the President" series.

ILL-ADVISED VIET MORATORIUM COULD SET A RISKY PRECEDENT

CAMBRIDGE, MASS.—The larger the plans for Wednesday's Vietnam moratorium, the more the central message and tactic of the demonstration have been obscurred. If the event is to be gauged properly, it is important to uncover its original premises from the debris of cliches and endorsements in which they have lately been buried.

A number of men active in the moratorium have taken time to point out what they consider the errors of the argument in this column last week that it is a plan for "the breaking of the President." With sincerity and conviction, they have asserted that, far from breaking the President, they are out to save him, by persuading him to make the peace the nation craves and, incidentally, to save the political system by keeping the antiwar movement out of the hands of the radicals and in control of those with a commitment to peaceful forms of protest.

Their conversations and correspondence have helped to define three questions which might be borne in mind by those planning to participate in the moratorium.

First, what is the target of this protest? Sam Brown, the able spokesman for the

moratorium, says it is not an anti-Nixon move because "we learned in 1968 that what we must oppose are not personalities but policies."

But if the Nixon administration is following the very policies recommended in 1968 by the antiwar faction, as I believe, then their moratorium is mobilizing public opinion against its own policy recommendation to the President. The minority plank at the Democratic convention, endorsed by all the leading doves, called for a halt in the bombing of North Vietnam. This has been done. It recommended a reduction in offensive operations in South Vietnam. The President has ordered this and it is in effect.

It asked for "a phased withdrawal over a relatively short period of time" of all foreign troops. The Nixon administration has begun pulling Americans out of Vietnam without waiting for North Vietnam to agree to mutual withdrawals, as the doves thought necessary.

Finally, it recommended that the United States use the leverage of troop withdrawals to "encourage" the Saigon government "to negotiate a political reconciliation with the National Liberation Front" looking toward "a broadly representative government" but recognizing that "the specific shape of this reconciliation will be a matter for decision by the South Vietnamese."

If this is not precisely the policy of the current administration, as enunciated by the President and the Secretary of State, then words have lost their meaning. And if the moratorium sponsors want to argue—as some have—that the President is lying about his purpose, their suspicions must be weighed against the facts of reduced fighting, reduced troop levels and reduced casualties, which his policies have brought about.

Second, what is the alternative they recommend? It has been described in moratorium publicity as everything from a negotiated settlement to immediate, total American withdrawal from Vietnam, but Brown said Sunday on "Face the Nation" that it is the latter that the moratorium has "consistently" demanded.

If that is the case, then the elected officials, clergymen and educators who have lent their prestige to the moratorium can properly be asked if this is the program they endorse. Many of these sponsors were involved in the fight for the minority plank at the Chicago convention which specifically said the war "will not be ended by military victory, surrender or unilateral withdrawal by either side."

It might be well for those men to explain Wednesday when and why they concluded that their opposition to unilateral withdrawal was wrong. It would be even more useful if they could explain why a one-dimensional plan to pull out troops is any more likely to be wise policy than the one-dimensional plan that sent the troops in. Have we not learned yet to examine the political consequences of military decisions?

Third, and most important, what about the method of the moratorium? Is it compatible with the maintenance of representative democracy or does it substitute the rule of the street?

The sponsors say the name "moratorium," rather than "strike," was chosen to emphasize that the protest is to be peaceful and non-coercive. It is a nice distinction. The noncoercive feature may be almost invisible to the thousands of students whose colleges will shut down Wednesday. If the moratorium continues, as planned, for two days in November, three days in December, and so on, it will more and more come to resemble the general strike so familiar to European politics.

And if it succeeds in its aim, what is to prevent other majorities or sizable minorities in the country from using the same technique to force their views on agencies of the government? The moratorium sponsors say Vietnam is an extraordinary issue, but they must know it is not the only issue which agitates millions of people.

One wonders what the moratorium sponsors would say if Billy Graham were to ask all the parents who want prayers restored to public schools to withdraw their children from school for one additional day each month until the Supreme Court reverses its school-prayer decision.

Suppose pro-prayer teachers agreed to meet the pupils in private homes on moratorium days to discuss "the overriding significance of religion in human life." Would the Vietnam moratorium sponsors cheer? What would they say if landlords and real estate men opposed to integrated housing declared a moratorium until Congress repeals the open-housing law?

My view, just to be clear, is not that the Vietnamese moratorium is un-American, illegitimate, meanly partisan or personally vindictive in its motivation. My view is that it is an ill-timed, misdirected protest, vague in its purpose and quite conceivably dangerous in its precedent.

As was said last week, its immediate result may be the breaking of the President. In the serious weakening of his power to negotiate peace or to achieve any of the other purposes for which he was elected, its longer term effects may be to subvert a system of democratic government I happen to believe is worth preserving.

THE MORATORIUM

Mr. DOMINICK. Mr. President, I shall be very brief, but yesterday, along with others, I received a copy of the letter from Hanoi talking about the moratorium, congratulating the people who are running it.

I think, in conjunction with some other articles, it is worthwhile, having this once again repeated.

About the same time, or a day or two before, an article was written by David S. Broder entitled "Ill-Advised Viet Moratorium Could Set a Risky Precedent."

I think the article is of extraordinary significance. I would like to go into it for a second or two.

Mr. Broder points out that the minority plank at the Democratic Convention called for certain steps, one of which was a halt in the bombing of North Vietnam. He then points out that that has been done.

That plank also recommended a reduction in offensive operations in South Vietnam. Mr. Broder points out that President Nixon has ordered this and it is in effect.

Mr. Broder points out that the minority plank asked for "a phased withdrawal over a relatively short period of time" of all foreign troops. He states that the Nixon administration has begun pulling Americans out of Vietnam without waiting for North Vietnam to agree to mutual withdrawals, as the doves thought necessary.

Finally, the plank recommended that the United States use the leverage of troop withdrawals to "encourage" the Saigon government "to negotiate a political reconciliation with the National Liberation Front" looking toward "a broadly representative government" but recognizing that "the specific shape of this reconciliation will be a matter for decision by the South Vietnamese." Mr. Broder goes on to say:

> If this is not precisely the policy of the current administration, as enunciated by the President and the Secretary of State, then words have lost their meaning. And if the moratorium sponsors wanted to argue—as some have—that the President is lying about his purpose, their suspicions must be weighed against the facts of reduced fighting, reduced troop levels and reduced casualties, which his policies have brought about.

At about the same time, from the Washington News yesterday, there was an excellent article by Don Tate from Saigon, dated October 14. This article points out that there are two Vietnam wars, one which the Americans are fighting in Vietnam, and the one Americans fight in the United States. "Observers here say the decisive battleground is in the United States."

The article goes on to point out that there are very few people who are sympathetic to the moratorium amongst those who are in Vietnam. It goes very much in line with the information I have had from people there, who point out quite clearly that those who were there know well who the enemy is.

The PRESIDING OFFICER (Mr. ALLEN in the chair). The time of the Senator has expired.

Mr. DOMINICK. I ask unanimous consent to have 2 additional minutes.

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

Mr. DOMINICK. Mr. President, I have some doubt as to whether many of the people who are participating in the moratorium really know who the enemy is. I get a little tired of hearing people talk about peace without talking about peace in context.

It has been said over and over again that the quickest way to get peace is to die. This is not the kind of peace most of us look forward to as far as our young people are concerned.

There is also the type of peace which simply means giving up, not participating any longer in the affairs of the world, but withdrawing into Fortress America and saying, "We are going to sit here hiding behind the shield," as the French did behind the maginot line. Every time they did that, they were overrun. Every time any country has done that in history, it has been overrun.

There are other kinds of peace I could mention, but I do not think it would be fruitful to take the time to do so.

The main point I want to make is that there are people who become emotionally involved in the moratorium, who are sincere people, who have not analyzed what effect it has on the people who are being asked by our Government to continue to fight in Vietnam, and who are not fully realizing what the effect may be as far as concerns the position of the United States with other countries.

Mr. President, I ask unanimous consent to have printed in the RECORD the three items I have referred to, all of which have great merit, and which I trust will at least be read and studied by Members of the Senate and other people around this country.

There being no objection, the letter and news articles were ordered to be printed in the RECORD, as follows:

PREMIER PHAM VAN DONG'S LETTER TO THE AMERICAN PEOPLE

DEAR AMERICAN FRIENDS: Up until now the U.S. progressive people have struggled against the war of aggression against Vietnam. This fall large sectors of the U S. people, encouraged and supported by many peace- and justice-loving American personages, are also launching a road and powerful offensive throughout the United States to demand that the Nixon administration put an end to the Vietnam aggressive war and immediately bring all American troops home.

Your struggle eloquently reflects the U.S. people's legitimate and urgent demand, which is to save U.S. honor and to prevent their sons and brothers from dying uselessly in Vietnam. This is also a very appropriate and timely answer to the attitude of the U.S. authorities who are still obdurately intensifying and prolonging the Vietnam aggressive war in defiance of protests by U.Y. and world public opinion.

The Vietnamese and world people fully approve of and enthusiastically acclaim your just struggle.

The Vietnamese people demand that the U.S. Government withdraw completely and unconditionally U.S. troops and those of other foreign countries in the American camp from Vietnam, thus allowing the Vietnamese people to decide their own destiny by themselves.

The Vietnamese people deeply cherish peace, but it must be peace in independence and freedom. As long as the U.S. Government does not end its aggression against Vietnam, the Vietnamese people will persevere in their struggle to defend their fundamental national rights. Our people's patriotic struggle is precisely the struggle for peace and justice that you are carrying out.

We are firmly confident that, with the solidarity and bravery of the peoples of our two countries and with the approval and support of peace-loving people in the world, the struggle of the Vietnamese people and U.S. progressive people against U.S. aggression will certainly be crowned with total victory.

May your fall offensive succeed splendidly.

Affectionately yours,

PHAM VAN DONG,
Premier of the DRV Government.

"OTHER WAR" IN UNITED STATES RILES GI's

(By Don Tate)

SAIGON, October 14.—As tomorrow's war "moratorium" will demonstrate, there are two Vietnam wars—the one Americans fight in Vietnam, and the one Americans fight in the U.S. Observers here say the decisive battleground is in the U.S.

They point out that short of a highly successful Communist offensive, which is extremely unlikely, for a dramatic allied strategy change, such as renewed bombing of North Vietnam, the killing war in South Vietnam is apt to rock along in its fight-lull-fight rhythm much as it has been, at least until many more U.S. troops are withdrawn.

Meanwhile, the war to win American public opinion, and, particularly, the mind of Richard M. Nixon, is waxing hotter. What happens in the U.S. will determine what happens here. As the President warns Americans not to buckle and run, protesters prepare to hit the streets, many of them demanding immediate, unilateral withdrawal of all American troops. That translates here as "bugout."

GI DISDAIN "BUGOUT"

It is difficult to find an American soldier here who wants to leave Vietnam that way, or as one GI puts it, "with our tails dragging." It is difficult to find one—even among those most disgusted with the war—who wishes simply to abandon the South Vietnamese to a Communist bloodbath.

It is difficult to find one who thinks the value of the American word would be worth a dime anywhere in the world if they did, or that a humiliating U.S. defeat by a blustering Communist midget would do anybody but the Communists any good.

These consequences are apparent to most Americans here, and they are not acceptable. It is largely a matter of national backbone. Most express hope that President Nixon sticks to seeking a reasonable solution to the war.

There are, of course, many critics of war critics here. They charge that a number of war critics in the U.S. are using the same tactics Hanoi has shown—the more you give them the more they demand, and they both demand total, immediate and unconditional everything.

In the two wars—one group of Americans is convinced of the rightness and necessity of bringing this bitter war to a conclusion by presenting a united front to Hanoi, the other protesting group is more or less convinced the only way out of Vietnam is get out fast regardless of consequences.

MYSTERY IN VIETNAM

There is often the feeling here that the war is only a secondary feature to the show of exposed nerves going on in the U.S. What the war has done to the U.S. is the biggest mystery of all here.

"It seems like any American who ever wanted to protest anything has found his cause in the Vietnam war", one veteran analyst contends, "and yet 95 per cent of them have suffered little direct personal hardship because of the war.

"You hear so much of the war-weary American, and how exhausted he is by the war. Yet this exhaustion of the mightiest power on earth is a relative thing. It hasn't been bombed, or invaded, or lived under the Communists a single day. It's manpower loss has been a drop in the bucket compared to that of either North or South Vietnam, and its suffering has been a thousand times less. "Many Americans would hardly know the war was going on if it wasn't for newspapers and TV. Suppose Americans had to face what the South Vietnamese people have yet to face? America's exhaustion is a self-induced state of mind, composed mostly of confusion."

One rankled American, with invested years and effort in Vietnam, condemned some of the rantingest protesters as the "most confused of all."

WEARY OF "POPPING OFF"

"Soldiers do the dying," he said, "and these others do the popping off. I'm tired of hearing these so-sure people who haven't shed a nosebleed in this war scream pig this and obscene that and run around protesting for the hell of it.

"I'm tired of hearing what politicians who sound like Hanoi radio demand, what well-meaning but awfully uninformed students demand, what ivory-tower doves who wouldn't dirty their hands over here demand. I'm weary of hearing how much Sen. (J. William) Fulbright, D., Ark., wants out. We all want out. We all protest the war. We all want peace. But not by saying: 'Here Hanoi, take 17 million people. We'll pretend we were never involved. We quit.' "

Many here feel that some of the protesters would do well to focus their moral wrath less on President Nixon and more on the Communists.

It is the Communists, they stress, who are killing Americans. It is the Communists who butchered, as a matter of policy, the civilians of Hue and so many other places, and it is the Communists who will murder methodically thousands more Vietnamese if the U.S. totally, immediately and unconditionally abandons them, as many protesters advocate.

To Americans who have put in their time here, it is not good enough to dismiss blandly such realities with an: "Oh, well, it is up to the Vietnamese to work out their own problems."

Many here, eyewitnesses to the war, have become anti-war in the truest sense, but they have also become resolutely anti-bugout.

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ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent that I may be permitted to speak for not to exceed 12 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Virginia is recognized for not to exceed 12 minutes.

NOMINATION OF HON. CLEMENT HAYNSWORTH TO SUPREME COURT

Mr. BYRD of Virginia. Mr. President, the Senate is again called upon to give its consent to the nomination of an Associate Justice of the Supreme Court.

The consent of the Senate, required under article II, section 2, of the Constitution, is a vital element in the system of checks and balances which is built into our constitutional system.

We are a Nation governed by three independent and coequal branches. This separation of authority and interaction of the three branches at the Federal level has allowed us to exist as a free Nation for almost two centuries.

The selection of a Justice for the Supreme Court is a prime example of the operation of our system of checks and balances. The executive branch has nominated a candidate to the highest court of the land. The Senate now has the duty under the Constitution to confirm or deny this nomination.

I submit that this duty to examine Supreme Court nominations is a most solemn one. It is the very nature of the court that makes this choice so important. The decisions of the Supreme Court are not reviewable by any higher tribunal.

Added to this is the fact that, assuming his good behavior, a Justice serves a lifetime appointment. Once appointed to the Court, a Justice answers to no one except his conscience.

It is for this reason—a lifetime appointment—that the Senate has a duty to weigh carefully every possible aspect of a prospective Associate Justice.

I feel my vote on any nomination for the Supreme Court is one of the most important I will ever cast. Only 100 times since 1789 has the Senate confirmed an Associate Justice to the Supreme Court. In this same period of time, 22 nominations failed to receive Senate approval or were withdrawn, only two occurring during this century.

In five of the seven nominations to the Supreme Court since 1956, confirmation has been by voice vote. This suggests that the Senate has given inadequate attention to its power of confirmation over Supreme Court Justices.

This is not the only area in which the Congress—both the Senate and the House of Representatives—has abdicated its constitutional responsibility. If we are to maintain our system of government and protect individual liberty, then the Congress must reassert its constitutional prerogatives. It must assume its rightful place as a coequal branch of the Federal Government.

When the Senate fails to give adequate attention to a Supreme Court nomination, it fails in its constitutional duty to make certain the men on the bench have the requisite knowledge and integrity—and requisite concept of the judicial role.

It is said that we are a Government of laws—not men. But only men can interpret the laws. We ask nine men to tell us what the law is—to interpret the law in light of constitutional requirements and safeguards.

The quality of the Court is determined by the quality of each individual appointed. This places an even greater burden on those who must cast a vote for or against confirmation. Every nominee must be carefully measured against the same measuring stick.

I have tried to measure each nominee by the same standards—his legal qualifications and attainments, his judicial philosophy, his adherence to the constitutional doctrine of separation of powers, and what role he would have the Supreme Court play in our constitutional system.

The role which the Supreme Court has assumed in the last 15 years under Earl Warren has greatly disturbed me.

When the Senate confirmed Warren Burger as the new Chief Justice of the United States, I felt we had taken a step in the right direction. That is a direction away from the philosophy embraced by the majority of the Warren court.

It is my personal belief that the majority of the Warren court led this country on a dangerous path. These Justices—not infrequently only five of them—were determined to establish the Court as a superlegislature. They substantially reduced public confidence in the Court in the process.

I submit that without public confidence, the Supreme Court loses its effectiveness. As Hamilton noted in the Federalist Papers speaking on the new Federal Judiciary:

> It may truly be said to have neither *force* nor *will*, but merely *judgment*.

Mr. Justice Frankfurter expressed much the same thought in one of his opinions when he said:

> The court's authority—possessed of neither the *purse* nor the *sword*—ultimately rests on sustained public confidence in its moral sanction. Such feeling must be nourished by the court's complete detachment from political entanglements and by abstention from injecting itself into the clash of political forces in political settlements.

I have opposed confirmation of men to the Supreme Court whose philosophy I believe would lead them to join with the former majority of the Warren court and continue to plunge into political waters, rather than remain on the constitutional beaches. Every political plunge weakens public confidence in the judgment of the Court.

When I speak of public confidence, I do not say that it is the function of the Court to decide each case by weighing public opinion. That clearly would be wrong.

But I do say that it is unwise for the Court to forge ahead in social movements outside of the confines of the case before it, and in areas which properly are legislative.

It is unwise to cast aside judicial self-restraint.

It is unwise to legislate from the bench.

It is unwise to disregard judicial precedent in the interest of an immediate attractive result; precedent is a touchstone of continuity with the past which allows the law to develop and grow with our Nation.

It is unwise for the Court to lose sight of its proper role in our constitutional government. If the members of the Court want to legislate, they should submit their names to the will of the people on a regular basis.

I do not maintain that there should be no change in the law. It is important that the law remain meaningful in the context of a changing society.

But change is not desirable when it occurs in "legislative" opinions handed down by the Supreme Court.

Change must occur within the context of our constitutional system, which for nearly 200 years has provided for three coequal branches of government.

An independent judiciary is the bulwark against legislative usurpation; the Senate in its role of advising and consenting to nominations is the bulwark against judicial usurpation.

In my deliberations on appointments to the Supreme Court, I place a high priority on the philosophy they entertain as the proper role of the judiciary in our federal system.

This brings me to the nomination of Clement F. Haynsworth, of South Carolina, to be an Associate Justice of the Supreme Court.

I have given this nomination long and careful consideration. My analysis has focused on his legal philosophy, his personal qualities, and his professional qualifications.

It is wise, in my opinion, to look to the ranks of the judiciary for an Associate Justice. It is especially wise to look to the Federal judiciary for a judge experienced in the workings of the federal system.

Nomination of a sitting judge also affords an opportunity to discover his judicial philosophy through his written opinions.

Judge Haynsworth has served on the fourth circuit court of appeals for 12 years. His decisions during this period exhibit a feeling for the legal problems peculiar to a federal system.

As a federal circuit judge, Mr. Haynsworth has realized that the role of an appellate court is to review the decision of the lower courts and not to substitute the judge's own personal feelings.

It is also encouraging to read language of judicial restraint in an opinion. Language limiting the court's decision to precise legal issues appears with frequency in Judge Haynsworth's opinions.

I cannot help feeling that much of the extremism of the Warren court, and subsequent erosion of public confidence, could have been avoided had the Court limited itself to deciding the issues, and left the question of social change to the proper branch of the Government.

Judge Haynsworth's opinions indicate an adherence to a sound philosophy, a philosophy which says the judiciary properly functions only in its own sphere as defined by the Constitution. I feel he would not take the Court into executive and legislative areas.

In the area of criminal law—in which I often felt the Warren majority placed the rights of the criminal above the rights of peaceful, law-abiding citizens—Judge Haynsworth's opinions reflect a reasoned approach. He is aware of the need to protect the accused in the pretrial stages, yet he would not adhere to the unreasonable restraints placed on the police who are charged with protecting all citizens.

Personal qualities of the nominee are as important as his professional qualifications. His character, integrity, and moral fiber, will surely be reflected in the quality and independence of his thoughts on the bench.

I think it is healthy for judicial nominees to be the subject of close scrutiny by the Senate Judiciary Committee, and for the subject of judicial ethics to be opened to the public.

It is good for our constitutional system when the Senate reasserts its constitutional power and gives more than pro forma ratification to the nominations submitted by the President.

I am pleased that the Senate Judiciary Committee held long and thorough hearings on this nomination. The committee met for 8 days and heard testimony from individuals and organizations holding different points of view as to Judge Haynsworth's qualifications. After long consideration, the committee by a vote of 10 to 7 approved the nomination of Judge Haynsworth.

Three charges are made against Judge Haynsworth:

The AFL–CIO charged that he is anti-labor. It cited eight cases where he ruled contrary to the wishes of the AFL–CIO.

But the Senator from North Carolina (Mr. ERVIN) read into the RECORD 22 cases where Judge Haynsworth had decided in favor of labor unions. I do not regard the charge that Judge Haynsworth is anti-labor as being valid, nor substantiated by the facts.

No political interest group has the right to insist that every Supreme Court Justice should decide every case in their favor.

Nominees should be analyzed to determine whether or not they are fundamentally honest and have the intellectual integrity to render their opinions on the basis of what they consider to be valid, constitutional precepts.

The second charge levied against Judge Haynsworth is that he is "anti-Negro." The facts submitted to the Senate Judiciary Committee do not bear out such a charge, unless the mere fact that a person is a South Carolinian automatically puts him in the anti-Negro category.

A study of Judge Haynsworth's judicial record shows that he has scrupulously followed the Supreme Court's mandate in regard to school integration. It is true that Judge Haynsworth has not been a crusader; but to my way of thinking, crusading is not a proper judicial function.

The third charge made against Judge Haynsworth has to do with the ownership of certain stock.

When the charges were first made, I was disturbed as to whether or not the judge knowingly compromised his judicial position. I explored this possibility carefully and consulted at some length with outstanding members of the legal profession in whom I have confidence.

I was impressed, too, by the testimony of an attorney from Judge Haynsworth's hometown, who long has been an opponent of Judge Haynsworth's philosophy and who testified that he preferred that Judge Haynsworth not be appointed to the Supreme Court because he is not "liberal enough."

But this hometown attorney testified in regard to the South Carolina judge: He is absolutely honest. He has impeccable integrity. I would believe his word about anything.

A Chicago Tribune editorial of October 7, 1969, made what I feel to be a valid point in regard to this nomination. It stated:

> Respectable liberals frankly acknowledge that nothing in the Judge's record justifies a vote against confirmation.

The Washington Post, for example, has misgivings about the nomination of Judge Haynsworth, and is unhappy about it, but editorially concluded:

> There is no valid reason on the basis of the present record for the Senate to deny the President his choice.

The New York Times, bitterly anti-Haynsworth, reached a similar conclusion.

I feel that there has been no evidence presented justifying a valid charge that the judge acted to advance his own interest. It would appear that the most valid charge that could be made against him in regard to stock transactions would be that of inadvertence and lack of attention to detail.

I am convinced that Judge Haynsworth is a man of the highest integrity, one who is well schooled in the law, one who possesses judicial temperament, and one who is fair and conscientious in rendering judicial opinions.

In my judgment, Judge Haynsworth's qualifications have been well established.

It is vitally important, I feel, that there be a reversal of the role the Supreme Court has assumed during the past 15 years.

From the time of former Chief Justice Warren, there has been an erosion of our constitutional system. The Supreme Court has usurped power to which it is not entitled.

Judge Haynsworth's record gives evidence that he holds a judicial philosophy which will help restore a balance to the Supreme Court.

Judge Haynsworth's record gives evidence that he supports a return of judicial restraint to the Supreme Court.

Judge Haynsworth's record gives evidence that he feels the Supreme Court should not seek to establish itself as a superlegislature.

The Supreme Court in recent years has gone too far to the left. If public confidence in the Court is to be restored, there must be a better judicial balance.

President Nixon's appointment of Warren Burger as Chief Justice and Clement Haynsworth as Associate Justice should help restore confidence in the Court by helping to restore balance to the Court.

I shall cast my vote in favor of Judge Haynsworth's confirmation.

Mr. President, I ask unanimous consent that a telegram addressed to Judge Haynsworth under date of October 9, 1969, be printed in the RECORD.

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

RICHMOND, VA.

HON. CLEMENT F. HAYNSWORTH, JR.
U.S. State Circuit Judge,
Greenville, S.C.:

Despite certain objections that have been voiced to your confirmation, we express to

you our complete and unshaken confidence in your integrity and ability.

SIMON E. SOBELOFF,
HERBERT S. BOREMAN,
ALBERT V. BRYAN,
HARRISON L. WINTER,
J. BAXTON CRAVEN, JR.,
JOHN D. BUTZNER.

THE PRESIDENT'S TASK FORCE ON THE PHYSICALLY HANDICAPPED

Mr. DOLE. Mr. President, today President Nixon announced formation of a highly significant group which probably will go largely unnoticed in the media, and therefore to many Americans whose lives may be deeply affected.

It is the President's Task Force on the Physically Handicapped. It has been established "to review what the public and private sectors are now doing for handicapped Americans, and to make recommendations as to how best to achieve maximum help for affected individuals." In addition, the task force will consider how greater public awareness and community action might be stimulated.

TASK FORCE MEMBERS

Members of the Task Force are distinguished Americans whose involvement and experience will contribute much to the work of the group.

I can vouch for one member personally. He is Dr. Hampar Kelikian of Chicago's Wesley Memorial Hospital—a man who has been very influential in my life.

The other members are: Dr. Ralph E. DeForest, Task Force chairman, directors, Department of Postgraduate Programs, American Medical Association, Chicago, Ill.; W. Scott Allan, assistant vice president, Liberty Mutual Insurance Co., Boston, Mass.; Dr. Robert L. Bennett, medical director, Georgia Warm Springs Foundation, Warm Springs, Ga.; Lawrence W. Binger, director of personnel services, Minnesota Mining & Manufacturing Co., St. Paul, Minn.; Dr. Kelikian; John W. Melcher, director, Bureau for Handicapped Children, State of Wisconsin, Madison, Wis.; Mrs. Genevieve H. Schiffmacher, assistant commissioner, Department of Labor and Industries, Commonwealth of Massachusetts, Boston, Mass.; Alfred Slicer, director, Division of Vocational Rehabilitation, State of Illinois, Springfield, Ill.; Lawrence Smedley, assistant director, AFL–CIO Department of Social Security, Washington, D.C.; Dr. William A. Spencer, chairman, Department of Rehabilitation, Baylor College of Medicine, Houston, Tex.; Dr. S. Daniel Steiner, medical director, General Motors Corp., Detroit, Mich.; Mrs. Spencer Tracy, president, board of directors, John Tracy Clinic, Los Angeles, Calif., and Henry Viscardi, Jr., president, Human Resources Center, Albertson, Long Island, N.Y.

VALUE OF PRESIDENT'S TASK FORCE

In my first major Senate speech earlier this year, I urged the President to create a similar task force because I am convinced America's public and private sectors can better help achieve independence, security and dignity for the person with handicaps. My distinguished colleague from Vermont (Mr. PROUTY) has also been very instrumental in the creation of the Task Force.

I hope the President will see fit in the near future to appoint a Task Force similar to the one announced today to appraise and recommend programs and efforts for those with mental handicaps.

Well executed, these two Task Forces could provide authoritative guidance to the administration and Congress as they develop programs and allocate funds and to the agencies, as they implement.

They could also provide new incentive and direction to private and voluntary groups to better aim and gage their efforts.

Undoubtedly, the biggest benefits will be realized by this country's 42 million physically, mentally, and emotionally handicapped persons themselves.

Mr. President, some 42 million Americans suffer from handicaps—physical, mental, and emotional. I recognize that many Members of the Senate have long been in the forefront of helping those individuals.

I point out as one of that group of 42 million that not many, I would guess, of the 42 million are looking for handouts. They are looking for programs that might make them self-sufficient, might give them a certain sense of dignity, and the opportunity to achieve in America as all Americans do.

Let me again say that I commend President Nixon for this start. I commend those outstanding individuals who will be serving on the task force, and I wish them well in their very difficult task.

WITNESS UNPARALLED ACHIEVEMENTS

Mr. President, we have all witnessed the unparalled achievements of medicine, science, education, technology, and related fields. The Government has been relatively successful in terms of numbers assisted, basic research performed and the movement of increasingly large numbers of persons into more productive, satisfying channels. The private sector—with its emphasis on the creativity, concern, and energies of the people—has performed Herculean tasks; in fundraising, employment, research, public opinion, rehabilitation, and through professional organizations and groups for the handicapped themselves.

WE HAVE TO DO BETTER

But these same forces and others must do better because they can do better. We must assure each individual with handicaps that he can become as active and useful as his capacities will allow.

SOME OF THE PROBLEMS

Today many handicapped persons lead lives of despair and loneliness. Many feel they could become more self-sufficient and contributing members of society with the proper tools and encouragement. Some are disillusioned and disaffected by the very programs created to help them.

They cite such reasons as income—too low or too high—place of residence, specific handicap or handicaps, knowledge of and referral to existing personnel and facilities, insufficient comprehensive planning for their total needs and little community awareness and action for both the disabilities and abilities of the handicapped.

Their problems are often compounded because of inadequate funding to develop needed guidelines, statistical data, quality programs and sufficient, effective professional staffing.

And sadly—if not surprising to some—there never has been a major overall effort to try to determine if public and private money currently expended is doing the job as effectively, efficiently, and economically as possible.

Today the President has demonstrated he recognizes the Nation's handicapped merit top-level attention.

If they are to do a creditable job, the challenge at hand for members of the Task Force on the Physically Handicapped is monumental. It is a challenge which must be met and mastered if we are to help the handicapped, one of our Nation's greatest unmet responsibilities and untapped resources.

ACID MINE DRAINAGE IN APPALACHIA

Mr. RANDOLPH. Mr. President, the New York Times and its news service, in a copyrighted article on Monday, October 13, 1969, by Ben A. Franklin, reported:

> The Nixon administration has delayed for nearly a month the transmission to Congress of a government report indicating a need for increased spending to remedy water pollution by the coal mining industry.

The Times dispatch, which was carried in several Monday morning newspapers in West Virginia, indicates that the printing cost of the report, entitled "Acid Mine Drainage in Appalachia," was "about $10,000." But, according to the Times, "staff work on the report and contracts for research by scientists selected by the National Academy of Sciences ran its total cost up to about $700,000" before 3,000 printed copies of the 126-page document were placed in storage September 12 and had been held there until released this morning.

"Technical difficulties in transmittal" were ascribed by a White House staff member as reasons for placing the 3,000 copies in storage, rather than giving them prompt distribution, The Times correspondent wrote.

But, Mr. President, it does seem that the Nixon administration has been holding back from Congress this Government report indicating the seriousness of water pollution from acid mine drainage and stressing the need for a large increase in expenditures to overcome this cause of pollution.

Notwithstanding, Congress is aware of the seriousness of the problem and of the high costs of solving it. Actually, the withholding from circulation of the report, which was prepared under the Appalachian Regional Commission's authority, does not improve the administration's chances of influencing Congress to provide smaller and smaller appropriations for water pollution control. Such tactics serve to stimulate Congress to look closer at the facts and to act more determinedly to provide the funds neces-

sary to enable the Government to attack the pollution problem aggressively.

More and more Members of Congress are concerned that the present administration is requesting less and less funding for health and environmental control functions. This deemphasis of very high priority activities for the people of the United States—their health needs and a cleaner and more orderly environment—is a disastrous development.

During the past 6 years, Congress has been giving special cognizance to the need that governments and the society in general accelerate efforts and programs to improve control of water pollution, to do more to cleanse the air of devastating pollutants, and to cope more adequately with the ever-growing problem of disposal of the tons upon tons of solid waste. Much progress has been made. And, in many important areas of pollution concern, real breakthroughs are impending to advance the cause of creating a better environment for the benefit of the public health and individual survival.

Considering the great promise inherent in the programs Congress has established and authorized for appropriations and expenditures on behalf of sanitation and the people's health, it is tragic to find that the Nixon administration has reduced by more than 13.5 percent funds requested to meet the environmental pollution crisis. And this fund deemphasis occurs while our population expansion accelerates and life in our overpolluted urban areas becomes more complex.

Last week the Senate passed its version of a strong water pollution control bill to amend the Water Quality Act. The House had earlier passed another version, and the two bodies will start within the next 10 days to compose differences in a House-Senate conference committee.

When the Senate bill reached the floor after many weeks of hearings and deliberations in our Committee on Public Works—which laid the groundwork for its presentation through the able chairman of the Subcommittee on Air and Water Pollution, the Senator from Maine (Mr. MUSKIE)—I spoke in detail on the problem of acid and alkali pollution discharged in various local watercourses and carried by the natural flow of stream systems into our major river basins. This creates extensive pollution problems which are both intrastate and interstate. We know much about this subject, but we might have been enabled to know even more about it—and more about what to do to correct it—if we had access to the lengthy report on acid mine drainage which the Nixon administration had available and apparently could have circulated weeks ago—but which it delivered to the Congress only this morning. We were entitled to at least one copy before we started debate on our bill. And the House was likewise entitled to a copy of the document—no matter how voluminous—when it had a pertinent measure before it for action last week. Apparently, it could have been circulated several weeks ago.

This is a very serious problem. I bring it to the attention of the Senate; and I hope that there will be a better explanation from the White House for the delay in moving the report to Congress than "technical difficulties in distribution."

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the article by Mr. Franklin as published in the Charleston, W. Va., Gazette on October 13, 1969.

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

[From the Charleston (W. Va.) Gazette, Oct. 13, 1969]

NIXON KEEPS LID ON COAL MINING POLLUTION REPORT

(By Ben A. Franklin)

WASHINGTON.—The Nixon administration has delayed for nearly a month the transmission to Congress of a government report indicating a need for increased spending to remedy water pollution by the coal mining industry.

The report was delayed at a time when the administration was fighting to hold down an appropriations bill on water pollution. A White House aide, however, attributed the delay to "technical difficulties" rather than to political considerations.

Three thousand copies of the 126-page report have been "in storage" here since they came from the printer Sept. 12.

The report reportedly was sequestered on White House orders because, at a time of a presidentially decreed budget squeeze, it contains unwanted proposals for federal spending to abate the "particularly pernicious" pollution of more than 10,000 miles of streams in the Appalachian coal fields by acid water drainage from coal mines.

The administration lost an attempt on the House floor last Wednesday to limit new federal spending for pollution-control water treatment facilities to $214 million in the current fiscal year. Instead, the House voted 148 to 146 to appropriate $600 million, a compromise figure reluctantly agreed to by Democrats who had hoped to get $1 billion.

Democrats at the Capitol have since suggested that the administration's delay in sending the report to Congress reflected White House apprehension over prospects of holding the budget line in the narrow House vote.

In an interview, however, Richard T. Burress, the White House aide reported to have been responsible for delaying publication of the report, denied that fiscal restraints or administration legislative strategy had had anything to do with placing the document in a storeroom for a month after it was printed at a cost of about $10,000.

He attributed the delay entirely to "technical difficulties in transmittal." He added that the report would now "go forward very shortly."

Other sources, however, said flatly that distribution of the report had been withheld on White House orders.

Burress, a deputy legislative counsel to the President and a former agent of the Federal Bureau of Investigation, told a newsman the report had been available for distribution "for only a few weeks."

Staff work on the report and contracts for research by scientists selected by the National Academy of Sciences ran its total cost up to about $700,000.

The report sets forth in detail the damage to environmental values and economic development of stream water containing sulphuric acid formed in coal beds opened to the elements.

It was the second government document containing expressed or implied criticism of past and present practices in coal mining to be held up by the Nixon administration.

Two months ago, Ralph Nader, the consumer advocate, disclosed that a lengthy study by the Department of the Interior and its Bureau of Mines on water pollution and other widespread environmental degradation caused by mining was being withheld.

The Interior Department subsequently contended that that report, begun during the Johnson administration, was merely "a working paper."

The more recent mine water pollution report originally was due on Capitol Hill last March 31 under a 1967 mandate from Congress.

The Appalachian Regional Commission, assigned by Congress to supervise the preparation and research, had obtained an informal congressional time extension to May 15 and then overran the extension a month to June 15 in completing the document.

When the report finally went to the White House in mid-June it was expected to receive routine clearance. But the draft was greeted there as anything but routine, officials said.

A covering letter with the report called for a modest "action program" to abate acid mine water pollution.

No cost figures were mentioned in the report, entitled "Acid Mine Drainage in Appalachia." However, the $15 million to $20 million cost that officials now say was implied in the covering letter was, in fact, a very modest share of the $6.6 billion that Federal Water Pollution Control Administration has estimated will be required to abate fully acid mine water pollution.

THE U.S. NAVY COURT OF MILITARY REVIEW

Mr. ERVIN. Mr. President, the Military Justice Act of 1968 became fully effective on August 1, 1969. On that day, the U.S. Navy Court of Military Review, which was created by that act, came into existence in simple but impressive ceremonies held in the courtroom of the administration building at the Washington Navy Yard.

The clerk of the court administered their respective oaths of office to the chief judge, Capt. Cecil R. Harrison, JAGC, U.S. Navy, and the 11 associate judges, Col. Ralph K. Culver, U.S. Marine Corps; Capt. Arnold W. Eggen, JAGC, U.S. Navy; Col. Duane L. Faw, U.S. Marine Corps; Comdr. Raymond W. Glasgow, JAGC, U.S. Navy; Judge Kenneth B. Hamilton; Judge James W. Hendry, captain, JAGC, U.S. Naval Reserve (retired); Judge James Fielding Jones; Capt. Edward T. Kenny, JAGC, U.S. Navy; Capt. Horace H. Morgan, JAGC, U.S. Navy; Capt. George F. O'Malley, JAGC, U.S. Navy; and Capt. Charles Timblin, JAGC, U.S. Navy (retired), who thereupon assumed their respective offices as the highest members of the independent judiciary charged with the solemn responsibility of administering justice among those who constitute the naval forces of our Nation.

The character, learning, and temperament of the chief judge and his associates make it certain that the most sacred obligation of government, that is, the administration of justice, will be discharged in the naval forces in accordance with the finest traditions of the law.

Having devoted much effort and time to persuading the Congress to enact the Military Justice Act of 1968, I was delighted to have the privilege of witnessing the simple but impressive ceremo-

nies which thus brought the U.S. Navy Court of Military Review into existence.

After the administration of the oaths of office to the members of the court, the chief judge made some exceedingly appropriate remarks, and invited Rear Adm. D. D. Chapman, JAGC, U.S. Navy, Deputy Judge Advocate General of the Navy; Capt. Richard J. Selman, JAGC, U.S. Navy, Assistant Judge Advocate General—Military Law; the Honorable William H. Darden, judge of the U.S. Court of Military Appeals; and me to speak.

I ask unanimous consent that the remarks made on this occasion be printed in the RECORD in the order in which they were delivered.

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

REMARKS OF REAR ADM. D. D. CHAPMAN, JAGC, U.S. NAVY

The events of recent weeks have caused us all to stop for a moment and reflect upon the progress that is in motion today. It seems that events that transpired two centuries ago have suddenly burst forth in the past two decades to give us unprecedented insight into things about us.

A little over two centuries ago Sir Isaac Newton announced laws of physics and mathematics which have been accepted as fundamental laws by men of science even to this day. Within the past two decades, however, our science and technology have broken the boundaries of the world in which we live. Today we probably have more knowledge of the universe than Sir Isaac Newton had of the earth two centuries ago.

Today we think not of matters relating only to the earth. Last week we witnessed man as he took his first step on the moon. Today we see television pictures of Mars.

Our nation itself was born in colonial revolution two centuries ago. It has progressed from an organization of thirteen colonies in the frontiers of America to a position of leadership among the nations of the world. Our country is unsurpassed in economic development, international leadership, and even armed strength. These things, for the most part, have come about within the past twenty or thirty years.

We see a similar pattern of development in the field of law and jurisprudence. Two centuries ago, following the announcements of laws of physics by Sir Isaac Newton, and during the revolutionary development of this country, another English scholar, Sir William Blackstone was lecturing to students of law at Oxford University. The demands on his time from a successful practice of law in London and his service as a Member of Parliament kept him away from the classroom in his later years. This did not detract from his pre-eminence as a teacher, however, because his lectures were printed and have been read by law students even to this day. Blackstone's Commentaries, although still considered by jurists, lawyers and students as the epitome of the fundamental principles of our jurisprudence, have seen many projections within the last decades.

Our Constitution itself is almost 200 years old, but decisional law has carried it forward in great strides within the past two decades. Many new landmarks have been laid out by our Federal judiciary in setting the Constitutional rights of an accused person. In this field such familiar names as Mapp, Gideon, Miranda, Covert and Toth, come to mind. More recently we have O'Callahan and Latney.

These cases demonstrate that law is a dynamic field. The practice of law is probably the most demanding and challenging of all the professions.

We have seen great strides also in the statutory field of military law. In the Navy and Marine Corps, we lived for many, many years under the "Rocks and Shoals" of the Articles for the Government of the Navy. Then we received the Uniform Code of Military Justice in 1951 and it has remained with us since that time. Now we have the amendments to the Code which we know as the Military Justice Act of 1968. The Code with the amendments give us the most advanced system of military justice in the world. These great strides in military law have all come about within the past twenty years.

Former President Johnson recognized the great progress being made in military law when he made these remarks at the signing of the Military Justice Act of 1968:

"The soldier who fought at Valley Forge could expect only 'drumhead justice' if he ran afoul of military law.

"The trooper at Gettysburg could expect little more.

"Even the doughboy who went ashore with Pershing had nothing like the legal protection of the civilian at home.

"That has changed, now. The man who dons the uniform of his country today does not discard his right to fair treatment under law.

"The first great step came in 1950 It was then that our servicemen and women were given the Uniform Code of Military Justice—the most sweeping development in military law in all our history.

"When President Harry Truman signed it into life, he was able to say that 'the democratic ideal of equality is further advanced.'

"Today we advance again. The Military Justice Act of 1968, which we sign now, will stand proudly next to the 1950 law.

"It expands the concept of fairness by creating an independent court system within the military, free from command pressures and control.

"It enlarges the rights of the individual soldier by giving him trained legal defense when he is tried by a special court-martial.

"It makes many other changes to streamline the system, and to safeguard the serviceman.

"We have always prided ourselves on giving our men and women in uniform excellent medical service, superb training, the best equipment.

"'Now, with this bill, we are going to give them first-class legal service as well.

"As Commander-in-Chief, I have worked for better pay, better care and better rewards for those who serve their country's flag. This will be the last bill I sign in their behalf. I am glad it goes to the root of the system they defend for all of us—the right of every citizen to justice and fairness under the law."

The Act to which President Johnson directed his remarks is the law that becomes effective today. We are here to observe the transition into the new system. As a part of the change, this appellate court will henceforth be called the Court of Military Review, and its members will be appellate military judges.

To you, the very first appellate military judges in the Navy and Marine Corps, I extend my congratulations and best wishes. May you be ever mindful of the fact that our sailors and Marines look to you for fair treatment under law.

REMARKS OF SENATOR SAM J. ERVIN, JR.

May it please your honor and the court, I think anyone who would attempt to say anything upon the subject of military justice after the eloquent speech of the Deputy Judge Advocate General of the Navy would be foolish enough to attempt to paint the lily and gild the rose. He phrased in exceedingly eloquent words the great advancement which has been made in military justice during recent years.

From the time of George Washington down to the Code of 1950 and the establishment of the United States Court of Military Appeals, which is now adorned by the person of my friend, Bill Darden, military justice had made little changes. I got interested in this field at an early date and particularly after I came to the Senate because I felt the need for some additions to the Code of 1950. At that time the Code of 1950 was the most advanced code of military law on earth. It anticipated by many years some of the changes in the law relating to the protection of civilians in criminal cases, such as the *Mapp* case. It established the rule long before the *Mapp* case that evidence illegally obtained by unlawful searches and seizures should not be admitted in evidence. It also anticipated many other reforms.

I want to say at this time that when I became interested and started hearings, I found there was some lingering of the old idea that military courts existed, not for the purpose of doing justice, but for the purpose of enforcing discipline. I remember very well that, when we conducted the recent hearings with a view of doing something to assist in the improvement of military justice, one of our witnesses stated that as far as military justice was concerned you had a choice between discipline on the one hand and justice on the other. He said we couldn't have both. I disagreed.

I would like to pay tribute to some whc gave great assistance to us. When my subcommittee on Constitutional Rights began on this subject we called upon many of those who were engaged in the administration of military justice both in the services and among those who had served as judge advocates in the Armed Forces before that and who had returned to civilian practices. What has been done has been the result of the cooperation of a multitude of people giving us the benefit of their experiences. I would like to mention two people in the old days when we first started who deserve great credit: General Decker then the Judge Advocate General of the Army and Admiral William C. Mott, then the Judge Advocate General of the Navy. It was largely through their intercession with persons in the higher echelons of the armed services, who were not concerned primarily with the administration of criminal justice in the Armed Forces, that many of our reforms have come about. And I would also like to add that among the multitude who have contributed nobody made more significant contributions than General Westmoreland who, when he became Chief of Staff of the Army, came down to see me and said he was going to get someone in the legal side of the military to see if he couldn't cooperate in working out a bill. He appointed Major General Hodson, now the Judge Advocate General of the Army to represent all the armed services in the formation of the Military Justice Act of 1968.

This Act, in my mind, constitutes the most significant landmark in the establishment of a just system of military law in that it guarantees, I think for the first time in history, that our military courts are going to constitute an independent judiciary. I consider that perhaps the foremost of all the advancements that have been made in the administration of criminal justice.

It is a great privilege to be here on what is destined to be an historic occasion and to see this court operating as what it really is, as a court of military judges. I thank you very much.

REMARKS OF THE HONORABLE WILLIAM H. DARDEN

This is an auspicious date for those of us who are interested in and have some re-

sponsibility for the administration of military justice. It marks the effective date of the Military Justice Act of 1968, another significant step in an evolutionary series of refinements and improvements in the system.

Those of us who are proud of this system are distressed, of course, by uncomplimentary references to military justice in contemporary decisions of courts outside our system and by lingering doubts in the minds of some members of the public that military justice has really changed. These doubts and criticisms can't be dispelled by words alone, of course, but only through performance. Those of us who know the extent of the protections available to members of the armed forces today have reason to suspect that the continued attacks on military justice and prejudice against it betray either a refusal to judge the system as it exists today, instead of during an earlier period when there were some abuses that are not tolerated now, or else a deep-seated hostility to anything that is military in nature. None of us would contend that perfection exists, but we do have reason to ask that the critics take an up-to-date reading and make a current assessment of how we might do better. We would like to disabuse the doubters of the impression that concepts of fairness and justice come as revealed truths only to those who have absolutely nothing to do with defending our Country or of the impression that once a person becomes associated with the armed forces he necessarily becomes part of a gigantic conspiracy to repress and harass and punish nearly everybody else.

After this flight of hyperbole, I should comment more directly in point. In addition to my official pleasure that the new law creates the title of Military Judge, effective today, I am personally pleased that many of you who are taking this oath are persons whose friendships I have enjoyed during times when both you and I were in different jobs. Although most of the Senate staff work on the Military Justice Act of 1968 was performed by the staff of Senator Ervins Subcommittee on Constitutional Rights, I also did some work on the bill. At the time of its passage, I had no reason to think that today I would be involved in its application. I am extremely pleased that I have the privilege of being with you today and of administering this oath. I congratulate each of you as you assume a new title. I know each of you will continue and redouble his conscientious efforts to make military discipline just and fair. I hope I can join you in contributing to such an objective.

REMARKS OF CAPT. RICHARD J. SELMAN, JAGC, U.S. NAVY

The U.S. Navy Court of Military Review is comprised of judges who are members of the bars of Alabama, Florida, Illinois, Nebraska, New York, Texas, Washington, West Virginia and the District of Columbia. The Court members are graduates of ten different law schools and have a total of 320 years collective legal experience.

The Navy is indeed fortunate to have judges with your vast experience for I know of no time in the history of our country which presents such a challenge to the legal profession in general and to the judiciary in particular than today.

As a nation, and as individuals, we find our heritage of liberty and justice threatened by those who have sworn to topple free society. They seek to degrade the dignity and integrity of the individual, desecrate the sanctity of the home and the family, subjugate the rights and confiscate, burn and destroy the property of others. The disorders and riots which have rocked our nation from sea to sea and border to border bear witness to the chaos which results when man takes the law in his own hands and decides for himself what the law is and what it is not. Under such circumstances the law becomes as of sounding brass or a tinkling cymbal.

Perhaps the blessings of freedom have hoodwinked those who would destroy our society. Perhaps we have placed too much emphasis on privileges and not enough on responsibilities. Every day we hear and read of someone defending his right of free speech—his right to equal opportunity. But how often do we hear and read of someone who insists on his right to carry out his responsibilities to his neighbors, to his community and to his country. But there are such people in our nation—millions of them. They are the silent ones and they don't make headlines. They believe that without a balance between rights and responsibilities, without a balance between privileges and obligations, freedom is a meaningless goal. They are the men and women who are the backbone of the U.S. Navy and the U.S. Marine Corps.

The Military Justice Act of 1968 which becomes effective today was designed to insure that the men and women who serve in our Armed Forces are afforded first class legal services. Just as the Uniform Code of Military Justice which became effective in 1951 served as a model of criminal law so now does the Military Justice Act of 1968 represent the latest concepts of legal jurisprudence.

The Act requires increased participation by certified military lawyers in courts-martial and precludes a sentence with a punitive discharge unless the accused had a certified lawyer as his defense counsel.

The Act, guided through the House of Representatives by Congressman Bennett from Florida and through the Senate by Senator Ervin of North Carolina, makes several major changes in the Uniform Code of Military Justice including the following:

Creates by statute an independent judiciary for each of the Armed Forces comprised of military judges free from command control and who will have the functions and powers roughly equivalent to those exercised by district court judges. We in the Navy have had an independent Navy-Marine Corps Judiciary free of command control since 1962.

Provides that legally qualified military counsel must represent an accused before any special court-martial empowered to give him a bad conduct discharge; a military judge must preside over the trial unless impossible due to military conditions; legally qualified military counsel must be made available to represent the accused in special courts-martial unless unavailable due to military conditions even though a court is not authorized to adjudge a bad conduct discharge.

Permits accused to waive trial by a court-martial comprised of non-lawyer members and be tried by a military judge sitting alone.

Affords the accused the absolute right to refuse trial by summary court-martial.

Transforms Boards of Review into Courts of Military Review authorized to sit en banc or in panels and authorizes appointment of a chief judge and senior judges of the panels. Strengthens the bans against command interference with military justice.

Modernize procedures to conform more closely with Federal court practices.

Authorizes for the first time a military form of release on bail pending appeal.

Extends the time limit for petitioning for a new trial from one to two years.

The Military Justice Act was signed by President Johnson on 24 October 1968 and becomes effective today. The 1969 Manual for Courts-Martial has been revised and Chapter One of the Manual of the Judge Advocate General has been rewritten. Additional Navy and Marine Corps lawyers have been recruited, trained and assigned. The Navy-Marine Corps Judiciary Activity has been increased from 12 to 20 Military Judges and thirty Law Centers have been established throughout the world to provide the legal services required by the Act. Thus it would seem that our plans were appropriate and executed in a timely manner.

But the law like the sea is never still. On 2 June 1969 a decision of the Supreme Court of the United States in the case of O'Callahan v. Parker held that since the petitioner's crimes were not service connected he could not be tried by court-martial but rather was entitled to trial by the civilian courts. The court-martial in question was tried in 1956 in what was then the Territory of Hawaii.

Of the majority opinion authored by Mr. Justice Douglas, Mr. Justice Harlan, joined by Mr. Justice Stewart and Mr. Justice White in dissenting, said in part:

"In sum, I think that the Court has grasped for itself the making of a determination which the Constitution has placed in the hands of the Congress, and that in so doing the Court has thrown the law in this realm into a demoralizing state of uncertainty. I must dissent. . . ."

"The Court does not explain the scope of the 'service-connected' crimes as to which court-martial jurisdiction is appropriate . . . the Court suggests no general standard for determining when the exercise of court-martial jurisdiction is permissible. Whatever role an *ad hoc* judicial approach may have in some areas of the law, the Congress and the military are at least entitled to know with some certainty the allowable scope of court-martial jurisdiction. Otherwise, the infinite permutations of possibly relevant factors are found to create confusion and proliferate litigation over the jurisdictional issue in each instance. Absolutely nothing in the language, history, or logic of the Constitution justifies this uneasy state of affairs which the Court has today created. . . ."

In addition to the words of Mr. Justice Harlan in his dissent, Senator Ervin has said that he thinks it quite unfortunate that the majority opinion in *O'Callahan* makes several disparaging remarks of military justice and by so doing has, in effect, tended to minimize the very significant advances and improvements in military justice that have been made in recent years such as the adoption of the Uniform Code of Military Justice in 1950, the Military Justice Act of 1968, and the able opinions of the U.S. Court of Military Appeals. Senator Ervin has observed that the records of the civil courts are not completely without blemish; otherwise there would have been no occasion for many recent decisions by various Federal and state appellate courts. Senator Ervin has observed that in fairness to the conscientious judge advocates who administer military justice it should be remembered that:

Courts-martial were excluding evidence obtained by unreasonable search and seizure or by wiretapping long before the Supreme Court decision in Mapp v. Ohio, 367 U.S. 643 (1961).

In courts-martial qualified military lawyers were provided without cost to defend service personnel indigent or otherwise in all general courts-martial long before Gideon v. Wainwright, 372 U.S. 336 (1963).

Article 31 of the Uniform Code of Military Justice enacted a warning requirement to military investigators long before the Supreme Court decision in Miranda v. Arizona, 384 U.S. 436 (1966). Indeed Chief Justice Warren relied on the military practice in justifying the warning requirement.

Defense counsel in courts-marital are in far better position to obtain pretrial discovery of the prosecution's case than would be true in Federal District Courts under Rule 16 or in most all State Courts.

Verbatim records of trial by courts-martial were provided as a matter of course and without cost to the accused long before Griffin v.

Illinois, 351 U.S. 12 (1956) imposed this burden on State Courts.

Appellate review of appropriateness of sentence takes place in the military justice system but is still unavailable in the Federal Courts and in almost all State Courts.

The Court of Military Appeals has made clear that most constitutional safeguards are fully applicable to service personnel even though admittedly courts-martial do not proceed on the basis of indictment by grand jury.

I think it fair to say that for an accused in the military today, many of his rights exceed those of his civilian counterpart.

The Military Justice Act of 1968, a new Manual for Courts-Martial, new JAG Manual provisions and the void in the law left by *O'Callahan* are but a few reminders of the challenges which face this Honorable Court. I wish you all well.

SAVING NATURAL ALASKA

Mr. NELSON. Mr. President, on Thursday, October 16, 1969, the Senate Committee on Interior and Insular Affairs will hold hearings on the possible environmental consequences of the proposed Alaskan oil pipeline. Secretary of Interior Walter J. Hickel has notified both Senate and House committees of his intention to allow the pipeline to proceed if the committees do not disagree.

On the floor of the Senate last Monday I raised several important unanswered questions about this matter, which indicate the necessity of the public airing which the hearings tomorrow will provide. In addition to those questions, an editorial, published recently in the Milwaukee Journal, points up the need for thorough environmental quality considerations in Alaskan oil development.

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

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

SAVING NATURAL ALASKA

In the elation over the boom that has already brought Alaska more than $900 million in bids on oil rights, there should be some serious consideration to the changes man may bring on the vast frozen plain called the north slope.

The tundra abounds with bear, caribou, wolves and birds even in the long, bitterly cold winters. In summer plant life proliferates in the midnight sun.

The few Eskimo have done little to change this. But now northern Alaska is being invaded by men, machines and the accouterments of civilization. The barren landscape is being dotted with stacks of steel oil drums, and piles of debris. In this land of permafrost, sewage has spread out over acres; icy tread ruts from tracked vehicles in winter become muddy ditches that block natural drainage in the summer thaw. What effect all this will have on the ecology of the land no one surely knows.

Ninety years ago, when resources were stripped from the American land—such as the trees of northern Wisconsin—and devastation was left behind, it was argued the nation could afford it because of the enormous reserves left. This was found to be a costly error. Today, as one of the last great frontiers is being tapped, special care should be taken to preserve and protect as much of its natural balance as possible. It is a dwindling treasure.

UNITED STATES-SOVIET UNION AMATEUR BOXING COMPETITION AT LAS VEGAS, NEV.

Mr. BIBLE. Mr. President, Saturday, October 25, will bring an unprecedented "first" in the history of American athletics. On that date, the finest amateur boxers of the United States and the Soviet Union will meet at Caesars Palace in Las Vegas to begin a precedent-setting international competition.

Never before—outside of the Olympic Games—have boxing teams representing these world powers squared off in head-to-head competition. This feature alone guarantees substantial worldwide interest in the outcome. The rivalry between the United States and Russia is, after all, the most magnetic in sports.

Millions of Americans will have the opportunity to view the matches, since they will be carried live and in color on ABC–TV's "Wide World of Sports" from 3 to 4:30 p.m.—P.d.t. In addition, representatives of the world's major newspapers and wire services will be in attendance.

The competition will be held under the auspices of the Amateur Athletic Union of the United States, and certainly this distinguished sports association deserves great credit for its participation and sponsorship.

But equal credit must go to the management of Caesars Palace, one of Nevada's outstanding resort hotels, which was chosen to be host to the competition. The hotel has expended a great deal of time and money to insure the success of the event. These efforts, coordinated with those of the AAU, deserve recognition.

The program will consist of 11 championship matches, each scheduled for three rounds, in the Olympic weights. They will be held in the hotel's famed Circus Maximum, a 1,200-seat showroom which normally features entertainers such as Frank Sinatra, Tony Bennett, Petula Clark, Eddie Fisher, Andy Williams, Harry Belafonte, and Anthony Newley.

The competition will represent a major challenge to the U.S. boxers, who are building toward a peak effort in the 1972 Olympic Games. The American coaches are assembling what may prove to be the finest amateur boxing contingent in the Nation's history.

Russia is expected to be represented by its strongest team ever. A youth revitalization program, which in Russia involves over 200,000 boxers, has produced almost a complete turnover in the Soviet squad which made an excellent showing in the 1969 Olympics and Mexico City.

Mr. President, this unprecedented competition, in my judgment, will serve to strengthen bonds of friendship and understanding between the peoples of the United States and Russia. Athletic rivalry, waged aggressively and cleanly, is a common denominator which transcends political differences. Excellence in the arena of sport commands universal admiration.

Las Vegas is justifiably renowned for the quality of its entertainment. Frequently overlooked, however, is the record of the community in promoting youth activities, charitable functions and other worthwhile activities. Certainly the scheduled international boxing competition is consistent with this splendid record of public service. I congratulate the management of Caesars Palace for its participation in a remarkable amateur athletic event.

THANKS TO AMERICA FROM A CANADIAN

Mr. JACKSON. Mr. President, Mr. David Williams, a Seattle attorney, recently wrote to me, enclosing a copy of a letter to the editor written by a Canadian, Miss Patricia Young, in which she expressed her thanks as a Canadian to America.

With so much self-criticism and introspection at large in this country, I thought that Members of the Senate and the House might be interested in this Canadian's thoughts of our country.

The letter with a foreword by Mr. M. W. Bean, editor, was published in the Daily Journal of Commerce in Seattle.

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

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

CANADIAN THANKS AMERICA

How fortunate we are to have neighbors such as the Canadians! Too seldom do the people of this country express their appreciation of the sincerity, honesty and decency of our friends across the northern border. We can depend upon them and we hope they realize that they can depend on the United States in any emergency. The letter printed below is well worth wider publicity than it has so far received and should be read, and reread, by those chronically disgruntled individuals here south of the border, who prefer to see nothing right and everything wrong with the United States. The letter referred to follows and is self explanatory:

"Permit me, a Canadian, to express a long overdue 'Thank You, America'—not only for putting a man on the moon, but for almost two hundred years of contributing to the betterment of mankind. For the airplane, radio, cotton gin, phonograph, elevator, movie machine, typewriter, polio vaccine, safety razor, ballpoint pen and zipper!

"No other land in all the world has, in so brief a history, contributed so much and asked so little—only that we live together in peace and freedom.

"From the days of Washington and Lincoln, you have demonstrated the creativity, invention and progress of free men, living in a free society—where ideas and aspirations may be promoted to the extent of man's willingness to work and build a 'better mousetrap' with commensurate rewards.

"Thank you for upholding the principles and rights of freedom and liberty; for the American Constitution and Bill of Rights and for protecting those rights even when it results in the burning of your flag and the murder of your President.

"Thank you for those who helped defend freedom on foreign soil in two world wars—a debt we have been able to pay in small measure by way of some 10,000 Canadian volunteers who stand and fight with you in Vietnam; for the Foreign Aid you give even when your hand is bitten and your motives impugned; for keeping your dignity in the face of insults from nations still wet behind

the ears; for your patience with those who seek to steal the world and enslave its people; for keeping your cool even when the Trojan horse mounts the steps of the White House to insolently spew forth its treason.

"Thank you for keeping alive the concept of individual liberty and faith in God in a world wallowing in humanistic collectivism.

"For these reasons and so much more, I say: 'Thank you America and God bless you.'

"PATRICIA YOUNG.

"VANCOUVER, B. C."

M. W. BEAN,
Editor.

THE PESTICIDE PERIL—LXVI

Mr. NELSON. Mr. President, more and more individuals are becoming alarmed about the threat to our environment and to human health from the continued use of persistent pesticides, and more and more individuals are speaking out publicly to voice their concern to others throughout the country.

Miss Jean Roach of Milladore, Wis., wrote a letter to the Stevens Point Daily Journal in which she expressed her concern about the contamination of our environment from DDT. She cites the many species of wildlife which are near extinction because of high levels of DDT residues in their systems, and asks:

Are we not going to protest until after they become extinct?

The one characteristic that makes DDT and other persistent pesticides so harmful is biological magnification, which results in an increasing concentration of the pesticide progressively along the food chains until it reaches a serious and often lethal level. Now that the very insects which DDT is used against have built up an immunity to the pesticide, Miss Roach suggests that:

Given enough time, we may not have to worry about a third world war. We may not be here, and neither will many other species of plant and animal life be here. Except perhaps the bugs.

The bald eagle has already been added to the endangered species list, but a news article from the same October 11 Stevens Point Daily Journal reports that this American symbol cannot even find refuge in our national parks. DDT residues are destroying the bald eagle in Everglades National Park, the last U.S. refuge.

I ask unanimous consent that the letter and the article be printed in the RECORD.

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

ASKS FOR SUPPORT OF MOVE TO BAN DDT

ROUTE 1, MILLADORE.—How long are we as citizens going to stand by and watch plant and animal life disappearing because of the use of DDT on our fields? Scores of songbirds, water birds, fish and small animals have already died. Are we not going to protest until after they become extinct? How many people are we going to allow to die before asking, no, demanding that DDT be banned?

Of course we need pesticides, but surely there are some that will break down or disintegrate after a certain amount of time in the field which could be used instead. And besides, insects become more and more immune to DDT anyway. It's too bad that birds such as songbirds, or the brown pelicans and cormorants off the coast of California, as a case in point, or human beings, don't develop this immunity. Certainly it isn't hard to believe that as minute forms of algae and plankton are absorbing DDT, the fruits and vegetables that we eat are also absorbing it. Given enough time, we may not have to worry about a third world war. We may not be here, and neither will many other species of plant and animal life be here. Except perhaps the bugs.

There are only two ways of stopping the use of DDT. One is through federal legislation and enforcement of laws banning the use of DDT, the other way is for those who now use DDT to stop using it, to in effect, boycott its producers. Only through law or a pain in the pocketbook will the DDT producers stop making it.

All I ask is that each of you who read this write just one letter to a congressman. One letter, multiplied by thousands, will let them know that we are concerned about our future and the future of countless birds and animals around us. Please write now.

Thank you,

MISS JEAN ROACH.

DDT INVADING LAST REFUGE OF BALD EAGLE

MIAMI.—DDT, the killer of birds as well as the insects it is sent out to fight, has invaded the last U.S. refuge of the bald eagle, a biologist says.

In fact, says Dr. William Robertson, a recent check shows that the level of DDT and similar pesticides is so high in the Everglades that the bald eagle may become extinct there.

Robertson, a biologist with the U.S. Park Services, said Friday the poison pollution is causing female eagles to lay eggs with shells so thin that they crack during incubation.

"The pesticide levels are much higher than we would have anticipated. I would call them alarming," Robertson told a group of scientists at the University of Miami.

"The levels are at the point where they are interfering with the reproductive process."

Robertson said the poisons interfere with the birds' formation of calcium, a basic ingredient in egg shells.

The remnants of a once-great bald eagle population nest in the southwest corner of the Everglades National Park, near Flamingo. Robertson has spent many hours studying the nests.

THE PEOPLE SQUEEZE

Mr. MONDALE. Mr. President, today's public awareness and debate on domestic issues has many facets involving numerous problem areas.

We hear a great deal about the urban ghetto and its difficult problems of bad housing and unemployment and discrimination. We have seen riots on television and we know the grim facts of crime in city streets.

The problems of rural America have also been brought home to us. We know that one-fourth of rural Americans are poor, that one out of three of their homes are substandard, and that their health and educational facilities are seriously deficient.

In reacting to urgent human problems which do enlist the sympathy of most Americans there is the danger that we are directing too little attention to our nonmetropolitan areas—the hinterland of small cities and rural communities. And yet these are the places where many Americans now live, where unplanned and uncontrolled growth is underway, and where many of the decisions affecting our urban future are being decided.

I feel that we are coming to realize, much too slowly, the single most important obstacle to improved growth, and that is the lack of a national land use policy.

One of the most recent articles which point to this need was published in the October issue of Better Homes & Gardens.

Mr. President, I ask unanimous consent that it be printed in the RECORD.

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

THE PEOPLE SQUEEZE

(By George Bush)

Already, seven out of ten Americans live on little more than one percent of our land. Unless something happens to stop this trend our future promises to be a nightmare.

By 1980, calling cities by their traditional names will be an idle exercise: ten of our 21 major urban centers will have merged into four sprawling super-cities. The New York megalopolis, stretching from Boston to Washington, will be a living hell for 51 million people. The strip from Chicago to Pittsburgh will have 37 million; the California coast, 27 million; and the most rapidly growing of our urban concentration's, Florida's coast-to-coast colossus, will have tripled its population to more than 10 million.

That's a total of 125 million in just those four super-cities—nearly as many now live in all our major urban centers combined.

There are still people who point to this growth as progress. After all, we think Big in this country. Why shouldn't big cities get bigger? Sure, concentration brings problems, but aren't we Americans the greatest problem-solvers ever put on the face of the earth? We'll find a way.

Such wishful thinking does little to console the millions who suffer loss of health, sanity, and human dignity trying to make a life in and around the cities *as they are today, let alone as they will be tomorrow.*

At worst, we face social collapse; at best, a constant struggle that saps us, stifles our humanism, takes all the real pleasure out of living, and offers only synthetic rewards.

LOST VALUES

Reflect, if you will, on some very basic benefits which life in America should offer—benefits that our nation took pretty much for granted until recent years:

Warmth of communal spirit, friendliness of our neighbors, respect of our fellow citizens, common courtesy in everyday transactions, a feeling of safety in our streets and homes.

And more: schools shaped by our wishes rather than by political mandates, taxation with the least waste, a daily life free from harassment by special-interest groups, the opportunity to work hard without squandering our strength on getting to and from our jobs, the opportunity to breathe clean air—and even the chance just to be alone when we want to.

WORSE THAN A JUNGLE

All this becomes a utopian dream when people are put together like animals in a cage. Life then is stripped of its simplest graces and even lacks the natural logic of the jungle to which big cities, in their ruthlessness, have often been compared.

Stand outside Chicago's O'Hare airport and you'll see freeways choked in all directions—to the city and out of the city. Where is everyone going? Well, those who come from the inner city are streaming to factory jobs in the suburbs. And those who live in the suburbs are pouring back to white collar

jobs downtown. It's a ludicrous juxtaposition of where individuals live and where they work.

In New York, the Long Island Expressway has earned the sobriquet, "The world's longest parking lot." During rush hour, in the dank, urine-scented caverns under Times Square, policemen yell, "Keep it moving" to the faceless, shuffling crush.

It's night, and a man lies in the middle of fancy Fifth Avenue. He may be drunk, he may be sick, he may be dead; your taxi driver swerves to avoid him but doesn't stop to help. "I mind my own business," he snarls.

A scream in Detroit's darkness, and people quicken their steps. Like most U.S. city dwellers, they are scared and don't want to be involved. Last year in the "Motor City" you were twice as likely to be murdered as to be killed in a traffic accident (423 homicides versus 235 traffic deaths).

MURDER IN FUN CITY

Manhattan Island, sophisticated hub of John Lindsay's "Fun City," with a population of less than 2 million, counts more murders per year than England and Wales, with a population of 49 million. In Chicago during the next ten-year period, a Negro slum-dweller faces one chance out of eight of being mugged, beaten, raped, or murdered. In San Francisco, robberies (mostly by juveniles) zoomed 65 percent last year. In Los Angeles, homicide was up 25 percent.

Polluted air engulfs all our urban centers and the adjoining countryside. California's agricultural losses alone are estimated at $100 million a year. Chicagoans get 40 percent less sunlight because of their smog. The Eastern seaboard from Boston to Washington suffers on the same scale. On the north shore of Staten Island, which is directly in the path of New Jersey's industrial fumes, the male death rate from lung cancer is almost 40 percent more than that on the relatively unpolluted south shore—and among women, it is twice as high.

Cities by their very nature have always fostered slums. Today, these slums are the cradles of unrest and public violence. Detroit burned and looted itself in an almost masochistic orgy. And there was Watts. And Newark. And Washington. And Pittsburgh.

And not only the slums are involved. The new campus violence also had its seed in the big cities: New York's Columbia University, the Bay Area's University of California at Berkeley, and San Francisco State.

SUBURBS ARE NO ANSWER

Escape to the nearby suburbs is of little help. Many are no longer peaceful havens, industry and business, in their own flight from the inner city, have invaded them. Overpriced and underbuilt housing developments stretch ever farther outward, adding commuting time and commuting confusion. Fathers spend less time at home and have less energy, less patience with their families. Women feel alone, bored, deserted. More than most of us care to admit, family life is breaking down.

Suburbs touch each other and fuse, all the while threatening to become future slums. Already, 40 percent of the nation's poor (with incomes of less than $3,000 a year for a family of four) are living in suburbs. Los Angeles actually has fewer poor in center-city than in its outskirts. Pittsburgh counts more substandard dwellings in its suburbs than in town.

Former President Johnson's Task Force on Suburban Problems last year reported a "quiet, slowly building crisis" and a lack of "community sense." The Task Force put the blame on the hurried, unplanned, piecemeal building of industry, housing, and service facilities.

This, plus the cultural isolation of bedroom developments, the confidential (but hardly surprising) report stated, has created a "dullness of existence, acutely felt by many older suburbanites and often tragically reflected in the behavior of their children. Suburban vandalism, drug offenses, and larceny by the young are on the rise."

One major cause of suburban deterioration—the move of business from core city to suburbs—shows a pitiful lack of long-range thinking. Such relocations accomplish little except to make life temporarily more convenient for executives who live in the suburbs and thus can put in less commuting time. Although these moves do increase suburban tax bases, they serve only to compound suburban congestion problems, without gaining business any of the advantages of decentralization.

THE SAD STATE OF WELFARE

In turn, the center city suffers when it is deprived of the tax revenue it sorely needs. As the business exodus to suburbia gains momentum, an increasing tax burden falls on the city's wage earners. This is often the final straw: they flee to the suburbs too, making core city more and more a welfare state. Hard-pressed for funds, the cities then seek help from state and federal governments—so in the end, all of us are paying for this snowballing calamity.

Already in New York City, more than one million persons are on welfare. In 1955, the city's welfare population increased by about 60,000. Last August, just three years later, 50,000 persons were added to the rolls in one single month. As Dr. Paul Ylvisaker, neighboring New Jersey's commissioner of community affairs once put it: "We have concentrated those least capable of helping themselves where it is least possible for them to help themselves." And the end is not in sight.

Meanwhile, with taxes, rents, and prices rising, only the rich can afford to share the city with the poor. The average man is sorely squeezed: if unionized, he strikes, and if it's a public-service strike, it can bring a giant city crashing to its knees.

Not surprisingly, New York has had the worst of this, as of most everything. Three years ago, the city was paralyzed and its horrendous traffic jams compounded when subways and buses stopped for several weeks. Last spring, the stink of refuse pervaded its concrete canyons when the garbage workers went on strike. Last fall, the teachers walked out precisely at a time when everybody was yea-saying the need for improved education in the slums. Over a million kids couldn't go to school until almost Thanksgiving time.

And even when there's no strike, the inefficiency of public services and their administrators is so stupendous that things never work well and often don't work at all. One snowfall, and New York stops dead for days.

In the last eight years, our farm population has declined more than five million. Rural centers have lost their vitality. Small towns are dying as their young people, lacking opportunities at home, follow unskilled farm labor to the cities.

The problem grows in geometric proportions, for when young people begin to leave, other young people soon follow. Cottonwood Falls, Kansas, is typical of what's happening all over the country. That little prairie town now has almost twice as many residents over the age of 65 than between the ages of 20 and 40.

Social momentum is history's toboggan ride: you get going faster and faster, and it's harder and harder to jump off. Perhaps we are doomed to lose our values, our freedom of choice, our good life. Until now, no society has been able to control inherent trends.

The question is whether this helplessness must still hold true today. Modern social science is observant; it quantifies and analyzes. Modern business is aware of social imperatives, if only for the excellent reason that tomorrow's profits depend on what happens today. Modern communications can prompt and guide the cooperation of individuals and groups across a whole continent. Modern government has become a social manager. We have the tools. We have seen the warnings.

But is there still time to reverse the trend, or at least control it? Can we do all the right things fast enough? What are the right things to do?

WE MUST STOP BOONDOGGLING

One thing is certain: disjointed, haphazard efforts will accomplish nothing. All the cries for law and order, all the speeches condemning "mod" immorality and juvenile delinquency, all the government studies and finger-in-the-dike programs float in a void.

"Black Capitalism," commendable as it may be, will not wipe out ghetto poverty. Welfare funds are wasted if they merely perpetuate existing conditions. Slum education leads nowhere when its recipients must stay in the slums. City-center beautification is an absurdity when the area all around decays. It hasn't helped Detroit, for instance, where brave new downtown buildings loom over terrorized, deserted streets at night. Equally futile in its limited scope is the federal "Model Cities" program, which would help rehabilitate one urban neighborhood in each city just to demonstrate what can be done.

New freeways are worse than useless if they result in further uncontrolled expansion of urban centers and thus bring additional traffic into congested areas. It now costs an estimated $20,000 for the additional facilities required to cram just one more car per day into Chicago or New York.

Government advisory committees are a laugh when, as happened last year, two such groups were hard at work duplicating each other's research. One was studying urban problems, the other suburban problems, and neither knew what the other was doing.

As Dr. Linley E. Juers, deputy administrator for economic research at the Department of Agriculture, says, "We have been living with a crisis orientation rather than with a planning orientation."

It goes without saying that our future is worth an all-out coordinated program. But how can we accomplish such a program when, as today, thousands of tiny governmental units all have their own say? When urban development is in the hands of countless entrepreneurs, each acting independently? When local zoning boards perpetuate ordinances that rule out intelligent design and effective action?

LACK OF CENTRAL AUTHORITY

It is evident that we cannot have an overall (or even regional) plan that actually works unless we accept some measure of overall (or regional) authority. Megalopolitan Chicago, with its more than 1,000 governmental units, simply cannot function as a whole. Nor can most cities over 50,000, with their astounding average of 90 different jurisdictions.

Of all our states, only Hawaii can—and does—exercise central authority to control the location and extent of urbanization throughout the entire state. Before any non-urban land is sacrificed to industry or mass housing, the State Land Use Commission passes on the project. If the proposed development encroaches on prime agricultural land, or land having recreational opportunities, or just plain scenic land, it is turned down.

A state relying as heavily on tourism as does Hawaii has a special incentive to preserve its natural splendors. But if such a procedure is workable in Hawaii, it can be employed with equal success elsewhere, even on a national scale.

Former Mayor Arthur Naftalin of Minneapolis has suggested a "national urban policy" that would provide for the "revitalization, expansion, and new growth of many

of our existing small towns." It would also build "New Towns" from the ground up, such as Columbia, Maryland, and Jonathan, Minnesota. (Better Homes and Gardens reported fully on these New Towns in our September issue.)

As a first step, however, Naftalin believes such a policy must concern itself with the reconstruction of our big cities. "They and their metropolitan areas . . . are going to grow larger," he says. "We will not be able to reverse the trend of urban settlement."

This may be so. God help us if it is. But the editors of Better Homes and Gardens believe every effort must be made to slow and control the population implosion.

Most crucial in the overall picture is migration from the country to the big city, which has involved nearly 20 million people since 1940. Calvin L. Beale, the Agriculture Department's chief demographer, sees some encouragement because the size of the rural population did not change much last year. He thinks the major postwar adjustments are behind us, and that the farm population may well stabilize at its current 10 million.

RURAL PROGRAMS

However, Senator James Pearson from Kansas has projected that it takes 500,000 new jobs a year in our rural communities just to stay even. Pearson and about 30 other senators and representatives are sponsoring a Rural Job Development Act which would allow far-reaching tax incentives—including additional depreciation allowances—to businesses creating new jobs in our less-populated areas.

This is certainly a step in the right direction, as is the Department of Agriculture's new "Plant Location Center" under the direction of John R. Fernstrom. The Center has amassed pertinent information on rural areas for use by manufacturers interested in building new plants. More than 6,000 letters have gone out to small businesses, alerting them to this service. But the response so far has been less than encouraging. At this writing, only two companies have acted: a chocolate-drink manufacturer and a maker of steel joists.

WHERE OUR MEDIA FAIL

To get to the root of the problem requires not only a stronger government stance, but a deep involvement by industry, the public, and our communicators. The media—newspapers, magazines, television, radio, the movies—have created a national awareness of the city slum crisis, but they are still glamorizing big-city life, as if the two had nothing to do with each other.

Our young people are totally ignorant of the drab and difficult day-to-day existence facing urban residents when their wild-oat years are over and they finally settle down. At the same time, the media have failed to stimulate our young people's interest in smaller communities—failed to show how easy and pleasant, and yet how challenging, life in such circumstances can be.

Government, in turn, cannot make quelling ghetto misery its only major aim, any more than a doctor can cure an illness by merely alleviating its symptoms. Instead of pouring all its money into hopeful stopgap measures, the government in Washington must allocate significant funds to the planning and execution of a countrywide rejuvenation.

It must put its weight through the Congress, behind a simplified system of local jurisdictions. It must work with the private sector in building New Towns. It must enlarge the funding of the Economic Development Administration, one of whose jobs is to make public-project grants and loans to rural communities so they may find new life. It must encourage industry through tax incentives, and perhaps even direct subsidies, to locate in our smaller cities and towns.

The major support should go to locations that have an available labor supply and can grow to the point where investment makes modern community life possible. In addition to the basic industrial requirements of power, water, and transportation, this means sanitation, medical services, schools, libraries, churches, and a variety of cultural and recreational facilities. Without such incentives, communities just cannot hold or attract today's young people.

HOW BIG SHOULD A CITY BE?

At the same time, our sociologists must study the problem of optimum city size. What is the level of population and dollar investment at which a city works best? No community should be supported in its growth, or allow itself to grow, beyond that point.

But of all the forces that can combat the super-citification of American life, *business* offers by far the greatest promise, since conditions today actually favor decentralization. Long-distance communication and transportation have become easier and faster. There has been a burgeoning of light industry, which doesn't depend on proximity to raw materials. Local labor is available in greater numbers than ever before, due to the decline of agriculture, mining, and other industries that depend on local resources. The country is wide open for business!

Indeed, more and more forward-looking companies have found they can operate advantageously by expanding, perhaps even relocating, to areas outside the perimeters of our larger urban complexes. Of the 1.2 million jobs added each year to our economy since the early 1960s, fully one third were created in counties with no city as large as 50,000 population.

PIONEERS IN DECENTRALIZATION

Minnesota Mining and Manufacturing of St. Paul, for instance, has plants scattered throughout the country, mostly in small cities such as Medford, Oregon.

Baxter Laboratories, a major drug manufacturer headquartered in the Chicago area, started a plant in Mountain Home, Arkansas, in 1963, with less than 50 employees. Now almost 800 employees, drawn from a 50-mile radius, make hospital disposables, blood bags, and drugs.

Dow Chemical of Midland, Michigan, considered buying a New York skyscraper but then decided against it. With some exceptions, its branches have been located in non-urban communities such as Freeport, Texas; Russellville, Arkansas; and Findlay, Ohio. Overall, it now employs about 22,000 people in areas outside of super-cities.

Phillips Petroleum, of Bartlesville, Oklahoma—like Dow, one of the few billion-dollar American industries with a non-urban home base—has made it a point in the last three years to push development in rural areas that need employment opportunities. It has, for instance, established a plastic pipe plant in Pryor, Oklahoma, and assisted in developing a number of projects such as a tufted carpeting mill on the Crow Indian reservation in Montana.

McDonnell Douglas, the big aerospace manufacturer headquartered in St. Louis, has a specific program for locating parts plants in the rural areas of Tennessee, Arkansas, and South Carolina. It has trained and now employs up to 100 local people in each of eight small communities. If business conditions over the next few years permit, this program may be expanded.

Scovill Manufacturing Company is a major producer of housewares and other consumer items headquartered in Waterbury, Connecticut, but many of its branches are located in areas outside the super-city complexes. The Hamilton-Beach division, for example, recently moved from Racine, Wisconsin, to smaller towns; its manufacturing facilities, employing almost 1,600 people, are now in Clinton and Washington, North Carolina. Another division, which originally made time valves, aerosol valves, and fluid power products in a ten-story building in Brooklyn, New York, was split up according to product and relocated in Wake Forest, North Carolina; Dickson, Tennessee; and Manchester, New Hampshire.

PLANS PROSPER IN SMALL COMMUNITIES

Location outside urban centers rarely seems to cause major problems. If anything, the general atmosphere is more conducive to good business and happy employee relationships. Winnebago Industries, Inc., a manufacturer of camper vehicles in Forest City, Iowa, is a case in point. In ten years, its payroll rose from 13 to 1,000; each of the last five years, the company's sales volume has doubled.

"I don't believe," says Edward H. Wilson, manager of Winnebago's marketing services, "that our team effort or team atmosphere is usual in the large cities, where most of the employees have very little personal attachment with the corporation."

Regardless of the size of a new industry, its contribution to the local economy and the resultant standard of living is significant. In fact, a new firm has vastly more economic impact than bare employment and company profit statistics ever indicate at first glance.

THE OWENS-CORNING STORY

Take the case of Waxahachie, Texas. Until six years ago, when Owens-Corning Fiberglas moved in, the little town had little to look forward to. It wasn't exactly sleeping, but it was certainly getting drowsier by the day.

The Owens-Corning invasion was relatively modest; even today it involves only 251 employees. But it provided enough adrenalin to perk up local enthusiasm for new enterprises. Waxahachie got a new bank, new school, new supermarket, an apartment area, and a new motel. The reborn city has now attracted an Armstrong Cork factory as well. "Owens-Corning sure did a lot for this town," says James Taylor, head of the chamber of commerce.

The Texas move was typical of the Owens-Corning penchant for wide-open spaces. Only two of its 12 planned locations—Kansas City and Santa Clara—are names familiar to most Americans. Conversely, among its biggest operations are Aiken and Anderson, South Carolina, both relatively unknown, each with nearly 2,000 employees of the Owens-Corning company.

"We like plenty of room for our plants," says William W. Boeschenstein, the company's executive vice-president. "We avoid industrial parks or crowded industrial areas. We want easy expansion, without fear of butting up to neighbors or having to negotiate years later for adjoining property that has soared in value."

According to a recent study in Venango County, in the long-impoverished northwestern corner of Pennsylvania, each 100 new jobs in a community result in employment for 74 other people. They also increase local retail sales by $360,000 and add $270,000 to local bank deposits. Such facts take one of the major arguments out of complete business relocation.

WHY NOT MOVE WHOLE INDUSTRIES?

Faced by union pressures and fear of urban payroll depletion, government so far has not looked favorably on moving whole plants. Even the new Pearson legislation requires that, except where exemption is granted through bureaucratic channels, a new plant must recruit at least half of its labor force locally to be eligible for tax benefits. Yet it's fairly obvious that if you have a community with 1,000 unemployed, and you import 1,000 employees from outside, nearly all the local unemployed will soon find jobs in the service industries catering to the new population.

Nobody would suggest moving all or even most industry out of urban centers. So-called

heavy industry is made up of huge operations whose removal would be a true blow to the economy of their current locations. Furthermore, plant production often depends on local natural resources or local marketing position.

Even with smaller businesses, it's a costly process to relocate labor forces, involving far more than their mere transportation. When you talk about moving hundreds and thousands, it means building whole new housing and commercial developments. It also means making sure that none of the relocated families lose money in the process. Industry alone may not be able to afford such an ambitious enterprise; this is another area where government could step in constructively.

There are many human factors involved in such a forced migration, and we don't want to be glib about that aspect. But executives and assorted specialists have been shifted around for years (often to less pleasing locations than the ones they left), and we see little reason why labor can't be sold on the *very real living advantages* to be gained in escaping congestion.

Not that any of this would be easy to accomplish. To reverse a social trend is a monumental, unprecedented task. To shape history rather than to let it happen, to master change rather than to be its servant, requires great purpose and great strength. The troubles of transition are not a sacrifice when they lead to a new and better life. Better Homes and Gardens believes Americans can muster the will, and will find the way.

MORATORIUM DAY ON IDAHO CAMPUSES

Mr. CHURCH. Mr. President, as at colleges and universities in other parts of the country, moratorium day is being observed today with peaceful demonstrations and discussions on most campuses in Idaho. In all, thousands of Idaho students are expected to join these gatherings to show their deep concern with continued American participation in the war.

In some cases, the moratorium day activities at Idaho colleges and universities will be extensive; at others, they will simply include discussions of the implications of this war for our Nation. But, large or small, formal or informal, these demonstrations are a manifestation of the growing realization, shared not only by young people, but by all Americans, that the time has come for the United States to cease its participation in the Vietnam war and turn the fighting back to the Vietnamese.

At the University of Idaho, moratorium day observances began yesterday with canvassing by students in the city of Moscow to stimulate local action against the war. Today's activities were scheduled to begin with a breakfast discussion, to be followed by a panel discussion in the early afternoon featuring physicists, sociologists, and scientists from the University of Idaho and nearby Washington State University at Pullman. Later in the afternoon, an antiwar play—"The Summer Tree," by Ron Cowen—will be staged on campus, and this evening full feature teach-ins on the war in university dormitories.

At Idaho State University, Pocatello, activities also began yesterday with a peace march through the city, culminating in a rally. Today's observances will feature a morning forum discussion and a reading of the names of war dead from Idaho. This afternoon, faculty members will lecture at the student union on various aspects of the war, then students will hold their own lecture series for members of the faculty on student concerns about the war.

At Boise State College, the day will be marked by an all-day open forum discussion of the war at the student union. In the early afternoon, there will be a silent vigil at the college's war memorial, and in the evening, a candlelight parade through Boise to the State capitol for a reading of the names of the Idaho war dead, to be followed by a prayer service at St. Michael's Episcopal Cathedral in which several other local churches will join.

At the College of Idaho, Caldwell, Moratorium Day was observed on Tuesday with a peaceful gathering of students to protest the war, and with discussion and singing.

At North Idaho Junior College, in Coeur d'Alene, today's observances will feature a panel discussion this afternoon on the implications of the war.

At the Lewis-Clark Normal School in Lewiston, activities will include discussions on the war in individual classrooms.

Mr. President, the war in Vietnam was caused by no one man and no one party, but it is the responsibility of all men and both parties to bring this war to an end. In the light of the thousands of lives being lost, there can be no stop in discussion and no halt to the necessity for leadership in terminating further American participation in the combat.

By their peaceful protest, Idaho young people—joined by many other thoughtful citizens—are acting today to show their concern. I commend them for their action.

WATER POLLUTION

Mr. NELSON. Mr. President, it is encouraging that public opinion and governmental action reflect the urgent need we have in this urbanized and industrialized country to come to grips with the problem of using and preserving the environment in which we live.

One area that is receiving particular attention in recent weeks is the area of water pollution. The species man is a land dweller, but is totally dependent on the vast amount of water on this planet for his survival. We are told that a man can survive without food for 3 weeks, but without water for only 3 days.

Until recently, however, man viewed the enormous supply of water available to him as an unlimited resource to be used for drinking, cleaning, recreation, and waste disposal without taking the precautions that would insure its continued use for future generations.

In regard to the problem of water pollution control, I would like to place several articles in the RECORD.

The article entitled "Lim Lab" describes the polluted condition of Lake Minnetonka and the efforts undertaken by Richard G. Gray, Sr., to create a $4 million fresh water biology laboratory there.

The second article sketches the danger of dense algae concentration, specifically in the Fox River in Wisconsin.

The third article indicates the efforts of the Department of Interior to investigate possible industrial polluters, again on the Fox River.

Finally, I insert an article reporting a speech calling for new approaches in fighting pollution.

Mr. President, I ask unanimous consent that the four articles be printed in the RECORD.

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

[From the Minneapolis (Minn.) Tribune, Sept. 7, 1969]

LIM LAB

(By Skip Heine)

"I woke up one morning last year and the smell from Lake Minnetonka was terrible. The condition of the lake was deplorable. Everybody was talking about doing something—but nothing was getting done."

So Richard G. Gray, Sr., an industrialist who has a home on Lake Minnetonka, started looking around for help. One of his first steps, along with banding together with friends who have houses around the lake, was to see Dr. Allen J. Brook, head of the University of Minnesota's Department of Ecology and Behavioral Biology.

And Gray got another surprise. As he put it, "I found there was no horse's mouth to turn to for information." He learned that nowhere in the nation was there a group of scientists from every related discipline working together to study lake problems.

In particular, he found that for a state with more than 15,000 lakes (10 acres or more in size), Minnesota had little study of lakes and streams—the science known as limnology—until about five years ago.

Clearly, in Gray's mind, it was time to do something. Last year he formed a fund committee to find money for a $4 million fresh water biology laboratory on Lake Minnetonka. The committee today is a long way from its goal. When the Lim Lab comes into existence, it will be staffed with University of Minnesota students and professors. Eventually, it will be turned over to the university.

"It's disappointing that Minnesota hasn't taken the lead in these studies," Dr. Brook said. "In fact, the world looked to Wisconsin and Indiana for answers."

The University of Wisconsin's limnology studies, unlike Gray's proposed program, are not totally devoted to solving the problems of lake pollution and accelerated aging.

But the Minnesotans had looked in the right direction. Members of the University of Wisconsin's Zoology department, now recognized nationally in their lake research, have been fighting to clean up the Madison, Wis., lakes since before the turn of the century. Madison's Lake Monona is a classic example of how persistent, and ultimately, how right the department's theories were.

In 1896 alarmed citizens of Madison asked advice to find effective means of stopping the growth of weeds and algae in Lake Monona. The scientists determined that municipal sewage would have to be diverted from that lake. For a while the advice went unheeded. Carloads of copper sulfate were used to poison the algae, but the program was curbed when dead fish floated to the surface. In the 1930s, the city got around to diverting the sewage into neighboring lakes Kegonsa and Waubesa. Enraged residents near those lakes sued the city and in 1941 the state legislature passed an anti-pollution bill aimed at that problem. Finally, in 1959, the effluent was diverted from those two lakes.

"It's interesting," said Dr. Arthur D. Hasler, director of the Limnology Lab in Madison, "how rapidly lake Monona began curing

itself once the poisons and sewage were removed.

"This problem is not like some cancer. We know the causes and we know the cure. The problems are economic, political and plain cussedness. The cure is to put the lake on a diet."

Dr. Hasler gained national recognition for his discoveries on salmon migration and homing instincts, and he claims the distinction of being the first zoologist admitted into the National Academy of Sciences. He directs the research projects of graduate and post-graduate students at the "Lim Lab." Their work now varies from "The Physiology of the Black Bullhead, Ictalurus melas" to "Nutrient Availability of Lake Water and Sediments in Lake Wingra."

The five lakes near Madison plus an attractive two story building cantilevered over the waters of Lake Mendota constitute the limnology students' laboratory.

Two years ago, weeds had grown so thick in Lake Mendota that some citizens became aroused. Pamphlets were printed. Photographs showed two to three-hundred-yard-long weed beds, and ducks seemingly strangled to death by the plants. Committees were formed "to do something."

Then controversy arose over whether to use poisons or mechanically harvest the weeds. Dr. Hasler fumed publicly for months, cautioning the city that poisoning the weeds would add to the problem.

"It's stupid to be putting poisons in lakes," he snapped. "This isn't farmland where you can control the flow of poisons. And if you do poison the weeds they'll fall to the lake bottom. In the decomposition process, the weeds will take up oxygen and space needed by game fish. Once decomposed, the weeds will just add another nutrient to the lake."

Proponents of poisons prevailed. This year the poisons apparently have had little effect on the weed problem—and a different type of aquatic plant has moved onto the lake.

"But those people aren't the only ones at fault," remarked the professor. "Our own university is contributing to this problem by dumping concrete into the lake. And almost every construction on this campus has contributed to the silt in the lake."

Dr. Hasler believes that filling the lake bottoms upsets conditions needed by some game fish. Many lakes, he explained, have a layer of cooler, oxygenated water on the bottom which is the natural habitat of fish such as the lake trout. Dr. Hasler argues that by forcing the cool layer closer to the heat of the surface, the proper balance of temperature and oxygen is lost and the result is that some game fish will relocate and some will die.

Dr. Hasler believes this process of upsetting natural habitat is now going on in Lake Superior because of the taconite dumpings.

"I was able to get one consultant for the taconite industry in Minnesota to withdraw his testimony on moral grounds. He was to testify that taconite is not harmful to fish," said Dr. Hasler, "But, dammit, the fact is you don't fill up lake bottoms and he knows it!"

Although engaged in a variety of research projects, Dr. Hasler's staff seems to echo his concerns for the future of the lakes. Tom Wissing has been studying the Madison lakes for five years. His studies have centered around the physiological process of aquatic animal growth, but he hasn't become so involved that he can't see the lake for the microcrustaceans.

"I've been here five years and have seen the lakes go downhill. Two years ago we could fish in University Bay of Lake Mendota and now you can't. Last year we had a problem with rooted weeds—now there is trouble with a non-rooted variety.

"Engineers say, 'Give us X amount of dollars and we'll clean it up. You may not have any fish but the waters will be clean.'"

Mits Teraguchi, a Canadian-born graduate student, is involved in an obscure sounding, but highly relevant project titled: Vertical Distribution and Migration of Mysis relicta Loven in Green Lake, Wisconsin.

Mysis relicta, a microorganism left behind by the glaciers, is an excellent fish food. It is also highly sensitive to changes in temperature and oxygen and can't be expected to survive in a lake that is aging at an accelerated rate. This animal has been absent from Lake Mendota waters for years.

However, when planted in Kootenay Lake, in British Columbia, the fish size and population increased significantly. Mysis relicta is found in many healthy lakes and is not considered an unnatural, or "exotic" animal.

"I'm not saying we shouldn't change the lake's environment," Dr. Hasler said, "we should direct it. The laws are asinine. Nothing should be used until it has been tested.

"As it stands now we say we'll try it until we get into trouble. It isn't the young people who want to use poisons, it's my age class which is in authority. We've got to get them to change their ways. Decisions must be made in the next ten years or the younger generation will lose out.

"And we've got to stop using the term, aging," he continued. He believes the term is sometimes misused to indicate that the alteration of a lake by pollution is a natural process. "Hell, all lakes are aging. Lake Erie will be around 40,000 more years . . . yet it's so poisoned now that it's almost unusable."

"Even people in the University have to realize the relevance of their data in a practical way," commented Mits Teraguchi. "The public is getting too smart to allow professors to remain in their ivory towers."

[From the Appleton (Wis.) Post-Crescent, Aug. 31, 1969]

Dense Algae Concentration Could Cause Fish Kill in Lower Fox

(By Tom Torinus)

Tons of algae pouring from pea-green Lake Winnebago into the Fox River is consuming oxygen in the water and threatening the lives of fish.

"I have been expecting to hear about a big fish kill in the river," said Dick Harris, district fish manager for the State Department of Natural Resources, Friday.

Other state and industry pollution experts who watch the river closely agree that the situation is worse than in previous years and has reached the critical stage for fish life. A few cloudy days or even rainfall could make it worse.

Carl Blabaum, a top water pollution official of the Department of Natural Resources, Friday called the situation "pretty darn dangerous."

WINNEBAGO KILL

Apparently there is no imminent threat to the fish in Lake Winnebago. However, R. M. Billings, assistant to the vice president of research and engineering for Kimberly Clark Corp., said Friday, "If we don't get some help, we're going to get fish kill there too."

An unusual set of conditions pose the threat. Normally at this time of year warm weather increases the activity of bacteria in the water which use up more dissolved oxygen. At the same time the flow of the river becomes sluggish due to low water. That means there is less water to supply dissolved oxygen.

Because of these conditions dissolved oxygen levels in the river always are lowest in August.

ALGAE ROTTING

This year the unusually heavy load of rotting algae has driven the levels lower than they have been for some time. The algae, like other pollutants, use up oxygen in the water as they decompose.

Lake Winnebago and the river have been spared the full effect of the algae thus far because the days have been sunny and clear. In weather like this, when sunlight is reaching the algae, it grows and blooms.

However, cloudy weather now, or even a rainfall that would cloud the waters, could start a massive algae die-off. That would expend much of the scarce oxygen left in the water and hurt the fish.

TOLERANCE LEVEL

On Friday morning a dissolved oxygen reading of only .8 parts per million was recorded near the mouth of the Fox at Green Bay. The tolerance level for even the heartiest of the rough fish is considered to be about 1 part per million.

Such low oxygen levels could hit the fish at the time of the year when they are weakest, compounding the ill effects.

A lock tender at the Rapid Croche Dam below Kaukauna said late Friday that carp and other rough fish already had begun to die there in small numbers. The dissolved oxygen reading there Thursday had been 2.0 parts per million, but the level had been dropping for several days. It was 5.9 Aug. 7, fell to 2.8 on Aug. 21, then to 2.2 Wednesday.

Billings said the slow rate of decline in dissolved oxygen may have helped the fish get acclimated to the low levels, but he speculated that they could not live for extended periods in water less than 1 part per million.

MORE OXYGEN

Not all fish in the river, which include some northern pike and many perch as well as carp and suckers, would be severely affected by the lack of oxygen. There are spots in the river, where air is added to the water. Fish who find a spot like this will stay there to protect themselves.

Harris said there have been fish kills in the Fox in past years, but this year the algae condition seems to be especially bad.

Billings calculates that up to 332 tons per day of algae have been pouring over the Neenah dam into the river. The figure varies each year but has not exceeded 300 tons per day in the previous five years.

FOUL ODORS

James Lissack, district supervisor for the state Department of Natural Resources, said the algae decomposition in the river could result in foul odors as well as a fish kill. As the rotting algae pile up in backwaters and stagnant bays the odor would become pronounced.

He, too, points to the extended period of sunny weather. Cloudy weather now, he feels, "could cause a severe drop in dissolved oxygen levels."

A good example of what might happen occurred in stagnant water near the intake to the Menasha water plant last week. Rotting algae built up, causing the odor, and some fish died.

FOX HIT FIRST

The Fox would be hit before Lake Winnebago because it carries a heavy load of pollutants from paper mills and municipal sewage treatment plants not carried by the lake. These pollutants use up dissolved oxygen in their decomposition process, too, and keep the river levels below those in the lake. When the algae hit, therefore, the river already is at a disadvantage.

However, if the algae die-off were extremely bad, the lake could be affected.

The quality of the Fox River actually has been improving for the past few years, at least in terms of dissolved oxygen.

READINGS BETTER

Dissolved oxygen readings below 1 part per million were common in August 1965 and the levels fell below 1 during a short period in August 1966, but in 1967 and 1968 there were no readings below 2.

Billings and state officials attribute the

improvement to several factors: the higher flow of the Fox in recent years, the discontinuance of sulphite pulping operations at the Kimberly mill of Kimberly-Clark and the installation of pollution abatement equipment by industry.

As a result of the improvement in the past few years more fish have come into the Fox and reproduction has taken place. "We have been working to improve the river, and we have done it," Billings said. "Now Mother Nature comes along and destroys our efforts."

[From the Appleton (Wis.) Post-Crescent, Aug. 31, 1969]

PULP, PAPER MILLS ON FOX TO BE PROBED FOR POLLUTION—DETERMINE EFFECTS ON GREEN BAY

(By Frances McKusick)

WASHINGTON.—Pulp and paper mills discharging waste into Wisconsin's Fox River will be investigated in the near future by the U.S. Department of the Interior to determine the pollutant effect on Green Bay.

This information was disclosed to The Post-Crescent today by Carl L. Klein, assistant secretary of the interior for water quality. Klein Wednesday announced that the department was moving to crack down on pollution in the Great Lakes area.

A native of Ashland, Wis., Klein said he is personally familiar with conditions in the Fox Valley.

"Off hand I would say that the majority of the pollution being discharged in the Fox River and carried down into Green Bay comes from the pulp and paper mills in Neenah-Menasha and near Appleton," Klein said.

OTHER COMMISSIONERS

Investigators, according to Klein, "either have been in the Appleton-Green Bay area to study the water pollution, are there now or soon will be, Klein said he could not definitely say just where the investigators are because they are under the jurisdiction of other commissioners, but he emphasized that the investigation, if not already under way, certainly will begin soon.

The task force investigation of the Wisconsin area, which also includes Racine, is part of a plan being used by Interior in hopes that Lake Michigan water pollution can be or will be abated.

The Interior Department announced Wednesday it will use a 1965 federal law in hopes that it can bring the polluters of Lake Erie under order quickly.

Simultaneously under the 1965 law, the department brought action against polluters of interstate waterways in Kansas, Oklahoma and Ohio.

HICKEL ORDER

Interior Secretary Walter J. Hickel has ordered hearings and given the polluters six months to stop violating water quality standards. Otherwise, polluters will be taken to court, Hickel announced.

These six months' periods of grace given firms polluting water comes under a 1965 law. Previous federal action against water polluters were invoked under another law requiring the government to give the polluters 18 months before seeking a court abatement order.

"Congress soon will be asked to amend the present 18 month law so that we can enforce compliance within a shorter time, especially in serious cases," Klein said.

[From the Appleton (Wis.) Post-Crescent, Sept. 11, 1969]

NEW APPROACHES NEEDED TO FIGHT POLLUTION: LYNCH

Someday, if we are ever to lick the pollution problem, we may have to adopt the philosophy that the producers of pollutants must be responsible for its ultimate disposal, a well known conservationist told the Kiwanis Club of West Allis at a recent meeting.

The speaker Russ Lynch, past chairman of the state natural resources board, said he has suggested to Gov. Knowles that the state take the lead in taxing producers of pollutants, such as bottles and cans, at the jobber level. Costs of pollution, he said, should not be borne by local governments.

Lynch added that probably this wasn't exactly the way to tackle the problem of waste control, "but I think something of the sort must be done."

Makers of bottles and cans could do a good job of recovering, Lynch said, and said the Wall Street Journal recently reported that Reynolds Metals Co. is paying ½ cents for the return of aluminum cans in the Los Angeles and Miami areas.

"We're going to see more of this," Lynch predicted.

It costs money to restore and protect our environment and in this era of tax rebellion, programs may be hard to put across. However, Lynch pointed out, this country spends $890 million for pet food, $5 billion for cosmetics, and billions for beer and liquor.

"I like pets. I like to see good looking women. I like whisky. I'm not suggesting we do without these pleasures, but I do suggest that they cannot come before vital necessities and protection of the environment is vital," he said.

Lynch traced the beginnings of awareness of pollution. Human excrement was identified as the source of disease bacteria less than a century ago. Sewage treatment followed. The first trickling filter was installed in the 1890's and the first major activated sludge plant in the nation was built in Milwaukee in 1920.

Other contaminants were recognized as time went on, but the word "pollution" has only fairly recently been used to include all materials.

Pollution increased much faster than knowledge and action. World War II held up construction of sewers and treatment facilities but fostered a technological explosion which produced a flood of new and often complicated pollutants. "And science has not determined what these things may do to people over a long term," he added.

Action in the 1960's to control pollution should have been done in the 1940's, Lynch declared. After the war there were delays extended by permissiveness. "We have never caught up . . . at the rate we are moving, we never will," he predicted.

The Water Resources Act passed by the legislature in 1965 was the first major step in providing money and manpower to combat pollution.

Man doesn't actually know what remains in the effluent of treated sewage, Lynch said. Material that resists treatment is called refractory. He said that Chicago, which has one of the most efficient treatment plants in the country daily had 1,800 tons of refractory material in their plant's effluent.

Fifty treatment plants are under construction in the state, and there should be 30 new ones in the next few years. River basins in the state are being checked once in four years. The state is sampling monthly at 35 locations, most along the state line. Eventually, if funds are provided, there will be 10 automatic sampling stations along the major rivers.

Imaginative approaches to some problems are needed, Lynch said, old ways will not do the job. Solution for most waste problems is essentially simple, Lynch said; establish a reuse cycle. "But in our affluent, profligate and undisciplined society, it is easier to throw away something and replace it."

TAX REFORM NO. 1: DEMOCRATIC STUDY GROUP TAX REFORM FACT BOOK

Mr. METCALF. Mr. President, on October 8, the Committee on Finance completed its hearings on the House-passed tax reform bill and the following day began executive sessions to mark up its version of the bill. It is already apparent that when the bill reaches the Senate floor for debate and amendment it will take a substantial amount of work to shape that bill into a vehicle for meaningful tax reform this year.

At my request, the Democratic Study Group—DSG—in the House of Representatives has updated its Tax Reform Fact Book to reflect final House action, and over the next week or so, I plan to insert that book into the RECORD a section at a time so that my colleagues will have access to this highly valuable research tool in advance of the bill being reported out of committee. At the same time, I shall comment on developments that have occurred since the book was updated, since this matter has been moving along at a rather rapid pace in the Senate. One of the things I shall try to comment upon as these sections are introduced each day is the administration's shift in policy in many of these areas over the last several months.

I am referring to the differences between the testimony of Treasury officials when they testified before the House Committee on Ways and Means last April and the testimony of those same officials before the Senate Committee on Finance last month. I should point out that on September 30, Treasury officials submitted a technical memorandum of their positions on the bill that reflects a significant shift in attitude in many important reform areas from the administration's position last April. Since part 1 of the hearings before the Senate Finance Committee has now been printed the statements and latest recommendations of the Treasury Department are now available to each of us to examine for ourselves.

As a former member of both the House Ways and Means Committee and the Senate Finance Committee, I recommend the revised edition of the DSG Tax Reform Book to Members of Congress as a highly professional and useful document.

Mr. President, I ask unanimous consent to have printed in the RECORD the introductory section of the DSG Fact Book on Tax Reform. Tomorrow I shall place in the RECORD the section which discusses the taxation of oil, gas, and minerals.

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

DSG TAX REFORM FACT BOOK

INTRODUCTION

This DSG Fact Book is intended to provide a better understanding of one of the most complex and sensitive issues before this Congress. It has been specifically designed to serve as a yardstick for measuring tax reform measures which come before Congress and to assist Members in answering constituent inquiries and devising additional legislative proposals.

Background

The pressure for tax reform has grown steadily in recent years as inequities in the Federal tax system became impossible to ignore.

Recent reform efforts, mainly in 1962 and 1964, were limited to such items as minimum

standard deduction, curbs on expense account deductions, repeal of the dividend credit, fuller taxation of foreign tax-haven corporations, and a limit on use of multiple properties for computing depletion.

But the glaring loopholes that enable special interests and the wealthy to avoid paying their fair share of the tax burden have been largely ignored, while public confidence in the basic fairness of the tax system has steadily eroded.

Public disenchantment and anger increased significantly within the past year with disclosure that more than 24,000 individuals with adjusted gross incomes of $10,000 or more paid not one cent in federal taxes in 1964. The amount of income involved exceeded $500 million. A similar study revealed that 21 millionaires and 134 other wealthy individuals whose incomes exceeded $200,000 paid no federal taxes whatsoever in 1967.

In contrast, 2.2 million families with incomes below the poverty level in 1967 were required to pay some $100 million in federal income taxes.

These disclosures were made in a series of studies prepared by the U.S. Treasury in response to a provision of the 1968 Revenue and Expenditure Control Act and made public in December of last year.

The Treasury findings and recommendations served as a focus for comprehensive tax reform hearings by the Ways and Means Committee earlier this year and stimulated the Nixon Administration to propose some preliminary tax reforms to Congress in April, and promise more later.

As a result of this activity, two tax reform proposals—repeal of the 7% investment tax credit and adoption of a low income allowance—were included in the surtax bill that passed the House, 210–205, late in June.

The meaning of meaningful tax reform

The Internal Revenue Code is a voluminous document that begins with a simple statement that all income shall be subject to taxation. The balance of the code consists of page after page of exceptions to this clearly-defined principle.

Tax reform is an effort to improve or repeal exceptions and exemptions that are unwarranted or obsolete, and to assure that the tax system is fair and just to all segments of our society.

Thus the AFL–CIO, and other elements in American society, call for a thorough overhaul of the federal income tax structure to accomplish three objectives:

(1) Elimination of special tax privilege loopholes for wealthy families and businesses;

(2) Removal from the tax rolls of the impoverished; and

(3) Reduction in the relative tax burden for low and moderate income families.

That such reform is sorely needed was documented by the U.S. Treasury Department last year in a series of studies which noted that "our individual income tax system has developed great disparity and unfairness."

The Treasury study then went on to define tax reform as an effort to promote four general goals:

(1) Keeping tax burden in line with ability to pay: "The ability to pay objective is basic to our tax system. Factors which are generally accepted as influencing taxpayers' ability to pay taxes are income, family size, and to some extent personal and business expenses including those related to the earning of income."

(2) Equity of tax burdens among similar taxpayers and between dissimilar taxpayers: "The equity objective is twofold: taxpayers similarly situated should pay equal amounts of tax and dissimilar taxpayers should pay unequal amounts of tax according to their different abilities to pay. And, in keeping with the general progressive nature of our tax structure, high-income individuals should pay a larger share of their incomes in tax than is required of lower income individuals."

(3) Tax simplicity: "Tax simplicity is encouraged in instances where complex provisions are apt to produce undesirable taxpayer errors which lead to incorrect allocations of tax burdens, where the vast majority of taxpayers can be spared computational and record-keeping tasks without the sacrifice of fairness, and where tax administration can be made more efficient."

(4) Neutrality of the tax system in economic decisions: "Neutrality of the tax system is an objective because it is generally undesirable for special provisions of the income tax to influence the outcome of economic decisions of taxpayers, since otherwise investment resources are misallocated where tax savings through special preferences are considered."

Supplemental tax materials

Several excellent tax reform publications are available to Members and their staffs to supplement information in this DSG Fact Book. Among the most useful are the following:

"Tax Reform Studies and Proposals": A joint publication of the Ways and Means Committee and the Senate Finance Committee. The 4-volume series includes the full text of Treasury studies and recommendations submitted to Congress on December 18, 1968, in compliance with the 1968 Revenue and Expenditure Control Act.

"Tax Reform, 1969": This is the 15-volume printed record of this year's Ways and Means Committee hearings. Volume 14 contains the full text of Administration proposals and accompanying Treasury explanations. It includes testimony of 350 witnesses plus statements and other material submitted by hundreds of others. The tax policy position of nearly every important organization in the country is outlined in this well-indexed series. It can be helpful in determining the "politics" of specific, and often highly technical, tax proposals.

"The Case for Tax Justice": A 15-page reprint from an AFL–CIO magazine that provides accurate and easy-to-read explanations of all the important tax reform issues. Included are sections on capital gains, depletion, real estate, farm investments, foundations, conglomerates, and tax relief. It is especially valuable as a source of speech and newsletter material.

DSG Fact Sheets Nos. 91–6 and 91–7: DSG Fact Sheet No. 91–6, June 23, 1969, includes information on repeal of the 7% investment credit and the low-income allowance which were adopted by the House in June. DSG Fact Sheet 91–7, August 4, 1969, contains a summary of the basic provisions of the tax reform bill reported by Ways and Means on July 31, 1969.

How to use this DSG Fact Book

This fact book provides basic information on the major tax reform proposals being discussed or acted upon in the current tax reform effort. The information is presented in standardized form for easy reference purposes.

The 32 reform proposals treated in this fact book do not, of course, represent a comprehensive list of tax reform possibilities. The 32 do, however, deal with the most obvious problem situations. Each has been involved in one or more of the following: Bills introduced in the House, the Treasury studies, Administration recommendations, and Ways and Means hearings.

A separate fact sheet has been prepared on each reform, with the various fact sheets divided into sections depending on the type of reform involved.

Each fact sheet contains the following standard information:

The Problem: This section is designed to put the situation in perspective. In most cases it provides some historical background and shows how a certain kind of tax shelter, loophole, or other avoidance device works.

Present law: This is merely a statement of the law in the problem area involved. More complete information can usually be obtained by referring back to discussions in Treasury's "Tax Reform Studies and Proposals."

Pending proposals: This identifies the most important legislative proposals dealing with each reform. Identical or similar bills also are listed. Bill numbers can be used in checking the "Legislative Calendar" of Ways and Means to ascertain the names of Members sponsoring the various bills.

Revenue impact: This is the latest official estimate published in material that is generally available. It normally is a one-year figure developed in the Treasury studies.

Proponents and opponents: This section attempts to identify the major proponents and opponents of the various reform proposals. When specific organizations (NAM, AMA, UAW, etc.) are mentioned in this section, it indicates their testimony and/or statements are published in the Ways and Means hearing record. The index in any of the 15 volumes can be consulted for page numbers of these presentations.

Administration action: When this section refers to last December's Treasury recommendations, it means the problem area is covered in Treasury's "Tax Reform Studies and Proposals." When a Nixon Administration proposal is mentioned, it means full information on it can be found in Volume 14 of the Ways and Means hearing record.

House action: This section covers House action, if any, on the tax reform proposal described.

Resource references: This identifies the number of the Treasury study or Committee hearings volume or other sources where testimony, explanations, or other information on the problem area involved can be found.

WITHDRAWAL OF AMERICAN FORCES FROM VIETNAM

Mr. MOSS. Mr. President, if anyone needs an example of the fact that the proposal to withdraw American forces from Vietnam is gaining widespread support, I discovered one today. In lookng through the October issue of Nation's Business, official publication of the U.S. Chamber of Commerce, I noted an article entitled "Prolonged Agony." The author of the article is Alden Sypher, former editor and publisher of Nation's Business.

Because the article comes to the same conclusion about the necessity of pulling our troops out of Vietnam as I expressed in the Senate on Monday and because of the prominence of the publication from which it comes, I ask unanimous consent that it be printed in the RECORD.

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

PROLONGED AGONY

(By Alden H. Sypher)

There can be little doubt that Ho Chi Minh knew long ago that his skinny little soldiers—deadly as they were—were no match for the military might of the United States.

Nor can there be much doubt Ho knew that since he couldn't beat this vastly superior force in battle, his only chance to win the war was to cause his enemy to give up and go home in frustration and despair.

This the late North Vietnamese leader could do by cutting public support at home out from under this superior force—a time-

taking process. Thus he needed a long war. This called for a strategy of attack and drift away.

"The American people's movement against the United States war in Viet Nam has drawn more people of various strata—youths, students, women, colored Americans, intellectuals, cultural and art workers, religious people, working people and businessmen," Radio Hanoi blared two years ago.

"This movement gives strong expression to its firm resolution of demanding that the U.S. government end its war in Viet Nam."

The occasion was announcement of a new committee of the National Liberation Front, the political arm of the Viet Cong, to encourage Americans who opposed the war and to urge others to adopt that point of view.

Thus a campaign carried on for years to build world opinion sympathetic to Hanoi among communists, friends of communism, neutrals and uncommitted Western countries was aimed also directly at the United States.

While few Americans find the National Liberation Front a convincing source of news or attitudes, the positions of many may have been influenced by opinions arising in Stockholm, or Oslo, or other friendly nations—opinions that may have been planted by Hanoi.

The fact that a movement in this country such as that described by Radio Hanoi was at the time demanding that the U.S. government end the war in Viet Nam, and doing it with great effect, may have been only coincidence—or it may have inspired the Hanoi line.

Or it may have been that more and more Americans were getting tired of war, another objective of Ho's long war strategy.

It's already the longest war in American history.

Until Viet Nam, the longest war was the American Revolution, which ended after six and one-half years with Cornwallis' surrender at Yorktown in 1781.

Our participation in the Viet Nam war started in 1950, when President Truman announced that to assist the new state of South Viet Nam he would send a 35-man Military Assistance Advisory group to give advice on the use of American weapons. Seven years later, the first Americans were injured by enemy fire. Another six years passed before U.S. strength reached 15,000 men.

It's a war whose start was as unrealistic as is this country's inability to end it.

Determined to achieve independence from France at the close of World War II, Ho Chi Minh on Sept. 2, 1945, announced creation of the Democratic Republic of Viet Nam.

France recognized the new nation as a free state within the French union six months later but a series of misunderstandings over the terms incredibly led in December, 1946, to the French-Viet Minh war—a conflict the French finally lost after the collapse of resistance at Dienbienphu in 1954.

During this war the French were instrumental in forming the state of South Viet Nam as a rallying point for noncommunist strength to be used against Ho Chi Minh.

When the French were beaten we moved in to prevent the annihilation threatening South Viet Nam, and to help that country carry on its fight against the communist North.

This war is frustrating to many Americans, but far more frustrating to the people we seek to help. For the war we take part in is the most destructive kind possible, barring nuclear explosions. And it is being fought right across their farms and villages and cities, as well as across their jungles, swamps and mountains.

South Vietnamese civilian casualties serious enough to require hospital treatment averaged nearly 10,000 a month last year. In the Tet offensive of 1968 alone, the South Vietnamese government reports, 7,424 civilians were killed and 15,434 were wounded. As in any civil war the people on both sides look alike. Their ideology doesn't show on their faces, nor in their dress. So we always have difficulty in separating the Viet Cong from the South Vietnamese.

Elaborate schemes have been worked out to identify the many thousands of Viet Cong agents who wander freely in the South, and to check their ability to gather intelligence and enlist support and supporters.

Under a plan used during the command of Gen. William C. Westmoreland, entire villages were cordoned off while hundreds of the very citizens whose freedom and independence we fight to preserve were held under guard and screened for Cong agents and sympathizers.

This must have alienated village after village of Vietnamese who prior to such treatment may have been friendly to the Americans. The effort produced little result.

A following program called Operation Phoenix is said to have been worked out by the Central Intelligence Agency. It is proving to be little, if any, more effective.

The reason for these failures is of particular interest to Americans fighting the Cong. It illustrates one of the principal reasons the war is not being won.

The South Vietnamese act more sympathetically toward suspected Cong leaders than they do toward Americans. In some cases they may be motivated more by fear than sympathy, but the result is the same.

Operation Phoenix began in mid-1968. The object is to identify and destroy, by arrest and jailing, the Viet Cong structure known to be operating in nearly every city and village in South Viet Nam. Within this structure are enemy intelligence agents, saboteurs, organizers and sometime specialists in various fields.

Through this apparatus there is a steady flow of information, supplies and recruits to the Viet Cong.

Several hundred teams were formed under the Phoenix plan, enough to cover nearly all the provinces, districts and cities in the South. On each team are South Vietnamese soldiers, intelligence officers and government representatives, and one or two American advisers.

Each team compiles and maintains a list of Cong agents supporters and sympathizers in its territory.

When sufficient evidence is assembled to identify a Cong agent or supporter, members of the team contact the suspect. First they try to persuade him to defect to the South. Failing that, they arrest him. Some are said to have been shot.

Arrested suspects are interrogated intensively about the apparatus. Local area authorities must be convinced there is sufficient evidence against the suspect before he may be turned over to the province security council.

The council—the province chief, a local judge and six policemen—usually passes judgment on the basis of investigation reports. It seldom hears witnesses or sees the suspect. As many as 30 cases are considered at a single weekly session.

If the council is convinced the suspect is a Viet Cong agent or organizer, he is subject to two years in jail.

But hardly any get that severe a penalty.

Of the more than 25,000 suspects picked up by Phoenix teams in their first year of operation, more than 80 per cent have gone free, have been allowed to escape or have been given very short jail terms.

Fewer than 20 per cent have been sentenced to a year or more.

Why?

"Many of them just go out the back door of the jail," Jack Mason, the head of American advisers to the program, told a *New York Times* reporter. "We know that."

"Favoritism is a part of it. Sometimes family relationships are involved. We know very well that if one of our units picks up the district chief's brother-in-law, he's going to be released."

Bribery also plays a part, and so does the common knowledge that getting along with the Viet Cong is a good way to stay alive.

Also, the growing efforts of the United States to end the war are causing many Vietnamese to think twice before crossing the Cong, for today's underground leaders might surface after peace as tomorrow's above-ground leaders.

It's an unusual war in many ways.

For the first time in its history, this nation has become entangled in a war that seems to have no possible clear conclusion.

It's a war from which we cannot extricate ourselves.

We've been trying to do that for 4½ years through bombardment, through halting bombardment, by offers of billions for Southeast Asia aid, through proposals that almost are pleadings.

It appears now that President Nixon is without alternatives—that his only hope of ending the war for us is withdrawal.

If that's the case, we'd better withdraw.

For this has become a war with no possible winners. Only losers.

PRESIDENT'S COMMISSION URGES RATIFICATION OF THE HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, this month a special committee of lawyers of the President's Commission for the Observance of Human Rights Year 1968 released a report on the treatymaking power of the United States in human rights matters. The report was prepared under the chairmanship of retired Supreme Court Justice Tom C. Clark and was presented to Averell Harriman, Chairman of the President's Commission.

The conclusion of the report represents a telling argument in behalf of the human rights conventions. The report perceptively observes how "anachronistic" it is to raise questions about the treatymaking power of the United States at this late date, particularly since it has been nearly a quarter of a century since the first human rights conventions were presented to the Senate.

Mr. President, I ask unanimous consent that the conclusion of the lawyer's committee report be printed in the RECORD.

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

CONCLUSION

Treaties which deal with the rights of individuals within their own countries as a matter of international concern may be a proper exercise of the treatymaking power of the United States. This conclusion is supported by the past treatymaking practice of this country. Each human rights treaty must be examined in the light of two legal criteria:

1. Whether the treaty's subject matter is of international concern to the United States because the exchange of international legal obligation would serve U.S. interests.

2. Whether any of the provisions of the proposed treaty conflict with the U.S. Constitution in a manner that cannot be cured by a reservation.

The legal profession should assign a high priority to the examination of proposed human rights treaties in the light of these criteria, assuming that such treaties are found to be otherwise desirable.

It may seem almost anachronistic that

this question continues to be raised. It is nearly a quarter of a century since this country used the treaty power to become a party to the U.N. Charter one of whose basic purposes is the promotion of human rights for all. The list of parties to the various human rights treaties proposed by the U.N. has become longer each year. In each of the last 2 years the U.S. Senate has approved a human rights treaty without a single dissenting vote. In December 1968 the Chief Justice of the United States noted that "We as a nation should have been the first to ratify the Genocide Convention and the Race Discrimination Convention. And yet the suggestion persists that this Nation is constitutionally impotent to do what we and the rest of the world have, in fact, been doing.

THE WAR IN VIETNAM

Mr. RIBICOFF. Mr. President, the mood of this country is uncertain, bitter and confused. At the heart of our troubles is the war in Vietnam. A rising crescendo of anguish can be heard as thousands of Americans continue to be killed and maimed in a war seemingly without end.

The administration has met this outcry with a plea for more time—for more support. But time and support have been exhausted over the last 4 years.

If, as Secretary of State Rogers has stated, we are to take risks for peace, let us begin now.

I am pleased to have cosponsored resolutions introduced to make clear our commitment to prompt disengagement and withdrawal from Vietnam. But the matter does not end here. We must do more.

First, we should immediately respond to the drop in casualties just announced for the last 2 weeks. The rate of 64 casualties for the first week in October is the lowest in 3 years.

We should accept this as a "signal" that the enemy is willing to disengage from full-scale activity. In response we should announce that our forces will cease battle activity in those areas where the enemy does. Too often in the recent past, we have ignored indications that the enemy was willing to lower the war's intensity.

Next, we must establish our independence in South Vietnam. The time has come to address ourselves to the end of the war, not the continuation in power of Messrs. Thieu and Ky. We should encourage the establishment of an interim government to bring peace to Vietnam.

Finally, we must begin to look beyond the immediate end of the hostilities to our responsibility to the South Vietnamese people. We cannot walk away from Vietnam without concerning ourselves with the fate of the millions of refugees there and the need throughout Southeast Asia for economic development and stability.

I have no doubt that the President, as all Americans, wants to see this war brought to a prompt conclusion. The President pledged during his campaign that he would make the ending of the war the first order of national business. He promised "new leadership" to find peace in Vietnam. The public has been willing to ignore as rhetoric the reference to Vietnam as our "finest hour" and to President Thieu as a "great politician."

I am also confident that the President would like to decrease our casualties if possible. However, to do so, we must be ready to respond as quickly to what the enemy does as to what he says.

We should respond immediately to the recent significant decline in American casualties. We should "accept" this as an enemy "signal" and announce that, in response, our troops will cease activity in those areas where the enemy does. If the Vietcong continue to fight, they will bear the burden for escalating the war.

Too often in the past we have missed such opportunities. In August, the State and Defense Departments quibbled about the significance of the reports that the North Vietnam infiltration rate was down substantially. We took no action.

In September, by our confused reaction, we lost the opportunity to extend the 3-day cease-fire following Ho Chi Minh's death. The administration initially stated it would not observe the cease-fire, then stated we would follow the lead of President Thieu and finally observed the cease-fire without him.

The inexplicable 36-hour bombing halt in the south immediately followed. It was almost over as it was announced. There supposedly had been no "adequate" response from the North Vietnamese.

As usual, we have been assured that the present lull will soon be followed by a new enemy offensive. If we wait long enough and keep fighting hard enough, increased enemy activity surely will follow.

We have had enough self-fulfilling prophecies about the nonexistence of peace feelers and peace signals in Vietnam.

During the Cuban missile crisis, we could have disputed at great length whether Khrushchev meant the offer of peace in his first letter or the threat of war in his second. Instead, we seized the initiative and responded to what we interpreted as his offer of settlement and thereby helped to bring that critical interlude to a successful close.

This same imagination and courage should have been shown last August when reports began to arrive that fewer North Vietnamese were in the south—last September when the possibility of an extended cease fire was available—and a few days ago when the reports of a lowered level of hostilities were received.

This administration must be skillful as well as powerful in the arena of international affairs.

Any acceptance of a peace signal will raise the possibility of independent actions by the Thieu regime as demonstrated by the recent dispute concerning the 3-day cease-fire. President Thieu, on the basis of his past actions and deeds, may well decide to undermine any arrangements by insisting that he will fight on.

This problem only illustrates the fact that the greatest barrier to any settlement of the war in South Vietnam is the present South Vietnam Government, in particular President Thieu and Vice President Ky. Until we resolve the problem they present, we will have no peace in Vietnam.

These men are obviously concerned about maintaining their positions of power.

The difficulty is this administration seems to be becoming increasingly wedded to these particular men and their whims and wishes. The administration has tied the question of troop withdrawals and American disengagement, for example, to the ability of Thieu, Ky, and the South Vietnamese to prosecute the war. The administration apparently is prepared to leave Vietnam only when the South Vietnamese can prosecute the war as vigorously without us as the two of us are presently doing.

This is a grave error in judgment.

Our unbending support of the Thieu government precludes any meaningful progress toward peace. We cannot decide by fiat at the bargaining table the very issue about which the Vietnam war has been waged—who is to govern the South Vietnamese people.

Clearly, the NLF will always reject a South Vietnam government that refuses even to consider the possibilities of a coalition government before or after free elections. Beyond that, the present South Vietnamese Government has threatened to jail anyone who has the temerity to suggest that a coalition government might be a useful means of bringing peace to the country. Included in the number arrested is Truong Dinh Dzu who lost to Thieu in the recent elections in South Vietnam.

A settlement to the war that guaranteed Vietcong control of the South Vietnamese Government would surely be the "disguised defeat" the President seeks to avoid. But seeking to end the war with a guarantee of a non-Communist government headed by Thieu and Ky is just as surely an attempt for a "disguised victory" which is not worth its cost in American lives and money.

We should feel no continuing commitment to subject South Vietnamese as well as American fighting men to injury and death to maintain the Thieu government in power.

If President Thieu retains his belligerent attitude, we should consider means of requiring the establishment of a broad based, interim government in South Vietnam. This government would then join us in Paris or elsewhere to negotiate a settlement and end of the war. Such a "peace" government should also provide a mechanism for postwar elections freely conducted and open to all people in South Vietnam and all political parties.

During a recent visit to Paris, talking with detached and knowledgeable observers, I received the definite impression that this interim peace government itself need not necessarily include Vietcong representatives.

The government should include segments of the South Vietnam population presently not adequately represented such as various Buddhist groups, supporters of Mr. Dzu and others.

A peace government in South Vietnam should reverse the repressive policies of

the present Thieu government. Censorship of the press and media should be removed. Participation in political discussion should be encouraged not suppressed. Political prisoners should be released and political parties should be given the opportunity and right to organize and operate responsibly. These mechanisms for the exchange of ideas must be fostered, not destroyed, if there are to be meaningful elections after the war.

We still must confront the issue of troop withdrawals. As long as we continue to focus on insuring President Thieu's ability to fight in our absence, we are doomed to years of continued involvement in Vietnam and thousands of American deaths.

Instead, we should withdraw our troops as fast as we can while minimizing our casualties as the number of troops decrease.

We must also insure that we are able to provide for the safety of those who have risked their lives supporting and assisting our efforts in this war. We cannot and should not try to escape our responsibilities to the South Vietnamese people.

To date there are some 4 million refugees in South Vietnam. They are housed in inadequate refugee camps, jobless, homeless, suffering from improper health care, and inadequate food distribution.

When this war ends, their problems will not. We have an obligation to provide assistance to these people. We must establish and support a South Vietnam refugee program, provide emergency relief services, health care, job training, education, and opportunity for resettlement.

Furthermore, as the French after Dienbienphu, we should open our shores to those South Vietnamese who have supported the U.S.'s endeavors through the years and want to leave Vietnam.

When I was Secretary of the Department of Health, Education, and Welfare, we faced a similar problem with Cuban refugees fleeing oppression in Cuba. We were able to establish programs that not only provided assistance when these refugees reached our shores but gave them the necessary linguistic and educational tools to be assimilated quickly and usefully into our economy and our society.

Obviously many details remain to be worked out. Immigration authorities together with representatives of the Armed Forces and perhaps the CIA will have to clear applicants for admission to the United States. Transportation will have to be provided. Federal assistance should be made available to those cities and States which provide services and education for the Vietnamese upon their arrival.

But these are only details. What we must do now is to recognize the need to address ourselves to these details. It would be shameful for us to conclude the war in Vietnam without making provision for the protection and welfare of the South Vietnamese people.

If we truly want to salvage something constructive from our years of military involvement in South Vietnam, our goal should be to insure stability in Southeast Asia after the war. This will require the providing of economic assistance to this area.

The Agency for International Development financed a study by a team of economic planners headed by David Lilienthal and Min Vu Quoc. They found South Vietnam could achieve economic self-sufficiency within 10 years with the assistance of only $2.5 billion in foreign aid. This is what it now costs the United States to prosecute the war for 1 month.

Some form of multilateral assistance to both North and South Vietnam after the conclusion of hostilities could even play a meaningful role in the present peace negotiations.

I recognize that, even should all these suggestions be adopted, they provide no guarantee of a simple, easy solution.

The road to peace is not easy nor is it sure. We should support our President as he makes this treacherous journey. But he deserves our support only so long as it is clear that his path is peace and not more war—and only so long as he makes it clear he is willing to see the situation for what it is and not what he wishes it were.

TAX REFORM ACT OF 1969—ACTION OF COMMITTEE ON FINANCE

Mr. LONG. Mr. President, yesterday, October 14, the Committee on Finance acted in executive session on those areas of the Tax Reform Act of 1969 which affect restricted property, income averaging, moving expenses, qualified pension, and other plans, and subchapter S corporations.

So that Senators might follow the progress of these executive sessions, I ask unanimous consent that a press release be printed in the RECORD.

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

[A press release from the Committee on Finance, U.S. Senate, Oct. 14, 1969]

TAX REFORM ACT OF 1969—ACTIONS IN EXECUTIVE SESSION

Honorable Russell B. Long (D., La.) announced today that the Committee on Finance was continuing to make considerable progress in its work on the Tax Reform Act of 1969. He reported that in executive session the Committee had made decisions with respect to several provisions of the House-passed bill as described below. He noted that these actions preserved many of the important tax reform features contained in the House bill with only minor changes.

Restricted property: The Committee agreed to the provision in the House bill which provides that a person who receives compensation in the form of property, such as stock, will be subject to ordinary income tax on the value of the property at the time of the receipt unless his interest is subject to a substantial risk of forfeiture, in which case tax would be imposed at the time the interest becomes non-forfeitable.

The Committee, however, adopted a series of relatively minor modifications, the most important of which are explained below:

(a) The House bill requires the recognition of income to an employee upon transfer even though the property remains subject to forfeiture. The Committee approved a Treasury suggestion that in such a case, the employee would not be treated as realizing income merely because he donated his forfeitable interest to another person, if the other person is also subject to the forfeitable condition. However, the employee would be taxed at the time the rights become non-forfeitable.

(b) The Committee also adopted a provision which provides that an interest in property is not to be considered forfeitable unless the employer can compel the employee or other holder to return the identical property upon the happening of the events which caused the forfeiture. However, where the property is forfeitable, the employee would be treated as realizing income when he sells the property if this event occurs before the property becomes non-forfeitable. This provision was also recommended by the Treasury Department.

(c) The Committee adopted a provision which will permit employees the option of reporting the original receipt of restricted property as if the restriction did not exist. Stated otherwise, the employee could treat the receipt of restricted property as a receipt of unrestricted compensation and pay tax on it at that time. However, an employee who exercises this option, will not be entitled to a refund if subsequently his right to the property proves to have been forfeitable.

(d) The Committee also added provisions which provide that restricted property rules would not apply to premiums paid by an employer under non-trustee annuity plans for an employee which meet the qualification requirements of Internal Revenue Code Sec. 401(a). Also, the restricted property rules would not apply to any amount excluded from gross income (under Sec. 403(b)) in the case of annuities purchased for an employee by an educational or charitable (Sec. 501(c)(3)) organization. These provisions had been recommended by the Treasury Department.

(e) The Committee also adopted provisions to make it clear that in the case of non-exempt trusts and non-qualified annuities, the amount subject to tax when the employee's interest becomes non-forfeitable is the value at that time of his interest in the trust (or the value of the annuity contract). The value of the amount subsequently contributed by the employer to the trust (or premiums subsequently paid) would be included in the income of the employee when contributed or paid to the trust (or insurer). The Treasury Department had also recommended the adoption of these provisions.

(f) The Committee modified the effective date provision of the section. The general effective date included in the House bill provided that the section would not apply to property transferred after June 30, 1969, if the property was transferred before February 1, 1970, pursuant to a written plan adopted and approved before July 1, 1969. The Committee agreed to the July 1 date but at the suggestion of the Treasury Department, the Committee decided to allow more time for the actual transfer. Thus the February 1, 1970, cutoff date was extended until May 1, 1970.

The Committee also agreed that in the case of a company which has a binding contract prior to April 22, 1969, with third parties to pay key employees a determinable amount of stock each year, the property could continue to be transferred before December 31, 1972, under the rules of the existing law.

Income averaging: The Committee generally agreed to the provision in the House bill enlarging the class of taxpayers eligible for income averaging. Under the bill a person whose income for the year exceeds his average income for the prior four years by more than 20 percent may utilize the favorable averaging device. (Under existing law his current income must be one-third greater). However, the Committee was not willing to permit wagering income, capital gains, and income from gifts to be eligible for aver-

aging, and so it deleted the provisions of the House bill which would have extended averaging to these types of income. This action reduced the revenue loss from this feature of the House bill from $300 million to $110 million on an annual basis.

Moving expenses: The Committee agreed to the provision in the House bill which would liberalize the types of items which may be deducted by an employee who moves to accept employment at a new location. However, the Committee decided not to approve the feature of the House bill which would have denied the deduction unless the move covered more than 50 miles. Thus it retained the provision in existing law which allows the deduction for those moving more than 20 miles.

The Committee further agreed that the limitation of $2,500 should apply on a family basis. Stated otherwise, if a family made a move, then the family could only deduct up to $2,500 even though both the husband and wife were employed.

The Committee also agreed that the deduction for moving expenses should be available to self-employed individuals. However, self-employed individuals would have to remain at the new location for a 78-week period instead of the 39-week period presently required for employed individuals.

Collection of letters, memorandums, etc: The Chairman reported that the Committee on Finance had also approved—at its Monday meeting—the provisions in the House bill which treat gain on the sale of letters, memorandums, and other papers by a person whose efforts created the property (or for whom it was prepared produced) as ordinary income rather than as capital gain.

By treating them as ordinary income assets, other provisions of the bill require that any appreciation in value of the papers, memorandums, etc., should be taken into account by the taxpayer in the event he chooses to contribute these documents to a library, university, or other charitable institution. However, the Committee modified the effective date so that the provisions of the House bill would apply to sales or other dispositions of these papers occuring on or after *January 1, 1969*, rather than after July 25, 1969.

Total distributions from qualified pension and other plans: The Committee agreed to the provision in the House bill which would limit the extent to which capital gains treatment would be allowed for lump-sum distributions from qualified employees' trust made within one taxable year. Thus, amounts attributable to employer contributions made during plan years beginning after 1969 will be treated as ordinary income. However, the Committee simplified the tax computation required under the House bill. Generally one-fifth of the employer contribution would be added to the taxpayer's other income, except that wages and salary received by the taxpayer during the year in which the lump-sum distribution is made and the capital gains portion of the lump-sum distribution would be omitted from the computation. Tax would be calculated in the usual manner for this one-fifth and the resulting amount would be multiplied by 5 to arrive at the tax due on the employer portion.

Subchapter "S" Corporations: The Committee agreed to the provision in the House bill which provides limitations similar to those contained in H.R. 10 plans with respect to contributions made by Subchapter "S" corporations to a retirement plan for those individuals who are "shareholder-employees." Under this provision, a shareholder-employee must include in his income the contributions made by the corporation under a qualified plan to the extent contributions on his behalf exceed 10 percent of his salary or $2,500—whichever is less.

NATIONAL SCHOOL LUNCH WEEK, OCTOBER 12–18

Mr. HRUSKA. Mr. President, since 1946 when the National School Lunch Act was enacted by Congress, millions of American schoolchildren have enjoyed nourishing noon meals served at their schools.

In recognition of the important and vital role that the program plays in maintaining the health of our Nation's schoolchildren, Congress passed a joint resolution in 1962 designating the 7-day period beginning with the second Sunday in October each year as National School Lunch Week. This week of October 12 is National School Lunch Week of 1969.

Last year the lunch program helped to feed about 19.9 million children in nearly 76,000 schools in all parts of the country. Almost 3.4 billion meals were served through the program, and about 15 percent of these were offered free or at a greatly reduced price to children whose parents could not afford the regular low price.

The lunch program is now operating in schools with almost 80 percent of all children enrolled in public and nonprofit elementary and secondary schools.

It is estimated that 6.5 million children need a free or reduced price lunch, but the Department of Agriculture could reach only 3.5 million of those children in fiscal 1969. If, however, Congress appropriates the amount requested for the school lunch program in the 1970 budget and in addition funds for the special milk program, the rest of the children should be reached during this school year.

Through Federal-State-local cooperation, the national school lunch program has become the largest single food service industry in the Nation—more than a billion-dollar-a-year operation. Its 23-year history has been a commendable investment in our Nation's greatest asset—its children.

The national school lunch program, combined with the other child feeding programs, offers a balanced and sound approach to improving the nutritional well-being of our growing schoolchildren. Although the school lunch program is officially honored during the week of October 12, the other child nutrition programs also deserve recognition. Such programs as the school breakfast program, the special food service program for preschool youngsters, and the special milk program help toward the goal of eradicating hunger in our schoolage children. All of these programs are administered by the Consumer Marketing Service in the U.S. Department of Agriculture.

This year more money and manpower are being put into these programs than ever before, particularly to reach more children from low-income families. The Department of Agriculture expects that it will be able to provide at least one-half of the daily nutritional requirement for needy children wherever it can get the youngsters together into groups and where local agencies will cooperate fully.

The realization of this goal will be another step toward fulfilling the intent of Congress when it passed the National School Lunch Act, "to safeguard the health and well-being of the Nation's children." And National School Lunch Week this year is aimed at increasing public awareness of and involvement in all the child feeding programs so that the food and nutrition so necessary to both mental and physical growth and development during the growing years of our Nation's children can be provided.

THE VIETNAM MORATORIUM

Mr. CURTIS. Mr. President, the Nebraska delegation received a telegram this morning that is very heartening to us. I am sure it is heartening to everyone who is serving his country in Vietnam and to everyone who is concerned about the welfare of the young Americans who make up our Armed Forces. The telegram is as follows:

KEARNEY STATE COLLEGE,
Kearney, Nebr., October 14, 1969.

Whereas, Beta Chi Chapter of Sigma Tau Gamma has stood for freedom, law, and order, and whereas, we believe in the principles that have made America the most productive and progressive nation in the world, and whereas, we reject the ideas and ideals of world communism, and whereas, we desire to show our support for American men and women serving the free people of South Vietnam, and whereas, we desire to show our support for our President in his quest for an honorable peace, with justice in Vietnam: we hereby urge all Kearney State students to attend classes October 15, 1969, and we further urge all citizens of the community to display their American flag in support of our American servicemen and women.

BETA CHI CHAPTER,
SIGMA TAU GAMMA.

Mr. President, I think that this telegram, coming from the heart of our country, indicates the sentiment of the vast majority of the young college people of our time. They are as much for peace as anybody else, but they are concerned as to what side they shall give their encouragement to by their words and their actions.

IVORY TOWER ACTIVISTS

Mr. FANNIN. Mr. President, last week Barron's magazine published an excellent article on the work of the Institute for Policy Studies. Barron's correspondent, Mrs. Shirley Scheibla, has now followed that article with another, which bears in a tangential way on events taking place in America today.

Mrs. Scheibla's article, entitled "Ivory Tower Activists," describes in some detail the work and activities of one Arthur Waskow, among others. Mr. Waskow, in addition to his other honors, is listed among those on the steering committee of the New Mobilization Committee, whose membership I placed in the RECORD yesterday. He shares this post with such people as Arnold Johnson, public relations director of the Communist Party USA, and other admitted Communists.

I do not assert that Mr. Waskow is a member of the Communist Party, nor deny him the right to associate with whomsoever he pleases. What troubles

me is the additional revelation in the article:

The Justice Department recently agreed to underwrite loans and grants to a new Center for the Administration of Justice at American University . . . (an) A.U. information officer told Barron's that Mr. Waskow has been asked to serve as an expert consultant to the Center . . .

Personally, I think we can bear an investigation into the circumstances that allow U.S. taxpayers' money to be used in payment of consultant fees to a man who has led demonstrations demanding community control of police under a grant to a center for the administration of justice.

Mr. President, I am aware that the wolf's cry of "academic freedom" will be wailed if such a perusal of these circumstances comes about, but it seems to me that academic freethinkers should also be free to get along without lawfully collected tax money, collected by the system which they oppose. I understand that such a view may be regarded as old fashioned; nevertheless I suggest that a good many Americans—perhaps even a significant majority—hold to such views, and those who disagree may wish to initiate procedures, such as offering themselves for election, which will allow a proper vote upon the question.

Mr. President, I ask unanimous consent that the article published in Barron's magazine for October 13 be printed in the RECORD.

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

IVORY-TOWER ACTIVISTS—IPS FELLOWS LEAD THE RADICAL THRUST FOR SOCIAL CHANGE

(By Shirley Scheibla)

WASHINGTON.—To judge by their public pronouncements, leaders of the Institute for Policy Studies (IPS) hold the view that demonstrations, boycotts and similar disruptive tactics are acceptable means of effecting revolutionary change in government; moreover, attempts by duly constituted authority to quell such activities, even when they prevent federal institutions from functioning effectively, constitute "repression."

No ivory-tower scholars, some of the principals of IPS have been as good as their word. Several have organized and participated in unruly demonstrations, while seven belong to the Committee to Defend the Conspiracy, organized in connection with the current trial of "the Chicago 8" on charges of conspiring to incite a riot during the 1938 Democratic National Convention. The Committee members, according to the September 1 issue of the newsletter Combat, included Marcus Raskin, IPS co-director; Arthur Waskow, senior fellow; Gar Alperovitz, Paul Goodman and Christopher Jencks, fellows; I. F. Stone, associate fellow; Harold Taylor, an incorporator of the Peace Research Institute, now merged with IPS.

"CREATIVE DISORDER"

Writing in New University Thought last year, Mr. Waskow declared that the Institute is committed to the view that to develop social theory, one must be involved in social action and experiment. Toward this end, he advocated "creative disorder," which, he said, means "to simply keep experimenting and to discover at what point one is neither smashed nor ignored, but creates enough change to move the society." Admitting a "gut preference for disorder," Mr. Waskow said IPS "stands on the bare edge of custom in the United States as to what an education research institution is."

In short, it not only develops and promulgates theories but also seeks to implement them. Aside from its failure so far in unilaterally disarming the U.S. (discussed last week in the first article in this series), IPS has enjoyed considerable success, even to the extent of Mr. Waskow being asked to give his expert advice on police problems in a project partially funded by the Justice Department.

The Institute actually has set up communes and neighborhood corporations with the ultimate aim of taking over important functions of municipal government, including the control of police, schools, housing for the poor and health services. According to at least one IPS book, Neighborhood Government, the message of the riots is that the poor want such community control, and civil war will result unless they get it. Nothing less will suffice, it maintains. The ultimate aim is to establish such control through a network of federally funded ghetto corporations.

HOLD GOVERNMENT POSTS

At least two IPS associate fellows hold government posts in which they are able to apply such theories. Other fellows, once having held such posts, apparently continue to influence the executive and legislative branches of government.

Anyone studying IPS and the turmoil plaguing the nation might be tempted to conclude that the Institute had written the scenario. According to The Washington Post, Mr. Waskow helped plan the demonstrations at the Democratic National Convention in Chicago. The subsequent need to call out the police to enable an institution of government to operate, and the resulting cries of police brutality, ran true to IPS theory espoused by Mr. Waskow and other exponents of the New Left affiliated with the Institute. Back in 1965, Mr. Waskow wrote in the Saturday Review that as revolutionists force tyranny to stop them, they will gain increasing acceptance.

According to the Daily World, Mr. Waskow also masterminded the counterinauguration of a pig for president at the time of President Nixon's inauguration.

The Institute goes far beyond demonstrations in exercising influence. Its theory of community control through the device of neighborhood corporations has been set forth repeatedly by fellow Milton Kotler. A couple of years ago, the Urban Affairs Subcommittee of the Joint Economic Committee of Congress published two of his essays on the subject as part of a compendium by 22 urban specialists.

ENJOYS TAX EXEMPTION

A footnote identified Mr. Kotler as an IPS resident fellow. His opening sentences read: "At the outset, let me say that this paper is not a study. It is an argument . . . intending to persuade you toward a course in urban legislation. . . ." (Nevertheless IPS has not registered as a lobbyist, and enjoys tax exemption as an educational institution.)

"Riots," wrote Mr. Kotler, "reflect the formation of a new local community power in combat with the established power. . . . Unless existing established federal, state and municipal governments transfer a proper portion of their authority in Negro communities, today's domestic warfare will grow."

(At about the time the essays were published, black employees of the Library of Congress began receiving cards. One side was headed, "Committee for Emergency Support," and bore the address of the Institute. It read, "We are in sympathy with the despair of the black people in America. We share their sense of powerlessness to relieve repressive conditions by conventional political means. We are frustrated in our attempts to control the decisions which affect our lives in the capital city. We are all victims. We are ready in an emergency to assist the black community of Washington with food, housing, medical care and legal aid. We are committed to act to remove repressive military and political intervention."

The other side of the card advised calling the IPS phone number "in a riot or rebellion to obtain information, for legal assistance, for medical aid, for food and housing, to report police brutality." Shortly thereafter, Mr. Waskow began calling for the collection of bail funds in advance of violence.)

TRANSFER OF AUTHORITY

In his essays for the Committee, Mr. Kotler suggested a transfer of authority through "creative federalism." He explained, "The federal government must first assist the organization of legal neighborhood corporations with some initial funding. . . . Funding from the government is more important for legitimizing the development of neighborhood self-government as a unit of local rule in the society than for the money itself. . . . This proposal is already before the Senate in the form of Senate bill 1433. . . . It deserves your consideration and support."

S1433 expired in 1967. But on July 11, 1968, Roy Innis, Acting National Director of CORE, and Representatives Charles E. Goodell (R., N.Y., now a Senator), William B. Widnall (R., N.J.) and Robert Taft, Jr. (R., Ohio) jointly introduced legislation to create community development corporations "to finance, acquire, own and manage productive business enterprise located in the community, and to use the profit from such enterprise to finance its own education and social service programs in the community."

Financing for the corporations, they explained, would come from community development banks (CDBs) "analogous to Federal Land Bank Associations and Production Credit Associations, under the supervision of the Comptroller of the Currency." They estimated that federal capitalization of the CDBs initially would involve annual federal spending of $1 billion.

Last December the measure was discussed at a "self determination symposium" at the Washington Hilton Hotel. According to The New York Times, Senator Charles H. Percy (R., Ill.) told the gathering, which included black militants, that "Mr. Nixon had expressed approval of the concepts in the bill and that Nixon aides had informed him that the President-elect 'strongly supports the bi-partisan concept.'"

PENDING BILL

That bill, of course, expired with the 90th Congress. Senator Goodell, however, now is revising a similar one he introduced this year which is pending before the Senate Finance Committee.

The impetus for all this began four years ago, according to an IPS booklet called "The First Three Years," when "after long discussions with Kotler, a number of residents and organizational leaders in a poor neighborhood decided to organize the East Columbus Citizens Organization (ECCO)." To date, the Office of Economic Opportunity has approved grants of $432,219 for ECCO and expects funding eventually to total $757,113. The agency calls it a demonstration of community self-government through a corporation.

OEO also has announced what it calls its "Community Capitalism Program"; under it, the agency plans to make grants of $10 million this year to community corporations. (Mr. Kotler says there now are 70 of them.) Grants already made public include $1 million to the Inner-City Business Improvement Forum (Detroit), $900,000 to the Human Development Corp. (St. Louis), $1.1 million

to the North Lawndale Economic Development Corp. (Chicago), $600,000 to the Harlem Commonwealth Council (New York) and $1.5 million to the Hough Area Development Corp. (Cleveland).

All this ties in too with the Model Cities program; by happenstance, Stanley L. Newman, an IPS associate fellow, is Chief of the Planning and Relocation and Public Administration Branch of the Division of Program Development and Evaluation in the Office of the Assistant Secretary of Housing and Urban Development for Model Cities and Governmental Relations.

EMINENT DOMAIN

Now Mr. Kotler is elaborating on his theory. In a book titled Neighborhood Government, just published by Bobbs-Merrill Co., he demands regulatory power for the community corporations to assure that money earned in the community will stay there. He also writes: "It is necessary for the corporation both to have the power to tax its residents and to be able to dispose of its territory. This means the governmental power of eminent domain." He says it also would be reasonable for the corporation "to control prices, rents, licensing and banking." Further, he would like communities to govern themselves based on custom rather than outside laws.

Calling the community "the action unit of this emerging revolutionary class," Mr. Kotler says "The neighborhood organization . . . must be prepared to defend gains in jurisdiction by the threat of war to any who would endeavor to deny these gains."

Meanwhile, Mr. Waskow has pursued the IPS idea of community control of schools. Some years ago he became secretary of a community anti-poverty group here. The Adams-Morgan Community Council, just as federal policy-makers insisted that the D.C. Board of Education allow the Council to run the Morgan grammar school as an experiment in community control.

Shortly thereafter, John R. Immer, president of the Federation of Citizens Association of the District of Columbia, wrote President Johnson that the children at the school were being cheated out of a good education. He declared: "The teachers maintain no discipline, are hippies, use vile language, have had little or no teaching experience and have and are using untried teaching methods."

CAMELOT PATRONS

Nevertheless, President Johnson's cabinet officers and their wives worked with Mr. Waskow in the presentation of the movie, "Camelot," at the Warner theater in Washington, as a benefit for the Morgan school. Among the patrons listed by Mr. Waskow were (then) Justice & Mrs. Abe Fortas (IPS lists his former law partner, Thurman Arnold, as one of its original trustees), Secretary of Defense Robert S. McNamara, Attorney General Ramsey Clark, Secretary of the Interior Stewart L. Udall, Secretary of Commerce Alexander B. Trowbridge and Secretary of Agriculture Orville Freeman.

Federal support also has been forthcoming for a new venture in higher education in which Mr. Waskow will play a significant role. The Justice Department recently agreed to underwrite loans and grants to students pursuing programs at a new Center for the Administration of Justice at American University in Washington. According to AU President George H. Williams, "The initial award (from Justice) exceeds $200,000, and anticipated funding for the academic year may exceed $500,000."

William M. McDowell, AU information officer, told Barron's that Mr. Waskow has been asked to serve as an expert consultant to the Center on how it can best serve the Washington community and that he may occasionally lecture on police problems.

Writing in a local underground newspaper, the Quicksilver Times, last July, Mr. Waskow advocated: "(1) Neighborhood control of police through citizen-elected commissions. (2) Creation of countervailing organizations such as unions of those policed. (3) Changing the role of the professional, tough cop to one of a more everyday civil servant doing his job, keeping the peace, rather than enforcing the law." A year ago, according to press reports, Mr. Waskow headed a rally here in front of the 13th police precinct station to demand immediate community control of the police.

To develop ways of establishing community control of health services, IPS held a seminar three years ago under the direction of Dr. William Kissick, associate fellow and then Chief of the Division of Public Health Methods in the Office of the Surgeon General of the U.S. (Dr. Kissick now is teaching at the University of Pennsylvania.)

BACKGROUND MATERIAL

According to Pierce Rollins, Acting Director of Information for the Office of Community Health Service of the Public Health Service (PHS), the material resulting from the conferences in that seminar has been compiled in two volumes by the Milbank Memorial Foundation. Mr. Rollins says the Department of Health, Education and Welfare, parent agency of PHS, uses the volumes as background material prepared by experts to help it set health policy.

The official explains that PHS now is funding the planning of health services at state, area, city and community levels, and that the various entities are free to subcontract with IPS experts to help in the planning.

The general idea, Mr. Rollins adds, is to fund community health services only after area-wide planning. But because of the desperate need, PHS is making funds available without area planning. It has financed, he says, 22 community health centers and others for rat control and the treatment of venereal disease. So far PHS has made 2,500 health planning grants, Mr. Rollins reports.

Tangible results also have emanated from a 1968–69 IPS seminar conducted by Rick Margolies, an associate fellow. According to the Institute it aimed "at developing a theory of social change based upon the possibility of a movement of small groups living communally and acting as agents of change in their larger environment. It is assumed that the small group will begin to live in the manner it wishes the society at large to adopt. . . . Some individual seminars will be theoretical and historical, while others will be more specifically programmatic. The first section, 'Toward a New Life Style,' will include discussions of human communion and human need, the extended family and child rearing . . .; 'The History of Intentional Communities' will include American 'utopian' experiments, communist collectives and communes, the Kibbutzim; 'Toward a Praxis of Community' will synthesize lessons learned in the above sections and work toward a plan for a communitarian movement."

INSURGENT ACTIVITIES

Mr. Margolies told Barron's that he now has communes in operation in the Adams-Morgan area of Washington. After starting with money from the Stern Family Foundation, commune members now support themselves by working part-time at the Quicksilver Times and the Washington Free Press, another underground newspaper, Mr. Margolies explained. Among other things, the Free Press has printed detailed instructions on how to conduct "insurgent activities." Now Mr. Margolies is preparing a new magazine, to be called The People in the Streets.

In view of the success of IPS in developing and implementing theories, its present studies and projects for the future take on added significance. One plan is to set up a network of institutes like IPS all over the country to serve as counter-institutions to established ones. Gar Alperovitz, IPS fellow and former legislative assistant to Senator Gaylord A. Nelson (D., Wis.), already has launched one at Cambridge, Mass., with the help of Christopher Jencks, IPS fellow and Harvard professor.

According to Tina Smith, IPS administrative assistant, Alan Haber and Barry Weisberg are setting up a Bay Area Institute in San Francisco. Gerry Hunnius, having just completed an IPS study of "the possibility of workers' control of factories based on Yugoslav model," now is in Toronto exploring the possibility of setting up an institute. Miss Smith says IPS also is discussing the possibility of setting up one in the South.

Also on the agenda for IPS is "investigations of operations of foreign aid." Handily, Jack Heller, an associate fellow, is director of the Office of Development Programs for the Bureau for Latin America of the Agency for International Development.

A project listed in the IPS 1969-70 budget is a "Middle-East Peace Mission," under the direction of Cherif Guellal, IPS fellow, and Algerian Ambassador to the U.S. until his country broke off diplomatic relations.

WENT TO AFRICA

About a year ago, Ivanhoe Donaldson, IPS fellow and member of SNCC, went to Africa for IPS to study self-government there and to contact members of the African National Congress and Pan African Congress. Now his assignment is to set up liaison with both groups, "in order to make accurate information available to American educational institutions on both secondary and college levels."

The IPS assignment for fellow Frank Smith is "to set up a chain of cooperative food markets in an effort to bolster the concept of community control by trying to develop viable and democratic models for community control of food, shelter and clothing businesses." Mr. Smith, who formerly served as Coordinator of the Community Staff of the notorious Child Development Group of Mississippi (Barron's, September 26 and October 24, 1966), is a member of SNCC, CORE and the Mississippi Freedom Democrat Party.

All last summer, IPS had several students interviewing the members and staff of the Federal Communications Commission and studying public records. As a result, the Institute now has elaborate plans for challenging the licenses of broadcasting stations, particularly when it doesn't consider them responsive enough to the views of the New Left.

AMERICAN PRISONERS OF NORTH VIETNAM

Mr. ALLOTT. Mr. President, the people of the United States are appalled by the cruel, callous, and inhumane treatment of members of the U.S. Armed Forces held captive by North Vietnam and the National Liberation Front. Common standards of human decency, in keeping with international agreements to which the North Vietnam Government is party, demand that North Vietnam and the National Liberation Front immediately:

Identify all imprisoned U.S. citizens.

Release the sick and wounded.

Provide proper flow of mail and packages.

Open all prison camps to inspections by the International Committee of the Red Cross.

The thousands of wives, children, and parents of the 1,400 American servicemen now held captive, or in a missing status, deserve the Nation's unremitting and unanimous support in attaining these objectives.

Recently, I had the opportunity to read one of the most moving articles I have ever encountered dealing with this tragic question of the Communist treatment of American prisoners of war. I believe that the article, entitled "The Forgotten Americans of the Vietnam War," written by Louis R. Stockstill, should be brought to the attention of every American. I intend to furnish reprints of the article to every one of my Colorado constituents on my mailing list. I can only encourage Members of Congress to take some similar appropriate action, to be sure that the tragic circumstances related by Mr. Stockstill can be given the widest public attention at this time.

Mr. President, the irretrievability of the death and wounds sustained by our fellow Americans makes the Vietnam war, like all wars, a tragedy of the first dimension. It seems to me, however, that in dedicating our energies to the achievement of peace with freedom in Vietnam we must find an adequate way to relieve the torment and suffering of those areas of the war which are retrievable. One of these areas is assuring decent treatment for American prisoners of war now held captive by the Communists.

These American servicemen are the husbands, fathers, and sons who have been called the forgotten Americans of the Vietnam war. Mr. President, we can do something about these men. We must.

I ask unanimous consent that Mr. Stockstill's article be printed in the RECORD.

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

PRISONERS OF WAR—THE FORGOTTEN AMERICANS OF THE VIETNAM WAR

(By Louis R. Stockstill)

Once a month, from her living room high up in an Arlington, Va., apartment building, removed from most brutalities of life except her own thoughts, Gloria Netherland walks a long hallway to the mail chute and deposits a letter.

She watches it drop from sight on the first leg of a journey into an unknown void halfway around the world. The letter begins "Dear Dutch." But whether Dutch will read it, or someone else will read it, or whether it will go unopened is impossible to say.

Gloria and Dutch have been married eighteen years, but she doesn't know—hasn't known for a long time now—if he is alive or dead. And if alive, she doesn't know where he is or how he is.

For more than two years she has written the monthly letters—limited to six lines each, according to current Communist rules. None are answered; none are returned.

But, in the pattern of "dreadful uncertainty" that characterizes her daily life, she never fails to write.

"I realize," she says, "that there is just a fifty-fifty chance he is alive, but I feel that I cannot afford to let anything go undone."

Capt. Roger M. Netherland, USN, who was shot down over North Vietnam in May 1967, is one of the senior US pilots missing in the Vietnam War. Flyers reconnoitering the site where his burning plane plunged to the ground believe they heard his voice. But no word has come through since.

"When you are married to a flyer," Gloria Netherland says, "You learn to live with potential disaster. But you expect it to be black and white, not like this. I can't think of him as being gone, but it is very difficult for me to think of him as a prisoner."

She says, "The worst day for me was not the day they came to tell me he had been shot down. The worst day was the day his clothes and books and personal things came back. To have to unpack a man's life is not an easy experience.

"And if he is gone, I will have to do it all again. There will be another complete healing period to go through."

Gloria Netherland is but one of hundreds of wives and parents who live on an emotional roller coaster of grief, hope, faith, anxiety, and raw courage. For some, the waiting has lasted more than five years.

Their husbands and sons are the forgotten men of the Vietnam War—approximately 1,400 men captured by the enemy or missing and possibly in enemy hands. Most of the known captives are imprisoned in North Vietnam, others by the Viet Cong in the jungles of the South. A few are interned in Laos and Red China. Files of 981 men have been stamped with the heart-wrenching legend "MIA"—missing in action.

Some 3,000 "next of kin"—wives, children, and parents—in every state now endure what one calls "this limbo of anguish."

The other side has revealed tragically little about these "casualities" of the war. North Vietnam and the Viet Cong, defying international agreements and basic codes of humanitarianism and decency, have consistently refused to discuss the whereabouts of the missing men. Similarly, they have dribbled out only limited and distorted information about selected prisoners in infrequent propaganda movies tailored to their own purposes, often peddling doctored film to foreign outlets. Many wives quite rightly believe that "our husbands are being sold for so much propaganda."

On the shoddy pretext that US captives are not prisoners of war but "criminals," North Vietnam will not allow neutral inspections of its prisons. Yet such inspections are required under the Geneva Conventions, signed by North Vietnam in 1957 and by 119 other governments.

Using the "criminal" charge to mask its defiance, Hanoi not only has rejected inspection of its camps, but has refused to:

Identify the prisoners it holds;

Release the sick and wounded;

Allow proper flow of letters and packages; or

Protect US prisoners from public abuse.

The Viet Cong and Communist forces in Laos have followed Hanoi's lead by imposing an even more rigid blackout.

The curtain of secrecy the enemy has thrown around the prisoners and missing men has, until recently, been duplicated to some extent by the US government. But this is now changing. A brighter spotlight has been turned on the problem. The change has been wrought by the Nixon Administration. The United States government has now opened up some of its previously closed files of information on the imprisoned and missing men. New initiatives and a tougher approach are the order of the day. Further steps may be in prospect.

NEW HOPE FOR POW'S

For the first time, Administration officials are waging an open fight for the prisoners. The diplomatic maneuverings which shielded many aspects of the problem from public view during the Johnson Administration—although perhaps rightly so for that time—have now been partially cast aside. The United States is speaking out.

Two of President Nixon's top Cabinet officers have embarked on a strong public offensive in which they stress concern for, as well as facts and figures about, the treatment of the US prisoners and missing men.

"I don't understand how the North Vietnamese can be so lacking in humanity that they won't even give us the names of the prisoners they have," declares Secretary of State William P. Rogers. "All they have done is to be more intransigent, more unreasonable, and more inhumane."

Secretary of Defense Melvin R. Laird says there is "clear evidence that US prisoners are not being treated humanely," and that conditions in the prison camps are "shocking."

Yet, in order for the tough and forthright new policies to produce desired results, citizens must join the attack. Their assistance could be crucial. Many citizens may never have asked themselves how, or if, they can help. Many still may not be aware of the full story of our forgotten men.

Here then are the sobering facts about the prisoners and the missing, the details of the obscure existence they live, the way they are used and abused by Hanoi. And here, too, is an account of what the US is doing to aid the men and their families, and suggestions as to how you might lend a hand:

Of the known prisoners—the 401 the armed forces have been able to positively identify as captured—192 are Air Force, 140 are Navy, forty-six are Army men, and twenty-three are Marine Corps personnel.

Nearly 1,000 others are missing in action and thought to be captives. The largest number missing from any single service is 516 from the Air Force. More than 260 are missing in the Army, more than 100 in the Navy, and ninety-four in the Marine Corps.

The prisoners and missing men range in rank from private to colonel, or Navy captain. They include such men as Col. Robinson Risner, of Oklahoma City, one of the top AF pilots, and Navy Lt. Cmdr. J. S. McCain, III, son of the US Commander in Chief, Pacific, Adm. J. S. McCain, Jr.

Several of the known prisoners have now been behind bars more than five years. More than 200 have been imprisoned or missing for more than three and one-half years, more than 500 for over two years.

Some military intelligence the United States has gleaned about these men must be kept secret or couched in guarded language to protect the prisoners.

Nevertheless, accounts of torture and inhumane treatment have emerged. The widely publicized story of the capture, escape, evasion, and rescue of Navy Lt. (j.g.) Dieter Dengler in 1966 presented stark examples. Captured by the Pathet Lao but eventually turned over to North Vietnamese soldiers, Dengler was spread-eagled by his captors and at night left to the mercy of jungle insects, tied to a tree for harassment target practice, repeatedly beaten with fists and sticks (once into unconsciousness) for refusing to sign a statement condemning the US, and tied behind a water buffalo and dragged through the bush. The once 180-pound flyer weighed ninety-eight pounds following his escape and rescue.

STORIES OF MALTREATMENT

Other escaped prisoners have told of similar maltreatment in Pathet Lao and Viet Cong jungle camps.

Most recent evidence about those imprisoned in North Vietnam discloses that many have been tortured by being deprived of sleep, refused food, hung from ceilings, tied with ropes until they developed infected scars, and burned with cigarettes. At least one had his fingernails ripped from his hands. The broken bones of another, set by Communist doctors and still in a cast were rebroken by guards.

It is difficult to know how typical these examples may be. But, regardless of the continuing secrecy in certain areas, substantial information is available on some prisons and the basis treatment of some prisoners. Portions of the record are cloaked in "it is believed" language, some is official hard fact, and some has come from those foreign news sources Hanoi has permitted to peek into selected prison keyholes.

Prisoner treatment, of course, varies, and often the enemy attempts to camouflage the worst conditions. With that in mind, con-

sider these details about three types of prisons—a jungle camp operated by the Communist Pathet Lao; a Viet Cong jungle camp; and a North Vietnamese institution known euphemistically as the "Hanoi Hilton."

The Pathet Lao camp is a bamboo stockade of primitive thatched huts. Prisoners are fed twice a day, mostly rice but with occasional supplemental foodstuffs. Many suffer from malnutrition. Some are afflicted with intestinal parasites. Except when allowed outside to empty toilet pails, prisoners are confined inside the huts, often locked in crude wooden foot blocks or handcuffs. Barbaric treatment, including beatings is not unique. Prisoners are forced to listen to Radio Hanoi.

The Viet Cong prison or jungle camp houses fewer than a dozen men. The prisoners are fed three times a day, again mostly rice, supplemented by some meat, fish, or vegetables. They are supplied with soap and toothpaste, fifth-rate medical treatment, pills thought to be antimalarial, and even occasional vitamin injections for those in most obvious need. Between meals, prisoners are allowed to smoke, exercise, or just sit. About once a month, they are furnished news of the outside world. They have been told, for example, of the assassinations of Dr. Martin Luther King and Sen. Robert F. Kennedy, of the release of the *Pueblo* crew and the election of President Nixon. They are allowed to write occasional letters, but have no way of knowing the effort is futile. No letters have ever arrived in the US from prisoners held by the VC. To maintain the pretense of a mail-exchange, however, at least one prisoner in this camp was permitted to receive two letters over a ten-month period.

DAILY ROUTINE IN HANOI

In the North Vietnam prison camp (in central Hanoi), daily routine is more formalized. Prisoners are awakened between 5:00 and 6:00 in the morning by a gong, followed by a thirty-minute Radio Hanoi (English language) broadcast piped into their cells. At mid-morning they are taken out to empty toilet buckets. About 11:00 a.m., seventeen to nineteen hours after they last ate, they are fed the first of two daily meals. Food consists mainly of pumpkin or squash, pork fat, a vegetable resembling wild onion tops, and bread or rice.

One former prisoner said, "The main diet is based around bread, and during the summer we got a squash soup and pig fat." Prisoners receive three daily cigarettes and sometimes, possibly for propaganda purposes, have been given sweets. (Propaganda films staged by Hanoi have shown tables laden with food, including mounds of fresh pineapple and bananas. But no one was eating.) After the morning meal—picked up on a wooden tray and eaten in their individual cells—prisoners are allowed to "nap" on their bare-board bunks until 2:00 in the afternoon, when their cells are flooded with another half-hour Radio Hanoi broadcast. Between 4:00 and 6:00 p.m., they are fed the second and final meal of the day. The day ends around 9:00 p.m.

Each prisoner is provided with two sets of pajama-like clothing, two blankets, and toilet articles. Each is allowed to shave twice a week and wash his clothing once a week.

CONSTANT INDOCTRINATION

Brainwashing efforts do not follow the hard-line techniques employed during the Korean conflict, but prisoners are subjected to constant lower-key indoctrination. Not only does Radio Hanoi bombard their cells with slanted news and propaganda a full hour out of each day, but prisoners also are furnished with Communist propaganda periodicals and are lectured on the "history" of Vietnam and the provisions of the 1954 Geneva Accords as conveniently interpreted by their captors. Sometimes men reportedly are taken from the prison to visit state institutions where they can "learn" more about North Vietnam's "culture."

Attempts also are made to induce them to write or record statements expressing sympathy with the North Vietnamese cause and condemning U.S. involvement in the war.

Within the confines of the prison, the captives generally are isolated from contact or communication with more than one or two other prisoners who may share the same cell. Many men are kept in solitary confinement. As they are moved around in the prison to pick up food, empty toilet buckets, wash, etc. they are carefully shepherded so that one prisoner or group of prisoners seldom encounters another.

At infrequent intervals, certain prisoners have been allowed to write to their families, although few letters ever reach home.

That the prisoners are allowed to write at all, and that they are accorded other elemental amenities, may likely be because the so-called "Hanoi Hilton" is anything but typical.

PROPAGANDA SHOWPLACE

U.S. officials, with reasonable suspicion, regard the "Hanoi Hilton" as a propaganda showplace. While foreign newsmen have "seen" prisoners, who have been transported to a central location for that express purpose from at least eight other camps, the "Hilton" is the lone place outsiders have been allowed to enter. And it is the only prison from which U.S. prisoners have ever been released. Obviously, the open-door policy at only one prison creates real doubt that the North Vietnamese can afford to let the world, and in particular the neutral nations, see the conditions that prevail elsewhere.

No prisoner has ever escaped from the prisons of North Vietnam. Those who have managed to struggle back to freedom from the VC jungle camps add up to fewer than two dozen (the specific number is classified). And the Communists have been extremely callous when it comes to returning American prisoners. To date only a handful has been set free. Sixteen have been released by the Viet Cong, nine by Hanoi.

Procedures followed by Hanoi in releasing prisoners are particularly meaningful since North Vietnam has been the bellwether in establishing what might be regarded as over-all policy guidance in the treatment of prisoners elsewhere. And it is in North Vietnam that the greatest number of men are believed to be imprisoned. Of the more than 1,400 captured and missing, nearly 800 (mostly pilots) were downed over North Vietnam. The Defense Department believes "a substantial percentage of the missing" may be prisoners.

POW RELEASES FOLLOW PATTERN

All the prisoner releases by Hanoi—two last year and one this August—have followed a similarly disturbing pattern. First, they have been but token gestures, letting just three men out at a time. Second, they have been accompanied by blatant propaganda announcements in the guise of either "humanitarianism" or "good will," or coupled with some "special" day. Third, the names of the men to be freed are withheld for periods of more than a month, thus creating untold agony for thousands of hopeful next of kin. Fourth, releases are carried out through dissident US intermediaries instead of the International Committee of the Red Cross, the traditional go-between in matters affecting war prisoners.

As a condition of each of the three prisoner releases, Hanoi has insisted that US pacifist groups be sent to North Vietnam to take custody of the prisoners and accompany them out of the country.

After a protracted wait, the identities of the prisoners are presented to the world in a staged ceremony. Finally, they are allowed to depart for home with their pacifist countrymen, who are merely used by Hanoi in a grossly overt effort to foment further unrest among American citizens and abet militant critics abroad.

The first two prisoner releases took place last year. Three men were released in February, three more in July. All six were "short termers"—that is, men who had been held prisoner for relatively brief periods of time.

The February 1968 group consisted of two Air Force officers, Lt. Col. Norris M. Overly and Capt. John D. Black, and twenty-three-year-old Navy Lt. (j.g.) David P. Matheny. None had been in captivity as much as six months. Lieutenant Matheny had been captured only four months earlier.

The three prisoners released in July 1968 were all Air Force officers: Maj. James F. Low and Capt. Joseph V. Carpenter, imprisoned for seven and six months, respectively, and Maj. Fred N. Thompson, captured less than four months before.

The man designated by Hanoi as the principal go-between for the releases is a fifty-four-year-old pacifist named David Dellinger. Chairman of an organization known as the National Mobilization Committee to End the War in Vietnam, he has traveleld frequently to Communist bloc nations and to North Vietnam. Currently, he is under indictment on charges of conspiring to incite a riot in Chicago during last year's Democratic Convention.

As the main contact in the prisoner releases, Dellinger, in turn, has named other US pacifists to act as "escorts" in bringing the prisoners out of Hanoi.

THREE RELEASED IN AUGUST

The most recent release—three men, again—came in August of this year and illustrates how completely Hanoi milks the prisoner situation for its own purposes. However, it marked a minor breakthrough of sorts. For the first time, North Vietnam released prisoners who had been held captive for fifteen to twenty-eight months.

The new policies of the Nixon Administration may have had something to do with the release of the longer-term prisoners. Publicity about two of the men had been widely aired by DoD several months earlier.

Like the two preceding releases, the third also was carried out under the banner of David Dellinger. On this occasion, he designated a somewhat ragtag escort group. The group was substantially larger than any previously dispatched. There were four escorts. They took along three cameramen.

Leader and spokesman was Rennard C. Davis, twenty-nine, National Coordinator of Dellinger's National Mobilization Committee. A member of Students for a Democratic Society, Davis is also under indictment on charges growing out of the Chicago riots. He had to obtain a court ruling in order to leave the country.

With Davis in the escort group were Linda Sue Evans, twenty-two, an SDS regional organizer; Grace Paley, forty-six, a member of antiwar and antidraft organizations; and James Johnson, twenty-three, Negro, former GI who served a stockade term for refusing to fight in Vietnam. The three cameramen, from an underground movie-making outfit, were identified as Robert Kramer, thirty-six, an SDS member during a stint at Columbia University; Norman Fruchter, thirty-two; and John B. Douglas, thirty-one.

TEAM FLEW TO HANOI

The seven-member team flew to Hanoi in mid-July, about two weeks after North Vietnam announced plans to release the prisoners. For the next couple of weeks they received Hanoi's "grand tour," were escorted on a 500-mile trip into the DMZ, met with the Prime Minister, and were ultimately entertained at a farewell party well-oiled with rice liquor and propaganda.

At the farewell ceremony, according to

details churned out by the North Vietnam News Agency (VNA), the prisoners were "handed over . . . to the American antiwar delegation" with a Madame Bui Thi Cam denouncing the "monstrous crimes" perpetrated by the "US imperialists" who had destroyed towns and crops and "massacred . . . women, children, and old folk."

She said US pilots "caught in the act of committing grave crimes" and not entitled to the protection of the Geneva Conventions, but are, nevertheless, treated "in accordance with the humanitarian policy of the government."

James Johnson, accepting the prisoners "on behalf of the American antiwar delegation," said, "We know, as these pilots must know, that all over the world the United States has been branded an outlaw nation." His statement, running some 500 words, might almost have been written by Hanoi.

The North Vietnam News Agency said, "The three released American military men then took turn in expressing, each in his own [way], their deep gratitude to the Vietnamese People, the DRVN government, and the Vietnam People's Army, for this humanitarian act as well as for the humane treatment all of them had received throughout the period of their detention."

The names of the prisoners were revealed. Two were Navy men: Lt. Robert F. Frishman, captured twenty-one months earlier, and Seaman Douglas B. Hegdahl, imprisoned for two years and four months. The third was Air Force Capt. Wesley L. Rumble, held for fifteen months.

The prisoners and their escorts left Hanoi on August 5. Arriving in Vientiane, Laos, that night, they were seen for the first time by US newsmen. They were described as "pale and gaunt," clad in "dungarees and sandals."

The press accounts noted that Frishman, acting as spokesmen for the prisoners, seletced his words "carefully." He said only that he was happy "to be returning home, to be back with my country and my wife."

There then followed a question-and-answer session. Here are revealing excerpts from Frishman's interrogation by the newsmen:

Q. How was the treatment you received . . .?

A. I received adequate food, clothing, and housing.

Q. Would you describe it as humane treatment?

A. Sir, I believe I have answered that question.

Q. Did they make any attempt to indoctrinate you or brainwash you in any way?

A. I have no comment.

Q. Was their treatment better at all when they decided you were going to be released?

A. As I say, my treatment has been adequate.

Q. Are you concerned that other prisoners might be harmed by something you might say here?

A. Yes. I in no way want to jeopardize any of the other people who have been . . .

The sentence trailed off.

When the prisoners arrived in Bangkok the following day, Frishman was quoted as saying, "It's great to be back." Nothing more. At some point during the return journey, Frishman had indicated the desire of all three men to be furnished with military clothing. "We left in uniform," he said. "We intend to return in uniform." The clothing was rushed to Frankfurt, last stop before New York.

ARRIVAL IN NEW YORK

When the three men arrived at Kennedy International Airport in New York, I was there to see them for myself. To television audiences, the returning prisoners may have looked reasonably well cared for. But their appearance on the hot, noisy flight line was deeply saddening.

When the general passengers and the pacifist escorts had disembarked, the families of the prisoners were allowed to board the plane for a brief reunion away from the eyes of the curious. Twenty minutes later, the men and their families began emerging.

There was no brass band, no flags, no clamoring throng to welcome them. Only a cluster of newsmen, cameras, government representatives, police, and a small crowd of onlookers.

Lieutenant Frishman, followed closely by Seaman Hegdahl, was first off the plane. Both wore their new uniforms, the Navy blue contrasting starkly with their drawn, pallid faces. Captain Rumble, ill, stooped, pale, was assisted down the steps, helped into a police car, and rushed to a waiting medical-evacuation plane.

The two Navy men and their families were led to a small platform, barren but for a gaggle of intertwined microphones. Uncertainly at first, and then with alert precision they returned the salute of Air Force Col. Milt Kegley standing nearby.

They were ashen in color. Their eyes were deep, hollow circles of darker gray, much like the exaggerated eyes of starving children. They smiled, but somehow their smiles seemed macabre; not forced, but not exactly real; joyful surely, but with an underlying tautness; perhaps nearer to tears than laughter.

Lieutenant Frishman once again spoke for all three men, repeating what by now had become his stock statement. They were happy to be home, they had received "adequate food, clothing, and housing" from their captors.

He, himself, had been "seriously wounded." The North Vietnamese doctors had removed his elbow and tied the muscles together. "I am glad to still have my arm," he said.

THE ARM WAS WASTED

It hung at his side, the loose sleeve of his jacket emphasizing that the arm was wasted, thin, far shorter than the other. When the suggestion had been made to him earlier that, "They'll fix it better at home," he replied, "Oh, no. They won't. It's impossible now."

Now, as he extolled the "adequate" treatment he and the others had received, and praised the North Vietnamese for saving his arm, Frishman voiced the "hope that there will be some more releases."

At his side, Douglas Hegdahl, once a robust heavyweight, continued to smile, his face almost skeletal. A reporter asked how much weight he had lost. He had "no comment."

But then Frishman addressed the microphones. "I lost forty-five pounds; Seaman Hegdahl lost sixty pounds," he said. It was the first detailed confirmation of their deprivations.

A newsman asked Frishman why the North Vietnamese had selected him for release in preference to some other prisoner.

"I am sure they released me for some reason . . . this reason I do not know," he said.

What about the welfare of other prisoners still held by Hanoi?

"No comment," Lieutenant Frishman said.

PRESS SESSION QUICKLY ENDED

The session with the press was over quickly, the final questions muffled in the roar of a nearby jet. The men were tired; they had been traveling for thirty-six hours.

"I want to be with my wife now," Lieutenant Frishman said. He placed his good arm around her. The prisoners and their families moved off the platform.

As Frishman turned, I saw him for the first time from the side. His shoulders were incredibly thin. The collar of his shirt hung loosely about his neck. The lines of his nose, his cheeks, and his chin were sharply drawn, haggard. So were Hegdahl's.

If the two men had been well-treated, there was nothing in their appearance to verify it. The almost corpse-like pallor of their skin, tightly stretched, almost translucent, mutely testified to long seclusion from the sunlight.

The men and their families moved to waiting transportation for the short trip to the medical-evacuation plane and the final leg of their journey to military hospitals. I turned with the other newsmen to walk back into the International Arrivals building for the meeting with the pacifist escorts.

We waited for an hour in a small, stuffy room intensely illuminated by bright klieg lights.

Finally, the pacifists straggled in, having been delayed in customs. The four escorts and the three cameramen gathered on a platform at one end of the room. By any standards, they were unprepossessing in appearance.

The leader and spokesman, Rennie Davis, was the most presentable, dressed in neat trousers and shirt, hair slightly long but combed and parted.

Peering from time to time at notes reclutched in his right hand, Davis began a recitation of what the seven-member team had seen and done in North Vietnam. His monologue had little to do with the prisoners. It mainly emphasized the "devastation" that U.S. bombing forays had inflicted on a "determined" and "unbeatable" people now instilled with a "mood of victory." The North Vietnamese believe, he said, that they have President Nixon "trapped."

He introduced Grace Paley, a short frumpy woman in a cotton dress. She said North Vietnam considers U.S. prisoners criminals, but relates them to "show good faith" and as a demonstration of their "humanitarian" treatment.

PRAISE OF HANOI'S TREATMENT

Next up was Linda Sue Evans, young, blonde, wearing tightly fitting, flared blue jeans. "We believe," she said, "that North Vietnam should win." She praised Hanoi's "humane" treatment of the prisoners.

The young Negro, Johnson, principal pacifist speaker at the Hanoi ceremony, was next. He said with obvious pleasure that the North Vietnamese "feel they have defeated the United States."

Davis opened the press conference to questions.

"Are our prisoners being mistreated?" he was asked.

He had seen no such evidence. The group had met a "total of twenty-five to thirty all told," and they had been informed by the prisoners that they had been protected within the very villages they had bombed, been given immediate medical attention, and "better" food than is provided for their guards.

He said continuing concern is voiced about the treatment of U.S. prisoners, but he is more concerned about the treatment of prisoners from the other side held in camps in South Vietnam.

Davis was asked to comment on a statement by Secretary of Defense Laird that Hanoi's treatment of prisoners is in "flagrant violation" of the Geneva Convention.

Davis said he thinks North Vietnam "legally regards the United States as an outlaw nation." (An interesting comment. James Johnson had used the same "outlaw" phrase in his Hanoi remarks, but attributed it to the pacifists themselves.)

"You say our prisoners are being treated humanely," I asked Davis. "How many prison camps did you visit?"

Repeatedly, he sought to evade a direct answer, but I kept hammering "how many prisons" at him. Finally he admitted he had "no information at all" about any of the prisons camps.

The press conference produced nothing of any kind about the status of U.S. prisoners held by North Vietnam. The pacifists had

returned believing what they wanted to believe. They brought back no list of prisoners held by Hanoi, no hint that North Vietnam might consider changing its policy on prisoners.

Except for some fifty letters Hanoi had permitted them to carry home, they had returned only with an array of sugar-coated propaganda. They had swallowed whole as much as possible and stuffed the rest into their luggage.

The press conference could only raise serious doubts about the value of continuing to allow Hanoi the luxury of using such groups to bring back tiny numbers of prisoners. Some Administration officials, even some wives and families of prisoners and missing men, also are beginning to question the validity of this practice.

At the current exchange rate, it would take well over 400 years to get all of the men home. And the current release procedures, in the words of the Washington, D.C., *Evening Star*, are "a little like Oriental water torture—and just as humanitarian."

Twenty-five days after Frishman, Hegdahl, and Rumble reached New York, I went to Bethesda Naval Hospital in Maryland to hear the two Navy men tell about their prison life. Sunshine had improved their color; they had regained some weight. They were ready to open up.

Frishman recounted how he had been blindfolded after his capture and, despite serious injuries, driven in a truck to other locations where he was removed from the truck and stoned by the populace. When he reached the prison, he was refused medical treatment and told he "was going to die in four hours," unless he talked. He "finally passed out" and was taken to a hospital. "Then, even with my bad arm, they tied me up with ropes."

Doctors operated on his arm but failed to remove missile fragments. It was six months before the incision healed over. "I would wake up and find my arm stuck to the blankets . . . the scab would come off . . . the wound would drain again." One of his legs was left with "a seeping sore," still draining when he reached the United States almost two years later.

During much of his ordeal, Frishman was isolated in a tin-roofed cell, vented by "a few holes." In forty-five-degree winter weather, he froze. In summer, it was "like an oven." Sometimes, he was forced to sit on a stool in the stifling room—"just sit . . . and sit"—until he passed out.

Early this year when interviewed by *L'Europeo*, his captors wrote out what he was to say and then "practiced" it with him.

Did they try to "fatten" him in his final weeks of imprisonment, I asked?

"Yes, they did." On July 4 they took him before the camp commander who "had a real nice table with some fruit on it. . . . I knew then that I was going home."

SOLITARY CONFINEMENT

Hegdahl, too, had been subjected to solitary confinement—in all, for more than a year. The longest stretch lasted "seven months and ten days."

He was permitted occasional mail, but the letters were rifled of enclosures (including money) sent by his parents. The lone package he was allowed also was plundered before it was handed to him.

For propaganda purposes, he was photographed "reading" a US magazine which he was allowed to hold "just long enough for them to take the picture."

Frishman said he was threatened before his release. If he embarrassed North Vietnam, they would "have ways of getting even with me," he was told. He was cautioned "not to forget that they still have hundreds of my buddies."

But those still imprisoned want the facts out in the open, he said. One told him "not to worry about telling the truth," that if it means more torture, "at least he'll know why he's getting it and he will feel that it will be worth the sacrifice."

While North Vietnam's claims of "humane" treatment of the prisoners have failed to stand up to public scrutiny, it is equally apparent that Hanoi's policies and those of the Viet Cong have been cruelly lacking in compassion for the families of the prisoners and missing men.

Take Andrea Rander, whose husband, Army Sgt. Donald Rander, is held by the Viet Cong. He was first reported missing during the January Tet offensive last year. Four weeks later she was officially notified that he had been wounded and imprisoned. She has been waiting almost two years for a letter that has never come. She has great difficulty, she told me, in making decisions. "I keep putting everything off. I keep telling myself I will wait until Donald comes home. It's my way, I guess, of convincing myself that he will be back."

SPORADIC LETTERS

Billie Hiteshew, wife of AF Maj. James Hiteshew, who was captured by North Vietnam in March of 1967, has lived with the problem longer, but at least she has heard from her husband. She receives sporadic letters, including two this year. And she has seen photographs of her husband. Shortly after his capture, CBS purchased a film of Hiteshew—confined in a hospital with a broken leg and arm—being interviewed by Felix Greene, a British antiwar journalist. She watched her husband say he agreed with Senators who feel "we need to take another look at our foreign policy," a view she had never heard him express or even hint at before.

Evelyn Grubb's only knowledge of her husband came from a similar Hanoi propaganda gesture. An unarmed reconnaissance aircraft, piloted by AF Maj. Wilmer "Newk" Grubb, was shot down in January 1966 while a Christmas bombing halt was in effect. Hanoi gloatingly publicized his capture, conveniently obscuring the true nature of his mission. The day Mrs. Grubb heard of his capture, it was snowing, two of her three sons were ill, and she was three months pregnant. Each time she writes she tells him about their sons (there are now four; one he has never seen), and sends photographs of all of them stapled to the letter so he will know if they have been removed. She doesn't know whether he has received a single photograph or letter. In four years, she has had no further official word of her husband.

Elizabeth Hill is another wife I talked with. Only twenty-three, she was married to AF Capt. Howard J. Hill (both are AF "brats") in August 1967. Two weeks later he returned to Southeast Asia, and just before Christmas was shot down. Nine months passed before she learned that his capture had been confirmed. As she told me this, she smiled. "I can't help smiling," she apologized. "After Howard was missing for so long, I just have to smile when I say he is a prisoner." She has written faithfully for almost two years, but there has never been an answer.

Although regular exchange of mail between prisoners and their families is guaranteed under the Geneva Conventions (even when two countries are not formally at war), the Communists have permitted only a trickle of letters to flow out of North Vietnam.

Efforts of the American Red Cross and the International Red Cross to improve the situation have been essentially futile in the face of Hanoi's obstinance.

NO INSPECTIONS PERMITTED

Not only has North Vietnam rejected Red Cross efforts to establish improved flow of mail and packages to and from US prisoners, and to permit inspections of their prison camps, but they persistently have refused to even acknowledge the existence of, or accept mail from, their own men held as prisoners in South Vietnam. The latter camps are regularly inspected by the neutral International Committee of the Red Cross, and names of all captured North Vietnamese and Viet Cong soldiers are prepared for Hanoi and the VC, but are spurned.

Although the Red Cross has tackled the problem again and again through all potential channels (even seeking help from the USSR)—and keeps on trying "all the time," according to ARC Vice President Robert Lewis—most of the effort has fallen on deaf ears.

Mr. Lewis says the Red Cross also has made it clear that it is prepared to send representatives to Hanoi at any time to accept released prisoners, but the North Vietnamese prefer to stick to their practice of using dissident go-betweens.

MAIL FOR PRISONERS

Mail for all prisoners and missing men is sent through a variety of channels and addresses. Some is handled by the Red Cross, some is mailed direct to foreign post offices, but little is known to have reached the men to whom it is addressed.

Letters written by the prisoners themselves have fared somewhat better because of their propaganda value. But none ever has arrived in the States from prisoners held by the Viet Cong. And fewer than 100 men held by North Vietnam have been allowed to write over the past five years. The average for this small group has been less than two letters a year.

Currently the letters from prisoners are written on a prescribed form, about five by seven inches, which makes its own envelope when folded. Six lines are provided for the message. Instructions tell the prisoners to write "legibly and only on the lines" and "only about health and family." The form states that "Letters from families should also conform to this pro forma."

Not all wives and parents abide by the advice, but many, like Gloria Netherland, do. Forms are provided by the armed forces. All carrying a mailing address in the Vietnamese language reading: "Camp of detention for US pilots captured in the Democratic Republic of Vietnam."

But for most families, whether they use the six-line form letter or a longer page, the return on their investment is slim at best.

For families of men listed as "missing," even the lack of mail might be bearable if Hanoi and the VC would release the names of all prisoners. But they have consistently refused. Some U.S. Senators say Hanoi "could devise no subtler cruelty."

While no solution to either the mail problem or the list of missing is in sight, the U.S. armed forces, meanwhile, do what they can to ease the plight of the next of kin.

It is not a simple job, nor has it always received top marks in every area, but as the list of prisoners and missing has grown and as the services have learned from past mistakes and found out more about what the families want and need, they have moved increasingly into programs that now garner well-deserved praise.

All of the wives I talked with feel that their husband's service, as one put it, "is doing everything humanly possible."

NOTIFYING NEXT OF KIN

In the early days when a man was captured or turned up missing, next of kin sometimes were advised by telegram. This impersonal approach proved highly unsatisfactory and has long since been abandoned.

Today when catastrophe strikes, a service representative is sent to the home to call on the family, break the news in person, give whatever details are immediately available, and offer solace and assistance as he can provide.

Either this representative or another is thereafter permanently assigned as an "assistance officer" for all future contacts. He makes sure the families are informed of breaking developments, if any; answers their questions, or refers the queries to someone who can; and ensures that they receive such legal, financial, or other aid as they may require.

The main Air Force effort is performed from the personnel center at Randolph AFB, Tex. Service is available twenty-four hours a day, seven days a week, and next of kin may make collect telephone calls any time, day or night.

Families are told everything the services can tell them about the circumstances surrounding the capture or disappearance of the man. Any subsequent news is passed along as quickly as it is received.

On a broader front, all services have put together special informational programs for the next-of-kin to keep them informed about over-all prisoner developments. These most often take the form of newsletters. But the Army's Adjuant General, Maj. Gen. Kenneth G. Wickham, writes a personal, individually prepared letter to each Army family once a month.

The letters and newsletters are supplemented by personal meetings with individual family members or with groups. This practice was instituted early by the Navy, but has now been made uniform for all services, under expanded policies of the Nixon Administration.

Beginning this past spring, group meetings were instituted under the aegis of a joint Defense/State/military team, with families from several services attending at a central location for each given area. At the meetings, the next of kin receive a full briefing on the prisoner problem.

Much of what they can be told is not new, but it has demonstrated to the satisfaction of many, if not all, of those attending that the government is giving the prisoner problem priority consideration, and sincerely wants, and is trying, to help in every way possible.

MEETINGS WITH NEXT OF KIN

The meetings have been spread all across the country. Scheduled mostly at Air Force bases, they are generally held in Service or Officers Clubs, in an informal atmosphere, with local volunteer-wives serving coffee or punch to the families—normally about 100 wives and parents.

One meeting held at Bolling Air Force Base near Washington, D.C., was attended by Ambassador Henry Cabot Lodge (home to report to the President). He told the group what was happening at the Paris peace table. Another briefing session was conducted at the Pentagon itself. Defense Secretary Laird met and talked with the families.

One member of the briefing team, Deputy Assistant Secretary of Defense Richard G. Capen, Jr., said, "We are always frank about telling the families there have been no great breakthroughs. I review the over-all situation; Frank Sieverts [State Department representative] discusses the Paris talks and other State Department efforts conducted through diplomatic channels. Then we spend the remainder of the time, about an hour or an hour and a half, responding to questions."

Mr. Capen says reaction to the briefings has been excellent. Sometimes "wild suggestions" are offered or family members give vent to angry frustration. ("Some cannot understand why we learn so little about the men.") But the meetings, Capen feels, have been extremely useful and have helped to partially satisfy the yearnings of many families for some closer contact with their government in Washington.

He has been through many heartrending conversations, but what remains most vividly in his mind is the meeting at which one wife stood up and declared, "I want my husband back, but I don't want to give my country away to do it."

Most of the families, he says, "have real understanding and appreciation of the problems. We want to assure them that when the men do come back, we will be in a position to say we did all we could." He thinks most of the families now feel, if they didn't before, that this is the case.

In addition to the programs designed for the next of kin, the armed forces also carry out certain procedures for the prisoners and missing men themselves.

All, for example, are considered for promotion at the time they normally would have been considered if not in captured or missing status. Their full pay and allowances are continued indefinitely, and they receive whatever general pay increases are authorized for others on active duty. Allotments the men provided for their families are increased as needs dictate.

New laws also have been enacted and others are being sought to protect rights of the men that might otherwise be jeopardized.

The military "savings deposit" program, for example, encouraged overseas servicemen to bank a portion of their pay in high-interest accounts as a means of cutting down on the US gold-drain. But the law contained no provision for men who were captured or reported missing. This inequity was corrected only to have a second develop. The maximum that can accumulate in such accounts is $10,000. Anything above that amount draws no interest. With deposits of some men now approaching or exceeding the ceiling, the Defense Department recently asked Congress for authority to invest "excess" amounts in the purchase of U.S. saving bonds and notes.

Yet, despite these and other continuing efforts on behalf of the men and their families, it is all too apparent that the combined activities of the armed forces, the State and Defense Departments, the American and International Red Cross, and the efforts at the Paris talks have reunited few prisoners with their loved ones. Nor has there been any new hope for proper medical care of the sick and injured, neutral inspection of prison camps, full disclosure of the names of all captives, or proper flow of mail.

The new Nixon Administration initiatives are helpful, but only full and continuing exposure of the plight of the prisoners and their families, together with relentless public pressure at home and abroad, are likely to produce desired action.

An occasional newspaper editorial is not enough. Limited news coverage of developing prisoner stories is not enough. An infrequent letter-to-the-editor is not enough. A statement inserted in the back pages of the CONGRESSIONAL RECORD is not enough. A business-as-usual attitude on the part of the American public can only make apparent to Hanoi that these men who have given so much to their country have indeed been forgotten by those for whom they made the sacrifice.

Some wives of the prisoners and missing men have reached the same conclusions. Some are taking steps to counter public apathy, and to arouse the Congress.

Mrs. James Bond Stockdale of Coronado, Calif., wife of a senior Naval officer held by North Vietnam, has encouraged other wives to send telegrams to the North Vietnamese delegation in Paris, and helped to organize prisoner families. Mrs. James Lindberg Hughes of Santa Fe, N.Mex., wife of a captured Air Force lieutenant colonel and Mrs. Arthur S. Mearns of Los Angeles, wife of a missing Air Force major, also have been urging the Congress and others to act.

Many of the wives are essentially satisfied that the services and the Administration are doing all they can. But some feel, as Evelyn Grubb says, that "there is a bargaining point for everything; we have to find it." The wives are convinced that more public pressure is essential.

Some have been particularly critical of the inaction by Congress. "Usually," Mrs. Stockdale has said, "they put something in the *Congressional Record* and then forget about it."

A check of the *Record* discloses that this practice was, until very recently, more or less standard. But there is hopeful evidence of a growing change—partly as a result of appeals by the wives, partly as a result of the more open discussion policy encouraged by the Administration.

In August, shortly before Congress went into brief summer recess, forty-two Senators banded together in a strong statement condemning North Vietnam for its "cruel" treatment of the prisoners and their families. Instigated by two opponents of our Vietnam policies, Charles Goodell (R-N.Y.) and Alan Cranston (D-Calif.), the declaration says if North Vietnam thinks it can "influence the policy of the United States toward the Vietnam conflict" through its intransigent position on the prisoners, it is "doomed to failure."

"Neither we in Congress, nor the Administration, nor the American people as a whole, nor indeed the families directly affected, will be swayed by this crude attempt."

Those signing the statement included both Democrats and Republicans representing thirty-three of the fifty states. Three names that might have added weight but were absent from the list of signatures were those of war critics J. William Fulbright (D-Ark.), George McGovern (D-S. D.), and Eugene McCarthy (D-Minn.).

The Senate statement ended with a specific plea to "the governments, the statesmen, and the ordinary men and women around the world" who spoke out in 1966 against Hanoi's proposed "war-crimes trials"—a plan that was abandoned by North Vietnam after a wave of world protest.

The Senators said those who protested in 1966 should "make their voices heard once more. Then, as now, the issue was not political but humanitarian—and Hanoi responded to the force of world public opinion. If that force can again be mobilized, this too may contribute to inducing from Hanoi greater respect for human decency and for the rule of law." On August 21, the North Vietnamese delegation in Paris vehemently rejected the protest as "slander" and an attempt "to deceive public opinion."

In the House of Representatives, Congressman William L. Dickinson (R-Ala.) sent a letter to his colleagues asking that they join him, after the August recess, in making floor statements protesting the treatment of our war prisoners.

Whether these moves are one-shot efforts remains to be seen. What members of both houses seem to have overlooked is the potential force of a Joint Congressional Resolution condemning Hanoi's prisoner policies.

Whatever action Congress may take, what will count most significantly is the time and effort the American people are willing to expend in helping solve the problem.

In my numerous interviews with government officials, representatives of the Red Cross, members of the armed forces, and next of kin of the prisoners, I ask each person what he or she thought would be the most effective attack that could be launched.

They agreed that a four-pronged letter campaign could produce dramatic results. The letters should be directed to:

Representatives of foreign nations;

Newspapers and magazines in foreign nations;

Members of the US House and Senate; and

Xuan Thuy, chief North Vietnamese negotiator in Paris.

The letter to the foreign nations and the press in those nations should urge that pressure be brought to bear on Hanoi to live

up to the spirit of the Geneva Conventions by putting into practice the Conventions' rules on the treatment of war prisoners.

The letters to Xuan Thuy should demand the same points. And those individuals who are not necessarily in sympathy with the war should make it clear that proper treatment of the prisoners is nevertheless an overriding consideration. All should note that continued intransigence on the part of Hanoi will only stiffen the resolve of the American public, not weaken it.

Letters to members of Congress (addressed to the Representative from your own congressional district and to either or both of your US Senators) should call for a Joint Resolution demanding proper treatment for the prisoners and missing men, and stressing the solidarity of the nation in this aim.

HOW YOU CAN HELP

If you want to help, send a postcard to AIR FORCE/SPACE DIGEST at 1750 Pennsylvania Ave. NW., Washington, D.C. 20006, and you will be mailed a list of Washington, D.C., addresses of ambassadors of foreign nations whose assistance could be crucial, together with a list of selected foreign newspapers and publications.

Letters to Xuan Thuy can be addressed, in simplified form, as follows: Xuan Thuy, North Vietnam Delegation, Paris Peace Talks, Paris, France.

There is a chance—possibly a good chance—that world opinion might force Hanoi to honor basic codes of human decency.

"By any human standards," the position of North Vietnam is "totally inexcusable," Secretary of State William Rogers says. "I don't understand why we have not become more excited about the prisoner question."

The Secretary is telling the people of the United States that their concern is important. The rest is up to you. If you want to help the men many Americans have forgotten, you can. Your letter could be the one that spells the difference.

FAMILY PLANNING: PUBLIC PRIORITY AND PRIVATE RIGHT—II

Mr. TYDINGS. Mr. President, social scientists have long recognized a strong correlation between poverty and family size in the United States, Chicago's poor, for example, have a birth rate which equals that of India. Our national fertility rate—the number of children born per 1,000 women in the 15 to 44 age group—is 55 percent greater among the poor than among the nonpoor.

As a result, the poor boast a much higher proportion of large families. According to a recent Census Bureau report, 38 percent of all poor families have four or more children as contrasted with only 17 percent of all nonpoor families.

FAMILY SIZE AS A CAUSE OF POVERTY

However, it is only in the past several years that family size has been perceived as a cause of poverty as well as an effect.

Popular wisdom to the contrary, surveys have revealed that poor families desire less children on an average than their wealthier counterparts. They end up with larger families due to the general unavailability of family-planning information, services, and materials to low-income women.

The Natality Statistics Branch of the U.S. Public Health Service calculated that in 1966 the 8.2 million poor and near poor women of reproductive age had 451,000 unwanted births; that is, births that would have been avoided if the mothers had possessed the information and means.

By "unwanted," I do not wish to imply that a child is loved any less than his desired brothers and sisters. He is unwanted in the sense that his birth necessitates an overextension of already scarce family resources, including parental attention. Herein lies the causal link between family size and poverty.

As the National Advisory Commission on Rural Poverty explained it:

> A vicious circle of poverty and fertility is at work . . . Because they [the poor] do not limit the size of their families, the expense of raising unwanted children on inadequate incomes drives them deeper into poverty. The results are families without hope and children without future.

Lacking the parental supervision and support they would likely receive in smaller families, the children of the poor tend to underachieve in school. A higher percentage of them become school dropouts and delinquency problems, all of which reduces the child's chances for economic betterment in later life. And so the poor stay poor.

It cannot be overemphasized that the objective of family planning is not simply to limit the number of births. It is with the quality of life of our citizens that family planning is concerned.

It is with the amount of parental attention and supervision and love and affection that each child can receive that it is concerned. It is with the opportunity for a decent meal three times a day that each child can receive that it is concerned. It is with the opportunity to go to school and have parental guidance and interest in that childs achievement in class that it is concerned. It is with the opportunity of that child to have decent clothes and an opportunity to get a better job in later life that it is concerned.

The ability to determine family size and the spacing of children profoundly affects the economic, educational, and health prospects of parents and their children.

Government figures reveal that the birth of children too early or late in a mother's childbearing years can have adverse physiological and emotional effects on both mother and child. A child born at the wrong time in a family's economic development often constitutes a burden on his parents and loses benefits he would have received if his coming had been planned.

FAMILY PLANNING: A FUNDAMENTAL INDIVIDUAL RIGHT

It should be clear by now that any effective campaign to eliminate poverty in this country must include programs which make family-planning information and contraceptive devices available on a voluntary basis to all who desire them. It is imperative that we give all our citizens, regardless of income, the right to plan the size of their families—a right which the affluent now enjoy. It is essential if the poor are to possess the opportunity to defeat the poverty that oppresses them.

For the right to be able to plan one's family is as essential a part of full freedom of opportunity as the right to a decent home, the right to an education fully commensurate with ability, and the right to a good job. Indeed, the denial of the right to plan the number and spacing of children denies equal opportunity in housing, education, and employment.

MILLIONS DENIED THIS RIGHT

Unfortunately, many parents do not have this basic right. Despite the fact that the Federal Government and many of the States and cities finally have begun to finance family-planning services and population research, it is estimated that only 700,000 of the 5 million women who want family-planning help actually receive such assistance through public and private sources.

Mr. President, I ask unanimous consent to have printed in the RECORD an insightful study entitled "Effects of Family Planning on Poverty in the United States," written by Harold Sheppard. It does an excellent job of documenting the very real link between poverty and unwanted births.

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

EFFECTS OF FAMILY PLANNING ON POVERTY IN THE UNITED STATES, OCTOBER 1967

(By Harold L. Sheppard)

PREFACE

This paper is a slightly revised version of a report written by the author as staff consultant for the United States Senate Subcommittee on Employment, Manpower, and Poverty, as part of its 1967 study of poverty in America and of the effectiveness of various programs associated with the Economic Opportunity Act. The report is confined almost exclusively to potential effects of family planning, or birth control, upon the reduction or prevention of poverty. Thus it does not deal with such questions as the attitudes and policies of various groups in our society, including the doctrines of religious organizations, that may or may not facilitate greater adoption of family planning practices.

The issue of poverty is significantly related to the major focus of the Institute's concern with problems of manpower and employment. It is the author's belief that the internal composition of a society's total population and the trends within component segments of that population are among the major underlying conditions for the emergence and outcome of manpower and employment problems. This is as true of "modernized" urban-industrial societies such as the United States as it is of the "lesser developed" societies such as India and those in South America.

One of the results of continued high fertility rates among impoverished families is that a disproportionate number of youths entering the labor force from such families cannot be adequately employed in an economy such as that in the United States of the 1970's and beyond. That economy will not be identical to those in earlier decades, in terms of its qualitative manpower requirements. A major qualification to this statement is that a large part of the employment problems might be solved to some extent by massive governmental programs (on a scale larger than current ones) of training, compensatory education, public service employment, and other costly measures—including supportive welfare services.

In further explanation of the proposition concerning the relationship of component population trends and differential fertility rates to employment, it might be noted, for example, that between 1965 and 1975 the number of young persons in the labor force (14–24 years old) is expected to increase by 34 percent—in contrast to an overall increase in total labor force size of only 20 percent.

Among all children 6 to 15 years old today, who will make up the majority of the group 14–24 years old in 1975, one-fifth are from poor families. The data are critical in the case of nonwhites. As a result of greater fertility, by 1975 the number of nonwhites 14–24 in the labor force is expected to increase over 1965 at a far greater rate than the number of whites in the same age group (52 percent as compared to only 32 percent for whites); and this increased number of nonwhites will disproportionately originate in families living in poverty today. Among all nonwhite children 6 to 15 years old today, more than one-half (53 percent) are living in poor families, in dramatic contrast to only 14 percent of all white youths in the same age group.

The implications of these data relate to the fact that the typical poor youth entering the labor force is likely to be poorly prepared to take advantage of prevailing job opportunities—in terms of educational achievement, occupational skills, knowledge of the labor market, work habits, attitudes, etc. For the nonwhite youth, discrimination can be an additional handicap in seeking adequate employment, but this factor is becoming less crucial than the other factors cited.

The views expressed by the author do not necessarily reflect the positions of the W. E. Upjohn Institute for Employment Research.

HAROLD L. SHEPPARD.

WASHINGTON, D.C., *September 1967.*

I. INTRODUCTION AND BACKGROUND

The purpose of this report is to stimulate serious consideration of (*a*) the relationship of family planning and size to efforts to reduce poverty in the United States; (*b*) the possibility that continued high fertility rates among the poor serve as obstacles to movement out of poverty for parents and children alike; (*c*) the benefits that could be derived from a more effective public program of family planning; and (*d*) the adequacy of current programs.

In summary, the report concludes that family planning can be a major instrument in reducing and preventing poverty, and that current programs are far from adequate in relation to the desire of the poor for family planning services and to the need for such services.

Family size and poverty

The relationships between family size and income are more complicated than much of the discussion in this report may imply. Furthermore, the trends in these relationships are characterized by a number of changes not reported here in detail. For example, there is some evidence that among younger couples a few generations removed from rural origins the historical inverse connection between income and fertility may no longer be the case. On an overall basis, however, poor persons tend to have more children than persons with higher incomes. Any detailed discussion of the nature of the complex relationships and trends might, however, distract the reader from the main point of this report—that family planning can be made a more effective measure for reducing and preventing poverty, and that failure to expand family planning programs among the poor can serve to offset the benefits of other measures designed to combat poverty.

A widely held opinion has been that an increase in family income must precede a reduction in family size, with the policy implication being that emphasis should be placed exclusively on those fiscal, monetary, and structural measures that produce an increase in individual and family incomes. Until recently, however, inadequate attention has been given to the possibility that family size itself may be one of the many causes of poverty, and that it is not sufficient to wait for other social and economic processes to bring about a growth in income in order to reduce family size. Family planning, or birth control, can be effective in creating the conditions for increased income—for taking people out of poverty. Family planning here refers not merely to the number of children born but also to the timing and spacing of births.

Reports by the Census Bureau and other public and private organizations contain dramatic evidence of the point that the poor of childbearing ages give birth to a disproportionate number of children relative to the resources at their disposal for rearing and educating their children in ways that would increase the children's chances for moving out of poverty. It also should be obvious that the chances of a poor father moving out of poverty himself are affected by the number of children he has (and by the spacing of births).

The relationship between poverty and family size is revealed in the following table, based on data for 1965:

Item	Number of children under 18 in family					
	1	2	3	4	5	6 or more
Percent of families living in poverty	11	11	15	21	33	43
Number of poor families with children under 18 (in thousands)	946	903	825	628	453	564

Source: U.S. Bureau of the Census.

The incidence of poverty among families with one or two children under 18 is relatively low (11 percent), but steadily rises as the number of children increases—to 43 percent among families with six or more children. Excluding those families with no children under 18 in 1965, the distribution of number of children in this age group according to the poverty status of families was as follows:

Item	Poor families	Nonpoor families
All families with children (percent)	100	100
1 to 2 children (percent)	43	64
3 to 4 children (percent)	34	29
5 or more children (percent)	23	7
Number of families (in thousands)	4,319	28,550
Number of children (in thousands)	13,937	55,692
Mean number of children per family	3.23	2.30

One-fifth of all our children under 18 are poor but are concentrated in one-seventh of all families with children, due partly to the higher birth rate among poor families. The extent to which large-sized families constitute a major factor in the problem of poverty is further revealed by the fact that among all children under 18 in families 20 percent are in poor families, while only 12 percent of all persons 18 and older are in poor families. This disproportionate distribution of poverty among children is especially marked among nonwhites, as shown in the following table:

[In percent]

Item	Total	Whites	Nonwhites
Children under 18 in poor families	20	14	53
Family members 18 and older in poor families	12	10	33

Source: U.S. Bureau of the Census data for 1966.

In other words, among nonwhites, 53 percent of the children are poor in contrast to 33 percent of the adults (18 years and older).

In 1966, slightly more than 8.6 million white children and more than 5.3 million nonwhite children were poor.

Dependency ratios

The implications of inadequate family planning among the poor are indicated by the number of children for every 100 persons in the "prime working ages"—often called the *dependency ratio.* The comparative figures for the poor and nonpoor dramatize the immensely greater burdens that the adult poor have:

DEPENDENCY RATIOS OF THE POOR AND NONPOOR (WHITES AND NONWHITES), 1966

Item	Poor			Nonpoor		
	All	White	Nonwhite	All	White	Nonwhite
Number of children under 22 per 100 persons aged 22 to 64	148	128	197	79	78	88

This table reveals that for every 100 poor persons aged 22–64,[1] there are 148 children—in sharp contrast to 79 among the nonpoor. Among whites, the dependency ratio for the poor is 128 and for the nonpoor, 78. Among nonwhites, the ratio for the poor is 197 versus 88 for the nonpoor.

Contrary to many previous expectations, the dependency ratio among the poor in urban areas has apparently not gone down. It had long been theorized that migration to the cities would be accompanied by declining birth rates. However, the dependency ratio in the central cities of standard metropolitan statistical areas of more than 250,000 is even higher—168 in the central cities as opposed to only 148 for the entire country. Among poor whites in the central cities, the dependency ratio in 1966 was 132, as compared to 128 for all poor whites in the United States. Among poor nonwhites in the central cities, the ratio was 211—in contrast to 197 for all nonwhites in the nation.

The higher dependency ratio for the central cities' poor (in comparison to that of all the poor) was not repeated among their *nonpoor.* While the overall national ratio for the nonpoor was 79 young persons for every 100 persons 22–64, the ratio in the central cities was lower—71. Thus, in the central cities of the United States the nonpoor 22–64 years of age—*including nonwhites*—have fewer children than the nonpoor in the rest of the country, while paradoxically and tragically, the poor in the central cities—and especially nonwhites—have more children than the poor in the rest of the nation.[2]

The same type of comparison is revealed in data for metropolitan areas with more than one million population.

Poverty among nonwhites

The problem of poverty among American Negroes may be more difficult to solve than it is for whites—an inference from the fact that from 1960 to 1966 the dependency ratio among all Negroes had been increasing, while it had been *decreasing* among whites.[3] We can only infer indirectly, on the basis of current data, that there may be some relationship between the decline in dependency ratios among whites and the decline in their incidence of poverty, and that the slower rate of progress among Negroes is partly related to their rising dependency ratio.[4] And the differences in dependency ratios are a function of fertility differences. More specifically:

1. Between 1959 and 1964, the number of poor children under 18 among whites declined from 11.1 million to 9.1 million, while the total number of poor whites of all ages declined from 28.2 million to 23.8 million. The number of poor children among nonwhites *increased* from 5.6 million to 5.7 million, while the total number of all poor nonwhites *declined* slightly, from 10.7 million to 10.4 million. Actually, the number of non-

Footnotes at end of article.

white *adults* in families which were poor declined by nearly 10 percent in this five-year period—from 4.2 million to 3.8 million.[5]

2. In this same five-year period, there was a substantial decrease in the number of poor white families with children under 18 (from 3.7 million to 3 million), but only a slight decrease (from 1.6 million to 1.5 million) in the number of poor nonwhite families with children. While the number of children per poor family increased by only 1 percent among whites, it increased by 8.6 percent among nonwhites. On the other hand, among nonwhites who are *not* poor, there is evidence that the number of children per family has declined.

3. The increase in the number of poor families with five or more children during this five-year period took place only among nonwhites. Nonwhite families that were *not* poor experienced a decrease in the number of such large-sized families.

4. The crucial point is that progress in the reduction of the incidence of poverty among nonwhites may be retarded by the preponderance of large-sized families. Between 1959 and 1964, the incidence of poverty was reduced at a rate of 22 percent for nonwhite families in general; but among families with only one or two children, it was reduced by 26 percent; among families with three or four, by 19 percent. Contrary to this *downward* trend for smaller sized families, poverty among nonwhite families with five or more children actually *increased* by 7 percent:

PERCENT OF NONWHITE FAMILIES IN POVERTY, BY NUMBER OF CHILDREN, 1959 AND 1964

Item	All families[1]	With 1 to 2 children	With 3 to 4 children	With 5 or more children
1959	50	43	67	71
1964	39	32	54	76
Percent change	−22	−26	−19	+7

[1] Includes families with no children under 18.

As the table above reveals, there has been a general decline in the incidence of poverty among nonwhite families. This decline is related to family size, with the greatest rate of decrease in poverty taking place among families with two or fewer children. There has been an *increase* in the incidence of poverty among families with five or more children.[6] In other words, the smaller the number of children, the greater the movement out of poverty.

The "poverty" classification used in this report takes into account family size as well as income. In this connection, there is some further evidence suggesting that, were it not for family size, many poor nonwhite families would not be in poverty. Take, for example, the 373,000 nonwhite nonfarm male family heads aged 22–54 who worked at least 40 weeks on a full-time basis in 1965 and yet were classified as poor. Their average family income was $3,000. The comparable average income for the white poor was *below* that figure, $2,428. One of the major explanations for the fact that family income (or earnings only of heads) for these year-round, full-time nonwhite males is about that for whites who also worked year around, full time must be that family size is larger among nonwhites, and therefore pulls them down into the poverty category.[7]

Such data suggest that despite the fact that they work year round, full time, many nonwhites are poor. One (and only one) of the reasons for this is the burden of excess children. Of course, the same is true of many white heads of families, but not to the same extent as among nonwhites. At given income levels, nonwhites tend to have more children than whites.

Footnotes at end of article.

AVERAGE FAMILY INCOME AND EARNINGS OF HEADS, NONFARM POOR AGED 22 TO 54, WORKING YEAR ROUND FULL TIME (WHITES AND NONWHITES), 1965

Item	Whites		Nonwhites	
	All	Males only	All	Males only
Average family income	$2,384	$2,428	$2,766	$3,000
Average earnings of head	$2,018	$2,091	$2,293	$2,584
Number of families (in thousands)	1,154	1,043	488	373

Note: Income and work status based on 1965 experience. "Year round" refers to 40 or more weeks of employment.

Source: Unpublished data from U.S. Bureau of the Census.

Available census data do not contain information on the number of children for nonfarm families with male heads 22–54, according to work experience. But for all such families, nonwhite families in nonfarm areas with male heads in this age group had an average of 3.77 children under 18, as compared to only 2.89 children among comparable white families. These averages are based on all families, including those with no children, which actually minimizes the white-nonwhite discrepancy.

In 1966, the "poverty line" for nonfarm families with male heads, according to number of family members, was as follows:

3 members	$2,505
4 members	3,200
5 members	3,770
6 Members	4,235
7 or more members	5,215

Source: Research and Statistics Note No. 5, Social Security Administration's Office of Research and Statistics, Feb. 16, 1967. For detailed description of the Social Security Administration measures of poverty (those used by OEO and the Bureau of the Census), see the *Social Security Bulletin* for January and July, 1965.

A significant fact is that, in 1964, 45 percent of all children under 18 in poor families lived in homes with at least five children; in contrast only 17 percent of nonpoor children lived in families of this size. The percentage has climbed since 1964. Among nonwhites, 56 percent of the poor children were living in homes with at least five children, as compared to 39 percent of poor white children.

These kinds of comparisons, of course, understate the relationship between birth rates and poverty, as Mollie Orshansky has pointed out:

"The statistics relating poverty to presence of children, disturbing as they are, represent some understatement. They refer only to those under 13 who are currently in the home, but give no clue as to the number already grown and gone or the number still to come in families not yet complete." [8]

Throughout this report the stress is on the proposition that high birth rates among the poor are not merely a *result* of poverty: they are also a *cause* of poverty. (There are many wealthy families with five or more children, but we cannot attribute their high birth rates to lack of income. Such children typically are not unwanted.) For the poor (and the near-poor, as well as for other below-average-income families), the explanation for their high birth rates includes the factor of inadequate funds for birth control devices, but it also includes such factors as unawareness of such devices, unavailability of family planning services, and a host of attitudinal factors (apart from personal religious prohibitions)—all of which are subject to change if free (or minimal-cost) services are made available and if parents desirous of smaller families are counseled regarding the nonreligious attitudes that may tend to prevent them from actually practicing family planning.

Health and poverty

There is some evidence that part of the greater health problems of the female in poor families can be attributed to higher fertility rates.

"A large number of children born over a long period of years may well constitute a threat to her health and that of her children, especially in the case of babies born less than a year apart and those born while the mother is in her teens or when she is over the age of 32 or thereabouts." [9]

The poor have children earlier, more frequently, and later in life than the nonpoor. This is reflected in the greater percentages among poor families with young heads (under 22) and older heads (55–64) who have children under the age of 6, in contrast to the nonpoor:

PERCENTAGE OF FAMILIES WITH CHILDREN UNDER THE AGE OF 6, BY AGE OF HEAD AND POVERTY STATUS, 1966

Item	Family head under 22		Family head 55 to 64	
	Poor	Non-poor	Poor	Non-poor
Percent of families with children less than 6 years old	65	47	12	4

Source: U.S. Bureau of the Census data.

The greater adverse health effects upon both mother and child should be apparent.

II. THE ANALOGY OF POPULATION GROWTH IN "POOR" NATIONS

As a presumably "advanced" country, the United States has recently moved more directly into the issue of excessive population growth in poor nations around the world. And, within those poor nations, responsible leaders have become increasingly sensitive to the fact that one of the major reasons for the failure of their economic development plans has been the failure of their populations to reduce birth rates—particularly in view of reductions in death rates, resulting essentially from the introduction of health measures.

Population policy is becoming an accepted ingredient of many economic development programs. Those countries—in the recent past as well as in the present—which consciously have adopted economic development and modernization policies *and* which have been able—deliberately or otherwise—to control their population growth are the ones which have succeeded (or are succeeding) in moving their people out of impoverished conditions. Taiwan and Korea are often cited as current examples. Despite the adoption of modern economic development policies, the countries *failing* to cope with population growth face little but frustration and bitterness in their efforts to transform policies into reality.[10]

The relevance of all this to our own country's problem of domestic poverty is that the difference *between* nations provide us with practical insights into differences *within* nations. If we view the poor within a country as somewhat equivalent to the population of a poor nation as a whole—both of which are striving to improve their socioeconomic status—it might be instructive to take the same position toward the challenge of reducing poverty *within* our country that has been taken toward the effective implementation of a poor nation's economic improvement program. And this effective implementation by necessity requires a reduction in the birth rates. Such laudable (and sometimes frenetic) efforts as "job development," education and training, and the provision of previously unavailable health services can be thwarted if birth control measures are not also adopted as part of an overall program devoted to "economic opportunities."

The increasing gap between most under-

developed countries and the developed ones—a gap resulting in large part from the differential rates of population growth—might well serve as a model in our attempts to understand how, *within* one country, some parts of the population in poverty fail to move out of poverty while the rest of the country continues to improve. The problem of poverty in such circumstances is not exactly a product of the machinations of "the power structure" or the "system" unless one wishes, of course, to believe that it is to the best interests of the wealthy and powerful that the poor continue to remain poor through a pattern of excessively high fertility rates. The problem is, indeed, a product of the woefully inadequate provision of family planning services by society to the poor and, resulting from that inadequacy, of the failure of the poor to recognize the role they themselves play in the life chances of their children.

III. MUST POVERTY BREED POVERTY?

Contrary to a widely accepted belief, poverty does not *necessarily* breed poverty. If it did, there would be more poor Americans today than in the past. Instead, we have fewer poor persons than 5, 10, or 20 years ago. The proposition that poverty breeds poverty is actually based on the reality that in any given period a higher proportion of poor adults had poor parents than did nonpoor adults. But this observation neglects the fact that many *non*poor adults were born into poor families (and the corollary, that many poor adults were born into *non*poor families or were, at one time, themselves not poor—the case of some elderly poor).

Any society dedicated to the faith that poverty can be prevented or reduced cannot accept the belief that poverty breeds poverty. (If it did, how could that society deliberately break out of such a fatalistic, predetermined vicious circle?) A society dedicated to preventing or reducing poverty must seek answers to the question:

Why is it that some persons born in poor families nevertheless move out of poverty?

There are many answers to this question, but they will not be found by merely tabulating what proportion of the poor are old or young, male or female, white or nonwhite, farmers or nonfarmers, etc, etc. The answers might be partly suggested by analyses based on what proportions of each of these categories are poor at any given time. But more precise answers can be assured if we ask, for example:

Among the *non*poor adults of today, who are the ones born into poor families, and how do they differ from today's poor adults also born into poor families?

Social causation is not a simple phenomenon, and thus there are multiple factors involved in the answer to that question. This brief report is not an attempt to discuss this issue, but only to show how demographic factors, especially family size among the poor, play a role in affecting the probabilities of "upward social mobility," that is, movement out of poverty. If birth into a *small* poor family as opposed to birth into a *large* poor family increases such probabilities, then it should follow that conscious adoption among poor parents of birth control practices should be a major step that they can take to help their children move out of poverty.

This statement amounts to more than the tautology that if the poor have fewer children there will be fewer poor in the population. It means that, if the poor have fewer children, those children who are born will have a greater chance for moving out of poverty during their adult lives. A second consequence is that, by virtue of having fewer children, many heads of families themselves will move out of poverty.

To repeat, many nonpoor adults today were born in poor families. One of the several characteristics that differentiate between these adults and poor adults also born in poor families is the number of siblings their poor parents had. There are now sufficient research data to explain in part why greater upward mobility occurs among these "ex-poor" adults. For one thing, among poor families with the same family income, per-child resources will be greater in the smaller families, with resultant returns from such greater "investment." Apart from monetary resources, a child with fewer brothers and sisters is able to receive greater attention time from parents. Children from smaller families tend to have greater mental development and can take better advantage of learning situations in and out of school. Dropout rates in turn are lower among such children: they have more years of formal schooling. And, needless to say, greater education is associated with higher occupational status, higher income, and lower unemployment.

The statement that poverty breeds poverty is correct to the extent that high birth rates persist among the poor. The vicious circle of large family size among the poor, coupled with inadequate education, low job skills, and high unemployment rates, should be broken. One of the means at our disposal by which this vicious circle can be broken is an effective mass program aimed at assisting impoverished Americans to control their family size. Public policy is developing along this line.

Education is a major stepping stone out of poverty. This is an article of the American Faith, deeply ingrained in our beliefs because it is based on concrete experience. We know, for example, that the unemployment rate among persons without a high school education is the highest; among persons with only a high school education, the next highest; and among persons with a college degree, the lowest. We know that the greater the number of years of schooling, the greater the chances for gaining a higher status—higher income occupation. We know that education and income are positively correlated.

But it is not very widely known that one of the factors that affect the amount of education one receives is the number of brothers and sisters in one's family; that is, educational achievement is partly explained by size of family. A recent analysis [11] of educational achievements of 45 million adult men (ages 20–64) shows that the rate of completion of high school is related to the number of brothers and sisters they had: 73 percent of those with no siblings completed high school; 60 percent of those with one to three siblings; and 39 percent of those with four or more.

The analysis of these census data by Professor Otis Duncan shows that these differences are due to more than the fact that smaller families prevail to a greater extent among higher income groups, which in turn have greater proportions of children graduating from high school: even among groups with low income, a higher proportion of adult men with 12 or more years of schooling come from families with small numbers of children than from families with large numbers of children. For example, among the men with farm background, about 48 percent of those from families with one to four children completed 12 years, as compared to only 22 percent of those from families with five or more children.

The conclusive, incontrovertible point in the Duncan statistical analysis is that the amount of a child's education is affected by the number of children in the family—*at every age and every socioeconomic level* (even with birth order considered). For the purpose of seeking effective solutions to the problem of poverty in this country, the crucial point is that poor families today can increase the chances for greater education for their children (and thus reduce the odds for poverty of those children by the time they become adults) in direct proportion to their efforts to practice family planning.

When a poor couple can delay the birth of their first born, and/or increase the time between births (and thus reduce the total number of children ever born into the family), their own opportunities for education and employment may also be enhanced.

High fertility and the resulting large family size among the poor hinder the investments that they can make in human resources per child. As already demonstrated, the number of brothers and sisters a poor child has directly influences the number of years he attends school. The amount of education he achieves directly influences the occupational stratum into which he enters; and this in turn influences his level of income as an adult.[12] Again, it does make a difference in "life chances" for a child born into a poor family if he has many or few siblings.

Family size is important *vis a vis* education not only because of the economic factors involved (for example, dropping out of school for a job in order to supplement family income). It appears that it may even have "a direct effect on the environmental aspect of mental development." One researcher has concluded that the "mere fact of belonging to a large family implies restricted contact with adults and fewer opportunities of acquiring adult habits of speech and thought, a disadvantage which enters into the intelligence test performance of children from large families." [13] Dr. John Clausen, in a recent summary of research on "Family Structure, Socialization, and Personality," has written that:

"A large number of studies have indicated that children from small families tend to make higher scores on intelligence tests than children from large families, even when social class is held constant. Most impressive is the evidence provided by a longitudinal study of a stratified sample of all children born in Britain in one week in March 1946. Data on intelligence and school performance at ages 8 and 11 were secured for more than 97 percent of the designated children remaining alive in England or Wales—a population of more than 4,000. Intelligence test scores at both ages 8 and 11 showed a decline with increasing family size, a decline that was most marked in families of manual workers. The poor performance of children from larger families was as pronounced by age 8 as by 11. Although less great at the higher status levels, the differences in favor of children from smaller families were found even among children of professionals.

". . . Since superior intelligence, higher educational attainment, and high motivation to achieve are all ingredients of occupational success, one might expect that children from small families would more often achieve a high degree of occupational success than those from large families. This is, indeed, the case; children from small families are more likely to rise above their father's status than are those from large families.[14]

Poor children born into large families start school with language and other disadvantages that can be traced to the impact of family size, and these handicaps compound the other problems in their learning experiences while in school. In view of such handicaps, it could be argued that the best of the Headstart projects may be only a palliative for the problems created by large family size among the poor.

Persons from large poor families are more likely than the poor from small families to retain such characteristics as inferior occupations, inadequate incomes, perhaps even a life style that prevents greater associations with the nonpoor and therefore reduces chances for moving out of poverty.

While the primary emphasis here has been

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placed on the effects of large-sized families among the poor themselves, consideration should also be given to the degree to which high birth rates among the poor impose a strain upon the resources of the local and national community, such as school space and staffs, health services, housing, welfare programs, and the like. And as the central cities are increasingly composed of concentrations of poor families, the tax-revenue base becomes further deteriorated as a source of supporting these necessary services.

But to repeat, poverty can be the result of having a large family, or of being born into a large family. Large family size is not merely the result of poverty, which has been the predominating viewpoint. In addition, large family size can be a cause of poverty. The reduction of family size thus can be made into an important weapon in a war against poverty.

IV. FAMILY PLANNING—IS DESIRED AND FEASIBLE?

So far this report has pointed out the relationship of poverty to family size; that the two are both cause and effect of each other; how poverty among the children of the poor could be reduced through family planning, etc. Thus, we have merely presented the case for the necessity and desirability of family planning in any effective attack on domestic poverty. There remain some other questions, notably: Do the poor themselves desire fewer children? And, have they effectively responded to family planning programs when such programs have been made available?

In answer to the first question, we now know that smaller family size among the poor is desired by them. This preference holds for nonwhites as well as whites. Several studies have confirmed this point.[15] Most of the "excess fertility" couples in lower income groups have at least two *unwanted* children, more than twice the number of unwanted children among couples with higher incomes. The proportion of women stating that they have more children than they want rises as one goes down the scale of family income. The lower the income, the higher the proportion of families with unwanted children. Again, the major explanation for the discrepancy between desired number of children by the poor and the actual number they give birth to has to do with ignorance and the unavailability of information, services, and materials.

In answer to the second question, two types of answers are available. First of all, it is clearly obvious that many poor families over the decades have had fewer children than other poor families as evidenced, for example, by the 1962 census data on lifetime occupational mobility analyzed by Duncan and Blau. Second, between 1960—following the introduction of the pill—and 1965, there was a tripling of the patient load in the programs of the Planned Parenthood Association.

The following excerpt from a paper delivered by Frederick S. Jaffe of Planned Parenthood-World Population at a December 1966 family planning conference sponsored by the U.S. Department of Health, Education, and Welfare provides some illustrative examples of the effective response of the poor to family planning services when made available.

"In our view, the experience of the most successful family planning programs thus far, in settings as diverse as Charlotte, N.C., Chicago, Ill., and Washington, D.C., confirms this general strategy. These programs rely primarily on efforts to make family planning services geographically and economically more accessible, and have met with considerable response among the poor. The doubling of postpartum return rates following the introduction of family planning at hospital postpartum clinics is one significant measure of this response. Reports from programs of very varied scope, in communities of all sizes, are in basic agreement on the readiness of many poor parents for modern family planning. The Washington program, for example, is described to Congress as 'one of the most popular we have,' while in Augusta, Ga., a maternity and infant care nurse reports that 'almost everyone who is told about [family planning] want it.'"

The most convincing evidence in support of this strategy is to be found in New York City, and this experience merits detailed analysis as a potential model for other communities seeking to initiate or expand family planning programs. . . .

The target population in New York City, according to our estimate, consists of approximately 167,000 fertile, medically dependent women who are not having or seeking a desired pregnacy.

Five years ago, the organized family planning facilities available in New York City consisted of eight planned parenthood centers, six voluntary hospital clinics, and three municipal hospital clinics. These services were concentrated in Manhattan, with very poor coverage elsewhere. When these services are related geographically to the city's major poverty neighborhoods, it is evident that existing services were quite inaccessible to many of the areas of greatest need (such as Bedford-Stuyvesant, Williamsburg, and the southeast Bronx).

We very roughly estimate that in 1961, 25,000 low-income patients, or 15 percent of the indicated population, received services at existing clincs.

During the last 5 years, the number of family planning clinics under all auspices, has increased significantly to 69 separate facilities. Today, there are 16 clinics operated by municipal hospitals, 27 clinics in voluntary hospitals (including five rhythm clincs in Catholic hospitals), eight health department clinics, two clinics funded by the anti-poverty program, and 16 planned parenthood centers. Many of the new services are part-time clinics located within poverty areas which previously were uncovered. The main effect of the changes since 1961 has been vastly to increase the number of facilities for family planning and to improve their geographical and economic accessibility. The level of services reached now totals, approximately, 85,000 low-income patients, or 51 percent of the population in need. . . .

It is significant that this growth has been accomplished with only minor attention to educational activities. Planned Parenthood has done a certain amount of community education, but most of the hospital's confine their efforts to lectures and dissemination of information within the hospital about the availability of service. Only one has been able even to distribute pamphlets in the hospital and the community, while the staff of another occassionally speaks at community meetings. In the remaining hospitals, the primary information mechanism is word-of-mouth communication.

The remarkable aspect of the New York City record, therefore, is that approximately half the indicated population has been enrolled by programs which have been fundamentally understaffed, underfinanced, and uncoordinated. This provides impressive confirmation that the single most important strategic decision in programing for community needs is to establish free or subsidized services which are geographically accessible to the population in need. . . .

This analysis has been concerned only with the introduction of family planning to those who have not previously had access to services offering modern methods. It has not taken into account *continuity of use* (or the dropout problem), which becomes of increasing significance as services are established. It is suggested that achievement of an adequate number of geographically accessible services, with supplies readily and economically available, would increase the number of women who continue to practice successfully and at the same time set up the conditions necessary for systematic investigation of additional methods for increasing retention rates. Furthermore, the impressive results thus far, with resources which must be regarded as minimal, suggest a challenging question: What would be likely to happen if *adequate* resources were made available so that quality services could be delivered with respect, energy, and skill? If enough staff were assigned so that patients receive the personal attention they require and deserve? If clinics were not overcrowded? If budgets permitted more evening and weekend clinics, shorter waiting times in the waiting rooms, accelerated procedures to obtain supply refills, improved educational efforts, etc.? These elements of quality service could be introduced into the present program with very modest additional financial and staff resources, and there is reason to believe they would have considerable impact on increasing retention rates.[16]

Other examples include the case of Mecklenberg County in North Carolina. After two years, two-thirds of the original number of women starting in a program of pre- and post-natal care in the public health clinics were still taking the pill.[17] As desired in any family planning program, participation in this pilot project was voluntary for these women, all of whom were from poor families. In this project, the costs of the family planning program were less than 4 percent of the public costs that would have been necessary to support the number of children who otherwise would have been born.

In a Chicago area with lower income population, the birth rate declined by more than 20 percent within four years after the introduction of a planned parenthood information and services program.

V. COSTS AND BENEFITS

The benefits of an effective family planning program are clear. Poor families with fewer children, limited to the size they themselves prefer, will have a greater chance to move out of poverty, even in the short run. In the long run, children born into a poor family with a limited number of brothers and sisters have a far greater chance to be out of poverty during adulthood than children born into a poor family with four, five, or more brothers and sisters.

There is another category of benefits that should be of equal interest to the public and to the Congress, pertaining to the reduced costs of public programs in such areas as health, education, welfare, and housing. Experts, including those in government (in OEO and HEW), have calculated cost-benefit ratios of family planning programs that probably exceed the ratios of nearly every other type of public program. The following discussion is based on a number of unpublished documents dealing with this aspect of family planning.

Even with the use of conservative assumptions, such as the participation only of low-income women who already have three children, the rate of infant mortality would be reduced. The *rate* of mental retardation would also be reduced—not merely the *numbers* of infant deaths and retarded children. Both infant mortality and mental retardation are higher than average when mothers have more than three children. Under the assumption that about 80 percent of women would participate (based on past and current experience in pilot projects) and that births after the third child would be reduced by 75 percent, one estimate is that infant mortality rates among nonwhites, for example, would be reduced by about one-fourth. Similar results could be gained in the reduction of maternal deaths and dis-

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abilities as a consequence of fewer nontherapeutic abortions resulting from a program of birth control.

Based on these and other types of analyses, Planned Parenthood has calculated that a $10 million program consisting of 500,000 women at an annual cost of $20 per case (including administrative costs) would produce savings of about $250 million (in terms of reduced expenditures on maternal health care, child health care, care of mental retardates, aid to dependent children, and so forth). In addition, there is the possibility (as suggested earlier in this report) that longer spacing between pregnancies provides greater opportunity for higher family income since parents could improve their education and wives could obtain employment. Over the life of a family, a conservative estimate of an additional income of $10,000 per family [18] for the 45,000 families not on welfare and affected by the $10 million program would amount to $450 million in higher income benefits. This $450 million figure of private individual benefits added to the previous $250 million in reduced costs of public programs amounts to $700 million, producing a cost-benefit ratio of 70 to 1. As already stated, there are few, if any, greater ratios calculated for other types of public program expenditures, at least in programs related to combating poverty.

As of 1964, there were 9.3 million poor children in families with four or more children. If, after the third child, the number of births in poor families had been reduced by only 50 percent prior to 1964, there would have been in that year at least 4.6 million fewer poor persons in the United States—a 13 percent reduction in the 34 million poor. This calculation, moreover, does not take into account the possibility that the reduction of family size would have brought a number of families above the poverty line, which is partly based on family size in relation to income.

This is a highly conservative approach, moreover. If the family size of the poor were identical to that for the nonpoor, there would actually be about 6.5 million fewer children living in poor families.

There are several clear-cut conclusions and viewpoints that we should be aware of in weighing the feasibility of a major expansion of family planning programs in an attack on poverty.[19] One of these is that the vast majority of Americans now approve of the idea of family planning.

The second is that, regardless of income level, the maximum number of children wanted by most families is four. Third, the critical point in the lives of families comes upon the birth of the fourth child, in terms of an increased awareness of the value of smaller families. Fourth, economic reasons are the major ones cited by parents for limiting family size. Fifth, large families obviously aggravate the problems of the already poor: a small income means that per-family-member funds are reduced further. But beyond this, it also means that parents, often poorly prepared, must dilute their child-care time per child; the children themselves suffer from a variety of pressures to an extent greater than those in smaller families (including other poor, but smaller families)—"and a new generation of children grow up with a tendency to be trapped in poverty and failure." [20]

Sixth, the obstacles to effective family planning among the poor relate to ignorance or unawareness of the concept; lack of money even when aware; unavailability of, or isolation from, agencies that can provide services; unwillingness to go through the steps in the use of contraceptives; attitudes such as fatalism, and so forth.

Seventh, nevertheless, when programs are made available at little or no cost to poor families, they make use of the services and materials provided. This is especially true in the case of the use of more recently developed methods of contraception, such as the "pill," and the "loop," and when family planning clinics are run on a person-to-person basis, rather than through a mass media campaign of a general educational nature.

Eighth, a comprehensive family planning program must include attention to the problems of young persons (teenagers, especially) from poor families who need sex information and education prior to marriage and/or during the early phase of marriage. Recent studies suggest that lack of family planning (or birth control) for this group results in early births of unwanted children and other burdens preventing the young parents (or unmarried mothers) from moving out of poverty. For poor persons, the birth of children soon after marriage (or among young unmarried mothers) tends to decrease the ability of poor parents to advance themselves or provide for their offspring. This is one of the major conclusions of the study by Freedman and Coombs, referred to in footnote 18.

VI. ADEQUACY OF CURRENT FAMILY PLANNING PROGRAMS

The previous sections of this report have attempted to show that:

1. Poverty in the United States is attributable *in part* to large family size, as evidenced, for example, by the comprehensive analysis of census data showing that children born into *small* lower income families have a greater chance of becoming nonpoor when adults than those born into *large* lower income families.

2. Progress in reducing poverty in recent years is greatest among small-sized families, and is retarded to the extent that poor families continue to have high fertility rates.[21]

3. Due to such factors as unawareness of effective methods, insufficient income, and unavailability of family planning services, low-income women have more children than they want.

4. The few programs that have been made available have shown that the poor do respond effectively to family planning services.

5. The benefits of a comprehensive family planning program are significant in their impact on the reduction of poverty and on costs to the community.

Thus, reduced family size is necessary; and is desired by, and possible for, the poor—and others who prefer to remain above poverty.

But despite the fact that family planning as a method of reducing or preventing poverty may be deemed necessary, desired, and possible, local, state, and federal government response has been slow, cautious, and by no means commensurate with the need. Despite the fact that analysts in government and other organizations have calculated that family planning measures are probably the single most cost-effective program in any war against poverty, the amount of funds devoted to such measures (apart from research on the subject by scientists) is minuscule. Even if we were to include nongovernmental programs financed by nongovernmental funds, it is doubtful whether more than 15 percent of the low-income families in the United States currently have the benefits of a voluntary participation program of family planning. As a conservative estimate, there are at least five million low-income women who could benefit from such a program; but, at most, only 750,000 are now receiving assistance. Since poor women become pregnant sooner than nonpoor women and continue to bear children longer (due to earlier marriages and less effective use of contraceptives), one could use a maximum figure of six million. In 1966 there were that many poor females between the ages of 16 and 54. If this were the basis of estimates, then there would be a smaller proportion of the target population reached than 15 percent.

Despite the fact that the President enunciated a government policy favoring family planning in his March 1966 message on domestic health and education—when he said that, "It is essential that all families have access to information and services that will allow freedom to choose the number and spacing of their children within the dictates of individual conscience"—it must be said in candor that the greatest progress "has been in the area of new policies rather than in the implementation of programs." [22]

According to some observers, the agency which has been indulging in the most enunciations—the Department of Health, Education, and Welfare—has apparently done the least to carry out programs. Current family planning activities on the part of HEW "are off to an exceedingly slow start." [23] At best, the department seems to have taken the position that the emphasis should be on "comprehensive health services," of which family planning *may* be a part. But family planning apparently will not be given any special attention or priority—despite the department's own estimates concerning the higher cost effectiveness of family planning in the area of health, apart from its potentials for the reduction and prevention of poverty.

In fiscal years 1966 and 1967 it has been estimated that $3 million and $9 million, respectively, have been used for family planning through HEW-related programs, apart from research and training projects. The projected figure for 1968 may be as high as $13 million. The difficulty in obtaining definitive estimates lies in the fact that family planning services, if provided, at all, are not recorded as a special diagnostic category in reports originating from HEW-financed sources. As of the time this report was written, there were no definitive plans for a program specifically designed as "family planning" under HEW auspices. None of these funds, it should be noted, were provided through any specific program designated for family planning as such but rather as part of the activities designed for improving health services for mothers and children (Title XIX of the Social Security Act) and so forth.

Science, the magazine of the American Association for the Advancement of Science, has described the efforts of the department in the field of family planning as "leaderless and leisurely." By concentrating on the doctrine of "comprehensiveness" in its health programs, the department in *practice* does not mean comprehensive, but rather whatever state and local health departments care to provide. If those departments indicate a preference for family planning services as part of their total offerings, HEW will not object. But apparently HEW will do little to initiate. The desire not to earmark any funds for family planning means in reality that by the time congressional authorizations and appropriations reduce requested funds for all health programs, very little remains for new programs over and above traditional and previous obligations at the local level. For example, *Science* says:

"Instead of the approximately $270.5 million authorization it [the Department] had requested for the program [under Title XIX of the Social Security Act]—a sum that was approved by the Senate—the authorization for fiscal 1968, after cuts by the House and the House-Senate conference, was only $125 million. Of that, about $110 million was needed to support ongoing commitments, leaving only around $15 million free to meet a variety of demands—of which family planning would be only one."

It is not completely accurate to say that local and state levels of health programs have little interest in family planning, but as stated earlier, previous commitments for

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other programs cannot be reduced in order to provide for increased family planning efforts. According to the testimony on H.R. 6418 (to extend the authority of Public Law 89–749), by the Association of State and Territorial Health Officers before the House Committee on Interstate and Foreign Commerce, on May 3, 1967, and represented by Dr. John H. Venable, director of the Georgia Department of Public Health, there is widespread recognition among the states of the high priority that should be given to family planning. Unfortunately, the discrepancy between the amounts needed and the amounts available is substantial. Dr. Venable provided the example of his own State of Georgia:

"For family planning programs, we have a potential caseload presently of approximately 210,000. Family planning services could be provided for 21,000 people with the expenditure of $196,000. We have State and local funding at the level of $146,000. We, therefore, would need $50,000 additional Federal support for this activity. In 5 years' time, when the caseload has increased to approximately 223,000, we can reach 70 percent of the objective or 156,000 with the expenditure of $1,380,000. It can easily be seen that there needs to be a great increase in the level of support from the Federal Government for this very necessary activity."

Within the Office of Economic Opportunity, the picture has been more promising. Once again, the mere presence of local community action agencies has resulted in the surfacing of individual and social needs that, for one reason or another, were not being met by previously existing programs, whether public or private, local, state, or federal. Family planning was one of these needs.

This does not mean, of course, that local communities and organizations for the benefit of the poor had easy sailing in their efforts to receive OEO approval of family planning projects. At first, there was a general reluctance, apparently because of unfounded fears about public objections. Then there were restrictive guidelines as to eligibility, such as services only for married women without recognition of the disproportionate number of births among young impoverished girls without husbands.[24] This restriction was later removed by Congress. Confusion continued to reign among regional OEO offices as to Washington's commitment or interest in family planning.

By fiscal 1966, about $2.4 million in OEO funds had been spent on family planning projects, at the request of local community action agencies. Approximately $4.6 million was spent in the fiscal year ended June 30, 1967. These funds are estimated to have served only 100,000 women. Original plans called for the expenditure of $4 million; [25] 1968 plans include $10 million for family planning.

But in March of fiscal year 1967 because of the cutback in congressional appropriations for OEO, approximately one-half of the nearly 60 projects then in operation were faced with curtailment or termination, and another 20 proposed projects were not fundable at all. This was despite OEO's own calculations that family planning was perhaps the single most cost-effective approach to the problem of poverty. As a result of strong protests on the part of such organizations as Planned Parenthood-World Population, however, OEO recommitted from "emergency funds" nearly $600,000, and none of the programs were terminated. Additional supplementary funds were provided to start new projects.

OEO has had to issue at least two directives to its regional offices during the past year to remind them that the agency was favorably inclined toward family planning projects proposed by local agencies. If there is to be a continued emphasis on local initiative and local setting of priorities in OEO's community action program, it should be accompanied at least by greater and more effective communication to local groups by OEO and its regional staffs concerning what types of projects are possible and the variations in cost-effectiveness of one type of project as over against another. Local communities should be made more aware of the comparative impact on poverty of family planning as compared to, say, more and improved "museum visits." The 1967 amendments by the Senate Committee on Labor and Public Welfare include a "national emphasis" program for family planning, designed to accomplish these goals.

Finally, it should be noted that OEO, until the first few months of 1967, lacked any special staff in the field of family planning. As of the present, there is one such specialist, a highly qualified physician, employed in the Community Action Program's health services staff.

The concrete, measurable commitment of OEO to family planning has grown significantly over the past two years, in comparison with the commitment of HEW. At the present time, OEO makes possible the most direct delivery of family services for the poor. This fact alone militates against the otherwise plausible argument of "spinning off" OEO functions to old-line agencies. The problem remains whether its desire to meet an expected increased local demand for support of family planning programs will be matched by appropriate funds and other forms of assistance. In fairness to OEO, it must be pointed out that the solution to this problem lies essentially with Congress, which must decide whether to "earmark" for family planning *within* a static level of authorization for the war against poverty—thus creating a cutback on other programs—or *add* to the present level of authorization and commitments a sum necessary for an effective application of family planning services to the problem of poverty in America today and in the future.

"It is apparent that today in the United States," stated Dr. Alan Guttmacher, president of Planned Parenthood-World Federation, in his testimony of June 8, 1967, before the Senate Subcommittee on Employment, Manpower, and Poverty, "family planning is accepted as an important and necessary component of community health services. The question that faces us today *is not* whether or not family planning services are needed; it *is not* a question of beneficial results; it *is not* even a question of individual or societal acceptance—rather it is a question of the degree of priority we are willing to place on family planning services for the medically impoverished and how far we are willing to go to implement that priority."

FOOTNOTES

[1] A small number of these persons are "ever married" persons aged 14–21. This inclusion actually produces an underestimate of dependency ratios for the poor relative to the nonpoor.

[2] It may nevertheless turn out that the higher fertility rates of the poor are due to their rural origins; and, as the number of urban persons with rural backgrounds declines, socioeconomic differences in rates will tend to be less marked.

[3] U.S. Bureau of the Census, *Current Population Reports*, Series P–25, No. 367, June 1, 1967.

[4] Both the Urban League and the NAACP, along with the Reverend Martin Luther King, have endorsed policies favoring the dissemination of family planning methods. In a speech at the 50th Anniversary Banquet of Planned Parenthood-World Population in Washington, D.C., on May 5, 1966, the Reverend Mr. King said, "This is not to suggest that the Negro will solve all his problems through Planned Parenthood. . . . Yet if family planning is sensible it can facilitate or at least not be an obstacle to the solution of the many profound problems that plague him."

[5] Based on Mollie Orshansky, "Recounting the Poor—A 5-Year Review," *Social Security Bulletin*, April 1966.

[6] A special census of Cleveland reveals that Negroes experiencing the greatest economic gains from 1960 to 1965 had smaller family sizes over this period of time, while Negroes who actually experienced absolute economic decline had an increase in family size, especially in families headed by females (U.S. Bureau of the Census, *Current Population Reports*, Series P-23, No. 20, Sept. 22, 1966).

[7] "Poverty"—to repeat—is defined not merely in terms of income, but also in terms of family size.

[8] "Measuring Poverty," *The Social Welfare Forum*, 1965, p. 218.

[9] Catherine S. Chilman, "Population Dynamics and Poverty in the United States," *Welfare in Review*, June–July, 1966.

[10] For an early exposition of this viewpoint, see Joseph J. Spengler, "The Population Obstacle to Economic Betterment," *American Economic Review*, May 1951, pp. 343–354. More recently, Stephen Enke has written "The Economic Case for Birth Control in Underdeveloped Nations," in the May–June 1967 issue of *Challenge Magazine*, in which he states that "if governments wish to raise per capita income significantly, they must induce birth reductions within a decade comparable to those that occurred in developed nations during a century . . . money spent to reduce births will be as much as 100 times more effective than money invested to raise output."

For a more detailed exploration of the relationship between population and economic change, see Goran Ohlin, *Population Control and Economic Development* (Paris: Organization for Economic Cooperation and Develpment, August 1967).

[11] From analysis by Otis Dudley Duncan, University of Michigan, of 1962 census data on educational change, to be published this year as part of *The American Occupational Structure*, by Peter M. Blau and Otis Dudley Duncan (New York City: John Wiley & Sons, Inc.).

[12] *Ibid.*

[13] See John Nisbet, "Family Environment and Intelligence," *in* A. H. Halsey, editor, *Education, Economy, and Society* (New York: Free Press, 1961), pp. 273–287.

[14] *In* Lois and Martin Hoffman, editors, *Review of Child Development Research*, Vol. 2 (New York: Russell Sage Foundation, 1966), pp. 12–14.

[15] See Arthur A. Campbell, "The 'Growth of American Families' Studies," *Welfare in Review*, October 1965; and Adelaide Cromwell Hill and Frederick S. Jaffe, "Negro Fertility and Family Size Preferences," *in The Negro American* (Boston: Houghton Mifflin Co., 1966).

[16] Reprinted in *Studies in Family Planning* (Population Council), No. 17, February 1967, pp. 5–12. Footnotes are not included in this excerpt.

[17] Elizabeth C. Corkey, "A Family Planning Program for the Low-Income Family," *Journal of Marriage and the Family*, November 1964, pp. 47–80.

[18] Based on a study by Ronald Freedman and Lolagene Coombs, "Child spacing and Family Economic Position," *American Sociological Review*, October 1966, pp. 631–648. In this article, the authors state on the basis of their data that ". . . if children are born very soon after marraige, the need for immediate income and security puts more constraint on the husband in his choice of occupation or on his ability to complete sufficient education to qualify him for higher status jobs with greater income. Rapid family growth may also mean expenses out of proportion to income, with the result that the margin needed to accumulate economic assets must be spent for immediate purchases . . . a couple's economic position is substantially better the longer the interval to the first birth or the last birth."

[19] For a summary of the studies forming the basis of these conclusions, see Catherine S. Chilman, "Poverty and Family Planning in the United States," *Welfare in Review* April 1967.

[20] *Ibid.*

[21] In 1960, the number of children ever born per 1,000 women 45 years old and over was about 3,000 in families where husbands earned less than $3,000, and was correspondingly lower in families with higher incomes of husbands—down to less than 2,000 for women whose husbands had incomes of $7,000 and over. From 1950–52 to 1960, the percent increase in the fertility rates among women 15–44 years old was highest for women whose husbands' incomes were under $5,000. In 1950, the lowest income group's fertility rate (number of children born per 1,000 women) was only 14 percent above that of the highest income group; but, by 1960, it was more than 20 percent above that of the highest income group (Table 55, *Statistical Abstracts of the United States*, 1965, p. 52).

[22] Gordon W. Perkin, M.D., and David Radel, "Current Status of Family Planning Programs in the United States," Population Program, Ford Foundation; mimeographed, no date.

[23] Elinor Langer, "Birth Control: U.S. Programs Off to Slow Start," *Science*, May 12, 1967, pp. 765–767.

[24] As an indirect reflection of this problem, in 1965 one-third of female-headed poor families had four or more children, and these families constituted 80 percent of all female-headed families, with these many children; i.e., out of 600,000 female-headed families with four or more children, 80 percent were living below the Social Security Administration poverty line. In 1965 the number of poor children in families with female heads was 4.4 million.

[25] OEO claims that approximately $1.75 million of the 1967 allocation for neighborhood health centers was spent for family planning services, in addition to the amount allocated for such services.

SENATE-PASSED COAL MINE HEALTH AND SAFETY BILL RECEIVES EDITORIAL PRAISE

Mr. RANDOLPH. Mr. President, the Washington Daily News declared editorially in today's issue that—

> The strong mine safety bill unanimously approved the other day by the U.S. Senate should go a long way toward giving the nation's coal miners better protection against injury, disability, and death.

All of the News interpretations of the measure passed by the Senate perhaps will not be agreed to 100 percent by all of the Members who were present when S. 2917 was passed unanimously October 2, 1969; nor is it likely there will be total agreement in the House that its committee's bill contains the loopholes claimed by the News.

But there should not be any disagreement with the closing editorial observation that—

> Passage of the tough-but-fair Senate bill should put the House on notice that lip service to safety is no longer enough when the lives of coal miners are at stake.

Mr. President, I ask unanimous consent to have the editorial from the Wednesday, October 15, 1969, Washington Daily News printed in the RECORD.

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

SENATE VOTES SAFER MINES

The strong mine safety bill unanimously approved the other day by the U.S. Senate should go a long way toward giving the nation's coal miners better protection against injury, disability and death.

Key provisions of the bill would require the 3,600 coal mines to install non-spark drilling equipment, set limits on coal dust levels in mines, establish a federal-state compensation program for "black lung" victims and allocate federal funds for safety research.

Large mines would be directed to install the non-spark equipment within four years, smaller mines within five years. These deadlines do not seem unduly harsh, despite the complaints of some mine operators.

Now that the Senate has acted, the House of Representatives could show as much devotion to mine safety by plugging several loopholes in its version of the bill before voting.

The loopholes—inserted by a House committee—would encourage delays in buying safer equipment and give an industry-dominated board the power to set health and safety standards.

Passage of the tough-but-fair Senate bill should put the House on notice that lip service to safety is no longer enough when the lives of coal miners are at stake.

THE VIETNAM WAR

Mr. NELSON. Mr. President, for 15 years the United States has been involved in a war in Vietnam. Today that struggle is no closer to being resolved than it was the day we went into it. We now face the agonizing dilemma of how to get out of a situation in which we never should have become involved. The foundations of the American policy in Vietnam, the basic premises and reasons why this Nation considered it necessary to become involved in that civil war, is a long history of bad judgments and mistakes.

With the dramatic defeat of the French at Dienbienphu in 1954, the colonial rule of Indochina ended. The Geneva Accords of that year ended the hostilities and roughly cut the country in half at the 17th parallel, creating the regime of Ho Chi Minh in the north and a government headed by Ngo Dinh Diem in the South.

As the French were phasing out of the country under the Geneva agreements, President Diem of the Republic of South Vietnam turned to the United States to request economic and military assistance to protect his shaky government. President Eisenhower then agreed to "assist the Government of Vietnam in developing and maintaining a strong viable state, capable of resisting attempted subversion or aggression through military means."

During the next 10 years, the United States poured in $3.3 billion in economic aid and military assistance, while the American troop commitment grew to 16,000. Unimpressed, the stubborn guerrilla opposition to the South Vietnamese Government intensified. Early in 1964, Secretary of Defense Robert S. McNamara described the Vietnam situation as "unquestionably worsened."

Then, on August 2 and August 4, reports reached Washington that U.S. naval vessels had been fired upon by North Vietnamese patrol boats. With almost immediate retaliation, American forces struck back and bombed North Vietnamese naval bases. It was a new phase in the American involvement with American forces involved in the first bombing of the north.

Seeking the support of Congress for the aggressive American response to the reported Gulf of Tonkin attack, the President requested the introduction of what is now known as the Gulf of Tonkin resolution. It quickly passed the House. In the Senate, however, it was debated for several days. I became concerned about the broad implications of some of the language of the resolution which might be construed to give the President an open-ended authority to change our clearly limited role there from one of technical aid and assistance to a commitment to use our own forces in an Asian land war. I offered a clarifying amendment which made it clear that the continuing policy of the U.S. commitment would be "to limit our role to the provision of aid, training assistance, and military advice—we should continue to attempt to avoid a direct military involvement in the Southeast Asian conflict."

The Senator from Arkansas (Mr. FULBRIGHT) did not believe it was necessary to adopt my amendment, which clearly delineated the limitations of our involvement in Vietnam, because in his view it was not the intent of the Tonkin resolution to authorize a change in our military role there. Since this amendment would have forced appointment of a conference committee, which would have delayed action for several days if not 2 or 3 weeks, I withdrew the amendment with his assurances that the Tonkin resolution did in fact contemplate the same limitations as were more specifically spelled out in the amendment.

As spokesman for the administration on this issue and as manager of the resolution, Senator FULBRIGHT's interpretation is compelling, if not the only factor, in determining legislative intent. Furthermore, when the resolution is considered in the context of the political climate of that moment in history, it becomes clear beyond any doubt that the resolution certainly did not authorize an Asian land war. The resolution was debated and voted on in the middle of a political campaign in which Senator GOLDWATER was under heavy attack by Democrats for his advocacy of escalation of the war. Even more important, 2 months after the resolution passed—October 4, 1964—President Johnson reaffirmed the basic position he had held all along by stating:

> American boys are not going to be sent to fight a war that Asian boys should fight for themselves.

In this set of circumstances, how can anyone rationally conclude that it was the intent of the resolution to authorize the conversion of our role there to a full-scale land war. If Senator FULBRIGHT had put that interpretation on the resolution, the President and his administration would have repudiated him out of hand.

Time after time, writers, historians of the period, and political leaders have carelessly interpreted this resolution to

mean that Congress authorized the President to start a land war in Vietnam. It is a distortion of history that should not stand unchallenged because the pertinent facts and political circumstances do not support that conclusion.

It should be said that Senator FULBRIGHT correctly interpreted the resolution when he presented it to the Senate. He is not responsible now for the fact that proponents of escalation subsequently seized upon the resolution and distorted its meaning to make a case for blanket congressional endorsement. Whatever endorsement Congress gave was not through the Tonkin resolution but rather by voting the appropriations to expand our involvement.

By the following spring, a $700 million special supplemental appropriation was requested by the President to help finance the rapidly growing Southeast Asian commitment. American troops in Vietnam had grown to 35,000 and the fighting was increasing in intensity. In voting against the special supplemental appropriation along with Senators Morse and Gruening, I again warned that it should remain a cardinal principle of U.S. policy not to engage American troops in a land war in South Vietnam.

On January 15, 1966, I called for a negotiated settlement of the war and pointed out:

> If a million American soldiers were to force all North Vietnamese units from South Vietman and to suppress the Viet Cong guerrillas with napalm and bayonets—even if we avoided an open clash with Red China—even then when we withdrew, as eventually we must, we would leave behind us only a charred, desolate country with little hope that it could maintain its independence one moment beyond the time we left.

It was increasingly obvious that a military victory was impossible in Vietnam and that American troops were dying by the thousands to buy time for the South Vietnamese Government to stabilize itself enough to take over its own fighting and direction.

During the next few years, the American troop commitment passed the half million mark, and the economic costs, felt by important domestic health and welfare programs, totaled more than a hundred billion dollars.

When the Democratic Party Platform Committee met in Washington in preparation for the 1968 national nominating convention, I testified before the body that I would not support a plank that endorsed past Vietnam policies.

The war in Vietnam, which has been dragging on with no real end in sight, has been an ugly war of no strategic victories. It has been a war that measures victories by making body counts at the end of a battle. It has been a war of fighting bravely for a hilltop and then giving it up after it has been won.

The only consistent quality of the war has been the senseless waste of human lives, military and civilian, on both sides of the battle lines. The number of battlefield deaths and casualties is staggering.

From January 1, 1965, to August 30, 1969, some 38,313 Americans were killed and 244,592 wounded. On the other side, it has been estimated that more than one-half million men have died and countless others wounded. Accurate figures are not available on casualties to the civilian populations.

In addition to the obvious human tragedy, this war has threatened the economic stability of this country and has twisted the national priorities. The war has cost nearly $30 billion this year, has raised taxes, and has decreased the value of the purchasing dollar.

This Nation will not, however, find a solution to the economic crisis by cutting back on the Nation's public works programs, halting spending for new schools and highways, continuing the surtax, and limiting the vital domestic programs that deal with the urban crisis, pollution, poverty, hunger, and education.

The answer to the human and economic crisis facing the Nation is in ending the war.

This country has been doing the fighting for the South Vietnamese for too long. The time has long passed for the South Vietnamese troops to do their own fighting. It is time for them to take over their own war and begin the phaseout of American troops at the earliest possible date.

The grave moral, military, and political mistakes of Vietnam have for too long been defended by calls for patriotism and requests for support for secret solutions that were "just around the corner." The solutions have never been found around the corner, and the credibility of this country has suffered around the world as well as with the people of this country.

Public opinion polls show understandable increasing disillusionment and frustration with the war, with the increasing number of young men dying in a war no one understands, and with a war that nearly every responsible leader in the country has said must come to an end.

If we could turn the time back to when the national mood was generally indifferent to the rapid escalation of the war, who would now disagree with the position that we should not substitute our Armed Forces for the troop responsibilities of the South Vietnamese Government?

What is necessary now is for a new direction predicated not on the policies of the past, but on a realistic assessment of the conditions of the present. It is no longer acceptable to tell the American people that peace is coming when it is not. It is no longer acceptable to ask for more time when too much time has already passed. It is no longer acceptable to demand patience when the American people have shown remarkable patience. And it is no longer acceptable to wage war when the American people want peace.

The South Vietnamese must take over all of their own fighting. We have delayed a phasein of South Vietnam troops for too long, but now a program is beginning. This program should result in the removal of all American troops from combat. It is not acceptable to have half a million, a quarter of a million, or even 50,000 American troops remain indefinitely in South Vietnam as American troops have remained in Korea. The phasein of South Vietnamese troops must carry the clear understanding that all U.S. combat troops will be returning home.

If, after all these years—after all the billions of dollars, all the training, all the equipment and American troops—the South Vietamese Government cannot take over the responsibility of its own defense, then they will never be able to take it over at all.

Vietnam Moratorium Day is giving us a unique opportunity to pause and reflect on the history of the American involvement in the civil war in Vietnam.

Let us hope that the Nation has learned a lesson in Vietnam. A lesson that clearly teaches that no outside power, no matter how much money it spends or how many men it sends in to fight, can make a government secure when the citizens support neither the war nor the government in power.

Ultimately, the Vietnamese must settle their own civil war. The United States cannot do it. The presence of American troops does not create an atmosphere conducive to a peaceful settlement. The United States must face the reality that we are the outside power in a civil war. The United States has made the grave error of siding with Vietnamese fighting Vietnamese. Serious negotiations for peace and the establishment of Vietnam for the Vietnamese can only come about when American forces leave the country.

I am heartened by the response the Vietnam moratorium is getting around the Nation. It has support not only with students in colleges and high schools, but with concerned Americans everywhere. Hopefully, the outpouring of concern shown today will impress the administration, Congress, and other national leaders that Americans want to get out of this war at the earliest possible date.

In the 89th, 90th, and 91st Congresses, I voted against going into Vietnam and increasing our commitment in the belief that it was a mistake to intervene. With the benefit of hindsight, I am satisfied that this position represented the best interests of our country. I hope we will have learned enough from this experience not to make the same mistake again.

I ask unanimous consent to have printed in the RECORD my statement of September 18, 1967, regarding the meaning of the Gulf of Tonkin resolution; my speech of May 6, 1965, in voting against the 1965 supplemental appropriation; my statement of January 15, 1966; and the statement that I made before the Democratic platform committee on August 20, 1968.

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

[From the CONGRESSIONAL RECORD, Sept. 18, 1967]

STATEMENT BY SENATOR NELSON ON VIETNAM

(Which Way in the Vietnam War? "Now, before it is too late, is the time to decide what direction we are going to go in Vietnam . . . There is, it seems to me, only one sensible direction and that is toward de-escalation and negotiations . . ."—Senator Gaylord Nelson.)

(In his speech, Senator Nelson warns again

of the deepening American involvement in Vietnam. On Page 3, in a colloquy with Senator Fulbright, Senator Nelson recalls his effort to head off escalation of the war at the time of the Gulf of Tonkin resolution debate in 1964.)

In recent weeks there have been renewed and vigorous discussions about the meaning and intent of the Tonkin Bay Resolution. It has lately been repeatedly asserted by Administration spokesmen, writers and others that the overwhelming vote for the resolution in 1964 expressed Congressional approval of whatever future military action the Administration deemed necessary to thwart aggression in Vietnam including a total change in the character of our mission there from one of technical aid and assistance to a full scale ground war with our troops.

This, of course, is pure nonsense. If such a proposition had been put to the Senate in August, 1964, a substantial number of Senators, if not a majority, would have opposed the resolution. What we are now witnessing is a frantic attempt by the Hawks to spread the blame and responsibility for Vietnam on a broader base. They should not be allowed to get away with it. It is not accurate history and it is not healthy for the political system. The future welfare of our country depends upon an understanding of how and why we got involved in a war that does not serve our national self interest. If we don't understand the mistakes that got us into this one we won't be able to avoid blundering into the next.

The intent and meaning of any proposition before the Congress is determined by the plain language of the act itself, the interpretation of that language by the official spokesman for the measure and the context of the times in which it is considered.

Because of my concern about the broad implications of some of the language I offered a clarifying amendment. The official Administration spokesman for the resolution, Mr. Fulbright, said the amendment was unnecessary because the intent of the resolution was really the same as any more specific amendment. In short, according to Mr. Fulbright, the resolution did not intend to authorize a fundamental change in our role in Vietnam.

Three Presidents had made it clear what that limited role was, and this resolution did not aim or claim to change it.

If the official Administration spokesman for a measure on the floor is to be subsequently repudiated at the convenience of the Administration, why bother about such matters as "legislative intent?" In fact, why bother about Administration spokesmen at all? At the conclusion of these remarks I will reprint from the Congressional Record my colloquy with Mr. Fulbright which formed the basis for my vote on the Tonkin Bay Resolution. Had he told me that the resolution meant what the Administration now claims it means I would have opposed it and so would have Mr. Fulbright.

However, an even more important factor in determining the intent of that resolution is the political context of the times when it was considered by the Congress. It was before the Senate for consideration on August 6 and 7, 1964. We were in the middle of a Presidential campaign. Goldwater was under heavy attack for his advocacy of escalation. The Administration clearly and repeatedly insisted during that period that we should not fight a ground war with our troops. No one in the Administration was suggesting any change in our very limited participation in the Vietnam affair.

The whole mood of the country was against Goldwater and escalation and particularly against the idea that "American boys" should fight a war that "Asian boys" should fight for themselves, as the President put it in September of that year.

For the Administration now to say that the Tonkin Resolution considered during this period had as part of its purpose the intent to secure Congressional approval for fundamentally altering our role in Vietnam to our present ground war commitment is political nonsense if not in fact pure hypocrisy.

If Mr. Fulbright, speaking for the Administration, had in fact asserted that this was one of the objectives of the resolution the Administration would have repudiated him out of hand. They would have told him and the Congress this resolution had nothing to do with the idea of changing our long established role in Vietnam. They would have told Congress as they were then telling the country that we oppose Goldwater's irresponsible proposals for bombing the North and we oppose getting involved in a land war there with our troops. That was the Administration position when the Tonkin Resolution was before us. They can't change it now. It is rather ironic now to see how many otherwise responsible and thoughtful people have been "taken in" by the line that Congress did in fact by its Tonkin vote authorize this whole vast involvement in Vietnam. The fact is neither Congress nor the Administration thought that was the meaning of Tonkin—and both would have denied it if the issue had been raised.

The current intensity of the discussion over the military status of Vietnam, the Tonkin Resolution and the elections signal a new phase of the war dialogue. What's really new in the dialogue now is the sudden, almost universal recognition by a majority of the Hawks that this is after all a much bigger war than they had bargained for.

They now realize for the first time that to win a conventional military victory will require a much more massive commitment of men and material than they ever dreamed would be necessary. How many men? A million at least and perhaps two million without any assurance that a clear cut military victory would result in any event. Furthermore, it has finally dawned on the Hawks that a military victory does not assure a political victory—in fact there is no connection between the two and one without the other is of no value whatsoever.

This new recognition of the tough realities of Vietnam afford the opportunity for a reappraisal of our situation in Vietnam and a redirection of our efforts.

The danger we now face is the mounting pressure from military and political sources for a substantial escalation of the bombing attack in the North. The fact is the whole military-political power establishment (both Republican and Democratic) has been caught in a colossal miscalculation. They have been caught and exposed in the very brief period of 24 months since we foolishly undertook a land war commitment.

They did not then nor do they now understand the nature, character and vigor of the political revolution in Vietnam. But in order to have face they are now demanding an expansion of the war. If they prevail we will then see another fruitless expansion which will not bring the war to a conclusion but will extend our risk of a confrontation with China.

Unfortunately the Administration continues its policy of so called controlled expansion of pressure on the North which really is nothing more nor less than endless escalation which will likely lead to a vast expansion of the war. It ought to be understood once and for all that no amount of pressure on the North will settle the war in the South. A complete incineration of the North will not end the capacity of the guerrilla to continue the fight in the South.

Though we committed a grave blunder in putting ground troops into Vietnam in the first place, it does not make sense to compound the blunder by pouring in additional troops. The Administration proposal for 45,000 additional troops with tens of thousands more demanded by the military is simply a blind and foolish move in the wrong direction.

What the military really needs is a million or two million ground troops for the war they want to fight. Furthermore, no one can explain what possible proportional benefit this country or the free world will get for this kind of massive allocation of resources—even assuming this would win the military-political war which I think is highly doubtful.

There is no easy solution to our involvement, but now, before it is too late, is the time to decide what direction from here we are going to go in Vietnam.

There is, it seems to me, only one sensible direction to go and that is toward de-escalation and negotiations.

It was a mistake for us to Americanize this war in the first place, and it is an even greater mistake to continue it as an American war. As soon as the elections are over this Sunday we should cease bombing the North in order to afford the opportunity to explore the possibility of negotiations. It is rather ironic that Chief of State Thieu, the military candidate for President, favors a bombing pause but our military oppose it. Whose war is this?

Next we should fundamentally alter our military and political policies in the South. We should notify the South that henceforth it will be the job of South Vietnamese to do the chore of political and military pacification of the South. While our troops occupy the population centers, furnish the supplies, transportation and air cover, it must be the job of the Vietnamese to win the political and military war in the South. If they do not have the morale, the interest, the determination to win under these circumstances then their cause can't be won at all.

Surely it ought to be understood by now that if there is going to be a meaningful solution to the Vietnam problem they must be the ones who make it meaningful.

Furthermore, if it is true, as our State Department says, that all other South East Asian countries feel they have a stake in Vietnam, let them send some troops of their own to prove their interest.

Under this approach we will reduce the loss of our troops to a minimum and we will find out whether our allies in the South really believe they have something to fight for. If they do, they have the chance to build their own country. If they don't, then we should get out.

This it seems to me is our best alternative to the fruitless policy of endless escalation.

[From the CONGRESSIONAL RECORD, Mar. 1, 1966]

(EDITOR'S NOTE.—What really happened in 1964 when the Senate debated the Gulf of Tonkin resolution? Here is a colloquy between Senator Nelson and Senator Fulbright from 1966 in which they discuss that historic debate.)

Mr. FULBRIGHT. Mr. President, will the Senator from Wisconsin yield just briefly?

Mr. NELSON. I am glad to yield to the Senator from Arkansas.

Mr. FULBRIGHT. First, I appreciate what the Senator said. I have already said publicly that I believe one of the most serious mistakes I have made as chairman was in not accepting or urging the Senate to accept the amendment offered by the Senator from Wisconsin in August 1964. I do not believe it is proper, and do not wish to take the time to explain the circumstances of that particular moment, but, nevertheless, I believe it was a mistake and I commend the Senator from Wisconsin for having more foresight than I had at that time, and I think many other Senators, as to the possible significance of that resolution.

He did offer a very sensible, limiting amendment to that resolution, and I regret

that we did not have the kind of discussion of it in public at that time that we have had recently. But I do commend the Senator from Wisconsin for his foresightedness and regret that I did not have as much.

Mr. NELSON. I believe that the Senator advised me at that time that his interpretation of the resolution was the same as the purpose of my amendment, and that therefore the amendment was unnecessary.

Mr. FULBRIGHT. I thought it was.

Mr. NELSON. I also wish to commend those who have participated in this debate on both sides of the aisle.

Although very frequently I do not agree with the Senator from Oregon, I should like to say that he has made a most valuable contribution to this discussion—and he will continue to do so.

One thing, however, that disturbs me very much is the argument I have heard advanced in the press, by columnists, by distinguished Members of Congress, and people in the executive branch, that we should not be debating this issue because what we say here, in our free country, will be misunderstood by some Communists in some other country, Communists who do not know what free speech is all about and never will.

Mr. President, this is the greatest parliamentary body in the world. It is the oldest parliamentary body in the world. Its function and purpose is constructive debate. The strength of this Nation is measured by its capacity for intelligent debate, not by its ability to goosestep. I hope we do not undermine that source of our power. I have heard it implied here and elsewhere lately that free speech and dissent should stop because it may be misunderstood in Communist countries. This is a dangerous parallel to the theory that was recently used by the Russian court in sentencing two writers to jail, not because of what they said in Russia but because they published books in this country which the Russians thought would be misunderstood in America and damage Russia. On that theory the Russian court sentenced the writers to jail.

Over here, we have people saying that we should stop debate because someone else who cannot understand the debate might misunderstand our resolve and damage America.

Mr. President, freedom is what democracy is all about. If some foreign dictator does not understand it, that is too bad. I have no intention of giving up my freedom of speech because some Communist does not understand what free speech is all about—and never will.

Regarding the Tonkin Bay resolution, let me comment briefly. It has been repeatedly stated by those who unqualifiedly support the Tonkin Bay resolution that there were only two Senators who had any reservations about it.

Mr. President, I had reservations about that resolution and I made them clear. I was in the Chamber on August 6, August 7, and August 8, and participated in the dialog concerning the resolution, as did several other Senators, who also expressed grave reservation about the resolution. Their remarks were intended to interpret that resolution and demonstrate congressional intent.

I discussed the subject on three different days with the chairman of the Foreign Relations Committee, and I am a little weary of having my vote interpreted as an unqualified endorsement of escalation. The record will show it was not such an endorsement.

The chairman of the Foreign Relations Committee was in the Chamber—the Senator from Arkansas (Mr. FULBRIGHT), as the spokesman for the administration. As a U.S. Senator, I was entitled to accept his advice, counsel, and interpretation of that resolution as an expression of the intent of the administration.

Mr. President, I shall not read the whole dialog, but I will read a part of it from the RECORD of August 6 and 7, 1964, as follows. Addressing myself to the chairman of the Foreign Relations Committee:

"But I am concerned about the Congress appearing to tell the executive branch and the public that we would endorse a complete change in our mission. That would concern me.

"Mr. FULBRIGHT. I do not interpret the joint resolution in that way at all. It strikes me, as I understand it, that the joint resolution is quite consistent with our existing mission and our understanding of what we have been doing in South Vietnam for the last 10 years."

Skipping some of it, I addressed the chairman once more, as follows:

In view of the differing interpretations which have been put upon the joint resolution with respect to what the sense of Congress is, I should like to have this point clarified. I have great confidence in the President. However, my concern is that we in Congress could give the impression to the public that we are prepared at this time to change our mission and substantially expand our commitment. If that is what the sense of Congress is, I am opposed to the resolution. I therefore ask the distinguished Senator from Arkansas if he would consent to accept an amendment, a copy of which I have supplied him. I shall read it into the RECORD:

"On page 2, line 3, after the word, 'That' insert '(a)'.

"On page 2, between lines 6 and 7, insert the following:

"'(b) The Congress also approves and supports the efforts of the President—

This was the amendment to the Tonkin Bay resolution—

to bring the problem of peace in southeast Asia to the Security Council of the United Nations, and the President's declaration that the United States, seeking no extension of the present military conflict, will respond to provocation in a manner that is "limited and fitting". Our continuing policy is to limit our role—

Listen to these words—

to the provision of aid, training assistance, and military advice, and it is the sense of Congress that, except when provoked to a greater response, we should continue to attempt to avoid a direct military involvement in the southeast Asian conflict'."

This amendment is not an interference with the exercise of the President's constitutional rights. It is merely an expression of the sense of Congress. Would the Senator accept the amendment?

Mr. FULBRIGHT. It states fairly accurately what the President has said would be our policy, and what I stated my understanding was as to our policy; also what other Senators have stated.

* * * * *

I do not object to it as a statement of policy. I believe it is an accurate reflection of what I believe is the President's policy, judging from his own statements. That does not mean that as a practical matter I can accept the amendment. It would delay matters to do so. It would cause confusion and require a conference, and present us with all the other difficulties that are involved in this kind of legislative action. I regret that I cannot do it, even though I do not at all disagree with the amendment as a general statement of policy.

I would think that ought to be a sufficient answer to those who have repeatedly insisted that the Tonkin resolution was a blank check. It was not. I had reservations. So did others. I was assured that we were not changing our role in southeast Asia. We have changed it. Obviously we cannot turn back the clock. But I trust that, for the sake of the historical record this may correct those gross misinterpretations of the record which have been so frequently uttered on the floor and elsewhere in recent months.

Mr. FULBRIGHT. Mr. President, in that connection, I certainly agree with what the Senator from Wisconsin has said. He is right to have made it. I have stated that I understood, from the information that was given to us, a specific incident was presented as the reason for that resolution. It was that a direct attack had been made on our ships on the high seas—this is what we were told—where they had a right to be.

We were told it was an unprovoked attack. In other words, we had not done anything that properly could be considered as provocation. These facts are difficult for a committee or any of us to check. I think we were told things happened at night and things were moving rapidly, and so on.

I had no reason to doubt the factual situation. On the other hand, it is extremely difficult to prove what happened. In any event, the Senator from Wisconsin has certainly stated very clearly what the situation was. We all know the President has, without any resolution, the right to respond to an immediate attack. He has the right to take actions of a temporary nature, one might say, to protect our interests. Then at some point, if hostilities continue, if the Constitution means anything, a declaration of war should be sought.

I will leave it to Senators, the manager of the bill, the administration, whether or not we are now at war. This bill and other events would indicate we are. I have discussed this matter with some of those who have responsibility in this area. They are reluctant to do what I have suggested. I am not at all sure, if we continue along the course we are following, it will not be necessary to impose powers and disciplines and controls upon our economy sooner or later. We cannot carry on this kind of conflict and call it a skirmish. So this is a matter I think the administration should be giving thought to.

[From the CONGRESSIONAL RECORD, May 6, 1965]

Mr. NELSON. Mr. President, my remarks at this point will be directly applicable to House Joint Resolution 447. Some time ago I prepared the remarks I have just made, to be delivered on the floor of the Senate either this week or next. But yesterday we received the President's request for the supplemental appropriation: therefore, I have made the remarks today, so that my position may not be misunderstood.

My fundamental position on Vietnam and our role there has remained the same over an extended period of time. More than 2 years ago and on numerous occasions since I have expressed the view that it should remain a cardinal principle of our policy not to engage American troops in a land war in South Vietnam. Within the perimeter of this guiding principle there is great room for tactical variation. As the Commander in Chief of our forces it is the President's burdensome responsibility to decide the day-to-day tactics. From time to time we may agree or disagree with the tactics exercised but that is in the nature of the case. I, along with the vast majority, recognize where that responsibility lies and support the President in his incredibly difficult endeavor.

The issue before us is not whether we are unified in our purpose. We certainly are. It is not whether we are opposed to communism, whether we are willing to fight for freedom, whether we are at one with the President in the objective he seeks—in each of these matters we are unified. That unity has repeatedly been demonstrated by every public opinion poll as well as the conduct of the Congress and the statements of the Members.

Nevertheless, we are now asked to act within 24 hours on a $700 million appropriation

for the conduct of our commitment in Vietnam. It is conceded by everyone that the money is not needed immediately to support our commitment there. It is agreed by everyone that the President has the authority to transfer the necessary funds to fully support our efforts. It is recognized by everyone in this body that on a moment's notice Congress will authorize every additional dollar needed to supply, equip, and support our forces without stint. So that there may be no doubt, if indeed there could be any, I know that $700 million will be needed in our 1966 budget. A substantial part of it might be needed in fiscal 1965. That may be so whether we make the unfortunate decision to change our mission there or whether we maintain our repeatedly stated role. I support that expenditure and more, too, if and when it is required. We will not hesitate to spend whatever is necessary to support our troops in whatever enterprise we direct them. That is not at issue among us.

What is at issue right now is the wisdom of acting within hours upon this requested appropriation—acting without printed hearings and with precious little discussion—acting posthaste, not because this money is required immediately, but rather because this precipitous action is supposed to demonstrate our support for the President's conduct of foreign affairs as well as our unity of purpose is opposing Communist aggression.

My willingness to support the President in these two enterprises is a matter of record—abundantly so. I do not feel the necessity of demonstrating my support by forthwith voting yea on a bill that came to the Senate at 2:30 yesterday afternoon—a bill that had only brief hearings in either House—a bill that was supported only by a half-page Senate committee report printed before the House bill arrived in the Senate. I object to legislating based upon what I read in the morning paper. No matter how sound the measure, I dissent from the proposition that the greatest deliberative body in the world should routinely give its stamp of approval to anything except under dire circumstances. No such circumstance has been alleged from any quarter.

Mr. NELSON. Mr. President, in the cloakrooms and on the floor, numerous distinguished Senators from both sides of the aisle have expressed their concern over the precipitate manner in which we are disposing of this matter.

I have no notion what the President said to the majority and minority leadership at the White House. If he requested that this bill be passed this week within a 24-hour period, instead of next week after ample discussion, I have not been so advised. Though I have a very high regard and respect for the integrity, the patriotism, and the genuine statesmanship of the leadership on both sides of the aisle, I do not intend lightly to delegate my vote to anyone in support of any proposal.

My objection does not run to the merits of this appropriation. No matter what the variances of viewpoint, we all know this money will be needed in the future and will be spent. Yet, I think I speak accurately when I say that a very substantial number of this body is gravely troubled by the unseemly haste of our action here today. We all know that our military planning is not so faulty that we need this appropriation right now. If it were required today our very able Secretary of Defense would have urged action quite some time ago.

My dissent is based upon the conviction that when a matter of this import is before us we owe it to ourselves and the Nation to discuss it deliberately and fully. That we may all end up agreeing on this particular measure does not detract from the importance of conducting the dialog. There is a continuing public confusion about where we are going and why. Silence contributes to that confusion. Our branch of the government has its own obligation. We should not default in that obligation, nor should we even give the appearance of doing so. Because of what appears to be a necessity for exceptionally speedy action on a large appropriation, there are many who will conclude that we must be intending to support or endorse a substantial expansion of our role in Vietnam, if not a fundamental change in our mission there. I am sure that neither the Congress nor the President intends consciously that. Nevertheless, you will see that interpretation put on our action from any number of sources within the next few days. I decline to lend my name in any way to that kind of misinterpretation.

Mr. NELSON. Mr. President, thus, at a time in history when the Senate should be vindicating its historic reputation as the greatest deliberative body in the world we are stumbling over each other to see who can say "yea" the quickest and the loudest. I regret it, and I think some day we shall all regret it.

Now in the gentlest way I know how I mention to this body that as of this very moment I have yet to receive a call from the leadership or any other source in government advising me of the grave necessity for instant action. I should think if this matter were really so urgent a 15-minute party caucus would have sufficed at least to advise us so.

Thus, reluctantly, I express my opposition to our procedure here by voting "nay." The support in the Congress for this measure is clearly overwhelming. Obviously you need my vote less than I need my conscience.

COMMENTS OF VIETNAM WAR

(By Senator GAYLORD NELSON)

January 15, 1966.

There are no easy answers to the agonizing dilemma facing America in Viet-Nam.

But of all the grim alternatives, it seems to me the wisest is to continue with great patience to seek a negotiated settlement while firmly refusing to escalate the conflict further.

This is essentially a political and not a military conflict. It is a battle in Viet-Nam for the hearts and minds of the Vietnamese. It must be limited to Viet-Nam, and be fought by the Vietnamese if we are to have any realistic hope of an acceptable settlement.

For along the "open ended" path of further escalation lies the specter of a major land war in Asia fought with U.S. troops, a war against which our best military minds—including the late General Douglas A. MacArthur—have repeatedly warned us.

It has long been my view that our commitment should never be expanded to make that conflict an American war.

And in a major speech last May 6, I pointed out that, despite a tendency to characterize people as "hawks and doves," most Americans including most Members of Congress are united behind these major principles:

There must be no major land war in Asia.

The problems of Viet-Nam must be settled eventually by negotiations.

The main responsibility for stable government must rest with the South Vietnamese people.

The situation is even more dangerous today than it was in May. And the pressures to escalate the war are growing in many quarters. But I believe these cardinal principles should guide our policy.

Even if a million American soldiers were to force all North Vietnamese units from South Viet-Nam and to suppress the Viet Cong guerrillas with napalm and bayonets—even if we avoided an open clash with Red China—even then, when we withdrew as eventually we must, we would leave behind us only a charred, desolate country with little hope that it could maintain its independence one moment beyond the time we left.

There is no point in criticizing the mistakes of past policy. But it is crucial in looking toward the future to recall that our military advisors have been consistently overoptimistic when not actually dead wrong in their public statements of the Vietnamese situation.

Secretary of Defense McNamara's estimate that the Americans could begin to pull out by Christmas 1965 is only the most famous example.

Those who look for a cheap "victory through air-power" should recall the glowing assurances last February that a few bombs on North Viet-Nam would quickly bring that country to the conference table in a tractable mood. If anything, the opposite has been the case.

George F. Kennan, the former Ambassador and noted foreign policy expert, has recently advocated an effort to de-escalate the war, to "simmer down" the situation in Viet-Nam.

In a world where a nuclear holocaust is a distinct possibility, the survival of us all depends on containing armed conflict to as narrow an area as possible. This is indeed sound advice.

President Johnson has taken a long step toward localizing the war and achieving negotiations by calling a halt to the bombing of North Viet-Nam.

He deserves praise and support for his continued efforts to find peace in Viet-Nam.

It is crucial that the war in Viet-Nam not be allowed to esaclate further. Now is the time to make every conscientious effort to de-escalate the conflict. For in escalation there is no practical hope in achieving our aims in that unfortunate country and a very real possibility of an Asian-wide war in which America would waste her resources and young men in a slaughter that could achieve nothing but those desperate conditions of chaos ideal for the spread of Communism.

STATEMENT BEFORE THE DEMOCRATIC PLATFORM COMMITTEE

(By Senator GAYLORD NELSON, Aug. 20, 1968)

It is my purpose in appearing before the Platform Committee to urge upon you a proposal for Vietnam that looks to the future rather than the past and unites the country instead of dividing it.

The debate over the wisdom of our intervention in Vietnam will go on for many years to come. That is inevitable and no doubt as it should be since a continuous reevaluation of our past will contribute some wisdom to guide us in the future. We who opposed the intervention will participate in that dialogue as well as those who supported it. We think the judgment of history will come down on our side—they think it will come down on theirs. But no matter what we may think for political and other reasons unanimity on this issue will not be reached this year.

As one who opposed our involvement in a land war from the beginning and voted against appropriations for it, I would like to see a platform plank that addressed itself to this mistaken policy and delineated a course for the future that would avoid the errors of the past. It would, I think, have that great appeal of honesty and directness that is so rarely found nowadays in platforms and political talk about Vietnam.

Realistically, of course, this is more than the critics of Vietnam can expect to secure (because we haven't got the votes). Furthermore, it would be an open admission of error on the part of almost all the leadership in both political parties (including the Republican nominee for President) as well as the Congress, the military leadership of the nation and the public as expressed in the opinion polls of the time. While it might be good for the political health of the country

to admit our past mistakes, it probably isn't necessary because almost everyone who supported intervention will now concede privately that it was a mistake. The best way to test the issue is to ask the following question: Knowing what we now know, if we could turn the clock back to the Spring of 1965, would we again make the decision to start a land war in Vietnam with our troops? The answer would be a resounding "No" through the halls of Congress and all across the land.

The next question is, should we enshrine this mistake in the Democratic platform by affirming past policy as some would have us do. I for one would feel morally bound to repudiate that plank in the platform and campaign against it with whatever energy and intelligence I have. Much more important, of course, is the fact that a substantial number of Congressmen and Senators would do the same and they would be joined by hundreds of thousands of thoughtful citizens throughout the country who will not accept a platform plank that endorses past Vietnam policies.

What we should do now is address ourselves to the current situation and spell out in direct language what we think should be done about it.

Our government has repeatedly asserted it to be our position that we favored self-determination for South Vietnam—that whatever kind of government they desired they should have a chance to select at the ballot box. We should now proceed with a comprehensive proposal that implements that position.

It would be a tragedy if our negotiations in Paris broke down. The world needs peace and reconciliation now as never before. It would be even more tragic if they failed because either side failed to concede some relatively minor point in the negotiations.

It seems to me, therefore, that the convention should recommend the following course—

That we cease the bombing of the North coupled with an offer for a total ceasefire throughout Vietnam by all combatant forces. Our unyielding obstinacy on the issue of bombing is puzzling when one recalls our unilateral cessation for 37 days at a time when we were not in negotiations and when our military posture was not as strong as it is now. A test of their intentions would not be a military risk to us and might very well break the Paris deadlock. If there were no response in a reasonable time, or if the military situation required, the bombing could be resumed.

The ceasefire should be combined with an agreement that there would be no tactical movement of troops and that an acceptable international body would be responsible for supervision of the agreement.

Finally, we should propose self-determination through the ballot box, by a series of elections, province by province, concluding with a national election. These elections must be under international supervision with a mutual withdrawal of arms from each province prior to each election.

These proceedings might well require two years or more but so long as they are conducted under a ceasefire time is not of the essence. Once elections were underway agreement for a timetable for withdrawal should be negotiated.

This presents a framework which permits self-determination at the ballot box, which is what we stand for. It is a fair proposal that no country in the world would legitimately quarrel about. It makes it clear that we favor self-determination, and it ultimately turns the control of the country over to the South Vietnamese where it belongs.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. BYRD of Virginia in the chair). Is there further morning business? If not, morning business is closed.

THE EISENHOWER DOLLAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business, Calendar No. 447.

The PRESIDING OFFICER. The joint resolution will be stated by title for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. A joint resolution (S.J. Res. 158) to authorize the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BENNETT. Mr. President, I am acting today for the chairman of the Committee on Banking and Currency, the Senator from Alabama (Mr. SPARKMAN), who is a member of the NATO Parliamentary Group that left for Paris last night, and since the pending business is a resolution which he and I sponsored I have accepted the responsibility for presenting the resolution to the Senate.

Mr. President, Senate Joint Resolution 158 authorizes the minting of clad silverless dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower. The dollars will be of a clad cupro-nickel construction as are our present dimes and quarters. This resolution is a part of a more comprehensive proposal recommended by the Treasury with the concurrence of the Joint Commission on the Coinage. That proposal, contained in S. 2822 and H.R. 13252, has provisions regarding not only the minting of nonsilver dollars but also the disposal of the remaining silver dollars held by the Treasury and the future of the half dollar. The reason we are considering this one proposal separately is because of its timeliness. As I make that statement I realize that yesterday was the birthday of President Eisenhower, so we are 24 hours too late.

When we enacted the Coinage Act of 1965, we established a nonpartisan Commission composed of 24 members, six from the Senate, six from the House of Representatives, the Secretary of the Treasury, Secretary of Commerce, and Directors of the Bureau of the Budget and the Mint, and eight public members. The Commission was established to study the progress made in the implementation of the coinage program set up by the 1965 act and review from time to time such matters as the needs of the economy for coins, the standards for the coinage, the time when and circumstances under which the United States should cease to maintain the price of silver, the availability of various metals, and the renewed minting of the silver dollar. Decisions have been made on many of these matters but there are still some which need to be decided by the Congress.

No standard silver dollars have been minted since 1935 and, as we are all aware, none are presently available for circulation. Mint stocks were exhausted by 1964, except for about 3 million rare silver dollars which have substantial numismatic value.

Title I of the 1965 act which became law in July of that year prohibited the minting of silver dollars for a 5-year period. During the interim period it has been the goal of the Coinage Commission and the Treasury to bring about an orderly transition from a silver market in which the U.S. Treasury was the dominant participant and in which the price was determined by the Treasury to a silver market in which the price is determined by supply and demand for the metal. I believe it was obvious when we enacted the 1965 Coinage Act that we never again would be able to mint standard silver dollars. This was true because the intrinsic value of the silver which they contained soon exceeded their monetary value. Under those circumstances, it would be impossible to keep them in circulation. On the other hand, there has been continued interest in the minting of dollar coins, particularly from western areas of the country where the silver dollar was extensively used.

The desirability of having a dollar coin has also been repeatedly expressed by representatives of the vending machine industry as the demand for higher priced items through vending machines has increased. Of the $4.5 billion volume of higher priced vending machine items, it is significant that more than $2 billion worth of vended products are above the 25-cent value. Paper dollars will not substitute for this purpose. Furthermore, $1 paper currency has an average lifespan of about 18 months, compared to at least a 25-year life expectancy for a clad dollar.

A further, and I believe important, reason for the minting of dollar coins is that in some sections of the country long accustomed to the use of dollar coins, many private companies have resorted to the use of "dollarlike tokens" of the same size and similar appearance. These tokens are for use in those places of business where they are purchased. However, since this use has continued for several years, these tokens or unofficial dollars have slowly become almost legal tender in that they are acceptable for $1 in goods or services in some western com-

munities. As time goes on, this practice which has already spread to the half dollar in some places and even to tokens of a $5 value will result in confusion and what might be considered a separate coinage system reminiscent of the early colonial days when each State had its own coins. It was to prevent this undesirable situation that only the Federal Government was permitted to mint coins.

On May 12 of this year, the Commission concluded by a wide majority that resumption of the minting of silver dollars was not practical. At the same meeting, the Commission recommended that a non-silver dollar coin should be made part of the Nation's coinage system. The Commission did not recommend the material of which the new coin would be made. The Treasury Department, however, determined that it should be a cupro-nickel clad coin. Before the 1965 act, there was a great deal of study to determine the most desirable metals to be used in the construction of the new coins. The coins needed certain properties in order to be acceptable in vending machines, they needed durability, and they needed to be unique so that they would be difficult to counterfeit. On the basis of all the facts available, the cupro-nickel clad coin was determined to be the best solution. These same qualities are needed in the new dollar, and thus the Treasury recommended that the dollar be constructed in the same manner.

There has been considerable discussion about the minting of the dollar coin containing 40 percent silver similar to our present half dollar. The minting of such a coin was rejected by the Commission and by the Treasury. Although all of us realize that a silver-bearing coin is an attractive coin, attractiveness is not the major consideration in determining the construction of a new coin.

At the end of yesterday's Treasury transactions, Treasury had approximately 55 million ounces of silver in coins which it had withdrawn from circulation. It had readily available about 35 million ounces in bullion for a total of 90 million ounces of silver. Not included in this 90 million ounces is about 12 million ounces of silver which has already been processed into clad strip to be used for the minting of half dollars.

Sales of Treasury silver are proceeding at a rate of approximately 1½ million ounces a week. The 90 million ounces would thus last for about 60 weeks, or until about the middle of December 1970. If we were to mint 300 million dollars containing 40 percent silver, as will be proposed by the Senator from Colorado (Mr. DOMINICK) a little later on, each coin would require .316 ounces of silver or a total of 94.8 million ounces of silver. That figure exceeds the amount available in Treasury stocks today. I should add, however, that each year the Treasury re-refines about 3 million ounces so that sufficient silver would probably be available to mint these coins without additional purchases by the Treasury if no other considerations were involved. Other considerations are involved, however. When the Treasury with the concurrence of the Joint Commission discontinued sales of Treasury silver to other than domesitc industrial users on May 18, 1967, some orders for silver had been placed with the Treasury but had not been officially accepted and were not filled. Several of the firms which had placed such orders prior to the Treasury decision to stop unrestricted sales presented claims on the Treasury for the silver. After considering the matter, the Commission suggested that the Treasury ask the General Accounting Office to look into the claims and make a recommendation. The report from the General Accounting Office concluded that while there may not have been a legal responsibility for the Treasury to fill the orders, until that time orders had been filled without official acceptance and therefore equity might require that the Treasury provide some relief to the firms involved.

As a result, the Commission recommended that the Treasury draft legislation to be introduced in the Congress under which the claims would be referred to the Court of Claims for a determination of their legal and equitable merits and amounts, if any, due in compensation. Some of the firms involved maintained a short position in silver in confidence so that they would receive the silver from the Treasury. Legislation is now pending before the Judiciary Committee which would resolve this matter.

I do not know that any silver will be needed to satisfy these claims, but it is possible that the Court of Claims will decide that the Treasury should provide silver to these claimants at the price of $1.29 an ounce. Claimants which are mentioned in the legislation had orders for about 13 million ounces of silver. There were other orders in addition to these, which could require Treasury silver if the same treatment is to be given to them. This means that there is a possible claim of at least 13 million ounces of Treasury silver and perhaps more. This would leave the Treasury without sufficient silver to mint the 300 million dollars containing 40 percent silver, as has been proposed.

Even if no additional claims are made on Treasury silver, if the Congress were to approve the minting of the 300 million dollars containing silver, it would be necessary to halt present General Services Administration silver sales immediately. Such action would remove 1½ million ounces from the weekly supply of silver in the world market and without doubt would create a significant reaction in the price of silver.

It should be remembered that one of the major efforts of the Treasury and the Coinage Commission has been to bring about an orderly transition which would not create instability in the silver market. We have not been completely successful in these efforts because of rumors regarding possible minting of silver coins or other actions which might be taken by the Coinage Commission and the Treasury which would affect the available supply of silver. It is my feeling, however, that we should certainly not do anything in the Congress which would add to the problem.

A sound silver policy program, I believe, should be consistent with the following key objectives: First, a strong and efficient monetary system; second, maximum feasible fiscal return to the taxpayers; third, minimum inflationary impact on consumer prices; fourth, reasonable prices for silver to silver producers; fifth, minimum adverse impact on the balance of payments; and sixth, an orderly transition between the pegged market which we had until 1967, and a free silver market which we will probably have sometime next year.

This resolution is in keeping with all of these objectives.

I therefore urge that the Senate approve Senate Joint Resolution 158, as reported by the committee.

Mr. DOMINICK. Mr. President, I suggest the absence of a quorum in order that I may ask for the yeas and nays when sufficient Senators are in the Chamber.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 228

Mr. DOMINICK. Mr. President, I send to the desk amendments in the nature of a substitute identified as No. 228 and ask that it be stated.

The PRESIDING OFFICER. The amendment in the nature of a substitute will be stated.

The assistant legislative clerk proceeded to read the amendment.

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

The PRESIDING OFFICER. Without objection, it is so ordered; and the amendment will be printed in the RECORD at this point.

The amendment offered by Mr. DOMINICK and others is to strike out all after the resolving clause and insert the following:

That (a) section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended—

(1) by inserting "one-dollar pieces," after "pursuant to this section" in subsection (a);

(2) by redesigating paragraphs (1), (2), and (3) in subsection (a) as paragraphs (2), (3), and (4), respectively, and by inserting before redesignated paragraph (2) a new paragraph as follows:

"(1) the dollar shall have—

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of eight hundred parts of silver and two hundred parts copper; and

"(C) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper."; and

(3) by inserting at the end of such section the following new subsections:

"(d) The dollars initially minted under the authority of subsection (a) shall bear the likeness of the late President of the United States, Dwight David Eisenhower.

"(e) Commencing on January 1, 1970, and until such time as the supply of silver available to the Treasury on January 1, 1970, for coinage purposes is exhausted, or December 31, 1972, whichever is earlier, the Secretary shall cause to be minted and issued dollars authorized by subsection (a) at a

rate of not less than one-hundred million coins annually."

(b) Effective on January 1, 1973, or in such earlier date as the President shall by proclamation declare that the supply of silver available to the Treasury for coinage purposes is exhausted, section 101 of the Coinage Act of 1965 is amended to read as follows:

"SEC. 101. The Secretary may coin and issue one-dollar pieces, half dollars or 50-cent pieces, quarter dollars or 25-cent pieces, and dimes or 10-cent pieces in such quantities as he may determine to be necessary to meet national needs. Any coin minted under authority of this section shall be a clad coin the weight of whose cladding is not less than 30 per centum of the weight of the entire coin, and which meets the following additional specifications:

"(1) The dollar shall have—

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 22.68 grams.

"(2) The half dollar shall have—

"(A) a diameter of 1.205 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 11.34 grams.

"(3) The quarter dollar shall have—

"(A) a diameter of 0.955 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 5.67 grams.

"(4) The dime shall have—

"(A) a diameter of 0.705 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 2.268 grams."

Mr. DOMINICK. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DOMINICK. Mr. President, I had the pleasure of sitting here and listening to the distinguished Senator from Utah give his position on the resolution which he and the Senator from Alabama (Mr. SPARKMAN) reported out of the Committee on Banking and Currency.

Some time ago, when I knew it had been proposed, I went to the Senator from Utah (Mr. BENNETT) and asked him if there were going to be hearings on the joint resolution, and, if so, whether I could appear and be heard. He indicated they were going to go forward on this matter as rapidly as possible in order to try to have this particular piece of legislation ready for President Eisenhower's birthday. He very kindly agreed to take a statement from me and a copy of my proposed amendment and to put them in the RECORD. He also indicated that that was all there was going to be in the way of a hearing.

I think we can say that, although my position was developed, there was not very much opportunity in the committee either to have hearings or to develop at any length the position of the people affected in the silver market. Hence, I am going to take a little time to explain what the situation is.

I have been serving, along with the Senator from Utah (Mr. BENNETT), on the Joint Commission on the Coinage for some time. The Coinage Commission was set up in the act of 1965. The reason why it was set up was that it had become apparent, at least to me, and I think to many other Members of this body, that the silver situation was becoming so acute that a change was going to have to be made. The price of silver was constantly pressing up against the value of silver coins. In order to prevent coins from being melted or otherwise used as nonmonetary factors, it seemed advisable to try to change the whole situation, and then to have a commission study the relationship between the supply and demand of silver and the question of coining.

I have been concerned about this matter for some time. As a matter of fact, the Senator from Utah (Mr. BENNETT) joined me in several colloquies. We discussed it at some length on the floor of the Senate, particularly when the act of 1965 was being considered, pointing out that since the Treasury continued to release silver in the way it did, it was, in effect, setting a price ceiling of $1.29 an ounce, which was the price of silver in the coins.

In order to get into a free market situation, which everyone wanted to do, we would have to get out of that particular cycle. Hence, we had the act of 1965, and the amendments in 1967, and the Coinage Commission was set up.

The Coinage Commission was not actually convened for about 18 months. President Johnson did not appoint the public members of it for at least 18 months. By the time we got around to really trying to take further steps in this matter, the situation was already acute in the market.

My amendment is a little different, I believe, from the way it was presented by the Senator from Utah. What I am proposing is that we should be minting a coin with the image of President Eisenhower on it; that the coin should be 40 percent silver; and that we should mint as many of them, not to exceed 300 million, over a period of 3 years, as the supply of silver in the hands of the Treasury will permit. Consequently, if we do not have enough silver to mint the whole 300 million coins we can still mint a great many of them. In my opinion, we can mint the entire 300 million.

I say this because, as the Senator from Utah points out, it will take approximately 93 million ounces of silver. We have about 90 million ounces available in the Treasury at the present time. With the kind of recirculation going on, whereby the Treasury is picking up silver coins in the way of quarters and dimes still in circulation, and reprocessing them, it can pick up another 3 million ounces. That has been the historical record. So I say we are going to have enough silver for this purpose.

The second point of the amendment is to deal with the obvious fact that the 300 million 40-percent silver dollars probably will not circulate. They are of substantial value from the point of view of collectors' items. They are of substantial value from the point of view of a great many people. The chances of their circulating as dollar pieces is not very good.

Subsequently, I have proposed that after the 300 million coins have been minted, we will then mint the cupro-nickel dollar piece, so that if there is a need in a vending machine industry to go forward with a dollar piece, we will then be prepared to have something which will circulate.

The 40-percent silver dollar would be identical to the current Kennedy half-dollar coin. I am joined in the proposal I am offering today by 22 cosponsors. They include Senators MANSFIELD, ALLOTT, BIBLE, CANNON, CHURCH, CURTIS, DOLE, FANNIN, GOLDWATER, HANSEN, HRUSKA, JACKSON, JORDAN of Idaho, MCGEE, MAGNUSON, METCALF, MUNDT, MURPHY, STEVENS, THURMOND, TOWER, and PEARSON.

The 40-percent silver dollar proposed by the substitute is to be minted at a rate not less than 100 million coins a year from January 1, 1970, to December 31, 1972; or—and this is a point I want to emphasize—until "the supply of silver available to the Treasury on January 1, 1970, for coinage purposes is exhausted."

Thereafter the dollar coin will be a clad coin made of 75 percent copper and 25 percent nickel, identical to present quarters and dimes.

Also at that same time half-dollar coins would become a clad coin made of 75 percent copper and 25 percent nickel.

It also provides that the President shall by proclamation declare when the supply of silver available to the Treasury for coinage purposes is exhausted.

The provision relating to exhaustion of Treasury silver is necessary as there are approximately 100 million ounces of such silver left in the Treasury. It would take about 93 to 95 million ounces of silver to mint the 300 million coins provided for in the 3-year period. The 100 million ounces has some silver in it that would have to have some reprocessing done, I believe, in order to make it of sufficient fineness for this type of work; so there are probably about 93 million or 94 million fine ounces available at the present time.

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

Mr. DOMINICK. I yield.

Mr. PASTORE. First of all, I wish to say that I understand the good intentions of the Senator from Colorado and of his 22 cosponsors on this particular amendment. But I wonder whether he is familiar with the fact that those of us who come from States that need silver to maintain jobs and for commercial purposes are very much opposed to his amendment, because we feel that whatever silver is now available should be made available on the market at a price comparable with what the Government paid and what it intends to make as a profit, at the same time attempting to stabilize the silver market.

What the Senator is proposing here, as I understand it, is that this dollar shall be no more than a souvenir, up to the extent of 100 million of them.

That happened in the case of the silver half dollar in honor of President Kennedy. We manufactured about 100 million of those——

Mr. BENNETT. 1.2 billion.

Mr. PASTORE. 1.2 billion, and they disappeared from circulation. I do not

think we are going to honor Eisenhower by having 100 million of these silver dollars locked up in drawers somewhere. I think we should honor him with a piece of currency that will be available on the market and can be used anywhere.

I think we would be honoring Eisenhower more if the Government used the silver that it has to make coaster cups for brides and grooms at weddings, to be kept as a memento of the sanctity of the marriage—much more so than with these little round pieces that will end up in somebody else's drawer.

Mr. DOMINICK. Mr. President, knowing the Senator from Rhode Island, I would have felt very unhappy had he not made that statement.

Mr. PASTORE. I am for the brides of America. I am for commemorating President Eisenhower, but I am still for the brides.

Mr. ALLOTT. How about the bridegrooms?

Mr. PASTORE. Yes, they get the cup, too.

Mr. DOMINICK. Mr. President, I shall be happy to let the Senator from Rhode Island make his speech after I finish making my points, but I do think we can go forward a little more rapidly here if I can finish what I have to say, and then let him answer it.

There will be less silver on January 1, 1970. There are presently about 15 million ounces of 0.400 fine silver alloy reserved for the minting of the half dollar.

This substitute is essentially a compromise combining the provisions of Senate Joint Resolution 158 and S. 2582. Senate Joint Resolution 158 was proposed by Mr. BENNETT on October 7, 1969, and provides for a cupronickel Eisenhower dollar. S. 2582 was proposed by myself and 28 cosponsors on July 10, 1969, and provides for minting of a 40-percent silver Eisenhower dollar coin.

S. 2822 was also proposed by Mr. SPARKMAN and Mr. BENNETT on August 11, 1969, and provides for a cupronickel coin, removal of silver from the current Kennedy half dollar and certain other recommendations of the Joint Commission on the Coinage.

No hearings were held on any of these proposals and Senate Joint Resolution 158 was reported out of the Committee on Banking and Currency on October 8, 1969.

The effective date of the act is made January 1, 1970, to allow a market adjustment before GSA sales are terminated. Termination of GSA sales is necessary to provide the remaining Treasury silver for minting of the Eisenhower dollar.

Mr. President, I do not think there is any doubt that this will be a prestige coin of which this country can be proud. Both the 40-percent silver coin and the cupronickel coin would bear the image of Dwight David Eisenhower, but to mint only a cupronickel coin would be clearly inappropriate. This was a man who symbolizes the highest traditions of service to his country in both war and peace. He holds a unique place in the history of this Nation. To the very last day of his life he was a symbol of strength and honor for the people of the United States and the world. He stood for peace and freedom.

We have only a few million ounces of silver left in our Treasury as has been brought out. No other use of this silver could return so much value to the American people to whom it belongs. Only 300 million silver dollars, or less, would be minted the next 3 years, but this amount would be sufficient for each of the millions of Americans, who loved and respected this great man, to receive one. Failure to mint these few million silver dollars would not only be inappropriate but it seems to me it would be disrespectful.

There are many arguments pro and con with regard to using our remaining silver stocks for coining this dollar. The Senator from Rhode Island has brought out some of them. We have been selling our silver at a rapid pace for the last 10 years. It is almost gone. Regardless of what we do today, the U.S. Treasury will be out of the silver business in 1 year or less. No more silver coins could be minted. No more silver could be sold for industrial use or speculation. This is inevitable. My proposal will only speed up the inevitable by a few months and give the American people a higher return on their silver.

I want the Senator from Rhode Island particularly to understand that, whether the substitute is agreed to or not, the Treasury will be out of silver in 1 year or less.

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

Mr. DOMINICK. I yield.

Mr. PASTORE. I understand that; but at least we will die in degrees, which is better than a sudden death. The very dramatic argument the Senator from Colorado makes is that, because 40 percent silver is put in a coin, it makes it a prestige coin, and that when copper is put into it, it makes it less a symbol of honor.

I would remind the Senator that the likeness of Abraham Lincoln, the most revered President of the United States, is on the copper penny. There are more copper pennies than any other coin.

I do not know how better we could honor anyone than by putting an ample supply on the market, where everyone will have it.

The penny represents Lincoln, and it is all copper.

Mr. DOMINICK. I understand; and I think pure copper is better than the proposed alloy. I am sorry that only the alloy is used.

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

Mr. DOMINICK. I yield.

Mr. MANSFIELD. First, I commend the distinguished Senator from Colorado for the unending fight he has made down through the years in behalf of silver coinage. Silver means as much to us in our part of the country as it does to the Senator from Rhode Island and his colleagues in their area. He has a point; so do we. If it means employment, it means employment for our miners as well as for his craftsmen.

For the record, I should like to emphasize the fact that the distinguished Senator from Colorado (Mr. DOMINICK) has indicated that, because of the scarce amount of silver in the Treasury, a 40-percent silver dollar would be minted for only 2 years.

Mr. DOMINICK. Three years or less.

Mr. MANSFIELD. Three years or less; and under his proposal, after that time a dollar coin would be made containing 75 percent copper and 25 percent nickel; is that correct?

Mr. DOMINICK. That is correct.

Mr. MANSFIELD. So what the Senator is doing—and I join him in it—is accepting the unfortunate inevitability of the decline in silver; because, in a matter of a few years, there will be none left in the Treasury. But for those who want to manufacture wedding cups, rings, and silver sets for the bridesmaids and others——

Mr. PASTORE. And the grooms.

Mr. MANSFIELD. And the grooms, I would point out that silver would still be available—not from the Treasury, but from outside sources, such as Mexico, Peru, some in this country, Alaska, and elsewhere.

It is interesting to note that as soon as the Government protection of silver was taken off, the price of silver rose precipituously, up to about, I think the Senator's figures show, $2.56 per fine ounce.

Mr. DOMINICK. That is correct. It has gone down again since.

Mr. MANSFIELD. And since that time the price of silver has decreased to a low of $1.63 per fine ounce.

That indicates to me that there is no scarcity of silver in the world, because if silver were becoming scarcer, the price would be $2.56 or more, whereas, as a matter of fact, as the Senator brings out, the price has declined to a low of $1.63 per fine ounce.

Mr. DOMINICK. The Senator is absolutely correct.

Mr. MANSFIELD. So I would hope that, because of the constructive attitude taken by the distinguished Senator from Colorado, the leader in the field of silver legislation—and a good leader he is—and because of his recognition of the fact that the supply of silver in the Treasury is not inexhaustible, and because of his readiness to face the inevitable fact that silver will not be used beyond a 3-year period because there will be none in the Treasury thereafter to fall back on, I would hope most sincerely that the Senate, in its wisdom, would allow the Senator from Colorado and those of us who come from the West this brief surcease before there will not be any possibility whatsoever of getting any kind of silver, not only in our dollars, but in any of the alloyed copper coins left.

May I say, in conclusion, that we produce a great deal more copper in Montana than we do silver. The price is somewhere around 50 cents a pound. We, of course, would like to see copper used, but we would prefer to see it used in the Lincoln pennies, where it shines so brightly and does the Great Emancipator so much justice.

Mr. DOMINICK. I thank the Senator very much.

Mr. PASTORE. Will the Senator yield on that very point?

Mr. DOMINICK. Wait until I finish here, then I shall be happy to yield.

I wish to thank the Senator from Montana for his very kind remarks and his aid and support on this matter. I think it is extremely helpful and valuable, when we come down to final discussion on the issue.

I yield to the Senator from Rhode Island.

Mr. PASTORE. I say to the distinguished majority leader that nobody wants to hurt the silver mining industry. It is true that the price skyrocketed up to about $2.50 an ounce, and it gradually has come down, but it is only because the silver the Treasury Department has had has been used to stabilize the market. I know eventually we will have to mine more silver and pay more money for it, but, at the present time, the silver owned by the Government is being used to stabilize the market as they release it, and as they call in the old coins and melt them down to get the silver they had on hand. Eventually the Government is going to get out of the silver business altogether. There is no question at all about that. The Government should get out of it. And then the industry will get more for its silver when it sells it to Gorham and International Silverware, and others, than it gets when it sells to the Government.

I know it is inevitable that the supply of silver will run out. However, please take the consumers into account at this particular point. We are not hurting the miners. The Government only has about 90 million ounces of silver. The industry will need more of the silver. The camera and silverware industries will need more silver. And they will pay a handsome price for it.

With what little silver is left, we have been able to carry the price from more than $2.50 an ounce down to about $1.60 an ounce.

If the Senator gets this measure passed, the price of silver will shoot back to more than $2.50 an ounce again.

Mr. DOMINICK. Mr. President, I hate to interrupt the Senator. I want to proceed with my speech. I will be happy to have the Senator make his speech again. It is a good one, but it is not supported by the facts. I shall try to answer some of the points as I go along.

I think a brief review of our silver sales program will be helpful to my colleagues, since no hearings were held on this matter. This might clarify the situation in which we now find ourselves. Today marks the end of an era for this Nation. We should all clearly understand the issues involved because today, regardless of what we do, marks the end of an era in the silver situation with respect to our country.

Until World War II, the world production of silver exceeded consumption. After the war, this position reversed to the extent that in 1959, the need for silver exceeded the supply. In order to meet this need the Treasury began unrestricted sales of its silver, getting about $1.29 for the silver which the taxpayers' dollars had paid for and put into the Treasury. It was soon recognized that this procedure could not continue and sales were halted on November 28, 1961.

This suspension of unrestricted sales caused the market price of silver to rise from 91 cents an ounce to $1.29 an ounce in 1963. This was the official price of silver. From 1963 to 1965, the Treasury offered silver for sale at $1.29 per ounce. On July 23, 1965, the Coinage Act of 1965, Public Law 90–29, was passed. This act authorized quarters and dimes to be made from cupronickel alloy and reduced the percentage of silver in the half dollar to 40 percent. Sales continued at $1.29 per ounce to all buyers until May 18, 1967. From May 18, 1967, to July 14, 1967, sales were made to domestic users only.

The objective of these policies was to prevent the market price of silver from rising to a point where hoarding would be profitable. Sales in excess of $1.29 per ounce would endanger the value of our remaining silver coins during this transition period. Also, the supply of clad coins in circulation was not sufficient until the summer of 1967.

On June 24, 1967, congressional authority was granted to sell silver above the $1.29 per ounce price. This, in effect, demonetized silver and began the transfer from silver coinage to a base metal coin with no intrinsic value. That process will be completed today under both my amendment and Senate Joint Resolution 158. In addition, the Treasury was required to redeem outstanding silver certificates for a period of only 1 year to June 24, 1968; 165 million ounces of silver was to be transferred to the strategic stockpile.

The first GSA sale took place under the new plan on August 4, 1967. Sales were limited to domestic industrial use only and were to be used within 90 days of the date of purchase.

From August 4, 1967, to May 6, 1969, the sales price fluctuated, reaching a high in May and June of 1968 of $2.56½ per ounce and a low on September 6, 1967, of $1.63 per ounce.

The Treasury sold 0.999-plus fine silver bullion until October 12, 1967, at which date this silver was reserved for the strategic stockpile. We now have 165 million ounces of silver in our stockpile. A strike in November of 1967 reduced the refinery capacity of U.S. plants and the Treasury again sold 0.999-plus fine silver during the duration of the strike.

Other administrative adjustments in sales policy were made during this period until June 24, 1968, at which date all silver offered for regular sales was limited to 0.897 to 0.900 fine silver. On August 13, 1968, 0.999 silver was again sold until all stocks were exhausted on January 14, 1969.

At this point I ask unanimous consent that a chart showing the buyers of Treasury silver from August 4, 1967, to March 25, 1969, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit A.)

Mr. DOMINICK. Mr. President, this chart shows that Englehard Industries purchased 30 percent of the silver. The four largest buyers acquired 59 percent of all silver sold and the 10 largest purchasers acquired 80 percent of all silver sold.

During this time industrial use exceeded domestic production drastically. In calendar year 1966, production was 43.7 million ounces and use was 183.7 million ounces for a difference of 140 million ounces. In calendar year 1967, production was 31.2 million ounces and industrial use was 171 million ounces, for a difference of 139.8 million ounces. In calendar year 1968, production was 32.4 million ounces and industrial use was 139.1 million ounces for a difference of 107.3 million ounces. At this point I ask unanimous consent that a chart marked "Exhibit B" be printed in the RECORD at the conclusion of my remarks, showing a breakdown of consumption of silver and a sale summary of GSA sales from August 4, 1967, through May 6, 1969. A total of 185,964,592 ounces was sold for a total return of $355,481,290.

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

(See exhibit B.)

Mr. DOMINICK. Mr. President, on May 2, 1969, the Joint Commission on the Coinage met and recommended lifting the ban on melting coins and the domestic use restriction on sales. We had also had a need-to-know basis on what the silver was going to be used for or that it was going to be used domestically. Sales were also reduced from 2 million ounces per week to 1½ million ounces per week, effective May 27, 1969. This action meant that all sales of Treasury silver were wholly on the open market with no restrictions. At this point, I ask unanimous consent that a chart marked "Exhibit C" be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit C.)

Mr. DOMINICK. Mr. President, this exhibit shows a summary of GSA sales from May 27, 1969, to September 30, 1969. Total sales amount to 28,500,000 ounces. Of this amount about half went for industrial use and half went to speculators and brokers; 11,830,000 ounces have gone overseas.

This is really important in connection with the argument of the distinguished Senator from Rhode Island. First of all, it should be noted, as we said, that 10 of the largest users of silver, silver purchasers, have acquired 80 percent of the Treasury silver. So what we have been doing really is to use the Treasury as a private mine for low-cost silver for 10 particular companies in this country.

When we start talking about the poor people who need silver, I do not see that we are particularly getting it into their hands when we sell 80 percent of it to 10 particular companies. Speculators are buying more and more of the GSA silver, as is clearly shown by the figures from August 5, 1969, to September 30, 1969. A total of 13,713,000 ounces of silver were sold. Only 5,100,000 ounces went for industrial use and almost 8 million ounces went to speculators overseas. Prices during this 4-month period ranged from a low $1.53 an ounce to a high of $1.88 an

ounce. This is a price range of 36½ cents per ounce. The sale yesterday shows clearly that this trend is continuing. The high bid yesterday was $1.8206 per ounce and the low bid accepted $1.8150 per ounce.

Of the 1.5 million ounces sold, 594,000 ounces will be used for industrial purposes. This is just yesterday. A total of 675,000 ounces went to speculators and brokers, most of which will find its way overseas; 378,000 ounces were purchased directly for overseas speculators.

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

Mr. DOMINICK. I am happy to yield.

Mr. BIBLE. I wish to compliment the Senator for the very able presentation he is making. I think the amendment, which I am happy to cosponsor under his leadership, is a very worthwhile amendment; and I feel that if the Members of this body were to study the reasons given, they could not help but concur in this amendment.

The Senator from Colorado has developed a number of statistics, one of which, to me, is somewhat interesting. I think I am correctly advised that the General Services Administration started making these sales in August 1967.

Mr. DOMINICK. The Senator is correct.

Mr. BIBLE. My understanding is that from that date to the present time or to September 1—about a month ago—they had sold to the silver users, 219,841,000 ounces of silver.

I am told that that amount of silver was sold to the silver users at an approximate average price of $1.87 per ounce. That is the average price realized from the sale of 200 million-plus ounces. Does that square roughly with the Senator's figure?

Mr. DOMINICK. That sounds like the information we had on that figure; yes.

Mr. BIBLE. If I am also correctly advised, and if the arithmetic is correct, if the amendment of the Senator from Colorado is adopted—and I certainly hope it will be—the amount to be realized by the Treasury would be approximately $3.38 per ounce, as compared with the $1.87 per ounce they have received on the sales of free silver since 1967.

Mr. DOMINICK. I am not quite sure that it is $3.38. I had the impression that it was $3.16 an ounce.

Mr. BIBLE. It is somewhere in that range, and possibly the $3.16 figure is more valid than the $3.38.

The point I am trying to make is this: That the profit that would be realized if the amendment of the Senator from Colorado is adopted would inure to the U.S. Treasury, whatever it is. Is that correct?

Mr. DOMINICK. That is totally correct.

Mr. BIBLE. So whether it is $3.16 or $3.38 per ounce to produce the 40-percent-silver dollar, it would in any case be a very sizable profit. If we received $1.87 on sales from GSA to the silver users, it seems to me to make good, common business sense to get the higher figure by the sale to the Treasury for $3.16, if one wants to use the lower figure. That would be almost doubling the profit vis-a-vis selling it to the silver users.

Mr. DOMINICK. That is correct. I make this point once again as I go on in my discussion, but I think it is worthwhile bringing it out now, and I will just put this figure together as I have computed it. If we figure that we are going to continue selling a million and a half ounces at $1.80, which is the current price——

Mr. BIBLE. The average of $1.87 for over 200 million ounces; that is an approximately correct figure.

Mr. DOMINICK. If we do that and then compare that with $3.16 for the value of the silver remaining in the Treasury, we have a net profit to the Treasury of $120 million by going my way, as opposed to going the way that has been advocated by the Senator from Utah.

Mr. BIBLE. That profit would inure to whom? I know the Senator from Colorado is just as interested in the young brides of America as is the Senator from Rhode Island and as I am. I have a bride in my immediate family. It occurs to me that even though the price of silverware is going to go up some time in the future, this profit should inure not to one group; namely, the silver users in the New England area, but should inure to all the taxpayers across the board.

Mr. DOMINICK. That is absolutely correct. If we figure that we have 200 million people in the country and say that 50 percent are adults—which is not right; I think it is less than that—and we say that those adults are paying the taxes—which is again not right—it means that each one of them would get an additional $1 that otherwise he would not have had in terms of his general contribution to the general revenue.

Mr. BIBLE. I wholeheartedly support the amendment. I think it is soundly based. This is not a profit item for the silver producers. The Senator from Colorado and I come from great silver-producing States. We hope the mining does increase. We hope, and we are confident, that the price will increase. But in balancing where this profit goes as between the silver users and the taxpayers of the entire United States, I think it irrefutable that it is better to see that this profit benefits all the taxpayers, which would happen if the amendment of the Senator from Colorado was adopted.

I wholeheartedly support the amendment, for that and other reasons.

Mr. President, as Members of this body know, I have for a number of years fought to keep silver in our coinage. Residents of my State are not enamored of coins which have no intrinsic value and for many years cherished the dollar cartwheel. The silver dollar circulated freely in Nevada until Congress and Treasury officials decided to tamper with our coinage system.

This subject has been of little interest to many Members of this body except for some who fought to preserve a coin with intrinsic value other than the good faith backing of our Nation, which, as all know, has changed the value of our money and its purchasing power day by day due to gyrations caused by an inflationary economy.

The problem, in my opinion, arose with greatly increased domestic and worldwide uses of silver and the low prices realized by the miners and producers of silver.

Silver purchasers demanded more Treasury silver and they have won the fight in the past years. Worldwide silver production has for the past few years been approximately 100 million ounces short of consumption. Since August of 1967, the General Services Administration has been conducting weekly sales of silver. These sales started out with the sale of 2 million ounces per week and early this year were reduced to 1½ million ounces a week. Since August of 1967, GSA has sold to the silver users 219,841,000 ounces of silver at an approximate average price of $1.87 per ounce.

I have in past years characterized these sales as bargain basement prices. It does not take a degree in finance to know that when a commodity is in short supply by 100 million ounces per year, the time is coming when silver will meet a free market figure, and this figure is estimated at somewhere between $2.75 and $3.50 per ounce, depending upon whose predictions one chooses to select.

Just this week, I discussed this situation with some very knowledgeable silver purchasers, and it is their opinion that a future $3-per-ounce figure for silver is in the ball park.

The Treasury had on hand as of September 30, 1969, 79,509,000 ounces of silver. This is quite a reduction from the billion ounces once held by the U.S. Treasury.

Members of Congress throughout the years objected to the Silver Purchase Act, which was sponsored by my late illustrious predecessor, Senator Key Pittman. Senator Pittman not only performed a great service to the silver miners at the time of enactment of the Silver Purchase Act; but he did this Nation a great service, for the average price per ounce paid by the Treasury to the mining industry was approximately 70 cents per ounce prior to repeal of the act in the 1960's. The price paid for silver by the Treasury varied through the years but never exceeded 90.5 cents per ounce.

So it can be seen that the Nation and the Treasury have made a fine profit. Almost any industry would be pleased to more than double its sale price of a given article from the purchase price or the cost of production of the article.

With only 79 million-plus ounces of silver left in the Treasury and with weekly sales of 1½ million ounces to the silver users, it will be only a short time until the Treasury will no longer furnish this precious metal for bargain sales.

There really is not too much wrong with the Treasury getting out of the silver business. The producer welcomes this, for he knows full well the time is coming when he will reap a profit on his mined production.

Nevada at one time flourished with silver mines. This is not the case today. The price is much too low to economically produce or mine silver. Practically all the silver mined in my State today is the byproduct of the copper mining industry.

I favor Senator DOMINICK's amendment to Senate Joint Resolution 158 for two reasons.

First, to produce a commemorative dollar in the likeness of our former great soldier and President, General Eisenhower, is a desirable and commendable act. However, it should be a coin which is deserving of recognition and should not in my opinion be copper and nickel. It should by all means contain a metal with intrinsic value such as silver.

Congress recognized this when it produced silver half dollars with the likeness of our former great leader and President, the late President John Kennedy. It has been said the silver half dollar did not circulate freely. This is perhaps true; nevertheless, many millions of our citizens hold and cherish a Kennedy silver half dollar.

I expect that every Member of this body has at least one or two such coins.

A dollar produced with 40 percent silver with President Eisenhower's likeness would also be cherished and revered.

Second, since the Treasury has only been able to realize $1.87 per ounce for its silver, I cannot for the life of me understand why anyone in this body would object to the Treasury doubling its profit.

A silver-clad dollar produced by the U.S. Mint would result in the Treasury realizing $3.38 per ounce for its remaining silver stocks.

Now, I know my good friend, the Senator from Rhode Island, will perhaps again say, let private industry have this silver, and every bride in America will be the recipient of a fine silver set at a lower cost.

I am sympathetic to our fine daughters who can afford a set of silver. I am not sure all can, but I am sure they can afford a silver-clad dollar. And what a wonderful gift this would make for any occasion.

The Treasury can use the extra profit. Congress cannot commemorate a former President in a manner more desirable and fitting.

I hope this body will stop shortchanging the taxpayer. The taxpayer has furnished the funds to purchase the Treasury-held silver. I am sure he prefers full value for the commodity which his funds purchased.

Let us adopt this amendment and double the profit of Treasury-held silver and make available a silver-clad dollar for every American citizen who desires to own such a commemorative coin.

Mr. DOMINICK. Mr. President, I am happy to have the support of the distinguished Senator from Nevada. He has been very helpful in the silver debate over a long period of time, and I think that the points he has brought out are extremely significant. I hope they will be sufficiently circulated so that we can persuade as many as possible in the Senate to support this amendment.

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

Mr. DOMINICK. I yield.

Mr. MOSS. Mr. President, I commend the Senator from Colorado for his continued leadership in the question of the use of silver in our coinage.

I recall very well the debate on the floor of the Senate when consideration was given as to whether or not the half dollar coin would contain any silver or whether it would be a clad coin, such as the smaller coins are. I was pleased that we were able to prevail in that particular debate, and that the half dollar today does have 40-percent silver in it. It still is an intrinsically valuable and beautiful coin. I think that as long as we are able to provide silver we should have it in our larger coins.

I have noted the position of the Senator from Colorado and others as to the economics of this matter. I understand that the silver in the Treasury, purchased under the Silver Purchase Act in years past, is limited in amount and that there will be a time when the Treasury no longer will have a reservoir of silver to mint coins unless it goes into the market to buy it at advanced prices, which I do not expect to occur.

Mr. President, I cannot support the minting of a dollar made entirely of base metal to commemorate our late President Eisenhower—or any other President of the United States. The coin should have at least the intrinsic value equal to that of the Kennedy half dollar.

At the time we were considering the Kennedy coin I stated emphatically that the coin should have silver content, and I hold the same position on the coin we are now considering to honor President Eisenhower.

Many people will want to set aside and save one or two samples of the Eisenhower dollar, just as they saved the Kennedy half dollar. A coin made entirely of base metal is certainly a less attractive souvenir than one with some silver content.

If we put silver in the Eisenhower dollar, I am convinced that production will meet the economic demand at a fair price. In the past the Treasury has indicated that our economic supplies of silver were adequate to our needs. The Department somewhat changed its story after there was a move in both the House and the Senate to include silver in the Eisenhower commemorative dollar.

What is the situation?

The Treasury, at the present time, holds some 135 million ounces of silver. This silver was obtained through the melting by the mint of the 90-percent silver dimes, quarters, and half dollars minted prior to 1965. The relationship of silver content to the face value of these coins is $1.38 an ounce.

What is the Treasury doing with this silver which is the property of all the citizens of this country? It is each week selling 1.5 million ounces of it to industry at prices currently ranging between $1.65 to $1.85 an ounce, and some months ago at prices less than $1.60 an ounce. With this asset valued by the Treasury at $1.38 an ounce, we can readily see that the Treasury is realizing a modest profit, indeed, through sales. Such profits is even less when the cost to the Treasury of sorting and melting the coins is considered.

On the other hand, if silver already owned by the Treasury were used in the minting of a 40-percent silver dollar, it would have a monetary value of $3.16 an ounce. The profit to the Federal Treasury through disposal of its silver in 40-percent silver dollars would be over $1 more per ounce than through current sales to industry. What is more, the mining cost of such a coin would be minimal since the Treasury already owns the silver.

Much has been made recently of the claim that silver is in short supply and that Treasury silver is vitally needed by industry. This is simply not true. The largest dealer of silver in the Nation is the firm of Handy & Harman. Let me read to you a statement from that company's highly respected annual review of the silver market for the year 1968:

> We have continually emphasized that there will be no shortage of silver for future industrial needs, and this has been confirmed by events. Over the past few years speculative or investment stocks have been accumulating at a very rapid rate throughout the world, and in 1968 alone some 170,000,000 ounces were added to these stocks. At year-end there were nearly 90,000,000 ounces of silver in New York Commodity Exchange warehouses alone, and perhaps another 80,000,000 ounces elsewhere within the United States. In addition, an estimated 200,000,000 ounces are stored in England and on the Continent. In total, speculative and investment stocks, worldwide, must be close to some 370,000,000 ounces. This is equivalent to about a full year's demand for world industrial and coinage needs combined.

It appears to me that there is no real shortage of silver industrially, and that supply and demand will affect the market. Undoubtedly the price of silver will climb because of what the Treasury is doing now in selling silver at $1.65 to $1.85 an ounce to keep the silver market unnaturally depressed. If the market is not thus unnaturally depressed it will climb to the point where the silver production we have will supply the market. There is an adequate supply according to the report made by Handy & Harman.

The Treasury Department maintains that its sales are stabilizing the price of silver. A better word for it would be "depressing" the price. The present volume of Treasury sales is equivalent to roughly one-half the entire industrial requirement for silver in the country, which is about 3 million ounces a week.

Above and beyond the question of disposing of a valuable national asset for the benefit of one segment of our industrial society is the real issue of the interest of the American people themselves, for they, after all, own this silver. If they wish to see this silver used in the minting of a silver-content dollar coin, why cannot that genuine desire be fulfilled? Some say such coins will not circulate. Of course they will not, which only adds to the evidence of the public's desire for them. That is why this amendment calls for the minting of both a silver and nonsilver dollar.

Others say that placing silver in a coin is wasteful. But what is industry doing with some of the silver it purchases from the Treasury? A substantial amount is

being used in the production of commemorative medals manufactured by private industry. It was only a few weeks after the landing on the moon before over a dozen different commemorative silver medals honoring the event were on sale to the public. If it is appropriate for such purposes, it is even more appropriate for our Federal Government to do so.

For those reasons and because I believe we should maintain a silver coin, especially for our largest coin as long as possible, we should agree to the amendment of the Senator from Colorado. I commend the Senator for offering the amendment. I support it fully. If we are going to coin silver dollars I believe we should have silver in them as long as we have a supply left in the Treasury and as long as it is to our economic advantage so to do.

I thank the Senator.

Mr. DOMINICK. I thank the Senator. The points he has brought out are extremely valid. As brought out by information previously printed in the RECORD today, over 50 percent of the silver now being bought from Treasury sales is being bought for speculators and brokers and is going overseas. We are not using it here for industrial use at all. I think this is important.

Mr. JORDAN of Idaho. Mr. President, will the Senator yield?

Mr. DOMINICK. I yield.

Mr. JORDAN of Idaho. Mr. President, I commend the distinguished Senator from Colorado for his leadership in this important matter and the very persuasive presentation he has made for the minting of a 40-percent silver dollar. I am pleased to be a cosponsor of the amendment.

This is a bipartisan action in honor of Dwight D. Eisenhower, one of the truly great national and world leaders of the mid-1900's. For the past three decades Ike Eisenhower was first in war, first in peace and first in the hearts of his countrymen. Today we have a unique opportunity to help make him "first" in our Nation's coinage. This deserved tribute can be achieved in a manner befitting this great American by passage of this substitute bill, which calls for an initial minting of a 40-percent silver dollar of the type Ike used and appreciated.

Ike's indirect endorsement of this proposed silver dollar minting came from his beloved widow, Mamie Eisenhower, in a letter to my colleague in the House, Representative JIM MCCLURE. In this letter, Mamie wrote of Ike's interest in silver dollars, as follows:

> I am particularly pleased that the Members of Congress chose this way of commemorating my husband, as I recall he often used silver dollars as a little memento to give to children and young people who visited his office after he left the Presidency. He made a special effort to secure some minted in the year of his birth, and I still have some that he kept in his desk drawer.

Mr. President, I ask unanimous consent to have the letter from Mrs. Eisenhower, printed at this point in my remarks.

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

GETTYSBURG, PA.,
July 30, 1969.

HON. JAMES A. MCCLURE,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MCCLURE: Thank you for your letter and the copies of the bills introduced on the minting of a silver dollar bearing the likeness of my husband.

I am particularly pleased that the Members of Congress chose this way of commemorating my husband, as I recall he often used silver dollars as a little memento to give to children and young people who visited his office after he left the Presidency. He made a special effort to secure some minted in the year of his birth, and I still have some that he kept in his desk drawer.

With appreciation and best wishes,
MAMIE DODD EISENHOWER.

Mr. JORDAN of Idaho. Mr. President, aside from the honor this legislation would render to a truly great American, there are some sound economic reasons for supporting this measure.

In the first place, the substitute bill incorporates the text of the resolution as reported out by the Senate Banking and Currency Committee, authorizing the minting of clad silverless dollars and other coins.

The proposed silver dollar minting would utilize existing supplies of silver available in the Treasury and now being sold as surplus by the General Services Administration. When the available supply is exhausted, or by a specified cutoff date of January 1, 1973, production of the clad silverless dollar is authorized for circulation and for use in vending machines and for other purposes. It does not interfere with, nor frustrate the movement to a new coinage that was started in 1965; it merely interjects a relatively small memorial minting of the Eisenhower silver dollar.

Authorization of the silver dollar minting would return to the Treasury about $120 million more than the present procedures of silver disposal. By minting a 40-percent silver dollar and issuing it through the Federal Reserve banks, the Treasury would realize $3.16 per ounce of silver, as compared with the average September 30 price of $1.80 per ounce for silver sold through weekly surplus sales by the General Services Administration. Moreover, many of these Ike silver dollars would be purchased as souvenirs or for coin collections, thereby reducing any inflationary pressure of the minting.

Mr. DOMINICK. The Senator is correct.

Mr. JORDAN of Idaho. Mr. President, I think this is a very cogent argument; one that needs to be stressed. The Government is not going to lose money. The Treasury has been selling silver too low on the market to sustain it, knowing that the supply is limited.

The retention of one or two silver coins is common practice internationally, the Treasury Department's 1965 staff study of silver and coinage reported. Examples given were Japan, France, Italy, the Federal Republic of Germany, the Netherlands, Belgium, and Greece.

It was stated in the staff report which led to the Coinage Act of 1965.

In continuing with the silver dollar at its existing fineness and a clad silver 50-cent piece of 0.400 fineness, our own coinage system would come more nearly into corresponding with present practice abroad.

In the substitute bill, we are advocating only a 3-year minting of Eisenhower silver dollars, after which the entire coinage system would become clad coins with copper and nickel cores.

This is a sound and justified course of action, and I urge my colleagues to vote in favor of the substitute bill to authorize this coinage tribute to a great American.

Mr. DOMINICK. Mr. President, I thank the Senator. I appreciate his emphasis on this point. I think the point is valid and it is an answer to the Senator from Rhode Island.

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

Mr. DOMINICK. I yield.

Mr. ALLOTT. Mr. President, I am happy to join in support of my distinguished colleague with regard to this amendment. My friend will recall that we joined together in opposition to the recommendation to take silver out of our coinage in 1965.

Mr. DOMINICK. The Senator is correct.

Mr. ALLOTT. Both of us, and many Senators on the other side of the aisle, took substantially the same position with respect to the removal of silver in our coinage at that time.

I would like to refer to one or two of the remarks made by the Senator from Rhode Island, whom we admire and love. I know he is genuinely sincere in his belief that adopting of this amendment might be injurious to his silver users.

The figures that the Senator from Colorado has used seem to raise questions with regard to the validity of this argument when one considers the extreme fluctuations that have occurred in the price of silver during that time. When one considers that prices have run from $2.56 down to $1.52 per ounce, this does not seem very logical.

I would like to propound a rather rhetorical question to my colleague. I am sure that he is aware that about the time silver went up to $2.56 an ounce that the price of various articles that are sold in behalf of brides and bridegrooms rose accordingly. Is that not so?

Mr. DOMINICK. The Senator is correct.

Mr. ALLOTT. I would like to ask the Senator if—and I hope he has not had too much experience in this particular area—he has noticed, any diminution of the price of finished silverware in the stores since the price of silver has dropped back down.

Mr. DOMINICK. As a matter of fact I was pricing some finished silverware in California when I was there recently on a brief visit and it seemed to me prices were higher than when the price was $2.56 an ounce.

Mr. ALLOTT. That is my experience. We have from time to time had friends who were married and this is the experience we find. On the contrary, the price of silver is going up.

I think more than anything else that seems persuasive to me in the situation is that we have some 93 million ounces of

silver in the Treasury Department. Do we sell this and, in effect, subsidize the present prices, or somewhere along the line subsidize the manufacturers and the industrial users, or do we utilize it in such a way that we really net a profit for the Government in accordance with the figures the Senator from Nevada (Mr. BIBLE) used a few moments ago? I think those figures are correct. My colleague has those same figures in his statement. Thus, on a logical basis, it seems to me there is no particular point in minting coins for gambling casinos in Las Vegas.

Mr. DOMINICK. I thoroughly agree.

Mr. ALLOTT. If we are going to have a coin, even if it does go into the stocking or into the dresser drawer, at least someone owns something of value and in procuring that coin he is enriching the Federal Treasury when he purchases it to the extent that it really nets the Treasury $3.16 per ounce.

Another thing which concerns me very greatly—and my colleague has covered that very well in his speech—is the point he has met, argued, and overcome, that we are now selling silver at the rate of $78 million a year, yet over half of that $78 million will go to speculators or purchasers overseas.

Mr. DOMINICK. That is correct.

Mr. ALLOTT. How can we talk about preserving silver in the Treasury Department for our own use when from August 5, 1969, through September 30, 1969, 13,713,000 ounces of silver were sold by the Treasury, and more than half of that, 7,965,000 ounces, to brokers and speculators overseas?

I cannot see any logic in the argument retaining the present system of doling out silver and allowing its price to fluctuate when the Treasury itself can realize such a handsome profit. I am particularly disturbed when the consumer, about whom our friend from Rhode Island is so concerned, is not only failing to benefit from the prices, but, according to what I have read, is also getting nicked a little bit every day.

Mr. DOMINICK. That is totally correct.

Mr. ALLOTT. I thank my colleague very much for this colloquy and commend him for his deep devotion to this subject. I hope his amendment, of which I am a cosponsor, will prevail.

Mr. DOMINICK. Mr. President, I thank my colleague, who has stood shoulder to shoulder with me during the many silver battles we have engaged in. His support has been invaluable as well as his aid, assistance, and the comments he has made. They have all highlighted the points we have on our side.

Mr. President, to continue reading my remarks, of the one and one-half million ounces sold, 594,000 ounces will be used for industrial purposes; 675 million ounces went to speculators and brokers, most of which will find its way overseas; 378,000 ounces were purchased directly for overseas speculators.

It should also be noted that until 1964, this country was a net importer of silver. In 1964, we had a net export of 57,742,000 ounces; in 1965, we had a net import again of 35,044,000 ounces; in 1966, we had a net export of 22,506,000 ounces; in 1967, we had a net export 15,249,000 ounces and in 1968, we had a net export of 55,052,000 ounces. In other words, from 1964 on through 1968, we have had exports of silver from our shores, overseas, a good portion of which was Treasury Department silver which was being sold at $1.29 an ounce, or $1.80 an ounce, whichever it may be, according to the year. So we have exported a net of 115,505,000 ounces over the past 5 years. Export rates in the first two quarters of 1969 are running slightly below 1968 levels, however, in August and September export rates were running substantially higher than the total 1968 rate. All indications show that our net exports in 1969 will exceed our net exports for 1968 by 55 million plus.

This brief history shows clearly the existing silver market conditions under which we are considering this legislation. We have demonetized silver and removed the official price of $1.29 per ounce. We are only one step away from finally removing any intrinsic value from coinage. This will still be accomplished under my proposed substitute. We have removed any Government influence on the silver market and silver prices. My proposal will change none of this. It only speeds up the inevitable. It will take the Government out of the silver business a few months earlier, with less impact on the market price of silver and consumer prices than the proposal made under Senate Joint Resolution 158, as I will make clear.

In addition, it seems that this country should mint a prestige coin with intrinsic value to honor our late President Dwight David Eisenhower. This coin will be a keepsake for all the people of this country who held Dwight Eisenhower in high regard. This great American served his country all of his adult life. It will be identical in composition to the current Kennedy half dollar. A cupronickel coin has no prestige or intrinsic value. We can do no less than mint a coin with real value to honor this man. To do otherwise would be inappropriate and disrespectful.

Mr. President, I hold in my hand some modern British crown pieces which are made with cupronickel and which look about as bad as anything one can think of. They do not even look like money, honorary medals, or anything of that sort. This is the same type of thing we are supposed to be using ourselves.

I hold in my hand also a silver dollar in paraffin, the old silver dollar. It is so totally different that it is ridiculous to compare the difference in appearance and prestige of this silver dollar with a cupronickel-type coin.

There are some collateral issues involved in this legislation involving coinage and silver generally. The profusion of statements from the Treasury in both the last administration and the current one, the industrial silver users and silver producers have created confusion and inaccurate conclusions.

In March of 1969, a Treasury task force was formed to review these problems and the previous recommendations of the Joint Commission on the Coinage. That task force reported to the Commission on May 12, 1969. Four principal objectives were stated and should be discussed. Those objectives are: First, a strong and efficient monetary system; second, maximum feasible fiscal return to the taxpayers; third, minimum inflationary impact on consumer prices, and fourth, minimum adverse impact on the balance of payments.

Accomplishment of these objectives will be more fully realized under my proposal combining the minting of both 40-percent silver dollar coins with our remaining silver, and cupronickel coins.

As has already been pointed out, minting a 40-percent silver dollar will realize a profit of $120 million over and above what can be realized from sale of the silver and minting a cupronickel coin. We are currently receiving slightly over $1.80 per ounce for our remaining silver supplies by GSA sales on the open market. Coining a 40-percent dollar will yield $3.16 per ounce for our remaining silver. This silver belongs to the people of this country. They should receive the maximum feasible return from disposal of their silver. This was exactly what was recommended by the task force, item 2, in May of this year. The Treasury will sell all of its remaining silver within 1 year. The Government will be out of the silver business at that time. Continued sales will only subsidize industrial users, speculators and brokers, both here and overseas, for 1 more year, at a cost to the taxpayers of $120 million.

There is no shortage of silver domestically or on the world market. The question is simply do we get $1.80 per ounce for our remaining silver or $3.16 per ounce.

A coin with 40-percent silver may not circulate widely. Our experience with the Kennedy half dollar would bear this out. The proposed $1 coin will be treasured as a keepsake by the people of this country who hold the memory of Dwight David Eisenhower in high regard. This is even more reason for minting the coin. My proposal provides for the minting of a cupronickel dollar after 3 years, and this coin will circulate.

There is no great need for a dollar coin currently in commerce except in the slot machines in Las Vegas, but there will be a need in a few years. The Treasury task force reported to the Joint Commission on the Coinage on May 12, 1969:

> The chief argument against minting a clad cupronickel dollar coin is that for a number of decades there has been no commercial need for such a coin in major commercial areas outside the West. Moreover, the banks generally feel that they can operate satisfactorily with more half dollar coins rather than a new dollar coin.
>
> *Although the need for a dollar coin at this time is obviously not crucial,* the steady expansion of the vending machine industry would indicate a potentially significant demand in the not too distant future. *But whether or not there is an immediate commercial use for the coin, the almost certain strong public demand for the coin as a collectors item should make a very useful contribution to the Government's financing needs.*

The task force found there will be a strong demand for the coin as a collector's item only for a short period. This

is even more true of the 40-percent silver dollar. In addition, we will make $3.16 per ounce for our silver. The coin will not be needed in commerce for a while longer. By the time that need arises, we will be mining cupronickel dollars.

GSA sales since May 27, 1969, show clearly that over half of the silver sold is going to speculators and brokers overseas. One of the principal arguments of opponents to a silver dollar is that this silver is necessary for domestic industrial use. We do produce 100 million ounces of silver a year less than we use. Production will not increase until the price of silver rises significantly, if at all. Prior to May 27, 1969, a–1 sales were limited to domestic users. We are now selling silver at a rate of 1½ million ounces per week or 78 million ounces. Yet, over half of this 78 million ounces will go to speculators overseas. From May 27, 1969, through September 30, 1969, 28,500,000 ounces of silver were sold and almost 12,000,000 has gone overseas. Even more is held by domestic brokers. This trend is increasing. From August 5, 1969, through September 30, 1969, 13,713,000 ounces were sold and 7,965,000 ounces went overseas. More is held by domestic brokers and only 5,100,000 ounces is known to have gone directly for industrial usage. Furthermore, two of the largest industrial users did not even submit bids on September 23 and September 30. They have other sources. Users are currently importing silver in vast quantities from cheaper markets. Yet, in 1968, we had a net export of 55 million ounces of silver. Net exports are continuing at an even higher rate.

GSA sales are no longer necessary to fill the gap between domestic production and use. If all silver sold by GSA were used domestically, it would not fill the gap. GSA is selling silver at a rate of 78 to 80 million ounces per year and the deficit is 100 million ounces. Furthermore, over half of this silver is going to overseas speculators and brokers. There is no shortage of silver in this country. It is estimated by Handy and Harmon that there are at least 400 million ounces overhanging the market readily available for sale. This amount could be as high as 700 million ounces. This does not include Treasury silver or minting production. Even more silver will be available if prices go up. More silver is available overseas. Users have already found other markets because they know Treasury will soon be out of silver. There is a sufficient surplus in the commodity exchanges and private vaults to fill the gap for several years.

We will be out of Treasury silver in a year or less. Users will then have to rely wholly on the open market for silver supplies. Sale of Treasury silver no longer affects the market price significantly, and industrial users are now buying their silver elsewhere.

Continued sales of Treasury silver may compound balance-of-payments deficits. It is argued by opponents of the Eisenhower silver dollar that without GSA sales, industrial users will have to import more silver to fill the production gap causing a balance-of-payments deficit. This is extremely misleading and just not true. First, there is no silver shortage. Domestic surplus holdings of silver are estimated at 400 to 700 million ounces. This is several years' supply of silver. This surplus can easily meet the demand for industrial use without increasing imports. It is up to the users where they buy their silver. Second, there are less than 100 million ounces of Treasury silver left—about 1 year's supply at current sales rates. Of this, over half will go to overseas speculators and brokers. Users are just not buying this silver. The remaining silver just cannot fill the gap and it will soon be gone. It is interesting that with this annual production gap, the United States is a net exporter of silver and has been for the last few years. In 1968, we exported over 125,000,000 ounces and imported 70,000,000 ounces. This is a net export of 55 million ounces. In the first two quarters of 1969, imports have dropped off. Exports in the last 2 months were preceding at a higher rate, primarily because of GSA sales to overseas speculators. Soon this silver will have to be repurchased and imported, but at prices possibly two to three times as high thus compounding any balance of payments deficit. Only a shortsighted view could propose that this silver is needed to prevent a balance-of-payments deficit.

Consumer prices should not rise significantly if GSA sales are terminated. It is argued that termination of sales will cause a sharp rise in the price of silver thus forcing up prices for consumers of silver products. There would be a rise in price because of speculative pressure, which will readjust downward because of the current surplus on the market. If sales continue, there will be a gradual rise with a jump at the end of the year when the silver is gone. If the surplus does not exist at that time, there can be no adjustment of the market.

Further, the price of silver rose to $2.56½ per ounce in the summer of 1968. This is about 70 cents an ounce more than current prices. Prices of consumer goods were raised at that time and though silver subsequently dropped to $1.52 per ounce, consumer goods were not reduced in price. Termination of silver sales will have less effect on consumer prices and inflation now than it will a year from now.

The Treasury task force recommended that the best time to make any adjustment of our silver sales policies was when the price of silver on the domestic and world market was running at about $1.80 per ounce. Because of the high prices last year, and the adjustment in prices of consumer goods, there should be no significant effect on consumer prices. Cutting of sales now will not raise silver prices 70 cents per ounce. If we wait a year until we run out, the price of silver will be much higher and still take a jump when the silver is gone. This could well put the price of silver over $2.56 an ounce causing a rise in consumer prices. Now is the time to terminate sales while the market has a 70 cents cushion, not a year from now when other domestic sources will be depleted and prices of silver higher.

GSA sales have not helped to stabilize the silver market. From July 1967 to May 1969, sales were limited to domestic use but otherwise sold on the open market. During that period, the prices went up and down drastically over a short period of time, reaching a low of $1.63 per ounce and a high of $2.56. From May 27, 1969, to the present, sales have been open to all bidders. Prices in the 4-month period ranged from a low of $1.52 per ounce to $1.88 per ounce. The silver market is peculiarly susceptible to speculation. Continued sales will certainly not stabilize the price of silver or the market. Any such effect has already been accomplished.

Mr. President, in conclusion I would again point out that this country will soon have no prestige coins left. The coin of the realm will be mere tokens. It does not seem fitting to honor a man who served his country in war and in peace with a token to be used principally in slot machines and the tables in Las Vegas.

A silver dollar has an intrinsic value and is imbedded in the history of this country. Three hundred million silver dollars would insure that each citizen of this country could receive one. Means could be easily devised to insure that end if it be the desire of Congress.

I know my colleagues hold the memory of Dwight David Eisenhower in high regard. Any honor we bestow should be equal to that respect. My proposal will best accomplish this end.

Mr. President, I want to make just a few more comments before I yield the floor.

The only argument up to date that has been delivered against the 40-percent silver dollar is that if we put the silver in the dollar, it will not be sold to the silver users, and therefore it will affect the prices of the products made of silver.

I think that argument falls apart on its face. In the first place, we have been selling silver out of the Treasury at prices, over the last 3 years, which have ranged from $1.50 to $2.56 an ounce—a whole dollar differential over that period. That certainly is not stabilizing the silver market. That is the first point to make.

The second point is that although we have gone up and gone down on the price of silver, the only effect on silver is that the price, in this period of inflation, has been going up and up. So we have not stabilized the price of silver or of the products made of silver. They have continued to go up.

Another point which must be emphasized is that if we do not do what I have proposed, we are going to lose a substantial profit of about $120 million out of the remaining silver.

A point which will probably be nearer the hearts of Americans than any of the others, which are more or less economic reasons, is that if we are going to put President Eisenhower's image on a

coin, we should put it on the best coin we can get, and not on the worst coin. We should put it on coins that will be retained, instead of put into slot machines in Las Vegas. We ought to put it on the best coin we can.

On that particular point I want to read into the RECORD a letter which was sent to Congressman MCCLURE by Mrs. Eisenhower on July 30 of this year, which reads as follows:

GETTYSBURG, PA.,
July 30, 1969.

DEAR CONGRESSMAN MCCLURE: Thank you for your letter and the copies of the bills introduced on the minting of a silver dollar bearing the likeness of my husband.

I am particularly pleased that the members of Congress chose this way of commemorating my husband, as I recall he often used silver dollars as a little memento to give to children and young people who visited his office after he left the Presidency. He made a special effort to secure some minted in the year of his birth, and I still have some that he kept in his desk drawer.

With appreciation and best wishes,

MAMIE DOUD EISENHOWER.

I submit that is the best evidence we can get that silver should be used in the dollar, and not simply have the silver sold down the drain of speculators and brokers overseas.

I yield the floor.

EXHIBIT A

SALES OF SILVER SOLD UNDER WEEKLY SALES PROGRAM BY GENERAL SERVICES ADMINISTRATION SINCE INCEPTION OF PROGRAM ON AUGUST 4, 1967, TO MARCH 25, 1969

Purchaser	Ounces sold: Aug. 4, 1967 to Dec. 31, 1967	Calendar year 1968	Jan. 1, 1969 to Mar. 25, 1969	Total sales to Mar. 25, 1969
Englehard Industries[1]	16,233,000	30,942,000	4,890,000	52,065,000
Metal Traders, Inc	6,818,000	10,190,000	1,408,000	18,416,000
Handy & Harman	4,669,000	9,154,000	1,906,000	15,729,000
E. I. Dupont	2,450,000	9,925,000	2,803,000	15,178,000
American Metal Climax, Inc.[2]		5,750,000	3,199,000	8,949,000
American Smelting & Refining		4,749,000	3,675,000	8,424,000
Spiral Metals		5,074,000	557,000	5,631,000
Edward McAlpine	1,708,000	3,666,000	200,000	5,574,000
Primary Metals	3,465,000	1,723,000		5,188,000
Metz Refining Co	541,000	2,459,000	886,000	3,886,000
National Lead Co	1,064,000	1,670,000	729,000	3,463,000
Deringer Manufacturing Co		1,981,000	506,000	2,487,000
General Numismatics Corp		2,225,000		2,225,000
United Wire & Supply Co		1,562,000	450,000	2,012,000
Minnesota Mining & Manufacturing		1,797,000		1,797,000
Gorham Corp. Division of Textron	525,000	1,042,000	192,000	1,759,000
Rogers, Lunt & Bowlen	480,000	944,000	195,000	1,619,000
Noble Metal Research		1,411,000	162,000	1,573,000
International Wire	210,000	782,000	159,000	1,151,000
Cerro Sales Corp		914,000		914,000
Continental Ore		504,000	382,000	886,000
The Franklin Mint, Inc		321,000	432,000	753,000
Samuel Kirk & Son, Inc		704,000	30,000	734,000
Rayner & Stonington	504,000	161,000		665,000
P. R. Mallory & Co		608,000	42,000	650,000
Eastman Kodak		115,000	467,000	582,000
Ametalco, Inc	525,000			525,000
All others	3,221,000	5,110,000	1,398,000	9,729,000
Total	42,413,000	105,483,000	24,668,000	[3] 172,564,000

[1] Includes purchases by Minerals & Chemicals, Phillip Corp. division and Englehard Minerals & Chemicals Corp. division.

[2] Includes purchases by Amax Copper, Inc., subsidiary of American Metal Climax, Inc.

[3] Englehard Industries purchased 30 percent of the silver sold by the Treasury during this period. The 4 largest purchasers acquired 59 percent and the 10 largest purchasers acquired 80 percent of the silver sold by the Treasury through the weekly sales program from its inception on Aug. 4, 1967, to Mar. 25, 1969.

Note: This schedule prepared by Golconda Mining Corp., Scott Building, Wallace, Idaho, from GSA news releases published weekly by General Services Administration.

EXHIBIT B

Yearly consumption

[In percent]

U.S. consumption breakdown:	
Photographic supplies	29
Electronics	23
Silverware and jewelry	18
Alloys and solder	11
Batteries, dental, medical, and other applications	19
Total	100

Sales summary: From beginning of program August 4, 1967, through May 6, 1969

Total quantity offered (ounces)	[1] 186,000,000
Total quantity awarded (ounces)	[2] 185,964,592
Total sales value	[2] $355,481,290
Per ounce average recovery	$1.9115

[1] Represents maximum quantity available for sale at the 2-million ounce per week rate.

[2] Quantity and value subject to Treasury adjustments based on actual shipments.

EXHIBIT C

ANALYSIS OF GSA SILVER SALES

May 27, 1969, through September 30, 1969

I. Total GSA Sales, 28,500,000 oz.

II. Sales to Speculators and Brokers Known to have gone overseas, 8,732,000 oz.

III. Sales to Speculators and Brokers believed to have gone overseas, 11,830,000 oz.

IV. Net Sales Known—Industrial Usage, 14,661,000 oz.

V. Net Sales to Brokers, 13,839,000 oz.

Prices on .897–.900 fine silver for same period: Low Price per ounce, $1.516; High Price per ounce, $1.881.

August 5, 1969, through September 30, 1969

I. Total GSA Sales, 13,713,000 oz.

II. Sales to Speculators and Brokers Known to have gone overseas, 6,669,000 oz.

III. Sales to Speculators and Brokers believed to have gone overseas, 7,965,000 oz.

IV. Net Sales Known—Industrial Usage, 5,100,000 oz.

V. Net Sales to Brokers, 8,613,000 oz.

Prices on .897–.900 fine silver for same period: Low Price per ounce, $1.537; High Price per ounce, $1.881.

GSA sales—Showing Price/ounce, May 27, 1969, through September 30, 1969—high bid

[Chart not printed in RECORD]

In the 19 week period (May 27–Sept. 30), price varied 36½c per ounce ($1.881—$1.515=$0.365).

Mr. BENNETT. Mr. President, I have enjoyed the discussion of my colleagues from the other Western States. Emotionally, I wish I could be with them. But having had the responsibility as a ranking member of the Banking and Currency Committee through all the negotiations and legislation affecting silver in our coinage and as a member of the Joint Commission on the Coinage realize that the issue which has been raised is an emotional one and not a practical one. And, being a practical kind of Senator, I feel that I must support this Treasury proposal as I have supported Treasury proposals of earlier administrations when they were for the purpose of bringing about an equitable solution of the silver problem.

Whether we put silver in the dollar or leave it out will not change the fact that the world production of silver is falling behind the world consumption. Figures have been quoted to show that there is available in Treasury stocks enough silver for a year. As those stocks are depleted, the price of silver will rise.

My good friend from Colorado has pointed out that if 300 million of these coins are minted, that is little more than one for every person in the United States. That is true, but there is not any reasonable way to get one of these to every person in the United States. If they are minted, they will likely be distributed in the same way that the Treasury distributes all other coins. Banks will request them from the Federal Reserve System. The Federal Reserve will fill those orders as long as it has coins, and the banks will distribute them.

When I remember how quickly the existing stock of the old 90-percent silver dollars disappeared, I can realize what is going to happen to these when they are minted.

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

Mr. BENNETT. I yield.

Mr. DOMINICK. Neither my bill nor the Senator's resolution says anything about how the coins will be distributed. As the Senator knows, we are taking a different route on the rare silver dollars which are now in the Treasury. This could easily be worked out, I think.

Mr. BENNETT. As the Senator knows, the rare dollars are not to be distributed one to each person in the United States but according to their numismatic value and if necessary on a bid basis. The Treasury has no machinery for distributing $300 million except its current practice, which is to respond to orders from Federal Reserve banks. Through that procedure, rather than one of these coins getting into the hands of every American as a memento of President Eisenhower, they are going to get into

the hands of speculators. They are going to get into the hands of coin dealers. I would be sure that if we actually turned out these 40-percent silver Eisenhower dollars, within a few weeks they would show up in catalogs at prices significantly above their face value. To demonstrate that this will happen, we need only to remember what has happened to the Kennedy half dollars.

They have sold in Europe as Kennedy medals for $5 each. We have minted more than 1.2 billion of them in the past 5 years. That is nearly double the volume of half dollar coins that were kept in circulation when we had the old silver half dollars. It is pretty hard to get one anywhere today. They disappeared, because they are desired by many people as a memento of President Kennedy.

These dollars will go the same way. Given our usual and ordinary, standard system of distribution, the orders the banks will receive for coins will not come from each person in this country. They will come from the coin collector or the coin dealer and, rather than becoming a widely distributed medal, the coins will become an opportunity for dealers and speculators to make a very nice profit, and there is not any easy way to prevent it.

My friend from Colorado says he is going to take care of the need for cupronickel coins in vending machines, because after all of the silver-clad coins have been minted, then we can start to mint cupronickel ones.

At the normal rate of production—and I know the mint can step this up if they have to—it will take 3 years to produce these 300 million coins. So this is 3 years in which we will have no commercially useful dollar coins to supply the needs of those who want them. I know it is easy to say they are only going to be used in Las Vegas, but I think we are becoming more and more accustomed to the use and sale of merchandise through vending machines, and if cupronickel coins of the dollar size are available, we will begin to see vending machines selling merchandise of approximately that value, and calling for the dollar coin.

My friend from Colorado has made much of the fact that we are now exporting silver. This is not damaging to our balance of payments. It is beneficial and there is no doubt that using our remaining silver for dollar coins would have an adverse effect, rather than a beneficial effect, on our balance-of-payments deficit. Current annual domestic silver production, as my friend from Colorado has demonstrated with the figures he gave us, is running less than 40 million ounces a year, compared with American industrial consumption of around 145 million ounces a year. If Treasury's silver sales were halted to reserve the present silver for dollar coins, and the silver imports for industrial use would have to increase substantially, or industry would draw on its existing stocks, to which he has referred, the stocks would have to be replaced, which would mean imports; and the Treasury has estimated that the adverse effect upon our balance of payments in the first year of minting these clad silver coins could run as high as $150 million.

The arguments that part of our present General Services Administration sales are going to foreign countries does not alter the conclusion. Any sale made by the Treasury to foreigners reduces our balance-of-payments deficit by that amount. To take silver available for sales out of the commercial stream and lock it up into these medal coins would, of course, reverse the effect.

When Treasury sales were originally limited only to domestic users or those who would sell the silver to domestic users or those who would sell the silver for domestic use in a specified period, the price received for Treasury silver was lower than the world price. There was a great deal of criticism of this fact, and the silver producers urged the Treasury to allow the price to rise to the world market. Silver producers recommended that all bidders be allowed to bid on Treasury silver. I agreed with that recommendation and feel sure that the Senator from Colorado also gave it his support.

It was decided by the Treasury, in concurrence with the Joint Commission, that anybody who desired silver should be permitted to buy it. This change has been helpful. It has brought the price of silver from the Treasury more in line with the world price.

My colleagues have commented on the variation in the price of silver since the Treasury removed the peg. I think there is one factor that they have neglected to mention, and that is this factor of foreign speculation. There have been many people, including many Americans, who figured that the price was going up, and they would get in and bid on futures, and there has been rather an active market abroad; and when the price did not rise as fast as many of them thought it would, they had to get in there and cover themselves, with the result that many people have lost money speculating in the world silver market. It is this speculation, as much as anything else, that has forced the price to vary so erratically, and this is the sort of thing that the Treasury hoped to dampen down.

A number of things have been said here today about the fact that a cupronickel coin would not be fitting to carry the imagine of President Eisenhower. Nobody was disturbed when we put the image of George Washington on a cupronickel coin, or the image of Franklin Roosevelt on a cupronickel coin, or the image of Thomas Jefferson on a nickel coin. Nothing we do here today will add to or detract from the greatness of the late President Dwight David Eisenhower. He has made his contribution to this country and the world and it will not be changed. The Senator has quoted a letter from Mrs. Eisenhower. I think I would have replied to a letter like she received in the same way. She was asked, in effect, if she would not like to see the image of her husband on a silver dollar. She did not say, "Yes, I want it on a silver dollar, but do not put it on a cupronickel dollar; that will embarrass me."

If I knew President Eisenhower as I think I did, I am sure that he was the practical, down-to-earth kind of man who would have agreed with the Joint Commission on the Coinage and the Treasury that we not mint a silver-bearing dollar.

I believe it is also important for me to discuss the profit to be derived by the Treasury from these alternative proposals.

It has been suggested that the minting of 40-percent silver dollars would provide a greater seigniorage than the minting of nonsilver dollars. Seigniorage, as Members of this body know, is simply the difference between the face value of a coin and the cost of its component metals. Including silver in a coin reduces seigniorage since silver is more costly than copper or nickel. While it is true that if these coins were made of 40 percent silver, this would be equivalent to a selling price of $3.16 an ounce for silver, whereas the Treasury is getting just over $1.80 an ounce for its silver currently. This is not the comparison that should be made. The comparison that should be made is what is the overall effect on Treasury revenue? The nonsilver dollar coin would result in a far greater monetary return than would be realized by the 40-percent silver coin. If the Congress were to approve the minting of 30 million 40-percent silver dollar coins, that would result in a return through seigniorage of about $160 million. In contrast, the monetary gain by producing the same number of nonsilver dollar coins, as provided in the resolution which has been reported by our committee, would be about $290 million. In addition, the Treasury would be able to continue its sales of silver and obtain as much as $50 million more in revenue through these sales. Thus, we are comparing a seigniorage of $160 million if the coins were minted with silver content with an income to the Treasury of about $340 million if they are minted without silver content. This means that approval of Senate Joint Resolution 158, without amendment, would provide $180 million more than if it is amended so that these coins contain silver.

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

Mr. BENNETT. I yield.

Mr. DOMINICK. Mr. President, I have been listening to the Senator. The Senator is comparing apples and oranges.

Mr. BENNETT. No. I am comparing dollars with dollars.

Mr. DOMINICK. I mean, if we sell the silver at $1.80 an ounce on the open market, as we can do now, we would get x dollars. If we put the silver in coins, we would get $3.16 an ounce. So, we would get the seigniorage plus the money from the silver.

Mr. BENNETT. I certainly do not want to argue with my friend from Colorado but he must know that if the coins are minted with the silver then it is used up and counted in the seigniorage so there would be no additional money from the silver.

Mr. DOMINICK. No, we do not mint them. We could continue with the cupronickel coins as long as we would want to do so.

Mr. BENNETT. Mr. President, in order to get a true comparison of the net advantage to the Treasury between making silver-clad coins and cupronickel coins, we must consider the seigniorage from making the coins in the alternative ways and the sale of silver which would be added if the coins are cupronickel but which would not be available for sale if the coins contain silver. I have explained that difference. It would amount to about $180 million more if the coins do not contain silver.

Mr. DOMINICK. Mr. President, I would say that the Senator is still comparing apples and oranges. If we want to get large enough seigniorage, we should manufacture the coins currently with silver. There is no reason why we could not still do that.

If we are going to figure out the best price of the silver, it would be to have a silver coin.

Mr. BENNETT. Mr. President, I realize that for the purposes of the argument of the Senator, this is the way he wants to present the matter. However, as far as the net income to the Treasury is concerned, with respect to the first 300 million it would mint under the two alternatives, there would be more than twice as much seigniorage with the cupronickel coin than with the use of the silver.

Mr. President, I think my friend from Colorado and I have pretty well covered the issues involved in the problem. I can understand his point of view, because, as I say, I come from a State which produces significantly more silver than is produced in Colorado.

I also have a responsibility, however, to the American people. And if we were to follow the suggestion of the Senator from Colorado, we would be worse off in the end financially. We would not have a circulating dollar coin until we began to mint the cupronickel coins, because all of the silver-clad coins would disappear into the vaults and catalogs of the speculators, and the real profits would not be made by the Treasury but would be made by them.

Mr. President, I am perfectly willing at this point to suggest to the Senator from Colorado that we have a quorum and then proceed to vote.

Mr. DOMINICK. Mr. President, I will agree to do that very shortly. However, I have a few comments to make first.

I have listened with interest to my friend, the Senator from Utah, and he is a friend. I must say that I think he has been sold a bill of goods by the Treasury Department.

I flatly do not understand the argument of the Treasury at all. They do not make logical or economic sense to me. They say, "If we go ahead with the bill, it will have an adverse effect in the first year of more than $150 million in our balance of payments."

For heaven's sake, how could they possibly come to that conclusion. If we take a $2 ounce—which is 20 cents an ounce more than they are getting now for an ounce—40 million ounces in the first year to manufacture coins on a 3-year bill, for the cupronickel dollar, we would have $80 million in silver that would be used. If we figure that $80 million—trying to give them all the benefit of the doubt, and I think they are crazy, because there is going to be less exported or used in some way—we can only have a maximum effect of $80 million, no matter what we do.

However, the fact of the matter is they say that 50 percent of the silver is staying here and 50 percent is being sent abroad.

If we have 2 million ounces, no matter how we slice that argument with respect to the balance of payments, it is just about as inaccurate as anything I could think of.

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

Mr. DOMINICK. I yield.

Mr. BENNETT. Mr. President, if we adopt the Treasury's proposal instead of using the silver in these coins, the Treasury would sell the silver.

Mr. DOMINICK. The Senator is correct.

Mr. BENNETT. But the sale of the silver can have a double-barreled effect. That part of the silver which goes abroad has positive effect on our balance of payments just as any sale to a foreign country has. And that part of the silver which makes it unnecessary to import silver from abroad has the same effect.

It is the estimate of the Treasury that the combination of these two effects could represent a value of $150 million to our balance of payments.

If we mint these coins—and there is a shortage in this country and it is necessary to begin importing silver—of course, that has a definite negative effect.

I have not been sold a bill of goods by the Treasury.

Perhaps I can try to explain it another way to the Senator. We now have about 90 million ounces of silver. Sales of this silver at today's prices would amount to $163 million whether sold to domestic users or foreign buyers. If we sell it all abroad we would improve our balance of payments by $163 million at today's prices. If we use it for domestic consumption, then we will have reduced imports by 90 million ounces or a saving of $163 million at today's prices.

This balance-of-payments effect is underestimated because if we were to use the silver for coinage it would result in an immediate price rise and our imports of 90 million ounces would cost far more than $163 million.

This is as clearly as I can explain the difference.

Mr. DOMINICK. Mr. President, I can understand that the Senator is trying to support the argument of the Treasury Department. I admire him for doing it. However, frankly the Senator and I have been interested in the economics of various things for long enough to know that if we analyze it, it does not make any sense. We cannot have it both ways.

The Treasury argues, "We will put the silver into the market to stabilize the silver market." Then they say, "A lot of it goes overseas. We do not need it here. Industry is not even bidding on it. If you send it overseas, it will have a great effect on the balance of payments." They will export it or put it in the market to stabilize the present price of silver. The price of silver objects has not gone down. I refer to objects manufactured from raw silver purchased from the Treasury.

The silver continues to be sold by the Treasury at a lower price to speculators overseas where they process it and send it to us at a higher price. It does not make any sense at all to me.

In addition, I might point out that we are going to be out of silver in 1 year unless we do something right now. We will not have another chance to put any silver in our coins. We will not have any chance to have a decent-looking coin in this country. Every other country in the world has one prestige coin. The United States does not.

Mr. BENNETT. I cannot agree with the statement that every other country in the world has one prestige coin. The Senator also knows that we have the Kennedy half dollar.

Mr. DOMINICK. We have the Kennedy half dollar, and the Treasury now has a bill to take the silver out of the Kennedy half dollar. What for? To send the silver overseas.

We have a hoard of between 400 million and 700 million ounces hanging over the market now which can be used. This is why the industry is not buying any silver at the moment from the Treasury—not as much as they used to.

In the substitute I have offered, we ask for the use of the silver for 3 years in a dollar coin with President Eisenhower's face on it. Then if the vending machines, as the task force has said, by that time might need something in the way of a dollar coin, we will continue with cupronickel, which will get us more money, without silver. We would still get the seigniorage for the cupronickel piece later, and we would not find ourselves in the position of subsidizing the brokers and the speculators.

I am ready to vote.

Mr. SCOTT. Mr. President, on behalf of the Senator from New York (Mr. GOODELL), I ask unanimous consent to have printed in the RECORD a statement which he has prepared.

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

Mr. GOODELL. Mr. President, I rise to support S.J. Res. 158, a joint resolution which authorizes the minting of non-silver dollar coins in the likeness of our late beloved President, Dwight D. Eisenhower.

October 14, would have been President Eisenhower's 79th birthday. He served our country with bravery and dedication during times of war and peace and I know history will describe him as we remember him—a great American. Today we are again reminded of our Nation's loss at his passing. I believe it fitting and timely for the Senate to memorialize the General's life by passing this resolution.

I am aware of the amendment introduced by my distinguished colleague from the State of Colorado which would provide for the initial minting of at least 300 million Eisenhower silver dollars with a 40% silver content, to be followed thereafter by a cupronickel coin as suggested by S.J. Res. 158.

I am opposed to this amendment.

Mr. President, this country is now facing a critical silver shortage. At present, it is reported that we have only 100 million

ounces of silver left in our Federal reserves, and our annual production of the precious metal is 38 million ounces. In contrast domestic industries consume approximately 150 million ounces a year. It is clear that our industry demands for silver far exceed our supply.

The substitute proposal provides for the printing of 300 million commemorative coins. We know from past experience that silver coins do not serve as a medium of exchange. Many will become collector's items and many will be hoarded for the value of the silver. We will be wasting our precious supplies of silver on a coin that does not even circulate while our domestic industries desperately need the metal.

Industry in my state consumes more silver than any other in the union. Annually, these industrial uses are estimated as high as one third of our total consumption. Consumer goods, and industrial products—photographic products, electrical components, batteries—and important defense items represent some of the goods requiring silver. The industries which produce these goods, and have the greatest need for silver, both in New York and other States, will face economic hardships if our government silver reserves, now being auctioned by the U.S. Treasury at the rate of 1.5 million ounces a week, are used instead in the minting of silver coins. Freezing the Treasury stockpile for currency purposes will cause the price of silver to rise, and the consumers of products containing silver will undoubtedly have to pay their share of the increased costs.

The substitute proposal only serves to cloud the issue before us today. We are here to pass legislation in honor of President Eisenhower. S.J. Res. 158 is the correct approach for this purpose. It provides for the minting of a coin which will be widely circulated and used by all. We are *not* here to pass legislation which, in honoring him, has serious and far reaching economic disadvantage for our domestic industries. This would be the effect of the amendment. To pass legislation which would negatively affect our economy is not a proper way to honor a man who gave so much to his country.

It has also been demonstrated that our Federal Treasury will suffer economic consequences if a silver coin is minted. I understand it would cost the government 48 cents to mint the 40% silver dollar. As a result the Treasury would make 52 cents per coin or $156 million on 300 million coins. On the other hand, it would cost 5 cents to mint a non-silver clad dollar as recommended in S.J. Res. 158. The net profit to the government would be 95 cents or $285 million for the same amount of coins. These figures alone clearly show that the Federal Treasury benefits much more with a non-silver coin.

Mr. President, officials of the Treasury Department and the Joint Commission on Coinage recommend the realistic approach of S.J. Res. 158. Secretary of the Treasury, David Kennedy, succinctly discussed the problem in a statement to the Joint Commission on Coinage:

"The first recommendation, for the minting of a non-silver clad half dollar, is consistent with the conclusions reached by the commission at its meeting last December. I think the convincing argument here is that despite the minting of some 760 million 40 percent silver half dollars over the past three years, very few of these coins are actually circulating. Even if we were to continue pouring all of our remaining 150 million ounces of surplus silver into the silver half dollar, it is extremely doubtful whether the coin would circulate in any quantity. Moreover, this use of our remaining silver would require a halting of surplus silver sales which would very probably drive the price up excessively and further stimulate the hoarding of these coins. In short, the 40 percent half dollar in our past experience is simply a losing proposition."

In closing, Mr. President, I ask my colleagues to support S.J. Res. 158. By voting for this resolution, proper tribute will be given to a great man and it will be given free of economic consequence which would be a disservice to his memory.

A PROPER TRIBUTE TO A GREAT AMERICAN

Mr. YARBOROUGH. Mr. President, I support Senate Joint Resolution 158, which would authorize the minting of a dollar coin bearing the likeness of the late President Dwight David Eisenhower. This is a fine tribute to the man who spent the greater part of his adult life in unselfish and tireless service to our country.

Like many of my fellow Americans, I had the privilege and honor of serving under General Eisenhower in the crusade in Europe in World War II. During that great crusade, I was a staff officer of the 97th Infantry Division and served under him. I also served in the Senate, one of the two Houses of a coequal branch of the Government from 1957 through 1960, while he was President of the United States, and had the honor of working on many important legislative matters during his Presidency.

President Eisenhower was a general at war, but a man of peace. He worked to end wars and to prevent wars. All Americans have a special place in their hearts for President Eisenhower. This special place was earned not just by the deeds of the man, but by the character of the man. President Eisenhower left his imprint on history and in the hearts of his fellow man. It is only fitting that we, as a grateful nation, remember him in this manner.

I urge all Senators to lend their support to this measure.

LET US PUT SILVER IN THE EISENHOWER DOLLAR

Mr. CHURCH. Mr. President, I support the amendment of the distinguished Senator from Colorado (Mr. DOMINICK) which would provide for the initial minting of at least 300 million Eisenhower silver dollars with 40 percent silver, to be followed thereafter by a cupronickel coin as suggested by the Banking and Currency Committee.

There are many arguments which favor the minting of a silver coin. The Senate has been told of the economic advantage which would accrue to the Treasury of the United States by using its remaining silver supplies to mint a silver dollar as opposed to selling the silver on the open market. The Senate knows that silver is the essence of a prestige coin due to the enhanced clarity which can be achieved with silver for a raw material. We are all aware of the fact that Dwight David Eisenhower was an outstanding American who served his Nation long and well and that he should be properly honored for his long and distinguished service.

Aside from these reasons there is the tremendous stock which the American public holds by silver coins. I will not belabor the point here today by presenting once again the statistics which all of those interested in the problem are familiar with. I find these reasons compelling and I think that the Senate should examine them closely in consideration of this legislation.

As a cosponsor of the original legislation calling for a silver dollar to commemorate Ike, and a cosponsor of this amendment, I lend my full support to the Dominick amendment and urge its passage.

The PRESIDING OFFICER. The question is on agreeing to the amendments in the nature of a substitute, offered by the Senator from Colorado.

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

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

The question is on agreeing to the amendment offered by the Senator from Colorado. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT (after having voted in the negative). On this vote I have a pair with the senior Senator from South Dakota (Mr. MUNDT). If he were here and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay."

I withdraw my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Missouri (Mr. EAGLETON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Rhode Island (Mr. PELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. SPONG), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG), are absent on official business.

I also announce that the Senator from Indiana (Mr. BAYH), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Oklahoma (Mr. HARRIS), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wyoming (Mr. MCGEE), the Senator from South Dakota (Mr. MCGOVERN), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from Maine (Mr. MUSKIE), and the Senator from Missouri (Mr. SYMINGTON), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Massachusetts (Mr. BROOKE), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senators from New York (Mr. GOODELL and Mr. JAVITS), and the Senator from California (Mr. MURPHY), are necessarily absent.

The Senators from Kentucky (Mr. COOK and Mr. COOPER), the Senator from Florida (Mr. GURNEY), the Senator from South Dakota (Mr. MUNDT), the Senator from Illinois (Mr. PERCY), and

the Senator from Alaska (Mr. STEVENS), are absent on official business.

The Senator from Illinois (Mr. SMITH) is absent because of death in his family.

The Senator from Ohio (Mr. SAXBE) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOPER), and the Senator from Florida (Mr. GURNEY) would each vote "yea."

The pair of the Senator from South Dakota (Mr. MUNDT) has been previously announced.

On this vote, the Senator from Arizona (Mr. FANNIN) is paired with the Senator from Massachusetts (Mr. BROOKE). If present and voting, the Senator from Arizona would vote "yea," and the Senator from Massachusetts would vote "nay."

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

On this vote, the Senator from Alaska (Mr. STEVENS) is paired with the Senator from Illinois (Mr. PERCY). If present and voting, the Senator from Alaska would vote "yea," and the Senator from Illinois would vote "nay."

On this vote, the Senator from Arizona (Mr. GOLDWATER) is paired with the Senator from New York (Mr. JAVITS). If present and voting, the Senator from Arizona would vote "yea," and the Senator from New York would vote "nay."

The result was announced—yeas 40, nays 21, as follows:

[No. 126 Leg.]

YEAS—40

Allen	Ellender	Montoya
Allott	Ervin	Moss
Anderson	Fong	Pearson
Bellmon	Gravel	Randolph
Bible	Hansen	Russell
Burdick	Hatfield	Scott
Byrd, Va.	Holland	Smith, Maine
Byrd, W. Va.	Hruska	Stennis
Cannon	Jackson	Thurmond
Church	Jordan, Idaho	Tower
Curtis	Magnuson	Yarborough
Dole	Mansfield	Young, N. Dak.
Dominick	McClellan	
Eastland	Miller	

NAYS—21

Aiken	Hollings	Prouty
Boggs	Jordan, N.C.	Proxmire
Case	Long	Ribicoff
Cotton	Mathias	Schweiker
Gore	Nelson	Talmadge
Griffin	Packwood	Tydings
Hartke	Pastore	Williams, Del.

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Bennett, against.

NOT VOTING—38

Baker	Harris	Murphy
Bayh	Hart	Muskie
Brooke	Hughes	Pell
Cook	Inouye	Percy
Cooper	Javits	Saxbe
Cranston	Kennedy	Smith, Ill.
Dodd	McCarthy	Sparkman
Eagleton	McGee	Spong
Fannin	McGovern	Stevens
Fulbright	McIntyre	Symington
Goldwater	Metcalf	Williams, N.J.
Goodell	Mondale	Young, Ohio
Gurney	Mundt	

So Mr. DOMINICK's amendment in the nature of a substitute was agreed to.

Mr. DOMINICK. Mr. President, I move that the vote by which the amendment in the nature of a substitute was agreed to be reconsidered.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. BELLMON in the chair). The question is engrossment and third reading the joint resolution.

The joint resolution, Senate Joint Resolution 158, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S.J. RES. 158

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 101 of the Coinage Act of 1965 (31 U.S.C. 391) is amended—

(1) by inserting "one-dollar pieces," after "pursuant to this section" in subsection (a);

(2) by redesignating paragraphs (1), (2), and (3) in subsection (a) as paragraphs (2), (3), and (4), respectively, and by inserting before redesignated paragraph (2) a new paragraph as follows:

"(1) the dollar shall have—

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of eight hundred parts of silver and two hundred parts copper; and

"(C) a core of an alloy of silver and copper such that the whole coin weighs 24.592 grams and contains 9.837 grams of silver and 14.755 grams of copper."; and

(3) by inserting at the end of such section the following new subsections:

"(d) The dollars initially minted under the authority of subsection (a) shall bear the likeness of the late President of the United States, Dwight David Eisenhower.

"(e) Commencing on January 1, 1970, and until such time as the supply of silver available to the Treasury on January 1, 1970, for coinage purposes is exhausted, or December 31, 1972, whichever is earlier, the Secretary shall cause to be minted and issued dollars authorized by subsection (a) at a rate of not less than one-hundred million coins annually."

(b) Effective on January 1, 1973, or on such earlier date as the President shall by proclamation declare that the supply of silver available to the Treasury for coinage purposes is exhausted, section 101 of the Coinage Act of 1965 is amended to read as follows:

"SEC. 101. The Secretary may coin and issue one-dollar pieces, half dollars or 50-cent pieces, quarter dollars or 25-cent pieces, and dimes or 10-cent pieces in such quantities as he may determine to be necessary to meet national needs. Any coin minted under authority of this section shall be a clad coin the weight of whose cladding is not less than 30 per centum of the weight of the entire coin, and which meets the following additional specifications:

"(1) The dollar shall have—

"(A) a diameter of 1.500 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 22.68 grams.

"(2) The half dollar shall have—

"(A) a diameter of 1.205 inches;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the whole coin weighs 11.34 grams.

"(3) The quarter dollar shall have—

"(A) a diameter of 0.955 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 5.67 grams.

"(4) The dime shall have—

"(A) a diameter of 0.705 inch;

"(B) a cladding of an alloy of 75 per centum copper and 25 per centum nickel; and

"(C) a core of copper such that the weight of the whole coin is 2.268 grams."

Mr. MANSFIELD. Mr. President, I move that the vote by which the joint resolution was agreed to be reconsidered.

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

The motion to lay on the table was agreed to.

The title was amended so as to read:

A joint resolution to authorize the minting of clad silver dollars bearing the likeness of the late President of the United States, Dwight David Eisenhower.

Mr. MANSFIELD. Mr. President, the ranking minority member of the Banking and Currency Committee, the distinguished senior Senator from Utah (Mr. BENNETT), is to be congratulated on his expert handling of this measure involving the Eisenhower dollar. The Senate is indebted to him for the splendid manner in which he presented this proposal.

The outstanding contribution of the distinguished Senator from Colorado (Mr. DOMINICK) also deserves our praise. His thoughtful views, able and effective advocacy, and fine skill and ability assured the adoption of his amendment.

Joining also in discussing the measure was the distinguished senior Senator from Nevada (Mr. Bible). His strong and sincere views are always thoughtful and always welcome.

As always, we appreciate also having the benefit of the views of the distinguished senior Senator from Rhode Island (Mr. PASTORE) on this proposal. His eloquence and effective advocacy add a great deal to any discussion.

Unfortunately, the chairman of the Banking and Currency Committee, the senior Senator from Alabama (Mr. SPARKMAN) is away today on official business. We do wish to thank him and his committee for their dispatch and efficiency in steering this measure through the committee.

Finally, to those Senators who participated, I wish to offer my thanks and to note particularly the splendid cooperation exhibited by all.

POTATO RESEARCH AND PROMOTION ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of calendar No. 412, S. 1181. I do this so that the bill will become the pending business.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (S. 1181) to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products by improving the quality of potatoes and potato products that are made available to the consumer.

The PRESIDING OFFICER. Is there

objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Agriculture and Forestry with amendments, on page 1, after the enacting clause, insert:

TITLE I—POTATO RESEARCH AND PROMOTION

At the beginning of line 4, strike out "That this Act" and insert "This title"; on page 2, line 2, after "SEC. 2", strike out "It" and insert:

Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products, All potatoes produced in the United States are in the current interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

At the beginning of line 23, insert "Therefore, it"; in line 24, after the word "this" strike out "Act" and insert "title"; on page 3, line 10, after the word "this" strike out "Act" and insert "title"; in line 18, after the word "person", strike out "who handles potatoes except a common or contract carrier of potatoes owned by another person" and insert "(except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder."; after line 24, strike out:

(e) The term "handle" means to transport or sell potatoes or otherwise place potatoes in the current of commerce; except that the sale of unharvested potatoes and the transfer or delivery of potatoes from the farm on which they are produced to a temporary storage facility, packing shed, or processing plant shall not be considered handling.

On page 4, at the beginning of line 5, strike out "(f)" and insert "(e)"; at the beginning of line 7, strike out "(g)" and insert "(f)"; at the beginning of line 9, strike out "Act" and insert "title"; in line 14, after the word "this", strike out "Act" and insert "title"; in line 15, after the word "this" strike out "Act" and insert "title"; in line 20, after the word "this" strike out "Act" and insert "title"; at the beginning of line 23, strike out "Act" and insert "title"; in the same line, after the word "this" strike out "Act" and insert "title"; in line 24, after the word "this" strike out "Act" and insert "title"; on page 5, line 7, after the word "this" strike out "Act" and insert "title"; at the beginning of line 18, after the word "conditions" strike out "or modifications"; in line 19, after the word "this" strike out "Act" and insert "title"; in line 23, after the word "this" strike out "Act" and insert "title"; in line 24, after the word "this" strike out "Act" and insert "title"; on page 6, line 2, after the word "this" strike out "Act" and insert "title"; on page 8, line 6, after the word "this" strike out "Act" and insert "title"; in line 8, after the word "this", strike out "Act" and insert "title"; at the beginning of line 10, strike out "Act" and insert "title"; on page 9, line 5, after the word "this" strike out "Act" and insert "title"; in line 13, after the word "this" strike out "Act" and insert "title"; on page 10, line 7, after the word "this", strike out "Act" and insert "title"; in line 14, after the word "this" strike out "Act" and insert "title"; in line 16, after the word "research", strike out "and development or," and insert "development"; on page 11, line 1, after the word "this", strike out "Act" and insert "title"; in line 5, after "Sec. 10)(a)", strike out "The first handler of potatoes shall be responsible, under the provisions of this Act and any plan issued pursuant to it, for payment to the board of any assessments" and insert "Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment" in line 23, after the word "board." insert:

To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

On page 12, line 12, after the word "this", strike out "Act" and insert "title"; in line 13, after the word "this" strike out "Act" and insert "title"; on page 14, line 14, after the word "this", strike out "Act" and insert "title"; in line 19, after the word "this", strike out "Act" and insert "title"; in line 20, after the word "who", strike out "willfully"; in line 21, after the word "this" strike out "Act" and insert "title", in line 22, after the word "who" strike out "willfully"; in line 24, after the word "be" strike out "liable to a penalty of not" and insert "fined not less than $100 or"; at the top of page 15, strike out "which shall accrue to the United States and in addition shall be subject to civil suit brought by the United States to collect any unpaid assessments levied under this Act."; in line 7, after the word "this", strike out "Act" and insert "title"; in line 10, after the word "this", strike out "Act" and insert "title"; in line 11, after the word "this", strike out "Act" and insert "title"; on page 16, line 16, after the word "this", strike out "Act" and insert "title"; on page 17, line 9, after the word "this", strike out "Act" and insert "title"; on page 18, line 1, after the word "this", strike out "Act" and insert "title"; in line 15, after the word "this", strike out "Act" and insert "title"; in line 18, after the word "this", strike out "Act" and insert "title"; in line 20, after the word "this", strike out "Act" and insert "title"; on page 19, at the beginning of line 3, strike out "Act" and insert "title"; in line 6, after the word "this" strike out "Act" and insert "title"; in line 8, after the word "This", strike out "Act" and insert "title"; and after line 8, insert a new title, as follows:

TITLE II—TOMATO ADVERTISING PROJECTS

SEC. 201. Section 8c(6)(I) of the Agricultural Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or avocados" in the proviso, and inserting in lieu thereof "avocados, or tomatoes".

So as to make the bill read:

S. 1181

A bill to enable potato growers to finance a nationally coordinated research and promotion program to improve their competitive position and expand their markets for potatoes by increasing consumer acceptance of such potatoes and potato products and by improving the quality of potatoes and potato products that are made available to the consumer

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

TITLE I—POTATO RESEARCH AND PROMOTION

This title may be cited as the "Potato Research and Promotion Act".

FINDINGS AND DECLARATION OF POLICY

SEC. 2. Potatoes are a basic food in the United States. They are produced by many individual potato growers in every State in the United States. In 1966, there were one million four hundred and ninety-seven thousand acres of cropland in the United States devoted to the production of potatoes. Approximately two hundred and seventy-five million hundredweight of potatoes have been produced annually during the past five years with an estimated sales value to the potato producers of $561,000,000.

Potatoes and potato products move, in a large part, in the channels of interstate commerce, and potatoes which do not move in such channels directly burden or affect interstate commerce in potatoes and potato products. All potatoes produced in the United States are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in potatoes and potato products.

The maintenance and expansion of existing potato markets and the development of new or improved markets are vital to the welfare of potato growers and those concerned with marketing, using, and processing potatoes as well as the general economic welfare of the Nation.

Therefore, it is the declared policy of the Congress and the purpose of this title that it is essential in the public interest, through the exercise of the powers provided herein, to authorize the establishment of an orderly procedure for the financing, through adequate assessments on all potatoes harvested in the United States for commercial use, and the carrying out of an effective and continuous coordinated program of research, development, advertising and promotion designed to strengthen potatoes' competitive position, and to maintain and expand domestic and foreign markets for potatoes produced in the United States.

DEFINITIONS

SEC. 3. As used in this title—

(a) The term "Secretary" means the Secretary of Agriculture.

(b) The term "person" means any individual, partnership, corporation, association, or other entity.

(c) The term "potatoes" means all varieties of Irish potatoes grown by producers in the forty-eight contiguous States of the United States.

(d) The term "handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes in a manner specified in a plan issued pursuant to this title or in the rules and regulations issued thereunder.

(e) The term "producer" means any person engaged in the growing of five or more acres of potatoes.

(f) The term "promotion" means any action taken by the National Potato Promotion Board, pursuant to this title, to present a favorable image for potatoes to the public with the express intent of improving their competitive position and stimulating sales of potatoes and shall include, but shall not be limited to, paid advertising.

AUTHORITY TO ISSUE A PLAN

SEC. 4. To effectuate the declared policy of this title, the Secretary shall, subject to the provisions of this title, issue and from time to time amend, orders applicable to persons engaged in the handling of potatoes (hereinafter referred to as handlers) and shall have authority to issue orders authorizing the collection of assessments on potatoes handled under the provisions of this title, and to authorize the use of such funds to provide research, development, advertising, and promotion of potatoes in a manner prescribed in this title. Any order issued by the Secretary under this title shall hereinafter in this title be referred to as a "plan". Any such plan shall be applicable to potatoes produced in the forty-eight contiguous States of the United States.

NOTICE AND HEARING

SEC. 5. When sufficient evidence is presented to the Secretary by potato producers, or whenever the Secretary has reason to believe that a plan will tend to effectuate the declared policy of this title, he shall give due notice and opportunity for a hearing upon a proposed plan. Such hearing may be requested by potato producers or by any other interested person or persons including the Secretary, when the request for such hearing is accompanied by a proposal for a plan.

FINDING AND ISSUANCE OF A PLAN

SEC. 6. After notice and opportunity for hearing, the Secretary shall issue a plan if he finds, and sets forth in such plan, upon the evidence introduced at such hearing, that the issuance of such plan and all the terms and conditions thereof will tend to effectuate the declared policy of this title.

REGULATIONS

SEC. 7. The Secretary is authorized to make such regulations with the force and effect of law, as may be necessary to carry out the provisions of this title and powers vested in him by this title.

REQUIRED TERMS IN PLANS

SEC. 8. Any plan issued pursuant to this title shall contain the following terms and conditions:

(a) Providing for the establishment by the Secretary of a National Potato Promotion Board (hereinafter referred to as "the board") and for defining its powers and duties, which shall include powers—

(1) to administer such plan in accordance with its terms and conditions;

(2) to make rules and regulations to effectuate the terms and conditions of such plan;

(3) to receive, investigate, and report to the Secretary complaints of violations of such plan; and

(4) to recommend to the Secretary amendments to such plan.

(b) Providing that the board shall be composed of representatives of producers selected by the Secretary from nominations made by producers in such manner as may be prescribed by the Secretary. In the event producers fail to select nominees for appointment to the board, the Secretary shall appoint producers on the basis of representation provided for in such plan.

(c) Providing that board members shall serve without compensation, but shall be reimbursed for reasonable expenses incurred in performing their duties as members of the board.

(d) Providing that the board shall prepare and submit to the Secretary for his approval a budget, on a fiscal period basis, of its anticipated expenses and disbursements in the administration of the plan, including probable costs of research, development, advertising, and promotion.

(e) Providing that the board shall recommend to the Secretary and the Secretary shall fix the assessment rate required for such costs as may be incurred pursuant to subsection (d) of this section; but in no event shall the assessment rate exceed 1 cent per one hundred pounds of potatoes handled.

(f) Providing that—

(1) funds collected by the board shall be used for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the board as may be authorized by the Secretary;

(2) no advertising or sales promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products; and

(3) no funds collected by the board shall in any manner be used for the purpose of influencing governmental policy or action, except as provided by subsection (a)(4) of this section.

(g) Providing that, notwithstanding any other provisions of this title, any potato producer against whose potatoes any assessment is made and collected under authority of this title and who is not in favor of supporting the research and promotion program as provided for under this title shall have the right to demand and receive from the board a refund of such assessment: *Provided*, That such demand shall be made personally by such producer in accordance with regulations and on a form and within a time period prescribed by the board and approved by the Secretary, but in no event less than ninety days, and upon submission of proof satisfactory to the board that the producer paid the assessment for which refund is sought, any such refund shall be made within sixty days after demand therefor.

(h) Providing that the board shall, subject to the provisions of subsections (e) and (f) of this section, develop and submit to the Secretary for his approval any research, development, advertising or promotion programs or projects, and that any such program or project must be approved by the Secretary before becoming effective.

(i) Providing the board with authority to enter into contracts or agreements, with the approval of the Secretary, for the development and carrying out of research, development, advertising or promotion programs or projects, and the payment of the cost thereof with funds collected pursuant to this title.

(j) Providing that the board shall maintain books and records and prepare and submit to the Secretary such reports from time to time as may be prescribed for appropriate accounting with respect to the receipt and disbursement of funds entrusted to it and cause a complete audit report to be submitted to the Secretary at the end of each fiscal period.

PERMISSIVE TERMS IN PLANS

SEC. 9. Any plan issued pursuant to this title may contain one or more of the following terms and conditions:

(a) Providing authority to exempt from the provisions of the plan potatoes used for nonfood uses, and authority for the board to require satisfactory safeguards against improper use of such exemptions.

(b) Providing for authority to designate different handler payment and reporting schedules to recognize differences in marketing practices and procedures utilized in different production areas.

(c) Providing for the establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and sales promotion of potatoes and potato products and for the disbursement of necessary funds for such purposes: *Provided, however*, That any such program or project shall be directed toward increasing the general demand for potatoes and potato products: *And provided further*, That such promotional activities shall comply with the provisions of section 8(f) of this title.

(d) Providing for establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes.

(e) Providing for authority to accumulate reserve funds from assessments collected pursuant to this title, to permit an effective and continuous coordinated program of research, development, advertising and promotion in years when the production and assessment income may be reduced: *Provided*, That the total reserve fund does not exceed the amount budgeted for two years' operation.

(f) Providing for authority to use funds collected herein, with the approval of the Secretary, for the development and expansion of potato and potato product sales in foreign markets.

(g) Terms and conditions incidental to and not inconsistent with the terms and conditions specified in this title and necessary to effectuate the other provisions of such plan.

ASSESSMENTS

SEC. 10. (a) Each handler designated by the board, pursuant to regulations issued under the plan, to make payment of assessments shall be responsible for payment to the board, as it may direct, of any assessment levied on potatoes; and such handler may collect from any producer or deduct from the proceeds paid to any producer, on whose potatoes such assessment is made, any such assessment required to be paid by such handler. Such handler shall maintain a separate record with respect to each producer for whom potatoes were handled, and such records shall indicate the total quantity of potatoes handled by him including those handled for producers and for himself, shall indicate the total quantity of potatoes handled by him which are included under the terms of a plan as well as those which are exempt under such plan, and shall indicate such other information as may be prescribed by the board. To facilitate the collection and payment of such assessments, the board may designate different handlers or classes of handlers to recognize difference in marketing practices or procedures utilized in any State or area. No more than one such assessment shall be made on any potatoes.

(b) Handlers responsible for collection of assessments under subsection (a) of this section shall maintain and make available for inspection by the Secretary such books and records as required by the plan and file reports at the times, in the manner, and having the content prescribed by the plan, to the end that information and data shall be made available to the board and to the Secretary which is appropriate or necessary to the effectuation, administration, or enforcement of this title or of any plan or regulation issued pursuant to this title.

(c) All information obtained pursuant to subsections (a) and (b) of this section shall

be kept confidential by all officers and employees of the Department of Agriculture and of the board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving the plan with reference to which the information to be disclosed was furnished or acquired. Nothing in this section shall be deemed to prohibit—

(1) the issuance of general statements based upon the reports of a number of handlers subject to a plan if such statements do not identify the information furnished by any person, or

(2) the publication by direction of the Secretary of the name of any person violating any plan together with a statement of the particular provisions of the plan violated by such person.

Any such officer or employee violating the provisions of this subsection shall upon conviction be subject to a fine of not more than $1,000 or imprisonment for not more than one year, or both, and shall be removed from office.

PETITION AND REVIEW

SEC. 11. (a) Any person subject to a plan may file a written petition with the Secretary, stating that such plan or any provision of such plan or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the Secretary. After such hearing, the Secretary shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(b) The district courts of the United States in any district in which such person is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling: *Provided,* That a complaint for that purpose is filed within twenty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the Secretary by delivering to him a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the Secretary with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to subsection (a) of this section shall not impede, hinder, or delay the United States or the Secretary from obtaining relief pursuant to section 12(a) of this title.

ENFORCEMENT

SEC. 12. (a) The several district courts of the United States are vested with jurisdiction specifically to enforce, and to prevent and restrain any person from violating any plan or regulation made or issued pursuant to this title.

(b) Any handler who violates any provisions of any plan issued by the Secretary under this title, or who fails or refuses to remit any assessment or fee duly required of him thereunder shall be subject to criminal prosecution and shall be fined not less than $100 or more than $1,000 for each such offense.

INVESTIGATION AND POWER TO SUBPENA

SEC. 13. (a) The Secretary may make such investigations as he deems necessary for the effective carrying out of his responsibilities under this title or to determine whether a handler or any other person has engaged or is engaging in any acts or practices which constitute a violation of any provision of this title, or of any plan, or rule or regulation issued under this title. For the purpose of any such investigation, the Secretary is empowered to administer oaths and affirmations, subpena witnesses, compel their attendance, take evidence, and require the production of any books, papers, and documents which are relevant to the inquiry. Such attendance of witnesses and the production of any such records may be required from any place in the United States. In case of contumacy by, or refusal to obey a subpena issued to, any person, including a handler, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which such investigation or proceeding is carried on, or where such person resides or carries on business, in requiring the attendance and testimony of witnesses and the production of books, papers, and documents; and such court may issue an order requiring such person to appear before the Secretary, there to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey such order of the court may be punished by such court as contempt thereof. All process in any such case may be served in the judicial district whereof such person is an inhabitant or wherever he may be found. The site of any hearings held under this section shall be within the judicial district where such handler or other person is an inhabitant or has his principal place of business.

(b) No person shall be excused from attending and testifying or from producing books, papers, and documents before the Secretary, or in obedience to the subpena of the Secretary, or in any cause or proceeding, criminal or otherwise, based upon, or growing out of any alleged violation of this title, or of any plan, or rule or regulation issue thereunder on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

REQUIREMENT OF REFERENDUM

SEC. 14. The Secretary shall conduct a referendum among producers who, during a representative period determined by the Secretary, have been engaged in the production of potatoes for the purpose of ascertaining whether the issuance of a plan is approved or favored by producers. No plan issued pursuant to this title shall be effective unless the Secretary determines that the issuance of such plan is approved or favored by not less than two-thirds of the producers voting in such referendum, or by the producers of not less than two-thirds of the potatoes produced during the representative period by producers voting in such referendum, and by not less than a majority of the producers voting in such referendum. The ballots and other information or reports which reveal or tend to reveal the vote of any producer or his production of potatoes shall be held strictly confidential and shall not be disclosed. Any officer or employee of the Department of Agriculture violating the provisions hereof shall upon conviction be subject to the penalties provided in paragraph 10(c) above.

SUSPENSION OR TERMINATION OF PLANS

SEC. 15. (a) The Secretary shall, whenever he finds that a plan or any provision thereof obstructs or does not tend to effectuate the declared policy of this title, terminate or suspend the operation of such plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time and shall hold a referendum on request of the board or of 10 per centum or more of the potato producers to determine if potato producers favor the termination or suspension of the plan, and he shall terminate or suspend such plan at the end of the marketing year whenever he determines that such suspension or termination is favored by a majority of those voting in a referendum, and who produce more than 50 per centum of the volume of the potatoes produced by the potato producers voting in the referendum.

AMENDMENT PROCEDURE

SEC. 16. The provisions of this title applicable to plans shall be applicable to amendments to plans.

SEPARABILITY

SEC. 17. If any provision of this title or the application thereof to any person or circumstances is held invalid, the validity of the remainder of this title and of the application of such provision to other persons and circumstances shall not be affected thereby.

AUTHORIZATION

SEC. 18. There is hereby made available from the funds provided by section 32 of Public Law 320, Seventy-fourth Congress (49 Stat. 774), as amended (7 U.S.C. 612c), such sums as are necessary to carry out the provisions of this title: *Provided,* That no such sum shall be used for the payment of any expenses or expenditures of the board in administering any provision of any plan issued under authority of this title.

EFFECTIVE DATE

SEC. 19. This title shall take effect upon enactment:

TITLE II—TOMATO ADVERTISING PROJECTS

SEC. 201. Section 8c(6)(I) of the Agriculture Adjustment Act, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, is amended by striking out "or avocados" in the proviso, and inserting in lieu thereof "avocados, or tomatoes".

Mr. YOUNG of North Dakota. Mr. President, I am pleased that action is being taken on the legislation introduced by myself and virtually every Member of the Senate from major potato-producing areas to authorize a national potato promotion program in order to assist potato producers to expand their markets and improve their products.

This legislation is a serious attempt, through "self-help" legislation, to assist an important commodity group in solving some of the problems of the industry. There is a definite need for this legislation which will help potato producers to work cooperatively to solve their own problems.

While potatoes are one of the most important crops grown in this country—an average annual production of about 300 million hundredweight for the past 3 years—they are not a price supported commodity. There are no guaranteed prices, acreage allotments, or loan programs. With potatoes at the mercy of a competitive market and confronted with a static demand, it has been impossible to maintain a reasonable and stable market for the grower. Largely because of this, we lost 55 percent of our potato farmers between 1955 and 1964. Over one-half were eliminated in 5 years. Indications are that the trend has continued since 1964.

Part of the problem has been the inability of the industry to do anything to improve the overall quality of fresh potatoes sold in retail stores. Many Members of Congress have received complaints from their constituents about the poor quality of potatoes offered for sale. With the enactment of this legislation, the growers will be able to make effective efforts to upgrade and improve the product available to the consumer.

Many people have cut down or quit eating potatoes entirely because they think potatoes are a fattening food. They are not. Potatoes are an important vegetable. They supply substantial amounts of vitamin C and the B vitamins as well as essential minerals. At the same time, the calorie count of potatoes is much less than many of the food products substituted for them. Pound for pound, potatoes provide more nutritional value for the money spent than almost any other food. It is to the best interest of the consumer that he be fully aware of the important qualities of this wonderful vegetable.

Dehydrated potato products could become an important part of future programs to supply food to famine-stricken areas of the world. Through research, dehydrated potatoes could become the base for a complete balanced diet which, in a compact, dry form, could be shipped any place in the world and there reconstituted into an appetizing, hearty meal.

This is enabling legislation which would allow the potato farmers to decide by referendum whether or not they want to dedicate a portion of their sales proceeds to conduct and pay for marketing research, public relations and promotion projects, and to be able to offer an improved product to the consumer.

It would require a two-thirds majority vote by producers to establish a program under this proposed act.

If at any time the program were not successful, it could be voted out by a simple majority. Even with a program in effect, growers who did not wish to participate could request and receive a refund of any funds withheld from their sales. The provision providing for producer contributions and for refunds, if desired, is substantially the same as contained in promotion programs which cover many other agricultural products.

The maximum allowable withholding would be 1 cent per hundredweight of potatoes sold. It is estimated that this would provide between $1½ to $2 million annually for the various programs.

A National Potato Promotion Board composed of growers would be selected to design and carry out the program. The members of the Promotion Board would be appointed by the Secretary of Agriculture from nominations submitted to him by potato producers.

It would be the responsibility of the Secretary of Agriculture to see that the Board did not undertake programs not authorized by the act. The Board would also give full financial reports on all collections and expenditures. The act specifically prohibits the use of any funds collected under the act for lobbying or otherwise influencing government policy or actions.

Mr. President, potato farmers should have a chance to accept or reject this program. It is my understanding that this legislation is supported by every potato grower's association, commission, or other organized group exclusively representing potato growers. It has also been endorsed by many of the representatives of the potato shipping, processing, and distribution industries. In addition, it is actively supported by many equipment manufacturers, supply firms and chemical companies which depend on the potato industry for a substantial part of their business.

In order for the Potato Research and Promotion Act to become effective, it will require positive initiative on the part of the potato growers of this country. When they exhibit this initiative, the resulting program will be their program.

In addition, there is the great psychological influence created by the fact that it is the grower's money that is being spent. He will make every effort to make the program work or he will get rid of it. Success will mean a degree of stability for the potato producer and a better quality product for the consumer.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, there will be no further votes this afternoon.

It is hoped that those who have any comments to make on S. 1181 and desire to make them this afternoon will do so.

It is anticipated that the Senate will consider S. 1181, and S. 2214, both potato bills, and, it is hoped, dispose of them tomorrow.

Following the consideration of these two bills, the Senate will then turn to the consideration of S. 1508, a bill to improve judicial machinery by amending provisions of law relating to the retirement of justices and judges of the United States; to be followed by S. 2452, a bill to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services.

SENATE RESOLUTION 274 AND SENATE RESOLUTION 275—SUBMISSION OF RESOLUTIONS CONCERNING VIETNAM

Mr. SCOTT. Mr. President, I submit two resolutions for appropriate reference on behalf of myself and the distinguished majority leader, the Senator from Montana (Mr. MANSFIELD), and ask that they both be stated.

The PRESIDING OFFICER. The resolutions will be stated.

The assistant legislative clerk read as follows:

S. RES. 274

Whereas responsible dissent and freedom of speech are among the most sacred traditions of the American people: and

Whereas many Americans are demonstrating in the Vietnam moratorium their concern for peace pursuant to rights enjoyed under the Constitution of the United States, from which springs our Nation's deep commitment to peaceful debate, and the essence of our free political system;

Resolved, That the Senate reasserts the Constitutional right of all Americans to assemble peacefully to petition their government.

Mr. MANSFIELD. Mr. President, the request was made that this resolution be appropriately referred. I now ask that the second resolution be read and that both of them be referred to the appropriate committees.

The PRESIDING OFFICER. The second resolution will be stated.

The assistant legislative clerk read as follows:

S. RES. 275

Whereas the Premier of North Vietnam has publicly described the Vietnam moratorium in an open letter to the American people as "their fall offensive" aimed at forcing the United States "to withdraw completely and unconditionally" from Vietnam;

Whereas the said Premier's letter to the American people is a blatant and insolent intrusion into the affairs of the American people;

Resolved by the Senate, That we abhor the attempt of Premier Phan Van Dong to associate Americans who demonstrate for peace with the cause of North Vietnam; and

Resolved further, That the Senate repudiates the Premier's letter and the intrusion which it represents into the Constitutional right of Americans to assemble peacefully to petition their Government.

The PRESIDING OFFICER. Without objection, both resolutions will be received and appropriately referred.

The resolution (S. Res. 274) reasserting the right of Americans to assemble peacefully to petition their government, submitted by Mr. SCOTT (for himself and Mr. MANSFIELD), was referred to the Committee on the Judiciary.

The resolution (S. Res. 275) relative to the intrusion of the Premier of North Vietnam into the affairs of the United States, submitted by Mr. SCOTT (for himself and Mr. MANSFIELD), was referred to the Committee on Foreign Relations.

Mr. SCOTT. Mr. President, these two resolutions, I am sure, will express the sentiments of Senators and of the American people.

The first one reaffirms the right of free petition and the right of dissent.

The second one expresses the resentment of the Senate at the intolerable and insulting intrusion of the Premier of North Vietnam into the domestic affairs of Americans and his attempt to associate the aims of his government, which we regard as wholly dissimilar to ours, with the aims of peaceful Americans who certainly wish to be disassociated from the intent and the attempt of the Premier of North Vietnam to include them.

I ask unanimous consent that all Senators who wish to associate themselves with these resolutions, have until the remainder of the session today to do so; and, of course, in accordance with recent custom, thereafter they may do so by request.

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

DISCHARGE OF LABOR AND WELFARE COMMITTEE FROM CONSIDERATION OF S. 3008 TO BE REFERRED TO THE FINANCE COMMITTEE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Labor and Public Welfare Committee be discharged from further consideration of S. 3008, to increase financing for veterans and to increase the income of the national service life insurance fund, and that the bill be referred for consideration to the Finance Committee.

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

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1970—CONFERENCE REPORT

Mr. BIBLE. Mr. President, I rise for a privileged matter.

I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12781) making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The assistant legislative clerk read the report.

(For conference report, see House proceedings of October 14, 1969, p. 29934, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BIBLE. Mr. President, so that Members of the Senate who are interested in the bill may have notice that the report is now before the Senate for final consideration, 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. BIBLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. BIBLE. Mr. President, there is before the Senate for its final consideration the conference report on the Interior appropriation bill for fiscal year 1970. The bill, as it passed the Senate, provided for appropriations totaling $1,548,664,900 for the agencies and bureaus of the Department of the Interior, exclusive of the Federal Water Pollution Control Administration, the Bureau of Reclamation and the power marketing agencies, and various related agencies, including the U.S. Forest Service and the Division of Indian Health.

The conference committee bill provides appropriations totaling $1,546,273,300 for the programs and activities of these agencies. This total is under the budget estimates of $1,569,454,500 by $23,181,200; over the House bill of $1,540,184,700 by $6,088,600; and under the Senate bill of $1,548,664,900 by $2,391,600. The bill as passed by the Senate was greater than the House bill by $8,480,200.

I ask unanimous consent to have included in the RECORD, at the conclusion of my remarks, a tabulation setting out the appropriation for the current year, the budget estimate, the House allowance, the Senate allowance, and the conference allowance for each appropriation in the bill.

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

(See exhibit 1.)

Mr. BIBLE. Mr. President, the major changes from the Senate bill were a reduction of $800,000 for Indian children kindergartens in public schools; a reduction of $340,000 in the amount allowed for salaries and expenses of the Bureau of Outdoor Recreation; an increase of $640,000 for the geological survey; a reduction of $2,200,000 in the amount of borrowing authority for the helium program; an increase of $563,000 for commercial fishery resource disaster aid; a reduction of $1,400,000 for the migratory bird program; an increase of $1,636,000 for the Forest Service; and a reduction of $1,085,000 for Indian health services.

When the Interior appropriation bill was before the Senate, close attention was given to two matters which are affected by the conference agreement. A word about these would be in order.

First, the Senate deleted an unbudgeted $563,000 from the House bill for research on utilization of pollock. The Senate conferees receded on this amount and it is included in the total appropriation. The statement of the conferees indicates that this sum, together with such carryover balances as there are, shall be available for commercial fishery resource disaster aid in such manner as the Secretary of the Interior may direct. In other words, the full amount of this appropriation as well as all the carryover balance will not be available solely for pollock research as was contemplated by the House bill.

The second matter, and the one on which most time was spent in the Senate, is education of Indian children. Of the several items in this category, only that pertaining to kindergartens in public schools was in conference. The budget estimate for this was $2.3 million. As the bill came to us from the House of Representatives, this item was deleted. It was restored on the floor of the Senate, and, by agreement by me and other members of the Appropriations Subcommittee, the amount of $2.3 million was placed in the bill.

Before the conferees met, the Department of the Interior advised that because of the lateness in the year only $1,923,000 was needed. The Senate conferees tried to get agreement on this amount but were able to persuade the House Members of the conference to agree to only $1,500,000.

However, it is my feeling—and I believe it is one that is shared by the other conferees on the Senate side—that by the time necessary contracts can be executed with the several State education agencies, this sum will be sufficient for the fiscal year 1970. It seems unlikely that new kindergarten classes can be initiated before the start of a new school semester next January.

I think the opening varies from school to school, but it is somewhere between the 5th of January and the 15th or 20th of January. So there would appear to be some lag in time for commencing the program. There also is the advantage that a new program is underway and this amount will be a part of the Indian education budget base next year.

Frankly, I thought Senators who pressed for the amendment on the floor—and it had a very broad-based sponsorship—made an excellent case. It is one on which I think we can put emphasis in the years ahead.

With regard to another item in this bill, I should note that the House conferees refused to recede with respect to the House action abolishing the Temporary Commission on Pennsylvania Avenue.

I regret that action. I think the Temporary Commission on Pennsylvania Avenue is doing excellent work in its field. I do not know the reason why the conferees of the House felt so adamant, but they indicated that if the administration desires to continue the commission in operation, money may be provided from funds available to the President so this work can go on. The most troublesome point seemed to be that we did not have a clear legislative mandate. For those reasons, we acceded to the House of Representatives.

The land and water conservation fund allocations were worked out on a compromise basis. Funds are provided for the payment of a recent court judgment for the Padre Island National Seashore.

The House has concurred with the Senate position that the appropriations from the land and water conservation fund should be equally allocated to the States' program and that of the Federal Government. As chairman of the Parks Subcommittee of the Senate Committee on Interior and Insular Affairs I endorse this position, especially in view of about a half billion dollars worth of authorized land acquisitions for Federal recreation areas which still must be purchased.

I should rephrase that, and say there is a backlog such that if we had $500 million today, it would barely be enough money to acquire the land within the parks we have already authorized. So there is, first, a great timelag, and second, a great increase in the prices of these acquisitions. The total increases annually because of price increases, and also becomes larger each time the Congress authorizes establishment of a new recreation area or enlargement of an existing one. The conferees do include in the report a statement that payments to States should be accelerated when the backlog of Federal acquisition requirements has been materially reduced.

Because two almost identical 200,000 dollar items appeared in the budget for the National Endowment for the Humanities relating to the bicentennial of the American Revolution, the Senate reduced one of them by one-half. The Senate conferees receded on this reduc-

tion in view of great concern expressed by the House conferees who feel that this program should receive greater emphasis. Particular stress was placed on a belief that this activity should be expanded across the Nation rather than having it centered in the Eastern and Northeastern United States. This was a budgeted item. Of course, we acceded, and there is $200,000 available for this item in the conference report which is presently before the Senate.

Again, this year, the conference was friendly and cooperative. The House conferees and their chairman, Representative JULIA BUTLER HANSEN, were pleasant to work with, as they have been in past conferences, and showed a willingness and a desire to accommodate the changes made in the bill by the Senate. I believe that the report evidences this and presents a reasonable compromise on the differing views of the two branches of the Congress.

EXHIBIT 1

Agency and item	New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	Allowances: House	Allowances: Senate	Allowances: Conference	Conference allowance compared with—: Budget estimates of new (obligational) authority, 1970	Conference allowance compared with—: House allowance	Conference allowance compared with—: Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—DEPARTMENT OF THE INTERIOR								
PUBLIC LAND MANAGEMENT								
BUREAU OF LAND MANAGEMENT								
Management of lands and resources	$62,964,000	$53,640,000	$52,600,000	$52,573,000	$52,573,000	−$1,067,000	−$27,000	
Construction and maintenance	3,081,000	2,936,000	2,925,000	2,873,000	2,899,000	−37,000	−26,000	+$26,000
Public lands development roads and trails (appropriation to liquidate contract authorization)	*(3,500,000)*	*(3,500,000)*	*(3,500,000)*	*(3,500,000)*	*(3,500,000)*			
Oregon and California grant lands (indefinite, appropriation of receipts)	12,750,000	13,750,000	13,750,000	13,750,000	13,750,000			
Range improvements (indefinite, appropriation of receipts)	1,460,000	1,788,000	1,788,000	1,788,000	1,788,000			
Total, Bureau of Land Management	80,255,000	72,114,000	71,063,000	70,984,000	71,010,000	−1,104,000	−53,000	+26,000
BUREAU OF INDIAN AFFAIRS								
Education and welfare services	146,476,000	182,945,000	174,500,000	176,003,000	175,203,000	−7,742,000	+703,000	−800,000
Education and welfare services (appropriation to liquidate contract authorization)	*(1,293,000)*	*(1,500,000)*	*(1,500,000)*	*(1,500,000)*	*(1,500,000)*			
Resources management	52,940,000	55,692,000	55,692,000	55,242,000	55,242,000	−450,000	−450,000	
Construction	25,471,000	23,373,000	25,373,000	26,264,000	26,264,000	+2,891,000	+891,000	
Road construction (appropriation to liquidate contract authorization)	*(18,000,000)*	*(20,000,000)*	*(20,000,000)*	*(20,000,000)*	*(20,000,000)*			
Revolving fund for loans	450,000							
General administrative expenses	5,013,000	5,113,000	5,013,000	5,013,000	5,013,000	−100,000		
Total, Bureau of Indian Affairs, exclusive of tribal funds	230,350,000	267,123,000	260,578,000	262,522,000	261,722,000	−5,401,000	+1,144,000	−800,000
Tribal funds (limitations on use of trust funds)	*(3,000,000)*	*(3,000,000)*	*(3,000,000)*	*(3,000,000)*	*(3,000,000)*			
BUREAU OF OUTDOOR RECREATION								
Salaries and expenses	4,315,000	4,290,000	3,500,000	4,090,000	3,750,000	−540,000	+250,000	−340,000
Land and water conservation:								
Appropriation (repayable advance to the fund)	*(53,000,000)*							
Appropriation of reciepts (indefinite)	92,500,000	108,472,000	108,472,000	108,472,000	108,472,000			
Appropriation out of the fund (not including liquidation cash)	7,000,000							
Appropriation out of the fund to liquidate contract authorization	*(65,000,000)*	*(15,528,000)*	*(15,528,000)*	*(15,528,000)*	*(15,528,000)*			
Total, Bureau of Outdoor Recreation	103,815,000	112,762,000	111,972,000	112,562,000	112,222,000	−540,000	+250,000	−340,000
OFFICE OF TERRITORIES								
Administration of territories	14,697,000	14,921,400	14,700,000	14,921,400	14,921,400		+221,400	
Permanent appropriation (special fund)	*(162,200)*	*(239,400)*	*(239,400)*	*(239,400)*	*(239,400)*			
Transferred from other accounts (special fund)	*(240,000)*	*(292,700)*	*(292,700)*	*(292,700)*	*(292,700)*			
Trust Territory of the Pacific Islands	30,000,000	41,612,000	41,612,000	40,612,000	40,612,000	−1,000,000	−1,000,000	
Total, Office of Territories	44,697,000	56,533,400	56,312,000	55,533,400	55,533,400	−1,000,000	−778,600	
Total, public land management	459,117,000	508,532,400	499,925,000	501,601,400	500,487,400	−8,045,000	+562,400	−1,114,000
MINERAL RESOURCES								
GEOLOGICAL SURVEY								
Surveys, investigations, and research	90,917,000	95,628,000	95,628,000	95,115,000	95,755,000	+127,000	+127,000	+640,000
BUREAU OF MINES								
Conservation and development of mineral resources	38,001,000	39,683,000	39,000,000	38,536,000	39,331,000	−352,000	+331,000	+795,000
Health and safety	12,334,000	14,782,000	14,782,000	14,332,000	14,332,000	−450,000	−450,000	
Solid waste disposal	1,067,000							
General administrative expenses	1,647,000	1,647,000	1,647,000	1,647,000	1,647,000			
Helium fund (authorization to spend from public debt receipts)	26,200,000	26,200,000	21,000,000	26,200,000	24,000,000	−2,200,000	+3,000,000	−2,200,000
Total, Bureau of Mines	79,249,000	82,312,000	76,429,000	80,715,000	79,310,000	−3,002,000	+2,881,000	−1,405,000
OFFICE OF COAL RESEARCH								
Salaries and expenses	13,700,000	13,300,000	13,300,000	15,800,000	15,300,000	+2,000,000	+2,000,000	−500,000
OFFICE OF OIL AND GAS								
Salaries and expenses	866,900	1,081,900	994,000	994,000	994,000	−87,900		
Total, mineral resources	184,732,900	192,321,900	186,351,000	192,624,000	191,359,000	−962,900	+5,008,000	−1,265,000

EXHIBIT 1—Continued

Agency and item	New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	Allowances: House	Allowances: Senate	Allowances: Conference	Conference allowance compared with—: Budget estimates of new (obligational) authority, 1970	Conference allowance compared with—: House allowance	Conference allowance compared with—: Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE I—DEPARTMENT OF THE INTERIOR—Continued								
FISH AND WILDLIFE, PARKS, AND MARINE RESOURCES								
BUREAU OF COMMERCIAL FISHERIES								
Management and investigations of resources	$25,225,000	$25,543,000	$26,400,000	$26,345,000	$26,600,000	+$1,057,000	+$200,000	+$255,000
Management and investigations of resources (special foreign currency program)	15,000	15,000	15,000	15,000	15,000	----------	----------	----------
Construction	----------	1,625,000	2,025,000	2,325,000	2,325,000	+700,000	+300,000	----------
Construction of fishing vessels	6,000,000	6,000,000	3,000,000	3,000,000	3,000,000	−3,000,000	----------	----------
Federal aid for commercial fisheries research and development	4,327,000	4,027,000	4,590,000	4,027,000	4,590,000	+563,000	----------	+563,000
Anadromous and Great Lakes fisheries conservation	2,307,000	2,307,000	2,307,000	2,307,000	2,307,000	----------	----------	----------
Administration of Pribilof Islands (indefinite, appropriation of receipts)	2,653,400	2,654,000	2,654,000	2,654,000	2,654,000	----------	----------	----------
Fishermen's protective fund	60,000	60,000	60,000	60,000	60,000	----------	----------	----------
General administrative expenses	765,000	765,000	765,000	765,000	765,000	----------	----------	----------
Limitation on administrative expenses, fisheries loan fund	*($60,200)*	*($60,000)*	*($60,000)*	*($60,000)*	*($60,000)*	----------	----------	----------
Total, Bureau of Commercial Fisheries	41,352,400	42,996,000	41,816,000	41,498,000	42,316,000	−680,000	+500,000	+818,000
BUREAU OF SPORT FISHERIES AND WILDLIFE								
Management and investigations of resources	47,246,000	47,923,000	48,503,000	48,870,000	48,850,000	+927,000	+347,000	−20,000
Construction	1,891,000	1,082,000	1,686,000	1,773,000	1,959,000	+877,000	+273,000	+186,000
Migratory bird conservation account (definite, repayable advance)	7,500,000	5,000,000	5,000,000	7,200,000	5,800,000	+800,000	+800,000	−1,400,000
Anadromous and Great Lakes fisheries conservation	2,294,000	2,294,000	2,294,000	2,294,000	2,294,000	----------	----------	----------
General administrative expenses	1,699,000	1,699,000	1,699,000	1,699,000	1,699,000	----------	----------	----------
Total, Bureau of Sport Fisheries and Wildlife	60,630,000	57,998,000	59,182,000	61,836,000	60,602,000	+2,604,000	+1,420,000	−1,234,000
NATIONAL PARK SERVICE								
Management and protection	45,740,000	49,475,000	49,000,000	49,100,000	49,100,000	−375,000	+100,000	----------
Maintenance and rehabilitation of physical facilities	32,918,000	40,152,000	40,000,000	40,037,000	40,000,000	−152,000	----------	−37,000
Construction	5,471,000	7,805,000	7,600,000	7,700,000	7,700,000	−105,000	+100,000	----------
Parkway and road construction (appropriation to liquidate contract authorization)	*(17,000,000)*	*(24,500,000)*	*(21,500,000)*	*(21,500,000)*	*(21,500,000)*	*(−3,000,000)*	----------	----------
Preservation of historic properties	604,000	1,604,000	1,600,000	1,600,000	1,600,000	−4,000	----------	----------
General administrative expenses	3,127,000	3,127,000	3,317,000	3,317,000	3,317,000	+190,000	----------	----------
Total, National Park Service	87,860,000	102,163,000	101,517,000	101,754,000	101,717,000	−446,000	+200,000	−37,000
Total, fish and wildlife, parks, and marine resources	189,842,400	203,157,000	202,515,000	205,088,000	204,635,000	+1,478,000	+2,120,000	−453,000
OFFICE OF SALINE WATER								
Saline water conversion	24,642,835	26,000,000	25,000,000	25,000,000	25,000,000	−1,000,000	----------	----------
Prototype desalting plant	1,000,000	----------	----------	----------	----------	----------	----------	----------
Total, Office of Saline Water	25,642,835	26,000,000	25,000,000	25,000,000	25,000,000	−1,000,000	----------	----------
OFFICE OF WATER RESOURCES RESEARCH								
Salaries and expenses	11,181,000	11,229,000	11,229,000	11,229,000	11,229,000	----------	----------	----------
OFFICE OF THE SOLICITOR								
Salaries and expenses	5,683,000	5,625,800	5,530,000	5,555,800	5,530,000	−95,800	----------	−25,800
OFFICE OF THE SECRETARY								
Salaries and expenses	8,755,000	10,187,400	9,887,000	9,912,700	9,912,700	−274,300	+25,700	----------
Salaries and expenses (special foreign currency program)	----------	25,000	25,000	----------	----------	−25,000	−25,000	----------
Total, Office of the Secretary	8,755,000	10,212,400	9,912,000	9,912,700	9,912,700	−299,700	+700	----------
Total, new budget (obligational) authority, Department of the Interior	884,954,135	957,078,500	940,462,000	951,010,900	948,153,100	−8,925,400	+7,691,100	−2,857,800
Consisting of—								
Appropriations	858,754,135	930,878,500	919,462,000	924,810,900	924,153,100	−6,725,400	+4,691,100	−657,800
Definite appropriations	(749,390,735)	(804,214,500)	(792,798,000)	(798,146,900)	(797,489,100)	(−6,725,400)	(+4,691,100)	(−657,800)
Indefinite appropriations	(109,363,400)	(126,664,000)	(126,664,000)	(126,664,000)	(126,664,000)	----------	----------	----------
Authorization to spend from public debt receipts	26,200,000	26,200,000	21,000,000	26,200,000	24,000,000	−2,200,000	+3,000,000	−2,200,000
Memoranda—								
Appropriations to liquidate contract authorization	(104,793,000)	(65,028,000)	(62,028,000)	(62,028,000)	(62,028,000)	(−3,000,000)	----------	----------
Total, new budget (obligational) authority *and* appropriations to liquidate contract authorization	(989,747,135)	(1,022,106,500)	(1,002,490,000)	(1,013,038,900)	(1,010,181,100)	(−11,925,400)	(+7,691,100)	(−2,857,800)

EXHIBIT 1—Continued

Agency and item	New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	Allowances: House	Allowances: Senate	Allowances: Conference	Conference allowance compared with—: Budget estimates of new (obligational) authority, 1970	Conference allowance compared with—: House allowance	Conference allowance compared with—: Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE II—RELATED AGENCIES								
DEPARTMENT OF AGRICULTURE								
FOREST SERVICE								
Forest protection and utilization:								
Forest land management	$208,818,000	$190,978,000	$195,042,000	$191,985,000	$192,810,000	+$1,832,000	−$2,232,000	+$825,000
Forest Research	40,430,000	40,983,000	41,880,000	41,326,000	42,137,000	+1,154,000	+257,000	+811,000
State and private forestry cooperation	19,957,000	20,529,000	22,529,000	22,729,000	22,729,000	+2,200,000	+200,000	
Total, forest protection and utilization	269,205,000	252,490,000	259,451,000	256,040,000	257,676,000	+5,186,000	−1,775,000	+1,636,000
Forest roads and trails (appropriation to liquidate contract authorization)	*(91,000,000)*	*(107,570,000)*	*(100,570,000)*	*(100,570,000)*	*(100,570,000)*	*(−7,000,000)*		
Acquisition of lands for national forests: Special acts (special fund, indefinite)	80,000	80,000	80,000	80,000	80,000			
Cooperative range improvements (special fund, indefinite)	700,000	700,000	700,000	700,000	700,000			
Assistance to States for tree planting	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000			
Total, new budget (obligational) authority, Forest Service	270,985,000	254,270,000	261,231,000	257,820,000	259,456,000	+5,186,000	−1,775,000	+1,636,000
FEDERAL COAL MINE SAFETY BOARD OF REVIEW								
Salaries and expenses	157,000	148,000	148,000	148,000	148,000			
COMMISSION OF FINE ARTS								
Salaries and expenses	115,000	115,000	115,000	115,000	115,000			
DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE								
HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION								
Indian health services	94,350,000	99,581,000	98,581,000	100,221,000	99,481,000	−100,000	+900,000	−740,000
Indian health facilities	18,156,000	20,000,000	19,000,000	19,345,000	19,000,000	−1,000,000		−345,000
Total, health services and mental health administration	112,506,000	119,581,000	117,581,000	119,566,000	118,481,000	−1,100,000	+900,000	−1,085,000
INDIAN CLAIMS COMMISSION								
Salaries and expenses	619,000	800,000	800,000	850,000	850,000	+50,000	+50,000	
NATIONAL CAPITAL PLANNING COMMISSION								
Salaries and expenses	1,047,000	1,248,000	922,700	300,000	222,700	−1,025,300	−700,000	−77,300
NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES								
Salaries and expenses	1,400,000	1,744,000	1,500,000	1,490,000	1,490,000	−254,000	−10,000	
Endowment for the arts	7,400,000	7,500,000	7,250,000	7,250,000	7,250,000	−250,000		
Endowment for the humanities	5,700,000	7,500,000	7,250,000	6,950,000	7,050,000	−450,000	−200,000	+100,000
Total, National Foundation on the Arts and the Humanities	14,500,000	16,744,000	16,000,000	15,690,000	15,790,000	−954,000	−210,000	+100,000
PUBLIC LAND LAW REVIEW COMMISSION								
Salaries and expenses	944,000	922,000	922,000	922,000	922,000			
SMITHSONIAN INSTITUTION								
Salaries and expenses	26,443,000	28,955,000	28,200,000	28,134,000	28,134,000	−821,000	−66,000	
Museum programs and related research (special foreign currency program)	2,316,000	4,500,000	3,000,000	2,316,000	2,316,000	−2,184,000	−684,000	
Construction and improvements, National Zoological Park	300,000	600,000	600,000	600,000	600,000			
Restoration and renovation of buildings	400,000	755,000	425,000	525,000	525,000	−230,000	+100,000	
Construction	2,000,000	200,000	200,000	200,000	200,000			
Construction (appropriation to liquidate contract authorization)		*(6,000,000)*	*(3,300,000)*	*(3,300,000)*	*(3,300,000)*	*(−2,700,000)*		
Construction (new contract authorization)	12,197,000							
Salaries and expenses, National Gallery of Art	3,230,000	3,410,000	3,350,000	3,390,000	3,390,000	−20,000	+40,000	
Total, Smithsonian Institution	46,886,000	38,420,000	35,775,000	35,165,000	35,165,000	−3,255,000	−610,000	
EXECUTIVE OFFICE OF THE PRESIDENT								
NATIONAL COUNCIL ON MARINE RESOURCES AND ENGINEERING DEVELOPMENT								
Salaries and expenses	1,125,000	760,000		760,000	700,000	−60,000	+700,000	−60,000
COMMISSION ON MARINE SCIENCE, ENGINEERING, AND RESOURCES								
Salaries and expenses	175,000							
FEDERAL FIELD COMMITTEE FOR DEVELOPMENT PLANNING IN ALASKA								
Salaries and expenses	235,000	235,000	150,000	235,000	192,500	−42,500	+42,500	−42,500
HISTORICAL AND MEMORIAL COMMISSIONS								
LEWIS AND CLARK TRAIL COMMISSION								
Salaries and expenses	25,000	10,000	5,000	10,000	5,000	−5,000		−5,000

EXHIBIT 1—Continued

Agency and item	New budget (obligational) authority, 1969	Budget estimates of new (obligational) authority, 1970	Allowances: House	Allowances: Senate	Allowances: Conference	Conference allowance compared with—: Budget estimates of new (obligational) authority, 1970	Conference allowance compared with—: House allowance	Conference allowance compared with—: Senate allowance
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
TITLE II—RELATED AGENCIES—Con.								
HISTORICAL AND MEMORIAL COMMISSIONS—Continued								
AMERICAN REVOLUTION BICENTENNIAL COMMISSION								
Salaries and expenses		$225,000	$175,000	$175,000	$175,000	−$50,000		
NATIONAL COUNCIL ON INDIAN OPPORTUNITY								
Salaries and expenses	$100,000	300,000				−300,000		
Total, new budget (obligational) authority, related agencies	449,419,000	438,778,000	433,824,700	431,756,000	432,222,200	−1,555,800	−$1,602,500	+$466,200
Consisting of—								
Appropriations	437,222,000	433,778,000	433,824,700	431,756,000	432,222,200	−1,555,800	−1,602,500	+466,200
Definite appropriations	(436,442,000)	(432,998,000)	(433,044,700)	(430,976,000)	(431,442,200)	(−1,555,800)	(−1,602,500)	(+446,200)
Indefinite appropriations	(780,000)	(780,000)	(780,000)	(780,000)	(780,000)			
New contract authorization	12,197,000							
Memoranda—								
Appropriations to liquidate contract authorization	(91,000,000)	(113,570,000)	(103,870,000)	(103,870,000)	(103,870,000)	(−9,700,000)		
Total, new budget (obligational) authority *and* appropriations to liquidate contract authorization	(540,419,000)	(547,348,000)	(537,694,700)	(535,626,000)	(536,092,200)	(−11,255,800)	(−1,602,500)	(+466,200)
RECAPITULATION								
Grand total, new budget (obligational) authority, all titles	1,334,373,135	1,390,856,500	1,374,286,700	1,382,766,900	1,380,375,300	−10,481,200	+6,088,600	−2,391,600
Consisting of—								
1. Appropriations	1,295,976,135	1,364,656,500	1,353,286,700	1,356,566,900	1,356,375,300	−8,281,200)	+3,088,600	−191,600
Definite appropriations	(1,185,832,735)	(1,237,212,500)	(1,225,842,700)	(1,229,122,900)	(1,228,931,300)	(−8,281,200)	(+3,088,600)	(−191,600)
Indefinite appropriations	(110,143,400)	(127,444,000)	(127,444,000)	(127,444,000)	(127,444,000)			
2. Authorization to spend from public debt receipts	26,200,000	26,200,000	21,000,000	26,200,000	24,000,000	−2,200,000	+3,000,000	−2,200,000
3. New contract authorization	12,197,000							
Appropriations to liquidate contract authorization	(195,793,000)	(178,598,000)	(165,898,000)	(165,898,000)	(165,898,000)	(−12,700,000)		
Grand total, new budget (obligational) authority *and* appropriations to liquidate contract authorization	(1,530,166,135)	(1,569,454,500)	(1,540,184,700)	(1,548,664,900)	(1,546,273,300)	(−23,181,200)	(+6,088,600)	(−2,391,600)

Mr. BIBLE. Mr. President, I am very happy to submit this report for final action of the Senate, and move that the conference report be adopted.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. BIBLE. I yield to the Senator from North Dakota, the ranking Republican member of the Appropriations Committee of the Senate, and a very valuable ally on this subject.

Mr. YOUNG of North Dakota. Mr. President, this will probably be one of the few major appropriation bills handled by this session of Congress that will be under the budget. I commend the chairman of the subcommittee, the distinguished Senator from Nevada, and the ranking Republican member, the Senator from South Dakota (Mr. MUNDT), for the good judgment and economy they have exercised in the handling of this bill. I also commend the able staff assistant, Mr. Paul Eaton, for his capable efforts. I doubt whether any other bill will be handled any better than this one was during this session of Congress.

Mr. BIBLE. I appreciate the words of the Senator from North Dakota, and I join him in his words of commendation for the valuable help of Paul Eaton. For many years, he assisted our beloved former colleague, Senator Carl Hayden of Arizona, both in his work as chairman of the full Appropriations Committee, and as chairman of the Appropriations Subcommittee on the Department of the Interior and Related Agencies. He is a valuable staff expert in this field, as is the staff expert on the minority side.

This is a bill that reaches into practically every State. It is one we can all understand, because it deals with the problems we confront, not only in our mail when we open it, practically every morning, but we find out a great deal about it practically, as soon as we arrive back in our own States. So we all live with this problem much of the year.

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

Mr. BIBLE. I am happy to yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, I congratulate the conferees and particularly the able Senator from Nevada, who served as chairman of the Senate conferees. I thank them for the great courtesies they showed me in the hearings of the Senate committee, when I appeared and testified.

I wish to express appreciation on behalf of the people of my State for the money finally included in this bill to acquire the land for the Padre Island National Seashore, which was authorized by Congress in 1962, and the money to buy the Guadalupe Mountains National Park, which was authorized in 1966. There was talk that, due to the shortage of money, this might be disestablished.

We know that when a national park is created, until the land is acquired, we do not know whether it will be there or not. In each of these instances, the State of Texas, through its legislature, gave up its mineral interests in State-owned land, and, in the case of the Padre Island National Seashore, the tidelands. Nevertheless, while that contributed greatly, the privately owned lands had to be bought by Congress, or we would have had no national parks.

The Senate put the money in, and they obtained House concurrence, and we will have those two great national parks for all time, for the people of this Nation, one on the gulf coast, which the National Park Service estimates in the future will probably be visited by more people than any other national park except Shenandoah National Park, which is now visited more than any other national park in the Nation, and the other in the Guadalupe Mountains in the West, which is now the most frequently visited recreational area in the State except the San Jacinto State Park.

I also express my appreciation for the relatively smaller sum of $360,000, I believe, provided for the silviculture and forestry laboratory at Nacogdoches, Tex., on the campus of the Stephen F. Austin University, which has a great forestry school because it is located in what is considered one of the finest forests of the South; and the research conducted by this laboratory will benefit all of that forested area of the gulf coast in that great belt extending from the eastern half of my State to the Atlantic Ocean. The entire forestry industry in the area was looking forward to that laboratory, because they think it will be a great aid to the industry, and we all know of the great shortage of lumber we had earlier this year, which pushed the price of lumber for homebuilding so high.

I believe this has been a very perceptive committee, and a very accomplishing committee. With a tight budget, they have made every dollar count, and hav-

ing worked in behalf of these projects, and appeared before the committee and presented papers, and knowing of their very diligent work, I wanted to pay this tribute to their hard work on this bill.

Mr. BIBLE. Of course, we are always happy to accept bouquets, and we appreciate that one.

We are particularly proud of the fact that this cleans up the land acquisition for the Padre Island National Seashore. That is a very difficult thing to do. I think it comes within $100,000, or thereabouts, of picking up all the land acquisition for the Guadalupe Mountains National Park as well.

The longer it takes us to acquire these lands, the more it costs. We are happy to have made that headway, and I hope we can make equal headway in the years ahead in acquiring land, because this is one of the most perplexing problems we find in all of the park areas.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BIBLE. I am happy to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I tender to the able chairman of the subcommittee a very-well-deserved bouquet. At all times during the hearings, during the markup of the bill, during the presentation of the bill on the floor, and during its journey through conference, he has displayed that diligence of which we are told that if a man has it, he will "stand before kings"; and he also displayed a complete knowledge of the bill in all of its aspects. He has demonstrated a fairness and a thoroughness which I think provides a shining example to everyone in the Senate. He has done a masterful job, and he has performed a service not only to the people of his own State, but also to the people of the Nation. I consider myself fortunate to be a member of the subcommittee which he chairs. I congratulate him and thank him on behalf of the entire Senate for the excellent job he has done.

I am glad that the Senator from North Dakota (Mr. YOUNG) called attention to the good assistance rendered to the chairman and all the members of the subcommittee by our able staff assistant, Paul Eaton.

Mr. BIBLE. I appreciate the bouquet. I believe we have done the best we could for the bill. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12781) entitled "An Act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1970, and for other purposes."

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 41, to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 15 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$95,755,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 16 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$39,331,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 20 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$26,600,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 24 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$1,959,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 35 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$42,137,000".

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 40 to the aforesaid bill, and concur therein with an amendment, as follows: In lieu of the sum proposed by said amendment, insert: "$222,700".

Mr. BIBLE. Mr. President, I move that the Senate concur in the amendments of the House of Representatives to the amendments of the Senate numbered 15, 16, 20, 24, 35, and 40.

The motion was agreed to.

Mr. BIBLE. I thank the Presiding Officer, and I yield the floor.

SOVIET UNION'S SUPPORT OF THE NORTH VIETNAMESE

Mr. DOLE. Mr. President, there is still a little more than 8 hours remaining of moratorium day. There is still time for those who are engaged in activities on moratorium day to demonstrate against our enemy.

I say this because it has just been announced that the Soviet Union today signed an agreement with North Vietnam to supply an estimated $1 billion in arms and aid to North Vietnam and the National Liberation Front.

I hope those demonstrating today, wherever they may be, realize that our enemy is not South Vietnam or that they do not need to demonstrate to reinforce President Nixon's desire for peace.

There is still time to demonstrate that the real reason for the continuation of the war is the reluctance of the North Vietnamese and the Vietcong to do anything to bring about peace.

S. 3036—INTRODUCTION OF A BILL TO INCREASE CRIMINAL PENALTIES UNDER THE SHERMAN ANTITRUST ACT

Mr. HRUSKA. Mr. President, today on behalf of the distinguished Senator from Michigan (Mr. HART) and myself, I am introducing, for appropriate reference, a bill to increase criminal penalties under the Sherman Antitrust Act, for the consideration of the Members of Congress as a possible additional deterrent to violations of the act.

In 1955, the Congress increased the maximum corporate fine for violation of the Sherman Antitrust Act to $50,000. In 1961 and 1962 bills were introduced to increase that maximum fine to $500,000 as a further deterrent to potential offenders, and hearings were held before the U.S. Senate Antitrust and Monopoly Subcommittee. Leading antitrust specialists testified on the measures but no action was taken by the Congress

Recently the Attorney General submitted to the President of the Senate proposed legislation to increase the maximum fine to $500,000 with the added argument that—

> It is needed as an additional tool with which to combat organized crime. The increased penalties will constitute a more effective deterrent against the invasion or conduct of legitimate business by criminal organizations in ways which violate the antitrust laws.

Mr. President, for several Congresses I have introduced legislation to deter the capture of legitimate business by criminal organizations. The proposed bill would create an additional tool that is well worth our consideration.

It should be noted that previous hearings have indicated that the Department of Justice does not file criminal antitrust complaints unless the violations are the hard-core variety and, even then, the court and the Department have complete discretion to determine the amount of the fine anywhere up to the maximum amount.

As a second consideration, I bring to the attention of the Members of Congress that in recent years other legislation involving antitrust penalties has been submitted to the Congress. One bill would amend the Federal income tax laws to change Internal Revenue ruling which permits the defendant to deduct the trebled damages levied in a civil antitrust case as business expenses. Even the tax specialists who support such proposed legislation agree that the present ruling is not an unreasonable one. The ruling is based among other considerations on the theory that the tax laws were enacted to further a national policy on taxes and should not be used as a deterrent to violations of the antitrust laws.

I ask unanimous consent that the Attorney General's letter to the Vice President and the text of this bill be printed at this point in the RECORD.

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

The bill (S. 3036) to increase criminal penalties under the Sherman Antitrust Act, introduced by Mr. HRUSKA (for himself and Mr. HART), 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. 3036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections 1, 2, and 3 of the Act of July 2, 1890, 26 Stat. 209, as amended, are hereby further amended by striking out, in each section where it appears, the phrase "fine not exceeding fifty thousand dollars" and in each instance substituting in lieu thereof the phrase "fine

not exceeding five hundred thousand dollars if a corporation or fifty thousand dollars if any other person."

The letter, presented by Mr. HRUSKA, is as follows:

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., September 29, 1969.
The VICE PRESIDENT,
U.S. Senate,
Washington, D.C.

DEAR MR. VICE PRESIDENT: There is enclosed for your consideration and appropriate reference a legislative proposal "To increase criminal penalties under the Sherman Antitrust Act."

This proposal would increase from $50,000 to $500,000 the maximum fine which may be imposed upon a corporation for a criminal violation of the Sherman Act. (15 U.S.C. 1 *et seq.*) These violations involve principally price-fixing, boycotting, allocation of customers, and allocation of territories. It would effect no change in the fine with respect to natural persons.

The maximum fine for violations of the Sherman Antitrust Act was increased to $50,000 in 1955. Since that time the assets and profits of corporations have increased dramatically, while the purchasing power of the dollar has decreased greatly. Consequently, the basic purpose of such a fine—to punish offenders and to deter potential offenders—are frustrated because the additional profits available through prolonged violation of the law can far exceed the penalty which may be imposed. The $50,000 statutory maximum makes fines in criminal antitrust cases trivial for major corporate defendants.

To maintain the intended effect of the maximum fine established in the 1955 amendment to the Sherman Act, which is related to corporate profits of fourteen years ago, the increase is obviously needed.

It is also needed as an additional tool with which to combat organized crime. The increased penalty will constitute a more effective deterrent against the invasion or conduct of legitimate business by criminal organizations in ways which violate the antitrust laws.

This proposed increase would be of valuable assistance in the effective enforcement of the Sherman Act in regard to large corporations without placing an undue hardship upon small business enterprises. There is no minimum fine provision and the courts and this Department would continue to exercise discretion in the imposition and the recommendation of fines.

The Department of Justice urges the prompt enactment of this important measure.

The Bureau of the Budget has advised that there is no objection to the submission of this proposal from the standpoint of the Administration's program.

Sincerely,

JOHN N. MITCHELL,
Attorney General.

Mr. HART. Mr. President, I am pleased to join with the Senator from Nebraska in cosponsoring a bill to increase the penalty in criminal cases under the Sherman Antitrust Act against corporations from $50,000 to $500,000.

Penalties for criminal antitrust violations have long been too low to be an effective deterrent or to adequately punish the offender.

In 1944, Mr. Justice Jackson observed:

The antitrust law sanctions are little better than absurd when applied to huge corporations engaged in great enterprise. (*U.S. v. South-Eastern Underwriters Ass'n.*, 322 U.S. 533, 591 at note 11).

Today there are many more huge corporations and their sizes have been greatly enlarged since 1944. This has been due largely to the merger movement since World War II—first horizontal and vertical mergers and, now, conglomerates.

Not only have capital assets tremendously increased but so also have net dollar profits. What deterrent effect can a fine of $50,000 have on a corporation with capital assets of over a billion dollars?

A penalty of that amount to a corporation with a net income over $100 million is like an overtime parking ticket to the average automobile driver. Many corporations have net incomes of more than $100 million, running as high as $1.75 billion by General Motors and $1.25 billion for Standard Oil of New Jersey.

Mr. President, I commend my distinguished colleague from Nebraska and the administration for offering this bill. It should increase the effectiveness of our antitrust laws as a deterrent to harmful economic concentration, and as such, should help decrease the burden on the Department of Justice and the courts created by antitrust prosecutions.

Yet, this bill does not lessen the need for my bill, S. 2156, which is pending in the Finance Committee.

S. 2156 would reverse Revenue Ruling 64–224, issued July 24, 1964, by the Internal Revenue Service. The ruling allowed electrical equipment manufacturers to deduct as a business expense treble damages awarded in a price-fixing suit.

It appeared to me then, and it appears to me now that the ruling was not well founded in law, passed onto the public part of the cost of penalty and destroyed the primary purpose of giving treble damages instead of simple damages to those injured.

It appears that the treble damage provision was intended to encourage private suits as an aid to enforcement of the antitrust laws. In fact, according to testimony received by the Senate Antitrust and Monopoly Subcommittee, private enforcement is becoming more effective than Government prosecution. The IRS ruling seriously dilutes the effectiveness of this approach in that the penalty paid by the defendant has been reduced by about one-half.

While an increase in the criminal penalty will aid antitrust enforcement, it will not correct the burden placed on the public Treasury by the IRS ruling.

Equally important, increased fines will not affect cases in which the Justice Department does not prosecute criminally. In fact I believe only 40 percent or less of the total antitrust actions filed in recent years were criminal cases, although the Sherman Act is primarily a criminal statute.

Therefore, the use of private antitrust suits should be encouraged rather than discouraged.

S. 2156 would restore the effectiveness of this approach by reversing IRS ruling 64–224. It would make two-thirds of the damages paid subject to income tax.

The bill also removes two-thirds of the damages received by the plaintiff from gross income. The purpose of this provision is to restore an inducement for private action which was believed by most antitrust experts to be the law prior to 1955. However, in *Glenshaw Glass Co. v. Commissioner*, 348 U.S. 426, the Supreme Court, in a ruling involving the income tax statute, decided against a plaintiff who deducted antitrust damages from gross income. S. 2152 would restore this inducement to prospective plaintiffs.

Mr. President, I hope the bill increasing the criminal penalty maximum will be passed. I also urge the Finance Committee to make S. 2152 a part of the omnibus tax bill. We need both bills to establish a balanced deterrent and meaningful penalties in the fight against growing economic concentration.

THE NOMINATION OF JUDGE HAYNSWORTH

Mr. HRUSKA. Mr. President, I should like to discuss some of the aspects of the upcoming debate on the nomination of the Honorable Clement F. Haynsworth, presently a judge of the fourth circuit court, to be Associate Justice of the Supreme Court.

During colloquy on confirmation yesterday, a question was posed by one of our colleagues as to the line of demarcation between the power of appointment by the President and the role of the Senate in advising and consenting to a nomination by the President of a Justice to the Supreme Court.

I found upon reviewing the debates and the hearings in 1967 on the nomination of Justice Thurgood Marshall that there was some good, pertinent debate on this question.

First, I read a statement made by me on the subject during the hearings:

In common with other members of the Judiciary Committee, I have received many letters, some pro and some con. Often the proposition has been expressed that the nominee is far too liberal for the writer of the letter and is the basis for opposing his nomination. There has been contention from time to time that we should preserve on the Supreme Court some balance between the so-called liberals and the so-called conservatives.

I am not sure what those terms (liberal and conservative) mean, since they are meaningless until a decision attaches to a particular case. In the Supreme Court, that scope will be great, that range will be wide. However, the nominating power lies with the President of the United States; and if it is his desire to appoint someone he considers liberal, that is his prerogative. If he wants to appoint someone he considers conservative, that is also his prerogative.

I do believe that we, as members of the Judiciary Committee, should inquire into the integrity, the competence, and the record of a man, and primarily on that basis, decide whether he is suitable for service on the Supreme Court. I have gone over the file of the hearings that were conducted when the nominee was considered for the circuit court, and later for Solicitor General. I have also studied his biographical data; and I have come to the conclusion that when the proper time arrives, I shall cast a vote in favor of his confirmation to be an Associate Justice of the U.S. Supreme Court.

In the hearings and during the floor debate, I observed that the political philosophy as well as the ideology possessed by that nominee was not what I would prefer if I were to make a first choice for that office. Nevertheless, the nominee

having satisfied the requirements of the advice and consent procedure, I stated that it would be my intention to vote for him. And, in fact, I did vote for his confirmation.

In response to letters from constituents and others who objected, my general reply was that it was for the President to make an appointment and choose the philosophy and ideology and that if anyone disapproved of the nomination on that basis, he should make it his business to vote for a new and different President. And millions of people in America did just that last fall. And we now have before us a nominee with a different philosophy.

Having applied the rule that the power of appointment is in the President during the 8 years of an administration not of my political party, I do believe it would be only fair that that same rule be applied now that there has been a change in the political party in the White House.

However, I read now from the floor debate on August 30, 1967, in which the senior Senator from Massachusetts (Mr. KENNEDY) participated with reference to the confirmation of Associate Justice Thurgood Marshall:

> I know that there have been questions raised during the course of the afternoon about the temperament and judicial philosophy of Judge Marshall. I believe it is recognized by most Senators that we are not charged with the responsibility of approving a man to be Associate Justice of the Supreme Court only if his views always coincide with our own. We are not seeking a nominee for the Supreme Court who will express the majority view of the Senate on every given issue, or on a given issue of fundamental importance. We are really interested in knowing whether the nominee has the background, experience, qualifications, temperament, and integrity to handle this most sensitive, important, and responsible job. Mr. President, I think that Thurgood Marshall has demonstrated that he does have these qualifications and qualities.
>
> In addition, as Senators, we bear a considerable responsibility to the President. The President is charged under the Constitution with sending to the Senate, for the advice and consent of the Senate, all nominations for the Supreme Court. I think it is important to realize that every one who votes against Judge Marshall's nomination this afternoon is also suggesting by his vote that the President has not really met his responsibility in making this recommendation and suggestion to the Senate and to the American people.
>
> The responsibility of the President is quite clear; he has exercised it and exercised it well, I believe. Our responsibility for advising and consenting to this nomination is also clear, and I am sure we will meet it.

That was a portion of the argument used by the senior Senator from Massachusetts on August 30, 1967.

I again suggest that this type of reasoning and this attitude regarding the power of appointment which resides in the President of the United States should be followed now in the year 1969 just as faithfully and just as willingly as it was in 1967 with Justice Thurgood Marshall, as it was before that with Arthur Goldberg, and as it was on a previous occasion when Justice Fortas was approved as associate justice of the Supreme Court.

Mr. President, it would be well to consider in some detail the case for nomination and confirmation of Judge Haynsworth.

The case consists of two basic parts. The first is the impressive volume of evidence which shows Judge Haynsworth to be a man of impeccable integrity, sound judicial temperament, and of the highest professional competence. The second part of the case consists of the total destruction of the attacks made upon him.

The Senate will not formally take up the nomination for some days. In the meantime it is likely that the debate, already begun, will continue. It is my hope that the Senate will approach this issue in a way consistent with its constitutional responsibility to advise and consent.

We now have available, in printed form, the transcript of the Haynsworth hearings before the Judiciary Committee. It contains 762 printed pages. This record is the one on which a majority of that committee voted to report the nomination to the Senate. We shall soon have the majority and minority reports.

So I venture the hope that each Senator, whether or not he has already taken a public position on this matter, will study the hearing record most carefully and most thoroughly. It is vain to hope that the controversy over this matter can be confined to the Senate where the responsibility for decision lies. There will still be press conferences and news releases and television and radio interviews. My only plea is that between now and the time the Senate considers the Haynsworth nomination, such activities and such expressions be related to facts.

That volume of hearings shows a number of things. It shows that Judge Haynsworth has the complete confidence of the President of the United States who nominated him. There was the initial expression of support and of confidence when the nomination was made; and there was later a letter to the minority leader of the Senate reaffirming that confidence. The President reviewed the record as it had developed, so that he was current with the situation before he reaffirmed his support. This record also shows that Judge Haynsworth has the support of the present Attorney General of the United States, just as he had the "complete confidence" of an earlier Attorney General, Robert F. Kennedy.

The American Bar Association, through the chairman of its Standing Committee on the Federal Judiciary, testified:

> It is the unvarying, unequivocal, and emphatic view of each judge and lawyer interviewed that Judge Haynsworth is, beyond any reservation, a man of impeccable integrity.

The ABA rated him high in judicial temperament, and lawyers and Federal district judges in his circuit "put him right at the top of those who would be eligible" for appointment to the Supreme Court. The bar reiterated its position this past Sunday after it had reviewed all of the attacks which have been made on the judge.

There is a considerable amount of similar testimony favoring Judge Haynsworth, all from persons of outstanding competence to speak on the issue.

The record also contains quite a few surprises for those whose knowledge of the hearings came from the television news programs or the headlines in the papers: For example, the South Carolina civil rights lawyer's colorful and sincere testimony to Judge Haynsworth's integrity; the statement by the liberal Arizona lawyer-teacher-author, a distinguished authority on judicial ethics, who argued that Judge Haynsworth had a clear duty to sit in the so-called Darlington case; and the statement of the Wisconsin law professor, who was primarily responsible for the original HEW school desegregation guidelines, in which he said Judge Haynsworth "will make a first-rate associate justice."

The printed hearings contain the testimony of Judge Haynsworth himself and his response to the questions of each member of the committee who cared to ask them. For over 113 pages, the nominee patiently and painstakingly addressed himself to a wide variety of lines of inquiry. Those 113 pages deserve reading by every Senator.

Finally, the hearing record contains the statements of the attackers of Judge Haynsworth. These attacks fall generally into three areas: First, he is anti-civil rights; second, he is anti-organized labor; and, third, he is unethical.

Senator COOK and I have already analyzed, in letters and memorandums dated October 6 and October 9 the attacks on Judge Haynsworth's decisions in civil rights and labor cases.

Today we have sent to all Senators a memorandum dealing with Judge Haynsworth's ethical standards.

Mr. President, I ask unanimous consent that the letter of transmittal, signed by the junior Senator from Kentucky and myself, be reprinted in the RECORD at this point.

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

OCTOBER 15, 1969.

Honorable
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Enclosed is the third memorandum which we promised to furnish to all Senators concerning the nomination of Judge Clement F. Haynsworth, Jr., to be Associate Justice of the Supreme Court. It deals with his proven record as a judge of high ethical and moral standards.

There have been many attacks upon Judge Haynsworth's conduct, and we know that these attacks have troubled many of our colleagues. After reviewing the law, the canons, and the facts, however, we are certain these doubts will be resolved in Judge Haynsworth's favor.

It has been said that a nominee who has been so vigorously attacked should not sit on the court because his selection may reflect unfavorably on the Court. Unfounded accusations alone cannot disqualify an otherwise qualified man. Nothing can be more repugnant to our fundamental sense of justice. Rejecting a nominee who has done no wrong, merely because accusations have been made, cannot bring credit to the Senate or to the Court.

The materials we have furnished you, together with the printed hearing record, establish three essential facts: Clement Hayns-

worth is a scholarly, practical judge who will be an outstanding addition to the Supreme Court; he is a man who demonstrates no bias toward any litigant but decides each case with absolute intellectual honesty; he is an ethical and moral judge.

As we have said in our two previous letters, we urge that you consider the whole record before making your decision.

With kind regards.

Sincerely,

ROMAN L. HRUSKA,
U.S. Senator.
MARLOW W. COOK,
U.S. Senator.

Mr. HRUSKA. Mr. President, there have been accusations of improper conduct leveled against Judge Haynsworth. Some accusations were made during the hearings and some were made after. The press has given wide coverage of all the attacks. Day after day, the accusations were repeated on the Senate floor, on television and radio, and in the newspapers and magazines.

Then, in common with my colleagues, I began receiving a few letters from constituents who had been deluged with this coverage. Some of them said: "Where there is smoke, there must be fire." Several suggested that the judge's reputation had been so sullied that it would only bring discredit on the Court now to confirm him, regardless of the ultimate truth of the accusations.

Let me suggest, Mr. President, if the Senate would ever dare allow the reputation of a distinguished jurist to be ruined and a nominee possessing outstanding qualifications to be rejected because of accusations that have so little basis in truth, this body will have violated every principle for which it stands. The Senate would be shamed, the Court would be shamed, and the Nation would be shamed.

Mr. President, we must look to the law and to the facts. We must allow Judge Haynsworth to be judged, himself, on the basis of the entire record.

I do not suggest for a moment that we should confirm a man who does not meet the highest ethical standards. That is why the Senate must carefully review each of the accusations against him. I have done so and I am confident that Judge Haynsworth has met his duty under statute and canons.

CAROLINA VEND-A-MATIC

Mr. President, there is no rule, law, or canon that says a judge cannot invest in business enterprises or own stock. Unless we are now, in 1969, going to create a new rule applicable to conduct in 1964, the Senate must concede that there is no validity whatever to the accusation that Judge Haynsworth violated any canon by participating in ownership of the business of Carolina Vend-A-Matic.

The judge himself was absolutely candid about his relationship with this company. He stated that he attended the weekly luncheon meeting of the board of directors. He participated in the discussions. He concerned himself with the financial health of the corporation. This is all in the hearing record.

He did not, and he so stated under oath, participate in soliciting business for Carolina Vend-A-Matic. In 1964 Judge Sobeloff affirmed that Judge Haynsworth had not sought business for the company.

He made a wise investment in Carolina Vend-A-Matic. He got in on the ground floor of an infant and increasingly prospering industry. When his company and its competitors grew amazingly, he profited from it. There is no violation of the canons of ethics here.

I have authority for my position. Judge Sobeloff and the circuit judges of the fourth circuit who reviewed Judge Haynsworth's association with Carolina Vend-A-Matic and the company's association with the Darlington Manufacturing Co. in 1964, expressed complete confidence in the judge.

The American Bar Association established there was nothing improper about his relationship with this company.

John P. Frank testified as an expert on legal disqualification: Judge Haynsworth not only was not legally disqualified because of his association with Carolina Vend-A-Matic, he had a duty to sit.

This analysis applies to the Darlington case and any other case coming before the court which involved a litigant doing business with Carolina Vend-A-Matic.

SUBSTANTIAL INTEREST

Judge Haynsworth, at no time, has violated 28 U.S.C. sec. 455 or the Canons of Judicial Ethics, or ABA Formal Opinion 170. There have been accusations to the contrary, but they do not stand up to critical analysis.

Three cases involve subsidiaries of companies in which Judge Haynsworth owned stock: Farrow against Grace Lines, Inc., 381 F.2d 380 (1967); Maryland Casualty Co. against Baldwin, 357 F.2d 338 (1966); Donohue against Maryland Casualty Co., 363 F.2d 442 (1966). 28 U.S.C., sec. 455 says a judge shall disqualify himself where he has a substantial interest in the case. There was no substantial interest in these cases. Any interest clearly was de minimis. The Grace case involved a $50 judgment. As the holder of 300 shares, 1/60,000 of the parent company, W. R. Grace, the actual impact of the case on Judge Haynsworth cannot be measured. Assuming the worst conceivable result in the case, the impact on the judge would have been $0.48.

Judge Haynsworth had stock in the parent company of Maryland Casualty Co.: 200 preferred shares, 59/1,000,000 of those outstanding, and 67 common shares, 15/1,000,000 of those outstanding. Again the impact is so small it cannot be measured.

There is no opinion of the ABA stating that this sort of negligible interest in a parent of a litigant is grounds for disqualification. Formal Opinion 170 does not reach this point. And the California Supreme Court concluded a judge was not disqualified when it ruled on the point in Central Pacific Railway Co. against Superior Court, 296 Pac. 883 (1931).

Judge Haynsworth and Judge Winter both testified that they look to the canons of the ABA for guidance in ethical questions. They also stated and no one can disagree, that Federal statute lays down the basic rule. That rule, as interpreted by the courts, is that a judge must sit unless he is disqualified. Judge Haynsworth was not disqualified.

The case of Brunswick Corp. against Long, represents, as the distinguished Senator from Kentucky (Mr. COOK) said on Monday, a lapse of memory, not morals. Judge Haynsworth purchased Brunswick stock before the formal opinion in the case had been handed down. He did nothing wrong, he performed no discretionary act proscribed by ABA Opinion 170. Clearly, however, it would have been better not to have bought the stock. Judge Haynsworth agrees wholeheartedly.

Having purchased the stock before remembering that the case was not formally concluded, Judge Haynsworth acted reasonably under the circumstances. A three-judge panel had heard the case, studied the briefs, and made their decision. It was clear cut. There was no doubt as to the outcome. No one had been deprived of justice. To disqualify himself at this point would have meant a rehearing, appointment of a new panel, rescheduling of the case, and so forth. It simply was not worth it. In the Subcommittee on Judicial Improvement, of which I am a member, we have hearings every year or every 2 years on the problems of crowded court dockets and the shortage of judges. We had hearings on a bill to provide more circuit judges, and that became law in 1968. We had hearings on intercircuit assignment of judges to fight backlogs. This year we had hearings on a bill to provide more district judges.

We must afford the time, money, and manpower to see that justice is done. We cannot afford the luxury of bending over backwards to avoid the most remote accusations of conflict of interest. These are the reasonable guidelines Judge Haynsworth followed.

PENSION AND PROFIT-SHARING PLAN

Mr. President, I turn now to the pension and profit-sharing plan, upon which there has been an effort to base complaints against the nominee.

In 1962 Congress passed a disclosure law covering pension and profit-sharing plans having 25 or more employees. The purpose was to insure that the employees and beneficiaries know the status of the fund and the use the money was put to.

The fund set up by Carolina Vend-A-Matic, of which Judge Haynsworth was a trustee, furnished a description of the plan to participants at the inception and gave an annual statement of accounts to them.

There was no filing of a one-page short form description of the plan with the Department of Labor. As most of my colleagues who are familiar with this sort of business operation know, a trustee would not be involved in the preparation and filing of such reports in the normal course of business. That is a clerical matter to be handled by whoever is keeping the records.

This administrative failure could not be considered a violation of the penalty provisions of the law, 29 U.S.C. sec. 308. Penalties are provided for willful failure

to comply. It will be strictly construed. In fact, the reported cases deal only with the refusal of administrators of plans to give the information to employees when it has been demanded by the Department of Labor. That is not the case here.

FACTUAL ERRORS IN ACCUSATIONS

I have been dealing so far with the actual facts as produced in the record. My purpose is to remove the innuendo and suspicion that have arisen from an understanding of only a part of the record.

In addition, however, there are factual accusations made subsequent to the hearings that are demonstrably false. I will cover them briefly.

It was charged that Judge Haynsworth held a substantial interest in litigants in Merck against Olin Mathieson Chemical Corp., 253 F. 2d 156 (1958) and in Darter against Greenville Community Hotel Corp., 301 F. 2d 70 (1962). I understand that everyone has conceded these charges were in error.

But here is a new and additional error in charges made in the bill of particulars "Judge Haynsworth endorsed notes for the corporation in amounts as high as $501,987. Some of the notes were endorsed after he assumed the bench."

Mr. President, Judge Haynsworth testified that he did endorse notes on behalf of the corporation to secure credit for the corporation at a time prior to the time that it had earned a credit rating that would allow it to stand on its own feet. He also was indefinite as to the precise amount of loan endorsed.

That is understandable. In 113 pages of testimony, it would be difficult to draw on one's memory for transactions that had occurred 6 or 7 years ago, or 10 years ago.

I have a notarized affidavit of T. C. Cleveland, Jr., executive vice president for the western region of the South Carolina National Bank. That clarifies the issue.

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

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

(See exhibit 1.)

Mr. HRUSKA. Mr. President, I read from that affidavit:

> The company had been started with a minimum of capital and its tangible assets consisted primarily of vending equipment, which, in my opinion, had little resale value. Until its credit worthiness was proven by an history of ability to service its installations and produce profits, I felt it was entitled to no bank credit, except upon the endorsement of its principal stockholders, who, at that time, were Eugene Bryant, Robert E. Houston, Jr., W. Francis Marion, Christie C. Prevost, and Clement F. Haynsworth, Jr.
>
> On that basis a succession of loans were made to Carolina Vend-A-Matic Company on the endorsement of its principal stockholders, though by 1957 the Bank had agreed that it would look to each endorser only for his pro rata portion of the total amount of each loan.
>
> The last such endorsed loan was made on January 25, 1960 in the amount of $14,000. That loan was repaid on February 16, 1960, and there were no further loans made to Carolina Vend-A-Matic Company until June 9, 1961. By that time Carolina Vend-A-Matic Company's proven success in the operation of its business established its own credit rating and all of the loans made thereafter were without endorsement of any of the stockholders.
>
> Altogether the Bank made some fifty-six loans to Carolina Vend-A-Matic Company, though many of these loans were renewals of existing balances. The largest balance of endorsed loans ever outstanding was $55,550 on February 19, 1961.

Mr. President, I do not charge there has been any effort to mislead or misrepresent when the bill of particulars reads, "Judge Haynsworth endorsed notes of the corporation in amounts as high as $501,000." That I would not do, because the Senator from Indiana is a highly respected Member here. He is an honorable gentleman. He would engage in no form of chicanery or misrepresentation. I would accord him every bit of sincerity and honesty and diligence in his efforts to prosecute the case he has. However, here is an error that is tenfold. It was not over $500,000. It was $55,000.

I have an idea that one of the reasons why the mistake was made—an honest mistake, I would assume, with every fair intendment—was that this figure was confused with the cumulative total of loans made from time to time.

That was one possibility. But there is another possibility, and I come to that now.

When the junior Senator from Kentucky pointed out the tenfold error in the statement of endorsed notes, the newspapers reported the rebuttal attributed to the staff of the Senator from Indiana (Mr. BAYH) that the $501,000 figure came from the records of the Securities and Exchange Commission. That also appears to be an error, but it sheds some light.

Mr. President, as a lawyer, I have learned that the place to go for evidence is the place where the evidence can best be secured. Accordingly, a letter was addressed to the Securities and Exchange Commission. The Chairman of the Commission, Hamer L. Budge, replied in reply to a letter by me dated October 14.

I ask unanimous consent that my letter of October 13, 1969, to Chairman Budge, his reply and memorandum, and page 4 of the ARA filing be printed at the conclusion of my remarks.

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

(See exhibit 2.)

Mr. HRUSKA. Mr. President, here is how I believe the error happened: This consolidated balance sheet shows that there is a total of corporate obligations of $303,000 in installments due within 1 year, and some $198,000 in installments due after 1 year. The total of those items is $501,000. But as the communication from the Securities and Exchange Commission discloses:

> While these filings indicate that Carolina Vend-A-Matic Company had indebtedness outstanding, there is no information that anyone other than the company is liable for such indebtedness.

This clearly shows that the SEC records showed only corporate liability and not that of the stockholders of that corporation.

Again, Mr. President, I acknowledge the good intentions of the author of that bill of particulars, but this error being as gross as it is, and being directed at trying to attack his nomination, is something that we should very much take into consideration in connection with the other demonstrated and proven inaccuracies in the bill of particulars.

Again I reiterate, Mr. President, that I am confident it was an honest mistake; but it was a mistake, and a grievous one.

All of us know the burden of the office which we try to discharge in this Chamber. We have to rely upon staff and others to assemble information for us. But nevertheless it was a mistake. However honest it might be, now, it seems to me, it should be dropped, or the mistake should be acknowledged, unless the author of the bill of particulars has some information which would refute the evidence to which I have just referred.

ETHICAL SENSITIVITY

Mr. President, Judge Haynsworth is a man who has displayed sensitivity to ethical problems throughout his service on the court. As I have discussed in regard to the accusations against him, he was neither unethical or insensitive. He followed the Federal law, canons and rules of court.

He is a man who, in 1957, resigned from all of his positions in publicly held corporations. He did not have to do that.

The rule of court prohibiting judges from holding memberships on boards of directors was not promulgated by the Judicial Conference of the United States until 1963. He resigned all of his directorships in publicly held corporations some 6 years earlier. Many Federal judges did hold directorships in such corporations. But he knew his name would be published in connection with financial statements and other public statements and he felt it was improper to be held out to the public in such a position while he was serving on the Federal court. Six years later, in 1963, the Judicial Conference agreed with him and passed a resolution that judges should not hold directorships.

In 1963, he also resigned from his position as director of two closely held corporations. This sort of organization had been included in the Judicial Conference resolution, and he readily complied.

He submitted all these facts concerning his position in one closely held corporation, Carolina Vend-A-Matic, to the judges of the court of appeals in 1963, and they were reviewed in the letter that was then written as a report of exoneration by the then presiding judge, Judge Sobeloff.

Judge Haynsworth was so sensitive to his position on the court that when his stock ownership in Carolina Vend-A-Matic became public knowledge, he took steps to dispose of it. That is a step no court, no statute, and no canon requires of a judge. Yet he was sensitive to his position. If one wishes to try to measure his sensitivity, he sold his interest for one-third of what it would be worth today. Had he continued in ownership of that stock until the present day, he would have obtained $1 million more for it than the price for which he sold it back there in 1964. And that increase was

not a speculative one. The vending business in 1963 was booming and could be expected to continue booming—not only for the Carolina Vend-A-Matic Co. and other companies in the Carolinas, but for companies all over the country. It was a good investment.

The judge was fortunate, as were many thousands of other people who invested in similar businesses.

Mr. President, that is what the record shows here. The nominee has conscientiously followed the ethical standards applicable to him. He has exhibited sensitivity to the ethical problems which confront a Federal judge. He has acquitted himself with dignity and honor.

I trust that the nomination will be considered by the Senate on the basis of the records as they have been corrected. The corrections are made reluctantly because we do not like to correct a record made by our colleagues unless there is sound and proper basis therefor. I hope and urge that favorable consideration be given to his confirmation.

Mr. President, I yield the floor.

EXHIBIT 1

AFFIDAVIT OF T. C. CLEVELAND, JR.

STATE OF SOUTH CAROLINA,
County of Greenville, ss:

Personally appeared before me T. C. Cleveland, Jr., who being duly sworn, deposes and says:

I am the Executive Vice President for the Western Region of The South Carolina National Bank, with my headquarters in Greenville. Earlier, I was in charge of the Greenville Branch of The South Carolina National Bank and, beginning in 1952, I was personally responsible for the approval of credit to Carolina Vend-A-Matic Company.

The company had been started with a minimum of capital and its tangible assets consisted primarily of vending equipment, which, in my opinion, had little resale value. Until its credit worthiness was proven by an history of ability to service its installations and produce profits, I felt it was entitled to no bank credit, except upon the endorsement of its principal stockholders, who, at that time, were Eugene Bryant, Robert E. Houston, Jr., W. Francis Marion, Christie C. Prevost, and Clement F. Haynsworth, Jr.

On that basis a succession of loans were made to Carolina Vend-A-Matic Company on the endorsement of its principal stockholders, though by 1957 the Bank had agreed that it would look to each endorser only for his pro rata portion of the total amount of each loan.

The last such endorsed loan was made on January 25, 1960 in the amount of $14,000. That loan was repaid on February 16, 1960, and there were no further loans made to Carolina Vend-A-Matic Company until June 9, 1961. By that time Carolina Vend-A-Matic Company's proven success in the operation of its business established its own credit rating and all of the loans made thereafter were without endorsement of any of the stockholders.

Altogether the Bank made some fifty-six loans to Carolina Vend-A-Matic Company, though many of these loans were renewals of existing balances. The largest balance of endorsed loans ever outstanding was $55,550 on February 19, 1961.

Judge Haynsworth on several occasions in the early history of Carolina Vend-A-Matic Company discussed its credit needs with me. He became a member of the Bank's local advisory committee and, later, a member of its subcommittee on loans. When he became a member of the loan committee, I distinctly recall his telling me that he would have nothing further to do with the matter of credit to Carolina Vend-A-Matic Company. He informed me that thereafter I should handle all such matters with Mr. Francis Marion on behalf of Carolina Vend-A-Matic Company and that as a member of the loan committee he would take no position upon approval or disapproval of credit to it. Still later, Judge Haynsworth became a member of the Bank's Board of Directors, a position from which he resigned after his appointment to the United States Court of Appeals for the Fourth Circuit. During all of that period Judge Haynsworth had nothing to do with the negotiation of or arrangements for the extension of credit to Carolina Vend-A-Matic Company, though until January 25, 1960 he continued to endorse the notes of Carolina Vend-A-Matic Company in his individual capacity.

On February 15, 1962, the Bank made a real estate loan to Carolina Vend-A-Matic Company to finance the construction of an addition to its warehouse. In 1964, when this real estate was distributed as a dividend in kind to the stockholders of Carolina Vend-A-Matic Company and the balance of its mortgage loan was paid off by the stockholders, upon Judge Haynsworth's instructions on April 20, 1964 his account was charged the amount of $2,911.73 to pay off his portion of the remaining balance of this mortgage note.

Attached to this affidavit are the Bank's ledger sheets reflecting all transactions with Carolina Vend-A-Matic Company other than the mortgage loan mentioned above. I believe that all of Carolina Vend-A-Matic Company's bank loans were handled by The South Carolina National Bank, though from time to time it bought equipment on conditional sales contracts or other credit arrangements with its vendors.

T. C. CLEVELAND, JR.

EXHIBIT 2

OCTOBER 13, 1969.

Hon. HAMER L. BUDGE,
Chairman, Securities and Exchange Commission, Washington, D.C.

DEAR MR. CHAIRMAN: During the Senate consideration of the nomination of Judge Clement F. Haynsworth, Jr., to be Associate Justice of the United States Supreme Court, a factual issue has arisen which the records of the Securities and Exchange Commission may be able to resolve.

From the years 1957 to 1963 Judge Haynsworth was a director of Carolina-Vend-A-Matic, a South Carolina corporation. In 1964 this corporation was acquired by Automatic Retailers of America, Inc. As I understand the organization, the former Carolina-Vend-A-Matic operation is now a part of ARA Services, Inc.

It has been reported that the records of the Securities and Exchange Commission show that Judge Haynsworth was personally liable in the amount of $501,987 on notes he endorsed to secure credit for Carolina-Vend-A-Matic during the years 1957 to 1964. It would be appreciated if the accuracy of this figure could be verified. Further, it would be helpful if you could tell me whether this figure represents the cumulative personal liability of Judge Haynsworth or whether it is the highest amount of personally endorsed notes outstanding at any time. I would appreciate knowing specifically what was the highest amount of personal liability at any time if that information is available to you.

I propose to make public the information given me as an important part of the debate and discussion on this nomination.

With kind regards,

Sincerely,

ROMAN L. HRUSKA,
U.S. Senator.

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., October 14, 1969.

Re Carolina Vend-A-Matic and ARA Services, Inc., formerly Automatic Retailers of America, Inc.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: In response to your letter dated October 13, 1969 which requests verification of certain information relating to the endorsement of certain notes of Carolina Vend-A-Matic by Judge Clement F. Haynsworth, Jr., I am enclosing a memorandum prepared by our Division of Corporation Finance.

If I can be of any further assistance, please let me know.

Sincerely,

HAMER H. BUDGE,
Chairman.

MEMORANDUM PREPARED BY DIVISION OF CORPORATION FINANCE, SECURITIES AND EXCHANGE COMMISSION, WITH RESPECT TO SENATOR HRUSKA'S LETTER, DATED OCTOBER 13, 1969, TO CHAIRMAN BUDGE IN REGARD TO JUDGE CLEMENT F. HAYNSWORTH, JR.

ARA Services, Inc. (formerly Automatic Retailers of America, Inc.) has filed with the Commission, under dates of March 16 and 20, 1964, as amendments to its registration statement No. 2-20395 under the Securities Act of 1933, information with respect to the transaction by which the shareholders of Carolina Vend-A-Matic Company, Greenville, South Carolina, exchanged their interest in that company for shares of ARA Services, Inc. Similar information was furnished in a current report on Form 8-K, filed May 11, 1964, under the Securities Exchange Act of 1934 and in New York Stock Exchange listing application No. A-21614, dated March 26, 1964. While these filings indicate that Carolina Vend-A-Matic Company had indebtedness outstanding there is no information that any one other than the company is liable for such indebtedness.

Carolina Vend-A-Matic Company has not made any filings under the statutes administered by the Commission. It does not appear that any such filing was required.

There does not come to mind any company other than those mentioned whose filings with the Commission might contain information about the subject of the inquiry.

Carolina Vend-A-Matic Co. and wholly-owned subsidiaries, consolidated balance sheet, December 31, 1963

ASSETS

Current assets:	
Cash	$156,409.74
Savings and loan association deposits	42,621.20
Accounts receivable	5,638.34
Inventory	89,706.26
Prepaid interest	46,507.33
Total current assets	340,882.87
Fixed assets (partly pledged):	
Buildings	78,075.99
Vending machines	1,126,249.12
Miscellaneous equipment	49,341.23
Autos and trucks	133,356.89
Office furniture and fixtures	31,488.62
Leasehold improvements	2,786.95
Subtotal	1,421,298.80
Less allowance for depreciation and amortization	641,355.30
Subtotal	779,943.50
Land	9,125.00
Subtotal	789,068.50
Other assets:	
Organization expense	1,070.00

Carolina Vend-A-Matic Co. and wholly-owned subsidiaries, consolidated balance sheet, December 31, 1963—Continued

ASSETS—Continued

Other assets:	
Sundry	1,050.67
Subtotal	11,217.49
Total	1,141,168.86

LIABILITIES

Current liabilities:	
Accounts payable	73,247.35
Commissions payable	27,815.97
Other accrued Expenses and sundry liabilities	16,050.61
Notes payable (installments due within 1 year)	$303,644.95
Provision for income taxes	97,315.06
Total current liabilities	518,073.94
NONCURRENT LIABILITIES:	
Notes payable (installments due after one year)	198,253.71
STOCKHOLDERS' EQUITY:	
Capital stock—par value $100.00 per share	12,700.00
Paid-in surplus	16,900.00
Earned surplus	395,241.21
Total	1,141,168.86

(The following colloquy, which occurred during the delivery of Mr. HRUSKA'S address, is printed at this point in the RECORD on request of Mr. HRUSKA and by unanimous consent.)

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

Mr. HRUSKA. I yield.

Mr. HOLLAND. I wanted to comment on something the Senator just said, because there was a similar matter that came up when the nomination of Mr. Justice John Parker, the presiding judge of the same circuit court of appeals, was before this body.

I know, from having talked personally with two of the distinguished former Members of this body—both of whom are now no longer with us—who voted against confirmation of Judge Parker, that they felt that they had been misled by the propaganda, particularly by the propaganda coming from the labor organizations. One of them went so far as to say to me on two occasions—he was the distinguished former senior Senator from Georgia, Mr. George—that he regretted, more than any other vote he had cast since he had begun his service in the Senate, the vote that he had cast against the confirmation of Judge Parker.

It will be recalled that Judge Parker remained on the bench; he was not soured; he was not destroyed by those who sought to destroy him. He became recognized from one end of this Nation to the other as one of the more distinguished judges we had in our Federal judicial system. He was so recognized by the Supreme Court from time to time. Without allowing himself to be destroyed by those who had sought to assassinate his character, he simply went ahead and followed the course that he had followed up to the time of his nomination and up to the time of the rejection of his confirmation, and he made one of the outstanding records of any of the jurists of our day.

So I simply want to amplify the point just made by the distinguished Senator from Nebraska, that the Senate itself is under obligation to do the right things in this sort of case, to winnow the wheat from the chaff. And there is much chaff in the charges that have been made against Judge Haynsworth—so much chaff that I have not been able to find any grain at all, so far as the Senator from Florida is concerned.

I congratulate the distinguished Senator for calling attention to the fact that the Senate has a duty of supreme importance in a case of this kind, to make very sure that the detractors—and there are some in this case—have sound ground to stand upon. I have looked very hard into this case, and I have not found any such sound ground. I simply call attention to the Parker matter because it shows how far well-meaning Senators, from time to time, can be led astray from the doing of the thing which the evidence and the facts require should be done.

That happened in the Parker case. I certainly do not want to see it happen in the Haynsworth case.

I thank the Senator for calling attention to that point.

Mr. HRUSKA. I am grateful to the Senator for his remarks. I am sure students of the law and practitioners of the law generally, agree with the distinguished Senator from Florida when he says that Judge Parker was a brilliant jurist and that he established himself as one of the most respected members of the jurisprudence system during his time.

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

Mr. HRUSKA. I yield.

Mr. ALLEN. Mr. President, I wish to commend the distinguished Senator from Nebraska for the great speech he is making on behalf of Judge Haynsworth.

There has been a great barrage of propaganda, of insinuation, and of innuendo leveled against Judge Haynsworth. I think it is mighty fine that we are hearing speeches and arguments on the floor of the Senate in favor of the confirmation of Judge Haynsworth.

I do not believe the distinguished Senator from Nebraska was here earlier today when the senior Senator from Virginia spoke on behalf of the confirmation of Judge Haynsworth. He made an excellent presentation of the case for Judge Haynsworth. He pointed out that, even with this barrage of criticism by the press and the showing of only one side of the coin, two of the great newspapers in this country, the Washington Post and the New York Times—great by reason of being well known and having influence in some quarters—although they had been highly critical of Judge Haynsworth in their news columns they pointed out in their editorials that while they disapprove of the nomination of Judge Haynsworth, yet there was nothing in his record to indicate that the Senate should not give him the confirmation that his record entitles him to.

I think it is fine that we are hearing now the case for Judge Haynsworth, and I believe we are going to hear more and more on the floor of the Senate. I feel he is an outstanding jurist. I do not feel that anything has been brought out that would cast any aspersion on his honor, integrity, or ability.

It would occur to the junior Senator from Alabama that this is a barrage or smokescreen to hide, or to put in the background, the real difference and the real objection that the opponents of Judge Haynsworth's nomination have to him.

I would like to inquire of the Senator from Nebraska in these matters, and they were picayune instances of alleged conflict of interests, if there is not just as much duty on a judge to sit in a case where he should sit as it is to recuse himself in a case where he should not sit?

Mr. HRUSKA. The Senator is correct. That is a very firmly established point in our system of Federal jurisprudence. There is no question about it. I would be safe in saying that is the consensus of opinions written on the subject: That the duty to sit when a judge should not be disqualified is just as strong as the duty to disqualify himself if the conditions and circumstances are such to require disqualification.

Mr. ALLEN. I wish to ask the Senator from Nebraska his opinion on a particular matter. I notice that the American Bar Association has reiterated its support of Judge Haynsworth, and yet we hear very little about that reiteration of their approval. I wish to inquire of the Senator if we would not have heard a great deal in the press, through other news media, and here on the floor of the Senate, if they had withdrawn their approval of his confirmation?

Mr. HRUSKA. Or reversed their position on it.

Mr. ALLEN. Yes.

Mr. HRUSKA. There is no question about it. If that happened the general conclusion reached by a great many opponents of the nomination would be that the proponents might just as well fold up our tents and silently steal away. The fact is there is still a little carping about it. There is an effort on the part of the opponents to find out how many votes were cast against it.

I wonder if they are not satisfied with some of the 5-to-4 decisions of the Supreme Court.

I am confident and I believe the Senator agrees, that had the ABA decision been the other way we would have been deluged in this Chamber daily with the chorus, "Withdraw his name. Withdraw his name."

Fortunately, and I think rightly, they reaffirmed their stand. I call attention to the fact that when they acted, last Sunday, they had all of the present record before them, not only the record as a result of their own investigation of the man's character, services, and reputation, but the hearing record and all the attacks.

Mr. ALLEN. I think the Senator from Nebraska and the Senator from Ken-

tucky (Mr. COOK), in their letter to Senators and in the bill of corrections that they have filed in answer to the bill of particulars against Judge Haynsworth, have certainly refuted the charges that Judge Haynsworth is anti-civil rights and anti-organized labor.

I would like to ask the Senator from Nebraska whether even if it be true that he was biased and is biased in these two respects—and again I say that contention has been completely refuted—is it likely he would be any more biased than Mr. Justice Thurgood Marshall in connection with civil rights matters on the other side, or in the case of Mr. Justice Goldberg on labor matters?

Mr. HRUSKA. Why, of course not. All of us know both of those very distinguished members of the bar, and later distinguished members of the Supreme Court—in the one instance a man who dedicated virtually all of his professional practice and talents to pro-civil-rights cases, and in the other instance, a man who dedicated virtually his entire practice and career as a lawyer for so-called pro-labor-union cases—executed their judicial duties fairly. There is no question about it. And in this nominee there is not even that same monolithic restricted practice. He was in general practice. The analyses of his cases and opinions when he went to the fourth circuit clearly demonstrate he, too, decides fairly and without bias.

Mr. ALLEN. As a matter of information to the junior Senator from Alabama, I would like to ask the Senator from Nebraska when it is anticipated that the majority and minority reports of the Judiciary Committee will be filed?

Mr. HRUSKA. I have no exact information on that. The chairman of the Judiciary Committee, presumably, has a timetable in mind and maybe he has already announced it. It has not, however, come to my personal attention.

Mr. ALLEN. As soon as those reports are available, then the nomination will be brought to the floor of the Senate with the recommendations of the Judiciary Committee; is that not correct?

Mr. HRUSKA. That is correct.

Mr. ALLEN. And then we would anticipate a vote would soon take place on the nomination?

Mr. HRUSKA. Yes—we will begin debate in earnest. We are now engaged in only the preliminaries.

Mr. ALLEN. I thank the Senator from Nebraska very much for rendering a great public service in presenting the other side of the matter. We have heard so much from the anticonfirmation side that I think it is a distinct public service the Senator from Nebraska is rendering in presenting the case for confirmation.

Mr. HRUSKA. The Senator is very generous in his remarks. I am grateful for them.

Mr. ERVIN. Mr. President, will the Senator from Nebraska yield to me for a few questions?

Mr. HRUSKA. I am very happy to yield to the Senator from North Carolina.

Mr. ERVIN. I will ask the Senator from Nebraska if Congress itself has not prescribed the conditions under which a Federal judge should disqualify himself from sitting on a particular case?

Mr. HRUSKA. Of course, that is true. It is an interesting fact that the act passed by Congress in 1949, 28 U.S.C. 455, was an extension of an act of Congress that had been passed in earlier years. When passed in earlier years it applied only to trial judges. Then, in 1949, it was decided that it should also apply to members of the circuit courts. It was so amended. It does put the burden upon the judge and the court itself to determine whether there is a reason for disqualification. He must make that determination himself.

Mr. ERVIN. I will ask the Senator from Nebraska if the statutory law does not expressly provide that a judge shall, by implication, as his duty, sit in every case where he fails to find a disqualification exists?

Mr. HRUSKA. Yes, that is true.

Mr. ERVIN. So far as the so-called conflict of interest is concerned, does not the statute provide that a judge shall not disqualify himself unless he has a substantial interest in the outcome of the existing case?

Mr. HRUSKA. That is right.

Mr. President, I ask unanimous consent at this point, to have printed in the RECORD the text of section 455, in order that we can read for ourselves the plain language.

There being no objection, section 455 was ordered to be printed in the RECORD, as follows:

§ 455. Interest of justice or judge.

Any justice or judge of the United States shall disqualify himself in any case in which he has a substantial interest, has been of counsel, is or has been a material witness, or is so related to or connected with any party or his attorney as to render it improper, in his opinion, for him to sit on the trial, appeal, or other proceeding therein. (June 25, 1948, ch. 646, 62 Stat. 908.)

Mr. ERVIN. I should like to ask the Senator from Nebraska if the charge that Judge Haynsworth has at any time shown union bias was not totally disproved by the record made in this case?

Mr. HRUSKA. I am sure it is right. It was disproved not only by those who were his close associates but there was also, by testimony, and well-considered testimony, by Prof. Charles Allen Wright of the University of Texas Law School, one of the most celebrated and highly respected figures in Federal jurisprudence, and also G. W. Foster, Jr., of the University of Wisconsin Law School. I suggest that both these gentlemen, scholars, good educators, good students of the law, both of them happening to be liberal Democrats, not conservatives, found he was not biased. These scholars analyzed the decisions of Judge Haynsworth and came out with the conclusion that he is a most outstanding figure and will make an outstanding Justice of the Supreme Court upon confirmation.

Mr. ERVIN. I should like to ask the Senator from Nebraska if those who challenge Judge Haynsworth's fitness on the alleged ground that he has a union bias did not cite seven cases to sustain their allegations and if four of those cases were not cases that dealt with one of the most controversial problems that arise in labor law; namely, when a union is to be recognized as the bargaining agent on card counts rather than by secret elections, and if the law on that subject was not settled by the Supreme Court of the United States until June of this year?

Mr. HRUSKA. Yes.

Mr. ERVIN. I will ask the Senator if another one of those cases was not reversed on the basis of a decision made by the Supreme Court only 6 days before, for the first time in the history of the Supreme Court?

Mr. HRUSKA. That is correct. The record so reflects.

Mr. ERVIN. I ask the Senator if another one of those cases was not decided on the basis of an amendment to the Labor-Management Act made by Congress in 1958 after the case had been heard in the lower court?

Mr. HRUSKA. That is correct. The record so reflects.

Mr. ERVIN. Another one of those cases—one of the seven cases heard—was a case which involved the discharge of seven nonunion employees. Can the Senator from Nebraska tell me how this case affecting nonunion employees shows any antiunion bias?

Mr. HRUSKA. That takes a little imagination, but I presume it can be done, because great efforts are being made to do it.

Mr. ERVIN. I would like to ask the Senator from Nebraska if three of these cases on the card count were not per curiam decisions, decisions written by the court as a whole, and handed down by the court as a whole, and that only one of the seven was written by Judge Haynsworth?

Mr. HRUSKA. That is right.

Mr. ERVIN. Two of the opinions were written by Judge Morris Soper, one of the most distinguished members of the Fourth Circuit Court of Appeals. If they show any antilabor bias on the part of Judge Haynsworth, they are bound to show the same bias against Morris Soper, too, who is not charged with any antiunion bias, are they not?

Mr. HRUSKA. They never have been.

Mr. ERVIN. I would just like to ask the Senator from Nebraska if the charge was not made to the effect that Judge Haynsworth was hostile to civil rights and I would like to ask him, in connection with that charge, if the record before the committee does not show in every case that Judge Haynsworth had followed the decisions of the Supreme Court of the United States?

Mr. HRUSKA. That is true. That was pointed out not only in the cases themselves but also in the analyses of some of the witnesses. They pointed out that that is precisely what he did and further they pointed out that it was the preferable way to do it. Judge Walsh testified that it was the preferable way to handle it because if each circuit plows new ground, we will have 10 new plowed grounds. We do not need confusion like that.

The better procedure is for the established rule of the Supreme Court, as it existed up until that time, to be followed. If new ground was to be broken, it is for the Supreme Court to break it. Then we have some semblance of order and stability.

Mr. ERVIN. Is it not true that the law as proclaimed by the Supreme Court itself in so-called civil rights cases has been in a state of flux and more or less uncertainty?

Mr. HRUSKA. There is no question about that, when we consider the history of that type of case.

Mr. ERVIN. I do not know whether the Senator from Nebraska saw an article that appeared in the Washington Post of October 14, 1969, written by James E. Clayton, entitled "The Haynsworth Record on Rights" or not, but the Senator from Nebraska, I am sure, will agree with the Senator from North Carolina that the Washington Post has been a newspaper which has been in the forefront in the fight for civil rights for years.

Mr. HRUSKA. Yes.

Mr. ERVIN. It would not be the place where one would normally expect to see a statement to the effect that Judge Haynsworth had followed the Supreme Court decisions in this particular field.

Mr. HRUSKA. In the civil rights field?

Mr. ERVIN. Yes, unless that was the fact.

Mr. HRUSKA. Yes.

Mr. ERVIN. I would like to ask the Senator to permit me to make a unanimous-consent request that this article by James E. Clayton, which appeared in the Washington Post on October 14, 1969, entitled "The Haynsworth Record on Rights," be inserted in the body of the RECORD.

Mr. HRUSKA. Mr. President, I shall be happy to make that request if it is necessary for the purpose of the rules of the Senate.

Mr. ERVIN. Mr. President, I would like to add that this article makes clear what the record before the committee disclosed, and that is that Judge Haynsworth has faithfully followed the decisions of the Supreme Court in the civil rights field.

Mr. HRUSKA. I thank the Senator from North Carolina, and I ask unanimous consent to insert the article in full at this point in the RECORD.

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

THE HAYNSWORTH RECORD ON RIGHTS

(By James E. Clayton)

The trouble with the civil rights record of Judge Clement F. Haynsworth Jr. is that it's hard to label. It is neither the record of an all-out segregationist, as some of his critics claim, nor the record of a friend of the civil rights movement, as some of his supporters have claimed. It lies somewhere in between and the evaluation anyone places on it is largely determined by the way the record is approached.

Take, for instance, the eight cases cited on this page a week ago, in a letter to the editor, as evidence that Judge Haynsworth is a man who has "actively opposed desegregation." Three of those same cases were cited to support the proposition that the judge is pro-civil rights in a long letter we received in mid-August.

What seems to stand out as you read the opinions of Judge Haynsworth on civil rights in the last 12 years, and there are 25 or so of them, is this: Unlike some other federal judges in the South (the heroes of the civil rights movement), he was not willing to go beyond what the Supreme Court or Congress specifically ordered. Also unlike some other federal judges in the South (the heroes of the segregationists), he was not willing to oppose what the Supreme Court, or a majority of his own Court, had already done. He preferred to read Supreme Court opinions literally and to interpret them narrowly, doing precisely what that Court said had to be done but rarely, if ever, going beyond that narrow interpretation.

The result was that Judge Haynsworth voted with the most pro-civil rights judge in his circuit, Simon Sobeloff, far more than he voted against him; most of his civil rights cases were easy. But they parted company most of the time when Sobeloff wanted to break new ground in the civil rights struggle or to put a broad interpretation on Supreme Court opinions.

The prolonged litigation in Prince Edward County illustrates this point. In 1959, Judge Haynsworth voted to strike down a lower court order giving that county 10 years to desegregate. In 1963, after the public schools were replaced with "private" white schools, he cast the key vote when his court decided to abstain while the Virginia Supreme Court handled the matter. After the Virginia court acted, the Supreme Court reversed this Haynsworth opinion. Two years later, the judge dissented when a majority of his court found Prince Edward officials in contempt for appropriating money to run the "private" schools while the case was pending.

If you count these votes on a pure pro- or anti-civil rights basis, his score comes out 1 for and 2 against. But there is a substantial argument that he was right as a matter of law in one of the latter two votes. Beyond that, while voting to abstain, Haynsworth wrote, "Schools that are operated must be made available to all citizens without regard to race, but what public schools a state provides is not the subject of constitutional command." And, in the contempt case, he agreed that the action of the officials was "contemptible" and "unconscionable" but said the court lacked jurisdiction to hold them guility of contempt.

There is a similar pattern in his opinions dealing with freedom of choice. Until the Supreme Court ruled out such plans and insisted that school boards take affirmative action to desegregate, his position was that a freedom-of-choice plan was acceptable as long as each student was free to choose each year the school he attended and his choice was uninhibited by coercive action. After the Supreme Court ruled, he voted against freedom of choice plans.

You can argue that Judge Haynsworth should have seen the handwriting on the wall for these plans, as did Judge Sobeloff and a majority of the judges in the Fifth Circuit. And you can argue that he found coercion to exist only when the pressure on Negro children was extremely heavy. But the other side can argue that he was doing all the Supreme Court said ought to be done.

To pursue the issue into other areas, the judges critics point with validity to his vote, in dissent, that a hospital receiving federal funds under the Hill-Burton Act could discriminate against Negroes. His supporters argue, rather weakly, that the "state-action" aspect of the law, the key to this decision, was not really clear in 1963 and, anyway, that once the issue was decided in his circuit he enforced it.

The judge's friends point to a 1966 case in which he voted to require the North Carolina Dental Society to accept Negro members, even though the state action involved was no greater than it was in the hospital case. His critics say this vote was pre-ordained by all the other state action cases.

In one of the last major cases before his court, Judge Haynsworth came out in the middle of his brother judges, Two voted with him to protect a group of teachers from discrimination. Another, Judge Sobeloff, thought their view did not provide sufficient protection, and three others thought it provided too much.

Thus, you can tote up the score in several ways. If the standard of judgment to avoid being called a segregationist is that a judge must almost always support expansions of desegregation and avoid options that discourage it, Haynsworth comes out a segregationist. If the standard is that a judge is a friend of civil rights unless he takes every opportunity to denounce integration and never votes to encourage it, Haynsworth is a friend of civil rights. If the standard is somewhere in between, Haynsworth is somewhere in between. He rarely did anything more than that required of him by the Supreme Court, he rarely did anything less, and when he had options open to him he turned aside from being bold.

(This marks the end of the colloquy which occurred during the delivery of Mr. HRUSKA's address and which was ordered to be printed in the RECORD at this point.)

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDIING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE PENDING BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is S. 1181.

Mr. BYRD of West Virginia. Is that the bill to enable potato growers to finance a nationally coordinated research and promotion program?

The PRESIDING OFFICER. The Senator is correct.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business, I move, in accordance with the previous order, that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 49 minutes p.m.) the Senate adjourned until tomorrow, Thursday, October 16, 1969, at 12 o'clock noon.

CONFIRMATION

Executive nominations confirmed by the Senate October 15, 1969:

U.S. CIRCUIT JUDGE

Charles Clark, of Mississippi, to be U.S. circuit judge, fifth circuit.