standing of black students' problems" which are said to present real problems, even in primary schools.

I include the following pertinent newsclippings in my remarks:

[From the Washington Post, Feb. 1, 1970]

BIAS UNIT TO PROBE SCHOOLS

The Maryland Human Relations Commission is initiating the first official statewide study of student unrest in high schools, with particular emphasis on schools in Prince Georges County and elsewhere that have had racial incidents.

Commission Chairman William H. Adkins II said yesterday that the study could even extend to the primary school level in certain instances. Adkins said he hoped the study could be completed by the end of the current school year, so that recommendations could be implemented by the start of the school term next fall.

Adkins said that commission staff members will interview teachers, administrators, students and parents in the study. He said the study would give priority to such Prince George's County high schools as Bladensburg and DuVal, which had racial difficulties this school year.

"We do feel that student unrest at high schools and perhaps at the primary school level is a real problem."

Adkins said that student unrest "is not just an urban or suburban problem." He pointed to a recent incident in Aberdeen High School in Harford County as an example of a similar problem in rural areas.

In that case, the commission said in a report last week, three black girls were expelled. The commission recommended they be reinstated. The commission reported that, based on interviews with students, it found, "There is a lack of adequate counseling, guidance or even understanding of black students' problems in this school."

[From the Washington Post, Jan. 30, 1970]

BLACKS RIOT IN FLORIDA SCHOOL TRANSITION

GAINESVILLE, FLA.—Several hundred black students ran screaming into the street from Lincoln High School today, stoning cars and attacking passersby in apparent frustration over the closing of their school. Police quelled them with tear gas.

At least two persons were reported injured in the outburst of violence at the school due to be closed after Friday under the Supreme Court's desegregation orders.

Several cars were damaged and school windows were smashed. One man, identified as Charles Tanner, was injured by a brick that smashed his windshield. A woman was reported dragged from her car and beaten.

After the crowd dispersed, police roped off the area and authorities cancelled Friday's classes.

Lincoln is part of a school district ordered by the Supreme Court to begin operating totally desegregated schools by Feb. 1. Under school board plans, Lincoln will be closed and its students integrated with those at Gainesville High.

The black students of Lincoln and their parents have bitterly protested the closing. In December, many of them boycotted the school to protest the closing and returned only after a judge threatened to cite them for truancy.

[From the Evening Star, Jan. 31, 1970]

BLACK STUDENTS BOYCOTT AT TWO D.C. HIGH SCHOOLS

Black students at the District's only two substantially integrated high schools—Western and Wilson—boycotted some regular activities yesterday to protest various school policies.

At Western, 35th Street and Reservoir Road NW, about 200 students attended an "unauthorized assembly" shortly after 9 a.m. after breaking locks on auditorium doors, authorities reported. The assembly was followed by a sit-in in the cafeteria, which ended when large numbers of the students began leaving around noon.

Students said they planned the assembly Thursday after school officials refused to recognize a "Student Coalition Against Racism" as a chartered activity. During the meeting, black students also complained about the transfer of a teacher who has added the Black Student Union and about suspension policies.

Asst. Supt. George Rhodes said officials were reluctant to charter the group until they were certain it would not exclude white students.

The Western students later agreed at a meeting with Asst. Principal Harvey Broyn to present a list of grievances on Monday. About 60 percent of Western's 1,200 students are black.

At Wilson, about 60 black students walked out of a music assembly in the morning to protest what they termed the lack of black cultural programs at the school, at Nebraska Avenue and Chesapeake Street NW.

About 400 black students later returned to the auditorium to discuss grievances with school officials. Interim Principal Sherman Rees said the second assembly ended shortly before noon and students returned to classes.

Wilson, the only predominantly white high school in the District, has about 500 black students out of a school population of 1,500, Rees said.

Students said they walked out of the assembly because it featured only "European" composers and did not reflect the influence of black musicians.

At their meeting with school officials, students objected to programs at past cultural assemblies and demanded the inclusion of black studies in a wide range of courses. They also asked that black students be allowed to plan future assemblies, including one to mark the birthday of Malcolm X on May 19.

SENATE—*Thursday, February 5, 1970*

The Senate met at 12 o'clock meridian and was called to order by the President pro tempore (Mr. RUSSELL).

The PRESIDENT pro tempore. It is the pleasure of the Chair to present to the Senate as guest chaplain today the Reverend James P. Wesberry, D.D., pastor of the Morningside Baptist Church in Atlanta, Ga.

The Reverend James P. Wesberry, D.D., offered the following prayer:

Gladden our lives, O God, our Father, with the light of Thy redemptive purpose. Cleanse us, we pray, from all evil. Open our hearts to Thy love which satisfies our deepest need and to Thy strength which matches our heaviest burdens. Grant that we may move in the performance of our duties as the unhurried stars in the orbit of eternity, without haste or confusion, but always with shining steadfastness. When faced with obstacles bigger than we can handle, may we find within us a spiritual power that breaks through, and when worldwide responsibilities mount upon us, may we go forward with the sureness of the mighty river that runs its destined channel to the sea.

Through Jesus Christ our Lord. Amen.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGES REFERRED

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

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, February 4, 1970, be dispensed with.

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

LIMITATION ON STATEMENTS DURING TRANSACTION OF MORNING BUSINESS

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

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

TEXTILE IMPORT CURBS

Mr. PASTORE. Mr. President, I note in the Journal of Commerce of Thursday, February 5, 1970, in New York, that the Honorable Maurice Stans, Secretary of Commerce, made a speech before foreign newsmen. He is quoted as having said:

> It is not possible for the United States to make an adjustment necessary to absorb the flood of textile imports.

Mr. President, I find this statement both alarming and confirming the fears of the American textile industry, yet encouraging in the administration's awareness. We who come from textile States know what has been happening to the textile industry, specifically the tremendous decline in the industry at a time when we have experienced an astronomical boom in the gross national product. So we realize just what Secretary Stans' statement means.

My experience is this, Mr. President, that American production has been declining because of the tight-money policy and because there has been a general slowdown in the economy. Nevertheless, while our production in the textile industry was sliding downward, textile imports were moving upward.

My contention is that unless we do something rather quickly to slow down this influx of textile imports, we will

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find that we will have a tremendous unemployment problem in the American textile industry. This would be a tragedy for our day.

Therefore, I want to congratulate Mr. Stans for having made his statement. I agree with him that unless the administration moves quickly to secure a voluntary agreement, Congress has every intention of moving in.

Mr. TALMADGE. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I yield.

Mr. TALMADGE. I desire to compliment my distinguished friend, the senior Senator from Rhode Island (Mr. PASTORE), on the statement he has just made. I associate myself with it.

As the Senator from Rhode Island knows, I, along with many other Members of this body, have been working shoulder to shoulder with him for many, many years in trying to remedy this problem.

Mr. President, in the State of Georgia, there are 100,000 people working in textile mills. There are an additional 35,000 working in the garment industry. Thus, the textile and apparel industry is the largest employer within my State.

The largest mill within my State is the Bibb Manufacturing Co. Last year, its sales were $120 million. It had $120 million worth of sales, but, it lost $2 million—not netted, but lost $2 million.

What has been the result?

In my State, most of the small mills have gone out of business. Many people are unemployed or underemployed. Those that have not gone out of business found themselves associated with larger mills and have become members of a chain.

It is imperative that we take action in this regard. The Senate has acted twice on this matter by an overwhelming majority. Unfortunately, the Ways and Means Committee would not agree with us in conference. It has been encouraging, during the late recess, to read a statement from the distinguished chairman of the Ways and Means Committee that the time was at hand, and that unless we had an agreement on the importation of textiles, Congress would have to take appropriate action to impose quotas.

I, like the Senator from Rhode Island, was encouraged by the statement in the Journal of Commerce made by the Secretary of Commerce, wherein he said:

> It is highly likely Congress will act in the matter of limiting textile imports, and possibly other products, if there aren't agreements in a relatively short time—and by short time I mean three months, the secretary said.

Mr. President, I am, therefore, associating myself with the statement just made by the Senator from Rhode Island. I am pleased with the statement of the Secretary of Commerce and I compliment him on it.

I hope that Japan and other nations will take heed because the favorable Japanese balance of trade with the United States is now running at $1.5 billion a year.

Mr. PASTORE. And $1 billion of that is in textiles.

Mr. TALMADGE. Yes; $1 billion of that is in textiles, while our own trade balance is unfavorable. We have had a gold drain and we do not have enough gold to pay off one-third of the claims if our dollars were presented for payment today.

Once more I congratulate my good friend from Rhode Island on his statement.

The PRESIDENT pro tempore. The time of the Senator from Rhode Island has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Rhode Island may proceed for 10 additional minutes.

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

Mr. SCOTT. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I am happy to yield to the Senator from Pennsylvania.

Mr. SCOTT. I commend the distinguished senior Senator from Rhode Island for the statement he has made and for his reference to the encouraging statement made by Secretary of Commerce Stans.

It has been well recognized in all of those States where the textile industry is important to their economies to maintain job levels and avoid further unemployment.

Therefore, I am pleased that this is the policy of the administration and I am sure it has bipartisan support in Congress.

Again I thank the Senator from Rhode Island.

Mr. HANSEN. Mr. President, will the Senator from Rhode Island yield?

Mr. PASTORE. I am happy to yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I thank my distinguished colleague from Rhode Island. I am delighted that he has taken this occasion to compliment the Secretary of Commerce, an exercise in which I also wish to participate.

I believe the administration is realistic in recognizing the impossibility of maintaining a high standard of living, which results from the wages that the textile industry pays its workers in income that flows from that activity to cotton and wool producers in this country and permits, at the same time, unlimited imports of textiles.

I think that what the distinguished Senator has so aptly called attention to applies with equal force and with equal veracity in the case of oil. Here is an industry that employs in this country 1,200,000 persons, who are very well paid.

This industry generates annually more than several billions of dollars that is added to our country's economy. We have had reports from the Department of Defense calling attention to the threat that is posed to our national security if we should do anything which would result in a diminution of domestic oil activity in this country and place greater reliance upon foreign sources of supply.

Certainly, no one knows that better than the President pro tempore of the Senate, presently presiding, having served for so many years as chairman of the Armed Services Committee. The Presiding Officer is fully aware, better than any man I know, of the relationship between national security and the abundance of energy in our country.

In my State of Wyoming, 40 percent of the funds going into education come from oil revenues. We have a goodly share of the production of the 367,000 stripper wells that account for 15 percent of total U.S. production. These wells represent some 5.5 billion barrels of oil reserves.

It does not make any sense to me that a part of the Government should put anybody out of business.

We not only have to protect textiles, but other products as well, products which play such a vital role in keeping our people employed and adding to our economy.

I pay tribute to the distinguished senior Senator from Rhode Island and the distinguished junior Senator from Georgia for their observations.

Mr. PASTORE. Mr. President, I do not want to rehash the tragic story of our loss of textile jobs. I have gone all over this over and over again on the floor, and even in appeals in the Oval Room at the White House.

Since 1959 we have lost 33,000 jobs. And more than 1,200 mills have closed down. Those textile mills have disappeared in the last 10 years, at a time when other industries were experiencing the biggest boom in our history.

It strikes me that we are not trying to shut off the American market to favor manufacturers of textile goods. All we are asking them to do is what they have refused to do, is that those who would threaten the stability of American textile jobs should sit down and talk over the problems so that we can reach agreements that are sound and salutary in international trade.

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

Mr. PASTORE. I yield.

Mr. MANSFIELD. There is no greater champion of the textile industry in this Chamber than the distinguished senior Senator from Rhode Island. Year in and year out, he has been defending an industry which means so much to him and so much to his State.

Mr. President, I express my appreciation to the distinguished Senator from Wyoming (Mr. HANSEN), who is an expert on the status of wool and also on the situation confronting the domestic oil producers and, I might say, the domestic beef producers as well. This is all sort of a pattern.

I concur with the distinguished Senator from Wyoming whom I look upon as one of the distinguished experts on oil and wool in this body.

Mr. HANSEN. Mr. President, I thank the distinguished majority leader for his kind observations.

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

Mr. PASTORE. I yield.

Mr. HOLLINGS. Mr. President, let me say that I reiterate the high regard and compliments paid to the Senator from Rhode Island for his leadership. He is chairman of our Subcommittee on Textiles of the Commerce Committee and has acted in this capacity for some 14 years. He and I have worked hand in glove.

While there has been action and inaction, the action that has occurred has resulted under his leadership and under the leadership of the Senator from Georgia (Mr. TALMADGE) in his work on the Finance Committee and representing us in Geneva.

However, I differ somewhat in emphasizing the inactivity that has occurred. I would prefer, rather than to praise the Secretary of Commerce for his enlightened statement that we may act in Congress, requiring of him that he make a more enlightened statement that the administration may act.

That is the only way we have received action. There has not been a textile bill that has passed Congress in its history.

The Japanese know this. They know none is likely to pass. The Japanese are fairly well attuned to trade difficulties. They are in the game.

When we had the cotton amendment up for consideration in December, a month ago, they immediately had the National Grange taking votes away from us. They know how to work, not the U.S. Senate, but the administration and the House.

This threat that Congress may act is like water running off a duck's back.

When did they act? When President John F. Kennedy said:

> If you don't get down to some realistic type of agreement, we are going to act unilaterally, employing the national security provision. If the administration really wants to act, there are many thing that can be done by the administration.

We have tried our best and we get nowhere. And the Secretary of Commerce continues to use us as a bogeyman. Unfortunately, we are not too effective. We do our job in the Senate. But the Japanese each time thwart us at the White House and on the House side.

The Japanese know we not only want to protect textiles, but also oil, and we get into the beef products and things of that kind.

The Japanese know that nothing can really occur until we take in the entire spectrum and get, as the late beloved Senator Everett McKinley Dirksen said, a Christmas tree. And we know that Congress will not pass a Christmas tree bill.

Mr. President, the President of the United States should say that he is going to take action as President, and the Secretary of Commerce should say he will take action. We have been waiting a year and a half. I am tired of waiting.

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

THE C-5A CONTROVERSY—FACT AND FICTION

Mr. PROXMIRE. Mr. President, those of us who are in public life know that one of its byproducts is the deliberate or unwitting attempt of one's opponents to spread false rumors, to quote one out of context, or to totally misrepresent what one has said or believes.

Such has been the repeated attempt on the part of some—and I repeat "some"—of the very powerful political and economic forces connected with the C-5A.

But as Al Smith said, "Let us look at the record." Let us examine the misstatements and misrepresentations and lay them side by side with the truth.

First and foremost it has been said of those of us who have criticized the C-5A that we have said—and particularly that I have said—that the C-5A would never fly.

Of course that is totally untrue.

What is true is this. In connection with our hearings last spring we were told that the C-5A did not meet the FAA requirements which had originally been established for the plane.

That turned out to be true.

We were told that there had been a whole series of changes in the performance specifications of the plane. That also turned out to be true. This was in fact thoroughly confirmed by the Whittaker report which in attachment 3, pages 46-48 lists about a dozen "significant specification changes."

We were told last July that the wing crack in the C-5A could be fixed with a relatively minor modification and that it would not affect production or delivery of the planes.

But the new wing crack that occurred on Friday, January 16, involved the same problem.

We have argued, right in my judgment, that the first three runs of the planes, that is 58 of them, were more than sufficient to meet the military requirements established for this plane.

That has now been confirmed by the Whittaker report which stated that 40 planes was the number needed to meet the specific purpose for which this plane was built, namely to carry the outsized equipment of an armored division during the first 10 days of emergency.

The truth is that I and the other critics have supported purchasing at least 40 of the planes—in fact we have supported buying 58 of them—but we have vigorously objected to buying the additional planes which are not needed for any military purpose and whose costs are at least double that of the 747 which is a comparable civilian plane in most aspects.

Not only has it been charged that I said the plane would never fly but now it has been alleged that I said they should be grounded forever.

Of course, that is poppycock. What is true is this: There is a serious technical defect in this plane which we asked about last summer but which was substantially denied by the Air Force. I believe that until that problem of the wing crack is solved by the Air Force, this plane is unsafe to fly.

Only about a dozen of the planes have been delivered, and eight of these were test planes. They are to be retrofitted by Lockheed. But, and this I find appalling, the Air Force has agreed to accept delivery on a total of 32 planes before the wing crack problem is solved. In other words, about 24 planes, not yet delivered, are to be accepted by the Air Force with the wing problem still unresolved. These planes are not scheduled for delivery until September 1970. Yet, between now and September at the earliest, the Air Force plans to accept about 24 planes from Lockheed with the structural weakness still not fully corrected.

They plan to return those planes to the factory to be retrofitted.

I find that a deplorable and scandalous situation. For the Air Force both to accept and to fly defective planes is wrong.

Existing planes should be corrected before they are flown.

The Air Force should require Lockheed to deliver planes which are not defective.

It is inexcusable to accept delivery on another 24 planes before the company is required to right the structural defect in the C-5A wing during production.

I hope, therefore, that the substance of what I and other critics have said will be distinguished from the false rumors and false statements and misrepresentations which are now going the rounds.

The C-5A should be grounded until the wing crack is repaired.

The Air Force should refuse to accept any planes coming off the assembly line until the wing crack defects are solved.

And, in my judgment, since only 40 planes are needed to meet the military requirements established for the C-5A, it is unconscionable for the Government to go ahead with run B—planes 59 to 81—which are both unneeded and compound the fiscal fiasco.

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

ADDRESS BY SENATOR HOLLAND AT ANNUAL CONVENTION OF AUDUBON SOCIETY AT COCOA BEACH, FLA.

Mr. HOLLAND. Mr. President, last Saturday night I had the privilege of speaking at Cocoa Beach at the annual convention of the leaders and other members of the Audubon Society from all portions of Florida.

I am quite proud of the progress already made in our State in advancing the cause of conservation of our natural resources and of the great interest and effort of many of our citizens, particularly those who are members of the Audubon Society, in conservation projects and objectives extending literally from one end of Florida to the other.

Many Senators are quite properly interested in the Everglades National Park in Florida and in other conservation projects in our State. I hope that some of the contents of my speech may be of interest to other Members of the Senate, particularly to those who are especially interested in conservation. I already have pending in the Senate a bill (S. 2565) whose objective is to complete the acquisition of the remaining private inholdings within the Everglades National Park, and I trust the Congress will enact that bill during this, my last year,

in the Senate. Other matters which will be considered by the Senate this year bear upon the Everglades National Park and other important conservation projects and conservation opportunities in Florida.

Since my speech dealt with many aspects of the conservation program in Florida, I ask unanimous consent that the speech be printed in the RECORD.

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

FLORIDA'S RESOURCE PROBLEMS

(Address of Senator SPESSARD L. HOLLAND)

I was happy to accept last October the cordial invitation of Mr. Russell Mason to speak at this annual convention of the Florida Audubon Society and to receive later a cordial supplementary letter from Mr. Karl Eichhorn, Jr., President of the Indian River Audubon Society. I am glad to be here tonight and to speak on the subject suggested by Mr. Mason, which is "Florida's Resource Problems," limiting my remarks, of course, to the problems which affect the conservation of our wildlife, including birds, animals and fish, our natural vegetation and our rivers, lakes, beaches and underground waters. I hope you will allow me to speak as one who has been a witness to the developments on the Florida scene for sometime, since I was born in this state in 1892 and have always been a citizen of Florida.

In my boyhood and as a young man I noted the commercial cutting of most of our forests, including, particularly, the virgin pines, the age-old cypresses and much of our hardwood. There was a long period in which much of the state appeared greatly despoiled by reason of the loss of its forests. I have been glad to note in recent years that the pine forests are in the course of restoration by the following of sound reforestation practices in large portions of the state and the making of harvesting practices of the pine trees, whether planted or naturally restored, a scientific operation which has enabled Florida to regain, in great degree, the beautiful appearance of much of our formerly heavily forested pinelands. It has now become a pleasurable experience again to ride through much of the area of middle, north and west Florida which had appeared to be so barren following the cutting of the original stands of pine and the careless burning practices which were later permitted.

The hardwood plantings are coming back, also, though not in the course of such careful planned reforestation as is the case in many areas with pines. Cypress trees take so long to grow that it will be many years beyond the lives of present Floridians before our people will have the chance to know what a real cypress forest looks like unless we have the privilege of visiting the Corkscrew Swamp which has been preserved for posterity by the commendable action of the Audubon Society.

As to the conservation of our supply of water, whether in the lakes, the streams, or in the underground aquifers, much has been done, though much still remains to be done. The building of the Hoover Dike around Lake Okeechobee and the expansion of that work through the Central and Southern Florida Flood Control program has done much to conserve the rain water which falls in the lower part of the peninsula and to prevent in large measure its loss in the Atlantic Ocean or the Gulf of Mexico. Though not yet complete, that program has effectively prevented such heavy damage and loss of life as was sustained in 1926 and 1928 when approximately 2,500 persons lost their lives. It also protects against heavy property damage which was sustained as late as the fall of 1947 in an amount of approximately $57 million and in smaller amounts in even later years. The program is also protecting against the serious loss of muck by fire which had occurred in periods of drought, and by its recharging of the aquifer has driven back the infiltration of salt water which was endangering the underground fresh water supply of the whole gold coast area. The program has also protected the large agricultural interests in that whole area against the recurring threats of flood and drought. I think it is also proceeding rapidly to solve the problem of water supply to the Everglades National Park which problem should be fully solved when the level of Lake Okeechobee can be further raised under the latest authorizations adopted by the Congress. On the Gulf side, the Central and Southern Florida program is also supplying the needed supply of water to the City of Fort Myers and surrounding areas.

Similar results, I think, will be accomplished for much of the middle and upper west coast as the structures in the Southwest Florida Flood Control District move toward completion. It is quite certain that there are further problems ahead of us in other parts of the state as our population and industries continue to grow. Suffice it to say at this time that the problems of water supply and water protection remain with us and I hope they will continue to have the active interest of the Audubon Society just as they have had in the past. The State Board of Conservation by its more recent actions has shown a keen awareness of the problem.

I cannot dwell long, in the course of these brief remarks, on the problem of water pollution, but this is a subject that has already engaged the interest and activity of the Audubon Society and I hope it will continue to do so. The principal problem of pollution control at present in our state is centered at Jacksonville and relates primarily to the very bad condition of the lower St. John's River. An extensive program there is underway supported both by federal and local governments.

On the general question of pollution due to the use of insecticides, both by agriculture and otherwise, suffice it to say that a huge program is already underway on the part of both federal and state governments to attempt to deal with that urgent problem. A subcommittee of the Appropriations Committee of the Senate, which I head, and which handles all agricultural appropriations, initiated in 1965 a long-time and expensive program in this field, involving the creation of 8 new experimental facilities located in various parts of our nation. One of these new facilities is the new experiment station at Gainesville called the Laboratory for Insect Attractants and Environmental Research on Stored Products Insects which is now complete and is beginning to function helpfully. These 8 stations will have the continued support of Congress and there are also programs underway in the state experiment stations, many of which are joint programs supported by both federal and state funds. I confidently expect we will make great progress in this field within the next few years.

Of course, you all know that the subject of water and air pollution has become a popular one, has been adopted by both of the great political parties, and is being supported actively both in the Congress and by the Executive Department. We in Washington have this problem called to our daily attention by the horrible condition of the Potomac River which was originally one of our finest national streams. In our own state, as elsewhere, these problems of pollution, whether by insecticides, industrial wastes, human wastes or otherwise, are long-range problems which deserve and will require long-time and dedicated attention of public agencies and of our people for many years ahead, if not always. It is my own belief that such solutions will never be permanent but will require constant attention and up-dating by our public and private institutions, generation after generation, throughout the life of this nation.

Of course, many problems in connection with our wildlife have been solved and are being solved. I have already referred to the fact that our pine forests and hardwood forests are capable of restoration and in many areas are now being restored. I think we should be encouraged by the fact that the population of some of our game species is also much more abundant than it was a few years ago. I am thinking particularly of our population of deer and wild turkey which have certainly come back notably in these last twenty years. The same is true of some other varieties of resident game and fish, both of which are being handled by sensible fish and wildlife programs for conservation, propagation, and restocking. I wish that I could say the same about our migrant game species, but apparently we are having harder going on the preservation and restoration of the abundance of migrant wild fowl which we used to find in the winter season in our state. This is true in spite of the widespread efforts being made throughout our nation and in Canada, but more and more time, effort and money is being expended on that subject.

As to our exotic birds we all know that the Everglades National Park, and other smaller installations by the state and federal governments in the Keys, have resulted in the restoration of substantial numbers of roseate spoonbills, great white herons, and white crowned pigeons, to mention only three varieties. We have also been delighted to find that several importations of foreign varieties by natural or artificial means have become established, such as the spotted-breasted oriole, the scarlet ibis, the black whiskered bulbul and the African cattle egret. Other varieties, whether imported or native, such as the smooth billed ani, are becoming more widespread in our state.

On a personal basis, I think I have noted that some indigenous birds such as the wood duck, the native Florida mallard, and the pileated woodpecker have become more numerous in recent years.

Perhaps it would be useful at this time to list briefly the enormous expansion of the several efforts in the State of Florida to conserve our natural resources which has taken place since the first wildlife refuge in the nation was set up by President Theodore Roosevelt in 1903 on three acres of land at Pelican Island just a short distance south from this spot. I mention first the Everglades National Park since it is the largest of the installations, though by no means the oldest. It has a total area of over 1⅓ million acres. Much as I am interested in that great park, I shall not dwell on it at great length at this time except to say that I think it is a tremendous asset for our state and the nation and must be safeguarded in every way. I shall discuss it later in my remarks.

Next, there are three national forests in Florida beginning in age with the Ocala National Forest established in 1908 and followed by the Osceola National Forest and the Apalachicola National Forest. These three have a total area of over one million acres. While their program for wildlife preservation is not as complete as that in the national park system, they do have great value from the standpoint of preservation of both natural flora and fauna.

Next, we have six national monuments and memorials in Florida, some of which have an important bearing on the conservation of wildlife, particularly the last one authorized, Biscayne National Monument just below Miami and now in the process of development. I am glad to report as to Biscayne National Monument that the national government acquired last year about $2½ million worth of property there consisting of

495 plus acres on the islands which comprise the land area of that monument. I have every confidence that we will be able to continue successfully with that project in spite of some strong local opposition. I hope the Audubon Society will continue its active support.

Next, there are 19 national wildlife refuges, including three in the Florida Keys and 16 others on the mainland of the state of which the best known are the St. Marks National Wildlife Refuge of 65,000 acres below Tallahassee, and the Merritt Island Wildlife Refuge, nearly 39,000 acres in the Kennedy Space Center holdings, and only a few miles from the spot of this present meeting. Others of great importance are the Loxahatchee Wildlife Refuge of over 145,000 acres which covers Conservation Area No. 1 of the Central and South Florida Flood Control District, the Chassahowitzka Refuge of over 18,000 acres along the Gulf coast between Brooksville and Crystal River, and the Ding Darling Refuge containing nearly 3,000 acres on Sanibel Island west of Fort Myers. I regard as particularly important the new refuge on St. Vincent Island in West Florida. Perhaps the most notable conservation contributions to date of these national wildlife refuges have been the survival and increased number of the little Key deer at the Key Deer Refuge and the establishment of the Everglades Kite Colony in the Loxahatchee Refuge.

Next, there are 75 state parks and memorials extending from Fort Pickens State Park near Pensacola to Fort Clinch State Park in Fernandina in the northeast corner of the state and southward to the John Pennekamp Coral Reef State Park of over 50,000 acres at Key Largo. I commend the Florida Board of Parks and Historic Memorials on this activity. The most visited State Park is Hugh Taylor Birch State Park at Fort Lauderdale. Among other state parks that are best known are the Myakka River State Park of nearly 29,000 acres near Sarasota, Highland Hammock State Park of nearly 3,800 acres near Sebring, Florida Caverns State Park near Marianna of over 1,000 acres, Anastasia State Park, over 1,000 acres on St. Augustine Beach, and Gold Head Branch State Park of 1,400 acres near Keystone Heights.

This Florida Audubon Society has also done a great work in establishing Audubon Sanctuaries in Florida which are now 65 in number and which can be found in nearly all parts of the state. Perhaps the two best known of these are Wakulla Springs National Sanctuary of 4,000 acres at Wakulla Springs, and the Corkscrew Swamp Sanctuary of over 7,000 acres between Naples and Immokalee. A partial story of these important Audubon refuges is well stated in the last issue of our Audubon Magazine and I warmly congratulate Mrs. Dorothy Beckwith, Chairman of the Florida Audubon Society Sanctuary Committee and other members of the Sanctuary Committee upon their successful efforts in this fertile field of conservation. I particularly call attention to the fact that they have been able to get so much cooperation from state and local agencies and from individual citizens. In my own part of the state I have noted in particular the large degree of cooperation which they have received from several of the phosphate companies and from many of the cattlemen, particularly in protecting the nesting areas of the bald eagle.

When it is remembered that there are a large number of county parks to add to those groups of units which I have already mentioned, I think it is clear that, while I do not have the exact figures, there must be more than three million acres of our state which are included in these various national, state, county, local and Audubon Society projects, all of which serve the cause of conservation. There are also many state and privately-owned reservations or preserves which are available for limited hunting privileges but which have much wildlife conservation value as regards non-game species and likewise in the field of protecting vegetation.

While I am sure that the Audubon Society and none of its members regard their program as anything complete, I do want to call attention to this immense amount of progress in the field of conservation of our natural resources of wildlife and vegetation which has been accomplished in relatively recent years. The first dedication of any land of which I know for conservation purposes was the declaration of the three acre Pelican Island Refuge in 1903 so that all of the progress made to this date has occurred since that time. On this occasion, the 70th State Convention of the Florida Audubon Society, I feel that the fact that the Audubon Society has been one of the principal participants in this great program, should be a source of tremendous satisfaction to every Audubon member as well as to every other person who is interested in conservation.

Since there is much to be done which lies ahead, I shall discuss that in the rest of my remarks.

In the first place, the problem of the erosion of important beaches becomes more and more critical with the development of more beach residential and other properties and the construction of jetties in connection with the building and protection of harbors. A great deal of cooperatively financed work is already underway by the federal government and other agencies in this field, but I think it is one of the most critical matters that will continue to confront our state and I hope that the Audubon Society will continue and enlarge its interest in this field. I should say that I have been disturbed from time-to-time by the attitude of the Fish and Wildlife Service in imposing handicaps to this work by making rulings affecting the source of the sand to be used for nourishing the beaches. This hurtful attitude of the Fish and Wildlife Service has also disturbed me in connection with its withholding of permission or delaying and stretching out unduly the conditions which it insists upon before permits are granted by it for the bulkheading and filling in of some of the Florida Keys and some other Florida Islands and some other beach properties. I think it is well and proper that the Fish and Wildlife Service should be very careful in these matters, but I feel it has been in some instances quite unreasonable in its attitude. I am glad to note that in some cases the Audubon Society has specifically taken an opposite position in supporting the doing of work which was completely necessary when appropriate developmental or protective work was required to be done.

It is, perhaps, difficult on many occasions to determine exactly where the dividing line is between those projects which are necessary and those which would be destructive, but I shall continue to insist that the Fish and Wildlife Service be more practical and more reasonable in this regard. There are highly critical projects now demanding attention if important beaches are to be preserved and expensive and important developments are to be properly protected and I suggest that the Audubon Society might want to set up a special committee to keep a close eye on this type of public and private effort which does involve in many cases conservation values which need to be recognized and protected.

We come next to an item with which I suspect most of the members of the Audubon Society will disagree with me, but which I think should be at least carefully considered by this organization which is the construction and ultimate operation of the Cross Florida Barge Canal. Every person here knows, I am sure, that I have supported that project because I thought it to be in the fundamental interest of our state and nation and it is impossible to ignore that when a large part of our waterborne commerce is now moving in barges in the great rivers of the Mississippi Basin and along the Gulf Coast Intracoastal Waterway as well as in the Atlantic Intracoastal Waterway which already extends at full dimensions from Trenton, New Jersey to Fort Pierce, Florida and at somewhat reduced dimensions from Fort Pierce to Miami. The connecting link across the upper part of the Florida peninsula has been eagerly desired by those engaged in water-borne commerce as well as in national security and defense back as far as Spanish days and with greater and greater concern since the time of the purchase of the Floridas from Spain. I shall not go into those details, but suffice it to say that here is a project, not just affecting Florida, but of deep concern to the entire Mississippi Basin and the Gulf coast area and also to many commercial and transportation interests along the Atlantic seaboard.

The purpose of my remarks on this subject, however, is not to go into those details but simply to remind the members of the Florida Audubon Society that that project is well underway and that the nation is committed to it and that I think it is time for the Audubon Society to look for opportunities by which you can realize your ever-present and highly important objectives in the field of conservation in connection with this barge canal. I remind you that we have found many opportunities to set up sanctuaries and other conservation projects along the Atlantic Intracoastal Waterway in Florida extending all the way from Fort Clinch in Fernandina to Miami. I note in the listing of the Audubon sanctuaries that some seven or more of them are listed along the Intracoastal Waterway through cooperation with the Florida Inland Navigation District mostly on made land that was created by the construction of the Atlantic Intracoastal Waterway.

Likewise, I note that several such Audubon sanctuaries are located along the west coast where an Intracoastal Waterway has already been constructed from the mouth of the Caloosahatchee River to Tarpon Springs and where several important sanctuaries are located in the vicinity of the Skyway Bridge across lower Tampa Bay through your cooperation with the commissioners of the affected counties and the highway officials. I am sure that there will be opportunities for just such worthwhile conservation operations along the Cross Florida Barge Canal. Years ago I fished most successfully and pleasurably in the so-called backwaters of the Withlacoochee River between Dunnellon and Yankee-town as they were impounded by a dam constructed by one of the power companies. Along the banks of that large artificial lake were various fishing camps and hunting lodges and I feel sure that opportunities for important conservation preserves existed at that time, though I know of none which were created. There will, I feel, be many opportunities for this kind of cooperative work which will be valuable to the cause of conservation that may be done along the several impounded pools or lakes of considerable size which are a necessary part of the Cross State Barge Canal to conserve the surface waters for the operation of the locks.

Years ago when I was handling appropriations for the Panama Canal and visiting there, I found that important conservation operations had been set up along that canal, particularly on a large island which was in the middle of Gatun Lake. I have noted that the Fish and Wildlife Service very wisely took advantage of the fact that the northernmost conservation area No. 1 which was an important part of the Central and Southern Florida Flood Control program—afforded a splendid opportunity for conservation work and established there

Loxahatchee Fish and Wildlife Reserve which I have already mentioned. I feel that we should always plan for the cooperation in public works with conservation groups, particularly with the Audubon Society, and in closing on this subject I suggest again that I think there is a fertile field for cooperation with the U.S. Corps of Engineers and the State Canal Authority in the area of the Florida Cross State Barge Canal. I do not expect everyone to agree with me on this, but I hope that some consideration of my suggestion may follow.

I would next like to go into some detail in what I think will be the toughest problem confronting us in the future which relates to the preservation and even improvement of the Everglades National Park. The solution of that problem concerns what shall be done with the privately-owned lands which lie north of the park. I hardly think it is necessary to say that I have spent many months of work and effort and even have done some fighting legislatively and in the Executive Department when I was Governor in connection with planning for and accomplishing the creation of the Everglades National Park and in legislating and attempting to further legislate for its completion and protection in the twenty-four years I have spent in the United States Senate. To me, this has been always a very dear objective and it will always continue to be such.

There is, however, the stark fact that excepting only some mileage along the north edge of the park that lies below Storage Area No. 3 of the Central and Southern Florida Flood Control Project, there is a very large area of privately-owned lands, some lying below the Tamiami Trail in the general area of the so-called Chevelier Road and a much larger area lying north of the Tamiami Trail from about forty miles out of Miami clear across to Everglades City and beyond. The problem of what shall be the future use of this land has been brought into sharp focus by the so-called Miami Jetport project which now seems to be in process of solution. I do not believe that the operation for several years of that jetport in substantially its present condition as a training facility will be harmful to the Everglades National Park under the reasonable conditions imposed by the federal government and agreed to by the local officials of Dade and Collier Counties. I believe that the present program to locate another adequate site for a jetport in that general area of Southwest Florida will be pursued successfully by all concerned and that a gigantic jetport will be constructed and operated without being hurtful to the park. The problem remains, however, as to what proper and legal use can be made of the vast acreage of privately-owned lands which I have already said lies north of the western portion of the park. Here is a problem that is going to produce headaches for the local officials of Dade, Monroe and Collier Counties for years to come, as well as to state officials and to the officials of the federal government, both those who represent Florida directly and others in the legislative and executive departments of the federal government.

I am not among those who feel that all portions of the park may be destroyed if this problem is not solved, because I think there are portions in and along the Florida Bay and in the southern, southeastern and southwestern and northwestern parts of the park which could not be destructively affected. But as to all of the great central and northeast area of the park, it is certainly true that an appropriate solution of the proper use of the private lands which I have already mentioned must be found and insisted upon if that great portion of the park is to be protected and preserved.

The time will soon be here when I will have no official duties in this regard, but so long as I live I will be deeply interested in this problem and I do hope that the Audubon Society will not only continue to show vital interest in its solution, but will devote even more effort than heretofore to what I regard as the most important single problem now confronting those who are interested in conserving not only the beauty and the wild natural values in the park, but in preserving it as the principal, national park for winter use by countless millions of our American people in the future in seeking recreation, relaxation and the enjoyment of natural values and charms which may be found only there in abundance and which I hope will always remain there in the same abundance.

In closing, I cannot begin to tell you how pleased I am to be here and how grateful I am to your officers in affording me this opportunity to visit with you. I assume that all who are here are ardent friends of conservation of our natural resources and I doubt if any who are here are more ardent in that regard than am I. At the same time, I am sure that those of us who love nature and natural values and seek to preserve them are also mindful of the fact that there are many other legitimate interests and programs in Florida and the nation which have a distinct part in the development of our state, already the 9th in population among the 50 states, and already the goal of perhaps millions of other Americans who wish to come here. Those who represent you in Washington, including myself, have the task of representing all of these legitimate interests and frequently we are called upon to try to adjust or compromise the views of good citizens who are interested in different objectives which sometimes conflict with each other. Such a duty devolves on anyone who represents you in the United States Senate and I trust that I have fulfilled that duty in a reasonable way. It has always been my effort to do just that.

I well realize that I have not always been able to completely satisfy the desires of ardent conservationists, and I can tell you confidentially that there are at least two members of my own family who frequently make me realize that such is the case, and I assume will continue to be the case, so long as I am in the Senate.

In the meantime, however, I want you to know how thoroughly I appreciate the efforts of the Florida Audubon Society and how sincerely I compliment you upon your many great accomplishments in the field of conserving the natural resources of our state. I hope that your efforts and your attainments will continue to be as successful in the future as they have been in the past.

MINORITY SMALL BUSINESSES

Mr. JAVITS. Mr. President, I would like to report to the Senate on an interesting initiative in the field of small business in New York.

The New York City banks are going to join together in what I consider an auspicious program to assist small businesses, especially when minority entrepreneurship is involved.

On November 3, 1969, I called together representatives of the New York City banks and the Small Business Administration and asked them to explore ways in which they could work more closely together in assisting minority small businessmen. At that time a subcommittee drawn from the bankers was set up. This subcommittee met on almost a biweekly basis and conceived a fine operating program as well as some excellent suggestions relating to the future involvement of the New York City banks in minority economic development. The report of the subcommittee was heard by the full group on February 2, 1970, and I am pleased to report to the Senate that it was adopted.

The key features of the report include an operating program and a policy program. The 10-point operating program is designed to speed up the SBA loan guaranty process in order that gurantees can be secured in 3 days, cut bureaucratic redtape, make SBA loan guaranty assistance available to more minority individuals, and to bring the banks and the SBA into a closer working relationship. The policy program provides for the bankers to establish an Urban Affairs Committee which will be a permanent body composed of one member appointed by the senior management of each bank. The Urban Affairs Committee is given the mandate to look into the establishment of two instrumentalities vital to minority economic development.

The first of these instrumentalities is a joint equity capital pool which may utilize either an existing organization or create a new one. Implicit in this vehicle will be the cooperative effort of all the city banks. The second instrumentality will be a joint venture for giving the benefit of management and technical assistance to minority business.

Several of the points of the 10-point operating program will require policy changes on the part of the SBA. I believe that these changes are reasonable and as the ranking minority member of the Select Committee on Small Business I have already asked the Deputy Administrator of the SBA to look into their immediate implementation. I expect the charges will be agreed to and that action will be taken as quickly as possible.

In addition, legislation is required to implement one of the points. It was the strong feeling of the banks that the limits on the Economic Opportunity loans be raised from $25,000 to $100,000. I am going to introduce legislation toward that end. If any Senators would like to join me in that movement, I would be most gratified.

I was especially pleased that the banks clearly expressed their intention to make minority loans; and even in these trying times of tight money and high interest rates, to make funds available for minority loans at extremely favorable rates.

It is my hope that what the banks are doing in New York City will serve as a model for the rest of the country. It shows what can be done when banks combine together in an intelligent way and in the public interest. Certainly the policy changes that I expect SBA to make will be available throughout the country so that all banks may make use of them. In addition I would hope that banks throughout the country will combine their efforts to produce equity capital pools and management and technical assistance organizations to assist minority business in their respective regions.

I urge all Senators to study the program, especially Senators who represent large cities with strong banking systems, with a view of trying to do the same or

something like it in order to solve some of the problems of minority small businesses.

Mr. President, I ask unanimous consent to have printed in the RECORD the report of the program by the New York City banks, a February 3 article from the American Banker discussing the program and a copy of my letter to the Deputy Administrator of SBA.

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

FEBRUARY 4, 1970.

HON. DONALD BREWER,
Deputy Administrator, Small Business Administration, Washington, D.C.

DEAR DEPUTY ADMINISTRATOR BREWER: I am pleased to forward to you the recommendations of the New York City banks. These recommendations grew out of the November 3, 1969 meeting that I called at my New York City office which you attended. Each has the very strong endorsement of all the major metropolitan New York City banks.

You will note that certain of the points proposed by the banks in their ten-point operating program will require a change in the policy of the SBA. I would hope that you would be able to give your approval to these changes in the shortest possible time.

I am in the process of introducing the necessary legislation to implement the recommendation the Economic Opportunity Loan limit be raised to $100,000.

I believe that each of the New York City banks is prepared to enter into a new era of close cooperation with the SBA. I consider this a most healthy development. I hope that you will do everything in your power to encourage this cooperative spirit to continue and grow.

With best wishes.

Sincerely,

JACOB K. JAVITS.

NEW YORK BANKERS DISCLOSE BLUEPRINT FOR MINORITY BUSINESS LENDING

(By William Zimmerman)

NEW YORK.—Local bankers' task force Monday revealed a blueprint for action the New York banking community and Small Business Administration might undertake to stimulate minority entrepreneurship.

A 25-member bankers group, at a meeting in the offices of Sen. Jacob Javits, R., N.Y., recommended that the city's banks jointly create an equity fund pool and vehicle to coordinate managerial and technical assistance for minority businessmen, and offered a series of suggestions—some involving policy changes, other legislative—by which the SBA could improve its guarantee loan program.

A temporary group formed last November at the suggestion of Sen. Javits to find ways to spur minority business ownership, the task force Monday recommended that the chief executives of New York commercial banks appoint a permanent urban affairs committee made up of senior management representatives. Its job will be to find ways to implement the recommendations for an equity fund pool and management assistance vehicle and find ways in which the banks jointly can attack urban problems.

Robert F. Longley, vice president, Morgan Guaranty Trust Co., said that the committee would be formed within a month. Mr. Javits while asserting he does not want to tie the banks to any commitment, observed, however, that he is confident the activities of the senior bank committee "will result in some form of equity capital pool," whether by expansion of an existing vehicle, or the creation of a new one, and "some entity to provide managerial and technical assistance."

On a more immediate basis, the bankers task force announced the banks and the regional SBA office will adopt a program, similar to one undertaken last September in Chicago, in which loans up to $100,000 made by banks with an SBA 90% guarantee will be approved or rejected by the Federal agency within a three-day period. If an institution has not received a negative response from the SBA on an application by the third day after it is submitted, the bank will assume it has been automatically guaranteed.

William Hudgins, president of the Harlem's $34.3 million-deposit Freedom National Bank, the nation's largest minority-owned bank who served as head of the task force's subcommittee that made the recommendations, said "material improvements in the time in which a loan is granted is critically important," since this has been a major stumbling block to encouraging minority loans.

In numerous instances, Mr. Hudgins said, "many people are out of business before the actual closing of a loan." John B. Stalford, New York regional SBA bank officer, noted that while the SBA has aimed for loan approval by the end of a 10-day period, often this goal has not been made.

Under the new three-day approval procedure, an effort will be made to have the SBA loan officers work more closely with the banks when the institutions are preparing the applications, so that when the application finally reaches the SBA it will, in effect, have been largely pre-screened and can be processed more quickly.

The SBA's emphasis, under this approach, will not be on the credit aspects of a loan—for these will have been made jointly by the bank and the SBA lending officer while preparing the application. The SBA loan officers, Mr. Stalford said, recently have been assigned to work more closely with the city's banks.

By a more efficient guarantee approval procedure, it is the banks' and Mr. Javits' hope that minority loans will be made more rapidly and in greater number. NYSBA acting regional director Andrew J. Semon reported Monday that from July 1 to Dec. 31 last year, the SBA itself directly made 115 loans totaling $1,598,000 to minority groups. During this period the agency, in participation with banks, made an additional 92 minority loans totaling $2,551,000. The majority of these loans were made by the banks with the SBA's 90% guarantee, and the bank's portion was $274,000.

Mr. Semon said he is hopeful that the banks will take more of an interest in participating in more of the loans which the SBA is making on its own on a direct basis.

Mr. Javits said "the banks emphasized to me that this type of loan (for minorities) has priority to them, nothwithstanding tight money." Mr. Hudgins agreed "there is considerable more money available for the purpose of making loans to minorities than has been requested."

The senator, who is ranking minority member of the Senate Select Small Business Committee, returned to Washington Monday with a series of recommendations made by the bankers to the SBA to improve the flexibility of its loan guarantee program. Some require policy changes, while others may have to be proposed legislatively.

The bankers asked permission to be able to charge a "floating" interest rate on the SBA-guaranteed loans, which would move up or down, in correspondence with money market conditions, in relation to their own minimum commercial lending rate. Currently, the banks are limited to a fixed rate that they can charge, which generally has been up to two percentage points above the prime lending rate. This recommendation would require a policy change, Mr. Stalford said.

The bankers also urged that the amount of a loan which may be guaranteed up to 100% under the SBA's Economic Opportunity Loan program be increased to $100,000 from the current $25,000. Lawrence J. Toal, vice president and director of community economic development, Chase Manhattan Bank NA, said the 100% guarantee on larger loans would be particularly helpful to smaller, inner-city and minority-owned banks that cannot afford to take much risk. This proposal is seen as requiring legislative change.

Another policy change proposed was to authorize the SBA to guarantee revolving credits and lines of credit to minority groups. Currently the SBA will guarantee only a fixed loan amount with a fixed repayment schedule. According to Mr. Toal, this prevents a bank from financing a businessman who needs working capital, say, six months after he gets a loan for seasonal purposes. Mr. Stalford said he is in favor of this recommendation.

Also recommended was permission for the banks to have increased flexibility in deferring payments for principal and interest on loans made to minorities. Currently, a bank can defer payments for 13 months, but the bank must state it will do so at the onset of making the loan. The banks, instead, would like to be able to defer principal and interest periods for a six-month period, with the additional stipulation that such deferral could be extended, at their option, for two additional periods of six months each.

In effect, this would extend the deferment period for up to 18 months, and help the banks overcome the almost impossible task of being able to initially project the amount of cash flow that will be coming into the business to amortize the loan, according to Mr. Toal, who is a member of the task force's subcommittee that made the recommendations.

Other recommendations were for the SBA to simplify reporting requirements on loans made in participation by the banks with the agency, and that in those cases where banks made a loan and the SBA is the guarantor only the SBA should eliminate the list of businesses which it presently excludes from consideration for SBA loans. Publishing businesses are an example.

No details have been developed for the recommended equity pool, except that it be jointly sponsored by the New York banks; it could take a variety of forms: a straight equity pool formed by contributions of the banks themselves, a minority enterprise small business investment company formed from a combination of bank and SBA funds, or individual use by the banks of their own SBICS to finance minority businesses.

In operation, with such a pool of equity funds, each participating bank would do the basic analysis of a minority individual's loan application and make a commitment for a loan that would be subject to his obtaining a certain amount of equity funds from the equity pool.

The need for equity funds by small businessmen is seen as imperative, for all too often an individual's financing is structured on an over-leveraged basis, and he starts suffocating from carrying high interest and debt-servicing costs without having any kind of financial cushion.

It is hoped that the permanent urban affairs committee also will be able to form a single coordinated managerial assistance effort. Many groups now are providing this assistance, but the total picture is splintered.

Mr. Toal regards the attempt by 18 New York banks to assume a united stance in attaching urban problems as quite significant. While many of the institutions have been doing a lot individually, he said, their efforts in the minority field now will have a "lot more thrust and push." The importance of this approach, he said, is seen just in the fact that already they have been able to come up with specific recommendations to improve SBA procedures.

NEW YORK BANKS-SBA SUB-COMMITTEE REPORT

PURPOSE

This sub-committee was formed to explore the problem of economic development in the

disadvantaged areas of New York City and to recommend approaches for effective solution. The sub-committee considered three basic areas:

1. more efficient approval of guaranteed loans to minority businessmen by the Small Business Administration

2. means of strengthening the quality of managerial assistance, technical advice, and counsel

3. methods of increasing the flow of equity funds to minority-owned businesses.

I. APPROVAL OF GUARANTEED LOANS

Feeling strongly that its area of investigation should not be restricted in any way, the sub-committee explored *both* the present problems of banks and the Small Business Administration under the loan guarantee program *as well as* methods of improving that program. Therefore, some of the recommendations which follow may be implemented immediately, others will require procedural changes, and still others will require new legislation.

The sub-committee's recommendations regarding SBA approval of guaranteed loans are intended to accomplish two broad objectives:

1. to increase the flexibility of the loan guarantee program so that it is more functional for the banks and more responsive to the needs of the communities.

2. to improve cooperation and communications between the banks and SBA to permit speedier approval of loan applications and more efficient disbursement of funds.

The following recommendations are made:

1. That the Simplified Blanket Plan-Automatic be adopted by the banks in New York City (on terms similar to the existing commitment negotiated by each bank with the SBA for the Simplified Blanket Guarantee Plan), and that the existing Blanket Guarantee Plan be continued in full force.

(a) The SBA will inform the bank of its rejection of an application by telegram within three business days. This may be preceded by an informal telephone message or be succeeded by a confirming letter, at the discretion of SBA.

(b) A loan will be guaranteed after the three-day period has elapsed after formal submission even if the security check should turn up something unfavorable about the applicant. A written opinion of SBA's counsel covering this point should be given to all participating banks.

2. That the New York office of the Small Business Administration be sufficiently staffed to provide full consultation services to banks, upon request, from loan application to closing. This is designed to eliminate duplication of effort and should result in more timely disbursement of funds. If SBA does not avail itself of the invitation to consult with the banks on a particular loan, such absence of review in advance of formal submission to SBA will not prejudice SBA's approval of the loan application.

3. That the SBA keep banks fully advised of all lending policies, procedures and guidelines, including any changes thereto.

4. That the banks be permitted, at their option, to allow their rate of interest on a particular loan to move up or down in relation to their own minimum commercial lending rate.

5. That the list of businesses and other entities presently excluded from consideration for SBA loans be eliminated for those loans in which the SBA is guarantor only.

6. That the amount of a loan which may be guaranteed up to 100% under the EOL program be increased from $25,000 to $100,000 and that such EOL loans be eligible for guaranty under the Simplified Blanket Guarantee Plan and Simplified Blanket Guarantee Plan-Automatic.

7. That appropriate action be taken to authorize the SBA to guarantee revolving credits and lines of credit.

8. That, in lieu of the 13 month deferral on payments for principal and interest presently allowed by the SBA, the following plan be substituted—principal and interest may be deferred for a six month period with the additional stipulation that such deferral could be extended, at the option of the bank, for two additional periods of six months each.

9. That reporting requirements on loans made in participation with SBA be simplified.

10. That this sub-committee or a similar sub-committee be appointed to meet regularly to monitor, modify and refine the adopted program and to work toward constantly improving relations and communications of the banks with SBA.

II. MANAGERIAL ASSISTANCE AND TECHNICAL ADVICE

The sub-committee recognizes the inadequacy of managerial and technical assistance programs available to minority businessmen and the critical need for a more effective approach to this problem. Several possibilities were discussed, but the sub-committee felt constrained because of its composition and lack of sufficient facts to make specific recommendations at this time. It recommends establishment of a special task force operating under the permanent bank committee to develop an appropriate program.

III. INCREASE THE AVAILABILITY OF EQUITY FUNDS FOR MINORITY ENTERPRISES

1. The problem

Minority businesses have experienced serious problems due to a lack of sufficient amounts of subordinated money and/or equity funds to properly structure their businesses. Some independent organizations have been established as possible sources of these funds, but they have generally been inadequate and also involve considerable time delay.

Banks have attempted to fill this fund's void by making commercial loans despite the relatively small amounts of equity funds. The resulting under-capitalization of most minority-owned businesses places a serious additional burden of interest expense and debt service on these businesses.

2. The recommendation

Accordingly, the sub-committee recommends that a vehicle be established to provide equity funds and/or subordinated debt under the joint sponsorship of New York banks. Several alternatives among others are available: (see discussion of alternative—Exhibit A)

(a) a multi-bank sponsored Minority Enterprise Small Business Investment Corporation (MESBIC)

(b) equity pool directly supported by participating banks

(c) individual bank effort through existing SBIC or MESBIC jointly sponsored by bank and other non-banking entities.

IV. PERMANENT NEW YORK CITY BANK COMMITTEE

The sub-committee identified the need for better communications and cooperation among New York City banks to coordinate more effectively their efforts in attacking urban problems.

Therefore it recommends the formation of a permanent Urban Affairs Committee with one member to be appointed by the Chief Executive Officer of each New York City bank. It is envisioned that this committee have senior representation of the banks.

The function of this committee would be to plan and coordinate joint urban affairs efforts of the banks and to consider specific problems of common interest.

It is recommended that this committee initially set up task forces for study and development of specific proposals in various areas including Economic Development, Technical and Managerial Assistance, Housing and Urban Development and Contractor Financing.

EXHIBIT A—DISCUSSION OF ALTERNATIVES ON INCREASING THE AVAILABILITY OF FUNDS FOR MINORITY ENTERPRISES

A. MESBIC

Messrs. Toal, Willems, Alexander and Strong of the sub-committee met with A. H. Singer, Associate Administrator for Investment of the Small Business Administration and several other members of the SBA Washington staff on January 14, 1970. Mr. Singer is directly involved with MESBIC's and gave us the current feeling on this subject.

Essentially, "Project Enterprise", which encompasses the MESBIC concept, will be an important thrust of the Nixon Administration. This means it probably will have continued strong support and that necessary funding will be and will remain available.

Mr. Singer and his associates seemed to feel a combined bank MESBIC could work and could very well have significant implications as far as evidence of the participating banks making a meaningful joint effort in helping the minority businessman. Also, the ability of the banks to tap certain sources for various types of follow-up assistance is undeniable.

Additional background information on MESBICS is attached, but several other specific points are important in our appraisal of the proposal that a group of New York banks form a MESBIC.

1. Any bank that already owns an SBIC could not own more than 10% of another SBIC. This would include a holding company/bank situation and would apply to such banks as Chase, Morgan, FNCB, and Franklin. If fewer than ten banks were interested in participating in such a plan, this could necessitate unequal ownership.

2. It was the concensus of opinion that there would need to be a separate full time staff to administer the MESBIC.

3. There are certain reporting procedures to the SBA which include a fully certified audit at March 31st and an unaudited six month statement at September 30th, as well as a fairly detailed evaluation report on each small business concern.

4. The Government does not come in with its participation funding until 75% of the MESBIC's own capital has been used up or firmly committed.

5. Government money is in the form of debentures with interest tied to the Treasury cost of 10 year money (presently 7½%).

6. The forming of a MESBIC definitely implies a certain responsibility for follow-up assistance and requires the sponsors to subsidize some of the initial costs of operation until the MESBIC is self-reliant.

B. Equity pool under sole sponsorship on New York banks

To achieve the goal of establishing a source of equity or "sub-debt" money for small businesses and to obtain the strengths that can be derived from a coordinated joint bank effort, the banks could form their own pool of equity. The plus factors are that it could be fashioned exactly the way the banks wanted and would not have to conform to the various Federal SBIC regulations. It probably would not require the amount of overhead expense of a MESBIC. The most obvious disadvantages would be the lack of leverage available and the probable lack of some of the tax incentives of a formal MESBIC.

C. Individual bank effort through existing SBIC or MESBIC jointly sponsored by bank and other non-banking entities

The advantages and disadvantages of this alternative vary with each individual bank. It would, of necessity, result in a non-coordinated effort of banks in meeting the need for equity funds.

PRESS SUBPENAS

Mr. BYRD of Virginia. Mr. President, today's edition of the New York Times

contains an article indicating that the Justice Department has decided not to subpena the raw files of newsmen who have been writing about certain radical groups.

I hope that the Times account is correct. It would be most unfortunate if the Government were to insist on obtaining newsmen's unedited notes.

Such a policy would be dangerous and could lead to a newsman working with the Justice Department over his shoulder, so to speak.

It would undermine public confidence in the media.

It would impede the free flow of news.

Worst of all, it would be a step in the direction of government regulation of the press.

The press is a bulwark of liberty. Anyone—inside or outside the Government—may question the judgment, the taste or the accuracy of individual press accounts; but it would be a sad day in this country if the press were to be held accountable to the Government.

The Justice Department's demand for newsmen's files was ill-advised. I hope that it will be dropped, and that there will be no further efforts of this kind.

I agree with Mr. H. Roger Tatarian, vice president of United Press International, who said unrestricted use of the subpena power "would, in the long run, work only against the public interest."

It is the public interest that must be protected.

In speaking today, I might say that I am one of those who concurred in the views expressed in Des Moines by Vice President AGNEW. I think he made some statements that needed to be said in regard to the news media. I feel the Vice President's making those remarks was helpful. But this endeavor of the Justice Department to subpena the files of certain newsmen and newspapers and other news media seems to me ill advised and unjustified.

MOBILIZING NATIONAL OPINION ON BEHALF OF AMERICAN PRISONERS OF WAR—PROJECT BY U.S. JAYCEES

Mr. BYRD of Virginia. Mr. President, the U.S. Jaycees are launching a project to mobilize national opinion on behalf of Americans who are prisoners of war or missing in action in North Vietnam.

I am proud to say that this project was initiated by the Jaycees of Virginia Beach, Va. It already has become a stateside effort and soon will be national in scope. Later, the Jaycees hope to get the support of brother organizations in foreign countries.

This is a worthwhile and timely endeavor. We must not permit those Americans held captive by Hanoi to become the forgotten men of the war in Vietnam.

The demands for which the Jaycees seek to rally support are simple and entirely reasonable. They are asking only that North Vietnam adhere to the Geneva convention.

Specifically, they are calling for the immediate release of a list of prisoners, inspection of POW facilities by an impartial body, free flow of communications between the prisoners and their families, repatriation of the sick and wounded, and eventual release of all captives.

I know of nothing more inhumane than the cruel treatment which Hanoi has given to those Americans it holds prisoner—and to the families of these men who are not even permitted to know whether loved ones are alive or dead. Estimates indicate that 441 men are prisoners and 991 are missing. These are, however, only estimates and we cannot be sure of the fate of many now missing from their units.

I urge all Americans to unite in support of these men by taking an active part in the campaign which the Jaycees are beginning. It is the very least we can do for those who are suffering at the hands of the North Vietnamese.

Mr. HANSEN. Mr. President, I would like to associate myself with the remarks just made by the distinguished Senator from Virginia. I think the complimentary words he had to say about the Jaycees are certainly most deserved. We have a number of chapters of that fine organization in my State of Wyoming. They are delighted and privileged to join with those in the State of Virginia, and indeed in all the States, in trying to focus attention on an effort that I hope will result in an affirmative response from North Vietnam. Such a response would simply result in their doing the decent thing for prisoners of war. I am most pleased that the distinguished Senator from Virginia has taken this occasion to call attention to this project.

A NEW FISCAL COURSE

Mr. HANSEN. Mr. President, the President of the United States once again has seized the initiative and, once again, he has the people of this country with him.

He is to be commended for his excellent leadership and his honest assessment of what lies ahead for our country and what must be done to insure that we are doing the right kinds of things at the Federal level.

I speak of President Nixon's $200 billion budget. In my opinion, it is a responsible budget.

It is also responsive to our needs without being profligate in its totals, although it marks the crossing of the $200 billion frontier for the U.S. Government.

I am well aware, Mr. President, that the budget will now undergo months of intensive study and some adjustment. All of us can find specific areas where we would like to see more spending, and some of us can point out other categories which we think deserve less, but there is an important aspect to the overall thrust of the Federal Government's 1971 fiscal year undertaking. And that is that it is a balanced budget. It has provision for $202 billion in income and has a projected surplus of $1.3 billion.

This is all to the good, especially in this election year atmosphere which will markedly increase pressures for free spending in order to attempt to impress certain voting groups without assuming the necessary responsibility for increasing revenue to match expenditures.

Too often, Mr. President, a candidate for reelection is likely to cast his vote for all spending measures and against all tax bills. This, perhaps, would win a few votes, but it is an unfortunate display of fiscal irresponsibility.

I agree that the President is showing the Nation the way toward easing Federal inflationary pressure by a courageous and tough-minded spending plan. The public and, in turn, the Congress will have to be every bit as tough minded if we are to get the job done in the fight against inflation.

It is vitally important that the U.S. Government make every possible effort to live within its income and that we take the necessary steps to insure that the 1971 anti-inflationary budget does, indeed, "begin the necessary process of reordering our national priorities."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HANSEN. I ask unanimous consent that I may proceed for 5 additional minutes.

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

Mr. HANSEN. Mr. President, one of the most significant advances made by President Nixon's 1971 budget is that, for the first time in two full decades, the Federal Government will be able to spend more money on human resource programs than on national defense.

This is a tremendous advance and the President is to be commended for seeing that our priorities are modified in such a way as to allow for such an important change in focus.

Further, it is to the President's great credit that the new budget will reflect a basic commitment to the concept of "new federalism," and will—in the President's words—seek to "place greater reliance on private initiative and State and local government efforts in order more effectively to mobilize our total resources to achieve national purposes."

The 1971 budget will move ahead to:

Meet our international responsibilities by seeking an honorable peace in Vietnam and by maintaining sufficient military power to deter potential aggressors while at the same time negotiating possible limitations on strategic arms with the Soviet Union.

Help restore economic stability by holding down spending in order to provide another budget surplus and to relieve pressure on prices—and to achieve that surplus without income or excise tax increases.

Launch a major effort to improve environmental quality by attacking pollution, by providing more recreation opportunities, and by developing a better understanding of our environment.

Inaugurate the family assistance program, fundamentally reforming outmoded welfare programs, by encouraging family stability, and by providing incentives for work and training.

Provide major advances in programs to reduce crime.

Foster basic reforms in Government programs and processes by making entire program systems operate more effec-

tively, and by encouraging responsible decentralization of decisionmaking.

President Nixon has stated the issues clearly:

Difficult choices will have to be made if we are to fulfill these goals. In the past few years, too many hard choices were avoided. Inflation was permitted to impose its burdens on all Americans. The willingness to make hard choices is the driving force behind the 1971 budget proposals.

Now, Mr. President, it is up to the Congress to show the same kind of fiscal restraint and to support the President's drive for real economy and to make the Government more responsive to our country's real needs, to the shared purposes of the Nation.

As the President has noted, this budget imparts to our goals a sense of timing and commitment appropriate to a vigorous, free people seeking constantly to expand the Nation's potential and improve its performance.

Decisive action on the part of Congress to implement the President's budget will enhance that potential and that performance. It will build a better, stronger America.

INDIA

Mr. MILLER. Mr. President, in the New York Times for January 26 there appeared an editorial entitled "One-Sixth of Mankind," which commended the progress India has made during its 20 years as a federal union under a democratic constitution, adopted 2½ years after gaining her independence.

The Times refers to this as "one of the most remarkable political achievements of all time"—and this in the face of great handicaps of poverty and illiteracy, wars and famines.

Those in our own country, blessed as it has been with agricultural and industrial abundance, would do well to study the history of India in order to appreciate and be thankful for our own condition. Even better, it would be fruitful to visit India and see, with your own eyes, as I have, the dynamism which pervades a nation that is determined to build a better life for its people.

The United States can share, in a meaningful way, this 20th celebration of India as a democracy. Our people have provided a great amount of material and technical help to this young democracy. But even more important, many Americans—from successive Presidents and Ambassadors to dedicated missionaries and individuals from all walks of life—have given the people of India their moral support, encouragement, and understanding. I know most of the people of India have appreciated our support, and most of us here appreciate their progress and perseverance.

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:

ONE-SIXTH OF MANKIND

Five hundred and thirty million Indians—one-sixth of mankind—celebrate one of the most remarkable political achievements of all time today: Their completion of twenty years of federal union under the democratic Constitution India adopted on Jan. 26, 1950, two and one-half years after gaining independence from Britain.

Both union and democracy are under increasing strain these days, with the future of both in doubt. Yet the wonder is that this giant among nations has managed to keep its Constitution and territory intact through two perilous decades—decades marked by wars and famines and tragic losses of leadership.

Larger and more diverse than Europe, India has forged and preserved a degree of economic and political unity that Europeans still only dream of. Handicapped by widespread poverty and illiteracy, India nevertheless has instituted and remained faithful to constitutional principles while others more favored have retreated to tyranny.

These exemplary political attainments have been sustained by intensive, though uneven, economic development and, in recent years, by a "green revolution" on the land that could make India self-sufficient in food by the middle of this decade.

Unfortunately, the pace of growth has not been fast enough to fulfill the rising expectations of India's desperately poor masses. As the fruits of development have enriched the lives of some Indians, they have only aggravated the frustrations of others. The result is what Dean John P. Lewis of Princeton's Woodrow Wilson School of Public and International Affairs calls "a confrontation of progress and despair"—a confrontation that has manifested itself in rising rural unrest, communal strife and political instability.

Dean Lewis, who was the United States aid mission director in New Delhi from 1964 to 1969, believes this mounting crisis for Indian democracy can be overcome if India boldly expands its development effort to provide labor-intensive constructive work for the rural unemployed and underemployed.

But India's strained resources today are not equal to this added burden. Dean Lewis has suggested that United States aid to India, which has declined sharply in recent years, should be restored and expanded for the next three or four years to help the Indian Republic over this crucial period.

It is difficult to see how Americans can hope to enjoy the generations of peace which President Nixon predicted in his State of the Union Message if one-sixth of mankind is driven by despair into division and anarchy. Yet Congress has butchered President Nixon's foreign-aid requests and the President hinted in last week's message that development assistance will be included in his new policy of lowering the American profile abroad.

India's Republic Day is an occasion for Americans as well as Indians to reflect on the democratic values enshrined in the Indian Constitution and on the common interests of the world's two largest democracies in preserving these values on the Subcontinent.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

ACCELERATION OF LEGISLATIVE PROCEDURES

Mr. MANSFIELD. Mr. President, on Thursday, January 29, the joint leadership reported to the Senate certain actions which had been taken to consider ways by which legislative procedures of the Senate and Congress as a whole might be speeded up. It was reported that the joint leadership of the Senate, to include the President pro tempore and the ranking Republican member of the Committee on Appropriations, had met with our counterparts in the House of Representatives to discuss certain proposals. From that meeting, an agreement was reached on methods of scheduling legislation during this session.

The goals as outlined by the bipartisan leadership of both House and Senate were clearly defined. First was an early submission of the President's budget to the Congress. This goal has now been achieved. Next, there was to be an immediate identification from the budget of those new authorizations which must be enacted prior to appropriations action. This has now been done, and I ask unanimous consent that there be printed at this point in the RECORD a tabulation of these recommended amounts.

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

1971 budget

Recommended 1971 amounts requiring additional authorizing legislation

(NOTE.—The amounts are recommended in the 1971 budget, not proposed for separate transmittal following enactment of the authorizing legislation.)

[In thousands]

FUNDS APPROPRIATED TO THE PRESIDENT	
Military assistance: Foreign military credit sales	$272,500
Economic assistance: Supporting assistance	100,000
Peace Corps	98,800
Total, funds appropriated to the President	471,300
AGRICULTURE	
Food and Nutrition Service:	
Child nutrition programs	12,500
Food stamp program	1,080,000
Foreign Assistance and Special Export Programs: Public Law 480	230,000
Forest Service: Forest roads and trails (contract authority)	100,000
Total, Agriculture	1,422,500
COMMERCE	
Economic Development Administration:	
Development facilities	162,800
Industrial development loans and guarantees	56,400
Planning, technical assistance, and research	22,200
U.S. Travel Service: Salaries and expenses	1,800
National Bureau of Standards: Research and technical services	3,379
MARITIME ADMINISTRATION	
Ship construction	199,500
Ship operation subsidies	32,992
Liquidation of contract authority	(160,008)
Research and development	20,700
Salaries and expenses	4,675
Maritime training	6,800
State marine schools	2,325
Total, Commerce	513,571

DEFENSE—MILITARY	
Procurement of equipment and missiles, Army	$1,655,500
Procurement of aircraft and missiles, Navy	3,427,700
Shipbuilding and conversion, Navy	2,578,900
Other procurement, Navy	2,789
Procurement, Marine Corps	78,900
Aircraft procurement, Air Force	3,314,900
Missile procurement, Air Force	1,530,600
Research, development, test, and evaluation:	
Army	1,717,900
Navy	2,197,300
Air Force	2,909,700
Defense agencies	470,700
Emergency fund, Defense	50,000
Military construction:	
Army	657,800
Navy	287,450
Air Force	261,455
Defense agencies	43,600
Family housing, Defense	718,500
Special foreign currency program	2,621
Total, Defense—military	21,906,315
HEALTH, EDUCATION, AND WELFARE	
Consumer Protection and Environmental Health Services:	
Air pollution control	106,003
Environmental control	14,336
Health Service and Mental Health Administration:	
Mental health	76,000
Health services research and development	57,403
Comprehensive health planning and services	247,178
Regional medical services	96,502
Medical facilities construction	89,321
National Institutes of Health:	
Health manpower	22,549
National Library of Medicine	5,792
Office of Education:	
Elementary and secondary education	1,470,643
Education for the handicapped	84,500
Vocational and adult education	55,000
Education professions development	7,000
Social and Rehabilitation Service: Rehabilitation services and facilities	9,215
Total, Health, Education, and Welfare	2,341,442
HOUSING AND URBAN DEVELOPMENT	
College housing (increase in limitation on debt service contract commitments)	(9,300)
INTERIOR	
Bureau of Land Management: Public lands development roads and trails (contract authority)	3,000
Office of Territories: Trust Territory of the Pacific Islands	10,000
Bureau of Commercial Fisheries: Anadromous and Great Lakes fisheries conservation	2,168
Bureau of Sport Fisheries and Wildlife: Anadromous and Great Lakes fisheries conservation	2,311
National Park Service: Preservation of historic properties	6,950
Bureau of Reclamation: Construction and rehabilitation	$13,838
Office of Saline Water: Saline water conversion	29,373
Total, Interior	67,640
JUSTICE	
Law enforcement assistance	480,000
TRANSPORTATION	
Coast Guard: Acquisition, construction, and improvements	100,000
Federal Highway Administration:	
Highway beautification:	
Appropriation	800
Contract authority	25,000
Traffic and highway safety	33,024
Forest highways (contract authority)	33,000
Public lands highways (contract authority)	16,000
Highway trust fund (contract authority)	1,425,000
Federal Railroad Administration: High-speed ground transportation research and development	21,688
Total, Transportation	1,654,512
ATOMIC ENERGY COMMISSION	
Operating expenses	2,010,900
Plant and capital equipment	259,600
Total, Atomic Energy Commission	2,270,500
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION	
Total National Aeronautics and Space Administration	3,333,000
OTHER INDEPENDENT AGENCIES	
American Revolution Bicentennial Commission	375
Arms Control and Disarmament Agency	8,300
Commission on Civil Rights	550
Commission on Revision of the Criminal Laws of the District of Columbia	150
National Foundation on the Arts and the Humanities	35,000
National Science Foundation	513,000
Total, other independent agencies	557,375
Grand total: Budget authority	[1] 35,018,155
Grand total: Liquidation of contract authority	(160,008)

[1] Includes $1,602,000 thousand for contract authority recommended for provision in highway legislation.

Mr. MANSFIELD. The next step recommended was to urge early submission of messages and legislative proposals on these required authorization bills. I was pleased to note that in the budget message of the President he suggested that Congress could improve its contribution to better budgeting by enacting appropriations before the fiscal year begins, phasing the authorization and appropriations processes in a more orderly way. Further, he stated that—

The Executive Branch will speed its process wherever feasible to help make more timely action possible.

In view of this, I am confident the President will give proper guidance to all departments. In adidtion, I am hopeful that once a legislative proposal has been transmitted to the Congress executive witnesses will be available to testify without delay.

Hearings should be scheduled by appropriate legislative committees in both Houses at an early date after receipt of the President's recommendations. As an aid to chairmen of legislative committees of the Senate, I have asked that each individual appropriation measure be delineated so as to reflect the committee having primary responsibility for authorization. I ask unanimous consent that this table be printed at this point in the RECORD.

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

LEGISLATIVE COMMITTEE RESPONSIBILITIES FOR ITEMS LISTED IN 1971 BUDGET REQUIRING ADDITIONAL AUTHORIZING LEGISLATION

AERONAUTICAL AND SPACE SCIENCES

National Aeronautics and Space Administration.

AGRICULTURE AND FORESTRY

Food and Nutrition Service: Child nutrition programs, Food stamp program.

Forest highways (contract authority).

Foreign Assistance and Special Export Programs: P.L. 480.

ARMED SERVICES

Procurement of equipment and missiles, Army.

Procurement of aircraft and missiles, Navy.

Shipbuilding and conversion, Navy.

Other procurement, Navy.

Procurement, Marine Corps.

Aircraft procurement, Air Force.

Missile procurement, Air Force.

Research, development, test, and evaluation: Army; Navy; Air Force; Defense agencies; Emergency fund, Defense.

Military construction: Army; Navy; Air Force; Defense agencies.

Family housing, Defense.

Special foreign currency program.

BANKING AND CURRENCY

Housing and Urban Development: College housing (increase in limitation on debt service contract commitments).

COMMERCE

U.S. Travel Service: Salaries and expenses.

National Bureau of Standards: Research and technical services.

Maritime Administration: Ship construction; ship operation subsidies; (liquidation of contract authority); research and development; salaries and expenses; maritime training; State marine schools.

Bureau of Commercial Fisheries: Anadromous and Great Lakes fisheries conservation.

Bureau of Sport Fisheries and Wildlife: Anadromous and Great Lakes fisheries conservation.

Coast Guard: Acquisition, construction, and improvements.

High-speed ground transportation research and development.

DISTRICT OF COLUMBIA

Commission on Revision of the Criminal Laws of the District of Columbia.

FINANCE

Highway trust fund (contract authority).

FOREIGN RELATIONS

Military assistance: Foreign military credit sales.

Economic assistance: Supporting assistance.

Peace Corps.

Arms Control and Disarmament Agency.

INTERIOR AND INSULAR AFFAIRS

Environmental control (or Public Works Committee).

Bureau of Land Management: Public Lands development roads and trails (contract authority).

Office of Territories: Trust Territory of the Pacific Islands.

National Park Services: Preservation of historic properties.

Bureau of Reclamation: Construction and rehabilitation.

Office of Saline Water: Saline water conversion.

JUDICIARY

Justice: Law enforcement assistance.

American Revolution Bicentennial Commission.

Commission on Civil Rights.

LABOR AND PUBLIC WELFARE

Mental health.

Health services research and development.

Comprehensive health planning and services.

Regional medical services.

Medical facilities construction.

Health manpower.

National Library of Medicine.

Elementary and secondary education.

Education for the handicapped.

Vocational and adult education.

Education professions development.

Rehabilitation services and facilities.

National Foundation on the Arts and the Humanities.

National Science Foundation.

PUBLIC WORKS

Forest Service: Forest roads and trails (contract authority).

Economic Development Administration: Development facilities; industrial development loans and guarantees; planning, technical assistance, and research.

Air pollution control.

Environmental control (or Interior Committee).

Highway beautification: Appropriation, contract authority.

Traffic and highway safety.

Public lands highways (contract authority).

JOINT COMMITTEE ON ATOMIC ENERGY

Atomic Energy Commission: Operating expenses, plant and capital equipment.

Mr. MANSFIELD. Each committee chairman is urged to review the schedule of his committee hearings and provide a priority to those measures listed above. If this is done, appropriations bills will not be unduly held up pending passage of these necessary authorizations.

I am confident that if both Houses of the Congress and the executive branch cooperate in this effort, the legislative business will be completed this year in an orderly and timely manner. This should allow adjournment sine die at a reasonably early date.

I yield to the distinguished minority leader.

Mr. SCOTT. Mr. President, I congratulate the distinguished majority leader not only for the summation of what has been done, but also for the fact that he has taken the initiative to expedite the business of the Senate. Not in my recollection have we, during the past 11 years, approached the matter in quite this fashion. Not in my recollection have we had a situation in which Congress, in both bodies, and the executive branch, have agreed early in the session on ways and means for the kind of internal housekeeping which can only benefit the legislative process.

I have raised my voice many times in the last 11 years throughout sessions to complain, really, that we were not getting on with the business for one reason or another—not to criticize so much as to urge that somehow a way ought to be found to improve the legislative process.

This is a very good way to do it, in my opinion. We asked the legislative chairmen and the ranking members to cooperate, get their committees together, hold the hearings, get the Senators present, act as expeditiously as possible, get the authorizations out of the way, and then get the appropriations out of the way.

We also asked the President of the United States to tell us which items in his budget are going to require authorizations and which appropriations, and he has complied with that request.

It seems to me that we are off to a good start. This marks a new-broom approach, an excellent opportunity for us to adjourn on the 31st of July, as the law requires that we do.

We are the only body I know of that consistently makes a law and then is the first to break it. I do not think we ought to set an example for the country in law enforcement when we ignore the law which has been drafted by the Congressional Reorganization Act for our own guidance and our own obligation, indeed, to accord with it.

So, again, I congratulate the distinguished majority leader. This is an excellent thing to do. We will all have to cooperate. As the majority leader has said, we will have to work later; we will perhaps have to work more days. But there is a reward to the diligent in this world, and the reward here is an opportunity to return and visit our constituents, to rejoice in their companionship and camaraderie. And who shall say that this is not to the common benefit and for the common good?

Mr. MANSFIELD. And also to hope for the best.

May I say to the distinguished minority leader that without his cooperation and unfailing assistance, we would not have been able to bring this accommodation about or to have come as far as we have this year. I thank him, and I am indebted to him for his kindness, courtesy, and consideration.

Mr. SCOTT. I am most grateful to the distinguished majority leader.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. HOLLINGS in the chair). The Chair, on behalf of the Vice President, appoints the Senator from Kansas (Mr. DOLE) as a member of the Commission for the United Nations Educational, Scientific, and Cultural Organization for the term ending in 1972.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS

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

REPORT OF FEDERAL CONTRIBUTIONS PROGRAM EQUIPMENT AND FACILITIES, OFFICE OF CIVIL DEFENSE

A letter from the Director, Office of Civil Defense, reporting, pursuant to law, on the Federal Contributions Program Equipment and Facilties, for the quarter ended December 31, 1969; to the Committee on Armed Services.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the administration of the Federal employees' group life insurance program by the U.S. Civil Service Commission, dated February 3, 1970 (wtih an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the administration of the leased housing program, Department of Housing and Urban Development, dated February 4, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on illegal expenditures of funds for construction of research facilities by the Air Force, dated February 4, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the cost and balance-of-payments advantages of replacing foreign-made buses with American-made buses abroad, Department of Defense, dated February 5, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

A letter from the Chairman, Advisory Commission on Intergovernmental Relations, transmitting, pursuant to law, a report of the Commission dated January 31, 1970 (with an accompanying report); to the Committee on Government Operations.

PROPOSED LEGISLATION AUTHORIZING INCREASED APPROPRIATIONS FOR CONTINUING WORK IN THE MISSOURI RIVER BASIN

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior (with accompanying papers); to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION AUTHORIZING APPROPRIATIONS FOR THE SALINE WATER CONVERSION PROGRAM

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for the saline water conversion program for fiscal year 1971 (with an accompanying paper); to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

TEMPORARY ADMISSION INTO THE UNITED STATES OF CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting temporary admission into the United States of certain

aliens (with accompanying papers); to the Committee on the Judiciary.

ADMISSION INTO THE UNITED STATES OF CERTAIN DEFECTOR ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, copies of orders entered granting admission into the United States of certain defector aliens (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE PROCEEDINGS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES

A letter from the Chief Justice of the United States, transmitting, pursuant to law, a report of the proceedings of the Judicial Conference of the United States, October 31–November 1, 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

A letter from the Chairman, Administrative Conference of the United States, transmitting, pursuant to law, a report of the Administrative Conference dated January 1970 (with an accompanying report); to the Committee on the Judiciary.

PROPOSED LEGISLATION TO CURTAIL MAILING OF CERTAIN ARTICLES WHICH PRESENT A HAZARD TO POSTAL EMPLOYEES OR MAIL PROCESSING MACHINES

A letter from the Postmaster General of the United States, transmitting a draft of proposed legislation to curtail the mailing of certain articles which present a hazard to postal employees or mail processing machines by imposing restrictions on certain advertising and promotional matter in the mails, and for other purposes (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITION

A petition was laid before the Senate, and referred as indicated:

By the PRESIDENT pro tempore:

A resolution of House of Representatives of the State of Washington; to the Committee on Appropriations:

"RESOLUTION 70–18

"Whereas, The United States Bureau of the Budget has recently cut back one hundred eighty thousand dollars in appropriations from the Columbia River Fisheries program; and

"Whereas, That cutback has all but eliminated the research program on the salmon and steelhead runs; and

"Whereas, Research is of paramount importance to the preservation of our fish resources; and

"Whereas, Discontinuance of the research will do irreparable damage to our salmon and steelhead runs; and

"Whereas, The resulting loss of harvest will many times exceed the value of the cutbacks; and

"Whereas, Research of fish propagation requires more effort because of the increasing number of dams and other obstructions; and

"Whereas, Research alone can answer the questions raised by thermal discharge from nuclear power plants; and

"Whereas, the residents of the State of Washington are greatly concerned over the loss of research funds;

"Now, therefore, be it Resolved, That the House of Representatives requests the United States Bureau of the Budget to restore the funds which have been cut from the Columbia River Fisheries program so that needed and vital research can be continued.

"Be it further Resolved, That a copy of this Resolution be immediately transmitted to the Honorable Richard M. Nixon, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Washington.

"Adopted January 28, 1970.

"MALCOLM MCBEATH,

"Chief Clerk, House of Representatives."

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. DOMINICK, from the Committee on Armed Services, without amendment:

H.R. 12535. An act to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the City of El Paso North-South Freeway (Rept. No. 91–656).

HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1969—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91–657)

Mr. YARBOROUGH. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with amendments, the bill (H.R. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions, and I submit a report thereon. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Colorado (Mr. DOMINICK).

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

EXECUTIVE REPORTS OF COMMITTEES

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

By Mr. JACKSON, from the Committee on Interior and Insular Affairs:

Robert Cahn, of the District of Columbia, Gordon J. F. MacDonald, of California, and Russell E. Train, of the District of Columbia, to be members of the Council on Environmental Quality.

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

Kenneth M. Link, Sr., of Missouri, to be U.S. marshal for the eastern district of Missouri; and

John T. Pierpont, Jr., of Missouri, to be U.S. marshal for the western district of Missouri.

Mr. SYMINGTON. Mr. President, from the Committee on Armed Services I report favorably the nominations of 109 general officers in the Army, Air Force, and Marine Corps. I ask that these names be placed on the Executive Calendar.

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

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Lt. Gen. William B. Kieffer (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Maj. Gen. James C. Sherrill, Regular Air Force, Maj. Gen. Otto J. Glasser, Regular Air Force, Maj. Gen. Jay T. Robbins, Regular Air Force, and Maj. Gen. Russell E. Dougherty, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the grade of lieutenants general;

Col. Carlton L. Lee, Regular Air Force, and sundry other officers, for temporary appointment in the grade of brigadiers general, U.S. Air Force;

Maj. Gen. George Edward Pickett, Army of the United States (brigadier general, U.S. Army), and sundry other officers, for appointment in the grade of majors general, Regular Army of the United States;

John R. Blandford, for temporary appointment to the grade of major general, Marine Corps Reserve; and

Louis Conti, and Verne C. Kennedy, Jr., for temporary appointment to the grade of brigadier general, Marine Corps Reserve.

Mr. SYMINGTON. Mr. President, in addition, I report favorably 32 appointments in the Marine Corps in the grade of second lieutenant and 142 appointments in the Regular Army in the grade of captain and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

The nominations, ordered to lie on the desk, are as follows:

Ivan M. Behel, and sundry other officers of the Naval Reserve Officers' Training Corps, for permanent appointment in the Marine Corps;

Joseph X. McCormac, Robert D. Schow, and David M. Thomas, Navy enlisted scientific education program, for permanent appointment in the Marine Corps;

Robert C. Anderson, and sundry other staff noncommissioned officers, for temporary appointment in the Marine Corps;

James F. Price, Peter A. Moore, and John H. Murrell, for appointment in the Regular Army;

Del R. Bergeson, and sundry other persons, for appointment in the Regular Army of the United States; and

John S. Chaffin, and sundry other distinguished military students, for appointment in the Regular Army of the United States.

BILLS INTRODUCED

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

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

S. 3395. A bill to extend for 3 years the special milk programs for the Armed Forces and veterans hospitals; to the Committee on Agriculture and Forestry.

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

By Mr. McGEE (by request):

S. 3396. A bill to make certain technical changes in provisions of law relating to the postal service; and

S. 3397. A bill to permit the acceptance of checks and nonpostal money orders in payment for postal charges and services; authorize the Postmaster General to relieve postmasters and accountable officers for losses incurred by postal personnel when accepting checks or nonpostal money orders in full compliance with postal regulations; and to provide penalties for presenting bad checks and bad nonpostal money orders in payment for postal charges and services; to the Committee on Post Office and Civil Service.

By Mr. ERVIN:

S. 3398. A bill for the relief of Mr. Oscar Enoc Soto Flores; to the Committee on the Judiciary.

By Mr. ANDERSON (for himself and Mr. AIKEN):

S. 3399. A bill to require the Secretary of Health, Education, and Welfare to keep certain records and make certain reports to Congress concerning amounts received by providers of medical and health care items and services to individuals entitled thereto under title XVIII of the Social Security Act or under any program or project under or established pursuant to titles V, XI, or XIX of such act; to the Committee on Finance.

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

S. 3395—INTRODUCTION OF A BILL EXTENDING AUTHORIZATION FOR USE OF COMMODITY CREDIT CORPORATION STOCKS OF DAIRY PRODUCTS BY THE ARMED FORCES AND VETERANS' ADMINISTRATION

Mr. PROXMIRE. Mr. President, I introduce, for appropriate reference, a bill to amend the Agriculture Act of 1949 as amended, to extend authorization for use of Community Credit Corporation stocks of dairy products by the Armed Forces and the Veterans' Administration to December 31, 1973.

Under present law, this authorization will expire on December 31, 1970.

Through this program, substantial volumes of highly nutritional dairy foods are made available from surplus stockpiles to the Armed Forces and the Veterans' Administration. For calendar year 1969, utilization by the Defense Department totaled about 30 million pounds of butter and 1.2 million pounds of cheese. For 1968, the Department of Defense utilized about 50 million pounds of butter and 3.6 million pounds of cheese. The Veterans' Administration utilized about 2.4 million pounds of butter in 1969; and 3.2 million pounds of butter in 1968. Since establishment of the program in 1954, donations have totaled 383 million pounds of butter, 26 million pounds of cheese and 1 million pounds of non-fat dry milk.

As revealed by these figures, this program represents good management and highly effective utilization of dairy products acquired by the Commodity Credit Corporation. Because of this, I believe that it is highly desirable to extend authorization for use of Commodity Credit Corporation stocks of dairy products by the Armed Forces and the Veterans' Administration hospitals.

I ask unanimous consent to have the bill printed at this point in the RECORD.

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

The bill (S. 3395) to extend for 3 years the special milk programs for the Armed Forces and veterans hospitals, introduced by Mr. PROXMIRE, for himself and Mr. NELSON, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 3395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 202 of the Agricultural Act of 1949, as amended (7 U.S.C. 1446a), is amended by striking out in subsection (a) and (b) "December 31, 1970" and inserting in lieu thereof "December 31, 1973".

S. 3399—INTRODUCTION OF A BILL REQUIRING FINANCIAL INFORMATION FROM CERTAIN PROVIDERS OF MEDICAL AND HEALTH CARE SERVICES TO BE MADE PUBLIC, AND SPECIFYING METHODS OF REPORTING

Mr. ANDERSON. Mr. President, on behalf of myself and the Senator from Vermont (Mr. AIKEN), I am today introducing legislation which will assist the Congress and the executive branch in their surveillance and administration of the medicare and medicaid programs. The legislation is simple in nature, but it should be of substantial assistance to us in seeing that these essential programs work as well as they should.

My legislation simply requires that the Secretary of Health, Education, and Welfare provide annual reports to the Congress, listing the names and amounts paid to those professional providers who earn $10,000 or more from these and related programs. The report would indicate the amount of payments under each of these programs and the number of individuals served. The $10,000 figure is aggregate; that is, a doctor who received $5,000 under the medicaid program and $5,000 under the medicare program during a year would be listed on the report.

I propose, and the legislation as introduced requires, that the report cover each calendar year—beginning with the current one—and be submitted to the Congress not later than June 30 of the succeeding calendar year. This will give enough time, and should not work a hardship on the administrators involved, Mr. President. I should point out that the $10,000 figure was chosen so that the Secretary would not be required to publish a mountainous document listing every professional provider in the Nation. This is a reasonable cutoff point, I believe.

The basic point is that these are public programs and so this should be public information. There is ample precedent for doing so; in fact, I cannot think of a precedent for doing otherwise. Construction contractors who do business with the Government, farmers who participate in the farm program, other professionals who provide services to the Government—these and others have their names released to the public. This is as it should be. This legislation is not designed to impugn or embarrass any individual. It simply is needed for the wise discharge of public policy.

This legislation will enable those of us who survey public programs, who are concerned about their performance and their administration, to see how public funds are being allocated and distributed. For massive, widespread programs such as these, detailed information is a necessity, not only for the Congress but for administrators at the national and local levels.

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

The bill (S 3399) to require the Secretary of Health, Education, and Welfare to keep certain records and make certain reports to Congress concerning amounts received by providers of medical and health care items and services to individuals entitled thereto under title XVIII of the Social Security Act or under any program or project under or established pursuant to titles V, XI, or XIX of such act, introduced by Mr. ANDERSON (for himself and Mr. AIKEN), was received, read twice by its title, and referred to the Committee on Finance.

ADDITIONAL COSPONSORS OF A BILL

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Oregon (Mr. HATFIELD), I ask unanimous consent that, at the next printing, the names of the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. WILLIAMS), and the Senators from Massachusetts (Mr. BROOKE and Mr. KENNEDY), be added as cosponsors of S. 3255, to amend the Federal Aviation Act of 1958 to require the Secretary of Transportation to prescribe regulations under which air carriers will be required to reserve a section of each passenger-carrying aircraft for passengers who desire to smoke.

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

SENATE CONCURRENT RESOLUTION 54—CONCURRENT RESOLUTION SUBMITTED RELATING TO THE MID-EAST SECURITY

Mr. GOODELL (for himself, Mr. BOGGS, Mr. CANNON, Mr. ERVIN, Mr. HARTKE, Mr. NELSON, Mr. MCCARTHY, Mr. PASTORE, Mr. PROXMIRE, Mr. RIBICOFF, and Mr. YOUNG of Ohio) submitted the following concurrent resolution (S. Con. Res. 54); which was referred to the Committee on Foreign Relations:

S. CON. RES. 54

Whereas, peace can be achieved in the Middle East, and the legitimate grievances

of Arab and Israeli peoples rectified, only if Arab states recognize Israel's right to exist as a nation and enter into direct negotiations with Israel concerning disputed borders and other outstanding differences pursuant to the Resolution of the United Nations Security Council dated November 22, 1967;

Whereas, the United States can most effectively contribute to such peace by encouraging such direct negotiations between Israel and the Arab states and by promoting agreement among the major powers for effective control of the traffic of arms into the Middle East;

Whereas, the United States, by proposing or attempting to impose any specific adjustment of such disputed borders or any specific settlement of such other outstanding differences between Israel and the Arab states prior to or outside the context of such direct negotiations, will clearly diminish the prospects of peace in the Middle East by reducing the incentive of the Arab states to enter into such direct negotiations;

Whereas, the current special four-power negotiations among the United States, the United Kingdom, France and the Soviet Union on the Middle East, as well as the special two-power negotiations between the United States and the Soviet Union on that subject, were initiated for the purpose of encouraging such direct negotiations between Israel and the Arab states and of promoting such arms control agreement;

Whereas, the Soviet Union has shown no interest whatsover in encouraging such direct negotiations or in promoting such arms control agreement;

Whereas, the continuation of such special four-power and two-power negotiations in these circumstances is contrary to the interests of peace as it merely encourages the Arab states in the belief that a settlement favorable to them will be imposed by the major powers and that they have no reason to negotiate directly with Israel; and

Whereas, the United States can continue to undertake vigorous diplomatic efforts to secure such direct negotiations and such arms control agreement through regular diplomatic channels; Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) any readjustment of disputed borders between Israel and Arab states, and any settlement of other outstanding differences between Israel and the Arab states (including but not limited to the status of Arab refugees, the status of the eastern sector of the City of Jerusalem and the rights of navigation in the area), take place only in the context of direct negotiations between Israel and the Arab states;

(2) the United States concentrate its diplomatic efforts upon encouraging such direct negotiations between Israel and the Arab states and upon promoting agreement among the major powers for effective control of the traffic of arms into the Middle East;

(3) the United States henceforth refrain from proposing or attempting to impose, prior to or outside the context of such direct negotiations, any specific readjustment of such disputed borders or any specific settlement of such other outstanding differences between Israel and th Arab states; and

(4) the United States, while continuing vigorous diplomatic efforts through regular diplomatic channels to encourage such direct negotiations and promote such arms control agreement, terminate the current special four-power negotiations among the United States, the United Kingdom, France and the Soviet Union on the Middle East, as well as the special two-power negotiations between the United States and the Soviet Union on that subject.

ADDITIONAL COSPONSORS OF A RESOLUTION

SENATE RESOLUTION 313

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Oregon (Mr. PACKWOOD), I ask unanimous consent that, at the next printing, the names of the Senator from New Jersey (Mr. CASE) and the Senator from Hawaii (Mr. INOUYE) be added as cosponsors of Senate Resolution 313, relating to the detoxification and destruction of chemical warfare weapons.

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

EXTENSION OF PROGRAMS OF ASSISTANCE FOR ELEMENTARY AND SECONDARY EDUCATION—AMENDMENT

AMENDMENT NO. 484

Mr. EAGLETON (for himself and Mr. YARBOROUGH) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes, which was ordered to lie on the table and to be printed.

NOTICE OF HEARINGS ON U.S. OPERATIONS IN VIETNAM

Mr. FULBRIGHT. Mr. President, I wish to announce that on February 16 the Committee on Foreign Relations will begin a series of public hearings on the U.S. assistance and advisory operations in Vietnam. The hearings will concentrate on the pacification program, the activities of U.S. military advisers, the economic aid program, and operations of the U.S. Information Agency. They will not deal with military combat operations.

Throughout the war in Vietnam public attention has naturally focused on U.S. military operations. As a consequence, too little is known about the multitude of other activities in which U.S. civilian and military personnel are involved in that country. The purpose of the hearings will be to enlighten the Committee and the public on the nature and extent of that involvement and what it means in terms of the prospects for U.S. disengagement. In order to obtain the best information available, arrangements are being made to bring back from Vietnam the personnel who administer and work directly in these programs.

During the week of February 16 the committee will consider the civil operations and revolutionary development support program—CORDS—beginning with testimony from Ambassador William Colby, the director of that program. The committee will also receive testimony from representative civilian advisers at the corps, province, and district level. Personnel working with the refugee, Chieu Hoi, and other CORDS programs are also being called to testify. By agreement with the State Department, testimony concerning some aspects of the Phoenix program and the CORDS military advisory program will be heard in executive session and released to the public after deletion of sensitive material.

Beginning in early March additional hearings will be held to consider the economic aid program, USIA operations, and the overall military advisory effort.

COMMENDATION OF SENATOR SPARKMAN AND OTHER SENATORS ON PASSAGE OF H.R. 2

Mr. MANSFIELD. Mr. President, I wish to thank the senior Senator from Alabama (Mr. SPARKMAN) for steering H.R. 2, the proposal to establish a Credit Union agency, to its swift and successful completion yesterday. As always, he provided the same strong and effective legislative skill that has marked his many years of public service. Senator SPARKMAN deserves the highest commendation of the Senate.

Offering his characteristic cooperation on this measure and his own strong and sincere views as well was the ranking minority member of the Committee on Banking and Currency, the distinguished Senator from Utah (Mr. BENNETT). As always, his contribution to the measure was highly thoughtful, and we are indebted to him for his splendid assistance in helping to move the measure through to final disposition.

The senior Senator from Wisconsin (Mr. PROXMIRE) is also to be commended for the valuable contribution he made in supporting the measure yesterday. We are all aware of the great experience he brings to the Senate in discussions of this nature.

FOREIGN TRADE PROGRAM IN NEED OF REVISION

Mr. BYRD of West Virginia. Mr. President, as a cosponsor of proposed legislation to restrict imports of flat glass, glassware, steel, footwear, man-made fibers, and electronic products, I invite Senators to join in urging immediate action on the bill. I stand ready to support expansion of the list of commodities where there is severe economic loss or destructive impact on the Nation's balance of payments.

The industries cited herein represent some 30,000 jobs in West Virginia alone, and obviously the instrusion into domestic markets by competitive goods produced by low-cost labor abroad brings serious hardship into the affected communities of our State.

I am hopeful that Congress will act with expediency toward making necessary revisions in our foreign trade program so that American workers may be free of the cruelty of joblessness resulting from excessive imports. Because Senators from New England have taken arms against imports destructive of that region's industries, and because other areas are becoming equally distressed with foreign products that impinge upon local manufacturing and agriculture, we have common ground for insisting upon a more rational approach to international trade.

The advantages and disadvantages of import restrictions have been the subject of debate since the First Congress met in 1789, and through most of our history the philosophy of protecting domestic producers was an established national tenet.

Under the prevailing trade program, America has been entirely too generous in opening her markets to the outside world. Our own industry and labor have been left to suffer. With hundreds of thousands of our military men hopefully soon to return to civilian pursuits, we may discover to our sorrow that the very veterans who served in the four corners of the globe in the cause of peace are being deprived of employment opportunities because this Nation's normal productive capacity has degenerated in consequence of our import policy.

U.S. Industrial Outlook 1970, a recent report by the Department of Commerce, should be closely scrutinized by anyone who is not disturbed at the mounting shipments of goods of all sorts that are being unloaded at U.S. ports. While some items, such as glassware, are not included in the report, I cite these excerpts taken at random from the publication:

Textile Mill Products—The foreign share of the domestic textile and apparel market for cotton and wool textile products nearly quadrupled and tripled, respectively, between 1958–69. Imports' market share of man-made fiber textile products increased more than one and one-third times between 1964–69.

Imports of textile mill products increased 114 percent between 1958–68, while exports remained constant. Textile mill products imports during 1969 continued the upward trend. The estimated 1969 import balance was $571 million compared with $101 million in 1958. Capacity increase abroad indicate that both textile imports and the import balance can be expected to rise in 1970.

Man-Made Fibers—United States foreign trade in cellulosic man-made fibers did not follow a defined trend during the past decade but varied from year to year. Exports were $31 million in 1960, compared with an estimated $26 million in 1969. Imports are estimated at $23 million in 1969, up from $16 million in 1960.

Machine Tool Industry—In 1967, machine tool imports increased for the sixth straight year, reaching a record level of $203.4 million—more than 4 times the $45.7 million total in 1964. In 1968, however, imports declined 6 percent below the 1967 levels; the decline continued in 1969, with imports estimated at $184 million. It is expected that imports will resume their growth trend in 1970, with the value approximating $188 million.

Engines and Turbines—Rapidly rising imports of turbine-generators into the United States are creating concern among U.S. suppliers. Import shipments rose from $4 million in 1960 to $28 million in 1969 and are expected to reach $80 million in 1970. Local government, Federal, and investor-owned utilities have been placing orders with foreign manufacturers for large capacity equipment used only in the United States. Foreign suppliers are thus developing production experience in the manufacture of equipment not yet in use in their own markets. U.S. producers now have an advantage only in overall production and site-erection experience.

Many other danger signs are contained in Outlook 1970, but I shall quote only one additional paragraph. In the chapter on Power and Industrial Electrical Equipment, where "A dramatic penetration of the U.S. transformer market by foreign manufacturers has culminated in an unfavorable balance of trade in this area," this sentence is included:

Since electric utilities are largely government owned in the industrialized areas of Europe, restrictive government procurement policies limit U.S. sales.

In other words, the beneficiaries of our magnanimous trade policies are not reciprocating in kind, thus closing out any chance for American workers to compete in those countries.

Congress has an obligation to conduct a complete review of our trade program; and the sooner we get to it, the fewer number of servicemen and other members of our workforce will be left walking the streets in search of employment.

Meanwhile, whatever one's attitude on foreign trade, the administration must flatly and firmly reject the proposal to relax oil import quotas. Mandatory oil import controls are an essential component of the design for national security. With the United States actively involved in hostilities in Asia, clouds of uncertainty hovering much of South America, and the war cauldron near the boiling point in the Middle East, to abandon this phase of our defense program would have no more logic than to dismantle weapons production plants.

We look to the day when the Nation can return to a peace footing, but self-preservation requires maximum precaution in a world plagued by conflict and aggression.

Excessive imports of residual oil impede development of domestic petroleum and coal operations that would be needed to replace shipments cut off in an emergency. At the same time, they take jobs from miners and railroaders, the very men who must account for expanded fuel production and transportation during all military showdowns.

The importation of more foreign crude and residual oil at reduced price levels would strike a hard blow at West Virginia's coal industry. I fear that such imports would cause the industry to lose most, if not all, of its markets on the east coast.

The contention that some areas of the United States are in need of greater volumes of imported oil to ease fuel costs must remain academic so long as the national safety is involved.

So it is time that we are getting on with a revision of the national trade policy; but under no circumstances can we permit tinkering with the oil import control program, which is so vital to the security of the Nation.

REPORT ON ACTIVITIES OF THE MINORITY IN THE COMMITTEE ON LABOR AND PUBLIC WELFARE IN THE FIRST SESSION, 91ST CONGRESS, 1969

Mr. JAVITS. Mr. President, during the first session of the 91st Congress, the minority—Republican—members of the Committee on Labor and Public Welfare, of which I am the ranking minority member, made a distinctive record of constructive contributions and effective legislative achievement. In a number of instances, the central concepts around which major legislation was built originated on the minority side. These contributions cover all areas of activity of the committee.

I ask unanimous consent that a report I have prepared be printed in the RECORD.

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

LABOR

(Public Law 91–4)

To Amend MDTA with Respect to Trust Territories of the Pacific Islands

This Administration bill was introduced by Senator Prouty.

(Public Law 91–54)

Construction Health and Safety Act

Minority amendments written into the law are as follows:

First, requiring standards to be promulgated in accordance with rulemaking provisions of the Administrative Procedures Act, after a hearing—Senators Javits and Prouty.

Second, judicial review of contract cancellation proceedings—Senator Prouty.

Third, power of the court to enter appropriate decrees in contract cancellation review proceedings—Senator Prouty.

(Public Law 91–86)

Joint Industry Funds for Scholarships and Child Care Centers

Establishment of joint trust funds should be voluntary rather than a mandatory subject of collective bargaining—Senator Prouty.

(Public Law 91–173)

Coal Mine Health and Safety Act of 1969

This Act was the product of extensive consideration by the Committee on nine bills, two of which were introduced by minority Senators. The first was S–1300, the Administration's bill, sponsored by Senators Javits, Schweiker, Cooper, Scott and Stevens. The second was S–2405, sponsored by Senator Javits and later endorsed by the Administration.

In its final form, the Act contained many of the provisions of S–2405 as well as amendments suggested by minority members. Of particular importance are the following:

First, requiring, after December 31, 1972, that adequate benefits be paid for death or total disability due to pneumoconiosis (black lung disease) under State workmen's compensation laws or, if state laws are inadequate, under Federal law—Senator Javits.

Second, judicial review of decisions issued by the Interim Compliance Panel—Senator Prouty.

Third, requiring very frequent inspections of especially hazardous, gassy mines—Senator Schweiker.

Fourth, establishing procedures, including jury trials, for the assessment and collection of civil penalties—Senator Javits.

Fifth, elimination of user tax upon coal production—Senator Prouty.

Sixth, requiring the establishment of noise standards—Senator Javits.

Seventh, imposing criminal penalties for smoking—Senator Javits.

In addition, many minor and technical amendments were authored by the minority.

POVERTY

Economic Opportunity Amendments of 1969 (Public Law 91–177)

A bill introduced by Senator Javits—S. 2367—at the request of the Administration, together with legislation introduced by the Chairman of the Subcommittee on Employment, Manpower and Poverty, Senator Nelson, provided the basis for this two-year ex-

tension of the Economic Opportunity Act of 1964.

Also included in the Act was a new section authored by Senator Dominick, establishing a drug rehabilitation program to deal with drug abuse and addiction among the poor, parallel to the section authored by Senator Hughes dealing with alcoholism.

SCIENCE

National Science Foundation Authorization Act, 1970 (Public Law 91-120)

The principal provisions of this Act were contained in the Administration bill, S. 1856, introduced by Senator Prouty.

EDUCATION

Amendment to National Center on Educational Media and Materials for the Handicapped (Public Law 91-61)

Authority for the Center to contract with profitmaking organizations for demonstration projects—Senate Schweiker.

Indian education

The final report of the Special Subcommittee on Indian Education, "Indian Education: A National Tragedy—a National Challenge", contained major recommendations, as follows:

First, that there be established a National Indian Board of Indian Education with authority to set standards and criteria for Federal schools—Senators Dominick and Murphy.

Second, that Indian boards of education be established at the local level for Federal Indian school districts—Senators Dominick and Murphy.

Third, that the Commissioner of Indian Affairs be upgraded to Assistant Secretary and that the Bureau of Indian Affairs be upgraded accordingly—Senators Dominick and Murphy.

Fourth, the presentation to Congress of a comprehensive Indian act to meet the special needs of Indian children both in Federal and public schools, and to replace the present structure of fragmented and inadequate education legislation—Senators Dominick and Murphy.

Fifth, full funding for the National Council on Indian opportunity—Senators Dominick and Murphy.

Sixth, that Johnson-O'Malley funding should not be conditioned by presence of tax-exempt land—Senators Murphy and Dominick.

Seventh, that the HEW Civil Rights Enforcement Office investigate discrimination against Indians in schools receiving Federal funds—Senators Diminick and Murphy.

Eighth, that Indian parental and community involvement be increased—Senators Dominick and Murphy.

Ninth, that the Departments of Interior and Health, Education, and Welfare, together with the National Council on Indian Opportunity, devise a joint plan of action to develop a quality education program for Indian children—Senators Dominick and Murphy.

Tenth, that BIA boarding school guidance and counseling programs be substantially expanded and improved—Senators Dominick and Murphy.

Eleventh, to strengthen Title III (developing institutions) of the Higher Education Act to include recently-created higher education institutions for Indians on or near reservations—Senators Dominick and Murphy.

Twelfth, to expand the Education Professions Development Act, the Higher Education Act, and the Vocational Education Act to include BIA schools and programs—Senators Dominick and Murphy.

Thirteenth, that State and local communities should encourage and facilitate increased Indian involvement in the development and operation of education programs for Indian children—Senators Dominick and Murphy.

Fourteenth, to appoint Indians to U.S. Office of Education advisory groups—Senators Dominick and Murphy.

Fifteenth, that the BIA should have the same responsibility to the U.S. Office of Education for set-aside funds under Federal grant-in-aid education programs as do the States for similar programs.

In addition, the minority was also responsible for minor and technical contributions to the report.

COMMENDATION OF SENATORS ON PASSAGE OF H.R. 13300

Mr. MANSFIELD. Mr. President, H.R. 13300, the railroad retirement measure, passed the Senate yesterday. It was handled and guided through the Senate with great success by the distinguished chairman of the Railroad Retirement Subcommittee, the able junior Senator from Missouri (Mr. EAGLETON). We are indebted to Senator EAGLETON for the excellent manner in which he handled the bill. I simply wish to take this opportunity to congratulate him.

Contributing greatly to the discussion yesterday on this proposal was the able and distinguished Senator from Illinois (Mr. SMITH). We welcomed his comments and appreciated his thoughtful remarks.

I wish to thank the entire Committee on Labor and Public Welfare for its efforts in bringing the bill to the floor for expeditious Senate action. I wish also to commend the entire Senate for its efficient disposition of the matter.

THE NO-KNOCK PROVISION

Mr. COTTON. Mr. President, last week, by an 82-to-0 vote, the Senate passed the drug control bill that was sought by the administration and the Justice Department and followed 8 days of testimony by 28 witnesses before the Juvenile Delinquency Subcommittee. The bill gives some real clout to the Attorney General and other law enforcement people for the battle against traffic in narcotics. It comes at a time when there is great alarm in this country over the destruction of your young people's lives that is caused by this grave problem.

Now the bill has gone over to the other body. The House must decide its fate. Senators will recall during the 5 days the drug bill was discussed on the floor here that much of the debate was consumed by the so-called no-knock provision. I believe that to be an essential provision of our bill.

Today, once again, I wish to discuss this provision since it is still being attacked by the news media.

The no-knock provision merely provides that under certain circumstances an officer may open the door without knocking after a judge or magistrate has issued a warrant. Now to read the newspapers they would have you believe that this will lead to having every cop in the country suddenly traipsing about, banging down doors, and invading the privacy of every citizen of this land. But yet the record is quite the opposite.

The distinguished Senator from Connecticut (Mr. DODD), who along with his subcommittee did so much work in drafting this bill, pointed out during the extended debate on this provision, and I believe I am quoting him correctly, that in New York State, which has a no-knock provision, it was used only 12 times in 1,847 narcotics cases involving the State police. I mention that point today because I believe it to be an excellent example of what we can expect with this provision in the Senate bill. No police state has been created in New York or in the 28 other States that have some form of no-knock statute.

Mr. President, I can understand why the constitutional purists might be apprehensive. They are opposed to giving an inch here, but let us more closely examine what the section in question says:

> Any officer authorized to execute a search warrant relating to offenses involving controlled dangerous substances the penalty for which is imprisonment for more than one year may, without notice of his authority and purpose, break open an outer or inner door or window of a building, or any part of the building, or anything therein, if the judge or United States Magistrate issuing the warrant is satisfied that there is probable cause to believe that if such notice were to be given the property sought in the case will be easily and quickly destroyed or disposed of, or that danger to the life or limb of the officer or another may result, and has included in the warrant a direction that the officer executing it shall not be required to give such notice.

That section clearly defines that the officer must be in pursuit of "controlled dangerous substances." I could not subscribe to the argument that this would lead to an invasion of anyone's privacy or loss of anyone's liberty while the bill was being debated, and I cannot now. It seems to me that we have to face up to the realities of the situation. That the narcotics wholesaler can easily dispose of marihuana, heroin or hashish if he is provided with the knowledge that the law is on his heels. Without this provision, when the officer does get inside the evidence is gone. We know this to have been the history.

I believe that it is unfortunate that the press is sniping away at the no-knock provision. This bill is a great improvement in every way over anything we have had on the books to deal with narcotics traffic. I bring this matter to the attention of my colleagues today, hopefully to set the record straight and to give the American people the facts so that we can get about the business of stiffening narcotics penalties and cracking down on illicit drug traffic.

URGENT NATIONAL PROBLEMS—VIEWS OF FORMER GOVERNOR WALLACE, OF ALABAMA

Mr. ALLEN. Mr. President, George C. Wallace, former Governor of Alabama, appeared on the nationally televised "Face the Nation" program on Sunday, January 18, 1970. Governor Wallace outlined what he considered some of the most urgent problems facing the Nation today. We believe that his observations, conclusions, and judgment are interesting and instructive and deserving of careful consideration. I ask unanimous con-

sent that the transcript of the program be printed in the RECORD.

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

FACE THE NATION, JANUARY 18, 1970

Origination: Washington, D.C.

Guest: George C. Wallace, former Governor of Alabama.

Reporters: George Herman, CBS News; Robert Novak, Chicago Sun-Times Syndicate; John Hart, CBS News.

Producers: Prentiss Childs and Sylvia Westerman.

Mr. HERMAN. Governor Wallace, we are a bit of a way into 1970 by now and I think the people of the country and of your state would like to know, are you going to run for election as Governor of Alabama?

Mr. WALLACE. George, I am seriously considering this matter, but I will make that announcement pro or con a little bit later and, when I do make it, of course, I will make it in Alabama.

ANNOUNCER. From CBS Washington, in color, Face the Nation, a spontaneous and unrehearsed news interview with the former Governor of Alabama George Wallace who, in 1968, was a presidential candidate of the American Independent Party. Governor Wallace will be questioned by CBS News Correspondent John Hart, Robert Novak, Columnist for the Chicago Sun-Times Syndicate, and CBS News Correspondent George Herman.

Mr. HERMAN. Governor, these things change, as time goes on. You say you want to make your announcement about Governor in your own state; I can't blame you. Let me then press you as to a possible candidate in 1972 for President: Are you now leaning towards being a candidate in 1972?

Mr. WALLACE. As I have said many times, George, that will depend upon the actions of this present administration, whether or not they are able to solve the problems involved with our schools, the matter of taxes and inflation, the war in Vietnam, and the matter of law and order. Those were the prime issues that were raised by the American Party in 1968, and I hope this administration could cope with them successfully but, if they do not, in my judgment, the American people are going to turn toward a movement such as ours, instead of back to the liberal national Democrats.

Mr. NOVAK. Well, Governor, the Nixon administration has been faced with a series of court orders which are ordering integration. Is there anything that any President could do to cope with them, from your standpoint?

Mr. WALLACE. Well, yes, sir, there are many things that the Nixon administration can do. In the first place, Mr. Nixon, in running for the presidency, won only because he carried four southern states. Millions of people in the last moment changed to Mr. Nixon because he said identically what I said about the public school system. In fact, Mr. Nixon said to bus a child would destroy the child. Mr. Nixon's appointee, Mr. Finch, has been called upon by the federal courts to provide plans for schools under court orders, and Mr. Finch has provided plans that even go contrary to the 1964 Civil Rights Act, which calls for the transportation and busing of school children and the closing of schools to bring about so-called racial balance.

Mr. Nixon's administration brought about the defeat of the Whitten amendment, which was a so-called freedom of choice amendment. Mr. Mitchell, the Attorney General for Mr. Nixon, went into court and asked the Fifth Circuit Court of Appeals to destroy the freedom of choice plan which was the least disruptive plan that had been imposed by the federal bureaucracy and by the court. So I say that Mr. Nixon has done more in this administration to destroy the public school system in one year than the last administration did in four. I might point out also that Mr. Nixon won the election by carrying these southern states by saying that he wasn't going to do this. And so what I would like to say here today is that we have lost the battle legally, you might say. The Burger court, in the Mississippi decision, has destroyed any legal approach that the people of the South have.

The next approach is political, and we feel that we are going to get legal relief through political action. And so beginning on February 8, at the Municipal Auditorium in Birmingham, Alabama, at 1:30, there is going to be a mass meeting of concerned parents, and I hope these meetings take place all over the South because they are really on our part of the country. And unless Mr. Nixon, in his January 22nd State of the Union Address addresses himself to the number one problem facing the people of our country, the destruction of the public school system, then we are going to start a political movement that is going to, in effect, say, through petitions and mass meetings, that "you are going to be a one-term President, that we are going to see that you are going to be defeated for the presidency in 1972 because you cannot win unless you carry the states of the South. So the southern strategy that you have adopted, we are going to adopt a counter-southern strategy which is going to be a strategy of defeat for any administration that destroys the security and safety of the children of our region and of every other region.

Mr. HART. Governor, that sounds like an announcement for the presidency in 1972 by you.

Mr. WALLACE. John, I didn't understand your question.

Mr. HART. That sounds like you are announcing for the presidency.

Mr. WALLACE. No, I am not announcing for the presidency, but I am saying to Mr. Nixon, as respectful as I know how, that this is a grave message to you, Mr. President, and I respect the presidency and I respect the man who occupies it, that the matter of our children and the safety of our children that has been written about in columns throughout the country, the destruction of the public school system through HEW and through the Executive and Congressional power in Washington, is one of the prime issues that face not only the people of the South but of the Nation, along with the matter of taxes. And this middle class and low-income man in Alabama and the Nation whose children have been taken away from him and whose security has been threatened, is also threatened with inflation and high taxes. So I can say there are two things that the President is going to have to do: He is going to have to equalize the tax structure. He is going to have to bring in some of his exempt rich to pay some of the taxes. He is going to have to have a tax program that gives some meaningful tax relief to the low and middle-income working man, businessman and farmer.

Mr. HERMAN. Let me keep you on schools for just a minute before you get off into this economics, which we will certainly get to in a moment. You call it a counter-southern strategy or at least an answer to the administration.

Mr. WALLACE. Yes, sir.

Mr. HERMAN. That implies that these meetings are going to be and this movement is going to be confined to the southern states. Is that what you meant to say?

Mr. WALLACE. No, sir, not exactly. I say that they have attacked our school system now, they are going to attack——

Mr. HERMAN. When you say "our school system," do you mean the southern school system?

Mr. WALLACE. Well, of course, the immediate problem is the attack upon the southern school system. You see, at the moment, they have not attacked in many instances the school systems in the East and Midwest. And Senator Stennis had in mind not necessarily to jeopardize the security of a child in the Midwest or the East, but if they apply the same guidelines to those people as applied to us, there would be such a rising voice of indignation that the Congress would then step in and do something about it.

Mr. NOVAK. So you do favor the court-ordered or government-ordered immediate desegregation in the North?

Mr. WALLACE. The court—I am not asking that the court do anything about threatening the security of any child. I am not asking that. I don't want to see the child in Illinois threatened any more than I do the child in Alabama. But I think what Senator Stennis had in mind was that if you applied these guidelines to the Midwest and the East and the Far West, that there would be so much criticism and such a rising voice of indignation that the members of the Congress in those regions of the country would then step in and turn the school system back.

Mr. NOVAK. Do you favor applying those guidelines in the North?

Mr. WALLACE. I would favor not applying the guidelines to the people of the South. I am not asking that we do things in Illinois that threaten the safety and security of the children there.

Mr. HART. What is the platform of your movement?

Mr. WALLACE. You have written in your column lately about the breakdown of order in the public school systems of our country, the unsafety of teachers and students, involving even race. And I say that is a prime issue, and Mr. Nixon should take immediate action as the President, in recommendations to the Congress, through the submission of the amendment that would return the public school system back to the states. He could have supported the Whitten amendment in the Senate. That would have restored at least freedom of choice. You know, we had freedom of choice up until Mr. Mitchell went into the Fifth Circuit Court of Appeals, in which a child of any race could choose to go to any school. And, yet, they stepped in and said it didn't bring about what they wanted brought about. But it was hard to argue with the fairness of the plan, even though I believe in complete control of the school system resting in the hands of the state.

Mr. HERMAN. But for your own plans, you are going to organize these meetings at least at first or altogether in southern states?

Mr. WALLACE. George, I am not going to do the organizing. They are already being organized by concerned parents in every state. But I am going to speak in some of these states. I am going to be in the movement because our presidential campaign in '68 emphasized the return of control of the public school system back to the states.

Mr. HART. Governor, what advice will the movement give to these concerned people you talk about? Will it advise them—

Mr. WALLACE. My advice would be to write the President, to send him petitions, to have mass meetings, in on orderly——

Mr. HART. To obey the law?

Mr. WALLACE. Yes, the law—did you know, the 1964 Civil Rights Act says that no court is empowered to take any action to bring about the transportation of any child, to bring about so-called racial balance. That is the law. And every court that renders a decision otherwise, and every single guideline writen by Mr. Finch that brings about the closing of a school or the transporting of a child, is violating the law. The law is on the side of the parents.

Mr. HART. But the law——

Mr. WALLACE. Even the judges are violating the law, and they are not beyond violating the law because they have done so constantly and, therefore, we have lost the legal

approach because they will not listen to the law. Now we are going to the political approach. We are going to see that the Republican Party or the Democratic Party or whatever party is in power, that destroys the safety and security of our children, turns out to be in office only one term.

Mr. HART. Governor, are you advising civil disobedience of recent court decisions?

Mr. WALLACE. No, sir, I am not advising civil disobedience. I am advising petitioning the government, through orderly meetings and speakings and petitions and letters and telegrams to the President of the United States. And the President had better heed this warning because inflation takes its toll, high taxes and the exemption of the tax-exempt rich that puts this average man in a position of having to send his child to a private school—and I support the private school movement, although we must continue to fight to save the public school movement, and yet Mr. Finch has advocated the removal of tax-exempt status for those who contribute to private schools, because——

Mr. HART. The courts have ordered that. What advice do you have to those private schools who have lost their tax-exempt status?

Mr. WALLACE. My advice is to continue efforts of private schools, and my advice to the President is that "you had better ask Mr. Finch to stop trying to have hot pursuit and search out and destroy every single legal step that people take to give quality education for their children."

Mr. NOVAK. Governor, are you——

Mr. WALLACE. That is the purpose of the private school movement, and I think that there should be tax educational credits on income tax in the states and there ought to be, in cases where a great proportion of the students wind up in private schools, tax relief at the state level——

Mr. HART. Is the country moving toward segregation, Governor?

Mr. WALLACE. For those who are forced to send their children to private schools.

Mr. HART. Is the country moving back toward segregation?

Mr. WALLACE. I didn't——

Mr. HART. Is the country moving back toward segregation?

Mr. WALLACE. In 1954, Mr. Hart, the Supreme Court said that you cannot assign a student to a public school because of race. Fifteen years later, the Court has done a 180-degree circle and says now you must assign students because of race. Now, we resent the fact that the Court goes from one extreme to the other and even violates the statutory law of the Congress of the United States which, in turn, destroys public education and which, in turn, threatens the security of——

Mr. HART. Well, the question simply is, Governor, you, as a person who has always been candid in preferring segregation in the schools of Alabama, is it in your judgment that the country is moving toward your segregationist point of view?

Mr. WALLACE. My belief is that the country is moving toward fair play and against force and coercion on the part of the government. You see, we had freedom of choice. You could choose to go to any school you wanted to go to. But the government said not enough people on this side of town chose to go on this side, and not enough on this side chose to go on this side.

Mr. NOVAK. Governor, I am a little puzzled by what you are proposing as your solution to this problem. You say that the legal fight has been lost and, yet, you say you still can save public schools along the lines you want them, but you also advocate private schools. Now, what are you suggesting in a black majority district in the South, where court ordered integration has been ordered immediately? Do you think the people there ought to set up a private school immediately?

Mr. WALLACE. In certain areas, that is absolutely necessary and is being done. When I said we had lost the legal battle, what I meant to say was that the Burger court has thrown aside all legal arguments and, in fact, in some cases in the Fifth Circuit have issued orders without parties, have issued orders without taking evidence, because they have predetermined in their minds that we are going to do such and such. The law is on the side of those who advocate freedom of choice, or the return completely to the control of the states. But what I am saying is that the President can go before the Congress and ask that the Whiten amendment be inserted in legislation and that the Scott amendment be taken out. He can recommend the constitutional amendment that turns control back to the states. He can stop Mr. Finch from writing plans that go beyond the law. And what I am saying is that when the people are aroused, they are the court of last resort and that, when the judges and the members of the Congress and the President see that the people who have the balance of power in the next presidential election are going to defeat them, then, in my judgment, we will get legal relief.

Mr. NOVAK. Just from the standpoint of fairness, Governor, isn't it true that the Treasury, Mr. Nixon's Treasury has supported tax exemptions for private segregated schools in the South and, in effect, they have been overruled by the courts, over which they have no control?

Mr. WALLACE. Well, Mr. Finch is the appointee of Mr. Nixon——

Mr. NOVAK. But the Treasury has control of that area.

Mr. WALLACE. And he has called upon the court to declare invalid the tax-exempt status for schools in Mississippi. So that is another instance of blowing hot and cold. On the one hand they are for something and, on the other hand, they are against it. In other words, Mr. Mitchell says one thing and Mr. Finch says another, and Mr. Agnew says another, and they both are talking out of different sides of their mouth. But the average citizen in our part of the country knows that the Nixon administration is destroying the public schools, and the President who destroys the public schools, is going to wind up being a one-term President.

Mr. HERMAN. Is it possible that some of your vehement attack on the Nixon administration for destroying the public schools is also motivated by the fact that the Nixon administration's southern strategy may be destroying a little of your political base?

Mr. WALLACE. Mr. Herman, if President Nixon would return local control of the public schools, if he would give tax relief to this mass of working people and middle-class people, and restore law and order in this country, and solve the Vietnam war, I would say hallelujah. I would not even be involved in 1972.

Mr. HERMAN. But if you wanted to run now, in 1972, wouldn't you find some of your political base in the South eroded by the Nixon administration's southern ploy?

Mr. WALLACE. Well, Mr. Nixon's southern ploy is all talk and no action. Now, if they acted as they talked, there would be no political base for me, and I would be pleased because our movement would have been successful. If our movement can bring about an orientation toward the middle and a relaxation of controls over local institutions and some tax relief for this working man and little farmer and little businessman, then I would be happy to say that I will not be a candidate for the presidency of the United States.

Mr. HERMAN. You feel you have lost no ground at all as a result of the southern strategy?

Mr. WALLACE. I haven't lost any ground because all of the so-called southern strategy has been talk. Mr. Agnew——

Mr. HERMAN. That has had no effect?

Mr. WALLACE. No, sir. Mr. Agnew says, "I am against bussing," but in the morning little black children are bussed 37 miles in one county to school, and 37 miles back, 74 miles a day. In one system, in Bessemer, Alabama, the court has ordered 1,400 children in a school that doesn't have any toilets completed and no heating and wiring or lights, because the school is not completed. But they say they must be there by February 1st.

Mr. HERMAN. The other aspect that you listed as one of the four key things was Vietnam. It seems to me, following your statements on Vietnam over the past few months, that you are in somewhat of a process of evolution in your feelings on our actions and our policy in Vietnam. What do you think now is the success of the Nixon policy in Vietnam?

Mr. WALLACE. Well, I hope the Nixon policy is successful, the Vietnamization of the war and the removal of combat troops, as the Vietnamese can take over. I still have my doubts as to the success in the final analysis unless we destroy the effectiveness of the North Vietnamese regulars that are based in Cambodia and Laos. But I sincerely hope and pray that his program is successful, and I think at the present time that the majority of the American people support the effort of the President in this regard. I feel the war is winable and I feel, in the final analysis, it will be won.

Mr. NOVAK. Governor, the last public statement you made on Vietnam, you talked about defeating the enemy on the battlefield. Now, as President, would you be prepared to send in the additional troops to reescalate the war through additional bombing?

Mr. WALLACE. No, sir, I would not. In fact, I believe there are enough American combat troops in Vietnam, with bombing and with the fire power that they possess, to have destroyed the North Vietnamese regulars. And I heard many people in Vietnam, who are knowledgeable in the military and in civilian government, say throughout Asia that had this been applied and had the bombings not ceased a year and a half ago, that the war would have been over by this time.

Mr. NOVAK. You would resume the bombings today if you were President?

Mr. WALLACE. If the North Vietnamese continued to violate the DMZ, if they continued to shell the cities, if they continued to infiltrate, if they continued to do as they are doing now, yes, I would resume the bombings.

Mr. HART. Governor, you visited what you call free China, Taiwan, during your recent tour, and visited with Chiang Kai-shek. What are your feelings about President Nixon's efforts to moderate our position toward Red China in such things as allowing American businesses whose subsidiaries are overseas trade——

Mr. WALLACE. Well, I believe that we should always be willing to talk with the Red Chinese or Soviet Russia, or any other nation, toward meaningful disarmament, always go to the conference table, but always keep in mind that when you do that the communists in the past do not keep agreements they make and have violated almost every agreement they have made with the United States.

Mr. HART. Do you agree with——

Mr. WALLACE. But that doesn't mean we shouldn't talk with them, because I hope that someday there can be meaningful disarmament discussions with the Soviet Union and Red China, as today, but I would always know that the free Chinese on Taiwan are the true friends of the United States and that they are a good deterrent to the Red Chinese on that particular flank.

Mr. HART. Do you agree with Secretary Rogers, that we are leaving the cold war period now?

Mr. WALLACE. Do I agree with him? I'm not sure whether I agree with him, but I hope

that we are leaving the cold war period and I hope this administration and every administration continues to try to impress those in the Communist Bloc that we should use our resources for our people instead of armament, but always keep in mind that we cannot exactly trust what the communists say.

Mr. NOVAK. Governor Wallace, in a recent interview you said that you hoped that the Nixon administration would be as tough in its policies in dealing with dissenters as it is in its words. What do you want them to do with dissenters, throw them in prison?

Mr. WALLACE. Well, I have noticed that we have federal statutes that require prosecution of those who cross state lines advocating riots.

Mr. NOVAK. There is a case like that in Chicago, a very publicized case, under that statute. What woulld you do beyond them?

Mr. WALLACE. Well, I would, in the first place, make Washington a model city of peace and quiet.

Mr. NOVAK. How?

Mr. WALLACE. I would ask the police department to enforce the law. I would not let the officials of this city hold back. There has been a tremendous increase in crime in the City of Washington.

Mr. HERMAN. How do you solve the problem of the shortage of police?

Mr. WALLACE. I am not a police officer and I am not a law enforcement expert. But if I were the President, I would tell the police officials and the government officials who control this city that I want crime reduced in Washington, "now you do whatever is necessary." As I said, in the campaign for the presidency, if it were necessary, I would use troops in this city to bring about a cessation of the crime and the crime rate. It is unsafe to walk any place in Washington, day or night.

Mr. HART. Governor, just one quick question, since time is moving on. There are reports today that the President is about to appoint Judge Harrold Carswell, of Florida, to the Supreme Court.

Mr. WALLACE. Judge who?

Mr. HART. Harrold Carswell, a judge who participated in the decision which granted the Nixon administration a delay in desegregating 33 schools in Mississippi. Is that judge acceptable to you as a Supreme Court Justice?

Mr. WALLACE. Let me say, Mr. Hart, that I don't know much about the judge you are talking about, but granting of a delay before you destroy a school system is like giving a condemned man a reprieve: "We will give you 30 days but we are going to execute you in 30 days," and I don't know that I am satisfied with the appointment of any one particular individual to the Court. I am interested in action. I am interested in the salvation of the public school system and the security of our children, and I hope Mr. Nixon will take this warning, heed this warning in the respectful manner that I present it and that, on January 22nd, he will address himself to the destruction of the public school system in this country.

Mr. HERMAN. Governor, in the about one minute that we have left, how do you feel about appearing on a panel show and being questioned by a group of men whom you described during the campaign as "slick-haired, northern reporters, pointy-headed intellectuals who can't even park a bicycle straight"?

Mr. WALLACE. Well, it seems that, from the first time that I appeared on these programs and now, the panelists are a little more respectful of those of us from Alabama and the South, because I think they are beginning to realize that we are not against people because of color or race, but that we have been talking about philosophy of government. It is always good to be with you distinguished gentlemen, and I have a high regard for you personally.

Mr. NOVAK. Governor, you have described Governor Brewer, who you may run against, as a fine man.

Mr. WALLACE. Yes, sir.

Mr. NOVAK. If so, why do you want to run against him? Why do you even consider it?

Mr. WALLACE. I can say this, that I have a high personal regard for the Governor or anyone else who is running for Governor. But if I decide to run for Governor, the issues will transcend personalities.

Mr. HERMAN. And, on that point, I am afraid our time has run out. Thank you very much for being with us here today on Face the Nation. We will have a word about next week's special one-hour version of Face the Nation in a moment.

ANNOUNCER. Today, on Face the Nation, former Governor of Alabama, George Wallace, was interviewed by CBS News Correspondent John Hart, Robert Novak, Columnist for the Chicago Sun-Times Syndicate, and CBS News Correspondent George Herman. Can pollution of our air, water and soil be reversed and the destruction of our environment prevented? Next week, in a special one-hour Face the Nation interview, three leading officials of the Nixon administration will discuss the growing threat of pollution and what can be done about it. Robert Finch, Secretary of Health, Education, and Welfare; Walter Hickel, Secretary of the Interior; and Daniel P. Moynihan, Counselor to the President, will Face the Nation. Consult your local listings for the time of this one-hour program. Today's Face the Nation originated, in color, from CBS Washington.

FIFTIETH ANNIVERSARY OF THE FEDERAL BAR ASSOCIATION

Mr. ERVIN. Mr. President, the year 1970 is the 50th anniversary of the Federal Bar Association. In fact, it was founded on January 5, 1920.

This association consists of some 14,000 lawyers who serve or have served in the legislative, executive, and judicial branches of the U.S. Government. The Federal Bar Association has chapters in every State, in the District of Columbia, in Puerto Rico, and in a number of foreign countries where there are U.S. Government installations. Indeed, one might almost say that the sun never sets on the Federal Bar Association.

A considerable number of Senators and Representatives belong to this fine organization, and I am one of them. Also, I should like to point out that many of the attorneys of the North Carolina bar are members of this association. It is also worthy of note that several members of Congress have been national presidents of the Federal Bar Association.

What does this organization do? One of its main goals is, in essence, to promote the principle that Government lawyers are primarily lawyers and only secondarily Government employees, and that they consequently have special responsibilities to the law and special obligations to the Government. I believe that this principle is vital to the continuation of constitutional government, particularly in the era in which we live, and that its furtherance by the Federal Bar Association is of great value.

Among the most meaningful activities of the FBA is the sponsorship of many programs, lectures, and seminars on legal topics of current interest. Also of importance is its publication of the Federal Bar Journal, which is devoted to scholarly articles on important Federal legal questions.

Thus, I and the other members of the Senate deem it an honor to extend to the Federal Bar Association on its 50th anniversary our felicitations and our wishes for continued success in its vital mission.

THE CHALLENGE OF CONSUMERISM

Mr. MAGNUSON. Mr. President, it is my privilege to bring to the attention of the Senate a speech delivered by Mr. Aaron S. Yohalem, senior vice president of CPC International, Inc., and chairman of the Consumer Issues Committee of the U.S. Chamber of Commerce, reflecting a refreshing industry view of the consumer movement and insightful recognition of its implications for the business community.

The consumer movement—sometimes identified as "consumerism"—occupies a significant place in the public consciousness today. Frequently in the news, its popular spokesmen now receive cover-story treatment in major news magazines. Congress has many proposals under consideration for strengthening consumers' rights and protecting their interests. In October the President delivered what he believed to be "the most significant set of Presidential recommendations concerning consumer interests in our history" and has sent up several bills in the last month to redeem those promises.

To be sure, interest in consumers has been building for the major part of the decade just passed. President Kennedy enunciated basic rights of consumers in 1962 and we in Congress have been working to make those rights effective since then. Surprisingly, however, the business community—upon which our actions primarily impact—is just now awakening to the depth and significance of the consumer movement. Unfortunately, its earlier responses had been largely negative.

Mr. Yohalem, however, accurately perceives that consumerism is no fad, likely to fade away with the weariness of its few public spokesmen or to be bought off with glib phrases or slick marketing ploys. He sees that the consumer movement reflects deeply rooted needs of a large number of citizens and that its implications for business are profound. To his credit, he responds to these implications in the spirit that led American industry to its present level of output.

The essence of the consumer movement is not that business will be saddled with burdensome restrictions, reporting requirements, and regulation. It is, rather, new or altered relationships in the marketplace; new factors to be considered in design, productions, and distribution; and new responsibility for social consequences hitherto taken for granted. It means that business as an institution will have to accommodate itself to newly emerging forces and demands.

With Mr. Yohalem, I see these as opportunities, not threats—opportunities to produce new goods and provide new services. Someone must meet the needs

of consumers. The function is within the historical competence of the business community. But if business does not assume its role, someone else will. That is the challenge that Mr. Yohalem describes.

Can business meet the challenge? Mr. Yohalem makes the interesting point that business has too often appeared slow or even recalcitrant in responding to new needs, but that it is an adaptable institution once it has perceived those needs. That is my hope for the future. While we in Congress can determine the rules of the game—and we are presently engaged in that task—industry must carry on from that point.

With the clear and farsighted leadership of such persons as Mr. Yohalem, I am confident that industry will begin to perceive consumer needs and to undertake its proper role.

I ask unanimous consent that Mr. Yohalem's speech be printed in the RECORD.

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

CONSUMERISM'S ULTIMATE CHALLENGE: IS BUSINESS EQUAL TO THE TASK?

(Address by Aaron S. Yohalem, Senior Vice President, CPC International, Inc., before the American Management Association, Nov. 10, 1969, Waldorf-Astoria Hotel, New York, N.Y.)

In the brief time allotted us before our panel discussion, let's consider Consumerism's impact upon American business from a general, long-range point of view.

I'm taking my cue from our chairman who admonished me to be "brief—but provocative." So if I'm provocative, even a bit philosophical—all to the good, since it is hoped that we shall stimulate a lively give-and-take.

Now make no mistake: Consumerism is no passing fad. It is not a sometime whim of the marketplace. No amount of invective will make it go away. Nor can its basic demands be met through current marketing techniques.

Consumerism is a distinct socio-political development of our changing and troubled times—a collection of deep-rooted and volatile questions and challenges that go far beyond the ordinary concerns of the marketplace as we have traditionally known it.

Consumerism is a concomitant phenomenon of the great unrest of our cities; of the unprecedented revolt of our youth; of the extraordinary rise of inspired, militant and articulate minorities. It is a reflection of the thoughtful search for *excellence* by our great middle class.

Its aspects are many and contrasting; from the tumult of a mass protest before the national headquarters of a giant retail corporation to the quiet of a judicial chamber where basic law is being rewritten and wholly reinterpreted.

Already the changes it has wrought are far-reaching: We are now at a time when the historic adage—"let the buyer beware"—no longer obtains. It is being replaced with "let the *seller* beware." Consumerism, in short, embodies a profound upheaval in the ancient rules of the marketplace.

In nuclear physics there is a point at which sufficient fissionable material is present to support a violent explosion. It is called "critical mass"—and our consumer-oriented economy is at just such a point.

For there is no doubt in my mind that the period we are now going through—the end results of which cannot yet be foreseen—marks an historic change which will alter *permanently* the very character of American business itself.

Some view Consumerism as something which business should fear. Some see it as a threat. But I view the entire historical sweep with equanimity—and, indeed keen anticipation.

I do so because—no matter what else is involved—Consumerism is a challenge to American business. Business, through its performance in meeting and even surpassing yesterday's consumer demands for better products and more choice of products, has aroused consumer expectations for newer, higher levels of satisfaction. And, like all challenges worthy of the name, it offers us a rich opportunity.

Reduced to its absolute essentials, Consumerism challenges business to do *better*.

And I do not mean "better" in merely a quantitative sense. For that matter, American business has always been the equal of any *quantitative* demand to produce more goods or services. Simply look at the major role business has played, in a quantitative sense, in fulfilling the consumer demands of the last 25 years.

No—I wish to imply in the words "to do better"—the *qualitative challenge of Consumerism* . . . to help make life itself better *qualitatively*.

We are used to talking of quality in the sense of the styling of an automobile or the texture of a cake or the feel of a synthetic textile . . . or of mechanical efficiency, or purity of ingredients or materials . . . questions of product *substance*. More recently we have recognized consumer demands for quality in the forms we use to promote and present our products and services . . . reflected in American industry's capacities to meet and resolve such issues as truth in lending, truth in packaging, or the reduction of package proliferation.

These questions of substance and form have encouraged a stimulating dialogue among all parties of Consumerism: the consumer herself—individually and collectively through consumerist groups—the Government, and the businessman.

More and more individual companies are forming their own consumer advisory panels and joining industry-wide consumer councils to receive, consider and act on consumer grievances of all kinds. Business is participating actively and enthusiastically in hammering out legislative and executive programs to provide better consumer protection and redress of grievances.

Business is on the move in this regard—and examples can be cited in programs of the Chamber of Commerce and the Better Business Bureau's vital consumer involvements such as its program in Harlem.

However, I am concerned about our ability to appreciate and, therefore, to respond fully to Consumerism's insistence upon qualitative change at a new, higher level.

This insistence is already upon us. Whether this striving for qualitative betterment is a trend, a movement, or even a revolution, its goals and purposes are increasingly clear. In a real sense—affecting their total lives—consumers want more value. They not only want things as such, but they want things that have healthful or nutritional or aesthetic or individual and formal relevance to the new, vital and wholly unprecedented life styles that we are creating in our society.

The forces that make up Consumerism are increasingly insisting that the corporation replenish the social capital which business has traditionally depended on to operate: ample, clean and healthful air, water and soil; to train and educate society's disadvantaged; and to restore and enhance the other community resources which in earlier days were assumed to be provided by the taxes that business quite simply paid for—and seemingly took for granted.

In our society, we have people with a great many views. The way America has grown and prospered has been through accommodation. Historically, as new forces arise, they insist upon broader responsibility and participation for themselves, while also insisting upon fuller accountability from business. Accommodations are insisted upon. And they usually are made. So that in the end, business activity becomes broader and includes more elements in the related processes of making a profit and serving more broadly the public welfare than had been the case before historic change.

Today the force called Consumerism is the keen cutting edge of this historic thrust of accommodation. But we must remember, it is also an independent force which—through its own machinery—is quite capable of generating change.

Customarily, forces for change have manifested themselves through voluntary, legislative, or regulatory machinery.

This is a quite proper direction.

But sometimes the demands of groups—such as consumers embued with a socio-political force—are so intense, so immediate and so pressing that they are not quickly or entirely digested by the normal machinery set up by our system to accommodate and bring about change.

The challenge we face, then, is to recognize and respond voluntarily to merited consumer demands, so we can assure that the thrust of Consumerism manifests itself through the normal machinery to the maximum feasible extent—so the merits can be examined carefully and thoughtfully and the issues resolved in orderly and rational legislative or regulatory change.

If this is not done, it is perfectly conceivable Consumerism ultimately could pose a serious challenge to the core of private enterprise: the profit system itself.

Unless we stay ahead of the challenges of Consumerism, unless as intelligent businessmen we either initiate change or make accommodation for it, what I can easily envisage—namely a challenge to the profit system itself—could very well receive its chief impetus from the solid, respectable citizens who constitute the mass base of Consumerism.

It is not at all inconceivable that well-educated, eloquent, and organized consumerists—composed of middle and upper-middle class housewives, professionals, church-goers, and wage earners—militantly inspired by what they view as uncontrolled inflation and an unresponsive business system, will organize nationally to a far greater extent than they already have. They would consolidate broad, large consumerist organizations. They would become major political forces.

And that is power.

It is also not inconceivable that some of the under-30 generation of executives and professionals who now make up our middle and entry-level management would insist upon—and achieve—such broad representations on corporate boards so as to revolutionize the entire concept of the board of directors in American management.

And that is impact.

The chorus of Consumerism's many voices today is building into something like a crescendo which, if the words could be clearly heard, might carry a message something like this:

"You, American business, shall not continue to make a private profit without full, public accountability and without taking a fuller share of responsibility for our lives and our environment: You shall help assure that the rivers and seas are clean; the air made pure; cities prosperous and safe; health facilities adequate; food healthful; and transport safe, swift and reliable—all in relevant, meaningful, *qualitative* abundance."

These expectations are not entirely new.

Any student of American history recognizes that, as corporations have grown in size, as communications have improved—indeed have become instantaneous—the economic process of making a profit *necessarily has social consequences* . . . and, further, that the profit-making process has such an impact upon man that full accountability to the individual citizen, for both social and economic consequences, *is today a business necessity*.

Today, with the new thrust of Consumerism, the pressures are more direct, the tone is more direct, the voices louder and tougher.

In short, Consumerism finally demands, business shall either voluntarily take its full share of responsibility for the common weal of the society it operates in and profits from; or, its ability to make profits will be seriously impaired—even called into question altogether.

This may then well be the "ultimate challenge of Consumerism." The trial that lies ahead will be a grave, trying one, demanding our fullest resourcefulness and dedication.

One of the interesting characteristics of American business is that it often appears to be teetering along the edge of disaster. It appears too often to be too slow—even recalcitrant—in responding to needs that are very obvious to others. The critics of business should not be deceived. The system is remarkably adaptable to the needs of the people, once these needs are perceived.

The challenge for American business today is to perceive the need for intensive, systematic attention—for business as well as social purposes—to areas that have up to now been viewed merely as concerns of "corporate conscience" or "goodwill." Today, survival itself is at stake.

Can industry contribute toward ending hunger and malnutrition . . . toward alleviating pollution of the air, water and soil . . . toward educating and training the disadvantaged . . . toward solving these and other problems of societal rather than strictly of an industrial nature? I believe so.

For these contributions are intimately involved in the profit process itself. Recognizing this, we will continue to serve the American people's welfare—and assure the prosperity and growth of American business.

That is the ultimate challenge of Consumerism.

Are we equal to the task?

DESTRUCTION OF VITAL RESOURCES BY POLLUTION

Mr. MONDALE. Mr. President, it is no longer necessary to talk about the time when the vital resources of the earth's environment will be destroyed by pollution to the point that life as we know it will no longer be possible. It is not necessary, because before the crisis becomes that acute, most living forms will already be extinct.

The earth's environment is feeling the impact of a world progressing rapidly but indifferently to the effect it is having on the vital air and water resources. Species of animals, fish, and birds are vanishing under the poisons we are pouring into the atmosphere, mixing into the soil and spilling into the waters.

In his editorial published in the Medical Tribune, the Senator from Wisconsin (Mr. NELSON), one of the leading voices for preserving and restoring the world environment, points out that doctors are beginning to associate air pollution, for example, with respiratory diseases like lung cancer, emphysema, chronic bronchitis, and asthma.

Senator NELSON, one of the Senate's most militant conservationists, makes a significant point when he writes:

Each year, man watches the list (of endangered species) grow and the animals disappear and, nevertheless, deludes himself into believing that his species will survive.

Senator NELSON leaves little argument that pollution will destroy us if we do not do something about it quickly. His editorial makes a clear warning that disaster is imminent unless something is done. This is an important article; I ask unanimous consent that it be printed in the RECORD.

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

[From the Medical Tribune, Jan. 8, 1970]

TO IMPROVE THE QUALITY OF LIFE

(By GAYLORD NELSON, U.S. Senator from Wisconsin)

Because smog is an increasing health hazard which may seriously affect the lungs of young people, the Committee on Environmental Health of the Los Angeles County Medical Association "strongly recommends that when the forecast concentration of ozone (oxidants) in the atmosphere reaches 0.35 ppm, Los Angeles County students through high school, in any identified air monitoring zone, should be excused from strenuous indoor and outdoor activity. . . ."

It seems almost unbelievable that the air pollution conditions of a city, any city, could reach such a point that "red alerts" would be necessary to warn parents and school authorities that it had become too dangerous for children to play.

It is no longer humorous to joke about the Los Angeles resident walking the streets wearing a gas mask. It is not funny because, since Los Angeles set up its smog-warning system in 1955, first-stage emergency alerts have been called 71 times. First-stage alerts are called when the ozone amounts to 0.50 ppm in the air.

What is more frightening, however, is that the Los Angeles air pollution problems are far from unique, and scientists and doctors are beginning to associate air pollution with respiratory diseases like lung cancer, emphysema, chronic bronchitis, and asthma.

The environmental crisis of the world is the most serious crisis facing mankind. It is becoming so serious that it literally threatens the survival of all living species, including mankind.

Never in the history of the human race has man been so close to extinction as he is today. Each year, new species of animals are added to the list of disappearing animals known as "endangered species." Each year, man watches the list grow and the animals disappear and, nevertheless, deludes himself into believing that his species will survive.

But the reality of the pollution of the planet's thin envelope of air and the destruction of the world's lifeblood rivers, lakes, and streams is a crisis that can no longer be ignored.

It is an uncomfortable irony that the older among us can look back to fond childhood memories of a time when there was a quality to life—when the majority of rivers and lakes were clear and clean and filled with fish and wildlife. The children of today have no such memory.

Barry Commoner, a biologist and chairman of the St. Louis Committee for Environmental Information, described the deadly legacy we are leaving for our children when he said: "We don't really know what the long-term effects of various types of environmental deterioration will be, and the kids are the guinea pigs."

Because youth has the most to lose, the only real hope for saving the environment will depend on the energy, idealism, and drive of the coming generation to demand that the national priorities are not billions for war machines or space adventure, but billions to make the earth a livable place.

To help formulate a youth effort, I have proposed a National Teach-In on the Crisis of the Environment that will have students, scientists, medical men, politicians, community leaders, and citizens meet on April 22 for a massive educational effort.

Hopefully the teach-in will mark the beginning of a change in national priorities when the national goal will be a quality of life. Each community will probably find that it can best share in the teach-in by holding an environmental inventory of the pollution problems of the community and find out if there is any way to deal with the problems politically or by community action.

As campuses across the nation discuss the problems, the medical schools will obviously be taking a special interest. In addition to the air pollution-related diseases, many public health authorities, for example, already attribute thousands of cases of diarrhea, nausea, vomiting, and gastric craps to polluted water.

C. C. Johnson, administrator, Consumer Protection and Environmental Health Service, recently reported that in the past five years outbreaks of water-borne disease have averaged one a month, with many more unreported. Two of the outbreaks involved 20,500 cases of salmonellosis, and several cases of hepatitis were attributed to contaminated water supplies.

It is the subtler, less dramatic, effects of pollution that steadily and slowly destroy animal and plant life. Too often the outrage of the public is directed at a widely known event when atmospheric conditions cause smog to hang over a city or when a pesticide accident kills thousands of fish or birds.

Dr. Paul B. Cornely, in delivering his address as incoming president of the American Public Health Association, recognized the sinister, quiet threat when he warned: "If the fish are dying, the people are not far behind."

The scientists and members of the medical research community have an important role in filling the great deficiencies in our knowledge about environmental pollution-related diseases and the safe tolerance levels that cannot be exceeded.

There is a real urgency that action be taken now. It will be too late when another incident occurs like the four-day air pollution inversion that hit London in 1952, when 4,000 persons died.

Internists and surgeons knew for years that cigarettes were harmful but could not prove it. If the antipollution efforts must wait for legal or scientific cause-effect proof to catch up with the growing clinical evidence, the health of many Americans could be seriously affected.

It is as one expert told a Senate committee, "The man in the street simply cannot hold his breath until the experts determine to the 10th decimal place" the precise relationship between environment, pollution, and human health.

HOW FAR HAVE WE COME IN DEVELOPING INTERNATIONAL LAW OF HUMAN RIGHTS?

Mr. PROXMIRE. Mr. President, the Universal Declaration of Human Rights was the starting point for a significant attempt to develop a law of human rights to which countries could pledge themselves. As a result it was thought mankind would benefit and governments would be deterred from despotic tendencies. The ultimate hope was that the individual countries would develop stable, democratic governments which would be

mutually respecting, and inclined to deal with international problems in a manner reflecting their internal lawful nature.

How far then have we come in developing this international law of human rights? Over 20 major human rights conventions have been adopted by the United Nations, the International Labor Organization, and UNESCO. A few of them are in force among the parties which have acceded to them. Unfortunately, the United States is a party to only two of these: the Supplementary Convention on the Abolition of Slavery in 1967 and the convention concerned with the protocol relating to the status of refugees in 1968. Other conventions which have been submitted to the Senate for approval are: the Convention on the Prevention and Punishment of the Crime of Genocide, Convention Concerning Freedom of Association and Protection of the Rights To Organize—both submitted in 1949 by President Truman; Convention on the Political Rights of Women and Convention Concerning the Abolition of Forced Labor—both submitted in 1963 by President Kennedy; and finally the Convention Concerning Discrimination in Respect of Employment and Occupation submitted by President Johnson.

Having ratified only two conventions, the United States ranks very low among the 126 member nations of the United Nations. Numerous interested citizens and civic organizations are pressing for Senate ratification of the human rights conventions.

These words of Mrs. Eleanor Roosevelt so simply yet effectively remind us of the real meaning of "human rights":

> Where, after all, do universal human rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person; the neighborhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere.

CONTROLLED DANGEROUS SUBSTANCES ACT

Mr. HRUSKA. Mr. President, I have noted in reading over the Judiciary Committee's report on S. 3246, the Controlled Dangerous Substances Act, that two minor references should be corrected and clarified.

First, at page 7 of the report, the last sentence under the discussion of title IV reads as follows:

> In effect, the Attorney General must seek out a balance between safeguarding against diversion and allowing for sufficient competition among manufacturers to insure for reasonable prices for consumer protection.

Second, the phrase "reasonable prices" is again used on page 18 of the report, in explaining section 303.

The use of the phrase "reasonable prices" is unfortunate because similar language is not included in the bill which the committee reported or which the Senate approved. In fact, this phrase was included in an earlier draft of this legislation. However, it was replaced by the phrase "adequately competitive conditions" in order to avoid any connotation of price control.

Mr. President, it is important to note that the Judiciary Committee, as indicated in the report as a whole, regards the avoidance of diversion of dangerous substances as being of primary concern, while prices charged for substances are only of secondary and inferior concern. The avoidance of diversion has always been the cornerstone of our narcotics control laws, international as well as domestic, and the committee strongly endorses its continued top priority consideration.

Mr. President, my comments are directed at clarifying the language of the report only, and do not relate to the bill which the Senate so overwhelmingly approved. The language of the bill is clear on this subject. I ask unanimous consent that sections 303(a) and 401(a) be printed in the RECORD.

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

REGISTRATION

SEC. 303. (a) The Attorney General shall register an applicant to manufacture controlled dangerous substances included in schedule I or II of title II of this Act if he determines that such registration is consistent with the public interest and with treaty or other international obligation of the United States. In determining the public interest, the following factors shall be considered:

(1) maintenance of effective controls against diversion of particular controlled dangerous substances and any schedule I or II substance compounded therefrom into other than legitimate medical, scientific, or industrial channels, by limiting the importation and bulk manufacture of such controlled dangerous substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, and industrial purposes;

(2) compliance with applicable State and local law;

(3) promotion of technical advances in the art of manufacturing these substances and the development of new substances;

(4) prior conviction record of applicant under Federal and State laws relating to the manufacture, distribution or dispensing of such substances;

(5) past experience in the manufacture of controlled dangerous substances, and the existence in the establishment of effective controls against diversion; and,

(6) such other factors as may be relevant to and consistent with the public health and safety.

TITLE IV—IMPORTATION AND EXPORTATION

IMPORTATION OF CONTROLLED DANGEROUS SUBSTANCES—PROHIBITING CRUDE OPIUM FOR THE MANUFACTURE OF HEROIN

SEC. 401. (a) It shall be unlawful to import or bring into the United States any controlled dangerous substance listed in schedules I or II of title II of this Act, or any narcotic drug listed in schedules III or IV of title II of this Act, except that—

(1) such amounts of crude opium and coca leaves as the Attorney General finds to be necessary to provide for medical, scientific, or other legitimate purposes, or

(2) such amounts of any schedule I or II substance or any narcotic drug that the Attorney General finds to be necessary to provide for the medical, scientific, or other legitimate needs of the United States (A) during an emergency in which domestic supplies of such substances are found by the Attorney General to be inadequate or (B) if the Attorney General finds that competition among domestic manufacturers of the drug is inadequate and will not be rendered adequate by the registration of additional manufacturers under section 303 hereof,

may be imported under such regulations as the Attorney General shall prescribe. No crude opium may be imported or brought into the United States for the purpose of manufacturing heroin or smoking opium.

THE "NO-KNOCK" PROVISION

Mr. DODD. Mr. President, the Bridgeport Post on January 30, 1970, published an editorial on the "no-knock" provision of the Controlled Dangerous Substances Act approved by the Senate on January 28, 1970.

The editorial throws a very reasonable light on this controversial issue, and it pays tribute to the considerable skill of the distinguished Senator from Michigan (Mr. GRIFFIN) for his role in working out the dispute that had developed over this provision.

I believe these comments should interest every Senator, so I ask unanimous consent that the article be printed in the RECORD.

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

"NO-KNOCK" RAIDS BACKED

The conscientious effort on the part of Senator Thomas J. Dodd to do something about the illegal sale and use of narcotics ran into some trouble in the Senate this week, but fortunately for the vast majority of Americans—the people who are decent human beings and obey the law—a Republican joined forces with Senator Dodd to save the day.

At issue was the question of whether federal agents should be obliged to knock on the door and identify themselves before entering a location where they believe narcotics are being used or are being kept.

Senator Dodd stood strong on the side of law enforcement, insisting that advance warning could lead to the destruction of the narcotics before the agents could gain command of the situation.

Ridiculous arguments were made against Senator Dodd's position, especially by Senator Sam J. Ervin Jr., of North Carolina. At one point Senator Ervin claimed, "Necessity is the plea for every infringement of human liberty."

The opponents of Senator Dodd's "no-knock" raids tried every conceivable means to distort the whole idea. Senator Dodd and the other senators who share his thinking harbor no dreams of seeing federal agents going about the country battering down doors without good reason. Specifically spelled out in the proposal is the requirement for federal agents to first obtain a search warrant, which means that the agents must present an awfully strong argument to court officials before going out after their suspects and the evidence.

Not until Senator Robert P. Griffin, of Michigan, came forward with an amendment with a little stricter language covering the issuing of the warrants did the Senate accept this means of cracking down on those unscrupulous men and women who are involved in the ugly and destructive business of preying on the youth of America.

Senator Griffin actually proved himself to

be a skilled politician. The amendment he offered was identical to a section of the crime bill for the District of Columbia which the Senate approved last month. In effect, Senator Griffin said to his colleagues, if you think it is right to use this method in the nation's Capital why not in every other city and town of the country?

The loss of rights granted by the Constitution is one thing and the enforcement of the law another. No one will lose anything because of the legislation which Senator Dodd developed. We think that if the House and the President go along with "no-knock" raids that at long last our federal agents will be able to go after the pushers without having their hands tied.

U.S. POLICY IN VIETNAM—STATEMENT OF SENATOR DOLE

Mr. BAKER. Mr. President, the Committee on Foreign Relations continued this morning public hearings on various bills and resolutions pending before it and relating to the policy of the United States in Vietnam. Among those pieces of proposed legislation is Senate Resolution 271, introduced by the distinguished junior Senator from Kansas (Mr. DOLE) and cosponsored by 36 other Senators, including myself.

At this morning's session, Senator DOLE testified in support of Senate Resolution 271, the chief purport of which is to indicate recognition by the Senate that the war in Vietnam is an adversary proceeding in which parties other than the United States and the Republic of Vietnam are engaged. The resolution takes cognizance of the fact, frequently overlooked, that the Democratic Republic of Vietnam and the National Liberation Front also have troops in the field. It further expresses the hope that Hanoi and the Vietcong might at some point see fit to participate in a negotiated political settlement of this chronic conflict whose costs for all concerned in terms of human suffering and diverted resources are unspeakably tragic.

I ask unanimous consent that Senator DOLE's statement be printed in the RECORD.

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

STATEMENT OF SENATOR BOB DOLE BEFORE SENATE COMMITTEE ON FOREIGN RELATIONS IN SUPPORT OF SENATE RESOLUTION 271, FEBRUARY 5, 1970

Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you in support of S. Res. 271.

Last fall I reviewed the then existing legislative proposals directed at bringing the Vietnam war to an end. I noticed the common thread running through them was a call for change of U.S. and South Vietnamese policy. It was apparent the conduct of North Vietnam and the National Liberation Front at the Paris peace talks and in international law had been overlooked or ignored. I concluded that a meaningful contribution toward obtaining a just and lasting peace would be to stimulate somehow the North Vietnamese and Viet Cong toward negotiating seriously in Paris.

Senate Resolution 271 urges the Government of North Vietnam and the National Liberation Front to take the following steps:

1. Acknowledge that a just and mutually-agreed settlement is the best hope for lasting peace;

2. Show at the Paris peace talks the same flexibility and desire for compromise which the allies have clearly demonstrated over the past year;

3. Agree to direct negotiations between representatives of the NLF and of the Government of the Republic of Vietnam, as proposed by the latter;

4. Withdraw their insistence on allied surrender through their demand for the overthrow of the Government of the Republic of Vietnam, as proposed by the latter; and

5. Provide information on the status of U.S. prisoners of war held in North Vietnam and by the National Liberation Front, and give evidence that these prisoners are being treated humanely in accordance with the provisions of the Geneva Convention.

Mr. Chairman, I appear in support of S. Res. 271 as its author and speak on behalf of the 36 other Senators who joined in its sponsorship.

PURPOSE

Mr. Chairman, the sponsors of Senate Resolution 271 believe it correctly states that the United States' fundamental goal is to assure peace with self-determination for the South Vietnamese people and clearly places on the North Vietnamese and Viet Cong the burden for coming forward in good faith to achieve a negotiated peace.

The sponsors of this resolution believe North Vietnam and the National Liberation Front remain inflexible toward a negotiated peace in the mistaken belief that domestic pressures in this country will force us to forsake our fundamental goal and commitments. We believe this resolution, if endorsed by the Senate, will contribute significantly to an early and honorable settlement by highlighting to North Vietnam and the National Liberation Front the firm support of the Senate and the majority of Americans for our government's efforts to reach an honorable, negotiated solution to the war.

THE PARIS PEACE NEGOTIATIONS

Mr. Chairman, since January, 1969 the United States Government has used the Paris Peace Talks on Vietnam to pursue an extensive program for peace. This program provides for a mutual withdrawal of all non-South Vietnamese forces; an internationally supervised ceasefire; free, internationally supervised elections where all of South Vietnam's political parties would be fairly represented; and early release of prisoners on both sides.

Our Government's quest for peace in Vietnam has placed heavy emphasis on meaningful negotiation and compromise in Paris, but President Nixon emphasized on May 14, 1969:

"In pursuing our limited objective, we insist on no rigid diplomatic formula. Peace could be achieved by a formal negotiated settlement. Peace could be achieved by an informal understanding, provided that the understanding is clear, and that there were adequate assurances that it would be observed. Peace on paper is not as important as peace in fact."

Peace in fact is, indeed, our national goal; and the program of Vietnamization underscores our resolve to explore all avenues and alternative courses. S. Res. 271, however, addresses itself to the Paris negotiations, because its sponsors have abiding faith in the sincerity of our President and dedication of his negotiators and because we are convinced of the long-range desirability of a formal settlement between the parties.

I shall not catalog the extensive initiatives the U.S. has taken in Paris and throughout the world to stimulate negotiations. The President and others have established a clear record in this regard. Let us, rather, turn our attention to the activities, statements and attitudes of the North Vietnamese government and the National Liberation Front in light of the specific points raised in S. Res. 271.

1. A mutual settlement for the best hope for peace

Hanoi and the Viet Cong have displayed an unwavering negative attitude toward achieving any negotiated settlement, or even the desirability of such an understanding to assure lasting peace.

A June 6, 1969, statement in the Communist Party of North Vietnam's theoretical journal, *Hoc Tap*, gave an accurate portrayal of their attitude toward negotiations with the United States and the Republic of Vietnam:

The "total solution" [to negotiations] of the NLF expresses the iron-like determination of our people to fight on [militarily] until the United States gets out, the puppets [Saigon Government] collapse, and South Vietnam is completely liberated."

A further illustration of Hanoi's intentions comes from a captured directive, recently declassified, defining the present goals of North Vietnamese and Viet Cong forces in South Vietnam. I would point out that this document was issued by the Central Office South Vietnam (COSVN), which is Hanoi's headquarters office for directing and coordinating National Liberation Front operations in South Vietnam.

The document, COSVN Resolution No. 9 reads:

"Our immediate mission is: To motivate the entire party, army and people to make outstanding efforts in developing the success already gained; . . . to vigorously push forward the General Offensive and Uprising with the three-pronged attack to the highest point in coordination with the diplomatic offensive; . . . to defeat the enemy's clear-and-hold strategy, pacification policy and other defense set-ups; and defeat his scheme to de-Americanize the war. We should fight to force the Americans to withdraw troops, cause the collapse of the puppets and gain the decisive victory . . ."

These examples provide sufficient justification to assert the insincerity of the North Vietnamese and Viet Cong in seeking a mutual agreement for settlement of the conflict.

S. Resolution 271 calls for a reversal of this attitude; a simple acknowledgement of the value of a jointly-reached settlement.

2. Demonstration of flexibility and desire for compromise

The North Vietnamese and Viet Cong have been adamant in insisting on their unilateral, non-negotiable demands. They refuse to discuss U.S. and South Vietnamese proposals; out of hand rejection is the rule.

For the record, Mr. Chairman, at this point I wish to call attention to the five-point and ten-point "solutions" proposed by the National Liberation Front in October 1968 and May 1969.

With reference to these two documents, I quote from the opening statement of Xuan Thuy, Chief of the North Vietnamese Delegation, at the 41st session of the Paris negotiations on November 6, 1969:

"The United States must stop its aggression, totally withdraw from South Vietnam U.S. troops and those of the other foreign countries in the U.S. camp, without posing any condition—the question of Vietnamese armed forces in South Vietnam shall be settled by the Vietnamese parties among themselves. It must also set up a provisional coalition government in South Vietnam, and let this government organize genuinely free and democratic elections in South Vietnam."

We know the bitter experience of "coalition governments" in Hungary and other Eastern European countries after World War II and the fate of the 1946 "lien hiep" (coalition) experiment in Vietnam itself. The total inflexibility of the North Vietnamese and Viet Cong exemplifies the complete absence of any intent to achieve a compromise between their demands and our proposals. In

contrast I would point out that the United States, through the President and our negotiators, has repeatedly emphasized that, as far as we are concerned, everything is negotiable except the South Vietnamese people's right to self-determination.

S. Resolution 271 only asks that our gestures be returned in kind. No special concessions are sought or expected.

3. Negotiations between the NLF and South Vietnam

A continuing impediment to any progress in negotiations has been the National Liberation Front's refusal to negotiate with the government of South Vietnam on any substantive basis whatsoever.

The NLF refuses even to accept items for the agenda in Paris and refers to the South Vietnamese government only as "puppets" and "the Thieu-Ky clique," and pursue the systematic liquidation of South Vietnamese National Party members in satisfaction of so-called Blood Debts.

There can be no hope for agreement on even the smallest details when one party claims sole legitimacy and is completely unwilling to engage in viable political processes.

S. Resolution 271 does not call for surrender of the Viet Cong's principles or other stipulations. It asks simply that they talk to the South Vietnamese government as a political entity.

4. The Saigon government's existence and the holding of elections

The North Vietnamese and Viet Cong have continued to hold out the overthrow of the South Vietnamese government as a condition precedent to conducting free elections. This demand is accompanied by insistence that a "provisional coalition government" be established to rule South Vietnam until elections can be conducted.

There is neither necessity nor reason that the Saigon government be destroyed before the people of both Vietnams are allowed to make their choice of governments. The government of South Vietnam has repeatedly made public its willingness to work for the participation of all orderly, democratic parties and to abide by the results of free and internationally supervised elections. President Thieu has been most explicit on this subject.

The United States does not seek to impose its ideas of what the government of South Vietnam should be, nor will we permit the North Vietnamese or Viet Cong to dictate a "coalition" or any other form of government. It is for the South Vietnamese people alone, and in free exercise of democratic processes, to decide the forms of their institutions. S. Resolution 271 calls for reasonable recognition of these facts by North Vietnam and the Viet Cong.

5. Prisoners of war—Their status and treatment

As a broader and perhaps more telling indication of Hanoi's and the Viet Cong's intentions and predispositions, I would cite their treatment of American prisoners of war. Both North Vietnam and the NLF have persistently and callously violated the 1949 Geneva Convention Relative to the Treatment of Prisoners of War. These conventions were ratified by North Vietnam June 28, 1957. Notwithstanding ratification and the clear language of the Conventions, Hanoi and the Viet Cong engaged in the following calculated violations:

Refusal to provide proper nourishment and humane treatment for all American prisoners of war, information on their detention camps and access by neutral observers;

Refusal to identify all American prisoners of war;

Denial to American prisoners of war the right to communicate regularly by mail with their families; and

Continued detention of the seriously ill and wounded.

These barbarous violations of the fundamental law of nations have not gone unnoticed by the body chiefly concerned with the application of the Geneva Conventions. In a letter dated June 11, 1965, the Vice President of the International Committee of the Red Cross, Jacques Freymond, told Secretary of State Dean Rusk:

"All parties to the conflict, the Republic of Viet Nam, the Democratic Republic of Viet Nam and the United States of America are bound by the four Geneva Conventions of August 12, 1949, for the protection of victims of war, having ratified them and having adhered thereto. The National Liberation Front too is bound by the undertakings signed by Vietnam."

On September 13, 1969, the XXI International Conference of the Red Cross clearly delineated the responsibilities of nations in their treatment of prisoners of war. The resolution unanimously adopted at the Istanbul Conference reads in pertinent part:

"Even apart from the Convention, the International community has consistently demanded humane treatment for prisoners of war, including identification and accounting for all prisoners, provisions of an adequate diet and medical care, that prisoners be permitted to communicate with each other and with the exterior, that seriously sick and wounded prisoners be promptly repatriated, and that at all times prisoners be protected from physical and mental torture, abuse and reprisals."

Senate Resolution 271 puts the North Vietnamese and Viet Cong on notice that their unlawful treatment of American prisoners is fully recognized and that we call upon them before the community of nations to comply with the obligations solemnly undertaken by them and imposed upon them by international law.

CONCLUSION

Mr. Chairman, I hope my remarks have provided some insight into the broad significance of S. Resolution 271. It strikes at the heart of Hanoi's calculated negativism at Paris and in the world community. All of the articles related directly to the strategy Hanoi and the NLF are utilizing to forestall a negotiated settlement at Paris and to evade their international responsibilities.

It is clear at the present time that Hanoi and the NLF totally lack resolve to approach a negotiated settlement of the war. This Resolution seeks to provide the incentive for them to develop a constructive approach to the Paris negotiations.

The sponsors of S. Resolution 271 sincerely hope a just and lasting peace can be achieved through a formal negotiated agreement. We believe the time is long overdue for Hanoi and the Viet Cong to bargain in earnest and cease pressing to impose their philosophy and form of government through military subjugation of South Vietnam.

We further believe passage of this resolution would rebut a serious illusion in Hanoi by showing that the majority of Americans and their representatives in Washington do support our government's efforts to end the war through negotiation.

Senate Resolution 271 is a positive statement to Hanoi and the Viet Cong that peace and self-determination are American goals for all of Vietnam, both North and South.

HEALTH PREMIUMS TO DOUBLE

Mr. RIBICOFF. Mr. President, every Senator is aware of the crisis in health care costs.

But an article in yesterday morning's Washington Post suggests that the situation will become far worse in the near future unless we begin to bring the problem under control.

Post writer David Vienna reported that health insurance premiums will double by 1975 because of rising medical service costs and an apparent lack of controls on health care costs.

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

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

[From the Washington Post, Feb. 4, 1970]

COSTS EXPECTED TO DOUBLE ON HEALTH PLANS

(By David Vienna)

Health insurance premiums will double by 1975 because of rising medical service costs and an apparent lack of controls on health care costs, a report to the Civil Service Commission says.

The report, submitted to the commission more than a year ago but not previously publicized, is on health plans of federal employees.

Insurance industry officials say, however, that nongovernment employees will experience similar increases in their own premiums because the federal plan is the industry's bellwether.

Of the many insurance programs available to government employees, Blue Cross-Blue Shield is the most popular, providing coverage to about 60 per cent of the 8 million people, including employees and their families, insured through government plans.

For those families covered by the most comprehensive Blue Cross-Blue Shield plan available to them, premiums will climb to an annual $907 in 1975, a sharp rise from the present $460.

The government's contribution toward its employees' health insurance premiums will remain at the present legal maximum of $106.56 a year unless pending legislation is passed to provide increased aid.

Congress is considering legislation to cover up to 50 per cent of federal employees' health insurance costs.

The increase to $907 by 1975 reflects the 25 per cent biannual increases based on the $423 premium paid by government workers in 1969 when the report was made.

The report said:

"Premiums for both the governmentwide service plan (Blue Cross-Blue Shield) and the governmentwide indemnity plan (Aetna Life & Casualty) can be expected to increase between 10 and 35 per cent every two years between now and 1976, probably averaging between 20 per cent and 25 per cent."

The report predicted that "significantly higher payments for doctors' services are yet to come, as well as higher hospital costs. . . ."

The report said there was an apparent lack of controls on health care costs. It said, for example, that higher costs for doctors' service could be expected because the plans pay physicians' "usual and customary" fees.

Instead of set fee schedules in which doctors would be paid a specified amount of money for specified procedures and services, the plans pay, in effect, whatever fee is usual and customary.

Thus gradually increasing fees are paid because it has become customary over the past several years for the cost of physicians' services to rise.

The payments by plans of usual and customary fees, therefore, "is particularly subject to inflation," the report says.

The cost of health care has risen more sharply than any commodity or service in the country, the Bureau of Labor Statistics said. The cost of health care has risen almost 73 per cent since the late 1950s, while most consumer goods and services have risen 31 per cent.

The report was prepared by Milliman & Robertson, Inc., regarded by the insurance

industry as one of the nation's top consultants in the field. It was submitted to the Civil Service Commission Jan. 24, 1969, but was not widely distributed.

A government official said yesterday, "We never considered it (the report) to be the best report possible," but he said it was the best available.

Joseph E. Harvey, vice president of the Blue Cross Association and the Association of Blue Shield Plans, Inc., said he was aware of the report.

He said Blue Cross and Blue Shield plans across the country "turn to the figures from the federal employees plan when we try to determine rates" for nongovernment groups insured by the plans.

"Information from the federal employee program is the best pool of data we have," said Theodore Cron, president of the American Patients Association.

"If this is what this control population shows, the situation must be far, far worse in nongovernment plans from which we get no data at all. This is a very disturbing report," he said.

Cron said increasing health care insurance premiums will either force the government to raise salaries or increase its contributions to federal employee health benefits.

The Senate Post Office and Civil Service Committee has on its agenda for early action a bill to increase the government contribution to its employees' health insurance costs. The bill, which is opposed by the Nixon administration for economy reasons, would cover up to half of an employee's health insurance costs.

THE EVERETT McKINLEY DIRKSEN BUILDINGS IN CHICAGO

Mr. SCOTT. Mr. President, I wish to express my thanks and personal feelings of appreciation to the Senate for its action in approving the renaming of the Federal installations in Chicago after our colleague and friend, the late Senator Everett McKinley Dirksen. I know Ev Dirksen would be proud to have his name associated with two great buildings in Chicago, the hub of the State he loved so dearly.

The action by the Senate is a fitting tribute to a man who gave so much of himself to Chicago, to Illinois, and to the Nation. I am delighted that the President saw fit to include the Everett McKinley Dirksen Building West in his budget, and that this Chamber acted with such dispatch in providing a living and vibrant memorial to a great man.

SENATOR GOODELL OPPOSES CARSWELL NOMINATION

Mr. GOODELL. Mr. President, the Judiciary Committee has completed its hearings on the nomination of Judge G. Harrold Carswell to be an Associate Justice of the U.S. Supreme Court.

If the committee reports the nomination, each of us in the Senate will face a sensitive and difficult choice on his confirmation.

Mr. President, I have made my own decision on the nomination, and have made a statement this morning explaining the reasons for my decision. For the information of Senators, I ask unanimous consent that my statement be printed in the RECORD.

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

IN OPPOSITION TO THE NOMINATION OF JUDGE CARSWELL

(By Senator CHARLES E. GOODELL)

I will vote against the nomination of Judge G. Harrold Carswell to be an Associate Justice of the United States Supreme Court.

I believe him to be a man of high character and personal integrity. I do not oppose him because he comes from the South, or because he may be considered to be a strict constructionist of the Constitution. I enthusiastically supported the nomination of Chief Justice Burger, who also was characterized by the President as a "strict constructionist". I voted for his confirmation because in my judgment he was eminently qualified for the Court.

The President has the right to appoint to the Supreme Court the man of his own choice—a man of any judicial philosophy, from any region of the country. The Senate in such a case has its own duty under the Constitution.

Each member of the Senate must exercise his individual judgment, and base his decision upon the most careful scrutiny of the qualifications of the nominee, and a searching inquiry as to whether the best interests of the nation will be served by confirmation.

The issue of "consent" in the case of a Supreme Court nominee is clearly distinguishable from the question of the confirmation of other Presidential nominees.

The function of a Cabinet officer, for example, is to carry out and administer the President's policy. His term of office expires with that of the President.

The Supreme Court, on the other hand, has a constitutional function which is clearly separate and distinct from those of its co-equal branches of government. Also, appointment to the Court is for life.

The President should be given great latitude in obtaining confirmation of his choices for positions in the Executive Branch. But because of the unique institutional role which the Supreme Court plays in American life, every Senator has a special duty in casting his vote on a confirmation issue.

What is my obligation as an individual United States Senator on an issue such as this?

It is not my function to demand that a Supreme Court nominee agree with me on all the issues, and in all the cases he may have decided in the past.

But there are certain issues that are so basic to our country—that its very survival is tied to them. One of these is civil rights.

I oppose Judge Carswell because as a member of the federal judiciary, he has failed to heed and to promote the civil rights revolution of the past decade. He has demonstrated a basic insensitivity to fundamental civil liberties issues, which are essential to our survival as one, indivisible nation.

In my view, any man proposed for a place on the Supreme Court must understand the meaning and the dimensions of that revolution. No matter what his other qualifications and virtues, if he fails to comprehend its meaning, he should not be confirmed. My opposition to Judge Haynsworth was predicated upon the same grounds.

In 1964, in the case of *Due* v. *Tallahassee Theatres, Inc.*, Judge Carswell summarily dismissed a complaint against theatre owners, city officials and a county sheriff alleging a conspiracy to enforce a policy of segregated operation of theatres. The United States Court of Appeals reversed Judge Carswell stating that he was clearly in error. The Court said, it appears, in fact to be a classical allegation of a civil rights cause of action. The Court could find no basis for entering a summary judgement in favor of the county sheriff.

In 1966, in the case of *Singleton* v. *Board of Commissions of State Institutions*, Judge Carswell dismissed on a technicality, a suit to desegregate Florida State reform schools. The Court of Appeals again reversed him.

In 1967, in the case of *Steele* v. *Board of Public Instruction of Leon County, Florida*, Judge Carswell denied an application to hasten school desegregation. Once again, the Court of Appeals reversed him.

Twenty-two years ago, Judge Carswell made a speech in which he stated that he believed in the principle of 'white supremacy'. I will not summarily condemn him for that statement. The essential question is whether there has been a change in this view reflected in his actions. I see little change, indeed.

When Thomas Jefferson wrote that "all men are created equal", it is a matter of historical record, that those colonial gentlemen who endorsed that explosive proposition didn't mean it quite as we mean it today. A half century later, Lincoln was not absolutely sure that the nation could accept in practice the concept of black-white equality. His Act of Emancipation, which enobled the history of that age, was thus in some degree an act of faith.

We are still redeeming Lincoln's act of faith. And we are doing it at the conclusion of one of the most tumultuous decades in our nation's history—a decade which saw the civil rights revolution explode in our national consciousness. And as a people—North as well as South—we are still learning by experience and by suffering to live the truth of racial equality.

In determining whether Judge Carswell should be confirmed, I think it is necessary to consider our responsibility toward achieving the promise of American life for all our citizens.

We have had a great deal of talk in the last three hundred years in this country about equality. In the past ten years, we have had some action. More deeds, not talk are what is needed. We must continue to gather our strength, and our determination to act boldly to lift from all of our citizens the hypocritical burdens of intolerance, bigotry and discrimination.

Our law and our courts must continue to play a crucial role in this effort. I therefore, in conscience, cannot vote to confirm Judge Carswell for the highest judicial office in the nation.

STATEMENT BY SENATOR MATHIAS IN SUPPORT OF HIS RESOLUTION SENATE JOINT RESOLUTION 166

Mr. COOPER. Mr. President, the Committee on Foreign Relations began hearings on February 3 on a series of resolutions pending before the committee dealing with the Vietnam war and other foreign policy considerations. Today the committee was privileged to hear the distinguished Senator from Maryland (Mr. MATHIAS) give testimony in support of the resolution he introduced, Senate Joint Resolution 166, and cosponsored by the Senator from Montana (Mr. MANSFIELD). In addition to the testimony of Senator MATHIAS, the committee was privileged to hear Senator MANSFIELD'S comments on behalf of the joint resolution.

The joint resolution proposed by Senator MATHIAS is, in my view, forthright, thoughtful, and deserving of the close attention and study of the members of the Foreign Relations Committee. His proposal has merit, and I commend him for his initiative.

Mr. President, I ask unanimous consent that the statement given by Senator MATHIAS before the Foreign Relations

Committee this morning be printed in the RECORD.

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

REMARKS OF SENATOR CHARLES MCC. MATHIAS, JR., REPUBLICAN, OF MARYLAND, BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE, FEBRUARY 5, 1970

(Topic: Senate Joint Resolution 166: A joint resolution to repeal certain cold war foreign policy resolutions, reconsider the Korean national emergency proclamation, and set the stage for new policies for the seventies)

First, I want to thank the Committee and its distinguished chairman for the opportunity to testify. These hearings promise both to illuminate the problems of extrication from Vietnam and to follow up the splendid work which produced the National Commitments Resolution (S. Res. 85). The first section of my resolution, in fact, is directly complementary to that earlier enactment and becomes more meaningful in conjunction with it. S. Res. 85 defines a national commitment as the foreign use, or contingent promise of foreign use, of U.S. armed forces and declares that specific Congressional approval is essential to a national commitment.

My resolution would rescind previous legislation which seemingly authorizes such commitments on the basis of contingencies long past and without further Congressional approval.

Clearing the Congressional ledger of the debris of briefly considered and broadly permissive cold war postures, my proposal would prepare the Congress to face the demands and opportunities of the new decade. In the words of Abraham Lincoln, delivered during an earlier period of national crisis, "We must disenthrall ourselves." And in disenthralling ourselves, we can set the stage for more contemporary foreign policy enactments—to be worked out cooperatively between the President and Congress, fulfilling their own respective constitutional responsibilities—and our nation's responsibilities in a changing world.

The resolution (S.J. 166) contains five sections. Section 1 would repeal four foreign policy support resolutions, relating to use of U.S. military forces respectively in Formosa, the Middle East, Cuba and Southeast Asia. All are joint resolutions, enacted by Congress since 1955, signed by the President, and repealable through joint resolution of Congress. All are technically still in effect and have been interpreted as affording the President broad powers to intervene with American military forces in the specified areas. Of the four resolutions, only the Middle East Resolution, adopted in 1957, was subjected to extended debate and only it specified that military action be in keeping with the treaty and constitutional obligations of the United States. In apparently providing for use of American troops abroad without further Congressional action, the other resolutions differ from treaty commitments that permit intervention only in accord with constitutional processes.

The resolutions to be repealed are the following, listed chronologically. I submit copies of each at this point for the record.

1. *P.L. 84–4 (69 Stat. 7) Protecting the Security of Formosa, the Pescadores and Related Positions and Territories of that area.* The resolution declares that retention of Formosa and the Pescadores in the hands of "friendly government" is "essential to the vital interests of the United States and all friendly nations" in the Pacific. The President is authorized to "employ the armed forces of the United States as he deems necessary" for protection of these islands against armed attack. The resolution was introduced in both Houses on January 24, 1955, in response to a Presidential request on that day, and was enacted within the next four days. It was approved by President Eisenhower on January 29, 1955, and is terminable either by joint resolution or by Presidential declaration that the peace and security of the area is reasonably assured.

2. *Section 2 of P.L. 85–7 (71 Stat. 5) Promoting Peace and Stability in the Middle East.* Considered the legislative embodiment of the "Eisenhower Doctrine," this resolution provides for extension of military and economic aid to Mideastern countries. Section 2 declares that "if the President determines the necessity" the United States "is prepared to use armed forces to assist" any Mideast nation requesting aid against armed aggression from a "country controlled by international communism." The resolution stipulated that armed assistance be in keeping with the treaty obligations and Constitution of the United States and that it be granted only for self-defense and not for aggression. The President was directed to report to Congress twice yearly on his actions under the enactment. This resolution was passed by the House on January 30, 1957, five days after it was introduced, but the Senate subjected it to extensive hearings and debate before passage on March 7. President Eisenhower signed it on March 9. It is terminable either by concurrent resolution or by Presidential declaration.

3. *P.L. 87–733 (76 Stat. 697) Expressing the Determination of the United States with Respect to the Situation in Cuba.* Specifically the resolution declares U.S. determination to use armed force to prevent "Marxist-Leninist" Cuba from extending its aggressive or subversive activities into the rest of the hemisphere. It also asserts the U.S. resolve forcibly to prevent establishment in Cuba of an externally supported military capability endangering the United States.

This resolution was not requested by President Kennedy, who believed his "inherent power" would suffice to authorize any needed military action against Cuba. But it was prompted by his statement of September 13, 1962, expressing a similar national determination. The resolution was introduced on September 19 and approved by the President on October 3. Nonetheless, a month later, when the President announced the discovery of Soviet offensive missile emplacements in Cuba, he did not refer to the resolution as authority for his action establishing a naval quarantine.

The resolution on Cuba is the only one of the four resolutions included in the repealer that lacks explicit provision for termination, either by Congress or the President.

4. *P.L. 88–408 (78 Stat. 384) Promoting the Maintenance of International Peace and Security in Southeast Asia.* Known as the Gulf of Tonkin Resolution, this enactment asserts that North Vietnamese naval units "deliberately and repeatedly attacked United States naval vessels lawfully present in international waters." It "approves and supports the determination of the President, as Commander-in-Chief, to take all necessary measures . . . to prevent further aggression." And, it states that the United States is prepared, "as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom."

This resolution was requested by President Johnson on August 5, 1964. It was introduced in both Houses on the same day and subjected to hearings the next day in executive sessions of the relevant committees. A day later it was enacted after limited debate. It was approved by the President on August 10. It expires either by Presidential declaration or by concurrent resolution.

Later investigation by this Committee has cast grave doubt on the stated premises of this resolution. It transpired in hearings that the allegedly "deliberate and repeated attacks" on U.S. vessels "lawfully present in international waters" in fact were haphazard or even non-existent attacks. The U.S. vessels, moreover, were apparently engaged in provocative military missions within what North Vietnam regards as its 12-mile limit.

Unlike the other resolutions included in the repealer, the Tonkin Gulf enactment has been repeatedly cited as authority for intensive and far-reaching military action, involving air, sea, and land forces; and it was later represented by former Under Secretary of State Nicholas Katzenbach to be "the statutory equivalent to a declaration of war."

Each of these resolutions served a purpose, to demonstrate Congressional support for Presidential firmness and perhaps to authorize use of American military forces in a specific international crisis. And the Tonkin Gulf Resolution served its purpose all too well. Now these resolutions should be repealed by this Congress, which takes seriously its continuing role in shaping American foreign policy in a changing world.

For the resolutions do not take into consideration the substantial changes that have occurred in each of the applicable areas. And they seem to embody a misinterpretation of the constitutional role of Congress in international affairs.

Repeal of these enactments, it should be understood, would in no way affect existing treaty commitments or prejudge American policy for the future.

I would expect that the President might wish for more contemporary expressions of Congressional determination in some of these areas. Any proposed new resolutions, responsive to current conditions in the Middle East and elsewhere, can be considered rationally in the time before the repealer takes effect at the end of the 91st Congress.

The repealer, however, would symbolically remove the mortmain of the past from the present posture of the Congress. And, I would hope, it would signal a new determination by Congress to exercise fully its powers on the vital questions of war and peace. For the resolutions to some extent reflect a lapse of Congressional powers in this realm.

In the future American troops should not be used abroad without specific Congressional authorization. This principle is inherent in the constitutional reservation to Congress of the authority to declare wars and to raise armies and establish rules for their use. This principle is explicit in the National Commitments Resolution. But it is gravely compromised in the resolutions which S.J. 166 would repeal.

Although they have been interpreted as authorizing the use of American troops without further Congressional action—and though previous Presidents have cited them as such authority—in fact the four resolutions do not specifically authorize military intervention. Rather they affirm that the United States "is prepared" or "is determined" to intervene under certain circumstances. In anticipating military action without specifically authorizing it, the resolutions seem to be based on a constitutional misinterpretation. They appear to concede, incorrectly, that the President has inherent power to prosecute military campaigns without specific Congressional consent.

Thus these resolutions implicitly would contravene the crucial constitutional principle reaffirmed in the National Commitments Resolution. In repealing them we reassert the constitutional doctrine that without specific Congressional authority, the President can use American forces only to repel attack on the United States or on a country with which the United States has a treaty requiring immediate military response.

In these circumstances the President may act if necessary before seeking Congressional

authority. But even then, in accord with the "constitutional processes" cited in our treaty enactments, the President must seek Congressional consent. It should be made clear that the President cannot legitimately conduct extended military operations under any circumstances without specific Congressional action and Congress cannot legitimately delegate its powers to the President except for specific and limited contingencies. This crucial constitutional principle, vitiated in these resolutions, will be reaffirmed by repealing them.

Section 2 of S.J. Res. 166 relates to another area of nebulously accumulated Executive powers deriving from the crises of the cold war and, in this case, even earlier contingencies. On March 9, 1933, at the urgent request of President Roosevelt, Congress passed the Emergency Banking Act ratifying the President's Bank Holiday proclamation and amending the Trading with the Enemy Act of 1917. The 1933 amendment to the 1917 act permitted the President, by declaring a state of national emergency, to invoke in peace-time his extraordinary "war" powers as Commander-in-Chief under Section 5(b).

Since that day in 1933, the country has gone through several vicissitudes of war and peace but executive powers have continually been at "war." Not once since the peace-time emergency concept was established has the executive allowed his full range of emergency powers to lapse. And that one emergency law of 1933 has since been joined by more than 200 others technically in effect today as a result of President Truman's Korean emergency proclamation of December 16, 1950.

The most important recent invocation of these Korean Emergency powers occurred on January 1, 1968, in response to the continuing deficit in the U.S. balance of payments. Under President Johnson's Executive Order 11387 "Governing Certain Transfers Abroad," the Department of Commerce issued Foreign Direct Investment Regulations (FDIR). These regulations restricted the amounts of capital American investors could transfer to or accumulate in foreign affiliates and compelled repatriation of short term liquid balances such as foreign bank deposits. Directly encroaching on Congressional prerogatives, this far-reaching order could not have been made without invocation of emergency powers entirely unrelated to the balance of payments crisis at hand. In effect for a year, it strikingly illustrates the dangers of allowing a state of emergency to become a permanent state of affairs.

Among the more than 200 other emergency laws, let me mention a few representative examples: in an emergency he alone proclaims, the President may sell stock of strategic materials . . . revoke leases on real and personal property . . . suspend rule and regulations applicable to radio stations . . . detain enlisted troops beyond the term of their enlistments . . . detail military men to the governments of other countries . . . regulate transactions in foreign exchange . . . and exercise control over consumer credit. Among hundreds of local properties, the President also may take over parts of Howard University, and in my own State of Maryland, he may close Fort McHenry—the birthplace of "The Star Spangled Banner"—and "use it for such period thereafter as the public needs may require."

Some of these special powers probably should be granted to the President as a matter of policy; some have been effectively abrogated through conflicting legislation. All should be reviewed; and the entire concept of national emergencies declarable by the President in peacetime without termination dates should be reappraised and clarified. Emergency powers should be available only for brief periods when Congress is unable to act and for purposes directly related to the emergency at hand.

To that end, Section 2 of S.J. 166 would create a special joint committee comprising six members of each body of Congress including three each from the Senate Foreign Relations and House Foreign Affairs Committees. The special committee would confer and consult with the President on the matter of termination of the state of emergency proclamation and it would determine which "emergency" powers actually are justified by current foreign policy exigencies and should be legislatively authorized. The Committee would report back to the Congress before the end of the 91st Congress. I recognize that this section of the resolution does not entirely fall within the jurisdiction of the Foreign Relations Committee and might have to be referred to another panel. I invite your recommendations on this approach, however.

The last three sections of S.J. 166 are designed to replace the open-ended authorization contained in the Tonkin Gulf Resolution with a new Congressional enactment for Southeast Asian policy.

Section 3 would declare support for the President's determination to pursue a political rather than a military solution in Vietnam and would endorse his plan for the withdrawal of all American forces from South Vietnam as soon as possible.

This section also urges the President to seek creation of an international peace-keeping force under United Nations or other appropriate international auspices. I have urged creation of such a force since 1962. It is needed now to prevent reprisals against any of the South Vietnamese people after the departure of American troops. It is said that without the aid of U.S. forces the Thieu-Ky government could not prevent massacres from occurring.

Section 4 is designed to promote the development of a political order embracing all groups in South Vietnam and capable of surviving and keeping order after the departure of American troops. Under the resolution, Congress would urge leaders from all political, religious, and ethnic groups in South Vietnam to initiate serious discussions designed eventually to produce a new broadly based government. Needless to say, in order for meaningful political discussions to occur, the Thieu-Ky regime would have to release from prison those leading political figures incarcerated essentially for advocating or attempting such discussion. This process is not to be considered as an alternative to elections but as a contribution to the conditions of minimal consensus necessary for a meaningful balloting.

Section 5 is designed in part to provide additional incentives for the success of the Paris negotiations, and in part to fulfill the humanitarian mandate of the American world role. This section would urge the President to invite other nations to participate with the United States in the formulation of a multilateral plan for the reconstruction of war-ravaged areas in Southeast Asia. It also asks the President to submit to Congress as soon as possible any legislation needed to carry out the plan.

It is not the intent of the resolution to place unjustified constraints on Presidential leadership in foreign affairs. It is rather to re-establish for the Legislative Branch our joint responsibility for the ways in which foreign policy is carried out, and to provide the President with a clear sense of Congressional thinking. Indeed, by clearing outdated and open-ended commitments from the record and enacting more relevant legislation, we may even help the President in his efforts to control the Executive Branch and those tendencies in our massive bureaucracy that helped produce our piecemeal involvements in Vietnam and elsewhere.

If the United States is to develop foreign policies suitable for the seventies, worthy of the support of those who have been estranged from our policies in the sixties, we must clear away the legislative and conceptual debris of the fifties. And if this process of modernizing our policies is to be durable and democratic, immune to sudden reversal in a crisis under the pressure of an aroused and uninformed public opinion, the Congress must play a key role in preparing itself and its constituencies. Congress must share with the President the educational leadership burdens in foreign affairs.

The fundamental question involved in my resolution can be bluntly stated: Is Congress, is the Senate—with its constitutional responsibilities in this realm—either obsolete or optional in the making of American foreign and defense policies? The question may seem impertinent, particularly at a time when the Senate is moving to play a larger role in this field. But despite the recent assertions of Congressional authority on national commitments and other matters, an influential school of academic and governmental opinion continues to believe that international relations are too technical, complicated, and machiavellian to be understood or responsibly managed by nonprofessionals.

Many of our international activities, it is said, must actually be conducted in secret, and sometimes no elected official, not even the President himself, is apprised in detail. In the nuclear age, this argument goes, foreign and defense policies are matters of neurosurgical delicacy—affecting the very survival of mankind; they must be managed by specialists, insulated as much as possible from the buffeting of public sentiment. The axiom that politics ends at the waters edge is interpreted as gravely limiting Congressional scrutiny and debate on our activities overseas.

This attitude, which I have only slightly caricatured, has been buttressed by the long period of Congressional inaction, just now ending, in these areas of policy. I need not reiterate here the details of years of Congressional deference in foreign and defense matters, or of the effective usurpation of war powers by the President. In the decisions launching the United States into its last two major conflicts, Congress played no significant role. Our entry into Korea was essentially a Presidential initiative; and in relation to Vietnam, Congress acted only to abdicate.

Congressional powers were continuously exercised during this period, particularly in appropriations. But the presumptions and priorities of the Congress were often in disarray and on the most important questions, Congress tended to accept technocratic predominance in foreign policy. The foreign aid bill was exhaustively scrutinized, while the defense budget until this year was relatively unexplored and the major dimensions of our foreign policies were determined by the executive. The practical effect of Congressional review was often to lend inert momentum to executive policy.

Until the country must be mobilized for war, our defense and diplomacy thus have been shrouded in a mystique of statesmanship and technocracy. When war erupts, our polices have been suffused by a melodrama of emergency. It has been only rarely in the years since World War II that Congress asserted itself to assume a responsible, deliberate role in deciding the life-and-death issues of the international realm.

It will not surprise you that I oppose this attitude toward the role of Congress and especially the Senate. My resolution is based on the proposition that American foreign policy does not—and should not—begin beyond the three mile limit. I believe, in fact, that our foreign policy in recent years has tended too much to remain at sea with the executive. I do not accept the theory that either the invention of nuclear weapons or the intrigue of counter-insurgency has rendered Congress obsolete or optional in international affairs.

The basic problem with the elitist and technocratic notion of foreign policy is that

it is ultimately unacceptable to the American people. Foreign policy can be made for long periods without Congressional scrutiny or participation. But when a setback occurs—or some major and controversial change is made—Congress is politically impelled to respond. The issue then becomes not whether but how Congressional power will be exercised.

There is no doubt that its power is legitimate. Although the executive is constitutionally authorized to conduct our foreign relations—and serve as Commander-in-Chief of our armed forces—Congress was assigned an equally important role by the framers of our Constitution. In fact, I might contend that the constitutional responsibilities of the Congress in foreign policy are ultimately greater than those of the President. Congress holds unique powers in taxation, appropriation, foreign commerce, conscription, regulation of the military, and declaration of war that embrace the whole range of our foreign relations. The Senate has special powers—and a long tradition—relating to treaties, appointments, and general consultation. I think that it is more important than ever for Congress to exercise its powers today.

Alexis de Tocqueville once said, "The most important time in the life of a country is the coming out of a war." The final stages of the Korean War were marked by bitterness and recriminations. I believe that today we are emerging from the Vietnam War into a new world—a world very different from the one in which we were brought up, very different even from the one in which our Vietnam engagement began.

Nationalism is increasing in clamor, while world economic and technological forces—organized in great multinational corporations—treat national boundaries as irrelevant. The cold war is ending in Europe, won by the new capitalists, and the communist states look wistfully west for new markets, new products, and old economic ideas. The North-South division of the world—the realm of affluence and the realm of underdevelopment—arises as the crucial arena of ideological conflict and a key arena for new Congressional policy. In this arena the President's proposal for trade preferences for the products of underdeveloped countries—a new incentive for private enterprise in them—is likely to be incomparably more important as an ideological initiative than anything we could achieve with our military in Vietnam.

And this is just a beginning. In the next few years we are going to need a complete reordering of our approaches toward the Southern Hemisphere—indeed toward the whole world economy. This year we created a new international money, unglamourously designated Special Drawing Rights. We are now considering how to channel this new money into the underdeveloped world through the international development authority of the World Bank. Soon we will have to develop a new currency of ideas to capture the imaginations, stimulate the economies, and expand the trade of the less developed countries—let them transcend their own exclusionist nationalisms and participate in the growth of the North.

The United States remains the world's most developing country, partly because it is continental in scope and open to the products and ideas of the world. The Nixon Administration I believe is also to a great extent open to these new forces and movements in the world. So are a great many members of Congress, particularly in the Senate. But I am afraid that unless the Congress as a body, both Houses, prepare now to deal with these and other new issues—unless it engages the future confidently and responsibly now—the period of transition as we move from Vietnam may be marked with bitterness. I fear that, as in the period after World War I and after Korea, the executive may encounter dangerous obstruction from a Legislative Branch suddenly burdened with the urgent business untended during a period of conflict. And I believe that post-war readjustment—so imperative for the avoidance of future wars and for the establishment of a lasting peace—may be impossible to accomplish smoothly unless it is undertaken now It is in this spirit that I introduced my resolution, that I present it to the Committee today and that I seek the help of the Committee in its consideration, refinement, improvement and submission to the Senate.

Until now I have dealt in terms of history, constitutional law and Congressional tradition. Even in matters of high politics, however, the political quotient must be considered. In conclusion, therefore, it is not unbecoming to make a few remarks placing my resolution in its current political context.

I said at the outset that this resolution is a natural extension and complement of the National Commitments Resolution. But because they assert Congressional authority, no one should assume that these resolutions necessarily conflict with executive policy. In fact, President Eisenhower insisted on the primacy of Congress in these matters, while it was Congress—conditioned by the different attitudes of his predecessors—which was skeptical of its powers and refused to assert them fully.

Now President Nixon has an opportunity to reassert the position of President Eisenhower, demonstrate his own statesmanlike recognition of constitutional proprieties, and at the same time secure explicit Congressional support for the stated aims of Administration foreign policy. President Nixon himself in Guam and Manila affirmed that future American policy in Asia would be designed to "exclude the kind of support which would involve a commitment of manpower." President Nixon himself has eschewed pursuit of a military solution in Vietnam and has asserted a determination to remove all American troops.

My resolution, in fact, can be considered as a legislative combination of the Nixon plan for total withdrawal of American forces from Vietnam with the Nixon doctrine to limit American military commitments abroad. By supporting it, the President would reassure the country and the Congress of the depth of his commitment to these goals and dissipate some of the anxieties and misconceptions prevailing in the land.

So in making this proposal to the Congress—and in offering this testimony—I also issue an invitation to the President to participate with us in an historic undertaking. And in bringing these two branches of government together to reappraise American foreign policy for the seventies, I hope we can make a significant step toward bringing the American people together in the pursuit of peace.

THE STORY OF TRAN NGOC CHAU

Mr. FULBRIGHT. Mr. President, in this morning's Washington Post, Joseph Kraft tells us the story of Tran Ngoc Chau. It is a story that does not reflect credit on the United States or on the South Vietnamese regime of President Nguyen Van Thieu. I have known about the story for several months, and I know that the facts that Mr. Kraft recites are accurate. There are, of course, many other facts that have not been reported in the press.

To set the story in context, as Mr. Kraft writes, Chau is an old friend of President Thieu and once shared quarters with him when both were junior officers. From 1960 to 1966 he was province chief in Kien Hoa and mayor of Danang. In both positions, he had an outstanding record. In 1966 he was nominated by CIA to be head of the cadre training program at the Vungtau Training Center where he obviously worked closely with the CIA as that agency had the responsibility for the center. In the 1967 National Assembly elections, he was elected a deputy from Kien Hoa with the second highest plurality in the country. He then became head of the opposition bloc and was elected Secretary General of the Assembly.

In 1965, Chau was contacted by his brother, Tran Ngoc Hien, a North Vietnamese intelligence agent. By Chau's own admission, he did not report these contacts to the South Vietnamese Government. Kraft says that whether he reported these contacts to the CIA is in dispute. Chau says that he did, as Keyes Beech reported in the Washington Evening Star on February 2. I know for a fact, from private sources, that he did report his contacts with his brother to a number of U.S. officials in Vietnam, including CIA officers with whom he had daily contact. I should add that I also know for a fact that he had, and still has, many close friends in the American official community.

At any rate, to return to the story told by Mr. Kraft, Chau began last year to advocate a cease-fire and direct negotiations between the South Vietnamese Government and the NLF. He also began to attack Nguyen Cao Thang, a rich Saigon pharmacist and member of President Thieu's inner clique, who is described by Kraft as President Thieu's "political bag man."

Chau's brother was arrested in April and interrogated in July. No charges were lodged against Chau at the time of his brother's arrest and interrogation. I am told, in fact, that relations between Chau and Thieu were not broken until some weeks or months thereafter. It appears that Thieu's open attacks on Chau began only after Chau denounced the pharmacist Thang.

Thus it appears that the real reason for Thieu's attack on Chau was not his contact with the Communists but rather Chau's growing power as an opposition figure and as a critic of Thieu's attempts to pressure and corrupt the Assembly as evidenced by the activities of Thang.

Thieu began his campaign against Chau by denouncing him publicly on a number of occasions. According to the Saigon press, in a speech on December 10 at the Vungtau Training Center, Thieu said that if the Assembly would not see justice done to Chau, and to two other accused deputies, "the people in the armed forces will cut off the heads of these deputies" and he added: "Our duty is to beat such dogs to death." Thieu organized demonstrations, including a march on Parliament, in connection with his efforts to lift Chau's parliamentary immunity. Failing to secure the votes of three-quarters of the members of the Assembly necessary to lift Chau's immunity, Thieu resorted to the legally questionable tactic of having a petition

lifting Chau's immunity circulated among Assembly members. According to a report in this morning's Washington Post by Robert Kaiser from Saigon, the 102 necessary signatures on the petition have now been obtained, and President Thieu is free to prosecute Chau.

I know that the U.S. mission in Saigon did not expect Thieu to obtain the necessary number of votes to lift Chau's immunity. But they obviously underestimated Thieu's determination and his ability to obtain the result he desires through threats and bribery. I have very persuasive evidence on this point. Mr. Kraft tells us that Ambassador Bunker was directed to intervene with President Thieu on Chau's behalf but that "the Embassy has not bestirred itself." Given the attitude of certain high mission officials toward Chau, and their unwillingness to incur President Thieu's displeasure, I am not surprised. Nor am I surprised that Chau is disenchanted with Americans because of their refusal to intervene, as Keyes Beech reported after his interview with Chau.

Chau is now in hiding. I hope for his sake that he will be able to escape Thieu's persecution. But even if he does, the story of Tran Ngoc Chau will not have a happy ending. The South Vietnamese Assembly has been intimidated, while the U.S. Government has shrugged its shoulders. And those in Vietnam who favor negotiation and compromise, or who dispute President Thieu, will speak at their peril from now on. Perhaps the story of Tran Ngoc Chau will prove to be the last chapter in the history of representative government in Vietnam.

EARTH DAY, APRIL 22

Mr. NELSON. Mr. President, a few short months ago, I suggested in a speech at Seattle that American students take a major initiative by holding environmental teach-ins on every campus in the country on the same day this spring. Shortly afterward, Representative PAUL MCCLOSKEY, JR., a California Republican and an environmentalist, joined me in sponsoring what we saw as a nonpartisan, educational effort to draw the issues, stimulate plans for action, and demonstrate the strength of American concern for a livable world. A nine-member teach-in committee was formed, and the date of April 22 was suggested for the teach-ins.

From the very beginning, the response from around the country has been one of overwhelming support, not only from students, but from persons and organizations of all ages and political persuasions.

Since early December, a national environmental teach-in office has been established in Washington to provide coordination, communications, and service for the April 22 effort—and they report that already, at least 350 campuses are planning teach-ins, and from the continuing new contacts by mail and phone each day, it appears thousands of campuses, and high schools and communities as well, will be participating on April 22.

Though it is proving a focus for student concern on the environment at this point, the April 22 teach-in effort is only one facet of this broad-ranging new insistence of the new generation on halting the environmental destruction and establishing quality on a par with quantity as an aim of American life.

Furthermore, this is only one more in a whole series of issues that have concerned youth in the past decade and I am sure, will continue to concern them in the future.

The CF letter, an excellent monthly report by the Conservation Foundation on environmental issues, has devoted its entire January issue to a report and analysis of the vast and growing student environmental concern. Thorough, well-written, informative reports such as these are a real public service in giving all Americans a much understanding of what young people are really trying to say and accomplish. I ask unanimous consent that the January CF letter be printed in the RECORD.

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

[From the CF Letter, January 1970]

STUDENTS RALLY TO HALT POLLUTION, RAISE QUALITY OF MAN'S ENVIRONMENT

They marched through the city handing out toy drums and balloons, carrying picket signs and wearing surgical masks. At the offices of the electric power company, they stopped and awarded the utility a blue ribbon citation for being a prime polluter of the air.

They formed a consulting service to do feasibility studies on alternatives to environmentally damaging projects.

They sat in the mud at a construction site for a new building to protest encroachment on open space.

They went out on an icy winter day and collected tons of refuse and junk from a nearby creek.

They held a mock funeral for the air-polluting internal combustion engine and celebrated a "Smog-Free Locomotion Day" by riding bikes, roller skates, stilts, wagons and pogo sticks.

They developed an award-winning urban design for a poverty area in a small southern city.

They staged an elaborate cross-country race between two electric cars, to call attention to the potential for reducing air pollution. They plan another race for all types of vehicles which caused less pollution.

They formed a corporation and filed a complaint to compel a bus company to stop polluting the air with diesel fumes.

They filed 58 complaints against a university for polluting a creek.

Who are they? They are the students and young people of the nation, rallying to the fight for a more liveable environment. They are dissatisfied, exasperated students, and they are throwing themselves into the fight with their customary fervor.

Said San Francisco State College student Pennfield Jensen recently: "The naivete, enthusiasm and idealism of young people is not a thing to be scorned, for it is the raw material of constructive growth. We will stop the destruction of this planet even at the cost of our futures, careers and blood."

There is every indication that, far from being scorned, the students are helping to spread a contagious concern for the environment throughout society—somewhat as they did with civil rights and the Vietnam war. They are sending letters and petitions, demonstrating, printing pamphlets, conducting research, holding mass meetings, giving testimony, picketing, showing films, writing songs.

And they are just warming up. Much of the current focus is upon April 22—Earth Day—when a nationwide "environmental teach-in" is planned for hundreds of campuses—and communities. Students hope that the teach-in will help catalyze the public's growing concern for the environment; will be a clear manifestation of student involvement and determination; and will serve notice on the older generation that young people do not intend to put up with continued mistreatment of the environment.

A GUT ISSUE

It was natural that students should turn their attention to environmental degradation. They are aware of the world around them. And pollution is an all too obvious part of that world. Students also expect to be around long enough to reap the harvest of past mistakes.

Senator Gaylord Nelson of Wisconsin, who with Congressman Paul McCloskey of California played a major role in launching the teach-in, recently put it this way: "The real loser in man's greedy drive is the youth of this country and the world. Because of the stupidity of their elders, the children of today face an ugly world in the near future, with dangerously and deadly polluted air and water; overcrowded development; festering mounds of debris; and an insufficient amount of open space to get away from it all. Since youth is again the great loser, perhaps the only hope for saving the environment and putting quality back into life may well depend on our being able to tap the energy, idealism and drive of the oncoming generation . . . One of the most dramatic developments of this decade has been the insistence of youth that in the last third of the 20th century, the quality of life must have a much higher priority than the greed of past generations has permitted."

Harvard University biology professor George Wald, speaking essentially about war and the population explosion, offers this explanation: "Unless we can be surer than we now are that this generation has a future, nothing else matters. It's not good enough to give it tender, loving care, to supply it with breakfast foods, to buy it expensive educations. Those things don't mean anything unless this generation has a future. And we're not sure that it does."

Some observers have viewed the new student preoccupation with environmental issues as a welcome change from anti-war dissent. But while many students clearly believe the ecological threat is more urgent and important than anything else, some are quick to disabuse anyone of the idea that they are turning their energies away from the war—or from other campus issues, including educational reform, race, and poverty.

Denis Hayes, a student who directs a national office providing clearinghouse services for teach-ins, sought to dispel several "widespread myths" that have sprung up about student concern with environmental issues. At a press conference in Washington, D.C., Hayes said one of these myths is the theory that involvement with the environment will be a "quieting force—stilling troubled campuses and healing the wounds of a divided nation.

"That is wishful thinking," he declared. "There are fundamental value conflicts between those who seek a better world, and those who care only for size, speed, and profit." In a challenge to President Nixon and Congress, Hayes added that "an even greater division will occur in this country if those now piously calling for environmental change later try to shortchange the necessary programs."

Hayes said another myth is that the environment movement will "co-op people from other pressing social concerns to march on pollution. It won't. For ecology is concerned with the total system—not just the way it

disposes of its garbage. Our goal is not to clean the air while leaving slums and ghettos, nor is it to provide a healthy world for racial oppression and war. We wish to make the probability of life greater, and the quality of life higher. Those who share these goals cannot be 'co-opted'; they are our allies—not our competitors."

Hayes said another myth is that the environmental issue will "defuse" the anti-war movement. "It won't," he said. "Students and other Americans are fully able to be concerned about more than one issue at the same time."

One important characteristic of the student environmental movement is that it knows no ideological boundaries. It is attracting young people of all persuasions. It is bringing together, side by side, the bearded and bedraggled with the meticulously buttoned-down, the conservative young Republican and the militant SDS'er. There may be fragmentation and animosity later—but right now, everybody is breathing the same air, everybody is feeling the same malaise.

Concurrently, the fact that environmental problems involve so many fields of study and expertise—biology, chemistry, geology, planning, resource management, business, engineering, medicine, the law, art, architecture, etc.—brings a wide range of students together.

"NEW ETHICAL ORIENTATION"

What do the young people have to offer? What are they like and what is the nature of their involvement?

Generally, they are not hindered by affiliations, responsibilities and other adult hang-ups (such as, in some cases, making a living). Says Noam Chomsky, professor at M.I.T.: "The students have the freedom to think about what the world is like and the intelligence to draw the conclusions. Others don't have the freedom or are too bound by ideological constraints."

Thus, the young can challenge prevalent concepts, systems, values, and priorities. "What they want is, in some way, to begin all over again," says sociologist Margaret Mead. "They are ready to make way for something new by a kind of social bulldozing . . ."

As Hayes puts it: "The next stage in the environmental movement in this country must concern itself with widening the base of educated support . . . We hope to involve an entire society in a rethinking of many of its basic assumptions."

Says another young man: "Most of our environmental problems won't be solved until people's attitudes change—until their personal habits and patterns of life reflect an understanding of their relationships to each other and to the environment." Similarly, a California student said: "What we need is a whole new framework—a rethinking of the principles of private property, of whether land should, in fact, be owned at all, concepts that our society has been built on . . . nothing short of a complete reexamination of our basic values and beliefs will allow people to once again assert some control over their lives."

Just by framing such challenges, young people often penetrate to the nitty-gritty of an environmental problem. These basic challenges are related to the students' deep and abiding skepticism, their dislike of inconsistency and hypocrisy, their overriding humanitarianism, and their strong ethical stance.

Erik H. Erikson, a Harvard University professor writing in the winter 1970 issue of Daedalus, speaks of a "new generation of young adults who, with exhortation by song or slogan, by dramatic action or quiet resistance, have in recent years introduced a new ethical orientation into American life—an orientation already well visible in the concerns of a new generation of students."

"Hypocrisy is what drives young people up the walls," says Eugene P. Odum of the University of Georgia. "When legislators block bills that would protect Georgia's coastal wetlands and beaches on the basis that such protection interferes with private property rights, and then when the same legislators turn right around and introduce so-called 'recreation authority' bills that give the state power to confiscate large areas of private property so that it can be sold to the highest bidder for commercial development—then that is hypocrisy in the eyes of students."

There are other characteristics of the student environmental movement. The students want action—not research or rhetoric. And they want their action now. Furthermore many refuse to accept pat answers and platitudes. They subject any and all to unrelenting challenge and cross-examination.

A businessman who says he can't afford to install pollution control equipment is likely to be asked if profits are more important than people's health. A congressman with an otherwise unimpeachable conservation record is likely to be asked why he voted for the SST.

And, of course, students evidently have a knack for public relations, for techniques and gimmicks to draw attention to problems, capture the public imagination, and galvanize support for their causes.

THE GATHERING STORM

Although student activities on behalf of a better environment will probably reach something of a peak with the environmental teach-ins on April 22, there has already been considerable ferment. In addition to the "happenings" already cited, consider these recent actions:

A Boston University group staged an elaborate two-day program designed to alert and educate the public to environmental misdeeds. Twenty-six University of Texas students were arrested when they tried to stop the cutting of trees on campus. University of Illinois students picketed a dinner honoring a congressman because he favored a dam project they opposed. At the University of Washington, a large band of students planted several hundred saplings in a marshy trash dump near their campus.

Students at the University of Maryland formed the North American Habitat Preservation Society. Its members have distributed thousands of bumper stickers saying "Pounce on Polluters." They have monitored the frequency of osprey eggs rendered infertile because of DDT in the Chesapeake Bay area. And they have joined a court suit against the state of Maryland to prevent destruction of wetlands.

Students were so forceful and persuasive at the annual conference of the U.S. National Commission for UNESCO in San Francisco last November that they took over a good part of the two-day meeting. They induced hundreds of adult experts on hand to approve a resolution asking that the United Nations and President Nixon declare a "state of international environmental emergency."

Other activist student groups have campaigned against industrial pollution, gathered technical data, filed complaints against polluters, searched for new legal techniques to fight them, started an environmental newsletter, made films to protest environmental destruction, composed songs, prepared research reports on local ecological problems, and held educational seminars and mass meetings.

Students have already fought against the Everglades jetport; a Corps of Engineers dam threatening Allerton Park near Decatur, Illinois; pollution from copper smelting plants in Tucson, Arizona; filling of San Francisco Bay; cutting of California redwoods; Project Sanguine, the Navy's controversial communications system planned for northern Wisconsin; the Three Sisters Bridge across the Potomac River in Washington, D.C. And so on, and on.

The Stanford Conservation Group sponsored a two-day statewide Student Environmental Congress at Stanford University in November. It was attended by some 200 students from 40 colleges and universities throughout California and included a dozen workshops. The students voted to create a statewide Student Environmental Confederation to act as a center for student action and information clearinghouse. They drew up a constitution for ratification by campus organizations. They adopted an Environmental Bill of Rights and discussed various legislative proposals. They resolved to push legislation, pressure candidates, write letters, and engage in economic boycotts.

They adopted a legislative program which includes a proposal for a state commission to regulate ocean shoreline use. They called for "immediate population control measures." They proposed "the substitution of two years of environmental research or action for military conscription." And they proposed that California's announced general fund surplus of $300–$500 million be used to create an Environmental Quality Fund to deal with inadequately funded projects and research on "basic land, air, water and urban problems."

Another conference on environmental problems was held last October in Warrenton, Virginia for some 100 graduate students in the professions, principally from the field of medicine. It was sponsored by the Institute for the Study of Health and Society, of Decatur, Georgia, and conducted by the Student American Medical Association. Among the speakers were a U.S. Senator known for his conservation efforts, an expert on pesticides, an oil industry executive, the head of a federal health agency, a TV and film star, a theoretical ecologist, an author, and a prominent sociologist.

The conference was funded by the Consumer Protection and Environmental Health Service in HEW. But it was run by students. Another government agency, the Federal Water Pollution Control Administration in the Interior Department held a series of nine regional water pollution seminars for students last December, but ran the seminars themselves. For this and other reasons, the FWPCA sessions were not regarded as highly successful, and at some there was considerable student hostility to FWPCA and its officials.

One purpose of the FWPCA seminars was to form SCOPE (for Student Council on Pollution and Environment), with one student representative from each region and a 10th member to be appointed by Interior Secretary Walter J. Hickel. The expressed purpose of SCOPE is to act as an adviser to Hickel and to discuss water pollution control ideas with him. In addition, each of the FWPCA regions will have its own council to advise the regional director.

The most advanced planning for any of the teach-ins has taken place at the University of Michigan in Ann Arbor. Four days of events will begin there March 11, sponsored by a group called ENACT—Environmental Action for Survival. Broad support for the Michigan teach-in was generated by a "mass meeting" on the campus last October. The Ann Arbor program will include:

Workshops, technical seminars, films, exhibits, large meetings with major speakers, rallies, entertainment and conferences on local environmental problems.

Community action projects, including the construction of a vest-pocket park in an Ann Arbor ghetto.

Sponsorship of environmental and teach-in activities at local high schools and with community groups.

An examination by various university departments of environmental problems most closely related to their expertise.

Presentation to public and industry officials of an environmental inventory, along with a call for action.

San Jose State College students plan a week of activity, including burial of a 1970 automobile. Cleveland's Mayor Carl Stokes has said he will declare April 22 an official day of environmental concern. And students in northern California plan a 30-day "spring march" to arrive in Los Angeles on April 22.

Hundreds of colleges and universities are busy drawing up plans for Earth Day. In order to encourage and help them, a national office has been set up in Washington, D.C. It is staffed by seven students and directed by Denis Hayes, a former student body president at Stanford and now a graduate student at Harvard. The effort has been incorporated as Environmental Teach-In, Inc., and is located at 2000 P Street, N.W., Washington, D.C. 20036 (phone: 202 293-6960).

The tax-exempt organization is in the process of seeking financial support from individuals and foundations. A national committee was formed to sponsor, support and advise the student effort. It is made up of Senator Nelson; Congressman McCloskey; Sydney Howe, president of The Conservation Foundation; Dr. Paul Ehrlich, biology professor at Stanford; Harold Jordahl, associate professor at the University of Wisconsin; Daniel Lufkin of the firm of Donaldson, Lufkin & Jenrette, Inc., New York investment brokers; and three students—Charles Creasey of Federal City College, Glen L. Paulson of Rockefeller University, and Douglas Scott of the University of Michigan.

IDEAS AND PLANS FOR EARTH DAY

A letter distributed in December by the teach-in headquarters to newspapers, presidents and environmental departments on campuses explained the idea behind the Earth Day effort. It noted that students across the country were being encouraged to take the initiative in organizing environmental teach-ins on the same day in April. "We are urging all campuses in America to participate in this broad-based, student-led effort which should involve all individuals and groups who share this concern."

The teach-in envisions a mobilization for environmental quality which involves not just the students themselves, but any and all off-campus individuals and organizations. The letter added that "successful teach-ins on all campuses on the same day will have a dramatic impact on the environmental conscience of the nation. They will be immensely effective as a constructive educational effort in arousing public opinion concerning necessary steps to protet our environment."

The national office staff in Washington is serving as a catalyst, a communications clearinghouse, and a service center. It is furnishing ideas and materials for organizations and programs, and it is answering questions galore.

The national office has recommended that student groups: (1) Open an office as soon as possible. (2) Raise necessary funds. (3) Coordinate among local groups (the national office has four regional coordinators, and joint planning conferences have already been held in some areas.) (4) Set up a public information program (many groups are starting their own newsletters and are establishing contacts with local media and local affiliates of national media.)

In addition, student groups have been strongly urged to prepare for the teach-in by making comprehensive inventories of environmental problems on their campuses, in their communities, and in their regions. These inventories would identify problems and targets for action, and serve as valuable bases for further projects during the teach-in and afterwards.

Russell E. Train, then CF president and now Under Secretary of Interior, suggested such an inventory in a speech to a national youth conference in 1966. "Logically and methodically, investigate your own environment," he suggested.

Train urged the young people "to protest crimes against the environment, to protest against the injustice of an environment that blights human health, that stunts human aspiration." He said "demonstrations that youth cares about environmental contamination will make politicians and product-makers sit up and take notice."

Train concluded his address—entitled "Challenge To Youth"—with an appeal to the young to "tackle the big problems, both at home and across the nation. Many in your generation have not feared the big issues of our day, such as 'Freedom Now, In Our Time.' I give you another challenge—Environmental Quality Now, In Our Time."

Students across the nation have obviously accepted that challenge. They are devoting an impressive amount of work and enthusiasm to environmental events and teach-ins across the land, Each day brings more involvement, more ideas, more potential. Earth Day, April 22, 1970 may well be a day to remember. And it may be a day with an impact well beyond that of any single happening. As Denis Hayes says: "We're not aiming for just a single target date. Hopefully, by April 22 people will have put enough sweat and energy into investigation and education that they will have a vested interest in the environment and change."

With their "sweat and energy," students mobilizing on the environmental theme do indeed bring new vigor and drama to the quest for quality. But there are many questions about the meaning of their involvement. Some observers wonder if the young will move from protesting against pollution to positive, productive action. Will students join with concerned citizens of all ages who become involved in public hearings for strong air and water quality standards, for instance? Will they get into the complexities of pollution control? Of planning and zoning decisions? Will they pursue environmental quality through the often dull and tedious administrative procedures which shape many resource management decisions?

In brief, will student concern with the environment be a flash in the pan—or is it, as an Environmental Teach-In, Inc. advertisement recently proclaimed, "a commitment . . . to provide real rather than rhetorical solutions"?

The young themselves will answer those questions, in a variety of ways, of course. While we await their answers, we might keep these thoughts in mind:

Cicero said "the desires of youth show the future virtues of the man."

La Rochefoucauld noted that "youth is a continual intoxication; it is the fever of reason."

George Bernard Shaw commented, "It's all that the young can do for the old, to shock them and keep them up to date.

Lord Chesterfield wrote that "the young leading the young is like the blind leading the blind."

But Benjamin Disraeli observed that "almost everything that is great has been done by youth."

TEACH-IN PROSPECTS

What actually will happen on campus on April 22? And what next, after the environmental teach-in? Basically, whatever each local organizing group decides. Many are planning or conducting environmental inventories as a preteach-in activity. In addition to those mentioned elsewhere in this CF Letter, herewith some examples of activities already under way, suggested or planned by students:

For local environmental inventories—Sources and control of air and water pollution. Environmental impact of electric power generating plants and transmission lines. Methods of solid waste handling, disposal, recovery of useful resources. Family planning programs. Availability of recreation, open space, wilderness and park resources. Environmental effects of highways, airports, and other public works projects. Sources and control of noise pollution. Status of local and regional planning, zoning and development, in relation to the environment. Management of public lands, natural resources, and fish and wildlife resources. Use and control of pesticides.

For teach-in and follow-up activities—Hold seminars, lectures, debates. Obtain faculty and other expert speakers to address groups on and off campus. Establish an information center for local groups which need factual and research support. Develop relations and coordinate with local conservation groups, labor unions, health organizations, high schools, and women's, civic and service groups.

Appear on local radio and television interview and talk shows, and sponsor environmental "spots" on radio and TV. Organize an "Environmental Sunday" just prior to April 22, so that all religions can focus their services on the implications of a deteriorating environment. Distribute buttons, bumper stickers and posters. Present exhibits showing local problems: electric power lines, dead fish, smoke, billboards, abandoned cars and other unsightly, wasteful, or dangerous aspects of the environment. Or hold an environmental fair. Conduct independent studies and research. Mobilize business schools to prepare cost-benefit analyses of development projects. Encourage law schools to study environmental law to discover laws on the books, new laws needed and the status of enforcement. Encourage resource and science departments to measure pollution and study its effects.

Investigate the university's role in environmental control, and urge the establishment or expansion, if necessary, of departments and courses relating to environmental problems. Encourage or join in litigation designed to improve environmental quality. Generate a show of force, and give testimony, at public hearings on environmental issues or regulations. Apply pressure to officials and politicians to act in the interests of environmental quality—through picketing, letter writing, rallies and other campaign techniques. Hold environmental marches and rallies at pollution sites. Develop a "dishonor roll" of special awards for polluters, with public readings and presentations.

ACADEMIA AND ENVIRONMENTAL EDUCATION

Item: The federal government should help colleges and universities form "schools of the human environment," said the Office of Science and Technology November 5 in a report to the President's Environmental Quality Council. The report noted that little "open discussion of our future environmental alternatives seems to take place" at colleges and universities and that there is a "national shortage of broadly trained professionals to deal with environmental problems." (Entitled *The Universities and Environmental Quality*, the report is available from Government Printing Office, Washington, D.C. 20402. Price: 70 cents.)

Item: Legislation giving the U.S. Office of Education authority to undertake environmental quality education programs has been introduced in Congress (S. 3151 and H.R. 14753).

Item: Even without new legislation, U.S. Commissioner of Education James E. Allen announced January 23 that "environmental education" will be a major activity" of his office during the 1970's. In a speech to the American Council of Learned Societies, Allen said he would create a special staff to coordinate existing environmental studies programs and plan new ones; would convene a conference in June on environmental and ecological education; and would support "ap-

propriate legislation for federal initiatives" in environmental education.

SURVEY SHOWS POLLUTION CONTROL TOP ISSUE AMONG FRESHMEN

College freshmen believe the federal government should do more to:

Control environmental pollution—90%.

Prevent crime—88%.

Eliminate poverty—78%.

Protect consumers—72%.

Provide compensatory education for the disadvantaged—70%.

Desegregate schools—54%.

Provide compensatory financial aid for the disadvantaged—51%.

Those are the highlights of a student opinion survey conducted by the American Council on Education last fall. The findings are based on the views of 169,190 freshmen who entered 270 schools. Included were students at two-year and four-year colleges and universities, public and private. Other findings:

The federal government should do more to control firearms, 49%. To control student activists, 47%. To control cigarette advertising, 41%. For special benefits to veterans, 36%. To use tax incentives to control the birth rate, 32%. To eliminate violence from television, 23%.

76% of the freshmen agreed "strongly" or "somewhat" that "under some conditions abortions should be legalized." Only one of 17 specific issues brought greater agreement—90% agreed that "students should have a major role in specifying the college curriculum." The statement which elicited the least agreement was that "college officials have the right to regulate students behavior off campus." Only 20% agreed.

The 92-page report—*National Norms for Entering College Freshmen, Fall 1969*—is available from Publications Division, American Council on Education, 1 DuPont Circle, Washington, D.C. 20036. Price $3.

AMENDMENT OF THE 1966 BAIL REFORM ACT

Mr. TYDINGS. Mr. President, I wish to invite the attention of the Senate to an illuminating article recently written by a Georgetown University lecturer in law, assistant U.S. attorney Warren L. Miller, of the District of Columbia. The article, entitled "The Bail Reform Act of 1966: Need for Reform in 1969," appeared in the fall, 1969, issue of the Catholic University of America Law Review—volume 19, at page 24—and expresses the personal but well-informed views of the author.

I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

The subject of pretrial detention in lieu of bail in the District of Columbia continues to be a live one; indeed, it grows to be more so with every passing day. It is with a due sense of urgency, then, that I recommend the article.

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

THE BAIL REFORM ACT OF 1966: NEED FOR REFORM IN 1969

(By Warren L. Miller) *

Enactment of the Bail Reform Act of 1966 [1] signified a departure from the traditional eligibility standards utilized for the pretrial release of defendants in noncapital cases.[2] Two fundamental premises were established by the Act: (1) that a person's financial status should not be a reason for denying pretrial release; and (2) that danger of nonappearance at trial should be the only criterion considered when bail is assessed.[3]

Although only federal courts apply the Bail Reform Act, their experiences have influenced and will continue to affect decisions at state and local levels on similar issues.[4] Furthermore, the questions posed and issues examined in this analysis are not at all unique to federal forums, for neither crime nor the practice of bail is unique to federal jurisdictions.

By way of explanation, it should be noted that nearly all the statistics and opinions referred to in this analysis deal with the District of Columbia. This is attributable to the fact that although the Act applies to federal courts throughout the country, it has had a far greater impact in the nation's capital than in any other federal jurisdiction.[5] While criminal jurisdiction in other district courts is limited to crimes set forth in the United States Code,[6] the District Court for the District of Columbia has complete felony jurisdiction under both the United States Code [7] and the District of Columbia Code.[8] Moreover, the Act applies to the District of Columbia Court of General Sessions in which all misdemeanors are tried and in which judges sit as committing magistrates in felony cases for the district court.[9] In 1967, the Court of General Sessions set bail in more than 40 percent of all the cases covered by the Bail Reform Act.[10] It is therefore necessary and desirable to assess the Act's effectiveness in light of its implications and administration in the District of Columbia.

This analysis outlines the bail system as it existed prior to implementation of bail reform, with the intrinsic abuses and deficiencies of that system enumerated. The dispositive provisions of the Bail Reform Act are discussed briefly, followed by an extensive analysis of the problems that have arisen under the Act. Although no detailed legislative proposals are proffered, there are certain general guidelines advanced in respect to future legislative action. The purpose of this analysis is not to promulgate specific remedial legislation, but rather to correct certain misconceptions [11] that have arisen and to achieve a proper focus on how the inherent weaknesses of the Bail Reform Act can be eliminated.

THE BAIL SYSTEM PRIOR TO REFORM

The administration of bail in the District of Columbia, as well as throughout the federal system, had long been predicated upon the use of financial bond to secure the appearance of an accused at the various stages of the criminal process.[12] Under this system, a person charged with a criminal offense would appear initially before a committing magistrate who would determine the conditions of his pretrial release.[13] Although release on personal recognizance was technically possible,[14] this procedure was rarely used.[15] Rather, a money bond was set, thereby confronting the accused with the alternative of either making bond or suffering incarceration until trial.[16]

One of the most frequently voiced criticisms of the financial bond system that existed before reform and which continues to exist in many nonfederal jurisdictions is that it discriminates against and punishes the poor.[17] The financially well-established can easily afford to and do purchase their freedom, while the victims of the financial bail system, the poor, are jailed because they cannot raise the money for a bond. In effect, the ability to pay often becomes the sole criterion for deciding who goes free and who languishes in jail.[18] The inherent unfairness of this practice raises the question of whether or not financial bail is constitutional [19] in the light of the eighth amendment's express declaration that "[e]xcessive bail shall not be required." [20] The Supreme Court has held that since the purpose of bail is to ensure an accused's presence at trial, the fixing of financial bail "must be based upon standards relevant to the purpose of assuring the presence of that defendant." [21] Financial bail is constitutional; its imposition violates the eighth amendment only if it is in excess of that which is necessary to assure court appearance.[22] The Court, however, has not addressed the problem of "excessive bail" in light of the fourteenth amendment's guarantee of equal protection under the law.[23] It can be argued that to a wealthy defendant a $30,000 bond may be fair, reasonable and necessary to ensure his presence at trial; whereas to an indigent accused a $300 bond may be unfair and excessive. Notwithstanding the undecided validity of such a constitutional argument, the situation unquestionably punishes the economically unfortunate.

The economics of the financial bail system are even more complicated than the choice between raising $300 and sitting in jail suggests. When a defendant cannot make bail and is incarcerated until trial, he sustains a loss of earnings and may lose his job due to his absence. In some cases the accused's family may be forced to solicit public funds to replace the loss of earnings. In addition, the Government must bear the cost of maintaining pretrial detention facilities and feeding the accused. Consequently, the financial bail system is economically self-defeating both for society and for the accused individual.[24]

A second criticism of the financial bail system which forces indigents to accept pretrial detention is that such detention hinders the preparation of an adequate defense by the accused and his counsel. As stated by the Attorney General's Committee on Poverty and the Administration of Criminal Justice, "[t]here is persuasive evidence that a person held in custody in the interval between arrest and trial may thereby be deprived of the opportunity to make adequate defense to the charges against him."[25] The proposition that a defendant's ability to prepare an adequate defense is hampered by incarceration is supported further by the report of the Junior Bar Section of the District of Columbia Bar Association which concluded that the defendant's availability for office interviews and his help in locating witnesses undoubtedly would relax the burden placed upon his court-appointed counsel and lead to more effective preparation of his defense.[26] Moreover, the prospect of detention for several weeks pending trial may cause a defendant to plead guilty or waive his right to a jury.[27] Pretrial detention, therefore, not only affects pretrial liberty, but, in fact, may affect the very outcome of the trial itself.[28]

A third criticism of the system is that pretrial detention, in effect, constitutes pretrial punishment. Socially, the wife and family of the accused may be ostracized by neighbors and friends because the husband is a "criminal in jail." The resultant humiliation may occur solely because of the inability to raise the necessary funds for the bail bond. Further, the psychological effects of incarceration have a destructive effect on human character and may embitter the prisoner against the society which has "unjustly" jailed him.[29] These effects were amply documented by a congressional investigation which examined conditions existing in federal and state penal institutions.[30] The prevalence of forced homosexual abuses, racial tension, and indiscriminate beatings by fellow prisoners are realities in almost all penal systems, and the defendant who is unable to make a money bond must cope with such treatment notwithstanding the fact that he has not yet been adjudged guilty of any offense.

The financial bond system has also been attacked for placing too much reliance upon the use of professional bondsmen—businessmen whose public image leaves much to be desired.[31] In many places the bonding business has been infiltrated by racketeers

Footnotes at end of article.

and other criminal elements. The "quick money" aspect of the business, combined with common contacts with the "grapevine" and among prospective clients makes bail-bonding a natural business for such persons.[32] Furthermore, the nature of the bail-bond business invites corruption by way of "fee-splitting" referrals between bondsmen and lawyers and by "kick-back" arrangements with police, jailers, and court personnel. But the most objectionable aspect of using professional bondsmen is the considerable power which comes to reside in these individuals.[33] A bondsman is invested with sole discretion as to whether he will write even the smallest bond, and his decision is not reviewable by a court of law.[34] The bondsman's discretionary power not to act as surety for an accused is, in effect, a veto power over both the defendant's ability to obtain bail and the court's determination that an accused is qualified for release. Yet this discretion is not the only example of the bondsman's unwelcome usurpation of functions that in the past have been exclusively governmental. A bondsman also has certain quasi-police powers of arrest and extradition over defendants released under his bond who have fled the jurisdiction.[35] In many respects the bondsman can act as a de facto state officer, exercising virtually the same powers as can police authorities.[36]

The possession of these powers by bondsmen becomes shocking when it is considered that they are free to exercise such powers arbitrarily, unrestrained by the constitutional safeguards that ordinarily regulate such conduct.[37] Bondsmen often arrest and return defendants without regard to extradition procedures. The defendant may also be subjected to physical abuse and overbearing conduct by a bondsman who, in order to deter flight by other clients, must maintain a reputation for "bringing back his man." Finally, although a bondsman can relieve himself of all obligations by surrendering a defendant to court authorities,[38] he is still entitled to retain his bond premium. Hence, the bondsman has greater powers and is subjected to fewer controls than his police counterpart. It is fair to conclude that while the indigent accused is the victim of the financial bail system, the bondsman is its beneficiary.[39]

THE BAIL REFORM ACT OF 1966

Enacted by a nearly unanimous Congress,[40] the Bail Reform Act of 1966 became effective on September 20, 1966. It signified the first major overhaul of federal bail law since 1789 when, by passage of the Judiciary Act,[41] the first Congress made bail a matter of right in noncapital cases.

By its terms, the Bail Reform Act fosters release of defendants, both before trial and pending appeal, on terms other than financial bond. It does not, however, eliminate a judge's right to require a money bond.[42] Under Section 3146, the judicial officer is authorized to impose whatever "conditions of release" he deems appropriate to insure the accused's appearance at trial. The factors that are considered when conditions of release are set include: community and family ties, employment, length of residence in the community, prior convictions, financial resources, the nature and circumstances of the offense charged, the weight of the evidence against the accused, and the defendant's record of appearance at previous court proceedings, including any prior flight to avoid prosecution.[43]

The clear import of the Bail Reform Act is to make release without posting a money bond the norm, not the exception. "[T]he system's emphasis shifts from release of specially qualified defendants on personal bond to release of all defendants on conditions suited to their individual risks."[44]

Footnotes at end of article.

Moreover, a defendant who, as a result of his inability to meet the conditions of release, remains detained for over 24 hours is entitled, upon application, to have the conditions reviewed by the judicial officer who imposed them.[45] If the judicial officer refuses to amend the original order, he is required to "set forth in writing the reasons for requiring the conditions imposed."[46] The defendant can then challenge the order in an appellate court having proper jurisdiction.[47]

A provision of the Act that could be of considerable significance is Section 3150 which provides penalties for those who willfully fail to appear.[48] While this section calls for stringent penalties, in practice courts and prosecutors have not routinely enforced the provision.[49] The difficult burden of proving that a defendant "willfully failed to appear" has made the Government reluctant to initiate proceedings under Section 3150. Prosecutors recognize that a defendant can easily create reasonable doubt in a jury's mind merely by giving a plausible explanation for his nonappearance.[50] Thus, the difficulty of proving willful nonappearance, coupled with the enormous backlog of cases on court calendars, has made enforcement of Section 3150 impractical and ineffective.

Mention should also be made of Section 3148 which concerns "release in capital cases or after conviction."[51] Pursuant to this section, a person accused of an offense punishable by death or a person who has been convicted of any offense and is appealing the conviction or awaiting sentence "shall be treated in accordance with section 3146 [release in noncapital cases]."[52] However, the judge is expressly authorized to consider "danger to any other person or to the community" as a proper element in setting bail in such cases. This provision recognizes the constitutional distinction between pretrial and posttrial bail and entrusts the judge with greater discretion in dealing with the convicted criminal who seeks bail pending appeal than in dealing with an accused who has not yet been tried.

The aforementioned sections constitute the major substantive provisions of the Bail Reform Act. Although in principle the Act is progressive and provides badly needed reforms, in practice serious problems have evolved from its implementation and administration. It is to these problems and the implications of the Act that analysis must now be directed, for it is impossible to advance remedial suggestions without first identifying the causes and evaluating the problems involved.

EXPERIENCE WITH BAIL REFORM—PROBLEMS AND PROPOSALS

Recidivism on bail

When the bail system was reformed to permit the pretrial release of most defendants, only limited consideration was given to the protection of society from crimes which might be perpetrated by persons released under the Act; in fact, Congress specifically postponed consideration of those issues relating to crimes committed by persons released pending trial.[53] Ironically, however, the problem of recidivism during pretrial release has proved to be one of the most acute problems that has arisen with respect to administration of the Bail Reform Act.

The importance of the problem is such that it cannot be ignored. A recent report related that during one six week period in 1966, three separate homicides and a related suicide in the District of Columbia were attributable to persons released on bond.[54] Other statistics demonstrating the seriousness of the bail-recidivism problem were suggested by the Judicial Council's Committee to Study the Operation of the Bail Reform Act in the District of Columbia—the Hart Committee.[55] Although this committee found only a nine percent recidivism rate during pretrial bail in the District of Columbia for 1967 and a rate of seven percent for 1968,[56] these rates were based solely upon the number of persons *actually indicted for a felony* allegedly committed while on bail.[57] The statistics fail to reflect many intangible but relevant factors that affect the recidivism rate. First, many crimes go undetected or are not brought to the attention of the police authorities.[58] Second, many crimes remain unsolved and never result in an arrest, much less an indictment.[59] Third, a significant number of felonies are "broken down" to misdemeanors by the prosecution to help ease the backlog of pending felony cases on the court calendar.[60] Finally, in accordance with the familiar practice of plea bargaining, quite often a felony charge is dropped if the defendant pleads guilty to a lesser offense; similarly, multiple charges are frequently dropped in exchange for a guilty plea on one count.[61] Consequently, the recidivism figures published by the Hart Committee must be considered minimal rates at best. Present estimates of crime committed by persons on bail in the District of Columbia go as high as 70 percent,[62] and, as the Committee concluded, "[c]rime charged against persons released on bail continues at a significant level in the District of Columbia."[63]

Further analysis of the recidivism problem reveals that robbery is the most frequent offense for which persons on bail are reindicted[64] and that narcotics offenders are the most frequent perpetrators of crime while on bail.[65] One report has indicated that 34.6 percent of all persons originally indicted for robbery in the District of Columbia between July 1, 1966 and June 30, 1967 were reindicted for at least one additional felony committed while free on bail.[66] According to another study, 70 percent of 345 persons who had been indicted in the District of Court for the District of Columbia in 1968 for robbery offenses and who later were released on bond were arrested at least once more during the year for an additional offense.[67]

Other statistical data, although based on studies conducted before the Bail Reform Act went into effect, reveal that persons who commit additional crimes while on bail tend to commit offenses of the same type as the one originally charged.[68] Also, a high incidence of prior arrests and convictions exists among defendants rearrested while on bond. According to the same report, 88 percent of those who allegedly committed offenses while on bail had prior criminal records.[69]

Coping with recidivism—Preventive detention

Several proposals have been advanced to deal with the problem of recidivism on bail.[70] The most frequently advocated of these calls for amending the Bail Reform Act to allow both consideration of "danger to the community" in the setting of bail[71] and preventive detention[72] of those defendants who do not qualify for release under this new criterion. Although the objection is voiced that a judge is unable to predict future criminal conduct, such objection seems untenable when considered in context with the other difficult decisions a judge must make in setting bail. The present criteria upon which the decision to set bail is based require a judicial officer to assess the likelihood of flight by an accused. A judge or committing magistrate is just as competent, if not better able, to predict danger to the community as he is to predict flight.[73]

Also to be considered is the fact that the security and safety of witnesses essential to the Government's case may be imperiled if a dangerous defendant is released. The prospect of having a defendant who is charged with the commission of a serious or violent crime returning to the same neighborhood where the crime was committed creates an ideal milieu for intimidation and duress of the victims and witnesses of the original offense.

Contrasted with the broad support for allowing "danger to the community" as an element to be considered in setting bail, the proposal to preventively detain certain defendants before trial is a source of widespread concern and intense disagreement. Opponents of preventive detention argue that to consider any factor other than danger of flight is unconstitutional; that preventive detention violates the presumed innocence of the defendant; that it is punishment before conviction; that it is impossible to predict future criminal activity; that it violates the defendant's right to due process of law; and that bail is a constitutional right afforded by implication through the eighth amendment.[74] Each of these contentions, however, is rebuttable.

As already stated, a judicial officer setting bond is as competent to determine whether a defendant poses a danger to society as he is to predict whether a defendant is likely to flee the jurisdiction. A defendant's prior criminal record, coupled with a showing of strong incriminating evidence on the pending charge affords sufficient criteria from which a judge can predict whether the accused is likely to commit an additional offense if released.[75]

The claim that preventive detention offends the traditional presumption of innocence can be rebutted by recognizing that the presumption is merely a procedural rule of evidence, operative only at trial.[76] It never was intended to require that all defendants be treated as if innocent until found guilty at trial. A defendant can be denied pretrial liberty when there is a finding of probable cause by a judicial officer that he committed an offense and where there are strong reasons for temporarily detaining him. This determination in no way impairs his presumption of innocence at trial; nor should it be construed as a determination of guilt in advance. Rather, the defendant is detained for what he may do in the future, which is necessary because of what there is probable cause to believe he has done in the past.[77]

The proposition that pretrial detention amounts to pretrial punishment is probably the most difficult argument to reconcile. Perhaps the only realistic reply to such an assertion is that a utilitarian approach is a necessary evil of our system of justice in which immediate trials are not possible. As in other areas of constitutional law, societal interests must be balanced. In this case, society's interest in protecting itself from the danger posed by persons released pending trial must be balanced against society's interest in the freedom of its citizens in the absence of proof by trial of violations of the law. Since the vast majority of those prosecuted are ultimately adjudged guilty,[78] and since most defendants are released on some type of bail, the possibility of the rights of any one individual being violated is minimal. It also should be noted that the Bail Reform Act expressly provides that a defendant shall be given credit toward service of his sentence for any time spent in custody while awaiting trial for that offense.[79]

Whether preventive detention infringes upon the constitutional right of "due process" depends upon the facts of the particular case in question. The judicial determination that a defendant poses a danger to the community, and thus should be detained, must be based on the weight of the evidence, the seriousness of the alleged crime, the defendant's record, and other information pertinent to the particular case. As long as the ruling to detain is not arbitrary and the defendant is afforded a hearing, a right to appeal the ruling, and a right to a speedy trial, then the fifth amendment's guarantee of due process has not been violated.[80] The due process clause is not an absolute bar to governmental restraint of individuals prior to trial and final adjudication of conviction.[81] So long as the restraints imposed on the liberty of the accused are reasonable in light of society's acknowledged interest in protecting its citizens and preventing the commission of additional crimes, then the requirements of due process are satisfied.

Finally, opponents of preventive detention argue that it violates a defendant's constitutional right to bail. The eighth amendment, however, states only that "[e]xcessive bail shall not be required;" it does not establish a right to bail.[82] The law respecting bail in noncapital cases is a statutory right, not a constitutional right. It was established by Congress in 1789 at the same time that the eighth amendment was enacted.[83] It is important to note, however, that at that time nearly all of the more serious crimes carried the death penalty.[84] Consequently the original bail law, providing that all crimes not punishable by death should be subject to bail, was very narrow in its applicability. It was not until 1882 that the number of capital offenses in the laws of the United States was substantially reduced.[85] Yet when Congress, in response to public sentiment demanding more humane punishment and treatment of criminals,[86] reduced the penalties of many of the most serious crimes from death to imprisonment,[87] there was no corresponding change made in the law with respect to bail. By this action, however, Congress did not establish an unqualified right to bail for such offenses;[88] nor did it foreclose itself from subsequently amending the bail act if it deemed such action necessary. Regardless of the reasons for which Congress chose not to alter the bail statute in 1882, it is certainly free to amend the statute today if it should so desire.[89]

The arguments advanced in support of preventive detention, combined with the spiraling crime rate,[90] suggest that adoption of some type of discretionary preventive detention is necessary; but such a procedure must be carefully circumscribed in order to minimize the possible invasion of individual liberty. Every defendant is entitled to and must be afforded the legal safeguards constituting due process. Such safeguards should include the following:

1. Authority to detain without bail should be restricted to cases involving crimes of violence;[91] especially when such offenses involve the use of a dangerous weapon;[92] cases in which the defendant is a narcotic addict; cases in which the defendant is accused of committing a serious offense involving "moral turpitude"[93] while released pending trial on a prior felony charge; cases in which evidence shows a dangerous psychic disturbance or psychic motivation in the defendant's conduct (*e.g.*, sexual psycopaths); or cases in which the accused is likely to flee the jurisdiction if released.

2. A judicial officer's determination to detain a defendant must be based upon evidence adduced at a special hearing requested for such purpose by the prosecution. At such a hearing, the Government would have the burden of establishing that the defendant is within the purview of the statute and particularly that his release would endanger the community or occasion likelihood of flight. Further, all testimony and evidence adduced at the hearing would be inadmissible at trial.[94]

3. Periods of detention should be for a maximum of 30 days, after which, if trial has not begun, a defendant must be released on his own recognizance. The 30 day period may be extended, however, if the defendant consents or causes a trial delay or upon request and a showing by the Government of good cause for delaying the trial. In no event, however, would, the Government be entitled to more than one 30 day extension. All defendants who are detained without bond would be placed upon an expedited trial calendar to ensure that a trial of the case was begun within the designated time limit.

4. Appeal to the appropriate appellate court should be a matter of right for any defendant held wihout bail under the provisions of such a statute. Appellate review of such detention must be exercised and a ruling on the matter rendered within 48 hours after an appeal is filed.[95] This right of appeal should exist as to both initial and extended detention orders.

This proposal presupposes that an expedited trial would be set, thereby preventing a defendant from being held involuntarily for several months while awaiting trial. If defense counsel felt that he had not been afforded a reasonable time in which to prepare the case for trial, however, he would be entitled to a continuance.

Critics of preventive detention will argue that an up-to-date court calendar would obviate the need for preventive detention. But the prospect of having speedy trials in the District of Columbia is not a reality at present, and will not be so for several years.[96] Even if dangerous defendants could be tried within 30 or 45 days after arrest, there will still be certain ones who should not be released even for that length of time.[97]

The harsh consequences occasioned by the use of preventive detention are far more palatable, and indeed preferable to the setting of high money bonds to reach the same result. Whereas preventive detention is supportable both legally and morally on its own merits, setting high money bond for the same purpose is repugnant to the eighth amendment's prohibition against excessive bail and repulsive to the concept of "equal justice under law." The law should be above such subterfuge. If a judicial officer feels compelled to detain a dangerous defendant, he should not have to conceal his purpose by manipulating the amount of a money bail beyond a defendant's ability to pay.

Bail during civil disorders

Directly related to the issue of preventive detention is the question of suspending the Bail Reform Act during civil disorders. The fact that avowed opponents of pretrial preventive detention would allow detention of certain persons arrested during the course of a riot evidences the support for such a proposal.[98] The Hart Committee expressly recommended that judicial officers be given "additional authority to deny release entirely for persons charged with certain riot connected offenses for the duration of an officially declared emergency."[99] Proponents of such a suspension, however, are unable to agree on which offenses should be subject to such a measure.[100] Additional disagreement has been encountered with regard to the types of emergencies that would require suspension and the duration of the suspension once invoked. Neither of these problems can be solved by application of definite and permanent criteria. Rather, flexible criteria are needed—criteria that are capable of adapting to the exigencies of the moment, while still affording the defendant adequate procedural safeguards.

One possible solution would be to limit the length of time that courts are empowered to suspend the Bail Reform Act. Detention for 24 to 72 hours would be both practical and realistic since most major civil disturbances are well under control within this time.[101] An added precaution, however, could be built into such legislation by a provision allowing for additional detention if the crisis persisted. Furthermore, because of the increased dangers of mistaken identity during a civil disturbance, the arresting officer's presence should be mandatory at a bail hearing if detention of the offender is sought. Finally, as to which offenses should be included under such a statute, it is untenable to contend that looters and individuals charged with inciting to riot[102] should be released to en-

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gage in new riot-connected activities. Although it has been alleged that looters are merely "swept up on the temptations of the moment"[103] and do not constitute a danger if released immediately, justifiable concern exists that once released, looters might return to the scene of the disorders and be "swept up" again. A person charged with "inciting to riot likewise presents a danger to the community, and temporary detention of such offenders is warranted.

Bail reform and the narcotic addict

Another significant problem arising from the application of the Bail Reform Act concerns release of a defendant who is either a narcotic addict or user. According to Senator Joseph Tydings, Chairman of the Senate District of Columbia Committee, as much as three-fourths of the crime in the Nation's capital is attributable to narcotic addicts.[104] As a practical matter, the narcotic addict is forced to commit additional crimes while on bail in order to support his addiction. Many addicts will admit to a $40 or $50 per day habit which is supported entirely by stealing. Release of such a defendant almost assures theft in excess of several hundred dollars per week. Consequently, addicts are released by courts with the knowledge that they will continue to prey on the innocent members of society in order to pay for their addiction.[105] The obvious approach would be to demand that the addict be detained pending an expedited trial. Yet the conclusion that narcotic addicts are usually recidivists cannot be considered under the present Bail Reform Act. Ironically, the fact that an addict cannot usually leave his source is relevant, since danger of flight is therefore minimal. Thus, they are considered good risks and the Bail Reform Act dictates they be released, notwithstanding the danger posed to the community in terms of future larcenies, burglaries, robberies, and tampering offenses.[106]

Hence, a conflict between what is right in theory and what is known in practice confronts the judicial officer setting bail. To adhere to the terms explicitly prescribed by the Bail Reform Act will work an injustice upon the interests of the community, yet refusal to set reasonable conditions of release according to Section 3146 of the Act seems manifestly unfair to the defendant, regardless of the collateral fact that he is an addict.

This dilemma can be solved by amending the Bail Reform Act to permit discretionary preventive detention of narcotic addicts. Such a provision would have to be consistent with the proposals already promulgated for dealing with recidivism on bail.[107] Further, where a defendant-narcotic addict would be held without bail, he could be committed to a hospital for treatment of his addiction during the pretrial period.[108]

The problem with such an amendment is how to ascertain which defendants are habitual drug users. This subject was touched upon by the Hart Committee's recommendation that an appropriate condition of release could be submission to regular checks for use of narcotics.[109] That recommendation would work ideally for the nonhabitual user, but would be ineffective in respect to the defendant with a heroin habit. The addict with a bad habit might of necessity be forced to commit crime to pay for his addiction, then be unable to appear for his "narcotic check" in view of the fact that the results would be incriminating.[110] Consequently, a bench warrant must be issued, served, and the defendant made to reappear in court to have his bail revoked.[111] The net result would be a waste of time, money and manpower, all of which was predictable at the initial bail hearing.

A far more reasonable proposal is the one advanced by Senator Joseph Tydings, which calls for administration of a narcotics test to all defendants as a precondition to their release on bail.[112] According to the Tydings proposal, individuals charged with crimes against persons or property would be required to undergo urine tests to determine if they are addicted to narcotics. Those found to be addicted would be detained and given immediate treatment while awaiting trial.[113] In essence, the Tydings proposal would permit pretrial detention of defendants who, if released, would of necessity be forced to resort to crime to support their narcotic habit. It would insure protection of the community and at the same time enable the addicted defendant to receive immediate medical treatment.

Although the basic premise of the Tydings proposal is sound, in practical terms it is unrealistic unless made more restrictive in scope. The prospect of having urine samples taken of most defendants who appear in courts would require a huge staff of supporting personnel to process the specimens and present its findings to the court.[114] Such a procedure would present problems of inadequate facilities, lack of staff, prohibitive cost, and the danger of mislabeling due to the large number of specimens that would have to be processed daily. But even more troublesome is the time which such tests would require. At present, the court and the Bail Agency are hard pressed to get through the calendar each day. It is not uncommon for Assignment Court, where conditions of release are initially set, not to be adjourned until very late in the afternoon. To add the variable of time-consuming narcotic tests would make the situation both intolerable and unworkable. The only feasible way these tests could be administered would be to detain defendants overnight, thereby inundating the jails with individuals awaiting test results. Rather than making progress with the present backlog of cases, the net effect of such a procedure would be to further slow down the judicial process.

But by far the most objectionable feature of the Tydings proposal is that it would constitute an oppressive invasion of the rights of those defendants who are not narcotic addicts. Unless probable cause exists that a defendant is an addict, subjection to a urine test derogates a defendant's right to due process.[115]

A more realistic approach would be to limit the administration of such tests to defendants who have narcotics histories or to defendants who have exhibited visible signs of addiction, *i.e.*, needle marks, withdrawal symptoms, or obviously being under the influence of drugs. Such a procedure would be restrictive enough in scope to satisfy both due process and administrative considerations, yet still be able to render the desirable results that would emanate from such tests. If there is any substance whatsoever to Senator Tydings' estimate that narcotic addicts are responsible for nearly 75 percent of the crime in the District of Columbia,[116] then implementing such a procedure would greatly reduce the rate of recidivism on bail. Congress cannot afford to ignore these factors if the spiraling crime rate is to be abated.

Conditions of release and their enforcement

Three years after implementation of the Bail Reform Act, administrative problems have clearly emerged, e.g., enforcement of conditions of release and failure of defendants to appear in court when required. Each of these problems must be analyzed in respect to its cause, implications and solubility.

The Bail Reform Act expressly authorizes a wide range of restrictive conditions of release which a judicial officer may set in lieu of, or in addition to, the defendant's personal recognizance.[117] These conditions include restrictions on travel, association, residence, and "any other conditions deemed reasonably necessary to assure appearance as required."[118] It is this broad authorization for setting conditions of release which has enabled judges to impose conditions which are unrealistic and unenforceable. Although imaginative and innovative when set, many conditions of release prove impractical and impossible to enforce.[119] Unless conditions of release can be readily supervised, they should not be imposed. When irrelevant and unenforceable conditions are set, the defendant becomes quickly aware of the lack of supervision and is needlessly tempted to violate such conditions. In addition, a defendant's violation of unenforceable conditions is likely to precipitate a general lack of respect for the seriousness of his obligation to obey court orders.

Even if reasonable and enforceable conditions of release are set, they are meaningless if there is not constant supervision by authorities.[120] At present the D.C. Bail Agency is unable to fully carry out those functions set out by statute.[121] If the Bail Agency is to be "in fact the 'bondsman' for all defendants released under the Bail Reform Act. It should be given the tools with which to do its job effectively."[122] These tools are money, trained personnel, and time to properly prepare reports and recommendations. Congress must realize that before effective supervision and enforcement is possible, the necessary commitment of resources must be made.

It should be recognized, however, that an efficient and expanded bail agency will not by itself achieve the desired results. Judges must be willing to take action against defendants who violate conditions of release. Presently, of the 21 judges on the District of Columbia Court of General Sessions, only one regularly holds hearings on bail violation.[123] Most judges set conditions but do not enforce them. This is particularly disconcerting when considered in light of Bail Agency records which reflects that over 50 percent of all defendants released weekly violate one or more conditionss of their release.[124] Although Bail Agency statistics do not differentiate mere technical violations from serious deviations, the fact remains that fewer than ten percent of those who violate conditions are ever called to task by anybody.[125]

Yet judicial concern for enforcement of conditions of release will in all likelihood continue to be lax until the penalty provisions of the Bail Reform Act are expanded to include violation of conditions of release. At present, only failure to appear in court is punishable under Section 3150 of the Act.[126] Prosecution for contempt of court is available,[127] but ineffective as either a sanction or a deterrent against defendants who flagrantly violate the terms of their release. If the use of conditions of release is ever to be effective, significant penalties must exist for defendants who ignore their obligations.

Toward this end, the Bail Reform Act should provide for revocation of bail in cases where defendants violate their conditions of release. Furthermore, threats against witnesses or jurors or disruptive conduct during trial would also justify revocation of bail and preventive detention.[128] Revocation could be authorized by issuance of a court order upon receipt of an affidavit sworn to by an appropriate person, setting forth evidence of substantial noncompliance by the defendant.[129] Requiring a special hearing would be too time-consuming and afford merely another opportuntiy for appeal by the defendant. Instead, upon revocation of bail being ordered, the defendant would be detained pending trial, with the same guarantee of speedy trial offered him as would be afforded other defendants held without bail.[130]

The requirement of an affidavit under oath that sets forth substantial evidence of noncomplicance would provide protection against revocation for minor violations or occasional inadvertence by a defendant. Yet such a provision would be sufficiently coercive in na-

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ture that defendants would adhere substantially to the condition of their release.

The proposal which advocates that defendants who violate conditions of release be charged with a separate criminal offense and given severe sentences upon conviction, is both impractical and unrealistic. The courts are unable to effectively cope with the criminal calendar as it exists, much less attempt to enforce supervision of bailed defendants through criminal prosecutions. Such a proposal would constitute another hollow threat, whereas revocation of release coupled with pretrial detention is realistic, practical, and amenable to effective enforcement. When a defendant knows that such a severe sanction can and will be levied against him for failing to abide by the conditions imposed, compliance can be expected.

A second major problem emanating from the administration of the Bail Reform Act concerns the failure of defendants to appear in court when scheduled. Although existence of the problem is not disputed, its seriousness and significance is a matter of controversy. Indicative of the divergent views which exist are the unexplained disparities among figures kept on the number of bail jumpers.

According to statistics furnished by the D.C. Bail Agency, during the period from November 1, 1966 to May 31, 1967, only 62 of the 2,174, or 2.8 percent of the defendants released on nonfinancial pretrial bail failed to appear in court when due.[131] The Agency further reports that during the period June 1, 1967 to May 31, 1968, only 243 of 3,800, or 6.3 per cent of defendants released on nonfinancial pretrial bail failed to appear in court.[132]

At variance with these figures are those contained in a District of Columbia Court of General Sessions memorandum.[133] The memorandum categorically breaks down the number of attachments still outstanding for defendants who failed to appear in court when required. According to the figures therein, during 1967 attachments were issued for 355 defendants released on personal recognizance who failed to appear, and in 1968, attachments were issued for 641 similar defendants.[134] It is important to note that these figures do not include those attachments issued and successfully served on defaulting defendants, not those attachments issued but subsequently quashed upon the voluntary appearance by a defendant. Consequently, the number of persons who actually defaulted while on personal bond is probably considerably higher than the figures in the memorandum reflect.[135] In this regard, it is important to note that the statistics enumerated in the memorandum refer only to the D.C. Court of General Sessions, and are exclusive of attachments issued by the U.S. District Court.[136] Yet the Bail Agency figures reflect the combined total of both courts.[137]

Whether either of these reports accurately reveals just how many persons have failed to appear is doubtful. Of the two reports, the figures in the court memorandum seem to be far more realistic. Moreover, those figures are consistent with the opinions of many judges who have had actual experience with the problem of nonappearance.[138] Estimates as to the number of persons who default on conditions of release vary considerably,[139] but the experience of several informed individuals places the figure at around 25 percent.[140] In other words, one out of every four defendants freed on nonfinancial conditions of release fails to appear at trial.

There is a definite and acute problem of nonappearance by defendants. Although the problem is very real, it is not insoluble. Several recommendations aimed at alleviating this problem were advanced by the Hart Committee.[141] The most meaningful of these proposals included: (1) giving high priority to the prompt service of warrants in default cases; [142] (2) enactment of legislation to permit nationwide service of process against bail jumpers; [143] (3) referral of unserved warrants to the FBI for execution; [144] (4) imposition by courts of consecutive rather than concurrent sentences for convictions under Section 3150 of the Act; [145] (5) facilitation *by the courts* of the prosecution of bail jumpers by creating an inference that the failure of a defendant to appear in court as required after appropriate warning and notice is willful within the meaning of Section 3150 of the Act.[146]

At present, the criminal element is well aware that prosecution of bail jumpers is minimal. Even if convicted, a concurrent sentence is the norm, not the exception. Judges argue that they cannot force the prosecution of bail jumpers since the decision to prosecute lies solely within the discretion of the United States Attorney. Yet limited prosecutions under Section 3150 are not surprising in light of the requirement that the Government prove that a defendant willfully failed to appear.

Before a strong prosecutive policy can be expected there must be enactment of legislation which creates a rebuttable presumption of willfulness upon the failure of a defendant to appear in court. The Hart Committee's recommendation seeks the right result, but through questionable means. It is doubtful that courts have the power to create an inference in Section 3150 of the Act that never was intended by Congress.[147] Congress made the law without any inference, and Congress must rectify its lack of foresight. Judicial legislation must be avoided, especially in cases of criminal statutes where the rule of strict construction is applicable.

In addition to inclusion of the proposals of the Hart Committee, the Bail Reform Act should be amended so that revocation of bail and preventive detention are permissible in the case of bail jumpers. This would eliminate the subterfuge of high monetary bonds being set to achieve the same result. However, in the event that there were extenuating circumstances, a defendant might be permitted to remain on the original or amended conditions of release. This would be a matter of judicial discretion. But the important factor is that a judge would have the power to detain defaulters.

CONCLUSION

Whether the Bail Reform Act has been a primary cause of the spiraling crime rate is questionable, but that it has been a contributing factor is certain. Legislative action is necessary to allow for preventive detention of the problem of recidivism on bail is to be solved. Speedy trials are a desirable goal, but as a practical matter, an up-to-date court calendar will not solve the problem. It is a well known fact that speedy trials do not depend entirely upon adequate court facilities. Many defense lawyers indulge in dilatory tactics and delay trials as a matter of course. This is particularly true where a defendant is on bail. Rather than being desirous of a speedy trial, it is often to a defendant's benefit to stall as long as possible.[148] Further, even if speedy trials became a reality, there would still exist certain types of defendants who pose such grave danger to the safety of the community that they should not be released for even a minimal period of time. The Bail Reform Act must be amended to provide for pretrial preventive detention of certain obviously dangerous offenders, including narcotic addicts and certain categories of defendants during periods of riot or civil disturbance.

Moreover, the Act must be amended to allow for effective administration and meaningful enforcement of conditions of release. Along with stringent supervision of defendants on conditions of release, if there is expeditious apprehension and prosecution of bail jumpers coupled with the imposition of severe sentences, then renewed respect for the provisions of the Bail Reform Act can be anticipated.

FOOTNOTES

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[1] 18 U.S.C. §§ 3146–52 (Supp. IV, 1969).

[2] Traditionally, bail has been conditioned on "the financial ability of the defendant." FED. R. CRIM. P. 46(c). *See generally* McCarthy & Wahl, *The District of Columbia Bail Project: An Illustration of Experimentation and a Brief for Change*, 53 GEO. L.J. 675 (1965); *Proceedings of the Conference on Bail and Indigency*, 1965 U. ILL. L.F. 1 [hereinafter cited as *Bail & Indigency*].

[3] 18 U.S.C. § 3146(a) (Supp. IV, 1969).

[4] The passage of the Bail Reform Act has had a liberalizing impact on the states. Since 1966, several states have adopted the principle of release on personal recognizance. *See e.g.*, CONN. GEN. STAT. ANN. § 54–63c (1968); PA. R. CRIM. P. 4001—14.

[5] In the District of Columbia, cases involving crimes against the person constitute over half of the criminal caseload. By contrast, the incidence of these crimes in the other circuits is only about eight percent. Vinson, Preface to Note, *The United States Court of Appeals for the District of Columbia Circuit: 1967–1968 Term*, 57 GEO. L.J. 308, 311 (1968).

[6] 18 U.S.C. § 3231 (1964).

[7] *Id. See* Arnstein v. United States, 296 F. 946 (D.C. Cir.), *cert. denied*, 264 U.S. 595 (1924).

[8] D.C. Code § 11–521 (1967). The District of Columbia Code functions as both a municipal code and state-type statute for the District of Columbia.

[9] D.C. Code § 11–963(c) (1967).

[10] *Hearings on Amendments to the Bail Reform Act of 1966 Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary*, 91st Cong., 1st Sess. 32 (1969) (statement of Chief Judge Harold H. Greene) [hereinafter cited as *Amendment Hearings*].

[11] Common misconceptions include notions that: bail is a constitutional right; that preventive detention violates an accused's right to be presumed innocent until proven guilty; and that preventive detention is per se unconstitutional.

[12] "[T]he modern practice of requiring a bail bond or the deposit of a sum of money subject to forfeiture serves as additional assurance of the presence of an accused." Stack v. Boyle, 342 U.S. 1, 5 (1951); *accord*, Forest v. United States, 203 F. 2d 83 (8th Cir. 1953).

There is a distinction to be drawn between the words "bail" and "bond" as used in this context. When a defendant is admitted to bail, his reappearance is secured by any number of conditions which are within the judge's discretion to impose, including the defendant's personal recognizance, a periodic check with a court officer, work release, or the posting of a sum of money. Bond, on the other hand, is more narrow, referring only to the posting of money to secure the defendant's appearance.

[13] 18 U.S.C. § 3041 (1964).

[14] Statutory authority for personal recognizance was available only by implication. *See* 18 U.S.C. § 3731 (1964). But Mr. Justice Douglas provided judicial authority by holding that, in proper cases, no security is required for release of a defendant on his own recognizance where there is no substantial risk that the defendant will not comply with the

conditions of his release. To deny an indigent defendant release merely because he lacks sufficient property to pledge for his freedom is a denial of his constitutional right of equal protection. Bandy v. United States, 81 S. Ct. 197 (Douglas, Circuit Justice, 1960). *See also* Attorney General's Comm. on Poverty & the Administration of Federal Criminal Justice Rep. 58 (1963) [hereinafter cited as Att'y Gen. Rep.]; Ervin, *The Legislative Role in Bail Reform*, 35 Geo. Wash. L. Rev. 429, 433 (1967); McCarthy & Wahl, *supra* note 2 at 681–703.

[15] The rate of pretrial releases on personal recognizance in federal courts prior to March 1963 averaged only about six percent. Att'y Gen. Rep. 58. *See also* Ervin, *supra* note 14 at 430–38.

[16] *See* D.C. Bail Project, Final Report: Bail Reform in the Nation's Capital 3 (1966) [hereinafter cited as D.C. Bail Project].

[17] *See* Ares & Sturtz, *Bail and the Indigent Accused*, 8 Crime & Delinquency 12 (1962); *Bail & Indigency, passim*.

[18] *See* R. Goldfarb, Ransom—A Critique of the American Bail System 32 (1965) [hereinafter cited as Goldfarb].

[19] For a discussion of the constitutional right to bail see notes 82–89 *infra* and accompanying text.

[20] U.S. Const. amend. VIII.

[21] Stack v. Boyle, 342 U.S. 1, 5 (1951).

[22] *Id.*

[23] U.S. Const. amend. XIV. Though the fourteenth amendment only protects against state action, similar protection is afforded against federal action through the fifth amendment's due process clause which has been held to protect against arbitrary and invidious discrimination. Shapiro v. Thompson, 394 U.S. 618 (1969); Schneider v. Rusk, 377 U.S. 163 (1964); Bolling v. Sharpe, 347 U.S. 497 (1954).

[24] *See* Goldfarb 32.

[25] Att'y Gen. Rep. 58.

[26] Comm. on the Administration of Bail of the Junior Bar Section of the Bar Ass'n of the District of Columbia, Report: The Bail System of the District of Columbia 5 (1963) [hereinafter cited as Junior Bar Section Rep.].

[27] *See* McCarthy & Wahl, *supra*, note 2 at 686–93.

[28] Junior Bar Section Rep. 5; *see* President's Comm'n on Crime in the District of Columbia Rep. 523 (1966) [hereinafter cited as D.C. Crime Comm'n Rep.].

[29] "The typical jail is dirty and overcrowded. The food is deplorable. Supervision is scant. . . . The typical jail has little to inspire the prisoner and much to demoralize him. The result is that he must spend his time there vegetating and degenerating. And worse." *Hearings on Federal Bail Procedures Before the Subcomm. on Constitutional Rights of the Senate Comm. on the Judiciary*, 88th Cong., 2d Sess. 46 (1964) (statement of James V. Bennett, Director of the United States Bureau of Prisons).

[30] *Hearings Before the Subcomm. on Juvenile Delinquency of the Senate Comm. on the Judiciary*, 91st Cong., 1st Sess. (1969).

[31] *See* Goldfarb 102. *See generally* D.C. Bail Project 11–18; *Bail & Indigency, passim*.

[32] *See* Goldfarb 102.

[33] The judges are aware of the odious power the bondsman has concerning who remains in jail and who goes free: "The effect of such a system is that the professional bondsmen hold the keys to the jail in their pockets. They determine for whom they will act as surety—who in their judgment is a good risk. The bad risks, in the bondsmen's judgment, *and the ones who are unable to pay the bondsmen's fees*, remain in jail. The court and the commissioner are relegated to the relatively unimportant chore of fixing the amount of bail." Pannell v. United States, 320 F.2d 698, 699 (D.C. Cir. 1963) (Wright, J., concurring).

[34] As a practical matter, many bondsmen refuse to write bonds for small amounts which yield only a minimal fee. Consequently, a defendant might find that a bondsman is far more willing to write a higher bond than a lower one, and the indigent defendant accused of committing a minor offense for which a small money bond is set is perhaps more likely to remain incarcerated than a defendant charged with a serious offense for which a higher bond is set. *See* D.C. Bail Project 11–12.

Although the courts in the District of Columbia have been given wide discretion to regulate professional bondsmen, D.C. Code § 23–608 (1967), they have not required that bondsmen write bonds in all amounts. *See* D.C. Ct. Gen. Sess. (Crim.) R. 5; D.C. Ct. Gen. Sess. (Juv.) R. 22.

[35] 18 U.S.C. § 3142 (1964); *see* Goldfarb 116–17.

[36] These powers rest on the premise that the principal is in the custody of his sureties, and that the original imprisonment has not been discontinued. Therefore, the bondsman may seize his principal at any time, imprison him at will, have him reincarcerated, pursue him across state lines and break into his house. "The seizure is not made by . . . new process. None is needed. It is likened to the rearrest by the sheriff of an escaping prisoner." Taylor v. Taintor, 83 U.S. (16 Wall.) 366, 371 (1872).

[37] Goldfarb 115–18.

[38] 18 U.S.C. § 3142 (Supp. IV, 1969).

[39] Goldfarb 115–18.

[40] *See* 112 Cong. Rec. 12488–505 (1966).

[41] Judiciary Act of 1789, ch. XX, § 33, 1 Stat. 73, 91; *see* Wald & Freed, *The Bail Reform Act of 1966: A Practitioner's Primer*, 52 A.B.A.J. 940 (1966).

[42] 18 U.S.C. § 3146(a) (Supp. IV, 1969). The committing magistrate may require the execution of a secured appearance bond or a "bail bond with sufficient solvent sureties, or the deposit of cash in lieu thereof . . . ." 18 U.S.C. §§ 3146(a)(3), (4) (Supp. IV, 1969).

[43] 18 U.S.C. § 3146(b) (Supp. IV, 1969).

[44] Wald & Freed, *supra* note 41 at 941.

[45] 18 U.S.C. § 3146(d) (Supp. IV, 1969).

[46] *Id.*

[47] *Id.* § 3147(b).

[48] This section provides that a defendant who willfully fails to appear in court shall incur a forfeiture of any security which was given for his release, and be subject to a fine of $5,000 or five years' imprisonment, or both, if he had been released in connection with a felony charge, or be subject to a fine of $1,000 or one year imprisonment, or both, if his release had been in connection with a misdemeanor. 18 U.S.C. § 3150 (Supp. IV, 1969).

[49] Chronic manpower shortages have precluded full implementation of service of warrants by the United States Marshal. The FBI is reluctant to serve warrants for bail jumping because of other work pressures. Report of the Judicial Council Comm. to Study the Operation of the Bail Reform Act in the District of Columbia 11 (1969) (The Judicial Council issued its initial report in 1968, but has continued to oversee the implementation of its recommendations. The 1969 report is its progress report.) [Hereinafter cited as Hart Comm. Rep. 1969].

[50] Among the more commonly used excuses are confusion of dates, lack of notice to appear, illness, death in the family, and inability to pay for transportation back to the jurisdiction.

[51] 18 U.S.C. § 3148 (Supp. IV, 1969).

[52] *Id.*

[53] *See* H.R. Rep. No. 1541, 89th Cong., 2d Sess. 6 (1966).

[54] D.C. Crime Comm'n Rep. 513.

[55] Hart Comm. Rep. 1969 at 18–26.

[56] *Id.* at 19.

[57] These statistics could be misleading because they exclude incidents not leading to indictment and include cases which resulted in acquittal and reversal. *Id.* at 19–20.

[58] FBI, Uniform Crime Reports: Crime in the United States—1968 at 4.

[59] *See id.* at 30–32.

[60] D.C. Crime Comm'n Rep. 233.

[61] *Id.* at 234.

[62] Hart Comm. Rep. 1969 at 18.

[63] *Id.*

[64] *Id.* at 24.

[65] Address by Will Wilson, Assistant United States Attorney General, American Bar Association Annual Meeting, Aug. 12, 1969. For a study of the relationship between drug abuse and crime, see D.C. Crime Comm'n Rep. 562–73.

[66] *Amendment Hearings* 76 (statement of Senator Joseph Tydings).

[67] Hart Comm. Rep. 1969 at 24–25.

[68] D.C. Crime Comm'n Rep. 518. Furthermore, more than 80 percent of the crimes committed while on bail were as or more serious than the original offense. *Id.*

[69] *Id.* These statistics are further supported by the Hart Committee which revealed that 57.8 percent of bail offenders (persons *indicted* while on bail pending disposition of a prior felony case) had one or more prior felony convictions within the preceding ten years. Hart Comm. Rep. 1969 at 25.

[70] Evidence of the increasing concern over recidivism are these bills, all introduced during the first session of the ninety-first Congress: S. 288 (additional standard for bail of danger to others or to the community); S. 289 (allowing denial of bail to persons charged with crimes of violence and who have been previously convicted of a crime of violence); S. 546 (detention of persons charged with a felony); S. 547 (detention of capital defendants and anyone convicted); S. 2600 (consideration of danger to the community and providing for pretrial detention of dangerous persons); H.R. 323 (pretrial detention of persons determined to be a danger to the community); H.R. 325 (investigative detention and search of suspects); H.R. 335 (standard of danger to community); H.R. 1033 (standard of danger to community); H.R. 2781 (pretrial detention based on additional standard of danger to community).

[71] This proposal has met only minimal opposition. It has been supported by the Hart Committee, the D.C. Crime Commission, and by all the judges of the Court of General Sessions. *Amendment Hearings* 33 (statement of Chief Judge Harold H. Greene), 534–35 (the Hart Committee), 607 (the D.C. Crime Commission).

[72] It is important to recognize that the terms "preventive detention" and "pretrial detention" are not synonymous. Preventive detention is detention for the purposes of preventing flight, insuring the safety of witnesses, or protecting the public from additional crimes by the accused. Pretrial detention is detention before trial solely because the individual has been charged with a crime. *See* American Bar Association Project on Minimum Standards for Criminal Justice, Standards Relating to Pretrial Release 83 (1968).

[73] Danger to the community is not a novel criterion in determining whether a release should be allowed. The Bail Reform Act itself permits such a factor to be considered when deciding if release should be granted pending appeal. *See* text accompanying note 52 *supra*. Danger to the community is also a common criterion for release from a mental institution in which one has been involuntarily confined. *See, e.g.*, D.C. Code § 21–546 (1967).

[74] *See* D.C. Crime Comm'n Rep. 520–24.

[75] Likelihood of recidivism can be estimated by considering many of the same factors which are considered to predict flight. In addition, the underlying causes of certain crimes, when shown by competent evidence to exist in the accused, can result in a high degree of accuracy in these predictions. For example, it has been shown that narcotic addiction leads to the commission of crime to support the habit. It must also be remem-

bered that the prediction of flight is hardly an exact science.

[76] Note, *Preventive Detention Before Trial*, 79 Harv. L. Rev. 1489, 1501 (1966). *But see* D.C. Crime Comm'n Rep. 520.

[77] *Amendment Hearings* 399–400 (statement of Judge James A. Belson).

[78] The overall felony conviction rate by plea or trial is consistently over 75 percent. D.C. Crime Comm'n Rep. 240.

[79] 18 U.S.C. § 3568 (Supp. IV, 1969).

[80] *See* Note, *Preventive Detention Before Trial, supra* note 76 at 1500–05.

[81] "[T]he fact that a liberty cannot be inhibited without due process of law does not mean that it can under no circumstances be inhibited.

"The requirements of due process are a function not only of the extent of the governmental restriction imposed, but also of the extent of the necessity for the restriction." Zemel v. Rusk, 381 U.S. 1, 14 (1965).

[82] *See* H.R. Rep. No. 1541, 89th Cong., 2d Sess. 8 (1966): "Thus, there is no specifically granted right to bail." Also, the eighth amendment prohibition against excessive bail has been judicially construed as not establishing, per se, a right to bail. Mastrian v. Redman, 326 F.2d 708, 710–11 (8th Cir.), *cert. denied*, 376 U.S. 965 (1964). *See* Note, *Preventive Detention Before Trial, supra* note 76 at 1498.

[83] Judiciary Act of 1789, ch. XX, § 33, 1 Stat. 91.

[84] *See* Crimes Act of 1791, ch. IX, 1 Stat. 112.

[85] Act of July 1, 1882, ch. 258, § 7, 22 Stat. 127.

[86] *See* G. Williams, Salmond on Jurisprudence 115–24 (11th ed. 1957); Note *Preventive Detention Before Trial, supra* note 76, at 1500.

[87] Act of July 1, 1882, ch. 258, § 7, 22 Stat. 127.

[88] *See* Allen v. United States, 386 F.2d 634 (D.C. Cir. 1967); Note, *Preventive Detention*, 36 Geo. Wash. L. Rev. 178, 182 (1967). *See also* Stack v. Boyle, 342 U.S. 1, 4–5 (1951); Ervin, *The Legislative Role in Bail Reform*, 35 Geo. Wash. L. Rev. 429, 433 (1967).

[89] *See* Note, *Preventive Detention Before Trial, supra* note 76 at 1499, 1501–03. *See also* Carlson v. Landon, 342 U.S. 524 (1952). "The bail clause was lifted with slight changes from the English Bill of Rights Act. In England that clause has never been thought to accord a right to bail in all cases. . . . The Eighth Amendment has not prevented Congress from defining the classes of cases in which bail shall be allowed in this country. . . . Indeed, the very language of the Amendment fails to say all arrests must be bailable." *Id.* at 545–46.

[90] *See* FBI, Uniform Crime Reports: Crime in the United States—1967 2, 3 where statistical data reveals that from 1960–67 there was an 89 percent increase in the number of criminal offenses; that while the population increased 10 percent, the crime rate (number of offenses per 100,000 population) increased 71 percent. According to the Uniform Crime Reports (1968 Preliminary Annual Release), during calendar year 1968 crime increased nationally 17 percent over 1967 with violent crimes rising 19 percent and robbery 29 percent. Also, the Uniform Crime Report for Jan.-Mar. 1969 shows a 10 percent, nation-wide increase in crime over the same period in 1968, with robbery rising 22 percent.

Statistics for Washington, D.C. reveal a sharp increase in crime, with an increase in robbery offenses from 5,759 in 1967 to 8,622 in 1968, and for the period Jan.-Mar. robberies have increased from 1,777 in 1968 to 2,788 in 1969.

[91] D.C. Code § 22–3201, *as amended*, (Supp. II, 1969): "'Crime of violence' . . . means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnapping, burglary, robbery, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary."

[92] A dangerous weapon is one likely to produce death or great bodily injury. Scott v. United States, 243 A.2d 54 (D.C. Ct. App. 1968). More specifically, any instrument designed or used for offense becomes a dangerous weapon. Tatum v. United States, 110 F.2d 555 (D.C. Cir. 1940); *accord*, Patten v. United States, 42 App. D.C. 239 (1914).

[93] Whether an offense is one of "moral turpitude" would be a question within judicial discretion. Generally, however, crimes malum in se would be included whereas offenses malum prohibitum would not.

[94] Procedurally, it would be no problem to hold such hearings on the same day on which a defendant is arraigned or appears for presentment on a felony charge. The Government would be required to give the court and defense counsel notice of its intention to request that a defendant be detained without bond, and a hearing set for the same afternoon. All such hearings would be before one judge specially assigned to handle these proceedings, thereby minimizing any adverse effects that such hearings might have on the backlog of pending cases. As to the inadmissibility of the proceedings at trial *cf.* Simmons v. United States, 390 U.S. 377 (1968).

[95] The appellate court would summarily review the detention order to determine if there was abuse of judicial discretion or if the defendant did not come within the purview of the statute. Upon such a finding by the appellate court an order would be issued directing the lower court to immediately set a financial bond or other conditions of release.

[96] Hart Comm. Rep. 1969 at 29, 33; *see* President's Comm'n on Law Enforcement and the Administration of Justice, Report—The Challenge of Crime in a Free Society 154–56 (1967) (delay prevalent in courts across the nation).

[97] *See* Hart Comm. Rep. 1969 at 33 (recidivists, narcotic addicts, and those charged with crimes posing danger to the community during riots should not be released).

[98] *See generally Amendment Hearings* 398–99 (statement of Edward L. Barrett, Jr.).

[99] Hart Comm. Rep. 1968 at 30.

[100] Within the Hart Committee alone there have been three separate formulations of offenses which would warrant suspension of bail: (1) arson, possession or use of firearms, and possession of explosives; (2) inciting to riot, burglary, and assault with a dangerous weapon; and (3) anyone who would pose "a grave danger to the community" if released. Hart Comm. Rep. 1968 at 29, 30. *See also* Hart Comm. Rep. 1969 at 32.

[101] National Advisory Comm'n on Civil Disorders, Report 359–407 (1968). Although several of the disorders, notably Detroit and Newark, have lasted longer than three days, the Kerner Commission Report indicated that a person arrested at the first peak of the disorder and detained for 72 hours would be released after some order had been restored to the riot area. *Id.*

[102] D.C. Code § 22–1122 (Supp. II, 1969).

[103] *Amendment Hearings* 143 (statement of Patricia M. Wald).

[104] Office of Senator Joseph D. Tydings, Press Release (March 2, 1969).

[105] *Amendment Hearings* 220 (statement of Judge Tim Murphy).

[106] *Id.*

[107] *See* 37-39 *supra*.

[108] Hart Comm. Rep. 1969 at 5-6. There is some question whether such a proposal would violate the defendant's fifth amendment right not to be "compelled . . . to be a witness against himself" or if it would be considered only nontestimonial evidence. *See* Schmerber 1. California, 384 U.S. 757, 760–61 (1966).

[109] This might avoid the problem that punishment (detention) for addiction alone is violative of the eighth amendment's restriction against cruel and unusual punishment. *See* Robinson v. California, 370 U.S. 660 (1962).

[110] Hart Comm. Rep. 1969 at 5-6. *See also Amendment Hearings* 122 (statement of Judge Charles W. Halleck).

[111] *See* Hart Comm. Rep. 1969 at 11.

[112] Statement of Senator Joseph D. Tydings, news conference, Washington, D.C., Feb. 11, 1969.

[113] Press Release, *supra* note 104 at 2.

[114] *See generally* Uniform Crime Rep., *supra* note 58 at 89; *Amendment Hearings* 692-93.

[115] *See* Schmerber v. California, 384 U.S. 757, 767–71 (1966) (need for probable cause that defendant is intoxicated); *cf.* Breithaupt v. Abram, 352 U.S. 432 (1957) (state statutes allowing invasion of the body require probable cause); Rochin v. California, 342 U.S. 165 (1952) (invasion of the body's integrity without probable cause shocks the conscience).

[116] *See* note 104, *supra* and accompanying text.

[117] 18 U.S.C. § 3146(a) (Supp. IV, 1969).

[118] *Id.* § 3146(a)(5).

[119] Examples of such conditions are (1) requiring defendants to be home by a specified time, (2) prohibiting a defendant from going west of a certain street or into a certain neighborhood, (3) admonishing a narcotic addict to stop using narcotics, and (4) prohibiting a defendant from leaving the jurisdiction. *See Amendment Hearings* 102. Such conditions require many more bail agency and law enforcement officers than the District now has because of the constant supervision and coordination which each of these conditions requires. *See* D.C. Crime Comm'n Rep. 225–27, 407–09, 414–16. *See also* Ball v. United States, 402 F.2d 206 (D.C. Cir. 1968) (the defendant has since fled the jurisdiction and never been tried).

[120] *Amendment Hearings* 33 (statement of Chief Judge Harold H. Greene): "Release conditions are only as effective as the ability to enforce them. . . . [B]ecause no agency . . . has ever had the capability of enforcing conditions, . . . many judges have felt it to be an exercise in futility to impose strict requirements or conditions. . . . [I]t is essential that . . . some . . . public department be given the responsibility and the personnel necessary for meaningful supervision, investigation, and inspection . . . to verify that the court's conditions are actually being complied with."

[121] Statutorily, the District of Columbia Bail Agency was established to gather data on an arrested person that was pertinent to his bail status under the Bail Reform Act. This data was to be drafted into a written report and submitted to the appropriate court. D.C. Code §§ 23–901 to 23–903 (1967). To do this work the Agency was given an annual budget of $130,000. *Id.* § 23–908.

Additionally, the courts have given the Agency the task of supervising all nonfinancial bailees, including notifying them of court appearances. At present the Agency is not sufficiently staffed to properly fulfill its statutory obligations much less this added burden. Interview with Bruce D. Beaudin, Director, D.C. Bail Agency, in Washington, D.C., April 2, 1969. *See also Amendment Hearings* 30, 33, 99–107, 511–14, 529; Hart Comm. Rep. 1969 at 1–4, 6, 14; D.C. Bail Agency, Second Annual Rep. 1, 2, 4 (1968).

[122] *Amendment Hearings* 339 (statement of Chief Judge Edward M. Curran).

[123] Interview with Bruce D. Beaudin, *supra* note 121. Even this effort has become increasingly futile in light of the Bail Agency's inability to properly supervise bailees and to report violations to the court.

[124] *Id. See generally* Hart Comm. Rep. 1968 at 17–21.

[125] Interview with Bruce D. Beaudin, *supra* note 121.

[126] *See* notes 48–50 *supra* and accompanying text.

[127] *See* 18 U.S.C. § 402 (1964); D.C. Code § 11–982 (1967).

[128] Carbo v. United States, 82 S. Ct. 662, 668 (Douglas, Circuit Justice, 1962); Fernandez v. United States, 81 S. Ct. 642 (Harlan, Circuit Justice, 1961). *See also* Bitter v. United States, 389 U.S. 15, 16 (1967) (per curiam).

[129] Although "substantial noncompliance" is a subjective test and would depend upon the circumstances of a particular case, such a provision is restrictive enough in scope to prevent revocation of bail for a mere technical violation.

[130] *See* pp. 38–39 *supra*.

[131] D.C. Bail. Agency, First Annual Rep. 6 (1967).

[132] D.C. Bail Agency, Second Annual Rep. 6 (1968).

[133] Interoffice memo from F. B. Beane, Jr., Chief Deputy Clerk, Criminal Division, D.C. Court of General Sessions to J. M. Burton, Clerk of D.C. Court of General Sessions, Jan.. 8, 1969.

[134] *Id.*

[135] Interview with F. B. Beane, Jr., Chief Deputy Clerk, Criminal Division, D.C. Court of General Sessions, Washington, D.C., April 8, 1969.

[136] Interoffice memo, *supra* note 133.

[137] *See* D.C. Bail Agency Reps., *supra* notes 131–32.

[138] Judge Beard of D.C. Court of General Sessions estimates the extent of nonappearance to be about 30 percent; Judge Korman (D.C. Court of General Sessions) estimates the rate to be 40 percent; Judge Burka (D.C. Court of General Sessions) places the percentage at between 30 and 50 percent. Interview with Edward A. Beard, Judge, D.C.. Court of General Sessions, in Washington, D.C., July 8, 1969; *see Amendment Hearings* 105 (statement of Judge Charles W. Halleck). *See also* Hart Comm Rep. 1969 at 5, 12, 44.

[139] *Amendment Hearings* 113–14 (statement of Judge Charles W. Halleck): "I have been consistently unable to obtain from any source any accurate figures showing just how many persons have failed to appear either in our court or in district court. My personal experience indicates to me that the number is astronomical."

[140] Interview with Judge William Pryor, D.C. Court of General Sessions, July 9, 1969. Interview with Frederick B. Beane, Jr., D.C. Court of General Sessions, April 8, 1969. Interview with Alonzo Christian, Clerk of U.S. Assignment Court, Criminal Division, D.C. Court of General Sessions, April 8, 1969.

[141] *See* Hart Comm. Rep. 1968 at 17–24.

[142] *See* Hart Comm. Rep. 1969 at 5–13.

[143] *Id.* at 11.

[144] *Id.*

[145] *Id.* at 12.

[146] *Id.*

[147] *See* notes 48–50 *supra* and accompanying text.

[148] Some of the more frequent probelms which the Government encounters when there is a lengthy delay between the date of the offense and the date of trial are: death or inability of Government witnesses to testify, a loss of interest by complaining witnesses, and an increased chance of loss of memory or confusion in testimony at trial.

NATURAL GAS AND OIL IMPORT CONTROLS

Mr. PROXMIRE. Mr. President, there seems to be an enormous amount of confusion about the impact of the oil import control program on our natural gas reserves. I would like to set the record straight.

There is almost no relationship between the oil import control program and our natural gas reserves, or at least that appears to be the implication from a letter I received from the Chairman of the Federal Power Commission, the agency having the day-to-day jurisdiction over natural gas.

According to Chairman Nassikas, less than one-half of 1 percent of our natural gas comes from high cost stripper wells, the wells most likely to be affected by changes in the oil import control program.

As a matter of fact, liberalizing the oil import control program could help to meet the alleged future shortage of natural gas. If less expensive oil products were imported, the market mechanism would allow them to be substituted for the more expensive natural gas.

If there is an impending natural gas shortage, the FPC has the power right now to give the necessary added incentive to discover more natural gas reserves. All it has to do is to raise the price of natural gas. This has the great benefit of making the consumers of natural gas pay what it is worth. Consumers of other energy products should not have to subsidize the users of natural gas.

However, we do not really have any hard information about our natural gas reserves. No one in the Federal Government apparently felt the need to check the data from the industry. It seems rather an anomalous situation: the Government regulates an industry based on unverified statistics obtained from that industry. How solid a foundation is that?

If there is this fear of an impending natural gas shortage, the President should appoint a Cabinet level task force to study the situation similar to the one he appointed to study the oil import control program. It could develop the hard data the Government needs to act in a rational fashion.

In light of this lack of relationship between the oil import control program and our natural gas reserves, whatever they are, I certainly hope the President will not confuse the natural gas issues with those involved in changing the oil import control program. Necessary reforms cannot be postponed on this tenuous a ground.

Although I realize that it will take some time to develop the structure and rules of a new oil import control program, this is no reason why imports cannot be liberalized right now. The obvious implication from all the rumors of the recommended changes in the oil import control program by the Cabinet task force on oil import control is that our national security can stand greatly increased imports of inexpensive crude oil. If this is true, and I have seen no evidence to rebut it, the President ought immediately to increase the percentage of oil imports by granting additional amounts of oil to quota holders.

In addition, the President ought to provide for as short a transition period as possible in order to prevent confusion and minimize the irritations that could develop. The time spent studying the problem of oil imports was very expensive to the consumers. According to Platt's Oilgram, the value of an import ticket when the study started, March 2, 1969, was $1.25 a barrel; now it is between $1.45 and $1.50 a barrel, an intolerable level in view of the President's efforts to curb inflation. If the President is serious about his fight to curb inflation, he will take immediate action to lower oil prices.

I ask unanimous consent that Chairman Nassikas' letter to me be printed in the RECORD.

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

FEDERAL POWER COMMISSION,
Washington, D.C.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: This is in response to your letter of December 31, 1969, relating to (1) the amount of natural gas that comes from high cost and stripper wells, (2) the firmness of the estimates of our natural gas reserves, (3) whether any government agency has made an evaluation of the amount of natural gas reserves we possess and (4) whether any independent group outside of the natural gas companies made such an estimate and, if so, who?

(1) As to your question regarding the amount of gas that comes from high cost and stripper wells, we regret we do not have detailed gas production data of this type. Production data is not reported by well investment or operating cost. We can, however, provide information concerning the stripper wells and information concerning the total amount of associated-dissolved gas produced from all oil wells. There are currently about 550,000 producing oil wells in the United States. Approximately 10 percent are flowing oil while 90 percent are on artificial lift. Although flowing oil wells are only 10 percent of the national level total, they produce about 75 percent of all the oil. In 1968 the 367,205 [1] stripper wells, (wells which average 10 barrels or less of oil a day) constituted about 67 percent of all oil wells but only accounted for 15 percent of total 1968 U.S. oil output. The following table lists the volumes of the associated-dissolved gas reserves and production as a percent of total gas reserves and production over a three-year period (excludes Alaska): [2]

Associated-Dissolved Gas Reserves and Production (All Volumes in Million Mcf at 14.73 Psia and 60° Fahrenheit).

	Reserves		Production	
Year	Volume	Percent of total reserves	Volume	Percent of total production
1966	68,479	24.2	4,587	26.2
1967	67,528	23.6	4,759	25.9
1968	62,592	22.5	4,640	24.0

Considering the productivity of stripper wells as a source of natural gas, we tentatively estimate that probably less than 2 percent of the associated-dissolved gas annual production is from stripper oil wells.

(2) The only recognized natural gas reserve estimates for the entire United States that are published annually are included in a report entitled "Reserves of Crude Oil, Natural Gas Liquids and Natural Gas in the United States and Canada." This report is a joint effort of the American Gas Association (AGA), American Petroleum Institute and the Canadian Petroleum Association. The natural gas statistics for the United States are compiled and maintained by the Com-

[1] Source: Interstate Oil Compact Commission.

[2] Source: American Gas Association.

mittee on Natural Gas Reserves of the American Petroleum Institute. The Committee is composed of 14 members; a chairman, a vice Chairman, a secretary, a representative from the Bureau of Mines of the U.S. Department of the Interior and ten other members. The United States including Alaska is divided into ten districts. Each one of the ten other members is assigned a district as his area of responsibility. In carrying out this responsibility each member heads an Area Subcommittee composed of one hundred and thirteen (113) qualified geologists and engineers from all segments of the oil and gas industry. After the subcommittee compiles the data for their district, it is submitted for inclusion in the Annual Report, which has been published since 1946. Neither the basic reserve data, much of which is confidential, nor the method by which they are summarized for the AGA reports have been submitted to the Federal Power Commission. Natural gas production data on the other hand are public information.

The reliability of reserve estimates is, of course, critical to any conclusions derived from their use. We recognize this fully, particularly with regard to AGA's proven gas reserve estimates.[3] However, we feel these national statistics are reasonably reliable.

Another valuable source of gas supply statistics is reported annually by the interstate pipeline companies to the Commission on FPC Form 15. This information in this report consists of estimates of reserves and production as prepared independently by individual pipeline companies. This report also contains projections of future requirements of the pipeline companies' existing customers. These reporting companies own or control, through contractual arrangements, approximately 70% of the national gas supply as reported by the American Gas Association. Our staff does have access to detailed work papers in support of these reported interstate supply statistics and examines such supporting data frequently, both on a routine basis and in investigations of the gas supply in support of specific pipeline proposals. Over the years these estimates as submitted by the pipeline companies have generally been considered by our staff to be reasonably accurate.

It has been found that when the supply and production data as estimated and reported annually by the interstate pipeline companies has been compiled, trended and projected, the trends and projections based on interstate statistics closely parallel trends and projections based on the national statistics as reported by AGA. Annual staff reports on the interstate portion of the gas supply statistics have been available to the public since 1966.

(3) & (4) To our knowledge no independent group outside of the American Gas Association and the American Petroleum Institute has made an evaluation of the amount of proved natural gas reserves we possess. To our knowledge no government agency has made an estimate of our presently proven gas reserves. I will ask Congress for the requisite authorization for an FPC National Gas Survey. I so testified before the Senate Subcommittee on Minerals, Materials and Fuels of the Committee on Interior and Insular Affairs on November 13, 1969. However, the United States Geological Survey of the Department of the Interior does periodically prepare estimates of its own of our total potential oil and gas resource base and has commented favorably upon the reliability of natural gas industry statistics and supply estimates, a copy of which is enclosed (items 2 & 3, infra). The USGS estimates include all of the oil and gas reserves which have been found as of the date of the estimate plus the reserves yet to be discovered. Estimates of potential gas reserves are also published periodically by the Potential Gas Committee, a gas industry group. The oil and gas reserve estimates as published by the American Gas Association and the American Petroleum Institute are used as a base for the Potential Gas Committee's estimates.

As you know, no other issue has received as much of the Commission's attention in recent months as the adequacy of gas supply question. The Commission as a body, has met with each of the major industry groups (producer, pipelines and distributors) to receive their views. Every natural gas case coming before the Commission is carefully scrutinized for natural gas supply implications. For example, in AR69-1 (item 5) evidence will be taken on this problem, and all concerned will be encouraged to participate fully in the hearing.

The Senate Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs held hearings on natural gas supply on Nevember 13, 1969. In my testimony, before that subcommittee, (item 6), I discussed the adequacy of current and prospective natural gas supply, and explained on pp. 23-32 the various actions being taken by this Commission with respect to the gas supply situation. I am also enclosing a Commission staff report on this subject which was released in October, 1969 (item 1) and a report just issued on interstate pipeline gas supplies for 1968 (item 13) together with additional materials which I hope are helpful to you.

I appreciate the opportunity to respond to your inquiry. If any further information is desired, I shall be happy to supply it.

Sincerely,

JOHN N. NASSIKAS,
Chairman.

[3] See p. 2 of attachment, "A Staff Report on National Gas Supply and Demand," published October 1, 1969, especially the following: "For purposes of this report we have accepted at face value all industry-furnished supply data. Our conclusions must therefore be weighed against the assumed accuracy of our data base."

THE TRANSFER OF SCIENTIFIC KNOWLEDGE

Mr. PEARSON. Mr. President, the rate of growth of our Nation's economy and the level of the sophistication and the quality of our social and physical environment are affected to a very great degree by our ability to translate new scientific knowledge into usable technology and the extent to which this technology is actually applied.

The practical application of scientific knowledge has been a powerful force in changing American science of the past two decades. Yet experts knowledgeable in this area recognize that the gap between new scientific information and its useful application is widening. We are not doing nearly as good a job as we should be doing in advancing the use of the rapidly growing reservoir of science and technology.

Mr. President, in this connection, I invite the attention of Senators to two papers which I think are extremely worth while. The first, "The Use of Knowledge," is by Dr. Chris Barthel, the executive director of the Research Foundation of Kansas. He discusses the present state of scientific information transfer and the problems that need to be dealt with. He also has some particular comments about the Kansas situation.

The second paper, "Issues and Problems in Applying Science and Technology in Programs in Kansas," was presented by Dr. Mark Morris, president of the Research Foundation and Dr. Chris Barthel before the Committee in Intergovernmental Science Relations of the Federal Council for Science and Technology, Executive Office of the President, on January 19, 1970. Although this paper concentrates on the Kansas situation I believe it has relevance to many other State situations. It also presents a list of recommended actions by the White House's Office of Science and Technology which I believe have a great deal of merit.

Mr. President, I ask unanimous consent that these two papers be printed in the RECORD.

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

THE USE OF KNOWLEDGE

(By Christopher E. Barthel, Jr., executive director, Research Foundation of Kansas)

RESEARCH

During World War II, science and engineering were mobilized on a crisis basis by our Nation and other nations of the world to create and perfect fantastic new weapons. This was an impressive and successful large-scale attempt to use scientific and technological knowledge for military purposes.

Since World War II, and until two or three years ago, there was a rapid growth of research and development, particularly in the physical sciences and engineering, for many diverse purposes as well as defense. This growth, measured in funds for performance of research and development, is indicated in Table I. It was instrumental in the creation by the United States of an unprecedented capability for producing new knowledge through research and development efforts. The new knowledge was, and is still being absorbed in many sectors of our society, leading to gigantic advances in communications, transportation, data storage and retrieval, weather prediction, medicine, instrumentation, to mention a few areas. As shown in Table I, in 1965 the total expenditures of our Nation for the performance of research and development passed the $20.0-billion figure, with the Federal Government providing about 75% of the funds.

CENTRALIZED INFORMATION SYSTEMS

The total expenditures of the Federal Government rapidly grew in parallel with the funds allocated for research and development during this period. It therefore became necessary to establish priorities for Federal activities. Congressional concern led to the establishment by the Congress of numerous bodies to evaluate the Nation's research and development efforts, and particularly those being carried out through the use of Federal funds. Among the more productive and influential bodies were the Select Committee on Government Research of the United States House of Representatives, referred to as the Elliott Committee, and the Subcommittee on Science, Research, and Development of the Committee on Science and Astronautics of the United States House of Representatives, still in operation and referred to as the Daddario Committee. The different evaluations pointed to a crucial national need for the proper handling of the vast and ever-increasing quantity of information created through the research and development efforts of our Nation.[1] Fed-

[1] The President's Science Advisory Committee. *Science, Government, and Information: The Responsibilities of the Technical Community and the Government in the Transfer of Information.* Washington, D.C., U.S. Government Printing Office, January 10, 1963.

eral resources were applied to this need with the creation in the mid-1960's of a multitude of sophisticated centralized information systems covering specialized areas.[2]

TABLE I.—GROWTH OF RESEARCH AND DEVELOPMENT IN THE UNITED STATES

[In millions of dollars]

Year	Funds for performance of R. & D.				
	Government	Industry	Universities	Other	Total
1941 [1]	200	660	40	--------	900
1943 [1]	300	850	60	--------	1,210
1945 [1]	430	990	100	--------	1,520
1947 [1]	520	1,570	170	--------	2,260
1949 [1]	550	1,790	270	--------	2,610
1951 [1]	700	2,300	360	--------	3,360
1953 [2]	1,010	3,630	420	100	5,160
1957 [2]	1,280	7,730	650	150	9,810
1960 [2]	1,830	10,510	1,000	280	13,620
1963 [2]	2,400	12,690	1,700	450	17,240
1964 [3]	2,840	13,510	1,590	--------	19,180
1965 [3]	3,090	14,200	1,870	--------	20,470
1966 [3]	3,260	15,550	2,180	--------	22,370
1967 [3]	3,360	16,610	2,360	--------	23,800

[1] Department of Defense, Office of the Secretary.
[2] National Science Foundation.
[3] National Science Foundation (from "Statistical Abstract of the United States, 1968").

Among major information systems now operating are the Clearinghouse for Federal Scientific and Technical Information, operating in the United States Department of Commerce; the National Referral Center for Science and Technology of the Library of Congress; the National Center for Health Statistics of the United States Public Health Service; the Science Information Exchange of the Smithsonian Institution; and a host of centers concerned with specific areas such as the Office of Mineral Information of the United States Bureau of Mines, the National Center for Chronic Disease Control, the National Oceanographic Data Center of the Naval Oceanographic Office, etc.

DEFICIENCIES IN THE DELIVERY OF INFORMATION

By 1964, it had become clear that sophisticated centralized information systems alone were not adequate for delivering information to potential users. Entirely too few organizations and persons knew of the very existence of the centralized systems and had the capability of relating information to need, and many of those that did know of the existence and had proper capability did not know how to procure material from these valuable resources. As a result, innovative technology transfer activities were designed, two major programs being those developed and operated by the National Aeronautics and Space Administration and by the Atomic Energy Commission. On September 14, 1965, the State Technical Services Act was signed into law by President Johnson. This legislation was designed "to place the findings of science usefully in the hands of American enterprise." This Federal effort resulted in the creation of State Technical Services Programs in most of the states. These innovative and exploratory programs produced substantial contributions in many areas, but on a fragmented basis. The fragmentation primarily resulted from limitations placed upon the programs by their enabling legislation and by limited resources provided the programs.

During the past several months, there has been an evergrowing awareness that the information delivery services are, broadly and generally, not serving the basic purposes for which they were designed—the *use of knowledge* for social and economic advancement, particularly at the State and local levels. The August 1969 issue of *Industrial Research* reported on a recent White House-sponsored conference on technical information. At this conference Representative Emilio Q. Daddario, Head of the important Congressional Subcommittee mentioned above, forcefully stated his disappointment in progress in the Nation's informational handling systems and techniques during the past decade. At the same meeting, Dr. Lee A. DuBridge, Science Advisor to the President, admitted that "We still don't know how to advance—or use—this science and technology." Dr. DuBridge's statement is, of course, a broad generality. We have numerous major successful examples of the effective use of knowledge in addition to the military applications in World War II—in our extended and highly successful agricultural extension services, in atomic energy developments, in our space exploration activities, in our giant corporations. In all of these instances, applications were undergirded by—

1. Recognized goals and resources dedicated to the realization of the goals.

2. Well-staffed and well-supported information activities to analyze, store, retrieve, and "repackage" information for specific potential uses and users.

3. Applied research and development capabilities to adapt information to possible specific uses.

In contrast to these examples of successful use of knowledge, thousands upon thousands of potential users—organizations and individuals—throughout our Nation have no mechanisms or capabilities for requesting, analyzing, storing, and retrieving information, and for adaptive research to mold the knowledge to meet specific needs.

NEED FOR COUPLING MECHANISM FOR INFORMATION TRANSFER

At present, we continue to create new knowledge at a fantastic rate. It is said that man's total body of knowledge created during the past decade is valued at more than $150 billion and that it doubles in size in from five to ten years.

At present, primarily as a result of recent federal initiatives, we have sophisticated systems for the storage and retrieval of information. Many of the systems include analysis, selection, abstracting, and repackaging services.

At present, those organizations with defined goals and sufficient resources have the mechanisms and capabilities for identifying, collecting, and adapting information of potential use. The recent Apollo 11 mission is a superb example of successful application of science and technology.

But the great majority of organizations and individuals who might use knowledge existing in our diverse information storehouses do not have such resources. The NASA technology utilization program, the State Technical Services Program, and other technology-transfer activities have succeeded in creating some awareness that information does exist and has assisted some organizations in procuring specific information for their possible use. But these programs have had limited resources, and, as a result, limited audiences. Thus, vast quantities of knowledge, of some $150 billion value, are in well-designed and effectively operating information systems of our Nation ready for pick-up and use for social and economic advancement. Unless the knowledge is used, the efforts and expenditures leading to it, creation and processing are little more than costly intellectual exercises. The stimulation of the effective use of knowledge for social and economic progress is a responsibility of society parallel to its responsibilities for education, research, information, and libraries.

Any broad and general program for stimulating the use of knowledge should be based upon a full understanding of the processes leading to and including the use of the knowledge. Three distinct processes have been outlined schematically,[3] Research to Information to Innovation.

These processes are closely interrelated units of a system and require entirely different types of specialists for effective performance.

To the present time, prime emphasis and major resources in information activities have been applied to the body of information itself. For a broader use of knowledge, upon the innovators. The great majority of the users are not in the proximity of the information systems. The great majority are not in Federal and State establishments, but at *the local level;* many of the great majority do not even know that information of potential value to them exists. If this great majority is to be served, a major requirement exists for a coupling mechanism between the local users and the existing information systems, which are principally at the national level. State institutions, properly supported, could provide this coupling mechanism. Such state institutions could be large enough to provide adequate resources and small enough to respond to individual local needs. The state coupling mechanism, to do its job, must—

1. Have thorough knowledge of the many national information systems and procedures for procuring information from these systems.

2. Have knowledge of individual organizations at the local level.

3. Have resources for procuring necessary materials and capabilities for analyzing, selecting, abstracting, and rewriting information in language understandable by possible users in different fields of endeavor at the local level.

4. Have resources for communication with the national information systems and the users at the local level, and for delivery of selected information to possible users.

5. Have resources to demonstrate possible use of selected information.

All of these things have been done but not on a broad and general scale. The coupling mechanism will require applications specialists who exist only in very limited numbers at the present time; most of such specialists must be identified and trained.

The above coupling mechanism could identify, deliver, and demonstrate given information for specific use by a given enterprise. At this point, the receiver understands the information and realizes its potential value. But this successful delivery still does not assure use of the knowledge. Adaptive research and development will likely be necessary to develop models for a specific application, as well as thorough appraisals of costs and potential markets for possible new products and services. *The user must be stimulated to make investments in such activities.* The coupling mechanism could provide many services to assist in decision-making leading to an innovation. Such services could include the provision of information on—

(a) General market potential;

(b) Costs;

(c) Patents, production methods, etc.; and

(d) Sources of adaptive research and development assistance.

Such a coupling mechanism between the national information systems and the local users could be a major motivation in ex-

[2] National Referral Center for Science and Technology. *A Directory of Information Resources in the United States:*

Federal Government (June 1967);

Physical Sciences, Biological Sciences, Engineering (January 1965);

Social Sciences (October 1965); Washington, D.C., Library of Congress.

[3] Christopher E. Barthel, Jr. "Testimony on Proposed State Technical Services Act of 1965 (Senate Bill No. 949)." *State Technical Services Act:* Hearings before the Committee on Commerce, United States Senate, Eighty-Ninth Congress, First Session, on S. 949 and S. 2083, June 8, 9, and 10, 1965. (Serial 89-16), Pages 56-66. Washington, U.S. Government Printing Office, 1965.

panding existing industry and in the location of new industries in the state or regions served by the coupling mechanism.

The coupling mechanism will require substantial resources—for *capable* people in different fields of activity; for *good* communication with existing information systems and local potential users; for analysis, selection, rewriting, and redesign of material for possible specific applications; for field visits and demonstrations; for support of educational activities for potential local users.

Resources could be supplied in modest quantities on pilot projects, and expanded as the usefulness of the services was recognized and accepted.

The coupling mechanism should not be limited to industrial enterprises alone, but to state, county, and local governments; to school districts; to law enforcement activities; to judicial systems, and to other sectors of our structure. Evidence exists to show that these sectors need new knowledge but have neither the capability nor the resources for going after this knowledge.

IMPLEMENTATION OF A KANSAS REFERRAL SERVICE

There is a growing awareness at the Federal level that something must be added to present activities to deliver information to potential users. The fragmentation of present activities involved in the research-information-innovation system emphasizes limited audiences and limited areas of subject matter, but entirely inadequate provisions are provided for crossover into different audiences or into subject matter areas. The sheer number and great diversity of information activities stresses the need for generalist activities in this area—for the aforementioned coupling mechanism. There is also a growing awareness that an effective information delivery system must provide for face-to-face discussions between the delivery agents and the potential users. It is believed that a Statewide Kansas Referral Service [4] could effectively deliver information to users at the State and local level, the Service to be of a coupling nature and diagramed somewhat as follows:

KANSAS REFERRAL SERVICE

Information System No. 1, Potential User No. 1.

Information System No. 2, Potential User No. 2.

Information System No. N, Potential User No. N.

Such a Service, if properly supported—

1. Would not duplicate costly information systems now in existence; rather it would assure the use of these systems.

2. Would not be a repository of reports, papers, and books.

3. Would give user orientation to information activities.

4. Would provide for selective dissemination of information and person-to-person discussion with specialized potential users.

5. Would encourage *use* of information.

The location of such a Kansas Referral Service in the State structure is not readily apparent. The Service is not a library function, but the functions of a library could be extended to provide the Service. It is an extension-type activity, but the audience is much broader than that handled by individual extension services of our universities in Kansas. It requires a large and broad body of expertise to assist in analyzing and interpreting information and identifying innovative uses. Thus, a university is a logical location for this Service. It is a service activity, however, differing from teaching and research, and incentives must be provided university personnel to contribute to the services. It requires full-time "information salesman" for effective operation, and should be located in an organization in the university parallel to the teaching and research functions.

SUPPORT

It is believed that Federal support can be found to cover partial cost for the design of such a Kansas Referral Service, and for the operation of such a Service on a limited pilot scale.

CONCLUSION

It is apparent that this type of service is needed in the State of Kansas, and, through such a Service, Kansas could assume distinct leadership in the use of knowledge for social and economic progress.

ISSUES AND PROBLEMS IN APPLYING SCIENCE AND TECHNOLOGY IN PROGRAMS IN KANSAS

BACKGROUND

The Research Foundation of Kansas was created by the 1963 Kansas Legislature to serve two basic purposes—

1. To overview, stimulate, and coordinate the research and devolopment activities of the State of Kansas in "all areas of intellectual endeavor."

2. To encourage the application of research results for the advancement of the State of Kansas and its people.

The Research Foundation of Kansas had little precedent in our country, and, of necessity, the legislation creating it was very broad and general in language and scope. The development of the programs of the Research Foundation was, thus, an experimental activity—and an activity quite different from that involved in Federal service, with which we are both experienced. As the programs of the organization were developed and implemented, issues and problems were identified, and these issues and problems of Kansas have been assessed and reassessed.

We have been following the activities of the Intergovernmental Science Planning Program of the National Science Foundation almost from their inception. We are pleased and enthusiastic about the creation of this Committee on Intergovernmental Science Relations by the Federal Council for Science and Technology. We have studied most of the material which Dr. Frank Hersman has sent us, and must commend the Federal Council and the Committee on the statement of rationale and of objectives for the Committee. We can certainly detect in these statements, and in accompanying materials, a keen perception of the problems which face government at the state and local levels. We are sure that we speak for a number of persons like ourselves who are struggling at the state level in the complex task of integrating science and technology into public affairs when we wish the Committee outstanding progress and success—if for no other reason than that your work will reinforce and undergird our own efforts.

Thus, we are pleased to share our Kansas experiences with you this morning by discussing briefly "Issues and Problems in Applying Science and Technology in Programs in Kansas."

RESEARCH FOUNDATION OF KANSAS

The State of Kansas has a rich heritage in the field of agriculture and is blessed with a population of rugged individuals from a pioneer stock. Kansas has invested heavily in education; in 1967, 42.6% of the total general expenditures of State Government was allocated to education—supporting elementary, secondary, vocational education, and junior college education, as well as six state colleges and universities. In addition, private colleges and universities of the State number 18. (One a municipal university.) The State has been a major exporter of its young people and has been struggling to increase its per capita income to the national average. (It was 96.9% of the national average in 1967.) These issues were investigated by a Governor's Economic Development Committee in the early 1960's. The investigations led to the establishment in 1963 of a Research Foundation of Kansas in parallel with a refurbished Kansas Department of Economic Development and a new Office of Economic Analysis to stimulate the social and economic advancement of the State. The initial thrust of the Research Foundation, as outlined in the broad terms of its enabling legislation, was to undergird and strengthen the research and development activities of the universities and to interpret and stimulate the flow of research results into programs of the State. The Board of Directors of the Research Foundation was appointed in mid-1963; an office for the organization was established in mid-1964. By the time of the establishment of the office, the State universities had received certain authorities and flexibilities to improve their operations. As a result, the Research Foundation maintained liaison with the universities of the State, but created and developed service programs to accomplish the basic purposes of the legislation. The programs which evolved to meet the needs established by the Board of Directors were:

1. An inventory of research and development activities of the State of Kansas.

2. A public awareness program directed to the general public and the leaders of the State.

3. Research information and referral services.

4. Research advisory services.

A basic concept of the Research Foundation was the restriction of its activities to overview, stimulation, and coordination functions, not the conduct of operational programs. Thus, in 1965, the Research Foundation assumed leadership for the design of a five-year plan for technical services in Kansas which led to the creation of a Kansas Industrial Extension Service under the Kansas State Board of Regents to operate a Kansas Technical Services Program; the Research Foundation was appointed Designated Agency for this Federal-State activity. An exception to the concept of restricting the role of the Research Foundation to overview, stimulation, and coordination was the creation and operation of a Kansas Vocational Education Research Coordinating Unit at the request of the Kansas State Board for Vocational Education.

We do not think it proper to go into detail at this time on the enabling legislation or the programs of the Research Foundation. Rather, we submit to this Committee a copy of the enabling legislation of the Research Foundation of Kansas (House Bill No. 183 of the 1963 Kansas Legislature) and the most recent Annual Report of the organization for the records of this meeting of your Committee. The Annual Report reports briefly on the history and progress of the Research Foundation.

NEEDS IN APPLYING SCIENCE AND TECHNOLOGY AT THE STATE AND LOCAL LEVELS

Based upon the five and one-half years of program experience of the Research Foundation, a number of observations can be made on the type of activities conducted by the organization and the success of the Research Foundation in carrying out such activities. Specific needs identified for applying science and technology at the State and local levels, together with the effectiveness of the Research Foundation in meeting the needs, follow:

1. A need exists in Kansas for a single recognized focal point at the State level for information on scientific and technological activities and for the coordination of such activities.

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[4] The term "referral service" is used instead of "information service" to stress that the activity would not be a document-gathering function, would not duplicate existing costly information systems, and would be an action-oriented service to relate knowledge to potential users.

The Research Foundation has served in such a focal-point capacity in the creation of the Kansas Technical Services Program and the Kansas Vocational Education Research Coordinating Unit, and in argribusiness and children and youth programs in the State, among others. Its focal-point role has been effective in communication with the Kansas Congressional Delegation, with Federal agencies, and with regional bodies. Additional resources would permit additional services in other areas.

2. A need exists in Kansas, and has existed from the very beginning, for a public information program to improve the awareness of those in State Government, as well as the average citizen, of the significance of research and development and science and technology to social and economic advancement.

An initial thrust of the Research Foundation was in this area, with the publication of a number of items[1] on the research resources of Kansas, and the conduct of specific conferences and symposia. Budget cuts have reduced this important activity to minimal levels. The Board of Directors still considers this a vital area of concern for the Research Foundation.

3. A need exists in Kansas for a continuing inventory of research and development and scientific and technological activities carried out in the State to serve as a resource for information and referral services.

The Research Foundation attempted to communicate with the performers of research and development in the State in 1965 and collected considerable data on the State's research and development and scientific and technological activities. This initial effort has been drastically reduced during the past two or three years because of personnel cuts and the pressure of other activities. The present inadequacy of the inventory program impairs the work of the Research Foundation in other areas of concern.

4. A need exists in Kansas for the establishment of specific research and development and scientific and technological goals, objectives, and actions at the State and local levels.

The Research Foundation has enjoyed limited success in stimulating organizational and program goals. It has written a formal program for such goals—establishment activities into its budget requests during the past several years, but the requests have not been approved by the State's fiscal apparatus.

5. A need exists in Kansas for a mechanism with authority to mobilize research and development and scientific and technological resources in the State to accomplish the purposes of State and local governments. The Research Foundation has been successful in such mobilization activities in connection with the State Technical Services Program, in the establishment of the Kansas Vocational Education Research Coordinating Unit, and in a few other areas. Its efforts in this area have been limited, however, by human and financial resources.

6. A need exists in Kansas for a linkage mechanism between the Federal information system and the users of scientific and technological information at the State and local levels. Generally speaking, the potential users of scientific and technological information at the local levels, and many at the State level, do not know of the existence of information resources and do not know how to procure information from such resources.

This is a crucial area of concern to the Board of Directors of the Research Foundation and to the State of Kansas, particularly since the announcement of the termination of the State Technical Services Program.

As a result of the concern of the Board, we have attempted to analyze, in a broad way, the problems involved in the delivery and use of information in a paper entitled "The Use of Knowledge," which was prepared for the Board of Directors of our Research Foundation. In the hope that the paper may be of some assistance to the Committee, we recommend that a copy be filed in the records of this meeting.

The Research Foundation has performed, in a limited way, service as a linkage mechanism between organizations and persons of Kansas seeking specific scientific and technological information and the information systems at the Federal level. Much more could be done in this area with additional resources. In particular, the Research Foundation could devote more attention to publicizing the availability of information in the Federal systems and to the selection, repackaging, and distribution of specific information to appropriate possible users. Resources have just not existed for a significant thrust in this area.

7. A need exists in Kansas for advisory services in organization, program, and project planning and design. Adequate competence does not exist at the local level, and in some State agencies, for development of plans and designs to compete favorably with the plans and designs of other states. The universities have competence to provide such advisory services, but their faculties are already over-burdened with responsibilities in teaching, basic research, committee and service activities, and other professional duties.

The Research Foundation has performed such services to a limited degree. Some of these services are listed on Pages 9–10 of the 1968 Annual Report of the organization. The limited recognition and resources of the Research Foundation have prevented more services of this type.

ISSUES AND PROBLEMS

The above listing of State needs in the application of science and technology and the assessment of success of the Research Foundation operations in meeting these needs indicate distinct accomplishment of the organization and its programs, but also stress the crucial need for additional resources in the Research Foundation, or elsewhere in the State structure, to improve the process of applying science and technology to the solution of State and local problems.

Principal issues and problems which have restricted the application of science and technology to programs in Kansas are—

(1) Severe financial problems of the State. This is the principal issue in the current (1970) session of the Kansas Legislature. Both the Governor and the Legislature are concerned about taxpayer rebellion. Many worthy programs are suffering cutbacks.

(2) Lack of specific, well-publicized science and technology goals for the State. The State's Planning Division, operating in the Kansas Department of Economic Development, is making progress in the development of State plans under the 701 Program. A basic need exists for the formulation of specific, well-defined objectives and the recommendation of priorities for consideration of the Governor and the Legislature.

(3) Inadequate understanding on the part of the general public and State and local leaders of the significance of science and technology to social and economic advancement and of modern scientific and technological methods that might be employed in Kansas to improve the gross State product and broaden the public tax base.

(4) A general disillusionment on the part of the general public and State and local leaders with research and development and science and technology resulting from the soul-searching going on in these areas.

Principal issues and problems relating specifically to the Research Foundation of Kansas include the inadequacy of—

(a) Recognition of the Research Foundation and its role in the State.

(b) Staff to communicate more effectively with the scientific and technological resources of the State.

(c) Staff for the maintenance of a more effective inventory of scientific and technological resources.

(d) Resources and authorities to mobilize more effectively the scientific and technological resources of the State.

(e) Resources and authorities to develop a more effective information and referral activity for Kansas.

(f) Resources to provide prompt research advisory services as requested.

(g) Staff to communicate with leaders of Kansas at the State and local levels.

(h) Staff for the establishment and maintenance of a formalized science and technology goals program.

We must stress that the Research Foundation is sharing these issues and problems with most other agencies and organizations of the State of Kansas. We must also stress that in all of the issue and problem areas listed, the Research Foundation has enjoyed some progress. The magnitude of the effort has just not been adequate for the type of thrust in science and technology necessary for major contributions to the State and its people.

ESTABLISHMENT OF DEPARTMENT OF SCIENCE AND TECHNOLOGY IN KANSAS

The Board of Directors of the Research Foundation, the Governor's Office, and the Legislature recognize the issues and problems which have retarded the progress of the Research Foundation. In 1967 the Board of Directors passed the following resolution:

While the Board of Directors of the Research Foundation is proud of programs developed under its auspices to the present time, it recognizes the extremely broad area of concern of the organization and the limited funds available for support of programs. The Board is dedicated to the development of the best programs possible for the State consistent with the authorities of its enabling legislation. To this end, the Board of Directors, at its meeting of October 10, 1967, passed the following resolution for presentation to the Governor at this time:

In view of the experiences of the Research Foundation to date, the rapidly changing character of research and the economy of our nation, and the opportunity for evaluation of the economic development programs resulting from the recommendation of the Governor's Economic Development Committee, the Board of Directors of the Research Foundation recommends to the Governor that a Committee be appointed to make a study of the role of the Research Foundation in the overall programs of the State and the possibility of realigning the setting and activities of the Research Foundation in the interest of the more effective discharge of its responsibilities to the State of Kansas and its people. The Board further recommends that the Committee report its recommendations and findings in time for consideration by the 1969 Session of the Legislature.

In his message to the Legislature covering the 1969 budget, the Governor of Kansas said:

"I recommend that the Legislature make a review of the operation of the Research Foundation and determine whether it is in the best interest of the state to continue this operation. The Board of Directors of the Research Foundation has recommended that the Governor create a Committee to study

[1] Typical publications are provided for the records of the Committee on Intergovernmental Science Relations.

the role of the Research Foundation in the overall programs of this state. I think that this study could be done more appropriately by this Legislature."

The Legislature responded by sending one of its members to the Conference on "Science, Technology, and State Government" which was sponsored by the Southern Interstate Nuclear Board and held in Louisville, Kentucky in September 1968. This representative, Mr. Fred A. Linde, himself a chemical engineer practicing in industry, introduced into the 1969 Session of the Legislature House Bill No. 1340 to create a Department of Science and Technology for the State of Kansas to serve as a successor organization of the Research Foundation of Kansas. It is requested that a copy of this Bill be introduced into the records of this meeting.

The principal provisions of the proposed legislation follow:

1. A new name is provided for the organization responsible for the overview, stimulation, and coordination of scientific and technological activities. The Research Foundation of Kansas has been a misnomer from its very beginning. It has never served as a "foundation" in the usual sense of the word.

2. It defines more specifically the responsibilities and authorities of the new Department.

3. It specifically directs the Department to provide science and technology advisory services to the Governor and to the Legislature.

4. It reorganizes the administrative structure of the governing body to include scientific and technological leaders of Kansas instead of business leaders and permanent members of the Board of Directors by virtue of their State positions.

House Bill No. 1340 was referred to the Federal and State Affairs Committee of the Kansas House of Representatives in the 1969 Session. Hearings were held on the Bill on December 10, 1969, at which time numerous witnesses spoke in favor of the Bill. Members of the Committee, however, questioned the need for new legislation. It is difficult, or perhaps impossible, at this time to predict whether or not action will be taken in the 1970 Session on this proposed legislation in view of the several serious basic problems confronting State Government at the present time.

RECOMMENDATIONS

The issues and problems at both the State and local levels and in the Research Foundation itself prompt the following recommendations:

1. It is recommended that the Office of Science and Technology of the Executive Office of the President initiate the development of a science and technology public awareness program to feed information to the general public, to the Governor, and to the Legislature of the different states (a) on the significance of science and technology to problem-solving and to social and economic advancement; (b) on Federal programs that could undergird state programs; (c) on exemplary programs in the states that might be adaptable to other states.

2. It is recommended that an appropriate unit be established in the Office of Science and Technology of the Executive Office of the President to serve as a focal point for communication between the Federal Government and the states on scientific and technological matters.

3. It is recommended that legislation be prepared to provide for Federal block grants on an annual basis to each of the states for support of its science and technology unit or for establishment of such a unit.

4. It is recommended that the same legislation provide matching funds for Federal support of exemplary programs in the states in the application of science and technology in public programs.

5. It is recommended that the Federal Government support several pilot programs in selected states to stimulate a greater use of information at the state and local levels through the establishment of a state coupling mechanism between the state and local users of information and the Federal information systems.

6. It is recommended that the Office of Science and Technology of the Executive Office of the President reconsider the recommendations of the report entitled "Technological Innovation: Its Environment and Management," and initiate the implementation of those recommendations which will stimulate the application of science and technology at the state and local levels.

CONCLUSIONS

We are grateful for the opportunity to share our experiences with this Committee on Intergovernmental Science Relations, and enthusiastically look forward to a strong Federal-Kansas relationship dedicated to the effective application of science and technology to the solution of today's complex problems and in programs for social and economic advancement.

VICE PRESIDENT REPORTS ON HIS ASIAN TOUR

Mr. GRIFFIN. Mr. President, in a speech today before the California Newspaper Publishers Association in Los Angeles, Vice President AGNEW gave an excellent report on his Asian tour last month.

I ask unanimous consent that the text of his address be printed in the RECORD.

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

REMARKS BY THE VICE PRESIDENT BEFORE THE CALIFORNIA NEWSPAPER PUBLISHERS ASSOCIATION, LOS ANGELES, CALIF., FEBRUARY 5, 1970

I come before you today in the role of reporter, to relate to you my observations during my eleven-nation tour of Asia last month.

Before I'm through, I will switch to the role of editorial writer, to comment on the meaning of the Nixon Doctrine to our nation and to the world.

As I may have mentioned before, I'm a believer in separating fact from opinion.

First, let me touch on some of the lighter moments of the trip.

I spoke to Bob Hope when I got back, and he said he had heard I'd done fine, but he thought it was a bit much for me to wade ashore at Manila.

As you know, the State Department and Dr. Kissinger's office brief you rather carefully before making one of these trips.

Actually, it can be a little unnerving. One of my briefing papers pointed out that the national anthem in Afghanistan is in three movements and cautioned me not to relax or sit down at one of the pauses in the middle. Throughout the trip in case anybody wondered why I remained at attention long after every one of the national anthems was over, it was because I was asking myself: "Am I sure this isn't Afghanistan?"

The President, of course, has an even more detailed schedule on his own trips abroad. When he went to Paris last year—this is true—he was handed a scenario by the advance men that included a strange item in it: "After President Nixon speaks for ten minutes, his remarks will be translated into *English*." Sometimes we have trouble communicating, but I never thought it was that bad.

The press gave my tour complete coverage, both here and abroad, and I have no complaints. But there was one time, in Bangkok, when they went a little far. Coming out of one of the temples, I was putting my shoes back on and noticed a photographer down on the ground shooting a picture of me tying my shoelaces. That wasn't so bad, but then a radio newsman bent down and held a microphone three inches from my shoe, as if he expected it to make a comment. Some reporters were waiting for me to put my foot in my mouth, but this one apparently thought I'd put my mouth in my foot.

In a serious vein, let me discuss with you some of the impressions gleaned from my visit to Vietnam and my talks with Asian leaders.

In South Vietnam the morale of the U.S. troops is high. Just as important, there is a genuine and growing spirit of cooperation between U.S. troops and the men of the South Vietnamese army.

I have learned that "Vietnamization" is not just a word; more and more, it has become a fact; and it has stimulated the self-respect and self-confidence so necessary to any army in the field.

After so many years of hopes that were raised and dashed, there can be expected to be a certain skepticism on the part of observers in South Vietnam. But even the most skeptical are becoming convinced that the process of shifting the burden of fighting is working, though much remains to be done.

We are bound to hear more from those here at home who wanted us to pull out immediately and whose voices became muted after the President's November 3 speech. They are being proved wrong, and they don't like it one bit; obviously, they will seize upon any temporary setback to justify their own ideas of "peace now, worry about the price later."

But the people, and the press, cannot be fooled about Vietnam in the Seventies. There is a new realism in policy, a new realism in news coverage, a new realism on the part of South Vietnam's leadership.

I could sense that realism in my conversations with President Thieu and with Ambassador Bunker. Because the "iffiness" is gone from American policy, because President Nixon has a plan to end this war, you can actually feel a steadiness of purpose in Vietnam that was never there before.

Importantly, the President's plan to end the war honorably is no isolated solution to a single difficult situation—it is a part of a total design, a strategy that is becoming known around the world as the Nixon Doctrine.

Part of my job on this Asian trip was to carry the message of this Nixon Doctrine to the capitals of our allies. I can report to you tonight that this message is being understood and it is being welcomed.

That doctrine was clearly spelled out in the President's State of the Union message:

"Neither the defense nor the development of other nations can be exclusively or primarily an American undertaking.

"The nations of each part of the world should assume the primary responsibility for their own well-being; and they themselves should determine the terms of that well-being.

"We shall be faithful to our treaty commitments, but we shall reduce our involvement and our presence in other nations' affairs."

Those words are reverberating in the faraway places with the strange-sounding names: in Kuala Lampur, in Kathmandu, in Kabul. Whenever a great power sets a new course, other powers must reexamine their own policies.

The Asian leaders I met are in that process now, and it is a healthy new look that is resulting in an increased self-reliance.

But one leader told me of a concern of his. There is a lag in communication across the Pacific. The change of mood of the American people since November has not yet traveled across the ocean.

People in many Asian nations, he said, are still worried about a new isolationism on the

part of the American public. They saw the films of the protesters here, they read the headlines demanding immediate withdrawal, and they genuinely fear that this will be the wave of the future in the U.S.

In these days of instantaneous communication, when a change in officeholders can be flashed across the world in the flick of an eyelash, how do you communicate a change in mood?

The Asian leaders have been reassured by the way the American people have rallied behind the President's plan—but much of the Asian public remains unaware and worried.

This means that we must hold fast to our new sense of purpose, and rely on their media and ours to communicate that steadfast spirit. It will take time, but it is an essential step toward stability in the Far East.

The junketeers with old axes to grind, the observers who portray American public opinion as self-doubting and wavering, not only transmit a false picture—they undermine the foundation of peace and security that Asians and Americans together are beginning to build.

There is one element of concern and one element of confidence that pervade the conversations of every Asian leader.

The element of concern is this: the potentially aggressive intentions of Communist China. Some say that the Sino-Soviet split is not as serious as most Western observers believe; others say that the Chinese may be so frustrated in their dealings with the Soviets that they may act more aggressively in Southeast Asia. Whatever the possible Chinese motive, the fact is that Asian leaders show a lively concern about the potential threat of Red China.

On the other hand, the element of confidence is this: The leaders of Asia believe their area is going to make enormous progress in the generation ahead, and they are convinced they can guide their peoples to new heights in economic gains and new fairness in social affairs.

As we in America talk of welfare reform and draft reform, the leaders in Asia talk of land reform and reform of unrepresentative government. The "age of reform" is worldwide.

You can see this in the land reform programs in Vietnam, in Malaysia and on Taiwan; you can see it in the industrial development in Singapore, in the economic stabilization of Indonesia, in the success of miracle rice in the Philippines, in the action toward more representative government in Nepal and Afghanistan.

In each case, it is significant that the road to development is much more like the democratic way than the communist way. The peoples of Asia believe, and rightly so, that they can have their rice and their freedom as well.

There is one perspective I gained in Asia that I especially want to share with you.

In the long pull of history, 1969 may be remembered as the year in which America regained her balance and her self-confidence, and moved to a new awareness and a new role in world affairs.

But in Asian eyes, one event that went relatively unnoticed here may also grow in importance with the years. That was our return of Okinawa to Japan.

The world's greatest industrial nation turned over a powerful and strategic base to the world's third largest industrial nation. That says a lot about America to the Japanese and to all Asians.

This was done with no great outcry about a loss of American security; that says a lot about the leadership of a President, and the confidence of the American people in his judgment about our security needs.

Finally, this was done to lay the groundwork for close cooperation and friendship between two great Pacific powers—on which so much of the future stability of Asia depends.

As I said, this went relatively unnoticed in the United States; on the contrary, it was very carefully noted in Asia.

Up to now, I have been reporting my observations of my talks with Asian leaders. It is remotely possible that I have slipped a little personal opinion into my report; objectivity doesn't come easy to Vice Presidents, either.

My conclusion, however, is a flat-out editorial:

It's hard to talk about Doctrines without sounding doctrinaire. But let me try.

The Monroe Doctrine said to Europe, "Stay out of this hemisphere." The Truman Doctrine said to the Soviet Union, "Stay out of countries that want to remain non-Communist." The Nixon Doctrine says, "We'll help our friends who are willing to help themselves."

Each of these doctrines was enunciated at a critical turning point in our history. The first two were right for their time; the Nixon Doctrine is right for our time.

It was Woodrow Wilson who said "Democracy is more than a form of government. It is a form of character."

The American character today is not the sort that sells out its friends, that runs away from its commitments, that tries to turn inward and lets the rest of the world go hang.

Nor is it a part of the American character to take on the jobs that others should be doing for themselves, to weaken the will of our friends by carrying their burdens for them.

The message I carried to Asia on behalf of the President was this: that America stands behind its friends, not in front of its friends, in their defense of their freedom.

And the message I brought back was this: As self-respect and self-reliance increase among the nations of Asia, respect for America will continue to rise.

TRAGEDY IN NIGERIA

Mr. CRANSTON. Mr. President, as I have commented in the past, I am deeply concerned over the tragic situation in Nigeria and have communicated this concern to Secretary of State Rogers and President Nixon. The situation demands our constant and consistent efforts to alleviate the horrifying conditions which exist in what was formerly Biafra.

It has recently come to my attention that a student organization, Students for Biafran Relief, has been organized and is operating from the University of Notre Dame. This organization has been established to work for the noble aim of assisting to save the millions of people who are still starving in Biafra.

Students for Biafran Relief seeks to enlist aid from students, laymen, political leaders and corporations to express their opinions on this situation, and I am pleased to lend my support to this fine effort.

Once again, the positive activism of today's youth is being demonstrated through such an effort and it is my hope that this effort will succeed in providing the necessary assistance to the thousands of people who are starving in Nigeria.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The BILL CLERK. A bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

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

The PRESIDING OFFICER. Pursuant to the unanimous-consent agreement, the Chair recognizes the Senator from Mississippi (Mr. STENNIS).

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time not be charged against the time that has already been allotted to the distinguished Senator from Mississippi (Mr. STENNIS).

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

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.

Mr. STENNIS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The amendment of the Senator from Maryland (Mr. TYDINGS).

Mr. STENNIS. Mr. President, my remarks will be addressed primarily to amendment No. 481 to the bill. My remarks will be entirely germane, I am sure, and therefore they will be in order, under the rules, for 3 hours. I make that statement for the information of the Chair.

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

Mr. STENNIS. I yield to the distinguished Senator from Florida. I understand that he must leave the Chamber to attend to an important matter.

Mr. HOLLAND. Mr. President, I want to express to the distinguished Senator from Mississippi my very great appreciation for the leadership he is taking in this matter. I am glad to be one of the cosponsors of the amendment he is about to discuss.

I am sorry that I am called from the floor, but the Governor of our State has requested a conference in 15 minutes at the other end of the Capitol, with the delegation from Florida, on this very subject.

I want the record to show that that is the reason for my absence and that I very strongly support the effort of the Senator from Mississippi and hope to join in it a little later.

Mr. STENNIS. I thank the Senator very much for his remarks as well as his sentiment. I look forward to his re-

turn to the Chamber. His support is encouragement to anyone, and I know of his interest in this subject.

Mr. President, I always want to yield to any Senator at his convenience and be courteous to him, but I should like to present some facts I have in this case, and proceed without interruption, unless it is of the briefest kind, and then, when I have concluded my remarks, I shall be glad in every way to yield for questions.

ADDITIONAL COSPONSOR

Mr. President, I ask unanimous consent that the name of the Senator from Virginia (Mr. BYRD) be added as a cosponsor of amendment No. 481.

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

Mr. STENNIS. Mr. President, I ask unanimous consent that the text of amendment No. 481 be printed in the RECORD at this point.

There being no objection, amendment No. 481 was ordered to be printed in the RECORD, as follows:

On page 45, between lines 4 and 5, insert the following new section:

DISCRIMINATION ON ACCOUNT OF RACE, CREED, COLOR, OR NATIONAL ORIGIN PROHIBITED

SEC. 2. (a) No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.

(b) Except with the express approval of a board of education legally constituted in any State or the District of Columbia and having jurisdiction, no student shall be assigned or compelled to attend any school on account of race, creed, color, or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone, or attendance unit, by whatever name known, shall be established, reorganized, or maintained for any such purpose: *Provided,* That nothing contained in this Act or any other provision of Federal law shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian.

Mr. STENNIS. Mr. President, I speak today in favor of amendment No. 481 for the sole purpose of trying to preserve the community and the neighborhood schools of each State in the United States.

I have already said that I refer to amendment No. 481 to H.R. 514. The following named Senators are cosponsors of that amendment: Mr. RUSSELL, Mr. HOLLINGS, Mr. TALMADGE, Mr. EASTLAND, Mr. ERVIN, Mr. HOLLAND, Mr. ELLENDER, Mr. JORDAN of North Carolina, Mr. THURMOND, Mr. ALLEN, Mr. TOWER, Mr. SPARKMAN, Mr. GURNEY, Mr. MCCLELLAN, Mr. LONG and the Senator from Virginia (Mr. BYRD).

Mr. President, I want to preserve the neighborhood schools—and I am talking about public schools—to keep them for their primary purpose; namely, the education of our children.

I am sure that that motive and that desire are shared by every Member of this body. We might disagree as to the extent to which it is being impaired now, but we all agree that we must find a way to keep our schools engaged in the primary work of education of children.

Mr. President, I am not speaking today against integration. I accept that as a starting point, that it is the law. It has already been applied in the schools in the State which I have the honor to represent.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. BYRD of West Virginia. Is the Senator saying that forced integration is the law?

Mr. STENNIS. No. I do not mean to imply forced integration is the law in all circumstances. I mean by integration here that there can be no disclaimer or refusal to recognize the right of a child to enter a school because of race, creed, color, or national origin, if that child is otherwise entitled to enter it. Then there is no discrimination against him.

The first part of the amendment reads as follows:

No person shall be refused admission into or be excluded from any public school in any State on account of race, creed, color, or national origin.

I start with that. I announced that that is my purpose.

Mr. BYRD of West Virginia. I simply want to say that I think I understand the Senator. He is saying that no child may be excluded from any school on the basis of race, creed, color, or national origin and that, therefore, State-enforced segregation is illegal; but I take it, and I hope that I understand him correctly, that he does not mean that forced integration, on the basis of race, creed, color, or national origin is the law of the land.

Mr. STENNIS. No. The Supreme Court has never gone that far, as I understand. It is a matter here of each child having the right, so far as race, creed, color, and national origin are concerned, to enter a school if that child is otherwise qualified.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. STENNIS. I thank the Senator for his concern and his questions.

Mr. President, I shall not seek in any way to discredit or criticize the Supreme Court as a highly important branch of our Government, but I shall not hesitate fully to state the unhappy facts brought about from the application of certain Supreme Court decisions regarding the massive integration of certain schools in the South.

The Supreme Court, in these recent decisions, in demanding total and immediate integration in many schools, even in the middle of the school term, alerted the parents of children all over the Nation, beyond the South, to what can be in store for them if this policy, which is now applied to the South, is ever applied to other areas of the Nation.

I am confident that, in time, the great majority of the parents of schoolchildren in this Nation, as well as a great majority of other citizens, will line up behind the principles of this amendment.

In short, amendment 481 provides no discrimination against any individual student because of his race, creed, color, or national orgin. It further provides a major measure of freedom of choice for parents in the selection of the school for their children and, in effect, precludes the busing of children away from the community school without the consent of their parents.

Since getting into these figures about segregation in States beyond the South, I have talked to a great many Senators and Members of the House. I have received mail from other parts of the Nation. There is growing concern and growing opposition, beyond all doubt, to the busing of children away from their homes and home schools just in order to create a so-called racial balance or racial percentage of students in some schools somewhere else—5 miles, 10 miles, or 20 miles away.

Mr. TALMADGE. Mr. President, will the Senator from Mississippi yield at that point?

Mr. STENNIS. I am happy to yield to the Senator from Georgia.

Mr. TALMADGE. I ask the Senator if it is not true that we have more integration in southern schools today than in any other section of the country wherever the two races live together?

Mr. STENNIS. Well, percentagewise—there are some very interesting figures on that, but percentagewise, of the total black and white students, I do not think the percentage would be higher.

Mr. TALMADGE. Is it not 40 percent in the South?

Mr. STENNIS. No; I do not think it is that high yet.

Mr. TALMADGE. What is the percentage in the South? My recollection was that HEW's own estimates showed it to be 40 percent where there was some integration in the schools affected.

Mr. STENNIS. I do not think it is that high.

I have the figures here somewhere, but I do not know that I can readily put my hands on them. I will refer to some figures later. In the five largest cities in the South, and in the five largest cities outside the South, there is a striking parallel. There is just as much integration in the South as there is in the North as to some of these cities.

Mr. TALMADGE. Does the Senator recall the percentage in Washington, D.C.?

Mr. STENNIS. In Washington, D.C., it is 95 percent—I think 94.7 percent—now of black students and the others are white, of course.

Mr. TALMADGE. Does the Senator recall the percentage in Chicago?

Mr. STENNIS. Well, there are over 100 schools in Chicago—I have that table here somewhere—but I really do not wish to go into that at this point——

Mr. TALMADGE. The Senator will be covering that in his speech. I shall not interrupt him further.

Mr. STENNIS. Yes; I will cover that. There are over 100 schools in Chicago which are totally 100 percent black. There are about 250, as I recall, that run from 94 percent to 100 percent totally black

Mr. TALMADGE. They are not doing any busing there?

Mr. STENNIS. No.

Mr. TALMADGE. They are not assigning anyone anywhere else?

Mr. STENNIS. No. So far as the Civil Rights Act is concerned, they asked them to do something about that a few years ago, but it was all swept under the rug. They asked them to do something about integration among the teachers last May, and the teachers flatly refused to do so. They offered a $1,000 bonus to switch them around in the schools but they turned that down, too, and there has been nothing done about it.

Mr. TALMADGE. Mr. President, what they have done has been exclusively in the South and nowhere else in the country.

Mr. STENNIS. With certain exceptions, and I will enumerate those. It has been a comparatively slight scratching of the surface. The men who work in HEW will really tell the Senator that the combined effect of all they are doing outside of the South is just a ripple. It does not mean anything. It is just a scratching of the surface.

The Senator is correct.

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

Mr. STENNIS. Mr. President, the amendment comes from good parentage. The people of the great State of New York, confronted as they were with the merging massive State plan—and this is a very significant thing—for the busing of the children in the State of New York to schools away from their own communities, in order to achieve racial balance—and this was a State plan under Mr. Allen, then Commissioner of Education of the State of New York—appealed to their lawmaking authorities, their State legislature for the passage of a law that would prevent the busing plan.

After the fullest debate, the assembly of the State of New York passed a bill to end the compulsory busing of school children for the purpose of integration by a vote in that assembly of 104 to 41.

That bill, in effect, prohibited the busing of children according to the plan proposed by Commissioner James E. Allen, Jr., then Commissioner of Education in the State of New York. Mr. Allen is now Commissioner of Education and Assistant Secretary of Health, Education, and Welfare here in the Federal Government.

Governor Rockefeller signed that bill on May 2, 1969. And it became effective, according to its own terms, on September 1, 1969. It is now chapter 342 of the laws of New York, 1969, regular session.

Later on, but not now, I shall ask unanimous consent that a copy of that law be printed in the RECORD at the conclusion of my remarks.

Mr. President, I base my argument on two major essential steps. We all know that this idea of massive integration, total integration, is not acceptable to the people in the South or the North.

Speaking for the Negro people of Mississippi, I know that a great number of them do not want such a plan carried out. I have observed this thing clearly. I have seen what this massive demand does to the quality of education itself.

I am fully satisfied that, even though we try this for 10 or 20 years in the South, and then for 15 years in the North, we will finally come back to a plan substantially similar to what the amendment provides.

The children will not be bused away from their home communities, and the parents will have a choice in saying where they shall go, through their local school boards. It will come back to that. And I do not think it will take very long because of the growing realization of the people outside of the South that their time is close.

Mr. President, for the first time in the history of our Nation, the President of the United States has authorized the Vice President to say that the President is going to create a special commission, to be headed by the Vice President and at least two other Cabinet members and other Presidential advisers.

For what purpose is this? This is a very significant thing. It was for the purpose of applying the decree of the Supreme Court with the least disruption to the schools. Those are the words Mr. AGNEW used, the least disruption.

That is an admission that the President of the United States finds that there is disruption. It is saying that he thinks something ought to be done about it. He is not empowered to override the Supreme Court of the United States. But he nonetheless feels compelled to try to do something about it, and he is putting his first team to work on it.

Second, the Vice President said that we ought to, at the same time, preserve the quality of education. That is a recognition of the fact that quality of education is in peril. One can call it what he pleases—civil rights or the mouthing of a southern Senator. Everyone knows—and I will prove it more and more by the record as I go along—that the quality of education is imperiled by this social scheme dumped in the laps of the schools.

That is what the Vice President said, that the President had authorized him to move with these others in that direction. And it is none too soon. It is none too soon.

I have been down there where this thing has happened. The people want their schools. They want to try to obey. They do not know what to do. The parents do not know what to do. The little children, white and black, are confused. The teachers and the principals are confused.

They came and talked with me about it. People that I have known all of their lives and most of mine tell me the truth. They pour out their hearts and souls. They do not know what to do.

The superintendent of schools said he does not know what to do. The lawyers representing the school districts, small and large, do not know what it means. The Court talks about a unitary system. They never defined a unitary system. The court of appeals does not know what to do about it, frankly.

Some of these decrees came down using the term "immediately." The district courts and the court of appeals were not willing to render a decree contrary to their judgment. So they gave a little additional time. It bounced up here, and the Supreme Court threw it back, saying, "Now, now, everything now!"

So, there is a little glimmer of hope. The last order had four dissenting votes. Two of them partly dissented, and said they would at least allow 8 weeks. Two others said we ought to be given what the court of appeals had found as facts in its judgment. It was not unanimous. It was 4 to 4, really. That affords a glimmer of hope.

I know that it takes something to disturb the President and cause him to set up a commission of his first team to try to implement Supreme Court decisions without disrupting the schools any more than necessary. And he wants to preserve the quality of education.

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

Mr. STENNIS. Mr. President, I am glad to yield to the distinguished Senator from Arkansas.

Mr. McCLELLAN. Mr. President, I thank the distinguished Senator for yielding.

I compliment the Senator on his amendment. I beileve that I am a cosponsor.

Mr. STENNIS. The Senator is correct.

Mr. McCLELLAN. I hope the amendment will prevail, although that may be a forlorn hope.

The Senator points out that there was mention of a new commission being set up by the Vice President. The Senator said that the Vice President pointed out that this was an attempt to find some way—what was the exact quotation?

Mr. STENNIS. The Vice President used these words, "to apply the decree of the Supreme Court with the least disruption of schools and then preserve the quality of education."

Mr. McCLELLAN. I believe the Senator did say that obviously the President had found disruption prevailed to a degree.

Mr. STENNIS. Yes. The Senator is correct.

Mr. McCLELLAN. And that he felt it was his duty, and he felt the necessity, to appoint a special panel under the direction of the Vice President to try to find some way to alleviate the disruption.

Mr. STENNIS. That is correct.

Mr. McCLELLAN. Has the Senator heard of a situation that was revealed either last night or within the last 2 or 3 days? I did not hear where the incident took place. However, a parent was being questioned about forced busing in schools and she said she has five children, that they are to be bused to five different schools, and that none of the children is permitted to go to his home school. Is that an example of the disruption the President is trying to relieve?

Mr. STENNIS. That is a good example, and there are plenty of them in that category, where many families have been split up.

Mr. McCLELLAN. I assumed this was a rather flagrant example but the incident was revealed on a network program where local citizens were questioned about the school situation.

I wonder how anyone could contend that that sort of disruption improves the quality of education. Can anyone who favors this—the members of the Supreme Court or anyone else—give one reason or one supporting fact that would sustain the contention that such disruption improves the quality of education?

Mr. STENNIS. I do not see how they could, especially in view of what has happened. These things look good on paper to some people but when they get down to the grubbing and go to apply it, a different situation is encountered.

Mr. McCLELLAN. Mr. President, will the Senator yield for one further question?

Mr. STENNIS. I yield.

Mr. McCLELLAN. Suppose the panel finds this situation where five children in the same family are sent to five different schools and that they are not permitted to go to their home school. What power does the panel have to modify the impact of recent Supreme Court decisions? I am wondering if this is just another gesture, another screen put up, or whether there is concern today in this administration to try to do something about it.

Mr. STENNIS. I am going to answer the Senator very frankly. I do not think they have any direct power to alter the decree of the Supreme Court. They might have some power of persuasion with the people and make the people of the Nation outside the South know what this means. We already know. But in that way I think they can do some good. I am not expecting any favoritism from the Supreme Court but if the Supreme Court would reverse its position on all of these matters that come up from the circuit courts of appeals and would stop saying "now" that would help.

Mr. McCLELLAN. How could they discontinue reversing all these cases except that they reverse themselves? They would have to reverse themselves in order to stop reversing some of these cases.

Mr. STENNIS. There is always a difference in the facts in every case. If they would read the record, review the testimony, do their very best, and apply the rule of reason even within their overall policy, they could reverse many of these cases.

I say with all respect to them that I do not think they had the facts before them last October when they threw out all of these cases. Did they seek the facts? All they had to do to get them was to ask for them, but I cannot believe they had all the facts before them and all the material when all those men reached that unanimous decision.

Mr. McCLELLAN. Mr. President, will the Senator yield for another question?

Mr. STENNIS. I yield.

Mr. McCLELLAN. Does the Senator know anyone who contends today that the quality of education has been improved?

Mr. STENNIS. I do not know of anyone myself. I have documents I am going to have printed in the RECORD from people who, compared with the Senator from Arkansas and the Senator from Mississippi, are quite liberal; and they have said they have had enough, that things are going the other way, and that the system is being destroyed.

Mr. McCLELLAN. Do we not see deterioration every day in the public schools of our Nation?

Mr. STENNIS. Of course, we do.

Mr. McCLELLAN. Repeatedly we see headlines in the press.

Mr. STENNIS. Where this doctrine is being enforced, yes.

Mr. McCLELLAN. I thank the Senator for yielding.

Mr. STENNIS. No one is any more grateful for what the city of Washington did for their children than Mrs. Stennis and I. They got a corking good education here in the public schools. I am a taxpayer here, not a big one but a modest one. I am glad to pay them. Everyone knows that the quality of education now in the District of Columbia is far, far below what it was. I do not discredit the schools but that is the situation.

Mr. McCLELLAN. Mr. President, will the Senator yield for one more question?

Mr. STENNIS. I yield.

Mr. McCLELLAN. Will making available more money solve that problem?

Mr. STENNIS. No, sir; not at all.

Mr. McCLELLAN. More and more money, is that going to solve the problem that has been created?

Mr. STENNIS. No, not at all, not with this extreme application; that is not the way at all. The figures show that is true. One can look at the people who have left town. That is what has happened. They have left town or they have gone to private schools.

Mr. McCLELLAN. Is that not true with respect to both races?

Mr. STENNIS. Yes, more and more.

Mr. McCLELLAN. It is not just whites leaving town.

Mr. STENNIS. More and more. I have a reference here that the black families that are able to are getting out and going to the suburbs.

Mr. President, going back to the New York law, the fact that the legislature of the State of New York thought it necessary to pass a law to preserve the neighborhood school is clear evidence that the officials of that State saw the danger of the neighborhood school policy being abolished; that is, a child going to school in his own neighborhood.

While the spotlight is now the Southern States, the danger of other States losing the right to operate neighborhood schools is great and imminent. Today the South is under attack. The time will not be far away when this policy will be under attack in every section of the United States.

I am deliberately trying to talk to the parents of this Nation, beyond the South. They are entitled to know the facts. I am trying to bring something to them to impress them.

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

Mr. STENNIS. I yield.

Mr. McCLELLAN. Is the rule being enforced, the court decisions, in New York today?

Mr. STENNIS. It is not.

Mr. McCLELLAN. New York, by its own statute, made itself immune from the law that is being enforced in Southern States.

Mr. STENNIS. That is correct.

Mr. McCLELLAN. Is the Department of Health, Education, and Welfare, or the Commissioner of Education, doing one thing about the law in New York, trying to circumvent it or override it, that the Senator is aware of?

Mr. STENNIS. No, not one bit. The State of New York, through Commissioner Allen, when he was the Commissioner there, did undertake a program of busing children, as I said, and the people rose up and said, "No." It was argued down here in committee in December that the law in New York is unconstitutional. It may be. There is no telling what will be decided; but it does represent the opinion, will, and governmental power of the State of New York. I do not believe it is unconstitutional.

Mr. McCLELLAN. If it is unconstitutional, that makes the situation much worse because they are yielding to and respecting an unconstitutional law. Is that correct?

Mr. STENNIS. That is correct. I made inquiry as late as the day before yesterday. There has been no action brought by anyone in the State of New York against this lav . There has been no action by the Federal Government to declare it invalid. It has not been challenged—their own Governor signed it—by any official of the government; and I do not think it will be. It is the will of the people. That is why they do not challenge it.

Mr. McCLELLAN. Will the Senator answer why they respect the will of the people in New York, but not the will of the people in the South?

Mr. STENNIS. That is the problem I am addressing myself to. When this problem gets on the doorstep of other States, their people will be passing laws and helping change the doctrine that is killing our schools.

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

Mr. STENNIS. I yield.

Mr. ERVIN. Do I understand the Senator from Mississippi to inform the Senate, that Mr. Allen, formerly head of the education system in New York, and now the Commissioner of Education in the Department of Health, Education, and Welfare, had initiated or suggested a program for New York State whereby the children of New York would be bused from one school district to another, or one place to another, for the purpose of integrating their bodies rather than enlightening their minds, and as a result of the agitation that caused among the people of New York, the legislature of New York State passed that statute?

Mr. STENNIS. Well, the Senator always says it so much better than I can. I certainly agree with him heartily.

Mr. ERVIN. And was that statute signed into law by that great liberal in the civil rights field, Mr. Nelson Rockefeller, Governor of the Empire State?

Mr. STENNIS. That is correct. I had newspaper articles to the effect that while this bill was being debated he was not going to sign it; but he is not a foolish person, and when he saw it and read it, he signed it into law.

Mr. ERVIN. That was an effort to prevent in New York State the very same thing that the Senator from Mississippi

is deploring being carried out through the South. Is that correct?

Mr. STENNIS. Exactly. It is exactly on all fours. That is why I selected the New York law as a pattern for this amendment.

Mr. ERVIN. In other words, what is sauce for the New York gander is not sauce for the southern goose. Is that correct?

Mr. STENNIS. Yes. According to the present administration of the law, what is illegal in the South is legal in the North. There is a presumption of innocence in the North and a presumption of guilt in the South. That is the HEW slogan.

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

Mr. STENNIS. I yield.

Mr. GURNEY. I cannot speak for the people of New York, obviously, because I do not represent that State, but I can speak for the people of Florida. We have a lot of people in Florida who originally lived in New York, as we have people from the other 48 States who now live in Florida. Of course, we have the same problem in Florida that the Senator experienced in Mississippi as a result of the February 1 deadline promulgated and foisted on us by the Supreme Court of the United States. As I say, we have many former New Yorkers who now live in Florida. Hundreds of letters, telegrams, and communications have been received in my office on this question. In fact, my office is half tied up with this problem and has been for weeks. I have yet to hear one affirmative voice in favor of what the Supreme Court decided we ought to do on February 1.

I do want to say that, as far as the citizens of Florida are concerned, they are reasonable. They are decent people. They want to get on with the job of desegregation. That is not the point at issue here. The point at issue here is that they certainly do not want to get on with the job of desegregation and integration in a way that literally is destroying, before our very eyes, the public school system in the State of Florida. It is in an utter state of chaos. Some schools are closed. School boards, parents, students—none of them know what they want to do or what they should do or how to get out of the morass that has been foisted upon us.

Although I cannot speak for the people of the State of New York, I can certainly say that those former New Yorkers now living in Florida do not agree with the business going on now.

Mr. STENNIS. I thank the Senator.

Mr. ERVIN. Mr. President, if the Senator will yield for a question suggested by the very fine statement made by the Senator from Florida——

Mr. STENNIS. I yield.

Mr. ERVIN. Does not the Senator from Mississippi agree with the Senator from North Carolina that the fact that the representatives of the people of New York, speaking in the New York Legislature, passed the New York statute to which the Senator has alluded, prohibiting the doing of the exact things being done in the South over our protest, indicate that the people of New York do not believe in the herding of children about like cattle, and shifting them about like pawns in a chess game, just to force the integration of schools?

Mr. STENNIS. The Senator is correct. He uses very colorful language. I would enjoy his questions if this situation were not so sad, because I have before me a very vivid picture of that very thing happening.

Mr. ERVIN. As I understand the Senator from Mississippi, and also the Senator from Florida, they are in favor of what the Senator from North Carolina is in favor of—that is, giving to all parents and to all children of all races the freedom to select the public schools that the children attend and to put an end to the coercion of little children by the Federal Government.

Mr. STENNIS. The Senator is correct. That is what the amendment proposes. Also, the amendment says that all children, regardless of race, creed, color, or national origin, shall have the same rights in the schools.

Mr. ERVIN. I am not going to impose further on the Senator's time except to make this inquiry: Does not freedom of choice give to all parents of all races and to all children of all races an equality of liberty?

Mr. STENNIS. Absolutely.

Mr. ERVIN. How can any person who professes to be an American possibly oppose giving equality of liberty to children of all races and parents of all races?

Mr. STENNIS. That is the only basis on which a school system can operate. A school is not a machine. It takes a certain art, skill, and compassion to be a teacher. We are just throwing on the public school system all the problems that go with social change.

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

Mr. STENNIS. I yield.

Mr. TALMADGE. Does the Senator know of any other place, other than a penitentiary, where people are assigned to a certain designated point against their will?

Mr. STENNIS. I do not. Of course, sometimes people have to be sent to institutions.

Mr. TALMADGE. Under our system at the present time, the only group of people who can be forced to go to a certain point of destination are children being assigned to a school and the inmates of a penitentiary. Is that right?

Mr. STENNIS. Yes. Of course, the Selective Service System takes up a man and sends him to war. The Senator is correct.

May I give an illustration or two here? I want to outline some of the turmoil.

Mr. GURNEY. Mr. President, will the Senator yield very briefly?

Mr. STENNIS. Very well.

Mr. GURNEY. The Senator from North Carolina mentioned the fact that all the Senator from Mississippi is trying to do here is to see that children of all races are protected. Just a few days ago, in the implementation of the Supreme Court decision in Florida, we had a very serious riot on our hands, involving the Negro high school at Gainesville, which is where the University of Florida is located. The reason for the riot was that, under the implementation of the Supreme Court's decision, that particular school was going to be put out of business. The point of the matter, and why I am bringing it up, is that the Negro students of that school were extremely distressed because all the things they had going that they thought were good, such as the school athletic teams, the school band, school pride, and so forth, were being destroyed in one fell swoop. So they feel just as keenly about this, and so do their parents, as do the white parents and students.

The Senator from North Carolina is eminently right when he says this cuts across both races and does damage to both races.

Mr. STENNIS. That has been my experience. Those who came to my office during the Christmas recess—Negro people, parents, officials in the schools—begged me, "Can't you do something about it? This is destroying our schools."

I want Senators to hear some illustrations I have. First I want to complete the listing, though, of the causes of this turmoil.

First, the very pattern of the civil rights movement is such that when one section of the country has been made to conform to civil rights objectives, the movement then shifts on over to other sections of the country. Our educational system is having to carry the load.

When that attack does come in other areas of the country, the turmoil, the uncertainty, the distress, and the damage to education will fall upon the areas outside the South as it has fallen upon the South. I do not believe the other areas fully realize yet that this thing can happen to them.

Every Senator should fully understand what it means to the State, to the community, to the parents, the teachers, and the pupils, when the neighborhood school policy is abolished, and the students are bused around to establish a racial balance.

It means that long established, well equipped school plants are in some cases closed down. Some school plants are filled to double their capacity, while other plants are empty or near empty.

I say to my fellow Senators, these terms were so harsh, and the application requirements so immediate, that there was not even time to shift the toilets, to provide just the elementals of sanitation to take care of these students.

Students bused tens of miles each day. Community spirit is broken and disrupted. Large numbers of teachers and pupils are dropping out of the public schools. State and local educational budgets are upset. Costs of reorganization, transportation, and replacement of lost human and material resources reduce the amount of money that can be spent for quality education. Education is made poorer, not better. The average pupil is hurt, not helped.

Do not overlook the teacher. Members of this truly great profession are treated like chattels. That is what I want to tell you a story about.

A lady in a school district that I know about, who spent all of her adult life in the school room, year after year—such a fine, effective teacher—when she was

reassigned, under one of these demands for immediate and total integration throughout the countywide district, told me that she prayed about it and she thought about it, but her final decision was that she could not make that change. She had a contract to teach a certain grade in a certain school, where she lived. She decided she could not carry on under those demands, so she lost her contract.

Her little girl—her little girl, now—was taken away from her home, and that school where she had been with her mother, and shipped over to the other side of the county. Why? Just so that they could have racial percentages in keeping with the student population of the school district. That is what the man from HEW said, that we are paying $26,000 to $28,000 a year for in these appropriation bills. He told the superintendent, when the superintendent begged him to help get a modification of the plan, "Put them where you please, as long as you keep the racial ratio in keeping with the student population of your school district."

Think of that. Talk about quality education. Why, it is an insult to the intelligence of any Senator to say that we are trying to have better schools, or trying to improve on these things, by shipping that little girl over to the other side of the county.

I know of another teacher, not in that same district. The same government that treated this first one as I have described reached over and drafted the only son of this other teacher into the Army. He is gone to Vietnam. For what purpose? So the people of South Vietnam could have self-determination. That is what we tell them. That is what we say.

What kind of a government is it that can have such a two-faced, double-talk policy as that? That is exactly what we have today. No wonder the people are getting enough of both those policies. It is just a downright shame.

Instead of seeing that, though all the press media of this country are running up to my office, or calling me up on the telephone, saying, "What kind of trouble did you have? What kind of opposition did you have? What kind of physical violence did you have down there when your State tried to integrate the schools?"

Why, just this morning, a man said to me, a very responsible man—it just shows how the people do not understand—"You had a lot of physical resistance down there, didn't you?"

I said, "No; not a bit. Not a bit. We had a whole lot of tears and regrets and frustrations, but we did not have any physical violence."

This is too serious to be fighting about. Representatives of many of the news media, though, came down there just looking for a little scrap of some kind of turbulence. They were awfully disappointed, those who were on that mission.

There is another matter I want to cover. I want to trace here for the Senate something about these school districts whose cases the Supreme Court reversed summarily last October 29, and said, "Total integration now." As I say, I am not trying to discredit the Court.

Mr. McCLELLAN. Mr. President, will the Senator yield before he goes into that?

Mr. STENNIS. I am not making personal remarks about them, but there has been much publicity.

I yield to the Senator from Arkansas.

Mr. McCLELLAN. Before the Senator leaves the New York statute which he has been talking about, I think this question should be propounded and I think we should get the Senator's response to it:

Does the Senator agree with me that if we believe in equity under the law, and if in good faith and genuine sincerity this administration believes that what it is doing in the South is the right course of action and is in pursuance of court decisions that compel it, does not equity, under the law—or just common justice—dictate that the Department of Health, Education, and Welfare, the Department of Justice, and this administration proceed immediately to initiate action in the State of New York to counteract that statute, and to bring it to a legal test in the courts, as to whether it is constitutional or not?

Mr. STENNIS. I certainly think the Senator is correct, if there is to continue to be this bearing down policy to the utmost limit on us in the South.

Mr. McCLELLAN. That statute flies right in the face of everything this administration is saying they are trying to accomplish. It is an open flouting of stated administration policy by the State of New York, by its legislature, and by its Governor, who signed this act into law. If the administration proceeds against the South and forgets about New York, whether because of that statute or for some other reason, is that not flagrant discrimination on the part of those who profess to oppose it?

Mr. STENNIS. The Senator is correct. I think the New York law is valid and constitutional and should be obeyed by the people of New York.

Mr. McCLELLAN. I am not objecting to that.

Mr. STENNIS. I understand.

Mr. McCLELLAN. What I am saying is that there is a two-faced policy of enforcement. In certain sections of the country there is enforcement while in others an open flouting of the very law they say they want to enforce is ignored.

Mr. STENNIS The Senator has described it properly.

I say again to the American people that something will have to be done about this matter. This issue has to be met.

The Senator from Pennsylvania is not in the Chamber at this time; he cannot be here. He said in debate in December that he favored stopping the busing, as I understood him, and he wanted to have a hearing on it. But I do not believe any movement will come out of any of the States that have a high percentage of black schools. I do not believe they are going to have any movement to change that and split them up and sort them out among the other groups. They may pass a law like New York's. They will take the other turn, and it is the natural turn. The most influential element in it will be the mothers of these children, and the fathers will run second. They do not yet know that this thing is going to hit them.

Mr. McCLELLAN. In the meantime, the discriminatory imposition is directed to the South.

Mr. STENNIS. Altogether.

Mr. McCLELLAN. All the action is there. The State of New York can flout the administration, pass a law right in its face, have its Governor sign it in complete defiance, and yet no action is taken against that State.

Mr. STENNIS. Under a spurious legalism I will discuss later, which ignores the plain language of the Civil Rights Act.

I want to illustrate briefly the cases that were reversed last October. Those cases were pending in the courts down there, in the Fifth Circuit Court of Appeals. The panel of that court set a date for all of them to be heard with reference to a plan for integration beginning September 1969. This happened in July. They gave notice. They had to give them some time. They brought in a lot of HEW representatives who were supposed to have conferred with all these 33 districts. They did not have much time to do it. Some of the HEW representatives were very high type men—a few of them—and they went in a measure to these districts, some of them countywide districts, some with moderate sized cities, some totally rural. They said: "There isn't time to get up plans for these 33 districts."

They told our superintendents of schools that there was not time.

I know of one county into which they came and spent 2 hours. They raced around and looked at the buildings. They came back a week or 10 days later and stayed 30 minutes with the county superintendent of education—he is executive secretary of our school boards—and went on and came back about a week later and spent 2 hours with the county school board. But by then they already had a plan of their own written up which they proposed, and they were in a hurry. The board did not agree to it, certainly not in that short time.

The day to be heard on all these plans was coming, and Secretary Finch himself, looked into it; and he said there was not time to cover those 33 districts. Secretary Finch had witnesses attend court, and they so testified; and he filed a pleading, I think. I know that the Attorney General filed a pleading and said there was just not enough time. The Attorney General was the plaintiff in some of the cases. The court down there took that testimony. That was all the testimony there was. That is all that happened.

Justice Black refused to intervene alone—the Supreme Court was not in session then—but invited them to appeal. They appealed those cases, and in very rapid order, after very brief argument, and just a few days later, all of the cases were reversed, and the Supreme Court said, "Do it now." School had started October 29. They said "Do it now," and sent it back to the panel of the court of appeals.

They notified all 33 districts to come in on the same day—perhaps some one day and some the next—and in a very brief order the substance of what the court of appeals said was:

There is nothing we can do further. The Supreme Court has passed on this. You will have to do it, even though school has started.

They gave some of them until December 31. It was reversed on October 29.

This is the point I am making: When all this happened, not a single school or school official was in disobedience to the Court. Not a single one of them was charged with contempt. There was not a charge against any trustee, not a threat, or against any superintendent of schools. All those districts were obeying the law, obeying the edicts of the Court, the trial court, and the court of appeals. They were not deficient in any way. They were just jerked up by the nape of the neck and told, "Do it now," right in the middle of the school term.

They were given until December 31, and it was then November. They had to do something. They terminated the school term earlier. Some of them had to. I am told that in December, when the holidays came, the little children were telling each other goodby. They knew by that time where they were going to be sent. Here were these little girls who lived in the same community all their lives, one on one side of the highway and one on the other side, and one would be sent to the east part of the county and the other to the west. Little girls, 7, 8, 9, and 10 years old, were telling each other goodby at the beginning of the Christmas holidays. They would never again be in school together, so far as grammar school or high school are concerned, according to that order. Close friends were torn asunder. What about that? Do you think that helped them? Do you think it helped the teachers? It killed the year dead as Hector.

No benefit is going to come from these schools this year because of the way they were treated. They were not in contempt. They obeyed every law and every edict of the Court and everything else.

A great number of others, from all over the South, were brought up to the Supreme Court, and the same demand was made of them. Some were from Georgia, some from Florida, some from South Carolina. All over the country—"Do it now." I have not found a single one of them that had failed to obey every single edict of the Court.

Do not be fooled. They were not in disobedience. They had not violated the law. Do not be fooled into believing that this school year is going to be worth a continental to them so far as education is concerned. It is lost. It can never be recovered.

That is the kind of butchery—I call it educational butchery—to which we are subjected. And all these places in the East and the North—I have nothing against them—are sitting by with immunity. And during this debate they will demand not less but more in the South. Some of them already have passed a law in their own State on which this amendment is bottomed.

I like what Vice President AGNEW has said. As soon as this commission was announced, they said: "That's a part of your southern strategy."

He said: "I'm not ashamed to do what I think is right for the South or any other part of the country."

Senators, this shows how far this thing has gone. The civil rights movement will destroy the schools to a shambles if it is followed out. I think they will find a way out of it myself.

I do not believe that the candidate for President of any major party would come out with a platform and would go into States like Illinois, Ohio, Indiana, Pennsylvania, New York, or New Jersey, and say to the people there, "I am going to do to your schools what we did to the southern schools." They will not do that. Watch those platforms. They will not come out with that in them. No candidate for President would dare go in there and tell those people that. It would not make any difference who he would be. He would not be elected, if the people in those States are fed from the same spoon now being fed to the South.

"Oh," they say, "well, you have been guilty for over 100 years."

Mr. President, these little children have not been guilty of anything. We may argue about something that happened 40, 50, or 100 years ago, but these little children, whatever part of the country they live in, have been guilty of nothing and we should not try to take it out on them. We are, in effect, schoolwise, giving them a death sentence.

Mr. President, I tell you right now that the black children in the South are getting along all right. I do not claim any credit for anything, but they know that. They know that I have been interested in them since way back when I was a young man, and a young lawyer. Let me qualify that to say that I know something about these people and they are coming along all right. They are mighty happy.

Mr. McCLELLAN. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. McCLELLAN. My friend mentioned a minute ago that no candidate for President of any political party, or a President, would dare campaign on a platform, saying to the people, "I want to do to you what has been done to the South." Could not the Senator take that further down the ladder, and say that no candidate for any office would dare go into a State and say, "I want to go back to Congress to vote to do the same thing to you up here that we have done to the South." Would anyone do that, does the Senator think?

Mr. STENNIS. The Senator is right. I want to make clear that I was not referring to the President, or to any Senator, but that we are talking about political philosophy. No, they will not do it. No Member of this body, or of the other body, either. No candidate for President dare do it.

The mothers who live outside the South, incidentally, will be knowing a whole lot more about this in 1972 than they know now, about what this thing means, and the practical side of it. They have been fed with a spoon as to what was going on—all on the other side about so-called injustice, and so forth. That is why, now, this will destroy their schools if it is applied to them.

Great damage will be caused by busing students into strange neighborhoods to achieve racial mix. The underlying principle of American Government is that we should not, as a nation, operate on the dual standard of one section of the Nation under one policy, while another policy applies elsewhere in the country.

We had separate schools in some of the States. I know that. That has all gone by the board. This amendment provides that every child shall have these basic rights.

Now the records of the Department of Health, Education, and Welfare show—and they are not contradicted—that segregation exists in the North as well as in the South.

HEW undertook to survey the racial composition of 90 percent of the school districts in the country, for the 1968 to 1969 school year. The results have already been put in the RECORD in the debates of last November.

Five out of 10 Negroes outside the South attend schools which are 95 to 100 percent Negro.

Let me repeat that: Five out of 10 Negroes outside the South attend schools which are 95 to 100 percent Negro, as opposed to seven out of 10 Negroes in 11 Southern States.

There are some more in the South, as the Senator from Georgia (Mr. TALMADGE) inquired about. But that is the relation. These are HEW figures.

Only 25 percent of Negroes outside the South attend majority white schools. Only 25 percent.

The so-called plans HEW has been getting up in some of the districts make every single school a Negro majority, from 2 to 1, 3 to 1, 4 to 1, and 4½ to 1. Only 25 percent of those outside of the South attend majority white schools.

A survey shows that 10 of the largest 22 school systems in the country have a majority of Negro enrollments. In 16 of those systems, 60 percent or more are Negroes going to schools 95 to 100 percent Negro.

Listen to this: 17 Florida school systems with two-thirds of the State's pupil population are currently under a Federal court order to desegregate.

Seventy-two percent of the Negro students in Florida attend schools in which Negroes constitute 95 percent to 100 percent of the enrollment.

Yet, 72 percent of Negro students in the State of Illinois, according to this survey, also attend schools with 95 percent to 100 percent Negro enrollment, but there is no court order there whatever compelling desegregation in Illinois.

There is your comparison, Mr. President. Those are identical percentages of Negro students in the 17 Florida school systems, all under a court order, yet 72 percent—the very same percentage—in Chicago, with 95 percent to 100 percent Negro enrollment, and not a single one of them compelled to desegregate.

How about that?

Four years ago, someone down in

HEW that thought they meant what they said when they said send out a notice, sent one to Chicago about desegregating, and Mayor Daley came in here on the next plane—maybe he sent a telegram—I do not know—but, anyway, it was all hushed up and the White House swept it under the rug and nothing has been done about it, yet. That was 3 or 4 years ago. I have news items on it here.

Last June, someone sent a notice to Chicago saying, "You have got to do something about integrating your teachers." The teachers held a meeting and said, "We are not going to do it." The teachers union said, "We are not going to let them do it." The board of education offered a $1,000 bonus if the teachers would transfer, but they would not do it. They turned it down. Nothing has been done about it.

I repeat, 72 percent in Illinois and 72 percent in Florida—all of Florida's 17 districts under court order, but Illinois, none.

How about that?

Proportionately there are more Negroes in a majority of white schools in Florida, 23.2 percent, than in Illinois—13.6 percent.

What about that?

Proportionately there are more Negroes in a majority of white schools in Florida than in Illinois.

I am glad that the Senator from Florida is now in the Chamber as I know that he will be interested in these figures.

In New York City, where the language of this amendment is already the law and the neighborhood school policy is legal and mandatory, there are 119 schools which are 99- to 100-percent minority group segregated which have a Negro enrollment of 89,957, or 19 percent of the city's total Negro student enrollment.

There are 207 schools having a Negro student enrollment of 146,000—that is 43.7 percent of the total Negro enrollment—that are 95- to 100-percent minority group segregated.

There are 269 schools with an aggregate Negro enrollment of 173,000 students, which is half of the city's total enrollment. And they are found in schools that are 95- to 100-percent minority group segregated.

Stepping on up, 322 schools with a total Negro enrollment of 201,000, or 60 percent of the city's total Negro enrollment, where minority group enrollment is 80 to 100 percent.

There are only 18,800 white students, or 4 percent of the Negroes attending these schools that are 80- to 100-percent minority segregated.

And HEW has not said a word about that that I could find. The Department of Justice has not said a word about it.

The government of New York has not done anything. The legislature of the State of New York has not done anything. To the contrary, the State of New York passed a law perpetuating their practice so far as enrollment is concerned.

What are the 100 Members of the Senate going to do about these things?

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

Mr. STENNIS. I yield.

Mr. GURNEY. Mr. President, the facts and figures that the Senator has recited are extremely interesting and wonderfully illuminating.

Everyone knows what a fine job the Senator from Mississippi has done in putting these figures in the record not only as to the State of New York, but also as to other States.

I think one of the very interesting things about public school integration is occurring right here in Washington, D.C., where the percentage of enrollment is 95-percent black.

I will not attempt to go into the problems that are involved in the school system. That would take days. But I think one extremely interesting thing happening today was described in an article in the Washington Post of some time ago. That is that now the Negro middle-class parents in the District of Columbia are taking their children out of the public schools and putting them in private schools, the situation is so bad.

The Senator is doing a great service when he points out that the problem is even worse in the North and in the District of Columbia than it is in the South.

Mr. STENNIS. Mr. President, I thank the Senator for his comment very much.

The figures are taken from the HEW official enrollment. And I can verify that by the record. They have already been put in the record last December, most of them, and they have not been challenged. In fact, he testified that he thought they were correct.

If segregation is wrong in public schools in the South, it is wrong in the public schools in all other States. And if the neighborhood school can be operated as a matter of policy in the North, it should be operated as a matter of policy in the South also.

Before I conclude, I will refer to some provisions of the Civil Rights Act where Congress tried to cover part of this question. And those provisions have been ignored by the Supreme Court and gotten around by the HEW. I will cover that later. I mention it now to show that I am not overlooking it.

I want to take some testimony here for the benefit of those present and the record as to what other people in other areas than the South say about busing.

U.S. News & World Report on October 13, 1969, had an article entitled "Why Busing Is in Trouble."

I read from the article:

> Among civil-rights leaders, educators, and Negroes themselves, doubts are growing about the value of busing either as a method of integration or as a method of improving education.

I entitle this part of my speech "Growing Doubts," and this is the evidence of it, further quoting:

> Interest is growing in a different idea—that Negroes may benefit more from an improvement of schools in their own neighborhood than they do from being bused into white schools.

That is exactly what many people believe in the South. Those are my remarks.

I read further from the article:

> You find this change in many cities. . . . In Baltimore, Associate Superintendent of Schools William Tinderhughes told U.S. News & World Report:
>
> "There has been a very definite change in thinking about busing for integration in recent years. A few years ago, there was demand for busing. But not now.
>
> "Parents now are more concerned with the quality of the education that their children are getting. The same group that at one time was speaking for integration now is speaking about curriculum, about teachers and about the quality of the educational program."
>
> In Chicago, Assistant School Superintendent David J. Heffernan said this:
>
> "The integration battle now has taken a different turn. Busing, as such, is almost completely out of the picture. It has proved effective neither for integration nor for better education."
>
> In Minneapolis, this comment came from Floyd Amundson, school-board consultant in community relations:
>
> "The trend here is away from busing because it doesn't solve anything. The blacks themselves apparently would prefer to have their own schools improved rather than have their children bused to mostly white schools."
>
> New York City, where the whole busing experiment started a dozen years ago, has had more turmoil than success.
>
> That city has tried almost every integration device known—busing, school "pairing," "open enrollment," redrawing of school-attendance districts, even elimination of junior high schools, and substitution of new "intermediate" schools to draw youngsters from wider areas of the city at an earlier age.
>
> Busing alone costs New York City some 3 million dollars a year.
>
> After all this effort there is more segregation, not less. There are more all-black or nearly all-black schools in New York today than there were before. And tests have shown no clear academic gains among children who are bused.

Now, here is where my good friend, the Senator from New York—and I talked with him about this debate before it started—had something to say. I will quote him briefly and give the book and page number.

The Senator from New York, Senator JAVITS, very effectively made the point for the neighborhood school and freedom of choice during debate on the Civil Rights Bill, June 4, 1964—P. 12688 C.R.—when he said both Negroes and whites should have the opportunity "to enroll in a school where he belongs, in his own neighborhood, whether it is mixed, or whether it is only white or colored."

The President of the United States opposed busing as far back as October 26, 1968. He said then in a statement:

> What I am against is using the threat of withdrawing Federal funds to force a local school board to balance its schools racially.

Mr. President, I will suspend. I will divide time with anyone who wishes it. I will suspend.

The PRESIDING OFFICER (Mr. GRAVEL in the chair). The Senate will be in order.

Mr. STENNIS. Mr. President, I will begin again. I was quoting the President of the United States in a statement made on October 26, 1968. He said:

> What I am against is using the threat of withdrawing Federal funds to force a local school board to balance its schools racially by busing children all over the city.

That quotation was from the New Re-

public of the date I have already mentioned.

Someone comes in here and says that the President is against this amendment. I hope he will bring with him a quotation from the President and not just say that Mr. Finch is against it. Bring in the quotation. If he is against it he will not mind saying so. He may be but the record shows what he said. I do think he is against it myself. I am not trying to put him in issue and certainly I am not trying to embarrass him. He was elected the President of the United States by being frank and forthright with the people. That was one of the great contributing factors.

Mr. President, the point of my remarks that I am now making is that there is a growing realization and reassessment about the matter of busing and the quality of education being improved for the Negroes by merely having integration.

Mr. President, I refer now to a quotation from an article that was printed in the National Observer on January 26 of this year. I will not read it all. It is found on page 754 of the CONGRESSIONAL RECORD of January 28, 1970:

> This fact is raising new doubts among many long-time integrationists about the wisdom of trying to enforce desegregation in the schools. Items:
>
> Several years ago, the Cleveland Board of Education searched the city for a new high-school site that would permit optimum racial integration. They settled on a neighborhood of modest owner-occupied homes near the suburb of Shaker Heights that was 60 per cent white, 40 per cent black. But when John F. Kennedy High School opened in 1965, 95 per cent of its pupils were black. "There's no question the decision to open that school accelerated the departure of whites," says Mrs. Conella Coulter Brown, administrative assistant for the Cleveland schools.

Mr. President, I do not cite these matters to discredit any colored or black student. I have already expressed how I feel about it. I am trying to protect the quality of education in the neighborhood school and I think we all want to do that.

There is another item from the National Observer of January 26 which stated as follows:

> Edmondson High School on the west side of Baltimore was 80 percent white when it opened in 1957. Today there are 25 whites out of its student population of 2,700. "This is a well-kept-up residential area," says assistant principal Margery W. Harris. "But once the school turned half-black, it turned rapidly almost 100 per cent black. The whites just moved out or took their children elsewhere."

That is not exactly a southern city and certainly Cleveland, Ohio, is not. Still, I noticed where in one of the school districts in Mississippi under this edict that had, I think, about 90 percent of their schoolchildren black, only 2 white children came to school the first day under this new plan. Walter Cronkite and all the other newsmen had pictures of those children on their news program that night. They could have gone to Chicago at much less expense or shown a picture of some of these 25 out of 2,700 students.

I continue to quote from the National Observer of January 26, 1970:

> Heavy Negro migration gave the District of Columbia's schools a Negro majority as early as 1950—four years before the Supreme Court's watershed desegregation decision. In 1970, with the schools 95 per cent nonwhite, middle-class Negroes are fleeing—just across the boundary to neighboring Prince George's County, Maryland. The interesting thing about Prince George's enrollments this year, however, is not that the number of new blacks is up but that the number of new whites is down. No one knows exactly why, but one administrator muses: "The whites are moving to other Washington suburbs rather than to Prince George's."
>
> In city after city in the North, the story is the same: Schools once all or nearly all white are drawing nonwhites in increasing numbers. When they reach a "tipping point" of 30 to 50 per cent, the whites move out and the schools become rapidly almost entirely nonwhite.

Mr. President, I do not want to discredit the schools of Washington but human nature is the same everywhere. I referred to only two of those white children showing up. I venture the parents, like other parents, and like Senators who have schoolchildren, want to send their schoolchildren where they think they will get the best schooling. I do not know how many of the Members of the Senate have children in the Washington schools, but I am a parent who had children in school at one time and they went where I thought they would get the best schooling. I assume that is true of all parents and my fellow Senators. I have been asked in debate how may Senators have schoolchildren in the public schools in Washington. I do not know. I have not tried to find out. But I expect human nature is about the same everywhere.

Going back to the question of public opinion on busing, in a city-wide school board election in Denver, Colo., last year the voters voted 2 to 1 for the neighborhood school concept and against the busing of students. That was the issue in the election and the two candidates who ran against busing ran 2 to 1. The prediction was that they were going to run last. They ran first. The New York Times predicted they would run last before the election. They predicted that out of five candidates those two would run last. They ran first and they were elected in the first primary.

Before the New York school law was passed, the Mount Vernon Board of Education voted 8 to 1 to oppose by appeal a State order to bus students to correct racial imbalance. That same day the voters of Great Neck on Long Island in New York voted 3 to 1 against the plan to bus students between Queens and Great Neck in order to achieve racial mix.

I refer my colleagues to what I think is a very significant article by an eminent authority, a man who is well known in his field. He is with the Lincoln Filene Center for Citizenship and Public Affairs, Tufts University, Medford, Mass. He prepared an article entitled "Intergroup Relations in Education: A Force for Change," by John S. Gibson. This is an address delivered at the Lincoln Filene Center at Tufts at the Fifth Annual Joint Conference of the Massachusetts Association of School Committees, Inc., and the Massachusetts Association of School Superintendents on October 16, 1969.

In the copy I have before me, I turn to page 7, but first a word about his background: He was the consultant who was employed, I am told, by the State of Massachusetts to help draw a plan with reference to integration and with reference to busing of children. Here is what he said in 1969:

> The 1965 law—

And that is the one he helped pass—

> is largely concerned with the plight of black students in poor schools and makes the assumption that any school which has more than 50 per cent black students is inadequate, poor, and needs redressing through some magical infusion of white students. As we have noted above, it would appear that the black community today is less concerned with mechanisms for racial "balance" in the schools and more eager for improving the quality of education for black students wherever they live and work.

He goes on to say that this might be related to black themes which call for autonomy and identification before all of us advance toward an integrated society. Then he goes ahead and makes a second point, and I am referring to pages 7 and 8 of the article:

> We have hard data which show that black students will get a better quality of education in better quality schools, and thus it may be that they can get a better quality education in quality schools in their own neighborhoods.

That is from this eminent authority, as I said, who was an adviser to the great State of Massachusetts, and Massachusetts passed a law partly on his advice in 1965. He comes back with a modification in 1969. I understand he is now adviser to the State of Rhode Island with reference to similar problems. Anyway, he is a very eminent person in this field, and certainly he should not be brushed aside.

Someone this morning called my attention to the fact that in the current issue of the New Republic there is an article by Mr. Alexander M. Bickel. I just got hold of this in a hurry. I do not personally know Mr. Bickel or his background, but he is very eminent in his field of public affairs and writing. The article is entitled "Desegregation—Where Do We Go From Here?" It is from the New Republic of February 7, 1970. I quote one paragraph:

> The achievement is essentially Southern. The failure is nationwide. And the failure more than the achievement is coming to the fore in those districts in Mississippi and Louisiana where the Supreme Court and a reluctant Nixon Administration are now enforcing what they still call desegregation on very short deadlines. In brief, the failure is this: To dismantle the official structure of segregation, even with the cooperation in good faith of local authorities, is not to create integrated schools, anymore than integrated schools are produced by the absence of an official structure of school segregation in the North and West. The actual integration of schools on a significant scale is an enormously difficult undertaking, if a possible one at all. Certainly it creates as many problems as it purports to solve, and no one can be sure that even if accomplished, it would yield an educational return.

Mr. President, those are not my words. Those are his words.

Mr. President, I am afraid that I have

about exhausted my time. I do not want to run over.

There are other remarks in this article. I do not agree with all that he says, but considering the authority, the eminence, the man, his record, it is very significant that the people are beginning to realize that this method is not producing the results they thought it would, that they wanted it to, and that some other course should be considered.

Mr. EASTLAND. Mr. President, will my colleague yield?

Mr. STENNIS. Yes, I am glad to yield to my colleague.

Mr. EASTLAND. Mr. President, I want to compliment my colleague. He has made one of the great speeches in the history of the Senate. I know that southern people will be indebted to him for many years. It is an outrageous condition that they are trying to force on one section of the country and letting the other go scot-free.

Mr. STENNIS. I thank the Senator very much for his remarks. He certainly knows the subject matter and knows whereof he speaks. I know he is as concerned as I am, and I may say to my colleague that many beyond the geographical confines of our area are concerned. I believe that the light on this matter, as I said, is coming through.

Mr. President, going a little further on the change of sentiment:

In Charlotte, N.C., on July 26, 1969, Negro citizens issued a statement in opposition to a plan to bus black students into white neighborhoods.

When we walk up to some of our colleagues and say that black students want to keep their own schools, it is very evident that we are not always believed. So I brought along a published statement by these leaders, fine Negro citizens, in Charlotte, and this is what they say:

> We will not under any circumstances accept the closing of black schools and the busing of black children. We cannot accept the lie that all black schools, children, teachers and principals are inferior.

In an opinion poll taken by the National Education Association and reported by that association in a special report of May 1968 it was said:

> A heavy majority—74 percent—of the nation's school superintendents would not support busing as a desegregation measure, and don't think their communities would either.

I quote now from the NEA report:

> Many respondents cited wasted time, excessive cost, and ineffective results as prime reasons for their objections. And their objections were often strong. Fumed one Michigan superintendent, "When a child must give up his hot lunch at home and spend time which could be used for educational purposes riding a bus instead, and then eat a cold lunch in unfamiliar surroundings, it's a shame."
>
> "Busing," added a Massachusetts schoolman, "does not solve the basic problem of providing better school facilities and better social conditions in an area where the children reside. It only uses funds that could be utilized for more realistic improvements."
>
> His contention that busing money should instead be spent on school improvement was echoed by a number of others. "I do not feel," remarked an Oklahoman, "that the busing of students from one school to another is any answer to problems that are deep seated in the socioeconomic structure of the community. This money and additional funds should be used in strengthening the schools in depressed areas and in making these schools centers of all community life and activities."
>
> Several respondents held no hope for busing, on the grounds of unworkability. Asserted a New Yorker: "It is impossible to integrate by busing or by integrating schools. Schools are *in* a community and communities should be the focal point of any integration program—not schools." A Minnesotan put it more simply: "Laws do not change hearts."

These quotations are not from southern sources:

> A parallel Nation's Schools survey of school board members disclosed that busing for desegregation was even more unpopular among board members than among administrators: 88 per cent of the boardmen said that they would not personally support a busing program.
>
> One possible reason: Half of the boardmen responding saw no educational advantage to busing.

Mr. President, I am not going to take unduly the further time of the Senate, but I want to say a word about the teachers of the South. They are not under any court order. I read an article the other day chastising the white teachers in the South for resigning their jobs. Well, they are not under any court order that they have to teach. They contracted, many of them, to teach the sixth grade or the eighth grade, or Latin or algebra, or something else in a certain school, under certain conditions, and probably where they lived.

That contract, in effect, is just torn up before their very eyes by the Court, as if it were a worthless piece of paper.

They have a choice. How can you make a teacher teach school? How do you make a man play the piano if he does not want to? This meat-ax method of "integrate now and forever totally" is just as reasonable as walking up to a piano and trying to play it with a pickax. Things do not come about that way.

I want to say a special word of commendation about the teachers in these affected schools, as well as the county superintendents of education and the superintendents of the municipal and consolidated school districts, and their school board members, attorneys, secretaries, and assistants. I believe that, outside the ministry, there is no profession or no group of people who have responded with the more devotion, dedication, and high-minded purpose. Teaching and education has been, for many of them, their profession, their life, their very being; and I tell you they deserve all kinds of tribute and credit.

That credit is equally due to a great majority of the black teachers in my State. I know many of them personally. I know how far they are willing to go in making sacrifices in order to have the satisfaction of having done their part in carrying on the education of their children. Many of them are very fine teachers.

As I illustrated here awhile ago, a teacher whom I know had her contract voided, and had her little girl sent over to the other side of the county, not to improve opportunities, but the very opposite: For "racial balance."

You just cannot realize what these things mean to these people unless you see them and talk to them. As I mentioned earlier, I know of another teacher whose son was sent to Vietnam, so those people over there could have self-determination. That is what we said. But her contract was ignored.

I can tell you of Negro teachers coming to me, while I was at home at Christmas and thereafter, and saying, "Can't you do something? This is going to ruin our schools and scatter our children. Can't you do something?" And they do not understand why I could not stop it.

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

Mr. STENNIS. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. First, I regret that I was called elsewhere, as I explained earlier during the remarks of the Senator from Mississippi. I wish to express my very strong support of the position he is taking, and I regret that I have not heard every word of his speech.

On the point the Senator has just made, I have four illustrations, if I may get them into the RECORD here, which I wish to state, showing that freedom of choice means something to people whose skin is black, at least in my State, just the same as it means something to people whose skin may be white or any other color.

In my own little town, Bartow, Fla., I happened to be chairman of the school trustees when we established the first permanent black schoolhouse, at a site approved by the Negro community at that time. In those days the law was that separate but equal facilities were required for the races.

They chose the site, and they strongly supported the bond issue, which covered not only the construction of that school, but of other schools in other sections of the town; and the school authorities have built, in the years since that time, two or three additional brick buildings around that original 14-room brick structure.

The colored people of my town, recognizing the fact that I had some interest, and always have had some interest, in their schools and in their full program for bettering their race, came to me to say how disturbed they are about the destruction of their identity as a group interested in schooling for their own children, at a school that is within easy reach of their children, because it is in the middle of their part of town, and expressing deep regret that they were to be cut off from the opportunity to do what they could for their own children through their own teachers; and they had teachers of their own color, from the principal right on down, of course.

I know how they feel. They feel very badly over the fact that, though busing is not in the picture there, because the distances are not so great, nevertheless those buildings, a mile or more from the buildings which were formerly the white schools of the town, have now been designated the schools where certain grades

for all the town must be taught, and that means that most of their children have to go through the white town, walking or in their own vehicles or on bicycles, to come to the school that was formerly a white school, let us say a mile away from the center of their community, and our children in the white part of town have to do the same thing.

One of those happens to be one of our granddaughters. We, of course, have no complaint except that which everyone has: We would like for her to go to the school that is much closer, and where she has established friendships up to this time. She is now 13 years old.

But the amount of transportation that is required by reason of the private hauling of children from our part of town to that, and from their part of town to ours, is enormous compared to what was earlier required when the buildings were in the neighborhoods where the children lived. And there is complete dissatisfaction, just as much on the part of the colored citizens as there is on the part of the white.

I am sure that Senators have read in the newspapers recently of what happened in Gainesville, Fla., which is a university town, now of about 70,000, I am told, where the Lincoln School, which is the school heretofore entirely for Negro high school students, was ordered to be combined with the other high school, which has been heretofore entirely for the white high school students.

Senators noted, of course, that they not only refused to go, but they raised considerable commotion, and I am sorry to say there was some violence involved. Without approving the violence, I cannot help but say that here is an illustration of the unwillingness of our black citizens to be cut off from their own identity, from their own kind, from their opportunity to advance their own cause.

Only this morning, may I say to my friend, I received a communication from the little town of Clewiston, Fla., which is a sugar-producing town and in which the Negro community is a mile—it may be more—south of the white part of town. Under the orders issued down there for integration, the Negro school must be abandoned. The Negro citizens at once, through their Negro chamber of commerce and through their leading Negro citizens, complained vigorously and bitterly of what was done to them; that their children had to go this long distance to the schools that were formerly white; that they were away from their own community; that they have lost their own identity as a colored school, with all colored teachers and principal, and they are very much upset about it.

I went through exactly the same situation with reference to the Negro school at Hastings, Fla., which is another agricultural town, very much like Clewiston.

A few years ago, we had a commission of important people in our State, important educators, appointed with reference to the State of the higher educational facilities. They came in with a report that our Negro institution of higher learning, now known as the Florida Agricultural and Mechanical University at Tallahassee—which sits on one of the seven hills of Tallahassee, just as Florida State University sits on another, and you can look from one to the other very easily—should be disestablished and that those students, numbering between 3,000 to 4,000, should be scattered among the other institutions of higher learning. The alumni and many of the leading Negro citizens of our State joined at once in the demand that that school not be disestablished, not be discontinued; that its continuance with a Negro president, Negro deans, Negro teachers, and Negro doctors—they have a very fine hospital there—be maintained. And it still is being maintained.

I think that the point being made by the distinguished Senator from Mississippi, that freedom of choice should be maintained, is of immense importance. I hope that Senators from other States will realize that if that point is once destroyed, it will mean more harm, more hurt, more injury in their areas of the country than it will in our part of the country.

When I look upon the immense de facto segregation institutions that exist in most of our large cities of the North and the East and the West, I am forced to the conclusion that the destruction of freedom of choice or the destruction of neighborhood schools may mean vastly more in the way of hurtful effect to areas outside the South, in the long run, than it means to us in the South.

I thank my distinguished friend and congratulate him.

Mr. STENNIS. I thank the Senator.

Mr. President, I ask unanimous consent that my time may be extended for 10 minutes beyond 3 p.m.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

Mr. STENNIS. I yield to the Senator from Alabama. I have not yet concluded, but I am glad to yield.

Mr. SPARKMAN. I had to attend a very important meeting which made it impossible for me to be present during the earlier part of the Senator's presentation, but I know something about the amendment he is proposing, and I know something about the very fine presentation he has made on many opinions here.

In this connection, I think that the statistics the Senator has been placing in the RECORD is one of the finest things we have had presented to us, because it shows something of the picture that exists throughout the country.

The Senator from Florida mentioned freedom of choice—whether or not it would be destroyed. It seems that perhaps it is having a revival in some sections of the country. New York, for example, has passed a law providing for freedom of choice. Could the Senator throw a little light on that? Why is freedom of choice wrong in the South but all right in New York?

Mr. STENNIS. Well, it is not, of course, but they have been able to get by with it so far. Before I conclude, I am going to discuss the Civil Rights Act and show how they are getting around it.

I believe they get around these things in the North on the basis—they used to—that in the South it was de jure segregation; in the North, it is de facto.

Mr. SPARKMAN. Does the Senator know of a single State in the South that now has de jure segregation?

Mr. STENNIS. No.

Mr. SPARKMAN. They repealed the laws several years ago.

Mr. STENNIS. It was legal everywhere, of course, until the 1954 decision, which has been affirmed and reaffirmed by the Supreme Court. Chief Justice Taft was the last one to write an opinion—a unanimous decision—upholding the separate but equal doctrine in public education.

Mr. RUSSELL. Topeka, Kans., was the city involved—Brown against Topeka.

Mr. STENNIS. New York, by the way, has a background of separate schools. I have the law to show that. It was not repealed until 1938.

Mr. SPARKMAN. Of course, they had separate schools. In other words, at one time they had de jure segregation, just as we. Yet, they penalize us and let them run their school system any way they wish. They do not require them to transport the students across the city. It is not required in New York. Freedom of choice is the rule there. Yet, they say that in our area it will not work.

Does it not seem reasonable that all of us should believe that we ought to get the same treatment throughout the country?

Mr. STENNIS. I think so. That is what this amendment gives. It does not penalize anyone. It gives them freedom of choice. That is what most people want. But many people in office think the other way.

Mr. SPARKMAN. I commend the Senator for the very fine fight he has been making with respect to this discrimination and for the facts he has presented regarding the situation in the various States. I believe that if we could get uniformity of application, much of our problem would be solved everywhere.

I thank the Senator.

Mr. STENNIS. I thank the Senator for his contribution. He is always willing to help.

I think that the way the law is now interpreted, it is about the same as having a section in there that says we shall have this enforced integration and busing but it shall not apply outside the South.

Mr. SPARKMAN. May I ask the Senator one more question?

Mr. STENNIS. Yes.

Mr. SPARKMAN. Did we not write into the law a provision that busing should not be allowed?

Mr. STENNIS. Yes.

Mr. SPARKMAN. How do they get around it?

Mr. STENNIS. This is the way they flout that law. We said there should not be busing for the purpose of overcoming racial imbalance. They get by with it in a simple way. They say, "In the South

we are not doing it to overcome racial imbalance. We are doing it to overcome the dual system." And they get by with it. They ignore that section. But when they get up North, they say, "It is the law in the North. We cannot bus now to overcome racial imbalance."

Mr. SPARKMAN. So they apply one rule in the North and another in the South.

Mr. STENNIS. And this is what the Supreme Court says about it: They do not say anything. They ignore it. All their decisions are based, as they say, on the 14th amendment, period. They never refer to it, except that they just admitted in a footnote once there was such a law. They have ignored that, and they have ignored the definition of desegregation, too.

Mr. SPARKMAN. Did the Senator read the news reports of a speech delivered by an HEW lawyer at New Orleans recently, in which he pointed out, at least it seemed to me he was pointing out, that the Supreme Court was insisting that something be done at once, which apparently was impossible to be done. Then he said, in substance, why should the Supreme Court be so much in a hurry that it took 14 years to get to the decision in the Brown case and then it took another 15 years after that to come to its present decision. In other words, they have taken plenty of time, so why should the school districts be expected to do all this on a few days' notice?

Mr. STENNIS. I hope that the Senator from Alabama will get that statement for me. I would appreciate it.

Mr. HOLLINGS. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from South Carolina.

Mr. HOLLINGS. The Senator from Mississippi is rendering a magnificent service to us all this morning. In listening to the Senator's remarks, he has covered the plight of the little children and their mothers. He has covered, in his final remarks here, the details of how the people are voting.

I should like to ask about one key person in this particular picture, the school trustee, who is not paid, who is mostly elected, sometimes appointed; and as the Senator and I know, as Senators we get them over to HEW and try, in all sincerity, with deliberate speed, to comply and let them go back home and try to raise funds, and everything else; but what occurs, if the distinguished Senator from Mississippi could elaborate a little on that point, when they get a unitary school and they have discovered now that it is wanted "as of yesterday," what happens to the man who must do that; namely, the trustee? Can we get competent trustees who will really try to help give equal opportunity to everyone? Is it not a fact that the court is defeating its own purpose by this particular "integration now" decision?

Mr. STENNIS. The Senator is right. Down home, so far, we have been able to get competent and dedicated men to fill this office but they cannot continue on and on and on. These HEW so-called specialists, who are supposed to have drawn up this plan which I have related, did not give as much consideration to the school board in some of those districts, according to my own personal knowledge, as would be given to the last assistant to the chief janitor of this building. I say that with all respect, because that is a humble job and it is an honorable one, if that last assistant does a good job. But those HEW specialists laughingly told one of my school superintendents, "Put the students wherever you want to, but just keep that ratio of three-to-one blacks."

Mr. TALMADGE. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I am happy to yield to the Senator from Georgia.

Mr. TALMADGE. Did not the Brown decision in 1954 hold that school systems must be colorblind, that they could no longer classify by race in assignments to public schools?

Mr. STENNIS. Yes. That is right. That was argued on this floor.

Mr. TALMADGE. Then the Court changed that philosophy and turned 180 degrees in the opposite direction. The Court has now said that we can no longer be colorblind but we must be color conscious and we must get a certain ratio of blacks to whites in assigning them to a given school.

Mr. STENNIS. That is undoubtedly true. If anyone denies that, they are telling a total falsehood. They openly said that.

Mr. TALMADGE. Is that not of itself violative of the 14th amendment?

Mr. STENNIS. Of course it is.

Mr. TALMADGE. A decision handed down before the Brown case.

Mr. STENNIS. That was an FEPC requirement. During debate, everyone made a solemn promise that they did not want any ratios and did not believe in them. That has all been repudiated.

Mr. President, I am ready to conclude my remarks, if no one else wishes to be heard right now.

Mr. President, I am not going to take up but a few minutes more of the time of the Senate, but I do have one or two more matters I wish to discuss.

One is on the provisions in the Civil Rights Act of 1964 where we undertook to write in some laws about busing. I want to show how they get by with it, so far. I want to develop, too, the thought that the "do it now" and "total integration" decisions of the Supreme Court, that there must be a unitary system, did not define a unitary system and did not give top, side, or bottom about it. The circuit court of appeals in our area of the country has not yet defined a unitary system.

As to the school boards, these patriotic people who serve on them are not even paid. They sit there, on their own time, and try to do something constructive. These people from up here in HEW and the Department of Justice say, "You must have a unitary system." But no one knows what a unitary system is. When is a school desegregated, and does it have to be both students and faculty? All these are unknowns.

Mr. President, I tell you that I believe, if the things which are happening to us in the South were happening to people in the East and the North, Members of Congress from both House and Senate from that area of the country would rock this Capitol so that its dome would fall. They would do something to stop this thing; whereas, when we come in here with facts which cannot be contradicted, some say, "Oh, just another southerner."

One Senator said to me about this debate, "We will run on Saturday, yes, and you can say something big and get in the Sunday newspapers."

May God forgive him—I forgive him, in part—to think that all that is involved here is trying to get some headlines in the Sunday newspapers.

What is involved here is the happiness of little children. We are dealing with little children. We are dealing with folks.

I want to ask one question and let someone answer it: Here is a man and wife who are looking around to buy a home in a community in which they want to rear a family. They look not only at the homes for sale, but they look at the school and its closeness to the home they may wish to buy. They examine the school spirit and they inquire into the nature of the school board. They look at the churches, of course; and the playgrounds, the parks, and the public utilities. They decide to settle in a particular community. Then they are blessed with offspring, who go to the neighborhood school. But when they get along to being 7 or 8 years of age, and they are happy in their community school, and they are doing fine there, some merciless mandate of a court—any court, I do not care whose court or in what civilized country it may be—steps in and says, "We are going to take your little girl and send her over to the other side of the city into a community where she knows no one and no one knows her, in an altogether different climate—different everything, and we will put her in a school there."

The mother says, "We have got to integrate on a racial percentage basis?" And the answer comes "Right."

Mr. President, I ask you, do you believe that your government has any right to do that to little children or their parents? I do not believe you do, Mr. President. I do not believe that anyone does.

Somewhere the hand of government must stop. There are some systems of government that do not have to stop. But under our system, I believe the sacred thing of rearing a family and choosing where one wishes to live, and what kind of school he selects, is not only a God-given, natural right, but is the only sound law in our government that we can have under our system.

I believe it is worth fighting for. So, let us quit talking about wanting headlines in the Sunday newspapers.

Let us get down to fundamentals. Let us get down to where the people are.

I am not one to make threats, but there are some who take this matter lightly. I say, they are going to hear from "mama" and "papa." They will hear from "mama" especially. They will not permit their children to be boxed up and crated around all over the city like common animals, if they can help it. They will not allow it.

If anyone does not believe the grow-

ing sentiment in his part of the country against all this busing and invading homes and violating the rights of the people, he had better put his ear a little closer to the ground. I say that as a friend.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I thank the Chair.

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

Mr. STENNIS. My time has expired.

Mr. THURMOND. Mr. President, I should like to commend the distinguished Senator from Mississippi for the outstanding address he has just delivered. I only wish that a sizable number of Senators could have been present to hear this splendid address, instead of a handful, as I feel they would have been influenced by the truth and the facts brought out by the distinguished Senator from Mississippi.

It is my sincere hope that we can maintain quality of education in this country. I do not think it is so much now the question of racial prejudice. Indeed, in the past there must have been some racial prejudice in all sections of the country. But I am convinced that today the main subject, the main topic, that is worrying the parents of the students is quality of education. It is important that this quality of education be maintained. The Senator from Mississippi has brought out many facts that tend to substantiate that position. Again, I commend him for his excellent address.

Mr. RUSSELL. Mr. President, I certainly wish to add my congratulations to those that have already been expressed to the Senator from Mississippi for the very splendid speech he has given. Good speeches are made in the Senate quite often, but we very seldom hear one that is as full of meat and uncontroverted statistics as the one delivered by the Senator from Mississippi today. It speaks very clearly of the fact that one section of the country has been used as a political football in the handling of a situation which exists throughout our entire Nation.

Senators from other sections of the country live right by schools that are completely segregated; yet they get after the southerners because some of their schools are only about 20-percent black. But there are schools in their own areas which are 100-percent black or 100 percent white. They have not lifted their voices here to complain about the condition. A great deal of political hypocrisy has been involved in this whole issue. I am sure that if you examine the record of the debate on the so-called civil rights bills and make a comparison of the position Senators take today with that which they took in 1964, you will find that this matter has been pursued largely along political lines.

We in the South are making a good faith effort to effect a change that is most delicate and difficult, and the results have been remarkable.

I am very proud that in my State—and Georgia is one State that is heavily affected—the people have acted with restraint and we are making these changes at a rather remarkable rate of speed.

But of course, we cannot possibly satisfy those who expect to use the problem for political capital and in my opinion, more politics is mixed up in this particular issue than in any other one that I have seen in the 30-odd years I have served in the Senate.

The Senator from Mississippi has performed a real service, and he has performed a service in his own State in leading the way for peaceful transition.

I suppose that Mississippi as a State has a more difficult time than any other State of the Union and I believe I have an understanding of what confronts the people of Mississippi, since some 40 counties in my State have a majority of black citizens.

I am grateful to the Senator from Mississippi for the facts he has furnished here. I hope that all Members of the Senate will read thse facts and relate them to the legislation.

The Senate of the United States is the greatest parliamentary body that has ever existed in history. I have great faith in the basic sense of fairness of the Members of this body if they take the time to inform themselves of the facts.

The Senator from Mississippi in his able address has furnished this material for our use. I hope that Senators will show an interest in the question involved and will study his speech, if they did not hear it.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may be recognized for 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STENNIS. I thank the Senator from Georgia for his remarks. He paved the way and started me off in a lot of the work I have done on this matter.

I know that 3 or 4 years ago he made an eloquent plea to the then Secretary of Health, Education, and Welfare to bring this problem around to where it became a national policy, rather than to take it out on the South. I remember the solemn promise that was made. The Senator from Alabama was there. I was there. That promise was not kept.

A year later, we had another conference at the instigation of the Senator from Georgia. The promise was made again and was not kept.

I think maybe the third time we agreed, but virtually nothing was done. Very little has been done up to now. I will go into that. I have the facts on what has been done. Not enough has been done to scratch the surface, and the people in other States do not believe that anything will be done at this time.

Mr. RUSSELL. Mr. President, the Senator will recall that when the former Senator from Oregon, Mr. Morse was handling the education bill on the floor of the Senate, he stood at the leader's chair and told the Senate that he had the assurances of the Department of Health, Education, and Welfare, that this law would be applied throughout the United States. The CONGRESSIONAL RECORD will bear out my statement.

I give him his eternal credit. He said he thought it should be applied throughout the United States. But when the officials of the Department of Health, Education, and Welfare went into some of these other areas and sniffed the atmosphere, they came out without doing anything. They said, "Let's go down South where we can jump up and down on them without getting hurt." And they proceeded to do that.

Mr. STENNIS. Mr. President, the Senator is correct. The Senator from Oregon made those remarks.

Mr. RUSSELL. It came right out of his conscience.

Mr. STENNIS. Mr. President, I yield to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, the Senator from Mississippi has made a powerful address to the Senate. He is appealing for justice. He is appealing for fairness.

The Senator from Mississippi is one of the most judicious men in the Congress of the United States.

His address was based on facts. He sought to bring to the attention of the Senate the fact that HEW applies two standards in this Nation. The Department of Health, Education, and Welfare has one standard for the South, and it has another standard for New York City and for the Eastern States and for the Northern States.

The Senator from Georgia has just recalled the statement made on the floor of the Senate several years ago by the senior Senator from Oregon in which he had the assurance and gave the assurance that the Department of Health, Education, and Welfare would apply this law fairly throughout the Nation. Yet, all of us know that HEW has done no such thing. In my judgment, that is one reason why the people of our country have lost confidence in the Department of Health, Education, and Welfare; and that is one reason why the Representatives of the people of the United States in the House of Representatives rallied behind the President when he vetoed the HEW appropriation bill—because the people have lost confidence in HEW.

The Senator from Mississippi, in appealing to the Senate today, is appealing only for justice, only for fairness on behalf of the mothers and fathers and the children who reside in the southern section of our Nation.

I hear a lot of condemnation of the South in the Congress. Many people are willing to condemn the South. I happen to live in the most northern part of the South. My hometown is north of Washington, D.C. Yet, I am proud of the South and I am going to stick with the people of the South to do what little I can to see that they are treated fairly; and they are not being treated fairly by the Department of Health, Education, and Welfare; they are not being treated fairly by the Federal courts.

The legislation presented by the Senator from Mississippi seeks to have the Senate apply the same standards to the rest of the country that it seeks to apply to the South. It seems to me he has made a very fair proposal. It would give every man, woman, and child in our Nation freedom of choice. It would give to white and black parents alike the same thing: freedom of choice.

Mr. President, I commend the Senator from Mississippi on his powerful argument.

Mr. STENNIS. Mr. President, the Senator from Florida wanted me to yield to him. I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. GURNEY. Mr. President, I wish to add my congratulations for the very splendid presentation made by the Senator from Mississippi on one of the great social problems facing this Nation today, the problem of school desegregation.

I might say, as a Senator representing one of the largest States, not only in the South but now in the entire Nation, the State of Florida, that I and my staff have worked on these problems all last year and, of course, all this year. We have first-hand working knowledge of everything the Senator from Mississippi talked about. I wish to congratulate him on the very able presentation of solid factual matter about this problem. It has been long overdue and long needed here, emphasizing the double standard we have in this country as far as this problem is concerned.

I do think, perhaps, that the onus is more on the Supreme Court, at least now, than it is on the Department of Health, Education and Welfare. At least this is the problem we face at home in Florida.

I particularly want to congratulate the Senator from Mississippi on warning the Members of this body that as far as States outside of the ones that are directly involved now, those in the South, today's problems in school matters in the South are tomorrow's problems in the North, Midwest, and Far West. They are just around the corner. Those that serve and represent States other than States in the South are going to be faced with these problems almost at once.

There was one fact that I think the Senator brought out exceedingly well, and with this note I shall conclude. I refer to the important matter of changing attitudes all over the country in this matter. Oftentimes I think the court system and the political figures, although holding office, have not caught up with what is happening at home in connection with these changing attitudes.

An interesting story was published in the Washington Post this morning on this very subject, an article that should give warning to all of us. I refer to the article about the President and other officers of the Congress of Racial Equality, CORE, a very active black organization. These officers are now touring the country, and particularly the South, with a message to have complete resegregation of Negroes in the schools. They want completely black school districts. They want to turn the clock back completely, around 180 degrees; not what some of us want who are trying to work on this problem, and I refer to freedom of choice and reasoning in this matter.

I point this out as a warning and as an amplification of what the Senator from Mississippi said, that there are changing attitudes on this problem and unless we in public office, especially the Senate, recognize this and take leadership to try to solve some of these problems, we are going to have a volcano on our hands that we cannot control.

Mr. STENNIS. I thank the Senator.

Mr. President, if Senators wish to debate this matter on the other side, there will be no effort on our side for a filibuster. We always have to make that assurance for otherwise the press will infer it. There are many things to be brought out yet. We are not trying to kill time.

Mr. President, one of the best and soundest statements I have heard or read on this subject was by the outstanding and able Representative from Oregon, Mrs. EDITH GREEN, in a speech she made on the floor of the House of Representatives on July 31, 1969. I ask unanimous consent that a copy of her splendid speech be printed in the RECORD immediately after the close of my remarks, and chapter 342 of the Laws of New York 1969 approved May 2, 1969, also an article entitled "Desegregation—Where Do We Go From Here?" by Alexander M. Bickel, published in the New Republic of February 7, 1970, and the article entitled "Doubts Grow About School Integration" which appeared in the January 26, 1970, issue of the National Observer.

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

FLOOR SPEECH OF HON. EDITH GREEN OF OREGON, JULY 31, 1969

Mrs. GREEN of Oregon. Mr. Chairman, 8 years ago one of my close friends came to Washington with the Kennedy administration. This gentleman was and is committed to an integrated society. He had always supported civil rights legislation at the State level as well as the national. This family—and I am going to discuss them in personal terms, but not use their name. I think he would not object. This family is a Catholic family. They are also committed to the public schools. This family, because of income, could probably have moved into almost any area they wanted to in the District of Columbia. This family chose, because of their commitment, to move into an integrated neighborhood. They have three daughters. They placed all three daughters in the public school system.

About 2 years ago or 3 years ago they started busing 90 youngsters from Anacostia—and I am extremely critical of the deplorable situation of the District of Columbia schools. That is why I am pleased when we voted more funds for vital education programs—funds for the District of Columbia—and all other school districts. I may have different priorities on the programs that we ought to support, and had I had my druthers—I would have increased vocational education funds more and impact aid less. But we must improve the quality of education, and equality of educational opportunity for all. But let me get back to this particular family and their series of problems.

Two years ago their youngest daughter became one out of three white children in an all-black classroom. Ninety youngsters were bused from Anacostia. It was not a "random sample" who were bused—and I do not blame any principal in Anacostia—already overburdened with problems—short of space in the classroom. But discipline problems emotionally disturbed youngsters, were the ones to be bused out. At 8:15 in the morning the small buses came and picked up children of white families in this neighborhood, who had the money to send their children to private schools, and at a quarter to 9 the big buses came from Anacostia and put the black children in the schools to occupy the spaces that the white children had just vacated.

I agree with the gentleman who spoke—and I have forgotten who it was—a moment ago about the questionable benefits to be gained from busing. It is the disadvantaged home, the disadvantaged neighborhood which must be improved equally as much as the school. Will 30 or 35 hours in another school offset the others 120 or 130 hours a week spent in deprivation? Can we continue to ask miracles of a teacher during 5 hours a day in class? If we rely on busing to correct social ills, are we not obliged to ask what is at the end of that bus line? Emphasis on integration and busing unaccompanied by a demand for academic excellence is worthless. This is what we ought to be concerned about—the quality of the programs. But the busing from Anacostia continued and the quality deteriorated.

Last year, this youngster would have been the only white child in an all-black classroom. This family had to face the problem, "Is my first responsibility to provide the best education I can for my daughter, or is my responsibility to maintain my commitment to an integrated class?"

And they decided, as hundreds of thousands of parents across this land are deciding, "My first responsibility is to provide the best education I can for my own child."

So this year they took all three of their children out of the public schools. The oldest daughter had also encountered major problems and threats of physical safety. All three of the daughters were taken out of the public schools and placed in private schools. This friend said—and he laughed—embarrassed as he said it—

"Edith, for the first time in my life—and I am ashamed to admit it—I have a serious question whether I am going to support tax levies and bond issues. I'm now paying for tuition for all three daughters in private schools."

About a month ago this family, because the neighborhood was changing and because of the situation of their three daughters, this family sold their home in the integrated neighborhood and they moved out to Maryland.

Now, what are we accomplishing? What are we accomplishing in terms of improving education? I believe the situation I described has been duplicated thousands and thousands of times all across the Nation.

I want to say that what is happening in terms of national policy affects Oregon. We do not have the problems in Portland that we have in the District of Columbia, but in Oregon this year 126 tax levies for schools were defeated—an all-time high. More and more people become dissatisfied, they are going to refuse to support the public schools. You see it in every State of the Nation.

If this happens, we have another step in this vicious cycle and a further deterioration of the public school system. So I make the plea for the Members who are lawyers and who say the Civil Rights Act is working out as they intended, and that busing is not occurring, take another look, examine the results—really inquire as to whether it is being enforced the way it ought to be enforced, and let us not let the eager beavers in the enforcement division of HEW enforce it the way they want to enforce it irregardless of the law—but require them—if they want to rewrite the Civil Rights Act, to present their proposals to the Congress; let us argue the issues on their merit, and write the laws and decide the issues by a majority vote.

It seems to me these are policies we must consider if we are really concerned about

quality education, and we must not continue to let people outside the Government or let those in the executive branch enforce their version of what they think a civil rights law should require.

CHAPTER 342 OF THE LAWS OF NEW YORK

(An act to amend the education law, in relation to prohibiting discrimination on account of race, creed, color or national origin in connection with the education of the children of the state)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section thirty-two hundred one of the education law is hereby amended to read as follows:

§ 3201. No exclusion Discrimination on account of race, creed, color or national origin prohibited

1. No person shall be refused admission into or be excluded from any public school in the state of New York on account of race, creed, color or national origin.

2. Except with the express approval of a board of education having jurisdiction, a majority of the members of such board having been elected, no student shall be assigned or compelled to attend any school on account of race, creed, color or national origin, or for the purpose of achieving equality in attendance or increased attendance or reduced attendance, at any school, of persons of one or more particular races, creeds, colors, or national origins; and no school district, school zone or attendance unit, by whatever name known, shall be established, reorganized or maintained for any such purpose, provided that nothing contained in this section shall prevent the assignment of a pupil in the manner requested or authorized by his parents or guardian, and further provided that nothing in this section shall be deemed to affect, in any way, the right of a religious or denominational educational institution to select its pupils exclusively or primarily from members of such religion or denomination or from giving preference to such selection to such members or to make such selection to its pupils as is calculated to promote the religious principle for which it is established.

§ 2. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law.

[From the New Republic, Feb. 7, 1970]

DESEGREGATION—WHERE DO WE GO FROM HERE?

(By Alexander M. Bickel)

(NOTE.—Alexander M. Bickel, contributing editor to this journal since 1957, is Chancellor Kent professor of law and legal history at Yale. His book, "The Supreme Court and the Idea of Progress," is being published this month by Harper and Row.)

It will be sixteen years this May since the Supreme Court decreed in *Brown v. Board of Education* that the races may not be segregated by law in the public schools, and six years in July since the doctrine of the *Brown* case was adopted as federal legislative and executive policy in the Civil Rights Act of 1964. Yet here we are, apparently struggling still to desegregate schools in Mississippi, Louisiana and elsewhere in the deep South, and still meeting determined resistance, if no longer much violence or rioting.

The best figures available indicate that only some 23 percent of the nationwide total of more than six million Negro pupils go to integrated public schools. About half the total of more than six million Negro pupils are in the South, and there the percentage of Negroes in school with whites is only 18.

What has gone wrong? The answer is, both less and a great deal more than meets the eye; it is true both that the school desegregation effort has been a considerable success, and that it has not worked.

The measure of the success is simply taken. Sixteen years ago, local law, not only in the 11 Southern states but in border states, in parts of Kansas, in the District of Columbia, forbade the mixing of the races in the schools, and official practice had the same effect in some areas in the North, for example portions of Ohio and New Jersey. Ten years ago, Southern communities were up in arms, often to the point of rioting or closing the public schools altogether, over judicial decrees that ordered the introduction of a dozen or two carefully selected Negro children into a few previously all-white schools. There are counties in the deep South that still must be reckoned as exceptions, but on the whole, the principle of segregation has been effectively denied, those who held it have been made to repudiate it, and the rigid legal structure that embodied it has been destroyed. That is no mean achievement, even though it still needs to be perfected and completed, and it is the achievement of law, which has irresistible moral force, and was able to enlist political energies in its service.

The achievement is essentially Southern. The failure is nationwide. And the failure more than the achievement is coming to the fore in those districts in Mississippi and Louisiana where the Supreme Court and a reluctant Nixon Administration are now enforcing what they still call desegregation on very short deadlines. In brief, the failure is this: To dismantle the official structure of segregation, even with the cooperation in good faith of local authorities, is not to create integrated schools, anymore than integrated schools are produced by the absence of an official structure of school segregation in the North and West. The actual integration of schools on a significant scale is an enormously difficult undertaking, if a possible one at all. Certainly it creates as many problems as it purports to solve, and no one can be sure that even if accomplished, it would yield an educational return.

School desegregation, it will be recalled, began and for more than a decade was carried out under the so-called "deliberate speed" formula. The courts insisted that the principal of segregation and, gradually, all its manifestations in the system of law and administration be abandoned; and they required visible proof of the abandonment, namely, the presence of black children in school with whites. The expectation was that a school district which had been brought to give up the objective of segregation would gradually reorganize itself along other nonracial lines, and end by transforming itself from a dual into a unitary system.

All too often, that expectation was not met. The objective of segregation was not abandoned in good faith. School authorities would accept a limited Negro presence in white schools, and would desist from making overt moves to coerce the separation of the races, but would manage nevertheless to continue operating a dual system consisting of all black schools for the vast majority of Negro children, and of white and a handful of nearly white schools for all the white children. This was sham compliance—tokenism it was contemptuously called, and justly so—and in the past few years, the Supreme Court, and HEW acting under the Civil Rights Act of 1964, determined to tolerate it no longer.

HEW and some lower federal courts first raised the ante on tokenism, requiring stated percentages of black children in school with whites. Finally they demanded that no school in a given system be allowed to retain its previous character as a white or black school. Faculties and administators had to be shuffled about so that an entirely or almost entirely black or white faculty would no longer characterize a school as black or white. If a formerly all-Negro school was badly substandard, it had to be closed. For the rest, residential zoning, pairing of schools by grades, some busing and majority-to-minority transfers were employed to ensure distribution of both races through the school system. In areas where blacks were in a majority, whites were necessarily assigned to schools in which they would form a minority. All this has by no means happened in every school district in the South, but it constitutes the current practice of desegregation. Thus among the decrees recently enforced in Mississippi, the one applicable in Canton called for drawing an East-West attendance line through the city so that each school became about 70 percent black and 30 percent white. Elsewhere schools were paired to the same end.

It bears repeating that such measures were put into effect because the good faith of school authorities was in doubt, to say the least, and satisfactory evidence that the structure of legally enforced segregation had been eliminated was lacking. But whatever, and however legitimate, the reasons for imposing such requirements, the consequences have been perverse. Integration soon reaches a tipping point. If whites are sent to constitute a minority in a school that is largely black, or if blacks are sent to constitute something near half the population of a school that was formerly white or nearly all-white, the whites flee, and the school becomes all or nearly all-black; resegregation sets in, blacks simply changing places with whites. The whites move, within a city or out of it into suburbs, so that under a system of zoning they are in white schools because the schools reflect residential segregation; or else they flee the public school system altogether, into private and parochial schools.

It is not very fruitful to ask whether the whites behave as they do because they are racists, or because everybody seeks in the schools some sense of social, economic, cultural group identity. Whatever one's answer, the whites do flee, or try to, whether in a Black Belt county where desegregation has been resisted for 16 years in the worst of faith and for the most blatant of racist reasons, or in Atlanta, where in recent years, at any rate, desegregation has been implemented in the best of faith, or in border cities such as Louisville, St. Louis, Baltimore or Washington, D.C., where it was implemented in good faith 15 years ago, or in Northern cities where legal segregation has not existed in over half a century. It is feckless to ask whether this should happen. The questions to ask are whether there is any way to prevent the whites' fleeing, or whether there are gains sufficient to offset the flight of the whites in continuing to press the process of integration.

To start with the second question, a negative answer seems obvious. What is the use of a process of racial integration in the schools that very often produces, in absolute numbers, more black and white children attending segregated schools than before the process was put into motion? The credible disestablishment of a legally enforced system of segregation is essential, but it ought to be possible to achieve it without driving school systems past the tipping point of resegregation—and perhaps this, without coming right out and saying so, is what the Nixon Administration has been trying to tell us. Thus in Canton, Mississippi, a different zoning scheme would apparently have left some all-black and all-white schools, but still put about thirty-five percent of black pupils in schools with whites.

We live by principles, and the concrete expression in practice of the principles we live by is crucial. *Brown v. Board of Education* held out for us the principle that it is wrong and ultimately evil to classify people invidiously by race. We would have mocked that principle if we had allowed the South to wipe some laws formally off its books, and

then continue with segregation as usual, through inertia, custom, and the application of private force. But substantial, concrete changes vindicating the principle of the *Brown* case were attainable in the South without at the same time producing the absurd result of resegregation.

This argument assumes, however, that the first of the two questions posed above is also to be answered in the negative. Is there, in truth, no way to prevent resegregation from occurring? Approaching the problem as one of straight feasibility, with no normative implications, one has to take account of an important variable. It is relatively simple to make flight so difficult as to be just about impossible for relatively poor whites in rural areas in the South. There is little residential segregation in these areas, and there is no place to move to except private schools. State and local governments can be forbidden to aid such private schools with tuition grants paid to individual pupils, and the Supreme Court has so forbidden them. Private schools can also be deprived of federal tax exemption unless they are integrated, and a federal court in the District of Columbia has at least temporarily so deprived them. They can be deprived of state and local tax aid as well. Lacking any state support, however indirect, for private schools, all but well-to-do or Catholic whites in the rural and small-town South will be forced back into the public schools, although in the longer run, we may possibly find that what we have really done is to build in an incentive to residential segregation, and even perhaps to substantial population movement into cities.

On a normative level, is it right to require a small, rural and relatively poor segment of the national population to submit to a kind of schooling that is disagreeable to them (for whatever reasons, more or less unworthy), when we do not impose such schooling on people, in cities and in other regions, who would also dislike it (for not dissimilar reasons, more or less equally worthy or unworthy?) [1] This normative issue arises because the feasibility question takes on a very different aspect in the cities. Here movement to residentially segregated neighborhoods or suburbs is possible for all but the poorest whites, and is proceeding at a rapid pace. Pursuit of a policy of integration would require, therefore, pursuit of the whites with busloads of inner-city Negro children, or even perhaps with trainloads or helicopter-loads, as distances lengthen. Very substantial resources would thus be needed. They have so far nowhere been committed, in any city.

One reason they have not is that no one knows whether the enterprise would be educationally useful or harmful to the children, black and white. Even aside from the politics of the matter, which is quite a problem in itself, there is a natural hesitancy, therefore, to gamble major resources on a chase after integration, when it is more than possible that the resources would in every sense be better spent in trying to teach children how to read in place. Moreover, and in the long view most importantly, large-scale efforts at integration would almost certainly be opposed by leading elements in urban Negro communities.

Polls asking abstract questions may show what they will about continued acceptance of the goal of integration, but the vanguard of black opinion, among intellectuals and political activists alike, is oriented more toward the achievement of group identity and some group autonomy than toward the use of public schools as assimilationist agencies. In part this trend of opinion is explained by the ineffectiveness, the sluggishness, the unresponsiveness, often the oppressiveness of large urban public school systems, and in part it bespeaks the feeling shared by so many whites that the schools should, after all, be an extension of the family, and that the family ought to have a sense of class and cultural identity with them. And so, while the courts and HEW are rezoning and pairing Southern schools in the effort to integrate them, Negro leaders in Northern cities are trying to decentralize them, accepting their racial character and attempting to bring them under community control. While the courts and HEW are reassigning faculties in Atlanta to reflect the racial composition of the schools and to bring white teachers to black pupils and black teachers to white ones, Negro leaders in the North are asking for black principals and black teachers for black schools.

Where we have arrived may be signaled by a distorted mirror image that was presented in the Ocean Hill-Brownsville decentralized experimental school district in New York during the teachers' strikes of the fall of 1968. A decade earlier, black children in Little Rock and elsewhere in the South were escorted by armed men through white mobs to be taught by white teachers. In Ocean Hill-Brownsville in 1968, white teachers had to be escorted by armed men through black mobs to teach black children.

Can we any longer fail to acknowledge that the federal government is attempting to create in the rural South conditions that cannot in the foreseeable future be attained in large or medium urban centers in the South or in the rest of the country? The government is thus seen as applying its law unequally and unjustly, and is, therefore, fueling the politics of George Wallace. At the same time, the government is also putting itself on a collision course with the aspirations of an articulate and vigorous segment of national Negro leadership. Even if we succeed at whatever cost, in forcing and maintaining massively integrated school systems in parts of the rural South, may we not find ourselves eventually dismantling them again at the behest of blacks seeking decentralizzed community control?

There must be a better way to employ the material and political resources of the federal government. The process of disestablishing segregation is not quite finished, and both HEW and the courts must drive it to completion, as they must also continually police the disestablishment. But nothing seems to be gained, and much is risked or lost, by driving the process to the tipping point of resegregation. A prudent judgment can distinguish between the requirements of disestablishment and plans that cannot work, or can work only, if at all, in special areas that inevitably feel victimized.

There are black schools all over the country. We don't really know what purpose would be served by trying to do away with them, and many blacks don't want them done away with. Energies and resources ought to go into their improvement and, where appropriate, replacement. Energies and resources ought to go into training teachers, and into all manner of experimental attempts to improve the quality of education. The involvement of cohesive communities of parents with the schools is obviously desired by many leaders of Negro opinion. It may bear educational fruit, and is arguably an inalienable right of parenthood anyway. Even the growth of varieties of private schools, hardly integrated, but also not segregated, and enjoying state support through tuition grants for blacks and whites alike, should not be stifled, but encouraged in the spirit of an unlimited experimental search for more effective education. Massive school integration is not going to be attained in this country very soon, in good part because no one is certain that it is worth the cost. Let us, therefore, try to proceed with education.

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[1] For instance a UPI dispatch from Oklahoma City dated January 20 as follows:

"Mrs. Yvonne York, mother of a 14-year-old boy taken into custody for defying a federal desegregation order, said today she will take the case to the Supreme Court. US District Judge Luther Bohanon last week ordered the Yorks to enroll their son Raymond at Harding Junior High in compliance with desegregation rulings. The boy had been enrolled at Taft Junior High a few blocks from his home. Harding is four miles from his home. Raymond was taken into custody yesterday by federal marshals when Mrs. York tried to enroll him at Taft. He was detained for a few hours." A city councilman is quoted as saying, "The people of Oklahoma are fed up with forced busing and federal court orders running our schools. We demand an end to this madness."

[From the National Observer, Jan. 26, 1970]

DOUBTS GROW ABOUT SCHOOL INTEGRATION

WASHINGTON, D.C.—A new word has entered the debate over segregation and integration in the nation's public schools: resegregation.

In dozens of cities, schools, and school systems once almost entirely white are turning increasingly nonwhite. This trend, produced by the familiar exodus of whites to the suburbs and nonwhites to the inner cities, has been going on for more than 30 years.

Only now, however, is it becoming a matter of prime concern to Federal officials. A new Federal school survey shows that racial isolation exists in every section of the country and that its growth is most rapid in the big Northern cities. This fact is raising new doubts among many long-time integrationists about the wisdom of trying to enforce desegregation in the schools. Items:

Several years ago, the Cleveland Board of Education searched the city for a new high-school site that would permit optimum racial integration. They settled on a neighborhood of modest owner-occupied homes near the suburb of Shaker Heights that was 60 per cent white, 40 per cent black. But when John F. Kennedy High School opened in 1965, 95 per cent of its pupils were black. "There's no question the decision to open that school accelerated the departure of whites," says Mrs. Conella Coulter Brown, administrative assistant for the Cleveland schools.

Edmondson High School on the west side of Baltimore was 80 percent white when it opened in 1957. Today there are 25 whites out of its student population of 2,700. "This is a well-kept-up residential area," says assistant principal Margery W. Harris. "But once the school turned half-black, it turned rapidly almost 100 per cent black. The whites just moved out or took their children elsewhere.

Heavy Negro migration gave the District of Columbia's schools a Negro majority as early as 1950—four years before the Supreme Court's watershed desegregation decision. In 1970, with the schools 95 per cent nonwhite, middle-class Negroes are fleeing—just across the boundary to neighboring Prince George's County, Maryland. The interesting thing about Prince Georges enrollment this year, however, is not that the number of new blacks is up but that the number of new whites is down. No one knows exactly why, but one administrator muses: "The whites are moving to other Washington suburbs rather than to Prince Georges."

In city after city in the North, the story is the same: Schools once all or nearly all white are drawing nonwhites in increasing numbers. When they reach a "tipping point" of 30 to 50 per cent, the whites move out and the schools become rapidly almost entirely nonwhite.

The extent of resegregation in the North has never been known with any certainty. But the Department of Health, Education, and Welfare (HEW) undertook a survey of the racial composition of 90 per cent of the school districts in the country during the 1968–1969 school years, and fed the returns into a high-speed computer. The results, re-

leased Jan. 4, portray a system of segregated education that knows no regional boundaries.

The survey shows, for example, that 5 out of 10 Negroes outside the South attend schools 95 to 100 per cent Negro, as opposed to 7 out of 10 Negroes in the 11 Southern states. Only 25 per cent of the Negroes outside the South attend majority-white schools, as contrasted with 18 per cent of the Negroes in Southern schools.

The survey shows too that 10 of the largest 20 city school systems in the country have majority Negro enrollments. In 16 of those systems, 60 per cent or more of the Negroes go to schools 95 to 100 per cent Negro—almost totally segregated.

A. STENNIS CHALLENGE

Federal officials say they are deeply troubled by the extent of segregation the survey has uncovered. Sen. John Stennis, Mississippi Democrat, first previewed the findings in a series of speeches in December, in which he challenged the Government to pursue desegregation in the North with the same vigor it is pursuing desegregation in the South. "If segregation is wrong in the public schools of the South," he argued, "it is wrong in the public schools of all other states."

Mr. Stennis made the point in arguing that the Government should ease up on its efforts to promote desegregation of schools. Leon E. Panetta, HEW's chief civil-rights officer, on the other hand, told Congress two months ago that the answer is not to make segregation legal in the South but to pass legislation making it illegal everywhere.

Last week, in a pensive mood, Mr. Panetta reflected on the emerging pattern of resegregation in America and said: "Nobody really is considering what the answers to this situation are, and whether there aren't new injustices resulting from rectifying gross past injustices."

Ever since the Supreme Court held in 1954 that state-supported racial segregation was a denial of equal educational opportunity, the courts have been trying to undo the vestiges of the South's dual school system. With the passage of the 1964 Civil Rights Act, the Justice Department and HEW joined the battle to force recalcitrant school districts to adopt plans of racial balance.

TURNING ATTENTION NORTH

In the past two years, both agencies have begun turning their attention to school discrimination outside the South, but only a handful of non-Southern districts have been cited for discrimination. This is because racial separation in Northern districts is generally regarded as *de facto* segregation, a result of housing patterns, rather than—as in the South—*de jure*, the result of official law or policy.

Last week, in the second of seven suits filed by the Justice Department in non-Southern districts, a Federal district court ordered the Pasadena, Calif., school board to put into effect by next September a desegregation plan that would give none of its schools a nonwhite majority. The district—30 per cent black, 58 per cent white, and 12 per cent other minorities—was accused of discriminating in the making of school district boundaries, teacher assignments and in other ways.

So far, few courts have held that the existence of *de facto* segregation itself is proof of discrimination, and the Supreme Court has not ruled on the issue. Yet the disparity continues between what is forbidden in the South and what is tolerated in the North, and the pattern of Northern separation begins to look more like its Southern counterpart.

For example, 17 Florida school systems, with two-thirds of the state's pupil population, are currently under Federal court orders to desegregate, two of them by Feb. 1 under a Supreme Court order. Seventy-two per cent of the Negro students in Florida attend schools in which Negroes constitute 95 to 100 per cent of the enrollment.

Yet 72 per cent of the Negro students in Illinois, according to the HEW survey, also attend schools with 95 to 100 per cent Negro enrollment, and there are no court orders compelling desegregation in Illinois. In fact, it can be argued there is more segregation in Illinois than in Florida. Theoretically it should be easier for Illinois, where Negroes make up 18 per cent of the student population, to place Negroes in majority-white schools than for Florida, where they make up 23.2 per cent. Yet there are proportionately more Negroes in majority-white schools in Florida (23.2 per cent) than in Illinois (13.6).

It seems likely that the courts will not for long be able to postpone consideration of such discrepancies in the application of national law. For a few Southern school districts, which have desegregated in accordance with the law, now find themselves victims of resegregation, ostensibly as a result of shifting housing patterns. One such district is Atlanta, where integration began eight years ago as the result of court suits initiated by the NAACP and other civil-rights groups.

TWO ESCAPE ROUTES

Since that time, 25 schools that were formerly all-white have turned predominantly black, as white parents have followed one of the two legal escape routes open to them: a private school or a home in the suburbs. Today, the school system, predominantly white before integration, is two-thirds black, but adjoining, suburban school systems are 80 to 95 per cent white.

If this appears to be *de facto* segregation Northern-style, Atlanta—because it had a dual school system until recently—is nonetheless still subject to a Supreme Court order of Jan. 14, requiring desegregation of schools in Georgia and four other Southern states by Feb. 1.

Southerners have long been grumbling about what they wryly refer to as "this dual system of justice" (one for the North, another for the South), and they are beginning to organize to combat it. Last week, Florida's Gov. Claude Kirk appealed to the U.S. Supreme Court to set national desegregation standards that would affect all 50 states. And the attorneys general of Louisiana, Mississippi, and Alabama announced a joint legal effort designed to ensure that "the same rules for administration of public schools" imposed by the Federal courts in the South apply to all other states.

The forces attempting to undermine enforced desegregation will get an unexpected assist next month with the publication of a book by Harper & Row, which challenges the Constitutional basis of court-ordered integration.

Entitled *The Supreme Court and the Idea of Progress*, and written by Yale University's Alexander M. Bickel, a Constitutional law authority of impeccable credentials among civil-rights advocates, the book is an expanded version of the Holmes Lectures, which Professor Bickel delivered at Harvard Law School in October.

In a chapter on the Supreme Court's desegregation rulings, Professor Bickel argues the Court, beginning with the history-making *Brown* v. *Board of Education* decision in 1954, should have contented itself with finding that legally enforced school segregation is unconstitutional.

DUBIOUS SOCIOLOGY?

In going beyond that principle to argue that separate educational facilities are inherently unequal, says Professor Bickel, the Court based its reasoning on dubious sociology and a parochial view of American education, which holds that education's main duty is to promote assimilation. As a result, says Mr. Bickel:

"In most of the larger urban areas, demographic conditions are such that no policy that a court can order, and a school board, a city, or even a state has the capability to put into effect, will in fact result in the foreseeable future in racially balanced public schools."

Enforced desegregation, in other words, will merely force more whites into the suburbs or into private schools, leaving, Professor Bickel argues, only the poor—black and white—in the city schools.

It should be noted that there are many successful experiments in racial desegregation of schools. Several dozen Northern school districts, according to HEW estimates, have achieved full and voluntary integration by such techniques as altering attendance zones, busing and pairing of students to achieve racial balance. In White Plains, N.Y., for example, a quota system introduced in 1964 has not resulted in an exodus of whites. No school may have more than a 30 per cent or less than a 10 per cent enrollment of minority-group students.

But such plans, officials say, generally work in small or medium-size cities (White Plains' population: 65,000), where the population is stable and the blacks are in the minority. They often require, in addition, a rare degree of local leadership.

Central cities, on the other hand, experienced an increase of 2,400,000 in the Negro population between 1960 and 1968, and a decline of 2,100,000 in the white population, according to Census Bureau figures. While the figures are open to various interpretations, they nonetheless make it clear that great numbers of whites do not consider integration a primary social goal.

CHANGING NONWHITE ATTITUDE

Integration seems to be losing its attraction among nonwhites as well, at least as a short-run goal. Civil-rights leader James Farmer, now a high Nixon Administration official, said recently he has stopped trying to "sell Negro audiences on integration." The reason: "They don't agree on it any more."

In Philadelphia, where 60 per cent of the Negro school children attend schools that are 95 to 100 per cent Negro, officials report waning enthusiasm for busing black students to white schools to relieve overcrowding. "The people want to go to their neighborhood school," says school spokesman Robert S. Finarelli. "It's the state, not local people, pressing us for a desegregation plan."

The educational argument for integrated schools in based on the premise that minority-group children make their greatest achievement gains in an integrated environment. Numerous studies over the years, including the mammoth Coleman Report, issued by the U.S. Office of Education in 1966, have documented this thesis.

Conversely, there is relatively little information to indicate that spending more money in black schools in the slums does much good. "Most experiments in improving ghetto education have, quite frankly, been failures," says a U.S. Office of Education official.

That is why Government "integrationists" are so disturbed by the new findings of racial resegregation in the public schools. Leon Panetta, HEW's 31-year-old civil-rights chief, throws up his hands and shrugs. "We need a congressional examination of this whole question of the results of integration," he says. "In the meantime, we do what the law says we should do."

Mr. GURNEY. Mr. President, I wish to go on record in support of the amendment to the Elementary and Secondary Education Act offered by my colleague, the distinguished Senator from Mississippi (Mr. STENNIS).

The amendment, as the Senator from Mississippi (Mr. STENNIS) has pointed out, is patterned after a similar New York State statute, which has been on the books in that State for several years. The amendment, simply stated, would prohibit the assignment of pupils to any schools anywhere in the Nation without the express approval of the school board having jurisdiction in each case, on the basis of race, creed, color, or national origin; no child would be refused admission to any school on account of his race or origin.

It is significant, I think, that New York has taken the lead in this area. New York, viewing the problems of de facto segregation and the need to achieve quality integrated schooling, has taken the route of leaving with the local school boards the right and the duty to make pupil assignments, and leaving with the pupils and the parents the determination of where the children shall go to school. Frankly, I do not know why anyone would object to the idea of freedom of choice, except that the whole problem of desegregation is so full of emotionalism and high-pitched rhetoric that our national policy is becoming irrational.

The idea behind Brown against Board of Education was a good one: To give black children the benefit of the best education possible. The idea of separate schools for blacks, fixed by legislation, State or Federal, was found to be constitutionally repugnant. We have no quarrel with that general notion. But, once the State or Federal laws creating separate schools were struck down, the Federal Government embarked on the most ambitious social engineering project in its history. The results of that social engineering project, carried out by the Department of Health, Education, and Welfare, the Justice Department, and most especially by the Federal courts, I think we have to admit, has been universally disastrous. Again, we do not quarrel with the end—we can and we do protest the means employed by the Federal Government to achieve that end.

Let me suggest what the results of a 15-year program of federally imposed desegregation or integration has accomplished. Again, I must point out that I am talking about the nationwide problem, not a regional or local problem. The results, as I see them, are as follows:

First. Certain schools in certain areas have been successful and harmoniously integrated. These schools, I regret, to say, are a tiny minority of the schools of our country. Elsewhere, we have turned schools, particularly high schools, into tense, high volitile racial battlegrounds. This is true in New York, in Chicago, in Los Angeles, in Jacksonville, and in Portland, Maine. I had printed in the RECORD last month, an article by Joseph Alsop which pointed out that interracial violence in the public schools has reached a very dangerous level. Again, talking about a national problem not a local problem, Alsop said:

> The fact is that something perilously close to race war has now begun in just about every integrated high school in the United States. This is not a southern problem. This is a nationwide problem, with future political implications so grave that we dare not go on being ostriches about it.

Mr. Alsop is no racist, as we all know. He is a competent and thorough reporter who has tried to view this problem objectively. I have asked my staff to verify Mr. Alsop's report. We have looked into the situation. His appraisal is, sad to say, accurate and if anything, understated. I will not go into depth here about the drug problem, but it must be mentioned: It is a related problem and it is a very real and a very dangerous problem. Jackie Robinson spoke of this problem earlier in the week before the Maryland State Legislature. He spoke from the point of view of a parent who has his own son become addicted to heroin. We must deal with this problem: We are derelict in our duty if we fail to come to grips with it.

The second noteworthy effect of federally inspired efforts to integration has been the fact that white parents, faced with integration, have abandoned the inner city and fled to the suburbs. Alternatively, they have placed their children in private schools. As the taxpayers have fled, the revenues of the cities have declined. This sorry situation, I think is directly attributable to the integration-segregation efforts of the Federal Government. Here in Washington, D.C., the public schools are now 95 percent black. I will not talk about the problems we are encountering here, other than to say that the problems are staggering. One day last month, a boy was killed, another was wounded, and a third was shot at—all in a 6-hour school day. Police now patrol the schools in Washington on a regular basis. What kind of education could these children receive in the atmosphere of an armed camp? Another development here deserves to be mentioned: middle-class Negro parents are taking their children out of the public schools. This phenomenon was highlighted in a recent article in the Washington Post. It is a fear that I have long had and which has worried me a good deal: because of all the nonsense attendant to the federally inspired integration efforts, middle-class Americans—black and white—are losing their faith in public schools. This is a potentially disastrous development. This country owes much to its public schools. I implore Senators not to further divide our Nation, not to help destroy the public schools. Our purpose should be to revitalize and assist the public schools. That is the aim of the bill under discussion today. I think the amendment of the Senator from Mississippi (Mr. STENNIS) is a rational approach to this problem.

Let our children, black and white, have a chance for a quality education. Let them have an opportunity to make up their own minds as to where they will go to school; let us do without busing where we can—it is a great financial burden. That money could better be spent on teachers and valid educational tools.

I want to sound one warning: I implore my colleagues not to point an accusatory finger at the South. It is tempting to do so; I know in the past; I am frank to admit there has been heel dragging on integration in the South. The facts show that there has been just as much heel dragging in the North. Again, I emphasize that this is a national problem. What we are experiencing in the South today will be visited on northern communities in the near future. More than 50 percent of black students are today attending schools which are 95 to 100 percent black. Senator STENNIS has graphically demonstrated this fact in this presentation to the Senate in December 1969. Do not, I implore my colleagues, do not treat the South as a band of rascals. The problems in the South are simply the problems of the North.

We are trying to deal with them, honestly and, I assure Senators, diligently. I am one southern Senator who has been working on these school problems ever since I came to the Senate, not to stop desegregation but to try to see that it comes without explosion and irreparable harm to the public school system in general and the students in particular. The Stennis Amendment will help the South and the North both deal with these problems.

New York has shown the Nation a rational approach to the problem. Let us use New York's approach nationally. The situation in our public schools throughout the country is inflammatory. Let us not wait until there is a blood-letting or an explosion before we act. Let us act now, adopt the Stennis amendment as a first meaningful step to restore local control and to reorder the situation. We have a chance now to calm the troubled waters. This is not a final solution and its adoption will not be the end of our trouble, but it is a step in the right direction. I most respectfully and sincerely urge my colleagues to agree to this amendment and to defuse the bomb that is ticking in the Nation's schools even as we talk here today.

Mr. PROUTY. Mr. President, I would like to comment upon H.R. 514, the bill now before us to extend authorizations under the Elementary and Secondary Education Act and to amend other related acts. Before I do so, however, I would like to commend my colleagues on the Labor and Public Welfare Committee for their long and laborious efforts in bringing this bill to the Senate. The able leadership of the new chairman of the Education Subcommittee, (Mr. PELL) helped to make this possible. I would like to thank the committee staff for their work and particularly their desire to accommodate various political philosophies in pursuance of bipartisan compromises in the bill and in the report.

The bill as we now have it is rather long and complex. While I realize that this will make it difficult to evaluate and expedite quickly, I am confident that our previous discussions within the committee and here on the Senate floor will lead to a most fruitful outcome. Many of the provisions now contained in this bill are those advocated by the administration and were in the original bill on this subject that I introduced to the Senate some months ago. With the consent of the members I was able to add several other provisions during the com-

mittee deliberations, some on behalf of the administration. I have summarized these provisions and ask unanimous consent that they be inserted in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PROUTY. Mr. President, overall, this bill represents the intent of the committee to continuously evaluate and improve educational opportunities for the wide spectrum of students desirous to learn. We have started at one end of the continum dealing with the disadvantaged and the handicapped and ended at the other by dealing for the first time with the gifted and the talented. When we looked at title I dealing with educationally disadvantaged students, we found many problems in the operation of the program that were due, not so much to inadequacies in the legislation, but rather to a lack of local planning and State supervision. As a result, the program is not meeting the objectives set out by Congress some 4 years ago to help these students overcome the handicaps of cultural and educational deprivation. It was the intent of Congress that these students be given supplemental programs such as remedial reading and cultural enrichment in addition to the services they would normally receive on a par with their more advantaged peers. However, we have found that funds allocated for this purpose have not reached the target children, for they have been dispersed to nontarget children and too often used to supplant, rather than supplement, State and local funds spent in these areas.

Thus, the disadvantaged child, even while getting his fair share of Federal funds, is not receiving the benefits intended, because in no way does he receive the added help needed to overcome his educational disadvantages. Thus, the committee has taken several steps that hopefully will improve the operation of this most vital program. New provisions call for a study of the title I allocation formula to see that it is appropriate to the need, greater concentration of funds in areas serving the most disadvantaged, better planning and reporting techniques, and increased coverage of certain categories of students such as migrants, neglected or delinquent, and handicapped. Of particular benefit, I believe, are the provisions that will improve participation at all levels through State plans, advisory councils, and parental groups. These elements are most important if title I programs are to operate efficiently at the State and local level in concert with the needs and circumstances of the indigenous population to be served. Without these elements of participation and cooperation, title I programs are doomed to mediocrity.

Another area of great importance to me is legislation dealing with the handicapped. Somewhat over 10 percent of the school age population suffers from some form of handicap, and it is most critical that we improve prospects for the happy and productive lives of these individuals by giving them the educational wherewithal to help themselves. In this bill, therefore, we have included a codification of all existing legislation pertaining to education of the handicapped. This should be of much benefit not only to those seeking the benefits of those provisions, but also to those who administer the programs. Additionally, a new category of the handicapped has been defined; namely, those with specific learning disabilities. Although some States have helped these students under existing law, we have added provisions that bring greater attention to this area without detracting from existing program resources. While these provisions will one day become part of the codification, it is important for the present that they remain separate in order to maximize the effectiveness of new program funds.

Other improvements to broad categories of students pertain to bilingual students, Indians on reservations, dropouts, refugees, adults seeking the equivalent of a secondary education instead of being limited to the eighth-grade level, and the gifted or talented. These latter programs are new and show the committee's increasing concern that the excellence of our schools can only be maintained if all students are challenged by materials directly related to their needs. Within the broad spectrum of concerns in the legislation now before us are several provisions that will be of help to the general student as well. There are changes in the loan forgiveness provisions relating to teachers, with greater incentives now given to teachers of the disadvantaged and the handicapped. Also new provisions of loan forgiveness for those serving in the Armed Forces will make it more equitable for those who enter service during or after their schooling to receiving benefits similar to those given under the GI bill. Finally, there are provisions benefiting children in nonpublic schools who are eligible to participate in programs for public school students, such as title III, supplementary programs and services.

Although the committee report contains no specific mention of this, it was our intent to make explicit the expectation that nonpublic school officials be consulted regarding programs in which nonpublic school children participate. Our belief that this is already implicit in law prevented us from adding any new provision, but I am glad that Senator PELL made mention of this fact so that the legislative history will be accurate on the subject.

Other than the wide spectrum of persons specifically aided by the provisions of this bill, there are many other features worth noting. One is the recognition that present education legislation is contradictory and/or redundant in its use of definitions and procedures. Therefore, we have remedied provisions within title IV by defining many of the legislative terms and concepts. Also, a most important step has been taken in the setting of standards, such as those concerning the operation and number of members on statutory advisory councils or other advisory councils. Within this same title are provisions that will improve the efficiency and operation of all educational programs, such as the consolidation of State administrative funds and provisions pertaining to expiring appropriations authority, availability of appropriations and delegation authority.

Finally, in the recognition that allocation of dollars alone does not insure educational improvement, the committee has recommended that more emphasis be placed on evaluation and then dissemination. Two specific levels of evaluation are called for: One at the Federal level and the other at the State level.

At the Federal level, we have recommended up to 1 percent of all program funds be set aside for evaluation by the Commissioner of Education or the Secretary of Health, Education, and Welfare, whichever is most appropriate.

At a lower level, we have authorized a demonstration program in comprehensive planning and evaluation by States, localities, and metropolitan districts. These programs to be conducted in each State should do much to improve the development and use of State plans to hire personnel, to improve curriculums, and to evaluate program effectiveness.

However, planning and evaluation are not enough; for unless this analysis leads to needed change, it is worthless. In the past we have found that even when evaluations have been made, there has been an inadequate emphasis on dissemination so that others could benefit or make changes recommended. Therefore, we have placed a great stress on the need to disseminate analysis materials in a form that is usable to policymakers in the field as well as the educational researcher. This intent to strengthen the use of communications techniques is supported by several provisions relating to the collection and dissemination of information, the cataloging of education assistance programs, the use of modern measurement and reporting techniques and the furnishing of technical assistance to States upon request.

During the ensuing deliberations on this bill, there will be ample time to comment on many other provisions not specifically mentioned here. I thank my colleagues for their attention and trust that they will accept the recommendations of the committee in enacting this legislation.

EXHIBIT 1

PROVISIONS, OR PARTS THEREOF, ORIGINALLY CONTAINED IN S. 2451 INTRODUCED ON BEHALF OF THE ADMINISTRATION

1. Designation of responsibility for institutionalized, neglected or delinquent children.

Allows the Bureau of Education for the Handicapped to provide allocations to states who delegate responsibility for special services to other agencies under contract since present law precludes this practice.

2. Grants for migratory children to be based on the number served.

Changes formula that was inaccurate and based only on number of families in residence prorated for a standard number of children per family.

3. Use of most recent data under title I.

Allows OE to substitute most recent data available so that new allocations can be formulated at an early date instead of waiting for all states to submit their data.

4. Minimum grant allowance to local educational agencies.

Changes the minimum grant allowance un-

der Title I from $2,500 to $10,000, unless waived by the state, so that more meaningful and substantial impact can be derived from sums expended.

5. Content of state and local educational agency reports.

Requires that all Title I reports must include the results of program effectiveness evaluations and also requires that all performance data be related to specific criterion objectives.

6. Staggered terms for National Advisory Council on Education of Disadvantaged Children and increase in membership of Advisory Committee on the Education of Bilingual Children.

Within Title IV are sections standardizing the operation of advisory councils that incorporate several administration suggestions such as staggering the terms of members or increasing the number of members to be consistent with operation of all statutory advisory councils.

7. Provisions to assure participation by all eligible students in Title III programs.

Sets up a bypass of the state in administration of Title III programs so that where the state does not effectively assure participation by children in nonprofit private schools who are eligible to participate.

8. Involvement of private school officials in programs in which private school children participate.

Although not contained in the report, it has been stated by the Committee that within existing law it is implicit that private school officials should participate in planning of programs where private school children participate. For this reason, no specific provisions were added.

9. Provisions with respect to parental and community involvement.

Although not specifically contained in the section dealing with Title I, there are now provisions in Title IV that require parental and community participation in the planning, development, and operation of these programs.

10. One percent set-aside for evaluation of education programs.

Requires that one percent of all program funds be set aside for evaluations of those programs by the Commissioner or the Secretary of HEW, whichever is most appropriate.

11. Consolidation of special state grant programs.

As a compromise, this consolidates Title III of NDEA and Section 12 of National Foundation of the Arts and Humanities, since they are both state grant programs for instructional media. Originally, five programs were to be consolidated.

12. Application of bilingual programs to Indians on reservations.

Changes provisions so that children in schools operated by Indians and on Indian reservations can now apply directly to the Commissioner for grants rather than going through the Bureau of Indian Affairs.

13. Cancellation of student loans for service in the Armed Forces.

Provides for up to 50 percent loan forgiveness at the rate of 12½ percent per year for every year of service in the Armed Forces.

PROVISIONS ADDED DURING COMMITTEE DELIBERATIONS, SOME ON BEHALF OF ADMINISTRATION, SOME IN CONJUNCTION WITH OTHER COMMITTEE MEMBERS

14. Consolidation of handicapped legislation.

Consolidates all programs of education for the handicapped which are administered by the Commissioner of Education into a single statute to ease administration and operation of same.

15. Consoliation of State administration funds.

Allows the Commissioner to make a consolidated grant of administration funds for any two or more education programs to be carried on by the state (with the exception of Title I and Title VI).

16. Contingent extension of expiring appropriations authority.

Provides that unless Congress has formerly passed or reviewed legislation extending the authorizations for appropriations during the year prior to expiration, it is automatically extended for one year at an ongoing level so that forward funding can be pursued.

17. Special grants to urban and rural schools serving the highest concentrations of disadvantaged.

Changes from four to five percent the amount of discretionary funds allocated to the Commissioner after 1970. Such funds could be used at the Commissioner's discretion where extenuating circumstances such as inaccessibility preclude proper use of funds even though the level of concentration is not as high as specified to be eligible for these grants.

18. Minimum State allocation for comprehensive planning and evaluation program.

Changes the allocation formula so that after 25 percent of the funds are reserved to the Commissioner, 40 percent are allocated to the states and 60 percent are distributed on the basis of population.

19. Handicapped children and neglected or delinquent children receiving education under contract with State institutions.

Allows payments to state or other local public educational agencies which provide special education services to neglected or delinquent children when local educational agencies are unwilling or unable to do so.

20. Study of Title I funds.

Includes within this study, the subject of difficulties of administering Title I programs in rural areas due to thin dispersion of students or inaccessibility.

21. Creation of advisory council on research and development.

Changes the ad hoc Advisory Council on Research and Development to a statutory council.

22. Date of all reports from commissioner.

Changes the date of all reports in education programs from the Commissioner to be due on a uniform date of March first.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PATMAN, Mr. BARRETT, Mrs. SULLIVAN, Mr. REUSS, Mr. WIDNALL, Mr. JOHNSON of Pennsylvania, and Mr. MIZE were appointed managers on the part of the House at the conference.

The message also announced that the House had disagreed to the amendment of the Senate to the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. STAGGERS, Mr. FRIEDEL, Mr. DINGELL, Mr. SPRINGER, and Mr. DEVINE were appointed managers on the part of the House at the conference.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. (Mr. GRAVEL in the chair). The Chair, on behalf of the Vice President, appoints the Senator from Rhode Island (Mr. PASTORE), the Senator from Tennessee (Mr. GORE), the Senator from New Mexico (Mr. MONTOYA), the Senator from New Hampshire (Mr. COTTON), the Senator from Nebraska (Mr. CURTIS), and the Senator from Kentucky (Mr. COOPER) to attend the Conference of the Committee on Disarmament, to be held at Geneva, Switzerland, on February 17, 1970.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. PELL. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 459), of the Senator from Maryland.

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

Mr. THURMOND. Mr. President, will the Senator withdraw his request?

Mr. PELL. I withdraw the request.

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

Mr. THURMOND. I yield.

Mr. JAVITS. Could we have some idea how long the Senator intends to speak?

Mr. THURMOND. I imagine about 22 or 23 minutes.

Mr. JAVITS. I thank the Senator.

Mr. THURMOND. Mr. President, may we have order?

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate? The Senate is not in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. HANSEN in the chair). Does the Senator yield?

Mr. THURMOND. I yield.

Mr. BYRD of West Virginia. Is the Senator speaking on the pending bill, the subject matter before the Senate?

Mr. THURMOND. Yes.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. THURMOND. Mr. President, we have before us legislation designed to protect the public schools of our Nation from the capricious whims of those who would mold the lives of others to conform to a rigid and unrealistic social theory. Tyranny has taken many forms in the history of this world, but surely among the worst forms of tyranny is that which results from the desire of ideological zealots to order human beings into a pattern of living which is hostile to traditional mores and customs. Examples of such tyranny abound: The restructuring of Russian life by the Com-

munists and of German life by the Nazis are the two most recent and dramatic.

Lesser examples of the same type of crime are also available—the herding of American Indians onto reservations and the secularization of religious education of both Catholics and Jews in Eastern Europe.

Mr. President, I do not exaggerate when I say that education in this Nation is facing a threat of a similar magnitude. This threat does not exist equally in all parts of the country, nor even in all parts of the South. But make no mistake: The revolutionary changes being imposed upon southern school districts by the Federal judiciary, with the aid of the Department of Health, Education, and Welfare, are fanatical and extreme. Once this tyranny of the social reformers has been successfully imposed upon the South, those of you from other States will find you are next.

Mr. President, I realize that we are dealing with a topic which is placed under the category of so-called civil rights. For this reason many of my colleagues will be tempted to give this matter little thought and vote no—almost by reflex. I believe this matter requires serious thought by all of us. I should like to describe what is happening in my State, and I hope that each of you will consider the implications in your State.

In South Carolina two counties, Greenville and Darlington, are under court order to eliminate the dual school system this month—not in September at the beginning of a school year, but in the middle of an academic semester. This involves the transferring of thousands of students into new schools, with new classmates and new teachers. Students from a number of different schools with different teachers and textbooks with different rates of progress in the school year will suddenly be thrust into one classroom. This is educational insanity, but the fanaticism of the Supreme Court has led to a total lack of consideration for students of either race. Under such rulings, everyone suffers—black child and white child, confused and frustrated parents of both races, and teachers facing a classroom of students in the middle of a course—some at one point in the textbook, some at another, and having been using different textbooks at that.

Mr. President, 6 days after this court order was handed down, 95,000 citizens in Greenville County, representing 85 percent of the adult population, had signed petitions protesting the order. Reaction in Darlington County has been similar. The people are enraged, and they should be.

This pattern of extreme disruption of of public education has not been confined to South Carolina. A large number of school districts in Mississippi and several large metropolitan districts in Florida face similar orders. We recently witnessed the spectacle of the reassignment of all of the teachers in the Atlanta School District by lottery to achieve a 57-percent black, 43-percent white faculty ratio in each school. Have we lost our minds? Is there an educator anywhere who would advocate such inane practices as educationally sound?

Those of us in this body are now faced with a responsibility to deal with this problem. The Supreme Court ruled in 1954 that public schools segregated by law are unconstitutional. The Federal judicial machinery has since wrestled with the problem of how to enforce this decision, and what constitutes compliance with it. The Congress has granted certain powers to the Departments of Justice and Health, Education, and Welfare to seek compliance with the decision. It is time we examined what is happening. Are the schools being desegregated in the manner we expected? Is the state of public education progressing or regressing under current policies? Are we for what is happening or do we want something else?

What is at issue is this: What policies can be followed in achieving a desegregated public school system? With regard to faculties, the Federal judiciary has decreed that each school in the district should have a ratio of black to white substantially the same as the racial ratio of all teachers in the district. One district in South Carolina has a heavily populated section in one corner of the district. This section is entirely white. The rest of the county is less densely populated and is 70 percent Negro. The Department of Health, Education, and Welfare has suggested a faculty desegregation plan which will result in practically no teacher being able to teach in the town of his or her residence, but will require driving 30 and 40 miles per day—just to maintain a racial quota system for faculties. School superintendents in the South are now finding that the recruiting of faculty has become extremely difficult. Most of our teachers are housewives who can choose not to teach if conditions are extremely unsatisfactory. Superintendents are also finding they cannot recruit teachers without careful consideration of whether the race of the applicant will upset the racial balance of the faculty in a given school.

With regard to desegregation of students, the Court has yet to establish a clear policy with regard to what constitutes a unitary school system. The Department of Health, Education, and Welfare has established certain requirements that school districts must meet in order to receive Federal aid. Some Federal judges have established their own criteria, but more generally, they have required school districts to devise a plan in conjunction with the Department of Health, Education, and Welfare. Many approaches are used. Busing of students to achieve racial balance—regardless of what it is called; "pairing" of schools, in which two high schools, grades 9 through 12, become a school for grades 9 and 10 and a school for grades 11 and 12; zoning, in which attendance areas are drawn in such a way to achieve total integration.

These plans, which are concerned only with the racial composition of the schools—not with sound educational policy—have resulted in serious disruption of public education.

Mr. ERVIN. Mr. President, will the Senator yield? I do not want to interfere with the Senator's train of thought, but I would like to ask the Senator one or two questions.

Mr. THURMOND. I am glad to yield to the distinguished Senator from North Carolina.

Mr. ERVIN. I would like to ask the Senator from South Carolina if the only excuse given by the Federal courts for the tyrannies which the Senator has enumerated is found in the following provision of the 14th amendment; namely, the equal protection clause, which says no State shall "deny to any person within its jurisdiction the equal protection of the laws." Is that not the only provision of the Constitution that is invoked to justify these unspeakable tyrannies?

Mr. THURMOND. Mr. President, in my opinion, the Senator is eminently correct.

Mr. ERVIN. I would like to ask the Senator from South Carolina if the provision that no State shall "deny to any person within its jurisdiction the equal protection of the laws" means this, and nothing else: Namely, that every State must treat every person in like circumstances in like manner. Is that not all it means?

Mr. THURMOND. That is the way that the Senator from South Carolina has construed it.

Mr. ERVIN. Is there a single syllable in that clause or anywhere else in the 14th amendment that gives to HEW or to the Federal courts the right to place any limitation whatever upon the freedom of any individual in this land?

Mr. THURMOND. In reply to the Senator from North Carolina, the Senator from South Carolina would say that in his opinion, they are destroying the freedom of the parents and the children of this country. They are requiring, not desegregation of the schools, which means opening any school to any child of any race, but forced integration, and this necessitates, to accomplish it, the busing of students, which brings about great disruption and hardship on the part of many students.

Mr. ERVIN. I construe the reply of the distinguished Senator from South Carolina to mean that he agrees with the Senator from North Carolina, when the Senator from North Carolina says that there is not a single syllable in the equal protection clause or in any other provision of the 14th amendment which authorizes either Congress, the Supreme Court, or the executive branch of the Government to deny any individual anywhere within the broad boundaries of the United States any freedom of any kind.

Mr. THURMOND. That is absolutely correct.

Mr. ERVIN. In other words, the equal protection clause operates only to forbid discrimination on the part of the States, which means the State making or applying the laws in different manners to persons similarly situated?

Mr. THURMOND. The 14th amendment, if I interpret it correctly, would prohibit any State from discriminating. But here the different branches of the Government have gone much farther than that. They have gone extremely far, as the distinguished Senator from North Carolina has indicated.

Mr. ERVIN. Well, some people think that usurpation of power by a court is sacrosanct; but if there is a usurpation of power that is more reprehensible than any other usurpation of power, it is usurpation of power by judges who hold office for life, and are beyond the reach of the people of this Nation; is that not so?

Mr. THURMOND. That is true; and there is practically no appeal from the actions of the Supreme Court. Congress could do it, if Congress were so constituted, by impeachment, or by limiting the appellate power of the Supreme Court in certain fields. I would like to see, for instance, the appellate power of the Supreme Court limited in the field of education, or see that field removed from the actions and jurisdiction of the Supreme Court.

Mr. ERVIN. Does not the Senator from South Carolina agree with the Senator from North Carolina that tyranny on the bench is just about as objectionable as tyranny on the throne?

Mr. THURMOND. I thoroughly agree with that; and in this land of so-called freedom, it is most obnoxious to see any individual in any position of power abusing the power of his office as the members of the Supreme Court have done in many instances on these matters.

Mr. ERVIN. Did not the Supreme Court hold, in Brown versus the Board of Education of Topeka, Kans., the school desegregation case, that the equal protection clause of the 14th amendment made it unconstitutional for any State to deny any child admission to a particular school on account of the child's race?

Mr. THURMOND. That is correct.

Mr. ERVIN. I ask the Senator from South Carolina if the Federal courts and HEW are not now engaged in wholesale violation of the equal protection clause of the 14th amendment, in that they deny children the right to attend their neighborhood schools on account of their race, because they have concluded that children of their race are needed somewhere else to integrate a school.

Mr. THURMOND. That is the information that has come to the Senator from South Carolina, and is substantiated from many sources.

Mr. ERVIN. When HEW or a Federal court says to a child, "You cannot attend your neighborhood school because there are too many of your race in that school," or "the mixture of the races does not suit us," or "we need a person of your race to integrate a school somewhere else," are they not denying a child the right to attend a school because of his race, and thus violating the interpretation placed upon the equal protection clause in the Brown case?

Mr. THURMOND. I think the Senator from North Carolina has put his finger right on the issue. I think he is absolutely correct; and in my judgment, some of these days some Supreme Court will reverse decisions now being made, because I believe they are going to realize that not only are the actions being taken now unconstitutional, but they are unwise, impractical, and despotic.

Mr. ERVIN. Did the Senator from South Carolina read a newspaper item, as did the Senator from North Carolina, several days ago, reporting that a little child in the State of Oklahoma would not board the bus to go to some distant school to which he had been ordered by the court, because his parents had told him not to do so?

Mr. THURMOND. Yes, I did.

Mr. ERVIN. And did not the U.S. marshal take that little child into custody, and take him to the marshal's office and imprison him for the whole schoolday?

Mr. THURMOND. That was the information I understood appeared on the subject.

Mr. ERVIN. I ask the Senator if he did not read, a few days after that, that the court had sentenced the little boy's mother and father to jail for 10 days, because they took the position that they did not want that little child to be bused away from his neighborhood to a school at some distance?

Mr. THURMOND. That is what the newspapers reported.

Mr. ERVIN. I ask the Senator if that is not on a plane with thousands of tyrannies that have been practiced upon parents of schoolchildren of the Southern States.

Mr. THURMOND. I am sure that is correct.

Mr. ERVIN. I presume that the Senator from South Carolina, like the Senator from North Carolina, has received thousands of letters from his constituents pointing out situations of hardship, where either HEW or some decree of a Federal court compels a little child to be picked up, against his will and the will of his parents, and transported to a school far from his home.

Mr. THURMOND. There is no question about it. The Senator from North Carolinia is absolutely correct.

Mr. YARBOROUGH. Mr. President, will the distinguished Senator from South Carolina yield to me?

Mr. THURMOND. Mr. President, I am happy to yield to the distinguished Senator from Texas on the understanding that his remarks will appear at the end of my address, and that I not lose my right to the floor.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, does the Senator from Texas intend to speak on the pending bill?

Mr. YARBOROUGH. No, sir.

Mr. BYRD of West Virginia. About what does the Senator intend to speak?

Mr. YARBOROUGH. It is a matter involving the submission of a report from the Committee on Labor and Public Welfare, together with individual views.

Mr. BYRD of West Virginia. Mr. President, I would have to object, because this is not a privileged matter.

The PRESIDING OFFICER. Objection is heard. The Senator from South Carolina may proceed.

Mr. THURMOND. Mr. President, schools designed as high schools must be converted overnight into grammar schools; "temporary classrooms" are added without supporting facilities such as restrooms, libraries, and cafeterias being sufficiently large to handle the increased enrollment. Parents with three or four chidren find their children each go to a different school under peculiar grade organizations at the schools. Parents who have bought a home in order to be near certain schools find their children being bused to strange neighborhoods—neighborhoods which parents specifically avoided when buying a house.

Mr. President, we in the South are deeply frustrated over what is happening to our schools. It is not a frustration born of racial prejudice, but from a strongly held conviction that the education of our children is of such great importance—not merely for the present, but especially for the future. In recent years, desegregation has occurred with little or no friction through the use of freedom of choice. Parents could choose which school they wished their children to attend. In some areas freedom of choice resulted in substantial integration. Numerous black students attended formerly all-white schools. But the pace was regulated by the choices of the people involved. Some communities changed little, but in all communities, little or no friction resulted because all citizens—black and white—could choose, and no one was ordered into a radically different situation.

It is a natural desire for parents to wish the best for their own children. It is also natural for parents to wish their children to be brought up in an environment which creates standards similar to their own. Schools are not viewed as instruments of the State to force social changes. When the District of Columbia completely integrated its schools, mixing large numbers of disadvantaged children with middle class students, the middle class left Washington. The public schools of Washington and now—today—95 percent black, and recent surveys indicate that blacks who can afford it are now shifting to private schools. Let us not view Washingtonians who fled the city as bigots. One can have sympathy and understanding for the difficulties of the large number of black children whose environment is substandard without wishing to subject one's own children to the educational problems this background creates.

Mr. President, the amendment before us has been introduced by a southern Senator, and it is cosponsored by a number of southern Senators, including myself. But the problem it seeks to solve will soon be a national problem. Indeed, this amendment is an almost verbatim copy of a law passed by the New York Legislature. People everywhere want to be able to choose an educational environment for their children. They do not wish to see their own children used as pawns in an experiment to raise the standards of others—to the detriment of their own children. If this legislation, or something similar, is not enacted by this body, we will see the Federal judiciary and the Department of Health, Education, and Welfare become super school boards for the entire Nation. The racial composition of schools will have to be reviewed yearly, and student assignment will change constantly. It will become virtually impossible in many areas to choose an appropriate neighborhood with the assurance that the schools will be satisfactory. Cities, and perhaps rural counties, will become ghettos. In many areas, large numbers of citizens will resort to private schools.

Mr. President, even private educational facilities will come under attack. The court of appeals has already ruled that southern private schools which do not meet certain racial criteria are ineligible for tax-exempt status. Parochial schools, which carry a tremendous portion of the educational burden in many States, will become subject to this mania for racial balancing.

The measure before us is not extreme. If adopted, it would not result in a return to a segregated school system. This amendment would, however, prevent our schools from becoming the laboratories of fanatical social reformers and race-obsessed judges. Further, this is not a southern policy, but a policy for the Nation. This vote is important for all of us. Southerners are experiencing educational chaos unparalleled in our Nation's history. Your States will be next. And let me assure you, as you yourselves have avoided placing your children in schools with a large proportion of disadvantaged children, so will your constituents rebel when this is forced upon them.

Mr. President, a vote for this amendment is a vote for education—for quality education. It deserves the support of Senators from all over the Nation—not just the South, but the East, North, and West as well. I urge my colleagues to vote for this amendment.

Mr. President, the Sunday, January 18, 1970, edition of the State newspaper of Columbia, S.C., contained an excellent editorial concerning the forced integration of public schools. It clearly outlines the pending danger to both white and black in arbitrarily placing children in alien surroundings.

The State brings out that courts—impatient with the South's steady, but necessarily slow, desegregation procedures—are now hurting everyone by placing a minority of white children in mostly Negro schools:

> When Negro students comprise the bulk of a school, the injection—forcible or otherwise—of a minority of white students provides no benefits to the Negroes and can cause serious learning problems for the whites.

Using for verification "Equality of Educational Opportunity," prepared under the direction of former U.S. Commissioner of Education Harold Howe II, it further states that such situations may be "even less favorable to Negroes than are all-black schools."

As the editorial also says, many presently desegregated schools are rapidly being segregated again when they become between 30- and 35-percent Negro. "And unless and until the Federal Government becomes so dictatorial as to control the physical movement of the citizenry, Americans will continue to 'vote with their feet' by moving from unacceptable conditions."

Thus it shows that courts are willfully "seeking to accomplish by judicial fiat a result which runs counter to human nature."

Mr. President, I ask unanimous consent that this article, entitled "Federal Judges Dictate Destruction of Education," be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. THURMOND. Mr. President, the Members of this body should certainly be aware of the extremely difficult situation facing the public school system in South Carolina and elsewhere in the South as a result of recent Supreme Court decisions demanding immediate, forced integration. These decisions have been translated into an order of the fourth circuit which requires two of our counties, Greenville and Darlington, to disrupt their educational programs in the middle of the academic semester for the purposes of wholesale transfer of students to achieve forced integration.

People in Greenville County and Darlington County are greatly distressed at these unreasonable orders and their frame of mind is shared by the rest of the State. On January 27 the Columbia Record, Columbia, S.C., published an editorial entitled "Court Creates School Chaos." This editorial describes the Court as "educationally illiterate" and expresses sympathetic concern for the children and the parents of the children affected by this incredible decision.

Mr. President, I ask unanimous consent that the editorial entitled "Court Creates School Chaos," which appeared in the Columbia Record on Tuesday, January 27, 1970, be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 2.)

EXHIBIT 1

FEDERAL JUDGES DICTATE DESTRUCTION OF EDUCATION

The Federal judiciary, in its obsession to force racial mixing upon the American people, is threatening utter destruction of the public school system not only in the South but elsewhere in the nation.

The tragic irony of the situation lies in the provable fact that the autocratic judges of the U.S. Supreme Court and the lesser federal courts are defeating, in many instances, the very goal they purport to serve—that is to say, improved education for Negro children.

In South Carolina and in most of the rest of the South, there has been a public acceptance—however grudging—of school desegregation to a far greater degree than is true of many areas of the North, the East, and the West. In district after district, through procedures ranging from freedom-of-choice selections to administrative assignments, Negroes have been admitted in ever-increasing numbers into formerly all-white schools.

But, not content with such obvious progress toward the elimination of legally imposed segregation, the courts now are wielding the awesome legal and financial strength of the federal government to force white children into school situations where they, not the Negroes, are in the minority. The result is not only an impairment of the educational process for the white students but a demonstrable failure to improve the learning of the Negroes.

Numerous public and private studies, including official reports of the U.S. Office of Education and of the Civil Rights Commission, confirm the educational premise that the performance of Negroes is improved, as a general rule, when they are placed among a majority of white students. (The fact that this, in itself, is a slur upon the capacity of Negroes to advance within their own company seems not to concern anyone, least of all the rabid integrationists who deny the existence of racial distinctions).

But the main point is this: when Negro students comprise the bulk of a school, the injection—forcible or otherwise—of a minority of white students provides no benefits to the Negroes and can cause serious learning problems for the whites. Indeed, some studies show that such situations are even less favorable to Negroes than are all-black schools. Consider this excerpt from Equality of Educational Opportunity, prepared under the direction of former U.S. Commissioner of Education Harold Howe II:

"The general pattern is an increase in average test performance as the proportion of white classmates increases, although in many cases the average for the Negro students in totally segregated classes is higher than the average for those in classes where half or less of the students were white."

To this finding should be appended the equally demonstrable fact that when a school becomes between 30 and 35 per cent Negro, there rapidly follows an exodus of white students, with the consequence that segregation in reverse replaces the original segregation. And, unless and until the federal government becomes so dictatorial as to control the physical movement of the citizenry, Americans will continue to "vote with their feet" by moving away from unacceptable conditions.

Yet, unseeing and unfeeling federal judges assuming unto themselves an educational omniscience which they obviously lack, act as though they constitute a super school board for all America. Disregarding both the public will and principles learning, this little band of wilfull men is imposing upon the country its arbitrary will, seeking to accomplish by judicial fiat a result which runs counter to human nature.

If unchecked, the courts will reduce the nation's public schools to a shambles, while earning for themselves and their bureaucratic sycophants in the Department of Health, Education, and Welfare a despised footnote in the history of a nation once described as "the home of the free."

EXHIBIT 2

COURT CREATES SCHOOL CHAOS

Pharisaical legalism of the U.S. Supreme Court has created considerable chaos in a number of Southern schools and the end results, although decidedly not momentarily healthy, are not discernible.

Ignoring a basic truism of the law as a social instrument, the Court imperiously and thoughtlessly ordered school desegregation throughout the South—"now." It seems so easy, so simple—that "now."

"Now" has been properly translated by district judges, in view of the higher court's definition of the term, into "immediate." Which means that school districts in South Carolina and elsewhere are being forced to disrupt the whole educational process in mid-academic year.

What, therefore, are some of the truths that all must face?

(1) The Supreme Court, as the highest judicial body in our country, has decreed that immediate integration must occur.

(2) Performing as they must, Federal judges are ordering school systems to become "unitary" (that is, indistinguishable by race) in students, facilities and faculty at mid-year.

(3) School boards and superintendents are, necessarily, following court dictates and trying to implement court orders for immediate integration.

(4) The entire educational process and the human beings involved—particular the

children—are suffering under the legalistic dictation. Irreparable damage is being done to children, parents and faculty; damage that will linger in memory throughout the lives of thousands.

(5) The Court's pharisaical judgment was simplistic and educationally insane.

(6) Distraught parents, both white and black, have descended on appointed and elected officials, seeking redress of grievances. They are blaming the wrong people when they confront Congressman, governors, school board members and superintendents.

(7) Governors can invoke their legal authority and appeal to the Supreme Court, as did Governor Claude Kirk of Florida. There is nothing dishonorable or dishonest about an appeal to the Court for temporary relief, despite the Court's hostility.

(8) Congress has done all that is possible, without success. Just last week, Senator Richard Russell of Georgia—one of the nation's most respected legislators—told an aggrieved group of Georgians that he had exhausted all Federal legislative remedies. He told the Georgians that every weapon at his command had been used and that his arsenal was exhausted. Congress cannot provide relief, now.

(9) Barring unforeseen developments, many school districts in South Carolina will begin their agonies in September, the beginning of the next academic year—if they are fortunate. This time period will give the districts time to prepare for the vastly complex process of "now" integration.

(10) The degree of suffering on the part of both whites and Negroes—children and adults—will vary from district to district, usually in direct proportion to the percentages of minorities (whether white or black) in the districts.

(11) Some districts will adjust without any strain; others will integrate with minimal stress; others will make the transition with immense difficulty, but emerge with the school systems intact.

(12) Some districts, particularly near larger communities, will either immediately or in time become overwhelmingly of one race, whether white or black.

(13) Some districts will watch the establishment of private academies, generally but not always white, and public schools will become predominately, if not wholly, Negro.

(14) The Supreme Court will be forced, reluctantly, to eradicate the distinctions between de jure and de facto segregation; and that decision will be the most important one for South Carolina and the nation, when it comes.

In the interim, obedience to the law has been, is now, and will be the guiding principle of this newspaper. Within the law, and only within the law, should redress be sought.

The personal agonies of parents, teachers and children are very real, very genuine and very emotional. A simple pronouncement that "the South has had 16 years" and should have no disgruntlement over "now" integration is utterly foolish. The South, and South Carolina in particular, has adhered to the letter of the legislative, judicial and administrative law since the first real movements toward desegregation of the schools began.

Careful students of the Federal desegregation process are critically aware of the historical alterations of Federal demands (often equivocal) upon school districts. There have been many changes; many understandings; even more misunderstandings.

A critical juncture in education has been reached not only for South Carolina and the region, but for the nation. The crisis has been created by an educationally illiterate Court by a grievously legalistic dictum that ignored the social nature of the law.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JORDAN of Idaho in the chair). 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.

AMENDMENT OF FEDERAL CREDIT UNION ACT

Mr. SPARKMAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 2.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SPARKMAN. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. SPARKMAN, Mr. PROXMIRE, and Mr. BENNETT conferees on the part of the Senate.

ORDER FOR ADJOURMENT

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

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

(Subsequently, the Senate modified this order to provide for an adjournment until 11 o'clock a.m., tomorrow.)

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

Mr. TYDINGS. Mr. President, I ask unanimous consent that my amendment No. 459 be made the pending business.

Mr. PELL. Let me say to the Senator from Maryland that it already is.

Mr. TYDINGS. I thank the Senator.

Mr. JAVITS. Mr. President, does the Senator wish the floor?

Mr. TYDINGS. I yield the floor.

Mr. JAVITS. Mr. President, it is my understanding that the Bureau of the Budget has objections to this particular provision and, hence, that the Department of Health, Education, and Welfare must express objection to it.

I have given this matter consideration myself and it seems to me it is one of those situations in which we in the Senate have to judge whether the objections on the part of one of the Government departments are justified.

I have not heard enough for myself on this matter to substantiate the objection. I point out that the amendment offered by the Senator from Maryland (Mr. TYDINGS) does, to some extent, at least—perhaps totally—represent a problem which the Senator from Virginia (Mr. SPONG) is trying to reach.

My own inclination, subject to the views of the Senator from Colorado (Mr. DOMINICK) if the Senator from Maryland (Mr. TYDINGS) is willing, is to accept the concept which he has, with the understanding that as we amalgamate the ideas with respect to the bill, we will do our best to retain what ideas we can in conference. But I would not wish to be inflexibly committed in conference to the precise amendment to the bill, but that we would accept the idea. There is a lot in the idea. We will do our utmost, in the context of weaving in the ideas together in settlement with the House, to go as far with it as we can. Sometimes, Members insist that we be absolutely tied to an amendment adopted, and staying with it in the conference, come what may. I could not make that agreement with respect to this amendment. I respect it. It seeks to serve a desirable end. I would be willing to take this as, again, an element in whatever plan on this particular subject we work out with the House.

Mr. DOMINICK. I want to say that I subscribe to what the Senator from New York has just said. I say to the Senator from Maryland that one of the problems which has been brought up with his amendment is the possibility that some of the districts might take some of the money which has been appropriated, hold it, and then pyramid it in an effort to do something with the funds which was not within the original intent of their use.

I do not think that would be the widespread practice, but it is one of the things which has been brought up as an objection to the Senator's idea. I do not think, at the moment, that point is serious enough to warrant any kind of extended discussion, but I do think that we should remain flexible in conference.

Mr. TYDINGS. I should like to continue the discussion for a few minutes with the Senator from Colorado and the Senator from New York.

The original amendment which I had offered had no time factor in it. It was just an open-ended authorization. At the suggestion of the subcommittee's chairman, the Senator from Rhode Island (Mr. PELL), we limited it to a period of actually 2 fiscal years. We did not even try to tie it into 1970.

Mr. President, I do not wish to press the amendment to a rollcall vote, but I would be interested in the thoughts of the Senator from Colorado (Mr. DOMINICK) as to just whether he will actually try and come up—in the final version of the bill, after it comes out of conference—with something that will at once protect the school districts from this really almost impossible thing of trying to spend money they have not planned for and if they do not spend it, there remains the

threat of having it taken back by Uncle Sam, which produces confusion and waste in valuable programs.

Mr. DOMINICK. I completely subscribe to what the Senator has said about this being a problem. He is absolutely right. I have had the same discussions with my own school people at home. The question is would the money be used for programs which the Congress intended or would school districts hold it over in order to use it in another form, in another pattern. I do not really think this is serious enough to warrant even arguing about. Insofar as the Senator is concerned, I assure the Senator that I will do what I can to try to alleviate the problem.

Mr. TYDINGS. Mr. President, under the assurances of the Senator from Colorado and the Senator from New York, I shall not press for a yea-and-nay vote on the amendment. I will take their assurances.

Mr. President, I move that the Senate adopt the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maryland.

The amendment was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 482

Mr. DOMINICK. Mr. President, I call up my amendment No. 482 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 111 strike out the caption on line 19 and all that follows through line 15 page 115.

The language sought to be stricken is as follows:

INCLUSION OF CHILDREN RESIDING IN LOW-RENT PUBLIC HOUSING AS FEDERALLY CONNECTED CHILDREN

SEC. 203. (a)(1) The second sentence of section 15(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), is amended by striking out "and (B)" and inserting in lieu thereof "(B) any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, and (C)".

(2) The fourth sentence of such section 15(1) is amended (A) by striking out the comma before "(B)" and inserting in lieu thereof "and", and (B) by striking out all that follows "postal services" and inserting in lieu thereof a period.

(3) Section 5(c) of such Act is amended by striking out all that follows the word "agency" and inserting in lieu thereof a period and by inserting at the end thereof the following new sentence: "In determining the eligibility of a local educational agency under this subsection and in determining the number of federally connected children who are in the average daily membership of the schools of such agency during a base year and in estimating the increase since the base year in the number of such children under subsection (a), children residing on any housing property (whether or not owned by the United States), which is part of a low-rent housing project assisted under the United States Housing Act of 1937, shall not be considered as having been federally connected during the base year if such housing project was begun after the base year 1964–1965.".

(b)(1) The second sentence of section 303(1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), is amended by striking out ", and (C)" and inserting in lieu thereof ", (C) any low-rent housing (whether or not owned by the United States) which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (D)".

(2) The fourth sentence of such section 303(1) is amended by striking out "(A) any real property used for a labor supply center, labor home or labor camp for migratory workers, (B)" and by striking out all that follows "postal services" and inserting in lieu thereof a period.

(c)(1) The amendments made by subsections (a) and (b) shall be effective after June 30, 1970.

(2) For the purposes of section 5 of such Act of September 23, 1950, the number of children in the membership of a local educational agency residing in a low-rent housing project assisted under the United States Housing Act of 1937 during the years of the base period preceding the effective date provided in paragraph (1) shall be determined by the Commissioner on the basis of estimates.

(3) Notwithstanding any other provision of law to the contrary, unless enacted after the enactment of this Act specifically in limitation of the provision of this paragraph, if the sums appropriated for any fiscal year ending after June 30, 1970, and prior to July 1, 1972, for payments to local educational agencies under sections 2, 3, and 4(a) of title I of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are not sufficient to pay in full the total maximum amounts which the Commissioner estimates for which all local educational agencies are eligible to receive under such sections 2, 3, and 4(a) for that fiscal year, the Commissioner shall allocate such sums under subparagraphs (A) and (B) as follows:

(A) He shall first allocate such sums appropriated for any such fiscal year among such sections 2, 3, and 4(a) in the proportion that he estimates to be required under each such section bears to the total amount estimated to be required under all such sections, except that—

(i) for the purpose of estimating the amount to be required under such section 3, he shall not take into consideration any portion of the amount for which a local educational agency is eligible which is attributable to determinations of children residing in low-rent housing which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title IV of the Economic Opportunity Act of 1964; and

(ii) no local educational agency shall receive a payment under this subparagraph (A) which is in excess of the payment it received under such sections 2, 3, and 4(a) for sums appropriated for payments under such sections for the fiscal year ending June 30, 1970.

(B) He shall then allocate any remaining part of such sums appropriated for any such fiscal year among such sections 2, 3, and 4(a) for payments to local educational agencies which are eligible for payments in excess of the amounts they receive under the allocation provided in subparagraph (A), in the proportion that such remaining part of such sums bears to the amount he estimates to be sufficient to pay local educational agencies the total maximum amount for which they are eligible under all such sections.

Mr. DOMINICK. Mr. President, I am using this amendment as a means to alert the Senate and the members of the public to the major change this bill would make in the impacted aid program.

As Senators know, the impacted aid program is now based on Federal activity which causes more children to move into the school district. For this the Federal Government puts money into the school district.

The pending bill would add a provision to include the funding of children from public housing units. By adding public housing children for the first time, the bill would increase the impacted aid program on July 1 of this year by 36 percent. This is the same program four Presidents have attempted to reduce, that has not been fully funded for the past 2 years, and is now one of the focal points in the compromise being developed since the veto of the Labor-HEW appropriations bill.

I recognize there are serious financial problems in getting an adequate education for children in public housing. They obviously are from low-income families or they would not be in public housing. More often than not, they are probably educationally disadvantaged. I do not think there is any doubt the cost to educate these children is or should be higher per pupil than for the average child because of their special educational needs. The impacted aid program, however, is not the approach to use in meeting those needs.

The weakness of the arguments advanced for adding public housing to the impacted aid program are perhaps best illustrated by the fact that in the 443-page committee report on this bill only one-half page is devoted to explaining the public housing addition. Yet, the inclusion of public housing in this program is estimated to cost $236 million the first year.

Of particular importance to the debate on public housing is the Battelle Institute report released on January 9, 1970. The record should show, in all fairness to our committee, that the Battelle study was not available to us when we ordered the bill reported to the floor at a meeting of the full committee last December. In short, the Battelle Institute report came out after our committee concluded action on the bill but before our committee report was filed on January 21.

The Battelle Institute study was provided for by Congress in Public Law 90–557 to conduct an evaluation of the programs of school assistance in federally affected areas. The cost of this study to the American taxpayer was $179,480.

The report is critical of the existing impacted aid program. Colorado, of course, is one of the beneficiaries of the present program. Let me emphasize, however, that I am certainly willing to participate in Senate hearings on the merits of the entire impacted aid program. No doubt, there are inequities and abuses under the present formula, and I understand new legislation partially

based on the Battelle report is now being drafted by the administration.

The debate last Wednesday was devoid of comment about the Battelle Institute findings on public housing problems. I think this is important since this portion of the Battelle report states that its purpose was "to consider the characteristics of public housing as they relate to the purposes of the impact aid program." I will comment on the Battelle Institute report in more detail in a moment, but first let me read the conclusion as respects public housing.

There would appear to be no satisfactory reason for broadening the Impact Areas Program to encompass children occupying public housing units. If Congress and the Administration are concerned with problems of large city education, they will find that the most appropriate vehicles for implementing that concern are outside the scope of a reasonable impacted area program.

In other words, consideration of some form of Federal financial assistance is in order, but public housing should not be added to the impacted areas program. The report did mention two other alternatives: Title I of the Elementary and Secondary Education Act which already has a distribution formula targeted toward disadvantaged children, and which Battelle rates as a "clearly superior" approach to using impact aid; and some formula utilizing Federal housing funds.

I would respectfully suggest to my colleagues that the real question before us today is not whether any Senator is for or against children who live in public housing. The real question is what approach should be take to alleviate the financial problems of school districts containing public housing units, and whether the U.S. Senate is going to ignore a $179,480 study which it requested which recommends against the approach used in the committee bill.

I would like to turn now to several issues which need clarification.

PUBLIC HOUSING IS NOT IMPOSED BY THE FEDERAL GOVERNMENT

In the debate on Wednesday, proponents of the measure, including public housing in impacted aid, repeatedly referred to public housing as "Federal housing," and various decisions made by the Federal Government in relation to this housing. I gather the rationale of such assertions is to attempt to show any burden on the school district is caused by Federal activity.

In fact, however, public housing units are normally owned by local housing authorities, not the Federal Government. It is not the Federal Government which is removing land from the tax rolls.

Notably, the Battelle Institute report says:

The fact that the public housing units are not owned by the Federal Government means that public housing differs considerably from the housing which normally gives rise to entitlements under the Impact Aid Program.

It is true public housing units are exempt from taxation. Who made the decision to build and take the land off the tax roll? Local government. Again, let me refer to the Battelle Institute report:

Another factor worthy of consideration is that public housing projects have been constructed in response to local government decisions to build such projects under ground rules that were known in advance to them. In this sense, the public housing impact has not been imposed upon the local area in quite the same way that the Federal Government can buy land and build a new military base without the consent of local government.

Another argument advanced by the proponents is that public housing draws children into a school district with the resulting increase in cost for the district. Obviously, a public housing unit tends to concentrate in one location within a school district children of low income families. Recognition of this is given under the title I formula which is totally separate and apart from the impacted aid formula. Whether a public housing unit also draws children across school district boundary lines is another matter. Listen to the language of the Battelle Institute report:

Public housing clearly does not have the impact of drawing significant numbers of additional students into a school district. Because of long public housing waiting lists in many communities and the need to be a community resident to get on the waiting list, public housing cannot draw persons to a community who would not otherwise be there. Recent migrants may ultimately be housed in public housing after having been drawn to a community by higher welfare payments or presumed greater job opportunities, but in that case the welfare payments or the presumed job opportunities, not the public housing, are the force attracting the new students. . . .

Thus, we conclude that the construction of public housing units does not normally have a significant effect upon the costs of providing education in individual school systems.

That situation is in marked contrast to the obvious shifts of children between school districts under present law where the Federal Government will pay the added costs of a military dependent who has moved to a school district because the added costs of educating that dependent would not have occurred except for the action taken by the Federal Government.

The only Federal connection with public housing is that financial assistance in the form of loan guarantees and similar items is provided to local housing authorities.

LOSS OF TAX BASE

Another argument made by proponents of the measure to include public housing in the impacted aid program—again in an effort to make some analogy to the theory of impacted aid—is that there has been a substantial revenue loss to the school districts since the land is tax exempt. Battelle considered this both from the point of the public housing site, and the former residence.

One problem with the theory with respect to the public housing site is that considerable public housing was constructed on land already owned by the lcoal government and already tax exempt.

Considering the former residence, some have argued that the way to measure the revenue impact on a school system is to take the average residential tax base per pupil in the district and multiply it times the number of pupils who move from private to public housing. Such a theory is based on the assumption that the Federal Government is responsible for the fact that public housing families do not contribute average residential taxes. According to Battelle, this theory would provide a revenue loss to a community on the order of $150 to $400 per public housing pupil. Battelle then points out:

The assumption is, of course, false. Public housing families are not average. Eligibility criteria for public housing require that these families be substantially below average incomes in the community. Families do not move out of 4-bedroom 2-bath newer homes and into public housing. These families tend to move out of quite poor housing—poor in terms of housing quality and poor in terms of taxes that can be levied on it.

On the basis of a most generous analysis of the possible loss of tax revenues involved in a move from private to public housing, Battelle found a figure of under $100 per pupil—a special study in New York City produced a figure of $70—compared to a payment of over $200 which would be produced under this provision.

Thus, the average payments under the committee bill for public housing would be over twice the average loss of tax revenues involved in a move—if there is such a move—from private to public housing. Frankly, adjustments in discrepancies now found between the payments made in lieu of taxes by local public housing authorities and real costs could better be adjusted through housing funds than through education funds.

EXTRAORDINARY DISPARITIES IN PUBLIC HOUSING BENEFITS

Another factor which should be brought to the attention of the Senate is the extremely erratic pattern in the payment of benefits which the public housing provision in the committee bill would bring about.

First, let us look at it on a State-by-State basis and then city-by-city.

Not only would the provisions widen the differences between rural and urban areas, and between agricultural and industrial States, it is even erratic between States with similar disadvantaged populations.

Nevada, New Hampshire, and Vermont have an almost identical low-income population. However, Nevada would receive approximately six times more funds than Vermont, while New Hampshire would receive eight times more than Vermont.

Virgina and Colorado have almost identical numbers of low-income children, but Colorado would receive $1.6 million if this is fully funded and Virginia $4.5 million.

It is not enough to answer that obviously public housing is concentrated in the cities. Let me again quote from the Battelle Institute report:

If inclusion of public housing is considered as a way to assist the big cities with educational problems, it provides extreme disparities in assistance. It is difficult to find a rationale that would indicate that big city problems in Boston are so much worse than those in Los Angeles that Boston should

receive 11 times as much per pupil as Los Angeles. Likewise it is difficult to imagine that Nashville differs from Louisville so much as to justify payment some 9 times as much per disadvantaged pupil residing in Nashville as in Louisville. These perverse distributions result from the fact that the incidence of children in public housing is only remotely related either to the total educational problem of large city systems or to the disadvantaged children in various systems.

In short, if the problem to be solved is big city education or education of the disadvantaged it will always be both more equitable and more efficient to address those problems directly rather than trying to address them through public housing allocations under impact aid.

DILUTION OF EXISTING IMPACT AID

As I mentioned previously, inclusion of public housing pupils within the impacted aid program will increase the present program by 36 percent. Under the bill as reported by the committee, public housing students would be mixed into the present group of children known as section "B" students.

Impact aid funds have not been fully appropriated for the last 2 years. Each year the number of students within the present impact aid program increases with a resultant need for increased funding. Consequently, the fact that the committee bill provides a so-called grandfather clause assuring that public housing will draw upon only those funds in the future which are an increase over the fiscal year 1970 funds is of little comfort to many school districts.

In the future, those States whose public housing entitlements are less than 36 percent of their regular entitlement will obviously receive a proportionately smaller share of Federal assistance unless the program receives full funding.

With the recent bouts we have had concerning the funding of the impact aid program, my guess would be that full funding is an uphill battle and inclusion of public housing will necessarily dilute the existing impact aid program.

CONCLUSION

To conclude, Mr. President, I want to again emphasize I am not against consideration of some form of financial relief to school districts which contain public housing. I think the record is clear that the impact aid program is not the way to do it.

Other Senators know the concern I have expressed in the past with the equities involved in the existing Federal aid program for educationally disadvantaged students from low-income families—title I of ESEA. Nevertheless, I am inclined to feel that the Battelle Institute referral of our attention to that program as one possibility for meeting the needs in public housing has considerable merit.

To be perfectly truthful, since they are low-income housed people, they will be included in the school district in determining the amount for that district so that the district should get a proportionately higher share of title I funds.

I think it would be worth exploring how many children now in public housing are already eligible to be counted by the local educational agency in getting Federal funds under title I. It is my information that as long ago as 1960, approximately 30 percent of public housing nonelderly families received under $2,000 annual income and approximately 59 percent were under $3,000 annual income. These are, of course, the low-income figures utilized in title I eligibility.

Another point. I think it would be worth exploring how many children in public housing are members of families which are receiving AFDC payments under the welfare program, which would also make them eligible to be counted in calculating title I benefits. It is my understanding that on December 31, 1968, approximately 30 percent of the nonelderly families in public housing were receiving relief and the bulk of this relief involved AFDC payments.

I noticed that the Senator from Missouri (Mr. EAGLETON), who is present in the Chamber now, mentioned on Wednesday that perhaps the real problem with public housing lies in the way we finance our schools, particularly with respect to local property taxes. I would again take this opportunity to point out for the RECORD the amendment offered by myself and Senator MONDALE requiring some concentrated Federal research under the Cooperate Research Act on the problems of elementary and secondary school finance, and creating a National Commission on School Finance.

Our school finance amendment certainly will take into consideration the implications of public housing on school finance.

I reiterate, however, that we just spent $179,480 to study the impacted aid program and make recommendations to the Congress. It does not make sense to me to reject the recommendations made by that study when they have not only been released within the past few weeks and were not before the committee when the present bill was reported to the Senate.

Mr. President, I ask unanimous consent that there be placed in the RECORD at this point a memorandum from the administration pointing out the fallacies of including public housing within impact aid. I also ask unanimous consent that chapter 9 of the Battelle Institute report dealing with public housing—be printed in the RECORD.

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

REASONS FOR OPPOSING THE PUBLIC HOUSING AMENDMENT TO PUBLIC LAW 874

1. *Public housing cannot be considered a federally imposed burden.*

Public housing authorities are State or locally controlled units. The Federal Government simply provides a substantial portion of the money needed to carry out a policy desired by local authorities.

2. *There is no real "impact" on a local school district created by public housing.*

No evidence exists to show that public housing attracts poverty families to an area or causes an influx of poverty children into a school district where they did not already reside.

3. *If this amendment is considered a correction to present in-lieu of taxes payments by local housing authorities it substantially overcompensates on the basis of even the most liberal projections of a fair in-lieu payment.*

The payments under this amendment would be over twice the possible loss of tax revenues involved in a move from private to public housing.

4. *There would be an extremely erratic pattern in the payment of benefits under this amendment.*

Because of the optional nature of public housing, certain areas have participated in the program much more extensively than others. In addition to the benefits under the public housing program already received, the heavy user areas would now receive an additional windfall. The payments to different areas would have no real relation to either school enrollments or level of poverty.

5. *This amendment could have a distorting effect upon public housing policies.*

The bonus which would be paid under the amendment might well encourage more public housing units rather than upgrading private housing and could also result in maximizing the number of children housed in such units. Local priorities could be easily distorted by the promise of more money.

6. *No benefits are assured the children for which the payment would be made, or for any of the children in the district.*

As a part of P.L. 874 the funds would go into the general school district treasury. In most programs for the disadvantaged it is considered important to direct the payments or programs to such groups to assure service or concentration of efforts on their behalf. These funds could simply provide tax relief and no additional programs for the district.

7. *The Public Housing amendment would ultimately have a distorting effect on existing impacted districts if the impact program is less than fully funded—a pattern of the last few years.*

The added eligibility would distort the authorization base and alter the relative relationships among districts under any prorata reduction of funds.

8. *Substantial numbers of the children in public housing are already counted for purposes of Title I of ESEA under either the family income or AFDC factor.*

In 1960 some 29 percent of public housing non-elderly families received under $2,000 annual income while approximately 59 percent were under $3,000 annual income. On December 31, 1968, approximately 30 percent of the non-elderly families in public housing were receiving relief and the bulk of this relief involved AFDC payments.

CHAPTER 9: THE ISSUE OF PUBLIC HOUSING STUDENTS

BACKGROUND

For some 30 years, the federal government has assisted local governments in building public housing units. Besides encouraging the construction of these units the federal government also administers a variety of programs such as rent supplement and low-interest-rate loans designed to expand the supply of safe, decent, and sanitary housing for persons with low and moderate incomes. Under all of these programs, the owner of the housing is normally not the federal government. In the case of public housing units, the owners are local housing authorities that finance the construction of the units through federal guarantees of payment of the debt service on bonds issued by the local authority. Operating costs of the units are usually covered by the rent paid on them, although many local housing authorities are beginning to find that their rents are insufficient to cover operating costs.

The fact that the public housing units are not owned by the federal government means that public housing differs considerably from the housing which normally gives rise to entitlements under the impact aid program. The government housing that gives rise to impact aid entitlements is government housing created for reasons ancillary to the performance of another function. Ex-

amples are housing for rangers in national parks and housing for military personnel on military bases. For this reason, and because the federal government did not own properties directly, public housing has never been counted as a part of the federal property used for purposes of calculating P.L. 874 entitlements.

This situation has been under attack, primarily by representatives of large-city school districts. The case which these representatives make can be roughly summarized as follows:

"In many cities, public housing units reflect a substantial portion of the homes of pupils. These public housing units are by law exempt from taxation. The payments in lieu of taxes made by local housing authorities are first divided among school authorities and other taxing authorities, and second are available only in quantities which are clearly below the cost of educating pupils who come from these properties."

This logic, plus the obvious financial significance of including public housing in impact aid entitlement calculations produced considerable interest among large-city school leaders in including public housing in the impact aid program.

One approach to the desirability of including public housing in the impact aid program would be to ask simply whether or not the districts which would receive such revenues need them, and if the finding is "yes" to conclude that any program (of which impact aid may be one) that increases federal payments to them would be desirable. The purpose of this study is not, however, to pass judgment on these questions of overall policy, but rather to consider the characteristics of public housing as they relate to the purposes of the impact aid program. This, in turn, requires analysis of the economic impact of public housing on the revenues and costs of school systems.

ANALYSIS OF BURDEN

From Chapter 2 it will be recalled that one approach to the measurement of the burden of federal activities looks directly at the added costs that the activity imposes upon a school system and subtracts any added revenues stimulated by the activity to calculate the appropriate entitlement. This approach we have called the *service burden* concept. In applying this concept to public housing, it is important to focus carefully upon the specification of the federal activity involved.

There can be little question but that the costs of educating the children who live in public housing units are (or should be) higher than educating other pupils in a school district. One impact of public housing is to concentrate in one area a large number of school-age children, frequently the children of mothers who are recipients of AFDC (welfare) payments. These children have educational problems which are generally conceived to be more serious than the problems confronted with residents of privately owned housing. These children, who are normally referred to as the "disadvantaged", tend to have a higher incidence of health, emotional, and mental problems than those in other income and socioeconomic groups. In addition, the school's task in the areas of both health and education are magnified by the fact that somewhat less work is done with these children in the home than is the case for the average school child. Under these circumstances there is no doubt that the public housing students represent a problem for a school district.

Under the service burden concept of impact aid, however, these added costs of educating public housing pupils are only relevant if they are caused by the federal activity upon which payments are to be based. The federal government pays the added costs of a military dependent moved to a school district in Texas because the added costs of educating that dependent would not have occurred in that Texas district except for the action taken by the federal government.

Unless one assumes that the federal government is responsible for all disadvantaged children[1] then the relevant question becomes: Does the federal public housing program cause all or some of these children to be residing in a particular school district rather than some other school district? The answer is that public housing clearly does not have the impact of drawing significant numbers of additional students into a school district. Because of long public housing waiting lists in many communities and the need to be a community resident to get on the waiting list, public housing cannot draw persons to a community who would not otherwise be there. Recent migrants may ultimately be housed in public housing after having been drawn to a community by higher welfare payments or presumed greater job opportunities, but in that case the welfare payments or the presumed job opportunities, not the public housing, are the force attracting the new students.

A very limited exception to these conclusions may arise where public housing is made available to residents of a particular metropolitan area in a school district different from the district in which they have been living. This situation would arise, for example, if a suburban community were to begin to construct new public housing units to provide for low income persons formerly living in the central city. Predictably, suburban communities have been reluctant to organize housing authorities for this purpose.

Even if public housing did not directly cause new students to move into a school system, it could be argued that new students were an indirect effect of the public housing. If, for example, there were a low income housing "shortage" and major public housing expenditures tended to make privately owned units (out of which the public housing occupants might have moved) more readily available, perhaps families would be drawn to the community by the availability of this housing. However, in any given time period the pace of public housing construction in most cities is sufficiently small so that it is difficult to imagine this effect upon the community's total housing stock. Equally important, it is doubtful that a slight reduction in housing costs in major cities would leave a situation where a family could reduce its housing costs by migrating out of such low housing cost areas as Appalachia and the rural South.

Thus, we conclude that the construction of public housing units does not normally have a significant effect upon the costs of providing education in individual school systems.

Public housing may have one relatively minor impact in that it shares with any large-scale residential construction activity the impact of changing the location of personnel to be served by schools. Frequently, the location decisions made by public housing authorities will not relate to the past planning and school construction situation of the school district in which public housing is to be located.[2] Under this circumstance it is possible that expenditures may be required for the construction of new schools to serve public housing students. On the other hand, new public housing projects may redistribute school age children away from crowded schools in the district and toward schools that otherwise would not be filled. In any case, this impact is relatively minor as school districts have already made adjustments to housing units constructed in the past and current housing policy calls for more scattered sites rather than the large public housing projects of the past.

Based upon the fact that construction of public housing does not normally cause students to move into a school district, the impact aid principles would indicate that the federal government should not bear the costs of educating public housing students except to the extent that such payments may be required to offset tax losses.

IMPACT ON REVENUES

The Public Housing Site. When public housing is constructed, land is occupied that otherwise could be used for some other purpose. It is possible to compare the taxation on the land before the housing was constructed with the payments in lieu of taxes paid on the public housing to determine whether a school system has been made better or worse off by the new use of the land. Various comparisons of this type have been made in the past. Partly because considerable public housing was constructed on land previously owned by local government (and thus tax exempt) these tended to show that the public housing payments compared favorably with taxes paid on the land before it was used for public housing.

Of course, this before and after comparison is not necessarily the relevant one. The real problem is to compare the payments made in lieu of taxes on the site in a particular year to what those payments would have been if there had been no public housing. This question then raises the speculation of whether, had the site not been occupied by public housing, a site might have been used for high value industrial property. However, even this speculative comparison does not exhaust the economic issues involved. For example, a site might be used for public housing and thus, preclude its use for industrial purposes. However, it is entirely possible that the potential industrial user simply located somewhere else in the same community, in which case the community still reaps the taxes from the industry, despite the preemption of the site by public housing.

The Former Residence. Assuming the most serious possible impact on tax base, suppose that when a family moves from a tax paying piece of property to public housing, the entire value of the previous residence disappears entirely from the tax rolls and thus that tax on that property is no longer available to support the schools. Given this assumption, it has been argued that the revenue impact on the school system is to lose the *average* residential tax base per pupil in the district for every pupil who moves to public housing. If calculations are made on this basis it can be shown that the revenue losses from having pupils move into public housing is substantial—on the order of $150–$400 per pupil. Some arguments for basing impact aid entitlements on public housinig have proceeded on this basis, in effect indicating that the federal government is responsible for the fact that public housing pupils do not contribute average residential taxes.

The assumption is, of course, false. Public housing families are not average. Eligibility criteria for public housing require that these families be substantially below average incomes in the community. Families do not move out of four bedroom-two bath newer homes and into public housing. These families tend to move out of quite poor housing —poor in terms of housing quality and poor in terms of the taxes that can be levied on it.

A reasonable illustration can be easily constructed. In a Northern city a family moving

[1] In which case the ESEA Title I formula should be expanded to include all costs of educating such children, as expanding impact aid fails to cover disadvantaged students not living in public housing.

[2] Of the 513 districts responding to Battelle's questionnaire and having public housing projects in their community, only 47 reported that they had participated in any phase of planning of new low rent public housing projects in the past 3 years.

into public housing may well have come from one "apartment" in a single house that has been broken up to serve three separate families. Typically such a dwelling may have a real value (in market terms) of, say, $15,000. Its assessed value would be some lower amount, reflecting standard practice of assessing at less than true value. With an assessment ratio of 40 percent (as in Cleveland, Ohio) the assessed value would be only $6,000. At a comparatively high tax rate of 40 mills for school purposes this would indicate school taxes of $240 on the entire property, or some $80 per year for each of the three families. Assuming two children in the family to move to public housing, the loss of tax would be on the order of $40 per child—a figure closer to the payments in lieu of taxes on public housing than to the $200–$350 per pupil that would be paid if students were counted as being part of the impacted areas program.

To check these calculations, Battelle did a special study of residential taxation in New York City. With the cooperation of New York housing authorities a residential area (coterminous with an elementary school attendance area) was chosen for study because it represented the prior address of a number of New York public housing tenants. The number of public school students living in the area—all of which is privately owned housing—was calculated and divided into the total school property taxes paid by all residential property in the area. The results indicated that these property tax payments (including properties occupied by families without any children in public schools) amounted to about $70 per pupil.

In the real world of assessment practices, it is unrealistic to assume that the movement of a family toward public housing will remove the former dwelling from the tax rolls. Even in the extreme case where the private housing is torn down, the land remains on the tax rolls. Where the dwelling remains standing, even if unoccupied, the assessment will not change for many years.

In-lieu payments. Respondents to Battelle's questionnaire (that was transmitted only to those districts that now receive P.L. 874 funds) indicated their payments in lieu of taxes from public housing and the number of students in public housing when they knew them. Based upon those respondents (accounting for some 922,044 students) the average per pupil payment in lieu of taxes was $10.33 annually.

CONCLUSION

The above analysis would tend to indicate that the payments in lieu of taxes made by public housing authorities do tend to understate the probable tax loss associated with public housing projects by an amount that is likely to be somewhat less than $100 per pupil. It is probable that these in lieu payments also understate the probable tax loss to taxing jurisdictions other than schools such as county and city governments. This problem, to the extent that it exists, is therefore a problem involving the interaction of public housing policies and local taxing jurisdictions of all types.

Whether these in-lieu payments should be increased is a question that cannot appropriately be addressed by this report. In part the question involves whether increased in-lieu payments would be a more appropriate use of federal housing funds that other possible uses. In part, the question involves a series of indirect transfers within the federal budget. If in-lieu payments were increased either local housing authorities would have to increase rent (which should over time cause welfare payments to rise to meet the added costs for the large percentage of public housing residents that rely upon such payments) or the federal subsidy to the authorities would have to be increased.

The implication of this analysis for impact aid payments is that it would be inappropriate to blanket public housing pupils into the present impact aid program. The cities in which public housing is concentrated tend to have local contribution rates in the neighborhood of $400 per pupil, which would indicate a federal payment of $200 per pupil for each public housing child, assuming that unemployed parents were presumed not to be working on the federal property. Such a payment would be excessive in terms of net burden concepts.

The payment of a smaller amount, e.g., something less that $100 a pupil, would be possible, but it would be more appropriate to make that payment through housing appropriations than education appropriations. The impact aid local contribution rate is geared primarily to estimating the additional costs of educating pupils, while the justification for public housing payments would have to be some kind of a tax loss concept.

Another factor worthy of consideration is that the public housing projects have been constructed in response to local government decisions to build such projects under ground rules that were known in advance to them. In this sense, the public housing impact has not been imposed upon the local area in quite the same way that the federal government can buy land and build a new military base without the consent of local governments.

On the whole it would seem that if public housing is to be considered as a federal impact, the payments should not be made under the same formula as regular impact aid and probably should not be made with federal education funds rather than federal housing funds. This conclusion is fortified by the analysis in the following section.

OTHER REASONS TO INCLUDE PUBLIC HOUSING

The question of whether impact aid funds should be provided on the basis of children in public housing is really a much broader question than whether public housing provides certain burdens of the type that impact aid programs are designed to meet. The Congress, has, in the past, shown considerable willingness to accept additional recipients in the impact aid program even when the relationship between the additional aid provided and net burden concepts has not always been clear.

Under these circumstances it is certainly legitimate to consider the overall question of public policy of whether it would be a good idea for the federal government to spend roughly an additional $250,000,000[3] (the amount required treat public housing students as 3(b) children) to enchance the operating revenues of the school districts which receive pupils from public housing. That is, should an entitlement of federal assistance to schools concentrate heavily in those areas where public housing is found? For a variety of reasons it can be argued that it should.

AIDING DISADVANTAGED CHILDREN

A very strong case can be made that disadvantaged children (defined loosely as children tending to have a greater than normal concentration of broken homes, low incomes, poor medical care, and lack of educational opportunity and stimulation in the home environment) need and deserve greater educational efforts than those made by school systems on behalf of children who are not disadvantaged. A strong case can also be made that the admission criteria for public housing tend to guarantee that a large percentage of the children living in public housing are disadvantaged.

[3] This is a rough estimate based upon multiplying the number of non-elderly public housing units by 1965, which appears from Battelle's data to be a reasonable approximation of students per unit, and multiplying the result by half of a presumed average, costs of $400 for the districts with public housing entitlements.

The difficulty with this approach is that public housing inclusion in impact aid is clearly an inferior alternative to other mandates of providing educational assistance to disadvantaged pupils . . .

If the objective is really to improve the educational opportunities of disadvantaged children through federal aid, an obvious alternative to impact aid is a program that has a distribution formula targeted toward disadvantaged children, rather than children living in public housing. Such an obvious alternative would also require that the funds be spent on behalf of the disadvantaged children and that the funds supplement local efforts. In fact, Title I of the Elementary and Secondary Education Act is designed in just this fashion, and would appear to be clearly superior to impact aid as a vehicle for targeting assistance toward children.

AIDING LARGE CITIES

Many of the nation's most significant educational problems are to be found in our major central cities. These problems arise only in part because of the educational difficulties encountered in these cities. A significant part of the problem has fiscal roots related to (1) heavy demands upon available taxes for municipal services, (2) an increasing percentage of tax exempt property, (3) the failure of industry and commerce to locate new installations in central cities—in part related to high tax rates in these cities, and (4) a declining ability to provide local taxes for schools resulting from relatively low personal income of many residents and increasing (and legitimate) fears of driving industry and commerce out of the cities entirely. To many Americans (including the senior author of this report) these problems cry for a combination of federal and state actions. However, in the current context the question is not whether these problems exist or whether action should be taken, but merely whether impact aid provides a reasonable vehicle for dealing with them. We conclude that it does not.

One major difficulty in using public housing entitlements as a method of aiding large cities is that a substantial percentage of the federal funds expended will miss the intended target: Public Housing is by no means a uniquely central city phenomenon. Public housing is found in many rural communities in that south and in a number of smaller northern communities that by no stretch of the imaginative share the basic problems of the nation's great cities. These districts would receive public housing payments on the same basis as the central cities. This fact alone means that public housing entitlements are a less efficient way of aiding central cities than identifying the cities to be aided and targeting a program solely for them would be.

A second major difficulty is that the prevalence of children in public housing is not a good proxy for existence of central city problems. Over the past three decades different cities have made radically different decisions about public housing. Some have as a matter of policy avoided major public housing commitments on the theory of avoiding federal action in what they may have considered to be a local matter. Others have seized upon public housing as the cornerstone of local policies for dealing with housing and community development. These decisions in the housing field are not related to either the educational problems of the city nor to the financial crisis (or lack thereof) that the city might be facing.

As a result, the concentration of public housing varies substantially among cities in the United States. When public housing children are related to total public, disadvantaged pupils, or even to total population or tax capacity of a city, it can be demonstrated that public housing children are a poor indicator of anything that might be a proxy for educational need in the cities. This

impact can vividly be seen from the data shown on Table 9.1. This table was constructed from some of the responses to the Battelle questionnaire from cities that were able to provide an estimate of the number of children who reside in public housing. The estimates of entitlements are based upon this data and the 1967–68 local contribution rate for each district included in the table. First, entitlements under the proposed inclusion of public housing were calculated. Second, these entitlements attributable to public housing were totaled for the districts covered. This total was divided by the total number of pupils in the systems to indicate what payment per pupil could be made if the funds were used to make such per pupil payments, rather than basing payments upon public housing. A similar calculation was made on the assumption that the funds would be distributed on the basis of the number of disadvantaged pupils (using pupil counts provided by the Office of Education) in each district.

TABLE 9.1.—EQUAL-COST ALTERNATIVE PROGRAMS FOR LARGE CITIES

[Amount of entitlement in millions of dollars]

City	Include public housing in Public Law 874	Pay $10.87 per pupil	Pay $51.03 per disadvantaged pupil
Los Angeles	2.8	[1] 7.0	4.9
Detroit	1.5	3.2	[1] 6.4
New Orleans	[1] 2.4	1.2	1.3
Boston	[1] 3.9	1.0	1.1
Louisville	.3	.5	[1] .7
Long Beach	.5	[1] .8	.5
Birmingham	[1] 1.5	.7	.7
Norfolk	[1] 1.8	.6	.7
El Paso	.3	[1] .7	.3
Akron	.4	[1] .6	.2
Nashville	[1] 1.9	1.0	.5
Total	17.3	17.3	17.3

[1] Denotes highest entitlement available to city under the 3 formulas.

Source: See test.

Table 9.1 shows clearly that the public housing distribution does not correspond at all well with the distributions that would result from targeting assistance on the basis of total pupils in large city systems or from targeting assistance toward disadvantaged pupils in large cities. The striking disparities that result from using public housing as an allocator of assistance can be seen from Table 9.2 below. This table is based upon the data used to construct Table 9.1.

TABLE 9.2.—*Extremes in allocation effects of aid including public housing*

Public housing payment per student (payment÷ADA):	
Los Angeles	$4
Boston	44
Public housing payment per low-income ADA:	
Detroit	12
Louisville	23
Boston	185
Nashville	190

Source: See text.

If inclusion of public housing is considered as a way to assist the big cities with educational problems, it provides extreme disparities in assistance. It is difficult to find a rationale that would indicate that big city problems in Boston are so much worse than those in Los Angeles that Boston should receive 11 times as much per pupil as Los Angeles. Likewise it is difficult to imagine that Nashville differs from Louisville so much as to justify payment some 9 times as much per disadvantaged pupil residing in Nashville as in Louisville. These perverse distributions result from the fact that the incidence of children in public housing is only remotely related either to the total educational problem of large city systems or to the disadvantaged children in various systems.

In short, if the problem to be solved is big city education or education of the disadvantaged it will always be both more equitable and more efficient to address those problems directly rather than trying to address them through public housing allocations under impact aid.

EFFECT ON IMPACTED DISTRICTS

As noted in Chapter 5 it is a strong recommendation of this report that a program of assistance to impacted districts be developed that, by solving the current problems of P.L. 874, will command Congressional and Administration assent to full funding as part of a cost of doing business for the federal government. Such a program should be funded almost automatically, much like payments of interest on the national debt. A general program of assistance to large cities through impact aid would convert it to being in a competitive relationship with funds for the heavily impacted districts under circumstances that might cause less than full funding for those districts. This impact would be even stronger if public housing were added to the current very imperfect P.L. 874 and P.L. 815 programs.

EFFECT ON HOUSING POLICIES

Inclusion of public housing in P.L. 874 would also have significant effects upon the administration of public housing programs. The effect of inclusion of public housing in 3(b) entitlements would be radically to alter the balance sheet facing any community in deciding whether to adopt public housing. Viewed in the abstract from the standpoint of the school district or a city in which the school district is dependent the situation might be roughly this: A family is currently occupying one portion of a slum dwelling, with respect to which taxes are paid out of that family's rent on the order of perhaps $50 to $150 per a three-child family or less than $50 a child. If the community could convert that family from its currently privately owned unit to public housing where impact aid entitlements were available, it would find several phenomena would result. First, the community would receive payment in lieu of taxes on the rental payments made for the public housing unit. Second, the school district would receive a payment on the order of $200 per pupil which in the example would mean $600 in added revenues resulting from building the new housing unit.

Furthermore, in deciding which families to admit to existing public housing units, there would be strong pressure upon local housing authorities to maximize the number of children housed in such units.

Whether these housing policy impacts are desirable or not is somewhat beyond the scope of this study—not because Battelle does not feel competent to judge those impacts, but because those impacts are most properly considered in relation to the various alternatives available in the expenditure of federal housing funds. It may be that, for reasons of housing policy, payments in lieu of taxes should be increased, or special side payments for school costs should be made to induce suburban districts to accept new public housing units. However, if these payments are to be undertaken to further national housing policies, they are most appropriately included in national housing budgets.

SUMMARY

For the reasons outlined in detail above, there would appear to be no satisfactory reason for broadening the impacted areas program to encompass children occupying public housing units. If Congress and the Administration are concerned with problems of large city education, they will find that the most appropriate vehicles are implementing that concern are outside the scope of a reasonable impacted area program.

Mr. DOMINICK. Mr. President, in summary, it seems to me that this is not the time to include children from public housing within the impacted area program. We do not have the Federal impact we had in mind when the original impacted aid program was formulated. The Federal Government does not choose where public housing is going to be. Local governments are, in fact, the ones who make this decision. We do not have a series of nonschool district residents coming into a school district creating an impact. These people have to be residents already in order to be eligible for public housing.

For all these reasons, plus the fact that it is going to cost another $236 million if fully funded—which it never will be—it seems to me this is the wrong time, in the wrong place, to offer this amendment to revise the impacted area program, to the detriment of at least 26 States in this country.

Mr. PROUTY. Mr. President, I am very happy to support the amendment offered by the distinguished junior Senator from Colorado (Mr. DOMINICK).

The subject of impact aid has become increasingly more important and visible in recent months. While I applaud the benefits that have been achieved as a result of payments under this program, I think we have an obligation to look at this question very carefully before we tamper with a formula that has seriously been brought into question.

Impact aid payments were originally developed to help provide educational services in school districts where, because of Federal impaction, income to the locality was insufficient to maintain a meaningful level of services. However, there is a major inequity in the formula which assumes that all Federal impaction causes a hardship to the school district in terms of a reduced tax base and that the children will suffer accordingly.

This is patently untrue, and we all know that Montgomery County, Md., is an excellent example of this. Each of the last several administrations has called attention to this fact, and I am hopeful that this administration will at last be able to change the formula and build in safeguards that are more equitable and of benefit to the Nation. Our education resources are too limited to spend them in areas where they will do relatively little good. What we must work for instead are programs that concentrate our funds on those that need them most, thereby minimizing the discrepancies in opportunities that already exist.

For good reason, the committee has deferred action to change the impact aid program while it has awaited new data and evaluations to make this possible. The report has recently been submitted, and I am hopeful that some progress will be made this coming year.

Nevertheless, I do believe we have taken inappropriate action in including a new category of children in the program.

The arguments against including public housing children in formulas for impact aid payments have been enumerated many times before. In the first place, no assurance is given that funds awarded on the basis of children resid-

ing in low-rent public housing will be spent to improve the educational opportunities of those children. In fact, these funds can be, and have been, used in the very schools where they are needed least.

Such a practice only increases the disparities that already exist between schools serving the more fortunate and schools serving the disadvantaged. The problem is very similar to that concerning the title I program, where funds are not concentrated in schools where they can do the most good. While the committee has done much to improve the title I program in this regard, it must be cognizant that the same problem exists under impact aid and should do nothing further to compound this problem.

Second, the formula itself is inequitable in several ways. It assumes that a standard number of children, 2.6, reside in each public housing unit, and then bases payments on this estimated figure. In my own State, we have some 230 public housing units, but most of them are inhabited by elderly citizens. Nevertheless, we would be given payments on the basis that there are an average of 2.6 children living in each public housing unit, and supposedly these payments would go to the local district to help these nonexistent children. This is truly unfair; and although it would bring additional moneys to my State, I cannot endorse the inequitable way in which this would be done.

In looking to this same issue, the Battelle study, just completed, found that public housing does not always bring additional numbers of students to a school district and, I quote:

> There would appear to be no satisfactory reason for broadening the impacted areas program to encompass children occupying public housing units.

In fact, to do so would only serve to widen the differences that exist between urban and rural areas and between industrial and agricultural States. What we would be doing is rewarding those States that have mastered the arts of grantsmanship and capital financing which enable them to get the Federal Government to subsidize low-rent public housing. Once having done so, these States can then turn to the Federal Government and blame it for adding to Federal impaction and receive additional moneys not necessarily needed.

I would not mind this double turn of events if I could be assured that there truly was a need in each area and that those students needing help most receive the benefit of such funds. Until this is assured, however, I cannot support the broadening of this program in the manner put forth by the committee.

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

Mr. PROUTY. I yield.

Mr. DOMINICK. I thank the Senator for his support of the amendment. As I pointed out in the process of my speech, Nevada, New Hampshire, and Vermont have an almost identical low-income population. Nevada, however, would receive approximately six times more than would Vermont. New Hampshire would receive eight times more than Vermont under the formula in the committee bill. It does not seem to me that this makes much sense. Obviously, that would be as a result of the inclusion of public housing units.

Mr. PROUTY. Mr. President, I do not begrudge Nevada or New Hampshire getting all of the money that is available to them, but it does suggest an inequity in this formula, which some people feel so desirable at this time.

I hope the amendment will prevail.

Mr. JAVITS. Mr. President, I joined with the Senator from Missouri (Mr. EAGLETON) in this provision found in title II of the bill. It was adopted by the committee, and I think it is the right thing to do. I do not believe anything which has been said so far negates it. The Battelle report, which has been referred to, not only makes statements about this provision for public housing, but it also calls for a shakeup of the whole impacted aid program.

Obviously, if you want to be fair about it, then the hide would go with the hair, as the late Senator Everett Dirksen used to say. If we are going to legislate the Battelle report, fine, let us legislate it and that will cut impacted aid very materially.

The point is that impacted aid has been going on for years since 1950. It has been subject to considerable opposition from time to time, precisely because it is discriminatory. It makes an arbitrary selection. If a parent either works or lives on Federal property, then his child becomes what is called a B child, and is entitled to impacted area aid whether it is needed or not, even if the tax roll for that particular district goes way up because of new people moving into the area.

Mr. President, we felt that had gone on long enough, and that these districts with public housing were suffering just as much, indeed much more, as the figures given to the committee showed, from the impaction which resulted from Federal housing projects, than they were from military camps and stations and other Federal installations.

So we made our bid, too. It was high time that we did. We had waited too long to do it.

I think the best answer to the proposition is, "All right, if you want to go ahead with the Battelle report, and that is to be the Bible, let us go the whole way, and not just pick out public housing because that happens to be before us today."

Mr. President, I point out that the Senator from Missouri (Mr. EAGLETON) and I, notwithstanding our deep feeling on this subject, understand history, and understand voting patterns in Congress, and hence we are accepting the rather important limitation upon the ability of the program, which this amendment seeks to strike out, in respect of getting money appropriated for it and guaranteed in the language of the bill, that the present impacted aid program would be fully funded, as it was in 1970, before this participation of children from Federal public housing projects could be accommodated.

There is pending an amendment—it has already been put in the RECORD by the Senator from Texas (Mr. YARBOROUGH)—which represents a sort of amalgam of views; again, we are not very happy with it, but it is a compromise—which will provide for a separate budget line item, so that the Appropriations Committee can determine about this matter of impacted aid just as it has been for so long determining about impacted aid in general.

I point out, in respect to what the Senator from Colorado (Mr. DOMINICK) said about the money involved, that the impacted area aid runs to more than $600 million; so $236 million entitlement for public housing children does not sound so big when compared to the over $600 million in the appropriations bill for districts which do not need it at all, where it is just gilding the lily or laying whipped cream on the mountain which already exists.

So, Mr. President, I would hope very much, since we know that the Yarborough amendment is coming along, which will further assure the impacted area people that they are not going to suffer by virtue of some element of equalization with the public housing children, that the Senate will see fit to reject the amendment of the Senator from Colorado.

Mr. PELL. Mr. President, I should also like to comment on the amendment of the Senator from Colorado.

The committee recognized that the impacted aid program is under attack, and that it may not be the most effective or efficient way of helping the communities affected by the Federal impact; but it has worked pretty well over the years, and we were reluctant to change it too much at this time.

In the committee, we considered the idea of a 4-year grandfather clause, which would have provided that no present 874 district would receive less money than they are now receiving, even taking into consideration the new entitlements emanating from the public housing amendment. The committee also considered making the public housing entitlements a separate line item; however, this was not accepted and the bill was reported in its present form with a compromise 2-year grandfather clause.

There is a great deal of equity in what the Senator from New York and the Senator from Missouri have sought to do, because the impact, in a community, of a public housing unit is substantial, and its contribution to the tax rolls is negligible.

I think the compromise that the Senator from Texas has sought to work out and has worked out with the Senator from Colorado is also equitable, because it provides for the camel to get a very large nose under the tent when it comes to accepting the concept of children from public housing units being counted, with children from other Federal installations.

For that reason, I, too, hope that the Senator from Colorado will not press for his amendment, but will consider accepting the amendment of the Senator from Texas.

Mr. EAGLETON. Mr. President, I, too, wish to address myself briefly to the amendment offered by the Senator from Colorado (Mr. DOMINICK).

I spoke on the floor of the Senate yesterday, Mr. President, about the concept of impacted aid and the inclusion therein of public housing students under a more broadly based definition.

I, like the Senator from New York and the Senator from Rhode Island, would very much prefer not to see the amendment as offered by the Senator from Colorado prevail. It is anticipated, as has been pointed out, that the Senator from Texas (Mr. YARBOROUGH) will offer an amendment in the nature of a compromise to the language that currently exists in section 203 of the Senate bill. My personal preference is for the language as it exists in the committee version of the bill. However, dealing in the realm of the practical rather than the realm of the Utopian, I realize that about the best that can now be accomplished, insofar as the goal that both the Senator from New York and I desire to achieve, is that which is reflected by the Yarborough amendment.

Quite to the contrary of what has been stated by the Senator from Colorado and also by the Senator from Vermont; namely, that this confuses the picture with respect to impacted aid, or muddies already troubled waters, it is my opinion that the Yarborough proposal enhances the acceptability, the quality, and the viability of the impacted aid program.

We all know that this program is very much under fire.

The reason impacted aid is under fire is that it is not geared to need. It is not geared to identifiable and urgently pressing problems that exist in the various school districts, but rather is given out on a per capita basis without any showing of need. Under the present program we sometimes see the bizarre result that those school districts that are deemed to be the most affluent are the largest beneficiaries or recipients of Federal impacted aid.

On the other hand, by including public housing students in the definition of impacted aid, we would be introducing a need factor into the impacted aid concept. I think everyone would agree that students who reside in public housing projects are those in the lower socioeconomic scale in our country. Even a cursory examination of the problems of public housing projects in this country will reveal that it is in such public housing projects that there is the most desperate educational need. Therefore, I contend that rather than burdening an already troubled program, the passage of section 203 would enhance its public acceptability, its political acceptability, and its pragmatic acceptability by broadening the base of eligible recipients so as to include those in pressing need. That is why the Senator from New York (Mr. JAVITS) and I felt so strongly in committee, and likewise feel so strongly here today, that students residing in public housing should come under the basic umbrella of the impacted aid program.

I realize that we may not be able to achieve for the moment the full objectives as they are contained in section 203. I realize that the compromise as suggested by the Senator from Texas is perhaps the most immediately attainable.

In conclusion, I express the hope, as has been expressed by the Senator from New York and the Senator from Rhode Island, that the Senator from Colorado (Mr. DOMINICK) will see fit to withdraw his amendment, which would strike entirely from the bill any reference to public housing in the concept of impacted aid, and that the Senate could agree on the compromise proposal of the Senator from Texas.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. YARBOROUGH. Mr. President, I ask that the pending measure be temporarily laid aside, and that the Chair lay before the Senate a message from the House of Representatives on H.R. 14733.

Mr. JAVITS. Mr. President, reserving the right to object, may we know what this is all about?

Mr. YARBOROUGH. It is to request the appointment of conferees on a bill.

Mr. JAVITS. I have no objection.

Mr. YARBOROUGH. I ask unanimous consent that the pending measure be laid aside for not more than 1 minute.

The PRESIDING OFFICER. It is a privileged matter, and does not require unanimous consent.

AMENDMENT OF PUBLIC HEALTH SERVICE ACT

Mr. YARBOROUGH. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 14733.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 14733) to amend the Public Health Service Act to extend the program of assistance for health services for domestic migrant agricultural workers, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. YARBOROUGH. I move that the Senate insist upon its amendments and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. KENNEDY, Mr. NELSON, Mr. EAGLETON, Mr. CRANSTON, Mr. HUGHES, Mr. DOMINICK, Mr. JAVITS, Mr. MURPHY, Mr. PROUTY, and Mr. SAXBE conferees on the part of the Senate.

AMENDMENT OF RAILROAD RETIREMENT ACT OF 1937 AND RAILROAD RETIREMENT TAX ACT

Mr. EAGLETON. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 13300.

The Presiding Officer laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. EAGLETON. I move that the Senate insist upon its amendment and agree to the request of the House for a conference, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EAGLETON, Mr. PELL, Mr. NELSON, Mr. HUGHES, Mr. SMITH of Illinois, Mr. SCHWEIKER, and Mr. SAXBE conferees on the part of the Senate.

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate resumed the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. YARBOROUGH. 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. 348

Mr. YARBOROUGH. Mr. President, the pending business being amendment No. 482, offered by the distinguished Senator from Colorado (Mr. DOMINICK), I offer my amendment No. 483 as a perfecting amendment to amendment No. 482. I ask that the clerk report amendment No. 483, which I offer as a perfecting amendment.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. YARBOROUGH. 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, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 113, strike out all that appears on line 21 and all that follows down through line 15 on page 115 and insert in lieu thereof the following:

"(3) Section 3 of such Act of September 23, 1950 is further amended by inserting at the end thereof the following new sentence: 'Such order of priority shall provide that applications for payments based upon increases in the number of children residing on, or residing with a parent employed on, property which is part of a low rent housing project assisted under the United States Housing Act of 1937 shall not be approved for any fiscal year until all other applications under paragraphs (2) and (3) of subsection (a) of section 5 have been approved for that fiscal year.'.

"(4) Subsection (c) of section 5 of such

Act of September 30, 1950 is amended to read as follows:

"'ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

"'(c) (1) If the funds appropriated for any fiscal year for making payments under this title are not sufficient to pay in full the total amounts which the Commissioner estimates all local educational agencies will be entitled to receive under this title for such year, the Commissioner (A) shall determine the part of the entitlement of each such local educational agency which is attributable to determinations under subsections (a) and (b) of section 3 of the number of children who resided on, or resided with a parent employed on, property which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (B) except as otherwise provided in paragraph (3), shall allocate such funds, other than so much thereof as he estimates may be required for carrying out the provisions of section 6, among sections 2, 3, and 4(a) in the proportion that the amount he estimates to be required under each such section bears to the total estimated to be required under all such sections, except that he shall not take into consideration any part of any entitlement determined under clause (A). The amount so allocated to any such section shall be available for payment of a percentage of the amount to which each local educational agency is entitled under such section. Such percentage shall be equal to the percentage which the amount allocated to a section under the second sentence of this paragraph is of the amount to which all such agencies are entitled under such section. For the purposes of this paragraph, in determining the amount to which each local educational agency is entitled under section 3 he shall include any increases under paragraph (4) of subsection (c) thereof; but he shall exclude any part of any entitlement determined under clause (A) of this paragraph.

"'(2) If the funds available for allocation under paragraph (1) for any fiscal year exceed the amount necessary to fully satisfy entitlements for which allocations will be made under such paragraph, that excess shall be available for payment of a percentage of that part of the entitlement of each local educational agency determined under clause (A) of paragraph (1). Such percentage shall be equal to the percentage which the amount of such excess is of the total amount to which all such agencies are so entitled.

"'(3) All funds appropriated for making payments under this title for any fiscal year shall be allocated in the manner specified in paragraphs (1) and (2), unless an Act makappropriations for making payments under this title for any fiscal year specifically makes funds available for payments on the basis of entitlements determined under clause (A) of paragraph (1), apart from other payments under this title, in which case, if the funds so appropriated are not sufficient to pay in full the total amount to which all local educational agencies are so entitled, such funds shall be available for making payments in the manner specified in paragraph (2) respecting allocations of any excess appropriations.

"'(4) In case the amount allocated to a section under paragraph (1) for a fiscal year exceeds the total to which all local educational agencies are entitled under such section for such year or, in case additional funds become available for making payments under this title, the excess or such additional funds, as the case may be, shall be allocated among sections for which previous allocations are inadequate, on the same basis as is provided in paragraphs (1), (2), and (3) for the initial allocation.'"

Mr. YARBOROUGH. Mr. President, the amendment I offer as a perfecting amendment to amendment No. 482, offered by the distinguished Senator from Colorado, grows out of long efforts to reach a compromise in this matter. In the vote in the full committee, the Senator from Colorado and I voted the same way against the language that his amendment would strike out. We had an agreed position, and if my perfecting amendment is not adopted, I will not have any change of position.

We have worked long and diligently to reach a compromise. This compromise provides that the status of children residing in Federal housing will be delimited in a separate line item in the bill so that it will not be commingled with impacted aid, class A impacted aid and class B impacted aid, per se.

As the language is now in the bill, we feel that the status of children in Federal housing would be a part of impacted aid, per se, would be inseparable from it. It is apparent that there are three different categories of aid: The impacted aid as such, as class A category, and the class B category. It is not necessary to discuss this at length. It has been discussed all over the country and was mentioned in the President's state of the Union message.

This brings in another category of Federal aid to schools, and that is in those situations of low income public housing, tax exempt, where many children are brought in and there is less property to tax and more children to educate. It would entitle Congress to appropriate Federal moneys to those districts to make up for the added burden where, because of the burden of tax exempt property and more children, they lack funds for proper education. It is another category.

The amendment I offer will provide separate funding for the section of H.R. 514 that counts children in public housing units among children in federally impacted districts.

The committee amendment grows out of a reasonable concern. Every State has experienced local resistance to low-income public housing which stems from the increased cost to the community of educating those children. Testimony to the committee indicated that entire new schools often have to be built to accommodate these children. The parents are rarely on the tax rolls, certainly not as property owners. Nor does the property in which they reside pay taxes equivalent to those a private housing development would pay.

The "in lieu of taxes" payment from public housing covers only about $11 per child, while the cost of educating the children runs between $700 and $1,200 each.

I agree with the committee in its view that there should be a much larger payment for the education cost of children in public housing, because it is not fair for the Federal Government to remove the property from the tax rolls and at the same time, bring large numbers of additional pupils into the school district.

My objection to the committee language goes to the lumping of this group with those now in the federally impacted program. Public housing children are a separate case from children whose parents work for the Federal Government. Compensation to the local school district for their education should not come out of the same appropriation that is made for the traditional federally impacted districts.

The amendment I am offering will set up two line items in appropriations acts making funds available for payment under Public Law 874.

One line item would be for payment of entitlements on the basis of A and B children as we understand them in the present law.

The other line item would be for payment of entitlements created by children living in low-rent public housing units.

The amendment further provides that, if a single-line appropriation is large enough to cover the full entitlements for A and B children with money left over, then the remainder may be used for low-rent housing children.

It is quite possible that in the future we will find it justified to make Federal payments for children whose presence in a district is dictated by many federally financed activities, other than direct Federal activities and installations. The committee bill makes this payment available for housing units financed under the Housing Act of 1937, the Housing Act of 1949, and the Economic Opportunity Act of 1964.

These units are not necessarily federally owned. They are only federally assisted in their financing.

As we move in the direction of examining the impact of federally assisted activities, we should do so on the basis of paying entitlements out of their own appropriations. Otherwise, both these children and the existing Public Law 874 children will be penalized.

Under the bill vetoed by the President, the amount for aid to impacted areas was $600 million. Under the budget, it was approximately $200,000,000. Under the compromise offered by the President now, it is approximately $400 million.

It is often thought that that is the biggest aid to school districts, but it is not. One and a half billion dollars goes to school districts under the Elementary and Secondary Education Act for children from poverty families. Even Westchester County, N.Y., gets money under that, because of children in the poverty brackets, so that there would be widespread distribution of Federal money to school districts in America under the poverty bracket. This is another category made, even under that bracket, for places like Westchester County, N.Y., but this amendment being offered is to try to help the districts who are poor because of their tax base. My objection was that it impinged on the impacted aid to help the children of military personnel on a base. I offered a compromise on behalf of the Senator from Colorado and myself. The Senator from Missouri (Mr. EAGLETON) was a principal sponsor in putting this Federal housing under impacted aid, as well as the Senator from Rhode Island (Mr. PELL), chairman of the subcommittee, and the Senator from Vermont (Mr. PROUTY), a knowledgeable and active member of the Education Subcommittee who has been for years one of its active workers.

Mr. President, I do not desire to debate this matter at length, because it has been discussed in full in the Educational Subcommittee, discussed at length in the full committee, and in this amendment I am offering. I do not think that the Senator from Colorado is entirely satisfied with it. We do not think it is perfect, but it is an attempt to reach a consensus so that some relief can be granted without zeroing in on the impacted aid as such.

Mr. DOMINICK. For the record, I want to say that my recollection in committee discussion was that we first tried to knock out the public housing amendment completely, and when that did not work, I offered a separate line item amendment. It was defeated on a rollcall vote. My understanding now is that the Senator is offering a line item amendment in somewhat different form from the one I did. It is not so heartwarming to my soul as it would be to knock out the whole of the public housing. I find it difficult to object to it, in view of the fact that the Senator is offering an amendment similar to the one I offered in committee, and I am, of course, a cosponsor.

Mr. YARBOROUGH. I voted with the Senator in committee on the separate line item. This does not go quite that far. This is a compromise between two sharp points of view that were discussed and debated strenuously in the subcommittee and the full committee. We spent many hours on this subject, over a period of many days. We discussed it thoroughly. I do not desire to take the time of the Senate in extended discussion now.

Mr. President, I am ready to yield the floor and ask for a vote at this time.

The PRESIDING OFFICER. The question is on agreeing to the perfecting amendment of the Senator from Texas.

The amendment was agreed to.

The PRESIDING OFFICER. Now the question recurs on agreeing to amendment No. 482 of the Senator from Colorado (Mr. DOMINICK).

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

The PRESIDING OFFICER. The Clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment of the Senator from Colorado. [Putting the question.] As many as favor the amendment will say "Aye." Opposed "No."

Mr. BYRD of West Virginia. Mr. President, I call for a division.

The PRESIDING OFFICER. A division is called for.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. DOMINICK. Do I correctly understand that we are voting on my original amendment, or are we voting on my amendment as amended?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado to strike. The Senator's amendment was not amended. The amendment of the Senator from Texas perfected the language the Senator proposes to strike.

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

Mr. JAVITS. Mr. President, a point of order. Can we do that in the middle of a vote?

The PRESIDING OFFICER. Prior to the announcement of the result of a division vote on an amendment, a quorum call is in order.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FANNIN. 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. LONG. Mr. President, I ask for the yeas and nays.

The yeas and nays were not ordered.

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. FANNIN. 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. FANNIN. Mr. President, a little more than a year ago, I introduced a bill, cosponsored by Senator GOLDWATER, which would amend title VII of the Elementary and Secondary Education Act of 1965 to enable nonprofit, private schools operated on Indian reservations to qualify as a "local educational agency" and thereby entitle such schools to receive bilingual education funds under this act.

Last fall, while this bill was pending before the Education Subcommittee, Senator GOLDWATER offered an amendment which I cosponsored, to the Elementary and Secondary Education Act which was intended to accomplish the same purpose. I am pleased that this amendment has been adopted by the Labor and Public Welfare Committee and is now part of section 152 of the bill which is pending before us.

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

Mr. FANNIN. I yield.

Mr. GORE. Was the amendment adopted by the Labor and Public Welfare Committee?

Mr. FANNIN. It was adopted by the Labor and Public Welfare Committee.

Mr. GORE. To which bill?

Mr. FANNIN. To section 152 of the pending bill, according to my information.

Mr. GORE. I thank the Senator.

Mr. FANNIN. Mr. President, as I have said so many times in the past, the greatest obstacle to education for Indian children is not so much poverty as it is language. More than 95 percent of the children who begin at the Rough Rock Demonstration School which is a school which will benefit from this amendment speak only Navajo. The need for bilingual programs is, therefore, essential.

I am also pleased that the committee acted favorably on Senator GOLDWATER's amendment because it can go a long way in insuring the success of the initiative taken by Indians themselves in forming schools such as the Rough Rock Demonstration School in Arizona. The acceptance of this amendment gives a small measure of substance to our promise that the Indian people have a say in the policies which govern them. We must see to it that our Federal programs encourage, not defeat, innovation.

My colleague, Senator GOLDWATER, has worked tirelessly to secure the adoption of this amendment. Unfortunately, he is unable to be here today, but he had earlier prepared some remarks. And I ask unanimous consent that they be printed in the RECORD at this point.

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

STATEMENT BY SENATOR GOLDWATER

PROVIDING BILINGUAL EDUCATIONAL AID TO INDIAN CHILDREN ON RESERVATIONS

Mr. GOLDWATER. Mr. President, it is my purpose at this time to call the attention of the Senate to section 152 of the pending bill. This provision amends title VII of the Elementary and Secondary Education law in order to provide bilingual education funds for children attending schools on Indian reservations.

Specifically, the amendment will override the discriminatory limitations of the present law which bar Indian controlled schools from participation in the bilingual education program. Strangely enough, Indian schools operated by Indians themselves are not now eligible to apply for Federal bilingual assistance.

The amendment provided by section 152 will correct this unjust and unwise restriction by explicitly allowing Indian-operated schools on reservations to apply directly to the Commissioner of Education for payments under Title VII.

Mr. President, the amendment is identical to Amendment numbered 155, which I offered for myself and my colleague, the senior Senator from Arizona (Mr. FANNIN), on September 12th of last year. Speaking for us both, we are delighted that the Education Subcommittee and the full Labor and Public Welfare Committee have seen fit to report our amendment favorably to the Senate Floor.

We are very pleased at the bipartisan response the proposal has attracted and particularly wish to extend our gratitude to the distinguished Senator from Minnesota (Mr. MONDALE) who sponsored and called up the provision in committee.

Mr. President, at this moment our amendment will likely benefit only the all-Navajo Indian operated school located at Rough Rock in Arizona. This is because I believe that Rough Rock is the only Indian controlled school in the United States.

By now I am certain that nearly all of my colleagues have heard of the distinctive educational project which the Navajo Indian Tribe is operating at Rough Rock in the heart of the vast Navajo Reservation. The school is an extremely promising venture which was launched in 1966. Its unique quality is that it is operated by an all-Navajo school board elected by the Navajo people.

Rough Rock is run by the Navajos themselves because they decided that they wanted their children to receive the best education for both Navajo and Anglo life. It is an inspiring and courageous undertaking which reflects many of the aspirations of a very proud and great segment of our national people.

Not only is Rough Rock totally controlled

by Indian parents, but the school has been successful in recruiting almost 90 percent of its faculty from among the Navajo population. Also, the chief administrative officer and the heads of several departments are Navajo.

Thus, local control has not only put policy making into the hands of the Navajo people, but it has placed much of the daily operation of the school under the supervision of tribal members.

Although the school is entirely run by Navajo parents, it is important to note that the Navajos have chosen to offer a bilingual, bicultural education. The school provides subjects found in any school of excellence, with the added feature of subjects especially created for Navajos. English reading and writing is taught together with oral English. Science, mathematics, social studies, health, home economics, industrial arts, and all the regular parts of a well-designed curriculum are taught. In addition the school has courses in Navajo reading and writing, oral Navajo, Navajo culture and history, and Navajo arts and crafts. Indeed Rough Rock may be the only school with Indian children where the history of the American Indian is taught.

Mr. President, in my opinion Rough Rock has made a fine beginning and stands as a constructive effort by the Navajo people to determine their own destinies. To my mind, Rough Rock points the way to a future in which all Navajos can learn about, and be proud of, their own heritage while at the same time they can successfully cope with the surrounding world.

The project is rightly described as a demonstration school. It is demonstrating the validity of new approaches to Indian education. It is demonstrating that Indian schools can produce excellent results when they are locally controlled.

It is proving that the self-reliance of Indian Americans can be boosted and encouraged by Tribal involvement in their own educational system. Eighty-three percent of the parents interviewed at Rough Rock said they believed that they can improve their lot themselves.

A deeper aspect of the Rough Rock experiments is that the school is educating the whole community. Of the approximately 1000 Navajos being served by the school, 600 are children and 400 are adults.

Thus the school has become a focal point of the community it serves. The local administrator and the local school board are thinking in terms of the total community. Community education is what the Navajo people desire and are working to get. This might appear to be an ideal elsewhere, but at Rough Rock it is being achieved.

However, Mr. President, it must be understood that the Navajo Tribe cannot, and should not be expected to, meet this heavy financial obligation by itself. It should be remembered that the Tribe is continuing to provide for the Navajo Reservation to the same extent that our local and State governments handle many varied responsibilities.

It is for this reason that I have introduced, and now speak in support of, the pending section which will allow the Navajo Tribe to participate in the bilingual program fully as much as if it were an Anglo community.

The all-Navajo school board of Rough Rock clearly performs for members of the Tribe the same functions as the educational agencies of town or city governments do for citizens of their communities. The Navajo board is the true local educational agency of the Navajo people and it may legitimately expect to be considered as being eligible for the same benefits that are available to municipal school authorities. Anything short of this would surely be considered by members of the Tribe as rank discrimination against the American Indian.

Our amendment is not complicated. It is narrowly drawn and will not open the door to the payment of Federal bilingual assistance to privately run, non-Indian operated schools on Indian reservations. The Navajo experiment is unique and the amendment is worded accordingly.

First, the amendment applies only to schools located on Indian reservations for Indian children.

Second, the schools must be operated under the control of an agency of the Indian Tribe concerned.

Third, the agency operating the school must be a nonprofit organization.

Mr. President, while our proposal will apply only to Rough Rock at the present time, I wish to point out that it is intentionally worded broadly enough so that it will benefit other Indian governed schools as they come into existence.

The amendment is expressly designed to foster and encourage increased Indian participation in and control over their own bilingual programs. It is our hope that this greater freedom will help to promote significant innovations in the bilingual program and will produce the stirring of interest by teachers, parents, and students that will best serve the persons who attend Indian community schools.

Mr. President, in closing, I urge the Senate to approve the passage of our amendment. I strongly believe that the enactment of this provision will be an important step in demonstrating by deed that this nation understands and is willing to respond to the needs of the American Indian.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

Mr. LONG. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. LONG. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

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

Mr. PELL. Mr. President, I ask unanimous consent that we temporarily lay aside the amendment of the Senator from Colorado and proceed to the consideration of the amendment of the junior Senator from New York (Mr. GOODELL).

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

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

Mr. PELL. I yield.

Mr. LONG. Mr. President, could we have an understanding that we will not vote on the amendment this evening, but that we will vote on it sometime tomorrow?

Mr. JAVITS. Mr. President, I think that is inherent in the situation. It was left a little up in the air with other Senators as to whether there would be any record votes tonight. And I know that the Senator, in common with the rest of us, does not like to embarrass other Members of the Senate who had reason to think that there would not be any further votes tonight.

We can deal with this situation tomorrow. I did not want to give consent for precisely the reason that there may be Senators who wish to speak, and I do not want to cut them off.

Mr. LONG. Mr. President, I am perfectly willing to go along with the procedure suggested by the manager of the bill, with the understanding that we will not vote on the amendment tonight.

Mr. PELL. Mr. President, we may vote on the Goodell amendment tonight, but not on the Dominick amendment.

Mr. GOODELL. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. GOODELL. 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, without objection, the amendment will be printed in the RECORD.

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

On page 217, insert after section 808 the following section:

"TEACHER CORPS CORRECTIONS EDUCATION PROJECTS

"SEC. 809. (a) Section 511(a) of such Act (as amended by section 804(b) of this Act) is further amended by deleting the word "and" at the end of paragraph (2), by deleting the period at the end of paragraph (3) and inserting in lieu thereof a semicolon and the word "and", and by inserting after paragraph (3) the following new paragraph:

"'(4) attracting and training educational personnel to provide relevant remedial, basic, and secondary educational training, including literacy and communications skills, for juvenile delinquents, youth offenders, and adult criminal offenders.'

"(c) Section 513(a) of such Act is further amended by redesignating paragraphs (6), (7), and (8) (as redesignated by section 804 (d) of this Act), and all references thereto, as paragraphs (7), (8), and (9), respectively, and by inserting after paragraph (5) the following new paragraph:

"'(6) enter into arrangements, through grants or contracts, with State and local educational agencies, and with institutions of higher education, and such other agencies or institutions approved by the Commissioner according to criteria which shall be established by him to carry out the purposes of this paragraph, under which provisions (including payment of the cost of such arrangements) will be made to furnish to such agencies members of the Teacher Corps to carry out projects designed to meet the special educational needs of juvenile delinquents, youth offenders, and adult criminal offenders, and persons who have been determined by a State or local educational agency, court of law, law enforcement agency, or any other State or local public agency to be predelinquent juveniles, but not in excess of 90 per centum of the cost of compensation for Teacher Corps members serving in such project may be paid from Federal funds;'

"(d) Section 514(a) of such Act is further amended by inserting before 'shall provide' the following: 'or an arrangement with any agency pursuant to paragraph (6) of section 513(a),'.

"(e) Title VIII of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new section:

"'RESEARCH AND DEMONSTRATION PROJECTS IN CORRECTIONS EDUCATION SERVICES

"'SEC. 809. (a) The Commissioner is authorized to make grants to State and local educational agencies, institutions of higher education, and other public and private non-

profit research agencies and organizations for research or demonstration projects, relating to the academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youth offenders, and adult criminal offenders, including the development of criteria for the identification for specialized educational instruction of such persons from the general elementary and secondary school age population and special curriculums, and guidance and counseling programs. All projects shall include an evaluation component.

"'(b) The Commissioner is authorized to appoint such special or technical advisory committees as he may deem necessary to advise him on matters of general policy relating to the education of persons intended to be benefited by this section, and shall secure the advice and recommendations of the Director, Bureau of Prisons, of the Director, Office of Juvenile Delinquency and Youth Development, the Director of the Teacher Corps, the head of the National Institute of Law Enforcement and Criminal Justice, the Administrator of the Law Enforcement Assistance Administration, and such other persons and organizations as he, in his discretion, deems necessary before making any grant under this section.'"

Mr. GOODELL. Mr. President, I would briefly like to make some remarks on my amendment for the benefit of my colleagues in the Chamber. On January 27 of this year I discussed the purpose of its provisions in some detail. There is now a change in the amendment, which I will discuss today.

The purpose of this amendment is to improve corrections education services in prisons and juvenile detention facilities throughout the country. It is designed to accomplish this in two ways. First, to make an innovative corrections education program, initiated last year on a pilot basis by the Teacher Corps, a permanent part of the Teacher Corps program.

In 1968, the Teacher Corps undertook four corrections education programs in the States of New York, Illinois, Connecticut, and Georgia. The objective of these efforts was to encourage local school systems to establish and expand specialized programs of teacher training to assist in the rehabilitation of juvenile delinquents and youth offenders in penal institutions and community-based correctional facilities.

The results of these pilot efforts successfully demonstrated the Teacher Corps ability to initiate effective reforms in an area crucially and clearly related to our national well-being.

The first corrections education program began at Rikers Island, N.Y., in August 1968. In September 1969, the highly respected VERA Institute of Justice prepared an evaluation of the project.

It reported that—in terms of the educational accomplishments of the program, an indication of success is provided by the number of juvenile and youth offenders who took and passed the high school equivalency examination—for the year, 31 of 72 who took the examination passed.

This is a good percentage, given the low level of proficiency at which many inmates started and the fact that Teacher Corps placed no restrictions on which inmates could take the examination.

Further, at least 10 inmate-participants in the school have been placed in college programs for the coming academic year.

In the State of Illinois, six interns are teaching and working with predelinquents in a delinquency intervention program in the Carbondale Community High School. Six additional interns are supplementing the education staff of the Pere Marquette Camp for delinquent boys, which is operated by the Illinois Youth Commission.

In Connecticut, 20 members of the Teachers Corps are serving in an education program in the school of the Cheshire Reformatory and in Somers Prison, where they are introducing new curriculums and teaching techniques. While serving at Cheshire, interns are enrolled as graduate students in the Department of Education at the University at Hartford.

The Connecticut Department of Education has established a classification of correctional education specialist, and graduates of the program will be so certified.

In Georgia, seven Teacher Corps interns are teaching basic and vocational education subjects, and providing counseling at the Buford Prison near Atlanta. They are enrolled in a 2-year graduate degree program at the University of Georgia. Buford is a small prison which has been converted to a special education and training institution for 180 young offenders.

Mr. President, in addition to these programs, there are a significant number of corrections education proposals which have been submitted to the Teacher Corps by various organizations and universities in several States. At the present time, Teacher Corps funding for these programs is not available. Although they have not been finally approved for inclusion in the Teacher Corps corrections program, they demonstrate the broad and innovative potential for effective action in the new field of corrections education.

The second aspect of my amendment would authorize the Commissioner of Education to make grants for research relating to the academic and vocational education of antisocial, aggressive, or delinquent persons, including juvenile delinquents, youth offenders, and adult criminal offenders. There is far too little work being done in these areas presently.

In my original amendment I specifically provided for a 3-year $24 million authorization to develop the Teacher Corps program, and a 4-year $18 million authorization for the research grants. It is my opinion that in order to have an effective nationwide program of this kind, these funding levels are necessary and desirable.

Legislative authority exists for the funding of this Teacher Corps corrections education program. For example, the budget request for the Teachers Corps for fiscal year 1971 is $30,800,000, well below the existing authorization of $56 million. It is my hope that the Appropriations Committees of the Senate and the House would appropriate the necessary funds to carry out the purposes of this amendment. It is not my intention to have funds made available from existing Teacher Corps programs for this program.

The research grant program is a totally new authorization in the Office of Education. The funding of it should be accomplished at the highest level possible, particularly in view of the fact that the Institute for Criminal Justice of the Law Enforcement Assistance Administration spends such a small amount in this area.

I strongly feel that with the passage of this amendment the Senate will be taking an important step in responding to one of the most appalling problems facing America today—our virtual total inability to rehabilitate those who have run afoul of the law. Corrections education can play a significant role in contributing to the solution of this enormously complicated and costly problem.

Mr. President, I am joined in the amendment by Senators NELSON, BAYH, BROOKE, CASE, HARTKE, JAVITS, MONDALE, RANDOLPH, SCHWEIKER, and PROUTY.

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

Mr. GOODELL. I yield.

Mr. DOMINICK. Is my understanding correct that the Senator has modified his amendment No. 460 by striking out subsection (b), page 2 and 3, and by striking out subsection (c) on page 4?

Mr. GOODELL. The Senator is correct?

Mr. DOMINICK. And the remainder of it would stay the same.

Mr. GOODELL. The Senator is correct. I have stricken the authorization of specific money for this purpose because I believe the authorizations are sufficient in the bill as it stands.

Mr. DOMINICK. Mr. President, will the Senator yield further?

Mr. GOODELL. I yield.

Mr. DOMINICK. I do not mean to be facetious, but I was intrigued with the wording on line 14 where the Senator refers to "predelinquent juvenile." Would someone determine who is a predelinquent juvenile? Where does that terminology come from?

Mr. GOODELL. This term has become a fairly well accepted term among people who work in this field. Many youngsters have not been adjudicated delinquents nor have they been before a court, and yet they are what might be termed disruptive troublemakers or potential delinquents. They are very close to the category of having committed offenses or charged with criminal offenses.

I might say to the Senator that dealing with this type youngster is even more promising, as the programs have been thus far on a pilot basis. When you get to them early in predelinquency the potential for success is much greater. It is critical that they be included.

Mr. DOMINICK. I am concerned. As the Senator knows, recently a number of people have maintained that children with, for instance, a triple Y chromosome are more likely to be criminals when they grow up than children with a double Y chromosome. There have been experiments to try to determine whether children tested cannot be followed through life to see what happens to them.

I, being a defense lawyer by nature,

look at this somewhat askance for prejudging that someone is going to be guilty before an event happens. I wonder if we might be getting into a similar problem where someone in an educational system might say, "I do not like young Johnny, down there. He is raising Cain. I think he is a predelinquent and needs special instruction." This is part of the problem and I did want the Senator's comment.

Mr. GOODELL. I assure the Senator I do not intend to get into the question of chromosomes by the amendment. I think there are ample overt signs of predelinquency that can be used and have been used to identify those who would be helped by this program.

Mr. PROUTY. Mr. President, I am pleased to add my support to the amendment introduced by the Senator from New York (Mr. GOODELL) to permit the Office of Education to expand its Teacher Corps program into areas that will help meet the special educational needs of juvenile delinquents, youth offenders, and adult criminal offenders. As has already been noted, approximately 1.2 million persons are in correctional institutions at any one time, most of whom receive little or no educational help in overcoming the circumstances that led to their incarceration. The need to adopt new educational programs for these people is well known. More importantly, four pilot projects run by the Teacher Corps have proven very useful and I am pleased to see an amendment introduced that would authorize the Office of Education to develop more of these programs. While this authority has been more or less implicit to date, I am hopeful that by making this authority more explicit, we will increase the visibility given to this subject and at the same time encourage expansion of the initial pilot efforts into a more meaningful attack on the problem.

I should like to emphasize two important aspects of the amendment. The first is emphasis placed on the need for more personnel in the field of corrections education. The amendment seeks to encourage interested persons by expanding the opportunities for better training and more meaningful careers. Second, it stresses the need for better educational services for the incarcerated that can only become a reality through more research and increasing coordination at the Federal, State, and local levels.

Just how effective such an expansion of Teacher Corps activities can be in achieving these goals was demonstrated in the four projects already conducted. Most significant was the improvement in attitude of those who participated, many of whom learned for the first time how exciting and fulfilling an educational experience can be. Another important feature gained from the research aspects was knowledge about teaching the disadvantaged and the antisocial person. I am hopeful that much of what has been learned through these programs will be useful in other programs aimed at the disadvantaged. A third important byproduct of the program was the practical experience gained by the Teacher Corps interns, who, when they did get their certification, had already established a background of experience necessary to effective teaching careers.

I believe the expansion of these Teacher Corps programs can be most effective in changing our penal institutions into effective vehicles for rehabilitation from the training ground for more criminal activities they now are. The incidence of crime in this country has reached terrifying proportions and this is just one constructive step we can take to reduce it.

Mr. JAVITS. Mr. President, I am a cosponsor of the amendment. This amendment originates from a provision which the late Senator Robert Kennedy and I had included in the Education Professions Development Act of 1967 that was reported by the Senate Subcommittee on Education. We had quite a problem with the House of Representatives at that time which would accept no amendments at all and, hence, it was stricken without prejudice in the full Senate Committee on Labor and Public Welfare.

I think this is a very sound idea and very essential, especially, in the field of correction of young offenders.

I hope the Senator from Rhode Island will see fit to accept the amendment, especially as the junior Senator from New York has now taken out of the amendment the special funding so that it is fundable under the general provisions of the Teacher Corps Act. I hope very much this amendment may be accepted with that change.

Mr. PELL. Mr. President, I understand that the amendment offered by the junior Senator from New York has been reviewed by the majority and minority Senators on the committee and that there is no objection to the amendment. As chairman of the Subcommittee on Education and manager of the bill, I have had reservations about accepting the amendment since we have not had an opportunity to hold hearings on the subject of education problems in correctional institutions. Moreover, the language of the amendment as originally drawn raised a number of serious questions. However, I understand that the amendment has been redrafted to deal with those questions, especially with respect to the eligible grantees.

I understand that it is intended that institutions of higher education will have the primary responsibility for supervision of Teacher Corps members in correctional institutions and that other organizations will be used only when there is no institution of higher education able or willing to conduct the project. With that understanding, I am willing to recommend acceptance of the amendment for the purposes of taking it to conference for further review.

The PRESIDING OFFICER (Mr. EAGLETON in the chair). The question is on agreeing to the amendment of the junior Senator from New York (Mr. GOODELL).

The amendment was agreed to.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, when the Senate completes its business today it stand in adjournment until 11 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATORS JAVITS AND HANSEN TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow morning, immediately following the prayer and disposition of the reading of the Journal, the able senior Senator from New York (Mr. JAVITS) be recognized for not to exceed 30 minutes.

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

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately upon the conclusion of the speech by the Senator from New York tomorrow morning, the able junior Senator from Wyoming (Mr. HANSEN) be recognized for not to exceed 30 minutes.

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

REVISED ORDER FOR RECOGNITION OF SENATORS TOMORROW MORNING

Mr. BYRD of West Virginia subsequently said: Mr. President, I ask unanimous consent to reverse the order of their appearance on tomorrow that was obtained under the previous consent order so that the Senator from Wyoming (Mr. HANSEN) will be recognized immediately following the prayer and the disposition of the reading of the Journal, for not to exceed 30 minutes, and that he then be followed by the Senator from New York (Mr. JAVITS) for not to exceed 30 minutes.

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

ORDER TO PRINT S. 3246

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Connecticut (Mr. DODD), I ask unanimous consent to have printed the usual number of S. 3246, the Controlled Dangerous Substances Act, as passed by the Senate.

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

ELEMENTARY AND SECONDARY EDUCATION AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 514) to extend programs of assistance for elementary and secondary education, and for other purposes.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Colorado.

Mr. JAVITS. Mr. President, it is my understanding that there is no desire on the part of the Senate to vote on the Dominick amendment tonight. Therefore, I suggest the absence of a quorum, unless Senators have other business, I would be happy to leave the entire mat-

ter to the Senator from West Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. Mr. President, if the Senator will withdraw his request I will be glad to accede.

Mr. JAVITS. Mr. President, I withdraw my request.

SUZANNE K. PALMER

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 646, Senate Resolution 353.

The PRESIDING OFFICER. The resolution will be stated.

The ASSISTANT LEGISLATIVE CLERK. A resolution (S. Res. 353) to pay a gratuity to Suzanne K. Palmer.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

Mr. BYRD of West Virginia. Mr. President, in explanation of the resolution, I wish to say that the matter has been cleared on both sides.

There being no objection, the resolution (S. Res. 353) was considered and agreed to, as follows:

S. RES. 353

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Suzanne K. Palmer, widow of James E. Palmer, Junior, an employee of the Senate at the time of his death, a sum equal to one year's compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

PLANNING, PROGRAMING, BUDGETING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 647, Senate Concurrent Resolution 52.

The PRESIDING OFFICER. The concurrent resolution will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A concurrent resolution (S. Con. Res. 52) authorizing the printing of a compilation of the hearings, reports, and committee prints of the Senate Subcommittee on National Security and International Operations entitled "Planning, Programing, Budgeting."

The PRESIDING OFFICER. Is there objection to the present consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BYRD of West Virginia. Mr. President, it is my understanding that this matter has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the concurrent resolution.

The concurrent resolution (S. Con. Res. 52) was agreed to, as follows:

S. CON. RES. 52

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on Governmnet Operations three thousand copies of a compilation of the hearings, reports, and committee prints of its Subcommittee on National Security and International Operations entitled "Planning-Programming-Budgeting," issued during the Ninetieth Congress and the first session of the Ninety-first Congress.

LIMITATION ON STATEMENTS DURING TRANSACTION OF MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow, at the conclusion of the speech by the Senator from New York (Mr. JAVITS) there be a period for the transaction of routine morning business with statements therein to be limited to 3 minutes.

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

ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 32 minutes p.m.) the Senate adjourned until tomorrow, Friday, February 6, 1970, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate February 5, 1970:

IN THE AIR FORCE

The following-named officers for appointment in the Regular Air Force to the grades indicated, under the provisions of chapter 835, title 10 of the United States Code:

To be major general

Maj. Gen. Robert L. Petit [redacted] FR (brigadier general, Regular Air Force), U.S. Air Force.

Maj. Gen. William W. Berg, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Henry B. Kucheman, Jr., [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. John R. Murphy, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Major General Louis T. Seith, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Major General Sherman F. Martin, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Major General William V. McBride, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Gerald W. Johnson, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Kenneth W. Schultz, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. George J. Eade, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. William F. Pitts, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Edward A. McGough III, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Winton W. Marshall, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Robert J. Dixon, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

Maj. Gen. Donavon F. Smith, [redacted] FR (brigadier general, Regular Air Force) U.S. Air Force.

To be brigadier general

Brig. Gen. Jones E. Bolt [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Rexford H. Dettre, Jr., [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Edmund B. Edwards, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jessup D. Lowe, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Donald A. Gaylord, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. William A. Jack, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Vernon R. Turner, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John B. Hudson, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. George W. McLaughlin, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James O. Frankosky, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Wendell L. Bevan, Jr., [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Roger K. Rhodarmer, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard C. Catledge, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James H. Watkins, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Charles W. Carson, Jr., [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jonas L. Blank, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Clare T. Ireland, Jr., [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Clifford W. Hargrove, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Woodrow A. Abbott, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Woodard E. Davis, Jr., [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jack K. Gamble, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James L. Price [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert P. Lukeman, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John O. Moench, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Warren D. Johnson, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Paul C. Watson, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Sanford K. Moats, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Homer K. Hansen, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Charles I. Bennett, Jr., [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James A. Bailey, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John W. Roberts, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Ray M. Cole [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Maurice R. Reilly, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert E. Hails, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Geoffrey Cheadle, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Foster L. Smith, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Charles E. Yeager, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Alfred L. Esposito, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Donald H. Ross, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. James A. Hill, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Jimmy J. Jumper, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert W. Maloy, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Devol Brett, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert E. Huyser, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Alton D. Slay, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Fred A. Heimstra, [redacted] FR (colonel, Regular Air Force, Medical) U.S. Air Force.

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10 of the United States Code:

To be major general

Brig. Gen. Maurice F. Casey, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Henry L. Hogan, III, [redacted] FR, Regular Air Force.

Brig. Gen. Charles W. Carson, Jr. [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert A. Patterson, [redacted] FR, Regular Air Force, Medical.

Brig. Gen. Dudley E. Faver, [redacted] FR, Regular Air Force.

Brig. Gen. Richard R. Stewart, [redacted] FR, Regular Air Force.

Brig. Gen. Harold C. Teubner, [redacted] FR, Regular Air Force.

Brig. Gen. Paul N. Bacalis, [redacted] FR, Regular Air Force.

Brig. Gen. David V. Miller, [redacted] FR, Regular Air Force.

Brig. Gen. Allison C. Brooks, [redacted] FR, Regular Air Force.

Brig. Gen. William S. Chairsell, [redacted] FR, Regular Air Force.

Brig. Gen. Jones E. Bolt, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Frank M. Madsen, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. William R. MacDonald, [redacted] FR, Regular Air Force.

Brig. Gen. Albert R. Shiely, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. James M. Keck, [redacted] FR, Regular Air Force.

Brig. Gen. Ernest T. Cragg, [redacted] FR, Regular Air Force.

Brig. Gen. John R. Kullman, [redacted] FR, Regular Air Force.

Brig. Gen. John B. Hudson, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John H. Buckner, [redacted] FR, Regular Air Force.

Brig. Gen. William E. Bryan, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. Leslie W. Bray, Jr., [redacted] FR, Regular Air Force.

Brig. Gen. Earl L. Johnson, [redacted] FR, Regular Air Force.

Brig. Gen. John B. Kidd, [redacted] FR, Regular Air Force.

Brig. Gen. Joseph G. Wilson, [redacted] FR, Regular Air Force.

Brig. Gen. Rexford H. Dettre, Jr., [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. George W. McLaughlin, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Roger K. Rhodarmer, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Richard M. Hoban, [redacted] FR, Regular Air Force.

Brig. Gen. John O. Moench, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Sanford K. Moats, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. Robert E. Hails, [redacted] FR (colonel, Regular Air Force) U.S. Air Force.

Brig. Gen. John C. Giraudo, [redacted] FR. Regular Air Force.

Brig. Gen. Jimmy J. Jumper, [redacted] FR (colonel, Regular Air Force).

Brig. Gen. Robert W. Maloy, [redacted] FR (colonel, Regular Air Force).

IN THE NAVY

Vice Adm. Lawson P. Ramage, U.S. Navy, for appointment to the grade of vice admiral, when retired, in accordance with the provisions of title 10, United States Code, section 5233.

IN THE MARINE CORPS

Having designated, in accordance with the provisions of title 10, United States Code, section 5232, Maj. Gen. Keith B. McCutcheon, U.S. Marine Corps, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of lieutenant general while so serving.

The following U.S. Marine Corps general officers for appointment to the grade of lieutenant general on the retired list in accordance with the provisions of title, 10, United States Code, section 5233, effective from the date of their respective retirements.

Lt. Gen. Henry W. Buse, Jr.

Lt. Gen. Lewis J. Fields.

Lt. Gen. Frank C. Tharin.

HOUSE OF REPRESENTATIVES—*Thursday, February 5, 1970*

The House met at 12 o'clock noon.

Rev. Andrew W. Tampling, the First Baptist Church, Sylacauga, Ala., offered the following prayer:

Holy Father, we acknowledge Thee as our God. Grant that these Thy children, possessing powers to govern that have been ordained of Thee, may meet their duties and responsibilities with a constant remembrance of the great traditions wherein they stand and of the brilliant cloud of witnesses at all times surrounding them.

We pray that a sense of the eternal may color the thoughts and endeavors of all who serve here in this citadel of American life.

We bless Thee in advance for the gift of a realization of Thy presence forming our decisions and permeating our will's most inward being.

In our silence and speech and deliberate actions may Thy will be done. In Thy holy name we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 2. An act to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes; and

H.R. 13300. An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 3253. An act to provide that the Federal office building and U.S. courthouse in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Ill., shall be named the "Everett McKinley Dirksen Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State fo Illinois from 1933 to 1969.

THE GOLDEN EAGLE AND INFLATION

(Mr. EDMONDSON asked and was given permission to address the House for 1 minute, to revise and extend his remarks and to include extraneous matter.)

Mr. EDMONDSON. Mr. Speaker, the Nixon-Agnew administration talks a great game of fighting inflation, but when you look at the record, it does not look so good.

The latest instance of inconsistency on the part of this administration is their backing for a proposal to extend the so-called Golden Eagle for entrance to Federal recreation areas, which Congress had voted out of existence on March 31 of this year, and not only to extend it but to raise it from $7 to $10 which is an increase of pretty close to 43 percent.

If this is holding the line on prices, and if that is helping the average American citizen, and if it is helping to make outdoor recreation available to all people, it is a strange way to do the job.

It seems to me the Congress during the last session made a wise decision in regard to ending this pewter buzzard in March of this year—and found at that time that the extension of it is not in the national interest.

Mr. Speaker, I have today introduced a bill to make quite certain that all American citizens can enjoy access to the national parks and Federal recreation areas which belong to the American people—a bill to prohibit the charging of entrance or admission fees for access

to any recreational lands or waters under the jurisdiction of the United States. The bill would not prohibit reasonable user fees for actual use of highly developed recreational facilities, such as campsites providing utilities, but it would put an end to all entrance fees collected from the people for entry and enjoyment of our parklands and reservoirs.

The bill referred to is as follows:

H.R. 15745

A bill to prohibit the charging of entrance or admission fees for access to any recreational lands or waters under the jurisdiction of the United States

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby finds and determines that every citizen of the United States has the right to enter upon those public lands and waters of the United States used and usable for recreational purposes free of any charge.

SEC. 2. No entrance or admission fee shall be collected by any officer or employee of the United States at public recreational areas located on public lands or waters of the United States under the jurisdiction of any Department, Agency, or instrumentality of the United States.

SEC. 3. Any provision of law which is inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

PERSONAL EXPLANATION

(Mr. BEVILL asked and was given permission to address the House for 1 minute.)

Mr. BEVILL. Mr. Speaker, on December 23, 1969, I was in my congressional district on official business. Had I been present, I would have voted as follows:

On roll call No. 351, on the adoption of the conference report on the Tax Reform Act of 1969, I would have voted "yes."

On roll call No. 352, on the Mahon motion to agree to Senate amendment containing appropriations resolution, I would have voted "no."

WHO IS GETTING 8¼ PERCENT INTEREST FROM THE GOVERNMENT?

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, on Tuesday of this week, Secretary of the Treasury David Kennedy said that lower interest rates are closer than most people realize.

Last week the Treasury announced that it is offering $6.6 billion in three issues including an 8.25 percent, 18-month note in exchange for bonds maturing February 15 and March 15.

The new offer is limited to those investors who already own the Federal bonds maturing on February 15 and March 15. If these Federal securities were offered to the general public, they would be sold at a premium or at a considerably lower rate of interest.

Since less than 10 percent of the bonds maturing this year remain in the hands of the original purchasers, the extension of refunding privilege at the highest Federal interest rates since 1859 is made to persons and institutions which acquired these bonds at distressed prices, at bargain rates, and quite recently.

It appears to me, Mr. Speaker, that the Treasury is catering to those who manipulate the Federal bond market rather than the best interests of the American people.

I am today requesting the Treasury to report on the percentage of original holders of these bonds who held them to redemption and the percentage who acquired those bonds within the last year and the last 6 months before due date.

Treasury procedures and manipulated debt management could constitute the biggest drain in the Federal Treasury and serve to propel the forces of inflation.

FARMERS NEED ADVANCE FEED GRAIN PAYMENTS

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, I am introducing a bill in the House of Representatives today to require the Secretary of Agriculture to make advance payments to producers under the feed grain program.

This bill, which is coauthored by 14 other Members of the House, is a result of the decision announced by the U.S. Department of Agriculture late in December to eliminate advance payments under the 1970 feed grain program.

In the past, farmers have received their payments for diverting land from production of specified feed grains in two installments, one in February and the other in August. Since 1961, the February payments have helped farmers to buy seed and fertilizer and to pay for the incidental but growing expenses which farmers face each spring. Now the USDA says it will not make diversion funds available in February 1970, but that payments should be in the hands of growers by the end of July or mid-August.

We were told the reason for withholding advance payments was to avoid making any such payments in the 1970 fiscal year, which ends on June 30, 1970. Since the same money will be paid out anyway in the form of diversion payments several months later, no Federal money is being saved, while the timing of the payments could work to the serious disadvantage of many farmers. It appears to me that the USDA and the Bureau of the Budget are simply engaging in some fiscal juggling to provide the illusion of budget cutting, when in fact, costs are merely shoved into the next fiscal year.

Furthermore, Mr. Speaker, it is difficult to see how this move may be anti-inflationary because it will force many farmers into borrowing millions of dollars across the country at record-high interest rates.

In Wisconsin last year, for example, $13 million in advance payments were made. If farmers seek money from lending institutions to buy seed, fertilizer, fuel, and other items which they were able to purchase with their advance payments, they will have to pay thousands of dollars in interest because the decision was made to use a bookkeeping gimmick to create the illusion of real budget cutting, when in fact only a paper cut is being achieved.

No one can question the fact that our economy is in trouble, and that measures must be taken to stop inflation. That is why the Congress cut the President's budget this year by some $5.6 billion. But an "on paper" budget reduction is a pretty weak argument for imposing a serious hardship on thousands of farmers.

The feed grain program has been reasonably successful in its attempts to strengthen farm prices and farm income through a reduction in the total supply of agricultural products. In 1969 over 9,000 farms with a base of 166,231 acres in the Seventh Congressional District participated in the feed grain program, and over $3.9 million in diversion payments was received by Seventh District farmers.

While someone at the USDA or Bureau of the Budget has cooked up a clever way to supposedly achieve a budget cut, the result will actually add to our inflation problems because farmers will have to seek credit to buy feed and fertilizer. It will hurt a lot of farmers who are already fighting against serious economic difficulties, including a 5-percent increase in their cost of production over the past year. And the decision to eliminate advance payments may even result in some farmers dropping out of the diversion program altogether, deciding it more worthwhile to plant the acres they would otherwise convert to conservation or other purposes.

Mr. Speaker, advance payments to producers under the feed grain program do not cost the Government any extra money but they are extremely helpful to farmers who need money at planting time. I am hopeful that the Congress will give serious and swift consideration to this legislation.

The additional sponsors of this bill include:

Representative JOHN C. CULVER, Democrat of Iowa, Representative JOHN MELCHER, Democrat of Montana, Representative WILLIAM RANDALL, Democrat of Missouri, Representative TOM STEED, Democrat of Oklahoma, Representative WILLIAM HATHAWAY, Democrat of Maine, Representative MARK ANDREWS, Republican of North Dakota.

Representative SPARK MATSUNAGA, Democrat of Hawaii, Representative WALTER B. JONES, Democrat of North Carolina, Representative THOMAS FOLEY, Democrat of Washington, Representative W. R. HULL, Democrat of Missouri, Representative ALLARD LOWENSTEIN, Democrat of New York, Representative LEE HAMILTON, Democrat of Indiana, Representative DAVID HENDERSON, Democrat of North Carolina, Representative JOHN L. MCMILLAN, Democrat of South Carolina.

THE DESTRUCTION OF THE PUBLIC SCHOOL SYSTEM IN THE SOUTH

(Mr. ANDREWS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Alabama. Mr.

Speaker, according to news reports, a 14-year-old schoolboy in Oklahoma City has been arrested on orders of a Federal judge for failure to comply with a court order to be bused across the city. Busing incidents are occurring all over the South and in many other sections of the country. If we go back and read the civil rights bill of 1964, we see that it prohibits the busing of schoolchildren to bring about racial balance.

Alabama has operated for the last few years under the so-called freedom-of-choice system, and every school in Alabama has been integrated. What could be any fairer than a freedom-of-choice system? What is fairer than a system that permits a schoolchild to go to any school of his choice? But the bureaucrats will not stand for that. They say integration is not coming about rapidly enough, and violate the laws of the land by ordering busing.

I predict that the bureaucrats in HEW and the Federal judges are rapidly destroying the public school system of the South.

APPOINTMENT OF CONFEREES ON H.R. 2, FEDERAL CREDIT UNION ACT AMENDMENT

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2) to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference with the Senate on the disagreeing votes of the two Houses.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. PATMAN and BARRETT, Mrs. SULLIVAN, and Messrs. REUSS, WIDNALL, JOHNSON of Pennsylvania, and MIZE.

CAB IS CARRYING ON PURGE OF SUPPLEMENTAL CARRIERS

(Mr. LEGGETT asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, it has come to my attention that the CAB is carrying on a purge of some of the supplemental carriers of this country that I think are doing an outstanding job in handling the tremendous demand for air carrier service internationally.

Mr. Speaker, I want to say on behalf of the people of my district that this act of the CAB in carrying on this purge does not represent their interests but does represent the interests of some of the more established airlines that do not need this protection.

Mr. Speaker, at this point in the RECORD I include two articles, one from the Washington Post, dated January 5, entitled "IATA: Domination of Airline Fares," and the other is an article from the News and Views on Air Transportation, dated December 26, entitled "Charter Flights Can Save Traveler a Lot of Money":

[From the Washington Post, Jan. 5, 1970]

IATA: DOMINATION OF AIRLINE FARES

(Review by Ralph Nader)

(NOTE.—Nader, author of "Unsafe at Any Speed," is a noted lobbyist for the public interest and chairman of the Center for the Study of Responsive Law.)

"The Air Net: The Case Against the World Aviation Cartel," K. G. J. Pillai, (Grossman, 212 pp., $5.95).

The most efficient consumer abuse occurs when its perpetrators institutionalize it in such a complex and authoritative manner that the victims know little of the abuse and nothing of the perpetrator. Few international air passengers have ever heard of the International Air Transport Association (IATA). Much less do they possess an elementary understanding of what Dr. Pillai calls "one of the most powerful and authoritarian private international cartels that the world has ever seen."

Yet IATA, as a private business association of international airlines, fixes rates, fares and other conditions of air travel and thereby determines who can and cannot fly by keeping prices much higher than would prevail in a competitive industry. Since the aviation industry is heavily subsidized—directly and indirectly—by taxpayers and is rightly considered by many analysts as a "world public utility," the users' stake in IATA is undeniable.

The absence of a user or consumer voice, with or without government, in IATA's deliberations and decisions caught Dr. Pillai's attention while he was studying for a graduate degree at Yale Law School. His doctoral thesis about this secret society, relying heavily on a meticulous search of the available documents and a sense of relevant logic, unravels for the first time its intricate controls and sanctions over international aviation.

In brief, the situation he depicts is as follows: IATA, with headquarters in Montreal, receives its authority to fix airline tariffs from various bilateral agreements between various governments. These agreements reserve the right of governments to suspend or reject these rates. In practice, however, the combined lobby of state-owned and private airlines has overwhelmed any attempts, including that of the Civil Aeronautics Board, to block rate hikes. Meeting in secret at various cities around the world, IATA permits no access to its rate-making machinery on behalf of shippers, passengers or governments. These meetings develop price structures that further codify restrictive practices, protect the most inefficient of airlines, amalgamate a massive number of political variables—and make all these decisions without any explanation and analysis that would allow external evaluation.

What emerges from these long, arduous IATA conferences (some extending six weeks or more at an estimated cost to the airlines of $10,000 an hour) are the predictable results of the cartel system. These include an artificially high rate and fare ceiling that reduces the volume of passengers, the diversion of competition into wastefully deceptive promotions about alleged service and aesthetic distinctions between the airlines, the harassment of non-scheduled charter airlines which threaten the serenity of this international fare-fix, and the shortchanging of areas of the world (such as Africa) that cannot mount the lobbying force within IATA to tame the British-led European bloc that uses IATA to further Europe's domination of the tourist trade.

Already in control of this multi-billion dollar industry, IATA is becoming bullish about its future expansion. With its power spreading over the entire field of civil aviation, IATA is moving to impose its authority over more and more of the international tourist industry. The movement of airlines into the purchase or operation of hotels and other tourist facilities is tracked by IATA. Dr. Pillai summarizes IATA's basic range: "All travel agents and tourist organizers are subject to the discipline and punishments of IATA; no airline can fly in the air without following the technical codes of IATA; and IATA determines the rights and duties of passengers for that part of their lives which they spend in an IATA plane. Its authority extends to tariffs for domestic air transport except in the United States, the Soviet Union, and most Eastern European countries. IATA has already taken steps in 1968 to form its own insurance company by 1970 . . ."

Potentially powerful groups have hacked away verbally at IATA's collusive policies that retard the growth of economical international air transportation. The CAB has huffed and puffed mostly in vain. The Justice Department's Antitrust Division in 1965 advised the CAB to re-examine "the entire concept of IATA Conference machinery and CAB immunization of agreements and resolutions" which "are per se violations of the Sherman Act." Sen. Warren Magnuson urged likewise. All this has amounted to nothing more than mere caveats, and IATA is a past master in handling caveats.

There has never been a congressional inquiry into IATA nor an independent executive branch study of the cartel and preferable alternatives. This is a remarkable testament to the ingenious matrix of power and invulnerability that IATA has built. Some U.S. airlines for years have been displeased with IATA high-fare policies. Shippers have complained about IATA's arbitrariness. But like the regulated industry that captures the regulator, IATA, by manipulating and compromising the factors of economics, politics, national prestige, regional claims and the fear of "competitive anarchy," brings most governments to its side. The shippers and the passengers are not organized countervailing forces.

The IATA forces place the greatest premium on secrecy. Airline costs, the reasons for inefficiencies, and the politics and economics of IATA intrigue must remain secret if this cartel is to continue. Dr. Pillai's disclosures and analysis will not receive a public rebuttal from IATA.

Its strategy will be to ignore and thereby cool the possibility of a real dustup. IATA's unilateral hegemony has no room for discussing Dr. Pillai's proposals for a single international governmental authority with due process and democratic procedures for all interested parties. Similar silence will greet his alternative suggestions for directing, rather than displacing, IATA operations toward consumer justice.

What this book lacks are the "proper name" disclosures—of the backscratching, the intense powerplays, and the colossal waste—disclosures which would generate a thorough congressional-type inquiry. But Dr. Pillai has only the power of a concerned citizen, not the unused subpoena authority of a congressional committee or governmental agency. He has prepared the brief against IATA. Congress, the CAB and the White House would do well to heed his admonitions and listen to his counsel.

[From the Elizabeth (N.J.) Journal, Dec. 26, 1969]

CHARTER FLIGHTS CAN SAVE TRAVELER A LOT OF MONEY

(By Carlton Smith and Richard Putnam Pratt)

The overseas airlines regularly go through more contortions than a belly-dancer's apprentice in trying to work out a fare schedule that will satisfy them all. They are repeating the process right now, and no one

is sure exactly what the fares to Europe will be next summer.

One thing is just about certain, however. They won't come anywhere near the economy of the charter flight.

As of right now, one firm that handles a hefty chunk of the charter business will fly passengers from New York to London and back for $134.37 each. From Detroit, the price is $146.63; from Chicago, $154.01.

It can't be too far wide of the mark to say that these charter prices are roughly half what you'd pay for a comparable seat on a standard flight.

If this dollar discrepancy leads you to think harsh thoughts about the scheduled airlines, you need to remember that scheduled planes fly on schedule, loaded or not. Vacant seats are no novelty, and these empty seats represent an unrecoverable loss that must be made up somehow. Charter flights are commonly booked solid.

Thus, if you are aiming for a trip to Europe (or any other place, for that matter), you should seriously investigate the possibility of joining a charter. It will almost certainly save you money.

Groups are the heart of the charter business. You have to belong to one to enjoy charter benefits. The law requires it and so does practicality. In effect, the group rents the plane, much as an individual would hire a taxi.

Fortunately, air travel has now become so common that charter flights are everywhere. Fraternal organizations, professional groups, sports clubs, church congregations, labor unions, alumni clubs and dozens of others occasionally, or even regularly, sponsor such flights.

There are a few rules that cover chartering. First, anybody who signs on for the flight must have been a member of the group prior to the time the flight was announced.

Second, if the flight is going overseas, participants must have been members of the chartering group for at least six months prior to the flight, or longer if the charter was promoted more than six months before its departure.

On the other hand, wives, husband and children of charter group members are eligible to go along simply on the basis of the family tie.

If the group is large enough, chartering is simple. The group rents an entire plane, puts its members aboard and says: "Paris, s'il vous plait." With today's jets, however, that means filling something like 250 seats, an impossibility for most groups.

If the group can't fill a whole plane, then the next step is to charter a piece of a plane headed in the right direction. Five groups of 50 members each, for example, can neatly fill a 250-seat plane so long as they all want to go to the same destination.

The price is the same as if they were all members of a single unit.

And that's about all there is to it. Subject to the availability of planes, charter groups can fly from any place to any other place at will, and return when they like. En route, they get all the usual amenities—food, liquor and service—and can even lay on a special menu if they like.

If you've got the yen, keep a close watch on bulletin boards and club mailings. Chances are good that somebody out there is whipping up just the kind of vacation you've been dreaming about for years.

PERSONAL EXPLANATION

Mr. ADAMS. Mr. Speaker, on rollcall No. 9, I am recorded as paired for the bill. I wish to make a statement that this is incorrect. I was not for the bill as paired. I ask that my statement be included in the RECORD, my understanding being that the pair cannot be corrected at this time.

LEGISLATION TO HELP CURB DUTCH ELM DISEASE

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PUCINSKI. Mr. Speaker, I have today introduced legislation designed to help curb the epidemic of Dutch elm disease sweeping the Nation's 20 million elm shade trees.

Mr. Speaker, we are losing more than 400,000 elm trees to the disease in America every year and unless preventive action is taken now, the esthetically beautiful American elm with its sweeping branches and cool shade will be extinct by the end of the century.

The replacement cost for shade trees destroyed by Dutch elm disease is $80,000,000 annually.

My proposal would amend the Forest Pest Control Act and authorize the Secretary of Agriculture to help local communities institute pest control programs to halt the epidemic and to remove quickly trees already diseased beyond salvation.

The Dutch elm disease epidemic is one of the Nation's most serious environmental problems and much too little attention has been paid in the past decade to its alarming growth.

Elm trees do not only provide our urban areas with shade and esthetic values, but they also act as the most effective insulator against urban noises.

Recent studies have shown that in those communities where elm trees had to be removed because of Dutch elm infestation, the noise level from normal big city activities have created increased problems in noise abatement.

Since its introduction into the United States about 1930, the Dutch elm beetle has become our most destructive shade tree pest.

The disease affects communities throughout the East, extends across the Midwestern States, and into two of our Western States.

In total, the disease has now appeared in 32 States and new locations are being detected almost daily.

The U.S. Forest Service estimates that Dutch elm disease will infect shade trees in all 50 States within the next 15 years because of its alarming and rapid spread.

Dutch elm disease is caused by a fungus carried by the bark beetle which has no preference over species of elm trees and affects them all, with the American elm, our most valuable native shade tree being most frequently and most severely affected.

The growing number of treeless eastern and midwestern communities—including vast areas in my own Chicago congressional district—whose streets were once arched with stately American elms, bear witness to the destructiveness of Dutch elm disease.

Certainly, no one can accurately evaluate the intangible scenic and esthetic losses that have occurred in all of these communities.

It would also be too difficult to accurately appraise the reduced property values in communities where the American elms are gone.

While the aged elms can never really be replaced for beauty and shade value, we do know that it costs approximately $200 to replace those taken down with much smaller and younger but already blooming trees. Using $200 as a base figure, it can be safely estimated that the annual loss to American property owners exceeds $80 million in replacement cost alone.

It is my hope that as America becomes more concerned with environmental health and pollution, the amendment which I offer today will rate high in the order of priorities to save the health and esthetic value of our communities.

I have placed no dollar authorization into my amendment leaving estimates for effective action by the Department of Agriculture in the battle against Dutch elm disease to the Secretary of Agriculture after he has concluded his preliminary studies.

NEW SOURCES OF REVENUE

(Mr. WYMAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. WYMAN. Mr. Speaker, of all the problems this great country faces the most acute is the shortage of money. There is not enough revenue coming in to the U.S. Treasury to pay for all the demands upon Government for programs—whether these be for defense, ecology, urban crises, or education.

We must not continue further deficits. Government must be operated with the revenues we have coming in or inflation will eat up the earnings of every man, woman, and child in this country.

There is only one answer to our urgent fiscal crisis. We can cut back all we want to, but with the fixed costs of Government—charges like interest on the debt, veterans compensation, defense personnel, and procurement—it is impossible to achieve fiscal balance solely by cutting back. We must find new sources of revenue.

I shall soon introduce comprehensive legislation providing for a national numbers drawing to be conducted once each month by a national commission whose members shall be men with backgrounds of proven unimpeachable integrity. This bill will provide that States that participate by permitting the sale of Federal number stamps within their borders shall share in the net revenues on a per capita basis and by a percentage of the revenue from sales within their areas. This will help the several States in their fiscal hour of need as well.

Mr. Speaker, this is infinitely preferable to a national sales tax as a source of new revenue. It will produce hundreds of millions of dollars for both the Federal Government and the several States—paid with a smile—to be used to fight crime and for the public welfare. Many

of the nations of this world have and depend upon a national lottery for substantial revenue. Why not us when we need money so badly for urgent new programs of public benefit?

No longer can it be responsibly contended that a national drawing offends public morality. There is nothing immoral about it. As a matter of fact it would not only help fight crime but would materially reduce the take of the underground from the numbers racket.

Under special order I shall outline my bill in detail as soon as drafting details have been completed. It will have features assuring integrity, fairness, and effectiveness. I commend this new fiscal alternative to the thoughtful consideration of all Members of this Congress.

FILM RECORDINGS WITH MAJOR ROWE

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKINSON. Mr. Speaker, on the 25th of November I made a statement in the RECORD relative to a film which had been made in the House Recording Studios. Today I should like to refer to it once again.

During the month of November a great American and an outstanding soldier, Maj. James N. "Nick" Rowe, who had been captured by the Vietcong and held prisoner longer than any American soldier had been held prisoner, appeared before the House Armed Services Committee. The committee was so impressed that many of us asked him to appear on television programs with us. He had so many requests it was decided, in the interest of time and in the interest of the Members, that one big tape would be made, almost 30 minutes in length, with an open beginning and an open closing, so that any Member of the House could use it. They could dub in the front and dub in the closing, and it would be made available to any Member, to be shown in his home district, whether to a chamber of commerce or a school group, because it would be most appropriate for almost any group.

There was absolutely nothing partisan about it. The film is available today to any Member of the House who would like to use it, on the same basis I would be able to use it; that is, just defraying a part of the cost.

Just recently in the papers I have seen statements alluding to this, saying it was a partisan effort and that the statements or Major Rowe and his appearance here were partisan in nature. I can only say, nothing is further from the truth. There is nothing partisan about it. Anyone can judge for himself. The man was a captive of the Vietcong. He describes his treatment as a prisoner. He was stating facts—not opinion. He was speaking only the truth. If his presence here embarrasses anyone, it should be only those who are sympathetic to the Vietcong and those who would put America's interest last.

LEGISLATION TO AUTHORIZE COAST GUARD TO CONTROL MOVEMENT OF VESSELS IN U.S. NAVIGABLE WATERS

(Mr. DOWNING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNING. Mr. Speaker, in the early morning hours of January 21, 1970, the U.S.S. *Yancey*, dragging her anchors, crashed into the $200 million, 17-mile Chesapeake Bay Bridge-Tunnel tearing out a 375-foot section in this vital north-south link between Virginia Beach and the Eastern Shore of Virginia.

Fortunately, there was no loss of life nor were any injuries suffered. The economic losses, however, are almost incalculable. Bridge repair cost will probably exceed $2 million. It will be closed for public passage for at least a month—inconveniencing thousands of motorists and breaking the flow of commerce north and south.

On the Eastern Shore of Virginia, in my district, many businesses have been forced to close or reduce employment; lack of transportation of supplies and equipment is hurting farmers, merchants, and watermen; increased shipping costs are reflected in a rise in prices to the Eastern Shore consumer; and the tourist trade, a major contributor to the economy, is at a standstill. Unemployment is at an alltime high.

The Governor of Virginia has requested the President to declare the Eastern Shore an economic industry disaster area and eligible for certain Federal assistance. The area and the bridge tunnel, however, may never recover from the monetary loss or from the psychological effect.

This was the worst disaster to this bridge, but it has not been the only one. Several years ago a barge smashed into the same area of the bridge closing down the facility for over 2 weeks with calamitous economic results.

Another barge and a Navy LST have also damaged the structure.

There have been a number of near misses which could have caused considerable damage and numerous incidents of smaller vessels brushing the sides of the trestles.

Other U.S. ports with extensive port and bridge facilities have and are experiencing the same difficulties.

I am aware that no legislation can prevent all damage caused by acts of God or human failures. But I do believe we can enact laws which would minimize these disastrous occurrences.

Accordingly, I have introduced a bill to authorize the Coast Guard to control the movement of vessels in U.S. navigable waters.

The new legislation, for the first time, would empower the Secretary of Transportation, Coast Guard, to make and enforce rules to control the anchorage and movement of any vessel, including U.S. Navy, located in our waters.

If this legislation were enacted, it would be a very significant advance in strengthening the hand of the Coast Guard to set operating rules for all vessels. The new legislation would resolve once and for all the presently fuzzy question of jurisdiction between the Coast Guard and the Navy in our navigable waters. As I see the bill, all maritime traffic would be subject to the Coast Guard operating rules in the same way as all aircraft, including military, are subject to the control of the Federal Aviation Administration.

The Coast Guard agrees with this new legislative authority and could enforce the necessary regulations designed to promote harbor safety and to protect pier and bridge facilities in the ports of the United States.

I shall urge immediate hearings.

THE UNITED STATES IS A FRIEND OF ISRAEL

(Mr. MINSHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINSHALL. Mr. Speaker, upon the 21st anniversary of the establishment of Israel, I had the privilege of making a statement and signing a resolution with my colleagues relating to our position as far as the State of Israel was concerned.

Again today I wish not only to reconfirm this resolution, but to strengthen it by advocating, first, face-to-face negotiation between the Arabs and the State of Israel, and, second, military aid to the State of Israel in the form of equipment necessary to support its efforts and to defend the safety of their people so that a lasting peace in the Middle East may be a reality instead of a dream.

Israel has proven itself a friend of the United States and I, in behalf of my friends in the Greater Cleveland area, wish the State of Israel to know that the United States can be relied upon as its friend and will always remain Israel's friend.

FEDERAL BUDGET

(Mr. BUSH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. BUSH. Mr. Speaker, President Nixon has taken another step toward proving that his is a responsible administration.

That step, of course, is the presentation of his proposed Federal budget for fiscal year 1970–71. This is the first budget that can truly be called the President's budget and it carries that quality that is almost unique to Republican administrations—it is balanced. It is noninflationary. It is responsible. It meets the people's needs without attempting to buy the people's votes with vast spending programs and promises that cannot be kept.

At the same time, Mr. Speaker, this is not a stand-pat budget nor is it a budget that merely perpetuates old programs to a greater or lesser extent. Far from it.

This is a budget that charts new paths while abandoning old ways.

It recognizes current problems and turns away from yesterday's solutions.

And above all, it recognizes priorities—the fact that our first priority abroad is winding down the war in Vietnam honorably. The fact that our first priority at home is winding down the cost of living effectively and without a depression.

Mr. Speaker, the President's first budget is further proof that the people of the United States are getting sound, sensible leadership from the White House. It is up to the Members of Congress to support that kind of leadership as we work to put the President's budget into effect.

BILL TIMMONS

(Mr. BROCK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROCK. Mr. Speaker, I was deeply pleased and proud to learn of Bill Timmons' appointment as assistant to President Nixon for congressional relations. He is not only a close friend, but one of the finest men I have known.

Bill Timmons began his Capitol Hill experience as an aid to Senator Alexander Wiley, 1961–62. In 1963 he joined my staff as administrative assistant, serving in that capacity until joining the Nixon administration in December 1968. I know of no more dedicated or capable public servant in Washington.

This is a tremendous opportunity for a young Tennessean who has proven his ability and dedication through hard work. President Nixon has recognized Bill's leadership potential, as have the Members of Congress. He will do an outstanding job.

NATIONAL USURY LAW

(Mr. JACOBS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JACOBS. Mr. Speaker, I have today introduced legislation to create a national usury law at 6 percent maximum legal interest on all credit and loan transactions within the jurisdiction of the United States.

Mr. Speaker, the principal cause of high interest rates is the artificial tight money policy of the administration and the so-called fight against inflation by the Federal Reserve Board. If these authorities wished to curtail consumer spending, they need only invoke the regulation requiring higher downpayments for installment credit. As it is, they have simply inflated the cost of borrowing money so that the consumer spends as much but gets less in goods and more in interest rate receipts.

The interest rates were raised by artificial Government action and should be brought back down the same way. Only this time they should be lowered by the law rather than administrative discretion.

Artificial interest rate increases caused by direction of the Federal Government plus certain private banking interests located in the vicinity of Manhattan Island have ushered in America's first depression since 1929. This one so far is concentrated in the housing industry. Homebuilders cannot build because they cannot afford to borrow. Home buyers buy because they cannot afford to borrow.

And the American Government cannot afford to stand idly by and pretend nothing is wrong in the quasi-public utility of money changing.

APPOINTMENT OF CONFEREES ON H.R. 13300, SUPPLEMENTAL ANNUITIES

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 13300) to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to provide for the extension of supplemental annuities and the mandatory retirement of employees, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, FRIEDEL, DINGELL, SPRINGER, and DEVINE.

ENCOURAGING NEWS FROM THE WHITE HOUSE ON THE FIGHT AGAINST DRUGS, CRIME, AND POLLUTION

(Mr. FULTON of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FULTON of Tennessee. Mr. Speaker, the fight against three of our most serious problems today—crime, drug control, and pollution—received valuable support from President Nixon this week.

On Wednesday the President issued an Executive order to all Federal agencies instructing that they act by the end of 1972 to bring under control air and water pollution caused by their facilities.

In addition, the President stated that funding for the necessary cost to bring this about be included in their future budget requests. The cost for this is estimated by the White House to be near $360 million. The President also ordered that from now on no funds appropriated for pollution control may be transferred for other programs, a practice which has undercut control efforts in the past.

The President has promised to submit guidelines whereby the new order will be carried out and emphasized the order must be implemented no later than December 31, 1972.

Earlier in the week, the President's budget message proposed the Congress appropriate more than a quarter of a billion dollars over current spending to fight crime and narcotics traffic.

The increase would bring the Justice Department budget to $984.5 million for the next fiscal year, and would raise to $1.3 billion in Federal funds being used by all Federal agencies to assist in law enforcement and crime control.

This increase is in marked contrast to reductions asked by President Nixon for other Federal departments and agencies.

The largest part of these increases in funds would be used directly by the Department of Justice to aid in law enforcement and help combat the illegal flow of narcotics.

Mr. Speaker, this is reassuring news for the people of this Nation. Crime, street violence, and drug addiction have been recognized as major American problems for some time. Just recently, it has become rapidly recognized that environmental pollution may well threaten our very existence within a generation if we do not halt it immediately. And certainly the Federal Government is acknowledged and admittedly one of the greatest single polluters of America today.

As a candidate, Mr. Nixon pledged to step up the Federal Government's participation in the battle against crime. The new budget request reflects his commitment to this pledge.

In his state of the Union address, the President gave environmental pollution control a No. 1 priority. The curbing of pollution by Federal facilities would be a big step in meeting that priority.

NATIONAL ARBOR DAY

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 251) to authorize the President to proclaim the last Friday of April of each year as "National Arbor Day."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 251

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue annually a proclamation designating the last Friday of April of each year "National Arbor Day" and calling upon the people of the United States to observe such a day with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer certain amendments.

The Clerk read as follows:

Amendments offered by Mr. ROGERS of Colorado:

On page 1, line 4, delete the word "annually".

On page 1, line 5, after the word "April", strike the phrase "of each year" and insert in lieu thereof "1970".

On page 1, line 6, after the word "such" delete the word "a".

The amendments were agreed to.

Mr. MINISH. Mr. Speaker, I rise in support of House Joint Resolution 251, my proposal to establish a uniform national observance of Arbor Day. Under

the resolution, the President is authorized to proclaim the last Friday in April 1970, as "National Arbor Day."

Twenty-two States have passed such bills and approximately eight more have bills pending in their State legislatures this year. Thus, nearly one-half the Nation is observing the National Arbor Day. My resolution is based on the proposition that a greater good can be done to educate all America to the importance and necessity of trees with a unified Arbor Day observance than through piecemeal observances held on different dates by various jurisdictions.

Mr. Speaker, it seems to me that the enactment of this resolution would be a timely beginning for this new decade during which we all hope increased emphasis will be placed on environmental and conservation problems. With the growing awareness today of the environment and the need to protect and preserve our natural resources, passage of the Arbor Day resolution will serve to stimulate public appreciation of our trees and forests.

In conclusion, I wish to pay tribute to Mr. Harry Banker of West Orange, N.J. Mr. Banker is the national executive-secretary of the Committee for National Arbor Day and has worked tirelessly for many years to promote a uniform National Arbor Day.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "To authorize the President to proclaim the last Friday of April 1970 as National Arbor Day."

A motion to reconsider was laid on the table.

AMERICAN HISTORY MONTH

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 481) designating February of each year as "American History Month."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 481

Whereas the study of history not only enlivens appreciation of past but also illuminates the present and gives perspective to our hopes;

Whereas a knowledge of the growth and development of our free institutions and their human values strengthens our ability to utilize these institutions and apply these values to present needs and new problems;

Whereas Americans honor their debt to the creativity, wisdom, work, faith, and sacrifice of those who first secured our freedoms and recognize their obligation to build upon this heritage so as to meet the challenge of the future;

Whereas February 1967, has been designated by the President as "American History Month"; and

Whereas it is appropriate to encourage a deeper awareness of the great events which shaped America, and a renewed dedication to the ideals and principles we hold in trust: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February of each year is hereby designated as "American History Month", and the President of the United States is requested and authorized to issue annually a proclamation inviting the people of the United States to observe such month in schools and other suitable places with appropriate ceremonies and activities.

AMENDMENTS OFFERED BY MR. ROGERS OF COLORADO

Mr. ROGERS of Colorado. Mr. Speaker, I offer three amendments and ask unanimous consent that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the amendments as follows:

Amendments offered by Mr. ROGERS of Colorado:

On pages 1 and 2, strike out all "whereas" clauses.

On page 2, line 3, delete the phrase "of each year" and insert in lieu thereof "1970".

On page 2, line 5, delete the word "annually".

The amendments were agreed to.

The joint resolution was ordered to be engrossed and read a third time, was read the third time and passed.

The title was amended so as to read: "Designating February 1970 as 'American History Month.'"

A motion to reconsider was laid on the table.

SCHOOL BUS SAFETY WEEK

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent for the immediate consideration of the joint resolution (H.J. Res. 703) authorizing the President to proclaim the period April 20 through April 25, 1970, as "School Bus Safety Week."

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 703

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized and requested to issue a proclamation designating the period April 20 through April 25, 1970, as "School Bus Safety Week", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks in connection with the three joint resolutions just passed.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

TAKE THE LEAD OUT OF GASOLINE

(Mr. KOCH asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. KOCH. Mr. Speaker, I am introducing a bill to ban lead from gasoline. The prohibition as set forth in my legislation would cover all gasoline sold in interstate commerce and would go into effect a year after the bill's enactment.

Today, an estimated 400 million pounds of lead pollute our environment each year through automobile exhaust. And, the continued annual accumulation of lead in our environment is posing a growing public health hazard, particularly for persons living in our cities.

The devastating effects of lead poisoning, caused by the ingestion of peeling paint and plaster, are familiar to everyone. Each year thousands of children in our slums suffer irreparable brain damage and some even die as a result of this poisoning. Gasoline lead contamination, resulting from both gaseous and particulate auto exhaust emissions, also affects lead levels in the blood and bones, although the extent of such toxification is still undetermined. But, it is known that gasoline containing lead is an acute poison and that the inhalation of such gasoline fumes can be fatal. In addition, it is estimated that 50 percent of lead in gasoline is emitted into the air through auto exhaust—one-third in gaseous form that travels for miles beyond the original point of pollution, and the other two-thirds as particulate matter which is absorbed by plant life and later ingested by man.

It is untenable that we continue to let the petroleum industry put into the atmosphere a substance of known harm to the body. It is time that our country takes the lead out of gasoline. Lead is an octane booster. Proper refining can obviate the need for lead; and indeed, the American Oil Co. has been supplying us with such "white gas" for over 30 years.

My bill would require that a year after its enactment the introduction, transportation, or distribution in interstate commerce of gasoline containing lead would be prohibited. The Secretary of Health, Education, and Welfare would be authorized to prescribe regulations for the enforcement of the act.

The following is the full text of the bill:

H.R. 15753

A bill to prohibit the introduction, transportation, or distribution in interstate commerce of gasoline containing lead

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on or after the effective date of this Act, the introduction, transportation, or distribution in

interstate commerce of gasoline containing lead is prohibited.

SEC. 2. The Secretary of Health, Education, and Welfare shall prescribe regulations for the efficient enforcement of this Act. Such regulations shall be promulgated in such manner and take effect at such time, after due notice, as the Secretary of Health, Education and Welfare shall determine.

SEC. 3. Any person who willfully violates the provisions of Section 1 of this Act or the regulations prescribed pursuant thereto shall upon conviction be fined not more than $2,000 or imprisoned not more than six months, or both.

SEC. 4. This Act shall take effect one year after the date of its enactment.

ROGERS CALLS FOR "GET THE LEAD OUT" CAMPAIGN TO FIGHT AIR POLLUTION

(Mr. ROGERS of Florida asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ROGERS of Florida. Mr. Speaker, it is only a matter of time before lead is taken out of gasoline and I would urge petroleum companies to start preparing for this move now.

A "get the lead out" campaign will have strong backing from the public, the Government, and, I feel sure, the automobile industry.

We know that 60 percent of our air pollution problem comes from the automobile. If we can solve the major part of automobile pollution, we will have gone a long way in the solution of the entire problem.

The removal of lead from gasoline will open the door to allow us to combat air pollution from automobiles.

Although lead itself may not be pollutant per se, lead in gasoline would make ineffective a muffler device which would remove 90 to 97 percent of emission pollutants.

Last month, I wrote to four major petroleum companies asking what effect "getting the lead out" would have and I will urge that representatives from the oil industry appear before the House Public Health Subcommittee when it resumes hearings on H.R. 12934, the Clean Air Act of 1970 which I introduced last session.

The first reply from the oil industry was about what I expected. In brief, it stated that it would cost the consumer more, cars would have a hard time running on lower octane gasoline and that it would be a large task.

I have talked to people who have also studied this problem and they have told me that the proposition of converting to unleaded gasoline was indeed possible from a technical standpoint.

Testimony before the California Legislature estimated that it would take about $200 million to convert the California refineries. Since California has roughly 10 percent of the Nation's total refining, it would be appropriate to say the national figure might be $2 billion or more.

This will require investment on the part of industry, but I think that the Government can help in the way of tax incentives. It is worth the investment, if it means that 200 million Americans will have cleaner air by the midseventies.

If the program gets underway soon, it might take 5 years to completely renovate the industry. But, I am encouraged that the automobile industry is already developing advanced antipollutant devices and engines which would operate on lower octane.

I hope that the oil industry of this Nation will voluntarily move into this program, which would avoid the necessity of legislation. If not, I think the Congress must act with responsibility to meet the air pollution problems of this country.

HOUSING: ON THE BRINK OF DISASTER

(Mr. ANNUNZIO asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, high-interest, tight-money conditions have now priced half the people of the Nation out of the housing market.

A study conducted by the House Banking and Currency Committee staff has established that 28.4 million moderate-income households—101.1 million people—cannot now afford payments on a $20,000, 30-year mortgage, the minimum loan for an adequate house in today's inflation-ridden economy.

The study shows that a family must have a gross income of at least $13,000 a year and be able to make monthly payments of at least $226 for principal, taxes, insurance, maintenance, and, last but far from least, interest. The interest on FHA mortgages has now reached a disastrous effective rate of 9 percent.

This is a crucial element in a situation which has seen housing starts tumble from an annual rate of 1.9 million at the beginning of last year to 1.3 million starts by last December.

The rapid deterioration of the housing market has prompted Congressman WRIGHT PATMAN, of Texas, chairman of the House Banking and Currency Committee, to hold emergency housing hearings in an effort to develop additional sources of mortgage funds at reasonable rates.

Among the first witnesses was Mayor Richard Daley of Chicago, one of the Nation's most widely known and highly respected urban leaders. Mayor Daley's statement to the committee clearly illuminates our housing crisis as it applies to our large cities and suggests specific action to alleviate this terrible condition which forces the low- and moderate-income families of the Nation to shoulder most of the burden of inflation in terms of housing.

Mr. Speaker, I insert Mayor Daley's statement in the RECORD so that it may aid all Members of Congress to achieve a better understanding of the housing crisis and what can be done about it:

REMARKS BY MAYOR RICHARD J. DALEY, BEFORE THE COMMITTEE ON BANKING AND CURRENCY, FEBRUARY 4, 1970

Chairman Patman, members of the Committee on Banking and Currency, I appreciate this opportunity to appear before this committee to testify on behalf of legislation which would make a genuine contribution to meeting one of the critical problems of our time—the shortage of housing.

I have studied a number of bills pending before this committee and I find considerable merit in the bills to make the Federal Reserve System more responsive and the establishment of a development bank to aid low and moderate income housing and to expand opportunity for unemployed and low income citizens.

I have appeared before many congressional committees in the past in support of bills with these objectives.

I would like to discuss H.R. 15402 whose objective is to make money available at reasonable rates so we can achieve our national housing goals. It would provide for the purchase of mortgages by private pension funds and Federal Reserve assets.

The programs and problems I will discuss are national in scope but naturally I will refer to them in the context of what is happening in Chicago.

The goal of the city is to provide a decent home for each and every citizen. At one time, this major task was left entirely in private hands, to the builder, the real estate broker, and the manager of property, and private social agencies.

The city and the Federal Government have stepped into this area because private industry failed to meet the needs, particularly for those in the lower economic brackets. The city basically has obligations under health and housing codes for the protection of its citizens. There is no authority or responsibility spelled out in the charters of cities or anywhere else making it the responsibility of the city to provide housing for its citizens.

The cities have accepted this responsibility because someone must—not only in the field of housing but in the broad social field. Now the city is held responsible for these services but without the financial resources and facilities to adequately provide them.

Unfortunately, in the past, the thrust of private enterprise and for that matter, the policy of the national government, has served to produce housing outside of the central city. This has been recognized by the Congress which has sought to fill the gap by the passage of many measures directed to the housing needs of low and moderate income families in the cities.

Although efforts to make the FHA more flexible in financing housing in the inner city have had some effect, there still is much the agency can do.

Despite all these efforts, we have not been able to meet the needs of low and moderate families in the cities and today we find that even middle income families have been priced out of the market throughout the Nation.

Since financing for housing is supplied almost solely through the mortgage market, when money becomes tight, the housing market shows the greatest sensitivity. New home production is usually contingent upon the availability of long-term mortgage secured loans to finance ultimate purchasers. If this financing is not available, it will have a drastic effect on the amount of building.

In recent years, real estate has become even more dependent on increasing amounts of credit per transaction. Changes in credit conditions may be transmitted to the mortgage market in several ways; the capacity and willingness of commercial banks to advance short-term construction credit to builders, interim credit to other real estate lenders, and permanent mortgage credit to buyers. Further, as yields on other types of competitive market investments become more attractive, they tend to divert the flow of funds from housing. In addition the policies established by the Federal Reserve

Banks and the Federal Open Market Committee which is used to influence the general availability and cost of credit has a direct effect on the availability of credit and interest-rate levels throughout the economy.

All the recent actions of these agencies in tightening credit and slowing down the economy to halt inflation is rapidly creating a crisis condition in the housing market.

Oddly enough, our efforts to improve housing conditions—with the active support of the National Government—have only served to worsen the situation. All of us are agreed that in our affluent society there is no justification for slums or substandard housing. The City of Chicago, like other cities, has many programs underway to reduce and eliminate these substandard conditions. For example, in the past 10 years the Building Department working through the courts has demolished more than 8,000 buildings which have been found to be in a hazardous condition. Ten years ago the city budget for this program was $5,000. Today it is $1,200,000 and that doesn't include federal financing.

We have a strict code enforcement program which often leads to court action and the vacation of the buildings because the landlords are unwilling or unable to comply with the health and safety standards.

In Chicago, we also have established a receivership program to take over properties where landlords have refused to comply with building and health ordinances. In hundreds of instances the Chicago Dwellings Association, a quasi-public not-for-profit organization, has been appointed receiver by the courts to take over such buildings. Where possible the C.D.A. rehabilitates the buildings and provides safe housing for the tenants. However, in hundreds of instances, the C.D.A. has found the buildings so deteriorated that rehabilitation is unfeasible. The courts then order the buildings vacated. At the present time, the courts are reluctant to order a building vacated, despite its deteriorated condition, because there are insufficient vacant apartments for the tenants.

In addition we have the normal attrition caused by fire and obsolescence, as well as relocation made necessary by the construction of such essential facilities as schools, police and fire stations, hospitals, public works and other community facilities.

The housing programs arise directly from the insistent demands by our citizens and the Department of Housing and Urban Development that slums be eliminated and housing standards be strictly enforced. But, as essential as these programs are—and they must be carried on—they, nevertheless, contribute directly to a reduction in the housing supply.

Frankly, the cities are caught in a dilemma. Our citizens and the Federal Agencies rightly demand we tear down every substandard home. At the same time, the same Federal Agencies say we cannot tear down bad buildings until we relocate the tenants in standard housing. Meanwhile, they say they cannot tear down bad buildings until we relocate the tenants in standard housing. Meanwhile, they say they cannot provide the resources to build relocation housing or new housing. This situation has been further aggravated by an intolerable tight credit situation.

Let us face facts. To demand that cities improve housing while denying them the resources to supply new housing is a basic contradiction—and places the cities in an untenable situation.

The city of Chicago, like many other cities, has taken advantage of every possible program to increase the supply of housing, especially for the low and moderate income groups. The Chicago Housing Authority now has almost 38,000 public housing apartments and they are all occupied. By the end of 1970, the CHA will have completed construction of almost 2,500 more apartments and homes. Recently the city obtained from the Federal Government authority to build three thousand more units—1500 for families and 1500 for elderly citizens.

May I point that in 1969 alone, more than 1,000 new units were made available, and of these, 58% were three, four and five bedroom apartments to meet the needs of large families. Under our new policy, all public housing homes are built on scattered lots and are three stories or less in height.

At the present time there are 7,000 families and 12,000 elderly citizens on the waiting list.

We sought and were granted in 1969 eight hundred additional units for our leased housing program which uses the private housing market. At the present time the CHA has more than 2,100 leased units in private housing. Shortly we will have 400 more leased units—for a total of 2,500.

The Chicago dwellings association, which I mentioned before, has an intensive rehabilitation program on the west side. More than one thousand dwelling units are under contract now to be modernized. Many of these units are in abandoned buildings and so we are adding to the housing supply.

In its efforts to supply housing for low- and moderate-income families, the city made a major breakthrough when an agreement was reached with the Chicago building trades, industry, and the Government for the construction of modular or prefabricated homes. We built more than 200 three- and four-bedroom modular homes. For example, a three bedroom modular townhouse, including stove and refrigerator, offering comparable facilities to those of a conventionally constructed home and approved by the building code, building trade and FHA, was sold for $15,000 excluding land cost. These were not subsidized homes but were built by private contractors, constructed and assembled by building trade members at Union wages. As a result of our experiences, we are now launching a program which we hope will see the construction of hundreds more of these homes.

In another breakthrough in the construction industry, we have seen negotiations involving the building trades union, contractors, members of minority groups, and the city resulting in agreement which will open the doors of opportunity for minority workers in the building trades. This was a voluntary agreement. It promises great hope for the future.

The Department of Urban Renewal, over the past decade, has provided and cleared sites for 7,833 homes and apartments. Most of these were for moderate and low income families.

In 1970 we anticipate construction starts on 6,000 homes and apartments for low and moderate income families in fifteen urban renewal project areas. Final planning for these areas and arrangements for land disposition procedures will be completed by the end of the year. Of course, much depends on the availability of mortgage money to developers and to home buyers.

I have not included in this recitation the thousands of apartments and homes built by private developers for middle and high income families.

The fact is that despite all our efforts, we were unable to meet our housing needs even before the recent Federal tight money policy.

The sharp increase in interest rates has served to aggravate the housing shortage. Under present conditions, money must be made available if we are to meet our current needs—let alone reach our national housing goal.

I am in full agreement with your chairman when he states: "Among the things which are obviously needed is the channeling of large blocks of funds into housing from the sources which until now have remained relatively untapped."

H.R. 15402 will require private pension funds to invest in federally-insured or guaranteed mortgages on low or moderate income housing in both urban and rural areas. It also will make available the assets of the Federal Reserve for the purchase of residential mortgages, especially mortgages for low and moderate income families.

The bill will do much to meet the imperative need for adequate financing essential to increase the supply of new housing. This is a priority of the highest order and it follows that those who need housing desperately should not be made the victims of anti-inflationary policies. I strongly urge the passage of the bill which will make mandatory the use of pension funds as an investment in the welfare and well-being of our citizens.

What is also needed urgently is an increase in Federal assistance for all the programs directed toward filling the housing needs of our low income families. Congress has heard of these needs from the U.S. Conference of Mayors, the National League of Cities, the Urban Coalition and other groups vitally interested in the rebuilding of our cities.

There are many new programs which can be launched but they too are dependent upon a policy which seeks to encourage and stimulate housing. I would like to mention a few.

Since most of the Nation's major cities desperately need to augment their housing inventories, especially for low- and moderate-income families, and have virtually no vacant land on which to build, some new program approaches are needed to provide the land or space required.

One possibility would be to assist and encourage cities to make residential use of land in space now being occupied by obsolete, abandoned, and uneconomic industrial and commercial uses, which may not be located in blighted areas. For example, almost every city of any size in the Nation, has large open land areas which contain railroad yards and rail storage facilities which are obsolete and uneconomic. The uses of such railroad rights-of-way for new housing offer an immediate opportunity of increasing the supply of decent shelter in many of the existing inner-city neighborhoods with little or no displacement of residents. Existing law should be changed or new laws enacted which would provide grants to study the potential of alternative uses of existing railroad property. Also a new program should authorize acquisition of railroad rights-of-way by cities for residential use and provide a subsidy so that the land may be used for housing.

Another possibility is the use of air rights developments over expressways, railroads and in some instances, waterways, which cut through many of the nation's inner-city neighborhoods. The utilization of platforms over such rights-of-way could substantially expand the supply of housing without the upheaval caused by relocation.

Federal grants should be provided to local governments to cover the cost of preparation of air rights sites, design and construction of foundations, platforms and other facilities. Considerable progress has been made in eliminating the pollution problem accompanying the use of air rights over expressways. Federal grants should be provided to expedite this research because of its great potential.

Throughout city neighborhoods are strips of land, some times vacant or occupied by obsolete factories or loft buildings, junk yards and lumber yards. More often than not areas of this kind cannot qualify under the general eligibility standards set forth under the renewal program. A new and improved redevelopment program could make considerable amounts of desperately needed housing available with an absolute minimum of relocation. Further, such redevelopment pro-

grams would serve to eliminate a blighting element in many of our city neighborhoods.

While conventional wisdom dictates that we accept as sacrosanct existing parks and open space, there is no question that needs and conditions have changed and are changing. Certainly we should not reduce—we should add to the supply of park and open space land, especially in our major metropolitan areas, but the way such land is currently being used is open to serious question. The possibility of using existing parks and open space for residential or institutional purposes in cases where equal amounts or more can be subsequently cleared or made available in trade should be explored in detail. Federal funds should be available to test the feasibility of such land trades including the development of appropriated legal safeguards to guarantee adequate replacement.

There is no question that these kinds of programs call for great outlays of money and to some could be considered as contributing to inflation. But there can be no priority that is more important than to give every family an opportunity to live in a decent home. The existence of any slum in a society of affluence is intolerable.

One of the basic issues confronting the Congress is the problem of who has responsibility for the poor, the elderly, the unskilled and the sick. If Congress only provides funds for their needs in the city alone, then it follows that the populations of cities will consist mainly of the poor, the elderly, the unskilled and the sick. Just as Congress has responsibility for all citizens, so all of us, wherever we may live, have responsibility to meet the needs of our citizens and the metropolitan area—the suburbs—must do their share in assuming this responsibility.

Further, Federal aid should be given to the city not only for the low and moderate income families but to make housing available for middle class families, so that we may have a genuine social and economic balance.

In our present urban society we are interdependent upon each other. No community is isolated from the blight of another community. Some may think they are not affected by the urgent needs of a neighborhood located miles from them but they are directly affected. Crime, disease, and pollution know no boundary lines and certainly a good home in a good environment is essential if we are to rid ourselves of the ills of our society and improve the quality of life for our citizens.

There must be made available the financial resources to make these things possible and certainly one of the first steps we should take is to pass the proposed bill which would use pension funds to achieve our housing goals.

TB FOUND AMONG RESTAURANT WORKERS ON CAPITOL HILL

(Mr. LATTA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. LATTA. Mr. Speaker, I would like to call something to the attention of this House that I think the Members should be extremely interested in, especially the leadership and the members of the House Committee on the House Restaurant.

I have in my hand a wire service story entitled "TB on the Hill." It reads as follows:

WASHINGTON.—Two Senate restaurant workers have died from tuberculosis and another four active cases have been found among those workers inside the building in the last six months, a D.C. health officer said today.

As a result, Dr. Vedat Oner, acting head of the TB control division here, said skin tests are being conducted in the Capitol Building. Oner said 296 people have been given the tests, and another 100 or 200 more will be tested tomorrow.

The results have not been developed, Oner said. Also, he said a decision has not been made whether to perform the tests on the 14,000 people in the capitol area.

The two people who died both worked in the Senate restaurant, one as a waitress and the other a laborer in the restaurant's storeroom.

Of the four active cases being treated in hospitals, one was a wire service reporter, one a Senate kitchen worker, and the two other employees of the House and Senate sergeant at arms offices.

Oner said he did not know whether House members or Senators were being given tests.

Mr. Speaker, this is a serious matter and should not be taken lightly.

The leadership of the House should look into the matter immediately.

INTERNATIONAL AVIATION POLICY

(Mr. FRIEDEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRIEDEL. Mr. Speaker, on January 15 the Steering Committee appointed by the President to review international aviation policy and to recommend changes for the decade of the 1970's issued its statement on this crucial subject.

The statement in my judgment—and I believe you will agree—embodies the basic theme of protection for our U.S. air consumers. It recommends continuance of our low-cost transportation system by endorsing what the Congress has heretofore recommended, and that is the maintenance of all air carriers as a vital part of our air transportation system. In addition, it recommends that the United States follow a policy of insuring that its carriers, vis-a-vis foreign carriers, receive reasonable assurance of fair operating conditions and a fair and equal opportunity to compete in world aviation markets. It cautions our foreign friends that if they impose restrictions we in turn must use constraints. Hopefully, however, this may not be necessary. All in all, Mr. Speaker, I find the document to be a very forthright expression of U.S. intent of U.S. policy which should go a long way toward clarifying any question that may have existed concerning the rights of the consumer to low-cost travel and the rights of our various segments of the industry to their continued right to compete and operate in their respective areas.

Mr. Cherington and the members of the Steering Committee are to be congratulated for a job well done and I call their statement to the attention of my colleagues in the hope that they might review it and keep the recommendations in mind when we are considering legislation pertaining to our vital aviation industry.

ADJOURNMENT FROM TUESDAY, FEBRUARY 10, TO MONDAY, FEBRUARY 16

Mr. ALBERT. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 497) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 497

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Tuesday, February 10, 1970, they stand adjourned until 12 o'clock meridian, Monday, February 16, 1970.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

Mr. WYDLER. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 10]

Abernethy	Flynt	Mollohan
Addabbo	Frey	Monagan
Alexander	Fuqua	Moorhead
Anderson, Ill.	Galifianakis	Moss
Ashbrook	Gallagher	Nix
Baring	Garmatz	O'Konski
Barrett	Giaimo	Ottinger
Blatnik	Goldwater	Pepper
Boland	Green, Pa.	Pettis
Brasco	Harrington	Pickle
Bray	Harsha	Powell
Brooks	Harvey	Price, Tex.
Brown, Calif.	Hays	Quie
Byrne, Pa.	Hébert	Quillen
Cabell	Hollifield	Rees
Camp	Hosmer	Reid, N.Y.
Carey	Howard	Rhodes
Celler	Jarman	Riegle
Chisholm	Jonas	Rooney, N.Y.
Clark	Karth	Rosenthal
Collier	Kazen	Rostenkowski
Colmer	Kee	Roudebush
Conyers	Kirwan	Scheuer
Corman	Kluczynski	Steed
Crane	Landgrebe	Stratton
Culver	Leggett	Taft
Cunningham	Long, Md.	Teague, Tex.
Davis, Wis.	Lujan	Tunney
Dawson	Lukens	Utt
Dent	McDade	Waggonner
Eilberg	McDonald, Mich.	Waldie
Evins, Tenn.		Watkins
Fascell	Mayne	Winn
Fisher	Miller, Calif.	Wright
Flowers	Mills	Yates

The SPEAKER. On this rollcall 327 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

DAVID P. THOMAS, ABLE CAREER FEDERAL EMPLOYEE RETIRES

(Mr. HENDERSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENDERSON. Mr. Speaker, I rise to pay tribute to an able career Federal employee, David Duval Thomas, with

over 30 years' experience in regulating our Nation's air traffic, who is retiring this month. Dave Thomas, as he is affectionately known by Congressmen and Senators, by thousands of coworkers in the Federal Government, and by the aviation world, rose from an air traffic controller in 1938 to Deputy Administrator of the Federal Aviation Agency in 1965. In fact, he served as Acting Administrator from August 1, 1968, following the resignation of Gen. W. F. McGee, until John H. Shaffer was sworn in as the new Administrator on March 24, 1969. Dave Thomas certainly revealed his dedication to the Government and to the Agency by staying with the new administration until the transition could be accomplished.

Indicative of Mr. Thomas' dedication to duty and capabilities he has been the recipient of many awards.

In 1963 he was awarded the Laura Taber Barbour Award for Air Safety. The award cited Thomas, as "one of the outstanding experts in this country, if not in the world, on the management of air traffic control."

Two months later in a White House ceremony, he received the President's Award for Distinguished Federal Civilian Service, which is given for exceptional achievement in advancing important domestic and international programs.

In December 1966, he received Princeton University's 1966 Rockefeller Public Service Award in the field of general welfare or national resources. He was cited for his services affecting the general welfare and the benefits realized individually by the public and collectively by the Nation, from a healthy, expanding air transportation system and also for his efficient management of the Nation's airspace.

On April 21, 1967, he received the Career Service Award of the National Civil Service League which recognized Thomas as the leading authority in the highly specialized technical aviation field of air traffic control.

After a number of field assignments, in air traffic control work, beginning in 1938, Mr. Thomas was transferred to Washington in January 1946 to serve as Assistant Chief of the Airways Traffic Control Section in the CAA. In June of the same year he became deputy international services officer, holding this position for 3½ years before taking the post of planning officer of CAA. In October 1953, Thomas was made Acting Chief of the planning staff, and less than a year later he was appointed Deputy Director of CAA's Office of Federal Airways.

In July 1956, he was promoted to the position of Director, Office of Air Traffic Control. He headed FAA's Air Traffic Service when this agency was formed in 1958.

In 1963 he was named Associate Administrator for Programs with responsibility in Washington headquarters for planning and coordinating the operating programs of the Air Traffic, Flight Standards, Airports, and Systems Maintenance Services. He held this position until his appointment as Deputy Administrator 2 years later.

Mr. Thomas is a native of Texas and attended the school of mechanical engineering at the University of Tennessee and the school of business administration at George Washington University in Washington, D.C. He is a member of the Institute of Aerospace Sciences, and other aeronautical organizations.

Mr. Thomas is married to the former Dorothy Clark of Murfreesboro, Tenn. They have two children: a daughter, Mrs. David Robson, and a son, David Clark.

I am sure my colleagues, his many friends on the Hill, join me in wishing Dave Thomas and his lovely wife, Dorothy, a happy and healthy retirement.

The Federal Government is losing an able administrator, a topflight aeronautical expert, and a very human, honorable man.

THE TUBERCULOSIS SITUATION ON CAPITOL HILL

(Mr. HALL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. HALL. Mr. Speaker, there has been considerable said in the press and rumors fanned amongst you about the tuberculosis situation on Capitol Hill. I have been consulted about this. I know that our Capitol Physician has consulted with the best U.S. Public Health Service authorities in the United States and in the District of Columbia, and I would plead with you to act rationally but calmly on this situation.

To gainsay the fact that we do have cases of tuberculosis occurring on the Hill, and that some of them have been in places to which we are all exposed, would be foolhardy, this is true; but, I can assure you that everything is being done to protect your interests and those of your staff and your family, and all that might or might not have been in contact with these unfortunate people.

Perhaps it is sad, and something that should be corrected, that the District of Columbia does not have per se, a food handler's law. This too is being worked on. But of more particular interest to you immediately is that on our return from the Lincoln Day recess there will be established here in this building, or immediately available to all Members and their staffs, a screening process for the entire Capitol Hill complex of some 14,000 to 15,000 people that might wish to be surveyed.

I would strongly recommend that we all take advantage of this opportunity, and urge our staff to do so also. One of the finest interpreters of X-rays and chest examinations is being brought here by the Public Health Service from California, in cooperation with the District of Columbia so that simultaneously we can obtain the tuberculin test, and the chest X-rays.

Other facilities for heading off any little outbreak will be available, and these activities will commence on the 16th of February.

Now, of course, in the meantime it would be very prudent for anyone who has been unusually close to these unfortunate cases or otherwise feel they may be exposed, to visit their own physician or a clinic, or if you will go to the Capitol Physician's office priorities will be established for those who are more worried, or have perhaps had more exposure, a cough, or an unexplained weight loss, to be taken care of first.

This is a screening process. Fortunately, there are available in this decade prophylactic measures where, with a carefully regulated calendar and taking the pill INH—not related to the other pill of fame in the other body—we can prevent tuberculosis breaking out as an infectious disease in those who have been exposed or those who have suspicious signs in the screening process. Those who are unfortunate enough to contract the infectious disease can, of course, go ahead with the dual treatment under proper supervision. The way to detect it is by early diagnosis, and we urge you to come, and we urge you to participate in this processing, and we urge you to tell your respective staffs to do so.

There is no need for fanning rumors or expanding the severity of this unfortunate circumstance. It will be controlled. It is being correctly and properly handled by proper authorities and we can be thankful for them and our new Committee on Food Service in the House, chaired by the most knowledgeable and experienced JOHN C. KLUCZYNSKI, of Chicago.

FREEDOM OF SPEECH

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Mr. Speaker, it was with considerable concern that I read the press dispatches this morning of what is in my judgment an unwarranted and certainly uncalled-for attack upon one of the brave members of our armed services who for 5 years was a prisoner of the Vietcong in Vietnam.

I refer to Maj. James Rowe and to the criticism leveled at him by the junior Member of the other body from South Dakota during hearings of the Senate Foreign Relations Committee yesterday.

The junior Member from South Dakota has taken issue with Major Rowe because of the major's reports of the adverse impact upon American prisoners of war that has resulted from speeches of dissent such as those made by some Members of the other body and by dissident minorities objecting to our conduct of the war.

Certainly it is within his right to talk all he wants to about the war in Vietnam and whether or not he thinks it is being conducted correctly, or whether we should abandon the South Vietnamese, or whatever course he may wish to recommend.

By the same token, it is the right of persons like Major Rowe, who are in a position to know, to warn the country of the effect which some of this dissent has on the morale and treatment of our men in Vietnam. Very responsible persons, in addition to Major Rowe, have sounded similar warnings. Tomorrow I shall present proof of this upon the enemy.

Surely, the junior Member from South

Dakota would not embrace a concept of free speech which permitted him to voice his criticism, but which denied Major Rowe or any one else the right to analyze, evaluate, and criticize the Senator's statements. Freedom of speech must apply to both, equally.

The junior Member's comments strike me as simply another attempt to muzzle the responsible and authoritative voices who honestly and factually report the end result upon the enemy and upon our own men held as prisoners and those speeches of dissent which over the years have heaped criticism upon our national leaders but hardly ever find anything to criticize when it comes to discussing the motives and actions of the Vietcong.

The junior Member from South Dakota has staked out a position on this war which is a highly controversial one. That is his privilege and it in no way reflects on his patriotism or loyalty. It is a position, however, which if pursued as a national policy could have far-reaching, and many of us think disastrous, consequences for the country. Thus his views and their affect on the course of the war are fair game for criticism and evaluation.

That is the thrust of Major Rowe's speeches—not whether the Members of the other body are loyal or disloyal. This brave American has a right to speak and he has a right to question the effect of Members' speeches. I would suggest that he even has a right to question rhetorically the Members' motives, although I myself would not do so.

POSTPONEMENT OF H.R. 12025, NATIONAL FOREST TIMBER CONSERVATION AND MANAGEMENT ACT OF 1969

(Mr. MARTIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTIN. Mr. Speaker, I would like to direct a question to the Speaker.

Is it correct that the handling of the rule and the legislation which was programed for today have been postponed?

The SPEAKER. The Chair will state that it is the understanding of the Chair that the bill is not going to be called up today.

Mr. MARTIN. Neither the rule nor the bill?

The SPEAKER. Neither the rule nor the bill.

Mr. MARTIN. I thank the Speaker.

The SPEAKER. The Chair would ask the gentleman from California (Mr. SISK) if that is not the situation.

Mr. SISK. Yes, Mr. Speaker, it is correct; both the rule and the consideration of the bill have been postponed.

A TRIBUTE TO ALDO B. BECKMAN

(Mr. PUCINSKI asked and was given permission to address the House for 1 minute.)

Mr. PUCINSKI. Mr. Speaker, today is the last day that one of the truly capable reporters who covers the House of Representatives for the Chicago Tribune will be spending here on the Hill.

His talent, ability, and dedication have earned him a new assignment. Hereafter, he will be covering the White House for the Tribune—a responsibility that he has consistently proved capable of assuming.

I would like to wish him a happy journey on his new assignment and I am sure I speak for many Members of this House—particularly those from the Midwest—who have read his stories reporting the day-to-day activities in this Chamber to the vast number of people who subscribe to the Chicago Tribune.

Aldo Beckman has been representing the Chicago Tribune in the Press Gallery. His stories about the House have revealed a new dimension of understanding of the complex nature of our work in this Chamber.

Very often bills that come before us are intricate, finely crafted, and very complicated. The amendments to those bills can be—and often are—even more complicated. The debate itself takes on various complexities and it is no easy task for a reporter to translate the essence of debate on a complicated issue when he is fighting against a deadline.

I know Aldo Beckman has earned the respect of his colleagues of the fourth estate and, certainly, he has earned the respect of the Members of this House. His integrity is unquestioned among the day-to-day historians who cover Capitol Hill, his intellect, insight, and outright writing skills are second to none.

Whoever replaces Aldo Beckman in covering the House of Representatives for the Chicago Tribune will have a large shadow to measure himself against, for Aldo has given this difficult assignment a new measure of responsibility. He has helped to elevate the standards of journalism in this Chamber and we, and all those we represent, are indebted to him. I am sure I speak for my colleagues in Chicago in wishing him success in his new White House assignment. We are going to miss him here on Capitol Hill.

PERHAPS ISRAEL WILL CAPTURE A MIG–23 AIRCRAFT

(Mr. THOMPSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Georgia. Mr. Speaker, I note in the press reports that Russia has threatened that unless the Israelis stop their responding to Egyptian attacks with reprisal attacks on Egypt, they are going to send their latest supersonic Mig–23 aircraft to the Egyptians.

This might be interesting because, as I recall, the first time the West had an opportunity to see the supersonic Mig–21 aircraft was when the Israelis captured it.

I also recall that the first time the West had an opportunity to see the SAM missile intact was when the Israelis captured the whole complex intact from the Egyptians.

Mr. Speaker, I also recall that the latest superduper Russian tank, their heavy tank, was captured by an Israel commando raid in Egypt. They brought one or two of those back to Israel, and that was the first time the West had had an opportunity to see that tank.

Then I recall press reports that a Russian radar station, a 9-ton unit, was captured in Egypt and dismantled by an Israel commando team and brought back into Israel, where the Western experts could look at it.

Then, Mr. Speaker, remembering the manner in which the Israelis got those five ships out of France, it may well be that the Russian Mig–23 aircraft bound for Egypt will end up in Israel.

ANNOUNCEMENT OF PROGRAM

The SPEAKER. The program will be announced after the special orders.

FULL FUNDING FOR ESSENTIAL HOUSING PROGRAMS

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. RYAN) is recognized for 10 minutes.

Mr. RYAN. Mr. Speaker, the housing problem in this Nation has reached a crisis stage. Neither enough new housing is being built, nor is there now sufficient decent housing for our expanding population. This crisis exists despite passage of the Housing and Urban Development Act of 1968—Public Law 90–448—which proposed a goal for the next decade of constructing and rehabilitating 6 million units for low- and moderate-income families. The 1968 act stated:

> The Congress affirms the national goal, as set forth in section 2 of the Housing Act of 1949, of a "decent home and a suitable living environment for every American family."
>
> The Congress finds that this goal has not been fully realized for many of the Nation's lower income families; that this is a matter of grave national concern; and that there exist in the public and private sectors of the economy the resources and capabilities necessary to full realization of this goal.

I am today introducing, with 23 cosponsors, H.R. 15729, which is identical to H.R. 15643, which I introduced on January 29, to provide supplemental appropriations to fully fund the urban renewal, model cities, rent supplement, and low-income homeownership and rental housing assistance programs for the fiscal year 1970, and for other purposes, including jobs in housing.

The following Members of Congress have joined me in cosponsoring this urgently needed supplemental appropriations bill:

JOSEPH P. ADDABBO of New York.
JONATHAN B. BINGHAM of New York.
GEORGE E. BROWN, JR., of California.
DANIEL E. BUTTON of New York.
JOHN CONYERS, JR., of Michigan.
CHARLES C. DIGGS, JR., of Michigan.
DON EDWARDS of California.
DONALD M. FRASER of Minnesota.
JACOB H. GILBERT of New York.
SEYMOUR HALPERN of New York.
AUGUSTUS F. HAWKINS of California.
HENRY HELSTOSKI of New Jersey.

EDWARD I. KOCH of New York.
SPARK M MATSUNAGA of Hawaii.
WILLIAM S. MOORHEAD of Pennsylvania.
ARNOLD OLSON of Montana.
THOMAS P. O'NEILL, JR., of Massachusetts.
RICHARD L. OTTINGER of New York.
BERTRAM L. PODELL of New York.
OGDEN R. REID of New York.
BENJAMIN S. ROSENTHAL of New York.
JAMES H. SCHEUER of New York.
JOHN V. TUNNEY of California.

Passage of H.R. 15729 is essential. The Federal Government has already fallen behind in meeting the commitment which the 1968 Housing and Urban Development Act made. But the matter is not simply one of living up to past commitments; the real issue is recognizing the multiple beneficial ends which the Federal housing program serves, and acknowledging that these ends must be served to the fullest capacity.

H.R. 15729 provides an additional $400 million for urban renewal programs, which in the Independent Offices and Department of Housing and Urban Development Appropriations Act, 1970—Public Law 91–126—received only $250 million. This added amount will bring the appropriation up to the authorization level.

Today's urban renewal program was begun with the Housing Act of 1949—Public Law 81–171—which announced the goal reaffirmed by the 1968 act—"a decent home and a suitable living environment for every American family." Basically, urban renewal involves locally conceived and administered programs of slum clearance and blight abatement. These programs aim at specific areas of cities. The Federal Government assists with grants, loans, and technical aid.

H.R. 15729 provides an additional $425,000,000 for the model cities program, which was begun with title I of the Demonstration Cities and Metropolitan Development Act of 1966—Public Law 89–754. This added amount will bring funding up from the $575,000,000 already appropriated for fiscal year 1970 to the $1,000,000,000 authorization level.

The model cities program aims at rehabilitating the entire fabric of the areas involved. Grants are made, and technical assistance is provided, to cities to carry out comprehensive programs attacking social, economic, and physical problems of blighted neighborhoods in selected localities. Grants may be made for planning and developing programs, for administering the approved programs, and for the costs of projects and activities included in the approved programs.

As of January 1, 1970, according to the Department of Housing and Urban Development, 58 of the 150 cities participating in the model cities program have completed the planning phase and have received supplemental grant contracts from HUD. These grants are enabling the cities to implement first-year plans developed under comprehensive 5-year plans. The other cities are still in the process of developing plans, or are awaiting HUD approval.

The 58 supplemental grantees are listed below, as well as the total 150 cities participating in the program. As should be well noted, 45 States, the District of Columbia, and Puerto Rico, have within their boundaries such cities.

I include the following tables:

MODEL CITIES SUPPLEMENTAL GRANTS

City	Amount of Contract	Date Announced
Alabama: Huntsville	$1,969,000	May 29, 1969
Arkansas: Texarkana	1,899,000	June 30, 1969
California:		
Fresno	2,818,000	Oct. 3, 1969
Richmond	1,820,000	June 19, 1969
Colorado:		
Denver	5,766,000	June 26, 1969
Trinidad	1,225,000	Do.
Florida:		
Dade County	9,616,000	Sept. 29, 1969
Tampa	4,086,000	June 26, 1969
Georgia:		
Atlanta	7,175,000	May 10, 1969
Gainesville	1,330,000	Oct. 15, 1969
Hawaii:		
Honolulu	2,263,000	June 27, 1969
Honolulu (inc.)	4,378,000	Dec. 18, 1969
Illinois:		
Chicago	38,159,000	June 26, 1969
East St. Louis	2,083,000	June 30, 1969
Indiana: Gary	2,669,000	Oct. 3, 1969
Iowa: Des Moines	2,065,000	Oct. 13, 1969
Kansas: Wichita	3,955,000	Sept. 24, 1969
Kentucky:		
Pikeville	691,000	Oct. 15, 1969
Bowling Green	551,000	Dec. 31, 1969
Maine: Portland	1,826,000	June 11, 1969
Maryland: Baltimore	10,554,000	June 26, 1969
Massachusetts:		
Boston	7,718,000	June 27, 1969
Cambridge	1,523,000	June 26, 1969
Lowell	1,750,000	Dec. 19, 1969
New Bedford	2,109,000	Nov. 14, 1969
Worcester	2,125,000	Dec. 31, 1969
Michigan:		
Genessee County (Flint)	3,574,000	Oct. 15, 1969
Highland Park	1,724,000	June 11, 1969
Detroit	20,545,000	May 28, 1969
Minnesota: Duluth	1,680,000	Oct. 16, 1989
Missouri:		
Kansas City	8,706,000	Sept. 11, 1969
St. Louis	5,183,000	June 30, 1969
Montana:		
Butte	1,656,000	June 19, 1969
Helena	1,211,000	June 30, 1969
New Hampshire: Manchester	1,645,000	Dec. 18, 1969
New Jersey: Trenton	1,768,000	Oct. 3, 1969
New Mexico: Albuquerque	2,826,000	Aug. 13, 1969
New York: New York City	65,000,000	June 11, 1969
North Carolina:		
Charlotte	3,168,000	May 29, 1969
Winston Salem	1,895,000	Oct. 3, 1969
Ohio:		
Columbus	5,906,000	Oct. 3, 1969
Dayton	2,949,000	June 11, 1969
Toledo	4,410,000	June 26, 1969
Oklahoma:		
Tulsa	3,553,000	June 27, 1969
McAlester	1,183,000	Dec. 17, 1969
Oregon: Portland	1,262,000	June 30, 1969
Pennsylvania:		
Philadelphia	3,296,000	June 30, 1969
Reading	1,383,000	June 11, 1969
Pittsburgh	6,108,000	Dec. 31, 1969
Puerto Rico: San Juan	7,114,000	Sept. 11, 1969
Rhode Island: Providence	2,205,000	June 11, 1969
Tennessee: Smithville-DeKalb County	1,435,000	May 29, 1969
Texas:		
Eagle Pass	1,776,000	June 18, 1969
San Antonio	9,590,000	Do.
Texarkana	1,558,000	June 30, 1969
Texarkana (inc.)	499,000	Aug. 4, 1969
Waco	2,642,000	May 10, 1969
Vermont: Winooski	788,000	June 26, 1969
Virginia: Norfolk	4,524,000	Aug. 13, 1969
Washington: Seattle	5,200,000	May 10, 1969

THE 150 CITIES PARTICIPATING IN THE MODEL CITIES PROGRAM

(U.S. Department of Housing and Urban Development)

FIRST ROUND PLANNING GRANTS, SPRING 1968

Alabama: Huntsville.
Arkansas: Texarkana.
California: Fresno, Oakland, Richmond.
Colorado: Denver, Trinidad.
Connecticut: Bridgeport, Hartford, New Haven.
District of Columbia.
Florida: Dade County, Tampa.
Georgia: Athens, Atlanta, Gainesville.
Hawaii: Honolulu.
Illinois: Chicago, East St. Louis.
Indiana: Gary.
Iowa: Des Moines.
Kansas: Wichita.
Kentucky: Bowling Green, Pikeville.
Maine: Portland.
Maryland: Baltimore.
Massachusetts: Boston, Cambridge, Lowell, New Bedford, Springfield, Worcester.
Michigan: Genesee County (Flint), Highland Park, Saginaw, Detroit.
Minnesota: Duluth, Minneapolis.
Missouri: Kansas City, St. Louis.
Montana: Butte, Helena.
New Hampshire: Manchester.
New Jersey: Hoboken, Newark, Trenton.
New Mexico: Albuquerque.
New York: Buffalo, Cohoes, New York City (Central and East Harlem, South Bronx, Central Brooklyn), Poughkeepsie, Rochester.
North Carolina: Charlotte, Winston-Salem.
Ohio: Columbus, Dayton, Toledo.
Oklahoma: McAlester, Tulsa.
Oregon: Portland.
Pennsylvania: Philadelphia, Pittsburgh, Reading, Wilkes-Barre.
Puerto Rico: San Juan.
Rhode Island: Providence.
Tennessee: Nashville-Davidson County, Smithville-De Kalb County.
Texas: Eagle Pass, San Antonio, Texarkana, Waco.
Vermont: Winooski.
Virginia: Norfolk.
Washington: Seattle.

SECOND ROUND PLANNING GRANTS FALL 1968

Alabama: Tuskegee.
Alaska: Juneau.
Arizona: Gila River Indian Community, Tucson.
Arkansas: Little Rock, North Little Rock.
California: Berkeley, Compton, Los Angeles City, Los Angeles County, Pittsburg, San Diego, San Francisco, San Jose.
Connecticut: New London, Waterbury.
Delaware: Wilmington.
Georgia: Alma, Savannah.
Idaho: Boise.
Illinois: Carbondale, Rock Island.
Indiana: Indianapolis, South Bend.
Kansas: Kansas City.
Kentucky: Covington, Danville.
Louisiana: New Orleans.
Maine: Lewiston.
Maryland: Prince Georges County.
Massachusetts: Fall River, Holyoke, Lynn.
Michigan: Ann Arbor, Benton Harbor, Grand Rapids, Lansing.
Minnesota: St. Paul.
New Jersey: Atlantic City, East Orange, Jersey City, Paterson, Perth Amboy, Plainfield.
New Mexico: Santa Fe.
New York: Binghamton, Mount Vernon, Syracuse.
North Carolina: Asheville, High Point.
North Dakota: Fargo.
Ohio: Akron, Cincinnati, Cleveland, Martins Ferry, Youngstown.
Oklahoma: Lawton.
Pennsylvania: Allegheny County, Bradford, Erie, Lancaster.
Rhode Island: Pawtucket.
South Carolina: Rock Hill, Spartanburg.
Tennessee: Chattanooga, Cookeville.
Texas: Austin, Edinburg, Houston, Laredo.
Utah: Salt Lake County.
Virginia: Richmond.
Washington: Tacoma.
Wisconsin: Milwaukee.
Wyoming: Cheyenne.

H.R. 15729 also provides supplemental appropriations for the rent supplement program for fiscal year 1970. The rent supplement program was begun with title I of the Housing and Urban Development Act of 1965—Public Law 89–117. It is designed to make it possible for non-Government sponsors to house, with Fed-

eral assistance, low-income families. Under the program, the tenant pays 25 percent of his monthly income for rent. The Federal Government pays an amount equal to the difference between that 25 percent and the total monthly market rent.

The rent supplement program, if effectively and fully implemented, can achieve multiple beneficial results. The program encourages the construction of needed housing for low-income families. It brings private enterprise into the low-income housing field. And it achieves a measure of economic integration within individual projects—families of different incomes and ages can live together.

Despite its worthy aims, the rent supplement program has never received sufficient funding. The authorizations for rent supplement contracts have never been matched by the appropriations, as the following chart shows:

[In millions]

Fiscal Year:	*Authorization*	*Appropriation*
1966	$30	$12
1967	35	20
1968	40	10
1969	45	30
1970	40	50
Total	190	122

H.R. 15729 would appropriate $68 million to bring the amount available for payments under rent supplement contracts up to the full authorized level. At a per unit annual cost of $640, the amount estimated by the Department of Housing and Urban Development, this means an additional 106,250 units could be funded if my bill were passed.

H.R. 15729 also provides a supplemental appropriation for the section 235 homeownership for lower income families program. Under section 235, which was enacted by passage of the 1968 Housing and Urban Development Act, the homeowner pays 20 percent of his income toward payment of his mortgage. But in no case can the payment exceed the difference between the required payment under the mortgage for principal, interest, and the mortgage insurance premium, and the payment that would be required for principal and interest if the mortgage bore an annual interest rate of 1 percent.

The following chart gives a picture of the average family for whom mortgages were written during the last quarter of 1969:

Average age of family head	32
Average size of family	5
Number of female heads	1 out of 4
Average gross annual income (not including income of minors)	$5,647
Average total assets	$290
Average unit sales price	$15,029
Average mortgage amount	$14,850
Average sales price—new house	$15,582
Average sales price—existing house	$13,879

The typical payment by the mortgagor was $79, with a subsidy from the Department of Housing and Urban Development of $54, making an average total mortgage payment of $133. During the last quarter of 1969, approximately 57 percent of the houses mortgaged were from existing stock, and 43 percent were new houses.

The appropriation for contract authority under section 235 contracts was increased by this Congress by $90,000,000, which leaves a gap of $40,000,000 below the full authorized level. H.R. 15729, would close this gap. Thereby, an additional 43,956 units could be funded, the estimated annual cost per unit as of February 2, 1970, being $910, according to the Department of Housing and Urban Development.

H.R. 15729, would also increase the limitation on total payments that may be paid on contracts entered into under section 236 to the full authorized level. Section 236, enacted by passage of the 1968 Housing and Urban Development Act, provides for assistance to lower income families for rental or cooperative housing, in the form of periodic payments to the mortgage on behalf of the mortgagee. These payments serve to reduce interest costs on a market rate project down to that which would have to be paid if the mortgage bore an interest rate of 1 percent. The tenant pays no more than 25 percent of his income per month for rent.

Last session, Congress increased the contract authority by $85,000,000. This was $45,000,000 less than the amount by which the contract authority should have been increased in order to reach the full authorization level, and H.R. 15729 closes this gap.

This additional $45,000,000 will enable subsidizing 45,000 more units this fiscal year, the estimated annual per unit cost being $1,000, according to the Department of Housing and Urban Development.

To appreciate how severe the need is for this additional contracting level, I would point to a report of the city of New York, released on January 28. This is but an example—the need is equally stringent through the country. The report stated:

> New York City also needs a supplemental appropriation for low and moderate income housing. The Section 236 program is of prime importance to the City of New York. It is the basic vehicle we are now using to reduce housing costs for moderate income families. However, we are fast approaching a point where the lack of adequate funding will endanger our entire production schedule.
>
> Whatever our successes in organizing sponsors, arranging sites, obtaining financial commitments and converting projects to 236, it may all be in vain unless we are guaranteed additional 236 funds. To proceed with our present production schedule we need approximately $20 million in 236 money for the current fiscal year. Of this $20 million, present indications are that only $5 million of additional Federal funds will be available to New York City projects.

I would note that, because of the special urgency for section 236 funds, I have also introduced H.R. 15644, which provides supplemental contract authority for section 236, alone.

An obvious concomitant of expanded housing construction and rehabilitation to which we committed ourselves by the 1968 act is the resultant provision of jobs for construction workers. This is a crucial factor to be considered in assessing the need for an aggressive and active housing program, particularly insofar as jobs are made available to lower income workers, who are usually minority group members. The importance of this job creation is recognized by section 404 of the Housing and Urban Development Act of 1969, Public Law 91–152, which provides:

> SEC. 3. In the administration by the Secretary of Housing and Urban Development of programs providing direct financial assistance in aid of housing, urban planning, development, redevelopment, or renewal, public or community facilities, and new community development, the Secretary shall—
>
> (1) require, in consultation with the Secretary of Labor, that to the greatest extent feasible opportunities for training and employment arising in connection with the planning and carrying out of any project assisted under any such program be given to lower income persons residing in the area of such project; and
>
> (2) require, in consultation with the Administrator of the Small Business Administration, that to the greatest extent feasible contracts for work to be performed in connection with any such project be awarded to business concerns, including but not limited to individuals or firms doing business in the field of planning, consulting, design, architecture, building construction, rehabilitation, maintenance, or repair, which are located in or owned in substantial part by persons residing in the area of such project.

Of course, the creation of jobs, and the continuation of present jobs, will not alleviate ipso facto the problem of discrimination against minority group members. The most recent available statistics show that Negroes make up only 8.4 percent of the close to 1.3 million members of the referral unions in the construction industry. And Spanish-surnamed Americans account for only 4.5 percent of the membership. Clearly, aggressive action by the Office of Federal Contract Compliance is essential to overcome this problem. The Philadelphia plan was one step. This approach must be expanded, and other avenues to overcome discrimination in employment by contractors on federally funded and federally assisted projects must be developed.

It is clear that the Federal housing programs should serve manifold purposes—insuring good new housing for lower income families, funding the rehabilitation of decaying housing and the renovation of neighborhoods, and providing essential job opportunities.

Mr. Speaker, the December 11, 1968, report of the President's Committee on Urban Housing reached what could only be described as a disturbing conclusion, and it proposed what could only be assessed as a necessary solution. The tragedy—and the fact which compels passage of the supplemental appropriation bill which I have today introduced, and in which 23 of my colleagues have joined me—is that the assessment made over a year ago by the committee is no less valid today. The report stated then what is true now:

> We concluded that new and foreseeable technological breakthroughs in housing production will not themselves bring decent shelter within economic reach of the millions of house-poor families in the predictable future. To bridge the gap between the marketplace costs for standard housing and the price that lower-income families can afford to pay, appropriations of Federal subsidies are essential and must be substantially increased.

The time grows short, the need is becoming greater. We have not done enough. We must do more, and we must do it now.

THE CIVIL AERONAUTICS BOARD AND THE SUPPLEMENTAL CARRIERS

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina (Mr. RIVERS) is recognized for 20 minutes.

Mr. RIVERS. Mr. Speaker, 10 years ago, upon the recommendation of a Special Subcommittee on the National Airlift, the Department of Defense vitalized the civil air reserve fleet—CRAF.

This civilian owned and operated fleet of modern aircraft serves as an airlift auxiliary to the Military Airlift Command in times of conflict or national emergency.

The CRAF program has been effective.

Various airlines—scheduled, supplemental, and all cargo—have added to their fleets modern, long-range, jet aircraft, most of which are particularly suitable for flexible military response; that is, convertible for the transportation of either passengers or cargo.

This reserve capability has enabled the Military Establishment to fulfill its requirements and commitments without the necessity for the U.S. Government to spend substantial sums for acquiring and maintaining a fleet of such combined size in times of peace.

Certainly a major contribution to the CRAF program has been the supplemental carriers, both in number of new convertible aircraft acquired, and by the extent of their willingness and ability to furnish immediate emergency airlift without the necessity of a formal declaration of an emergency.

For example, during the Berlin crisis these carriers lifted 25 percent of the passengers and 57 percent of the cargo transported by civil carriers; during the Korean war they furnished 50 percent of the civil airlift; during the Cuban missile crisis they supplied 66 percent of the domestic emergency airlift. During 1969 these carriers supplied 24 percent of the overseas civil augmentation airlift, 100 percent of the domestic logistical supply airlift, and 68 percent of the domestic planeload charter requirements of the Army's Military Traffic and Terminal Service.

Last week this irreplaceable industry suffered a severe side blow that did irreparable damage to its public image and to the ability of some carriers to continue to effectively function.

On Friday, January 24, the Bureau of Enforcement, a department of the Civil Aeronautics Board, called a press conference, issued prepared press notes, and briefed the press on a complaint charging various charter violations against several U.S. supplemental carriers and two foreign carriers.

I am informed that this attention to the press, the extent and manner that they were informed of the complaint, incidentally prior to the carriers themselves being notified, was in marked departure from previous practices of the Board.

Whether by design or by misinterpretation, the press published erroneous reports of the complaint and its recommendations and consequences, conveying to the public the impression that the complaint was a finding of fact; that the suspension of the carriers' certificate was a fact, and not merely a recommendation if future compliance was not obtainable. The reaction was disastrously predictable—consternation among the carriers' stockholders, customers, suppliers, bankers, and employees. There seems little doubt that the named carriers have had their ability to carry on normal operations seriously impaired.

I now call upon the Civil Aeronautics Board and its Chairman to take such immediate steps as may be necessary to clarify to the public that the violations are only alleged, that the certificates of the carriers in question have not been suspended, nor can they be suspended without formal hearings on the alleged violations. The Civil Aeronautics Board is responsible for the development and promotion of air transportation. It certainly seems clear that they should now act promptly to correct the unfortunate impression that the press gained from the press conference on January 24.

To prove the serious effect of this unilateral action on the part of the Bureau of Enforcement of the Civil Aeronautics Board, I call attention to page 2103 of the CONGRESSIONAL RECORD of February 2, 1970. Here is a classic example of conviction and sentencing without a trial.

On this page of the CONGRESSIONAL RECORD you will find in print a conclusion that the supplemental carriers are in violation of the law, bringing about disastrous results to the scheduled airlines. The assumption is based solely on unproved allegations by the Bureau of Enforcement.

This is an example of what I am talking about when I say that the supplementals have been irreparably damaged by a type of bureaucracy that we should not tolerate in this Nation. There is no doubt in my mind that there is a concerted effort in certain parts of the airline industry, and perhaps in certain parts of this Government, to eliminate the supplemental carriers in order to fatten the pockets of the scheduled airlines.

Our committee will have more to say about this in the near future.

At this point, Mr. Speaker, under unanimous consent, I insert in the RECORD the very pertinent remarks of Mr. Edward J. Driscoll, president, National Air Carriers Association, delivered before the International Aviation Club, on January 22, 1970:

PUBLIC CONVENIENCE AND NECESSITY

(By Edward J. Driscoll, president, National Air Carrier Association, International Aviation Club, January 22, 1970)

I am very glad to have this opportunity to speak to you today because it gives me a chance to remind you of a phrase that seems to be disappearing from the vocabulary of the air transport industry—"Public convenience and necessity."

You can still hear it around certification hearings where public need must be proved before any type of service can be authorized. But once that is out of the way, public interest often seems to get lost in the vast machinery of a cumbersome regulatory process.

Part of the problem, as explained in a recent speech by Assistant Transportation Secretary Paul W. Cherington, is that regulations and regulatory processes have not kept pace with a rapidly changing transportation system.

Calling for major reforms, Mr. Cherington said, "today's transportation system is massive and complex to the degree that it is simply not feasible to completely or comprehensively regulate it."

And, he went on, "The regulation which was originally designed to protect the public interest has itself been transformed so that today, in the view of many, it is overly concerned with carrier well-being, often to the exclusion of other *bona fide* interests of the public."

The present transportation regulatory system, he add, often fails to permit the full realization of the long-run benefits of open and free competition.

In air transport today, we are faced with a specific example of such a situation.

The U.S. supplemental airlines were granted ITC authority by Congress because, in the words of a Department of Transportation report, "They have provided a new degree of competitive endeavor which the scheduled airlines have been unwilling or unable to make, despite encouragement by the (Civil Aeronautics) Board."

But strangely, despite a fourfold increase for in-season transatlantic charter passengers—from 183,000 in 1963 to more than 700,000 in 1968—and despite the fact that the U.S. share of this market increased from 22 percent to 60 percent over the same period . . . the scheduled airlines do not recognize low-cost charter operations as being in the public interest.

They see the supplementals only as a threat to the fare-setting monopoly of IATA. And IATA's answer has been a declaration of war.

The supplementals account for 2 percent of the $14.3 billion dollars of operating revenues for all airlines, worldwide. To hear the scheduled airlines tell it, that 2 percent is responsible for all their economic woes.

Now I have searched long and hard and I have to say that this is a unique situation in American business. In no other industry will you find such huge crocodile tears being shed by men who are grabbing off 98 cents of every customer dollar. The American people are compassionate and full of understanding. But they aren't stupid.

Despite the obvious lack of substance to IATA-based charges of passenger-diversion, the recent speech of SAS president Tore Nihlert, and the remarks made by Keith Granville of BOAC and Najeeb Halaby of Pan Am at this same podium are clear evidence that U.S. and foreign carriers have banded together under the common cry: eliminate the supplementals.

This, and only this, is the reason for the sudden profusion of low-cost European vacations currently offered by the scheduled carriers. The mini-groups, the bulk fares, and the inclusive tour rates—all, by the way, far below fully allocated costs—are designed solely for the purpose of driving the supplementals from the airways.

And if you notice, the real bargain fares are available only if you are prepared to stay away from home for a period of 29 to 45 days. The strange logic behind this prompted one irate New York business man to ask the *New York Times* how it could "possibly benefit an airline directly or indirectly if a passenger stays abroad a long time rather than a short time."

The *Times* replied that "this was a deliberate attempt to recapture the charter flight market from the supplemental airlines."

What makes it even worse is that these

low rates are being subsidized at the expense of travelers such as this businessman—the individually-ticketed, short-stay passenger who should be the scheduled airlines' first concern.

What other explanation is there for the elimination of the five percent discount on overseas roundtrip fares? Particularly since it comes at a time when, according to our figures, IATA could have cut North Atlantic fares 20–25 percent.

As it now stands, more than three million first class and economy passengers will pay the scheduled airlines an extra $35 million for their Transatlantic tickets during 1970.

What these three millions passengers do *not* know is that they've been hoodwinked into subsidizing the gimmick-laden promotional fares available under restrictive conditions to a small segment of the traveling public.

And, as I have said, the only purpose of these loss-leader fares is to divert passengers from the charter airlines.

Such practices hardly fulfill the aims laid out for the industry in Section 102 of the Federal Aviation Act of 1958—namely the provision of QUOTE, adequate, economical, and efficient service . . . at reasonable charges, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices, UNQUOTE.

The continuation of such practices can only mean trouble for the industry because, I submit, they demonstrate clearly that the air transport industry is still oblivious to what may be the most significant event of the 70's—the consumer movement.

Americans have grown impatient with industries and businesses that pay lip service to the consumer while palming off on him shoddy goods backed by false advertising claims and worthless warranties.

As a result, consumerism is on the rise in all aspects of American life. The voice of the consumer is heard in Congress and by those industries smart enough to be sensitive to the public mood. Truth in Packaging, Truth in Lending, automotive safety standards, meat inspection, drug efficacy, and other new developments, are a direct response to the demands of the people to know what they are paying for—and to be assured that they are getting a fair shake for their shrinking dollar.

The air transport industry and the appropriate agencies of government need to be sensitive to this development because the public mood that brought along Truth in Packaging will not long stand for the complex rate structure that came out of the recent IATA conference, with *31* different types of fares across the Atlantic. These fares and services, incidentally, involve the commingling of charter transportation and individually-ticketed service, which, as we understand the Act, is prohibited.

Truth in Packaging means that the shopper no longer needs a slide rule to determine the best buy at the supermarket. We think that's a break for the consumer. Therefore, the charter package is clearly labeled and priced on a pro-rated basis. Everybody pays the same. But under the new IATA agreement, you will need a computer to figure out the cheapest way to cross the Atlantic. Consumer advocates call that kind of thing "deceptive packaging" and we agree.

American businessmen are looking for ways to cut costs, and, as the letter to the *New York Times* shows, they are becoming less complacent about being taken for a ride by the scheduled airlines. I can assure you that the traveler who finds that his seatmate paid less for the same trip will become even more vocal in the 70's.

In the long run, consumers never benefit from destructive competition. They may gain a little in the short term, but eventually the low-cost competitor is usually driven from the scene and the "winner" once again monopolizes the marketplace and returns to higher prices.

Obviously, it is not in the supplementals' interest to be driven from the marketplace and most certainly it is not in the public interest either.

I firmly believe that the supplemental airlines have earned their place in the national transportation structure. Since 1962 they have provided millions of low- and moderate-income Americans with their first opportunity to enjoy vacation travel by air. In addition they have made a significant contribution to the Nation's defense in the transportation of passengers and cargo. The rapid growth of the industry testifies that the need was there and that it had not been met by the scheduled airlines. It is noteworthy that numerous statements by CAB officials, the Departments of Transportation and of Defense, and in Congress attest to the fact that the charter airlines have earned the right to a "permanent place in the aviation community."

Unfortunately, that place is assured only in principle. A system that takes into account both scheduled airlines and charter airlines, is not yet a part of official U.S. air transport policy.

We are very pleased, of course, that the recent draft statement from the President's International Air Transport Policy Study group takes cognizance of the significant contribution the supplemental airlines have made to international air transportation and to the public interest.

The draft policy, which many of you have seen and which has been discussed in the Press, has some kind words to say about our industry. I think those words are well-deserved and timely.

While we may take issue with some areas of the policy statement, our overall impression is favorable. Our detailed comments should wait, we feel, until we can make them at the proper time and in the proper form. Meanwhile, we see this draft document and its favorable view of the contribution made by the charter carriers, as a positive first step toward what we all want—a rational, understandable, service-oriented international air policy for this country.

We hope for fast and positive action in this area because, as things stand now, the charter carriers have little ammunition for the fight against unfair and destructive competition.

The inherent slowness of our regulatory machinery means that, in too many cases, relief from unfair and destructive competition comes only after the damage has been done.

For example, as the scheduled airlines started to move in on the group tour business that the supplemental airlines developed in the Hawaiian market, competition got hotter and hotter, and GIT fares moved lower and lower—until the CAB had to step in and investigate.

A CAB hearing examiner found that many of these fares were not sufficient to cover the fully-allocated costs of the scheduled carriers involved.

The examiner handed down his decision on June 30, 1969. We are still awaiting the Board's final decision—although the charter carriers have been driven out of that particular market already because of destructive competition.

The Board is currently faced with a similar situation in regard to the bulk fares and large-group fares stemming from the recent Caracas meeting. Comments on these are due on the 26th of this month. We would hope that the Board, in light of its Hawaiian experience, coupled with the mammoth diversionary threat of the bulk and group-affinity fares, would re-examine its tentative position in order to prevent a similar situation from developing in the North Atlantic.

Needless to say, the supplementals were gratified that the air policy statement included a specific reference to charter service rights in international landing and uplift agreements. We and the public have been waiting for this for a long time.

Currently, each charter carrier must negotiate landing and uplift rights for each flight with the government involved. Some countries do not permit any charter flights. Others have a strict quota. Others permit only certain types of charter flights.

Add to this the fact that state-owned IATA members are urging their governments to make it more difficult for U.S. charters to compete and you can see that we have quite a problem.

Tore Nihlert urged IATA members to enlist their governments as allies in the fight against the supplementals. Faced with this kind of noncompetition, U.S. supplemental airlines can only turn to their government for help. We believe that charter carriers are entitled to the same protection as the scheduled airlines, and that Americans who choose charter travel should receive the same degree of protection from their government as do individually-ticketed travelers.

Whether or not IATA and its member carriers are accountable under U.S. anti-trust laws is a question yet to be determined. We feel, however, that its activities and those of some of its members are counter to the spirit—if not the actual letter—of those very laws.

You may have read the review by Ralph Nader in the Washington Post of a new book, *The Air Net*, by Dr. Pillai. That book delineates, much more fully than I, the predatory practices of IATA and its future goals—one of which, he points out, is the elimination of the supplementals.

This must not be allowed to happen. But the supplementals themselves cannot prevent it. The only answer, as we see it, is official recognition that there are two classes of carriers—the scheduled airlines, specializing in individually-ticketed services, and the supplemental airlines, the charter specialists.

I was particularly pleased to note that the draft policy statement takes essentially the same view, because the development of an efficient, economical, worldwide air transport system is essential to the growing needs of our shrinking world.

But since this *is* a worldwide problem, I wonder whether a *national* policy statement can provide the whole answer. Is it reasonable to think that a policy statement by the United States government can bring us through the decade of the Seventies with new records of peace and success? I hope so. But we must make sure that this policy becomes an effective tool for international cooperation.

Will these ideas be understood and accepted by the foreign national and continental power blocs that form the IATA cartel?

Will the predatory actions of the IATA carriers against the supplemental airlines be stopped by more enlightened representatives of governments and industry overseas?

In a word, will all members of the air transport industry finally work together in the sound development of a strong, openly competitive international air system? Will we do this in the spirit of benefiting the consumer through improved fares and services?

The supplemental carriers hope the answer to these questions is a full-voiced "yes." We hope that this document, the draft of the President's Steering Committee, will signal the beginning of a new era of cooperation in the field of international air transportation, where the consumer will be the sovereign in the marketplace and the carriers will end the bickering and the in-fighting which has been characteristic of the past decade.

But let's be honest. Let us admit that wishing does not make it so. This is the real world—not Disneyland—and changes do not

occur overnight. We have to work at it together, we have to create the climate for fruitful discussion, and we have to build the forum in which the exchange of ideas can take place, leading to a new understanding of international air transport rights in this new decade of growth and opportunity.

How do we do this? One suggestion that the United States government might consider is a World Conference—or Convention—of the heads of aviation from all countries having a significant international air carrier operation. Such a conference could be called during 1970, while the decade is still new and the American statement of international air policy will be fresh in everyone's mind.

By calling such a conference, this country will demonstrate that it is ready to match deeds with words in the service of the world's travelers. I believe the calling of such a conference is a logical next step, following the refinement and publication of a U.S. International Air Policy. It is incumbent upon all carriers to work together to promote the new policy and the international spirit of free and open competition that will support it. Some of the objectives of such a world conference might include the following:

Elimination of all restrictive practices in the field of international air transport;

Acceptance of the principle that individually-ticketed service and charter service are in the public interest and both shall have equal access to world markets;

Broadening the base of air transportation in order to serve better the interests of the consumer, both traveler and shipper.

A few days ago, Vice President Agnew returned home after visiting the countries of Asia. His message was a message of a government that wants peace in the Pacific, in Asia, and throughout the world. Today we have heard the President of the United States describe the State of the Union, this Union of fifty States and five possessions in the middle of a world boiling with change.

I sincerely hope that our industry will demonstrate the type of leadership our President—and the world itself—needs at this time. I hope that we are on the threshold of the day when every traveler, from President to vacationing secretary, has a peaceful world to explore and enjoy. With a sound policy, a competitive marketplace, a respect for the consumer, and adherence to the concept of "public convenience and necessity" worldwide, we will surely see that day arrive.

SUPPLEMENTAL CARRIERS

(Mr. FULTON of Tennessee (at the request of Mr. RIVERS) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FULTON of Tennessee. Mr. Speaker, permit me to associate myself with the remarks by the distinguished Gentleman from South Carolina.

It seems to me that these supplemental carriers have been treated badly which, while it may not have been the intent of the Civil Aeronautics Board Bureau of Enforcement, has resulted in the apparent public misconception that the carrier's charter permits have been suspended while, in actual fact, this determination is yet to be made by the Board. It well may be that the recommendation by the Bureau will be sustained, but it very well may be that the Board will reject the recommendation.

In the meantime, the public and the firms with which these carriers transact business erroneously have been led to believe that the revocation of these charters is a fact. This has caused the air carriers involved a tremendous amount of inconvenience and threatened them with a tremendous and unjust financial loss.

It would seem to me that the carriers are fully justified and deserving in their request that the Civil Aeronautics Board issue a statement of clarification, and I urge that this be done immediately.

DEFENSE CUTS ENCOURAGE RECESSION

(Mr. SIKES (at the request of Mr. RIVERS) was granted permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, in company with many of my colleagues, I am concerned that there are those who look upon the defense budget as a bottomless source of dollars for domestic spending. Present defense cuts do not show sufficient regard for the effect on the economy or on the Nation's security.

In the current fiscal year, the President's budget was reduced over $5 billion by action of Congress. Coincidentally, this was approximately the amount of the reduction in the defense budget and it is obvious that there were no meaningful cuts elsewhere.

For the new fiscal year starting in July, the administration now proposes to cut the defense budget an additional $5.2 billion while increasing other Federal outlays by $8.6 billion. Again, defense is made to carry the brunt of the economy program. The projected level will place military expenditures at the lowest ratio of the Federal budget since the years immediately prior to the Korean war.

There is danger in this picture; danger to national security and danger to the economy. It would mean a drop of 551,000 military personnel and 130,000 civilian employees during the President's first 2 years in office. It is estimated that cutbacks in defense procurement will cause the loss of an additional 640,000 defense jobs across the Nation. This very substantial contribution to the ranks of the unemployed will have a definite bearing on the health of the national economy. The cutback in procurement of military hardware means that the serious gap in modernization which exists between our forces and those of the Communist world will increase rather than diminish. It means that Communist aggression will be further encouraged by this obvious retrenchment in the U.S. military preparedness program. It is a return to the peaks and valleys program which has been so costly in prior years and which leaves us ill prepared to cope with world problems.

It should be remembered that it is not the peace negotiations in Paris which have given a favorable turn to the war in Vietnam. It stems from the effective use of America's military strength combined with growing capability on the part of the Vietnamese, a capability which comes directly from American training and American weapons. The war is not over and the economy is becoming shaky. The military already has been cut deeply. It is too early for further reductions to be made with safety. To establish a pattern of $5 billion annual reductions would in another year or two destroy America's effectiveness as a world power.

CARSWELL NOMINATION

The SPEAKER pro tempore (Mr. ANNUNZIO). Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, the Senate Judiciary Committee has completed hearings on the nomination of G. Harrold Carswell to the Supreme Court Bench. But the liberal members of that group are now trying to stall a final vote necessary to bring the nomination to the floor of the other body. They veritably admit the tactic is only to please certain special-interest groups that generally back liberal candidates. Their complete lack of regard for the rest of the country, which demands that the vacancy on the Supreme Court Bench be filled immediately, is inexcusable.

Judge Carswell has been proven to be a man of good standing, both as a member of the Fifth Circuit Court of Appeals, the district court, and as a citizen of Florida. He recognizes that the duties of the Supreme Court are strictly to pass on the constitutionality of a law, not legislate new laws. Such strict interpretation of the duties of a Supreme Court Justice is desperately needed if the public faith in the Highest Court of the land is to be restored.

The Supreme Court, over the past few years, has been moving further and further away from the proper exercise of its constitutional duties. Rather than simply passing on the constitutionality of a law, some Justices of this Court have sought to create a new spirit of the law through judicial decision.

The Constitution of the United States clearly states:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land; and the Judges in every state shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Clement Haynsworth would have upheld the law of the land, but certain Members of the other body saw fit to prevent his being seated. Now, the name of Judge Carswell is before the other body. He, too, has pledged to uphold the law of the land. And such a person, with such a view, is badly needed on this Supreme Court. For reasons of justice and the integrity of the Supreme Court his name should be approved forthwith.

My only hope is that during the next 3 years President Nixon will be able to appoint several more men who will seek to return the Court to its proper position in our governmental process. More men like Chief Justice Burger and Judge Carswell should be sitting on the bench of the highest judicial authority of this country. If those disruptive justices now holding rein on that Court are permitted

to continue their wanton destruction of our governmental process through their usurpation of the legislative authority invested in Congress, this country truly will be ready for revolution. I may well be leading the vanguard.

ADDRESS BY THE HONORABLE BURT L. TALCOTT

(Mr. ADAIR asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAIR. Mr. Speaker, at the President's prayer breakfast this morning our colleague, the gentleman from California (Mr. TALCOTT) made a very eloquent and moving address. I ask unanimous consent, Mr. Speaker, to include the text of that address with these remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PRESIDENTIAL PRAYER BREAKFAST REMARKS BY CONGRESSMAN BURT L. TALCOTT, FEBRUARY 5, 1970

Good morning Mr. President, my colleagues in government, and friends.

Earlier this morning some of us returned from a sad journey to California, where we helped to memorialize the life of our friend and colleague, Glen Lipscomb, and to share our loss with his family and friends from his home. But life goes on—this is a new day and I know Glen would want it to be a joyous one.

With personal humility, but great representative pride, I bring warm greetings from the House Prayer Group.

Some Americans would probably consider a hotel ballroom in Washington, on a Thursday morning, with no clergymen on the platform, and with a quorum of the House and Senate present, to be the least likely situation for a meeting at which prayer is the principal attraction.

For those I have a message that I invite you to convey to your associates in your home communities: Among your elected representatives there is a growing conviction that universal understanding, domestic tranquility and peace can be greatly advanced by a fellowship based upon a belief in God and sustained by prayer.

The most venerable of all traditions of the House of Representatives is that every daily session, from the first session in Philadelphia until today, has been opened with prayer.

Mr. President, we are especially grateful to you for your contribution, by personal example, to the spiritual renaissance so needed by our society today. Your presence here, your innovation of holding Sunday religious services in the East Room, and your prayer breakfast in the White House gave tremendous impetus to the concept of men meeting together on a spiritual basis.

The meetings of our House prayer group are informal, with minimal organization—there are no dues or "membership lists." Only members, and elected members of foreign Parliaments, attend our meetings. All discussions are "off the record"—this precedent enhances the candor of our discussions and the intimacy of our fellowship.

Capitol Hill is one of the most avidly political and keenly partisan places on Earth; but our group is strictly non-political and non-partisan.

Upstairs, on the House floor, we are fiercely adversary—disputation is the vogue; but downstairs at breakfast we are friends, the mode is to listen, exchange ideas and to discuss points of view.

Our group does not profess any particular theology—there is little religiosity and no liturgical trappings; we are ecumenical—and we were, long before ecumenism became popular. Men of all religious persuasions attend our Thursday breakfasts. Ours is a simple fellowship of communication, of conciliation and concern.

Each of us is different—from widely different districts, with quite different backgrounds, training and religious experiences.

But, like mankind everywhere, it is essential that we retain a bond of friendship in spite of our extraordinary differences.

We open and close each meeting with prayer—some say "grace", some ask a "blessing", some give an "invocation" or "benediction". Sometimes we pray silently, each in his own way. But prayer is central to our meeting—it gives us a feeling of renewal, a spirit of unity with God, and a sense of oneness that is somehow above partisanship and politics—and somehow, almost mysteriously, inclusive of all our denominational, ethnic and national differences.

We Legislators deal with the future—the laws we enact are all prospective. So in our search for solutions, we are naturally attracted to the hope, the optimism, and the love of Christ.

We are living in a developing world, where people are continually changing and nothing is finished, but we find certitude in Christ, the eternal contemporary.

We believe that a network of private prayer meetings—whether at breakfast or lunch (or even without food)—whether in the Capitol, a church, an office or your home—whether you tackle hard political issues, difficult social concerns or nagging personal problems—is compatible with the teachings of Christ and the Kingdom of God.

If Members of the Congress—with all of our diversity and adversariness—can meet weekly in spiritual fellowship—certainly every other vocational group could do better.

So with our greetings this morning, the House Prayer Breakfast Group earnestly invites you to join and support the prayer group movement where you live or work. You will be promoting a growing, worldwide fellowship which we are convinced is the best hope for mutual understanding among men, tranquillity within communities, and Peace with Freedom among Nations.

NEW YORK CITY CONGRESSIONAL HEARING ON AUTOMOTIVE AIR POLLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. FARBSTEIN) is recognized for 60 minutes.

Mr. FARBSTEIN. Mr. Speaker, on December 8, 20 Congressmen joined me in holding an ad hoc hearing on automotive air pollution in New York City.

Testifying before the committee were auto industry critic and consumer spokesman, Ralph Nader, and the vice presidents of General Motors and Ford Motor Co. In addition, we also heard testimony from three experts on the effects of auto pollution on health and from a panel of experts on auto pollution technology.

The testimony we heard painted a stark picture of the future of our continent if radical steps were not taken to curb the level of air pollution our technology was spewing forth into the air. It revealed also the significant responsibility of the auto for this pollution; 60 percent of air pollution throughout the country at large, and up to 92 percent in urban areas.

The most interesting and at the same time revealing aspect of the hearing was the marked disagreement between representatives of the auto industry and most of our expert witnesses.

The industry representatives saw the internal combustion engine as capable of achieving a reduction in air pollution to meet any possible standards. Members of our technological panel saw it as inherently dirty and limited in how far it could be cleaned up.

The industry representatives saw alternatives to the internal combustion engine as technologically and economically unfeasible. The technological panel saw alternatives as not only being technologically feasible within a few years but economically more desirable and even producing a more efficient engine.

Among the alternatives, Ford saw the steam engine as the least feasible. The members of the technological panel saw the steam engine as the most promising.

The industry thought it was expending a significant amount of its resources on the development of a clean engine. Many of the panelists saw the industry relegating the goal of clean air to a low priority and devoting only insignificant resources to it.

I believe the hearings were useful in exposing the public to information the auto industry has not been willing to publicize. Those in California have become familiar through years of hearings by the State legislature and the State resources board with the auto industry's credibility gap on issues of air pollution.

For many years the auto industry told California that development of a device to reduce auto emission standards was like trying to "find a cure for cancer." Only when the State finally passed a law requiring such devices and independent devices had been certified, did the industry finally admit that such devices were feasible. The entire history of the Justice Department suit against the auto industry suggests that such a credibility gap may well have been deliberate.

It appears to continue now that the dialog has switched from devices to reduce pollution to cleaner types of engines. It is interesting that when the bill to ban the internal combustion engine came before the California Assembly an industry spokesman testified:

> The know-how isn't there to do the job by 1976. (Testimony of auto industry spokesman before California House Committee considering legislation to ban the internal combustion engine. (Los Angeles Times, August 1, 1969).)

But that after it was safely defeated, he had to admit it could have been met:

> We would have complied, and of course . . . would have remained in the business of producing automobiles. (Statement of the same industry spokesman to a reporter's question after the California assembly had defeated legislation to ban the internal combustion engine (San Fernando Valley News, August 7, 1969).)

It is in this context that the best understanding of automotive pollution can be achieved.

Some of the cosponsors of this hearing will shortly be putting out a report based on the hearing. They will make a number of broad-based recommendations.

In the coming weeks, I am planning to establish a national citizen's lobby on air pollution to fight for clean air.

The text of the hearing transcript follows, with the remarks of General Motors revised by them:

HEARING ON AUTOMOTIVE AIR POLLUTION

(Held on December 8, 1969, New York, N.Y., before Hon. LEONARD FARBSTEIN, Chairman; Hon. BERTRAM L. PODELL; Hon. JONATHAN B. BINGHAM; Hon. EDWARD I. KOCH; Hon. WILLIAM F. RYAN; and Hon. BENJAMIN ROSENTHAL)

LISTING OF SPEAKERS

Hon. Leonard Farbstein, chairman.
Mr. Ralph Nader.
Hon. William F. Ryan.
Hon. Edward I. Koch.
Hon. Benjamin S. Rosenthal.
Hon. Bertram L. Podell.
Hon. Jonathan B. Bingham.
Dr. Paul Chenea, Vice President in charge of Research, General Motors Corporation.
Dr. Stephen M. Ayres, Department of Medicine, New York University Medical Center.
William Cruce, Scientist Committee on Public Information.
Austin Heller, Commissioner of Air Pollution Control, New York City.
Dr. Richard Morse, Alfred P. Sloan School of Management, Massachusetts Institute of Technology.
Dr. Robert O. Ayres, International Research and Technology Corp.
Dr. Wolfgang E. Meyer, Transportation and Safety Center, Pennsylvania State University.
Mr. S. Smith Griswold, President, Seversky Environmental Dynamic Research Association.
Mr. Herbert L. Misch, Vice President for Engineering, Ford Motor Company.
Mr. Donald Jensen, Director, Automotive Emissions, Ford Motor Company.
George C. Mantzoros, Assistant Attorney General for Anti-Monopolies, Office of the Attorney General of the State of New York.

HEARING

Congressman FARBSTEIN. This hearing will now come to order.

I would appreciate if there would be no smoking during the hearing. I know that the hearing will be an orderly one.

I would like to introduce the members of the House of Representatives who are participating this morning with me in this hearing.

The members beginning on my right are Congressman Rosenthal, Congressman Ryan, I am Congressman Farbstein, Congressman Koch, Congressman Podell and Congressman Bingham.

We are all agreed, I am certain, the America of December 1969 is automobile-oriented. Because of the lack of adequate public transportation and the increase in the number of highways, and the ability of the automobile to get us where we want to go, the people of this country have come to depend upon it as the primary source of transportation. For those associated with the automobile industry, the manufacturer primarily, this has meant high profits. It has also meant the expenditure of public funds to accommodate the increased demands—thus even insuring greater profits.

But along with these benefits there is also a set of responsibilities to the public which must be recognized by the industry—responsibilities to provide a safe vehicle and responsibilities to provide a vehicle which does not make our environment uninhabitable.

With respect to the safety issue, there has been a great deal of evidence to suggest an attempt on the part of the industry to avoid its responsibility.

The purpose of our hearing today is to explore whether the industry is following this same course of avoiding responsibility with respect to cleaning up the dirty air we breathe, air polluted by the internal combustion engine.

A suit filed by the Justice Department (U.S. of America vs. Automobile Manufacturers Association, Inc., et al.) against the auto industry alleged that the industry had been failing to meet its responsibilities to develop devices to cut down on air pollution, not only by moving slowly in the development of such devices, but also by resisting their required use. We want to ascertain whether this is still the case.

Detroit has been telling the American people that it is not feasible to develop cleaner alternatives to the internal combustion engine. If this be the case, why have four entirely independent Federal panels, a Senate committee and the California State Legislature, all come to the opposite conclusion?

Why is it that when the California Legislature was considering legislation to ban all automobiles not meeting high anti-pollution standards, a spokesman for one of the companies testifying here today said that such an engine could not be built, but five days after the bill had been safely defeated, the same person told a press conference that his company could have met the requirements of the bill.

In other words, we want to determine if a credibility gap exists between the auto industry and the American public.

These hearings will attempt to explore this question through testimony from experts both in and out of the auto industry.

Mr. Ralph Nader is scheduled to be our first witness. He will be followed by the auto industry, whose representatives will have time in which to present statements and then answer questions from the Congressmen present. Third on the schedule is a panel of four experts on the effect of auto pollution on our health. Following them is a panel of experts on auto air pollution technology. They will discuss what can be done to clean up the current engine, as well as the desirability and feasibility of alternative systems such as steam and electric. These hearings will culminate with statements by the representatives of General Motors and the Ford Motor Company followed by questions.

I wish to acknowledge that by their presence here today, General Motors and the Ford Motor Company have demonstrated an interest in the public health. I regret that Chrysler by their absence and refusal to allow high ranking officials to testify did not demonstrate a similar concern.

Some might conclude from this that the Chrysler Corporation is more interested in profits than in helping clean up our air. I certainly hope this is not the case and that Chrysler will join with us in future efforts to end air pollution.

Before proceeding further, I would like to insert for the permanent record a letter from Congressman Edward J. Patten, one of the co-sponsors of today's hearing, who unfortunately cannot be here today.

The text of Congressman Patten's letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., December 1, 1969.

Hon. LEONARD FARBSTEIN,
Washington, D.C.

DEAR COLLEAGUE: I wish I could attend the hearings to be held on December 8th in New York City on the dangers and challenges of automotive air pollution.

However, because of previous commitments, I will not be able to attend. Despite my absence, I will certainly be present in spirit, for I feel very strongly that air pollution is one of the most serious health problems we face.

I also believe that automobile manufacturers have a great responsibility to the American people to intensify and broaden their programs to reduce air pollution. I hope—and believe—that by working together, automotive leaders, Congress, and other groups—will expedite that long-awaited day when the American people will be able to breathe without discomfort, or fear.

Congratulations for your deep interest and strong leadership in the important fight against air pollution. The December 8th meeting should lead to significant progress in reaching the goal of effective air pollution control.

Please read this letter at the Dec. 8th hearings and also include it in the official record.

Sincerely,

EDWARD J. PATTEN.

Congressman FARBSTEIN. Whether or not the number of experts that have been scheduled to appear here this morning will be here because of the weather I am unable to say at this moment.

Nevertheless, their names shall be called and those present will present their testimony. My first witness is Mr. Ralph Nader, who I do not believe needs any further introduction.

After Mr. Nader there will be some short comment and questioning by the members of Congress.

Mr. Nader, you may proceed.

Mr. RALPH NADER. Thank you.

Mr. Chairman, concerned members of the New York and New Jersey Congressional delegation, you have convened this hearing to bring forth a greater understanding of the seriousness of automotive air pollutants to human health and the technical and institutional remedies and changes that are required now and soon. The panels of specialists will provide the basis for much concern and presumably some hope. In addition, the auto industry's second echelon spokesmen will provide you with their unfailing presentation of invulnerable intransigence clothed with suitably decorous displays presently in their 19th year of redundant refinement.

In the brief time available, I should like to comment on several consistent behavioral patterns of the automobile industry which have, are, and, unless stopped, will continue to deceive, delay, obfuscate and conspire against men of good will, men of political power and men of technical solutions.

Pattern No. 1. The top executives of the auto companies—the Chairman of the Board and the President—have never consented to testify before any governmental forum—Federal, state or local—on their air polluting companies and products. When asked to testify, as they were for this hearing, they invariably delegate to corporate officials who speak with less authority and less visibility. Some Chairmen, like Chrysler's Lynn Townsend, decline even to reply and routinely dispatch Congressional inquiries to lower personnel who in turn decline to have their company represented. The refusal of top executives to testify permits them to wallow in ignorance and indifference toward air pollution while they spend their days in high finance, sales, distribution and personnel policies. Unlike Senators, Representatives, Governors and Presidents who want to and are expected to meet their constituents, top chiefs of massive corporate states (GM grosses $2.4 million an hour on the average 24 hours a day with 750,000 employees) remain in their executive suites making decisions that reverberate life and death impact on their customers' health and safety. These corporate autocrats will not begin to feel the urgency of the pollution crisis until

they are touched by subpoenas, spurred by indictments and shorn of their calculated anonymity.

Pattern No. 2. By their indifference, venality and conspiracy, the auto companies are proliferating scales of violence throughout the land that have no parallel. Apart from their unsafely designed vehicles, these companies spew forth tons of carbon monoxide, hydrocarbons, oxides of nitrogen whose silent violence attacks the health of man. Adhering to the principle that the infernal internal combustion engine is to remain eternal, the companies still maintain that there is no need to control these violent emissions, except possibly in Southern California. That remains to this day their basic philosophy and explains their determination to delay and deceive with impunity. Although the case has been settled via a consent decree, the Justice Department's charges that the auto companies and their Automobile Manufacturers Association conspired since 1953 to restrain the development and marketing of auto exhaust control systems stand as a reminder of the vast potential for members of this industry *to agree to do nothing*. This is the easiest of conspiracies, and one that was so blatant that these so-called competitors were caught last year giving identical speeches on air pollution through their coordinating co-conspirator, the Automobile Manufacturers Association. The recent initiation of antitrust suits by California, New York and Illinois should bring to public light the mass of documents produced by the five-year-long Justice Department inquiry before that agency surrendered claim to the anti-trust case of the century.

In the meantime, General Motors continues to be responsible for at least one-third of the nation's air pollution by tonnage by virtue of the engines it designs and the plants it operates. This is a GM produced violence that rarely invokes the demand for law and order to replace the anarchy that its predatory power has constructed and maintained. Because the emphysema, the cancer and other diseases that build up over time in human beings are deferred consequences of such violence, the law has not integrated them into a structure of accountability. This is the style of technological violence produced by executives who keep their cuff links on.

Pattern No. 3. The auto companies refuse to identify the problems and the hazards from their products. It was not the industry, but a Professor at the California Institute of Technology who made the connection between auto exhausts and photochemical smog in the early Fifties. All efforts at auto pollution control by California began in earnest from this discovery. Thus the first step in curbing any health hazard—the discovery of its existence—has not been assumed by the industry to be its responsibility. This is true to the present time. For although the law is only considering the three pollutants—carbon monoxide, hydrocarbons and oxides of nitrogen—three other serious pollutants—lead, asbestos and rubber tires—remain unrecognized and unstudied by the industry. Why should the companies make the connections with human disease when they can gain more time by waiting for outsiders to do so. The buildup of lead concentrations in the atmosphere, especially in the cities, is alarming scientists. (See *Scientist and Citizen*, April, 1968.)

Asbestos is receiving much more attention recently but not by the auto companies whose clutch and brake linings release it into the air. A Litton report prepared for the National Air Pollution Control Administration (HEW) this year noted that the latent period required to develop asbestosis, lung cancer, ormesothelioma is 20 to 40 years. The report stated that "Asbestos is an air pollutant which carries with it the potential for a national or worldwide epidemic of lung cancer . . ." The auto industry has produced nothing by way of research on the risks from this pollutant and how it can be reduced. Particulate and other polluting matter from the wear or combustion of rubber tires were called possibly the most serious form of vehicular pollutant by Professor Rene Dubos of the Rockefeller University who urged immediate study of this ignored area. Neither the tire nor the auto industries have spent a dollar trying to find out.

Practice No. 4. The auto industry has practiced a policy of prevarication and deception that has lulled and blunted the ardor of many legislators. Examples could be adduced ad infinitum; let a few suffice.

On March 3, 1953, Ford Motor Company wrote Mr. Kenneth Hahn, Los Angeles Supervisor, as follows:

"The Ford engineering staff, although mindful that automobile engines produce exhaust gases, feels these waste vapors are dissipated in the atmosphere quickly and do not present an air-pollution problem. . . . The fine automotive powerplants which modern-day engineers design do not 'smoke'. Only aging engines subjected to improper care and maintenance burn oil."

On March 26, 1953, General Motors wrote Mr. Hahn that:

"The information that is available to us does not indicate that carbon monoxide is present in harmful amounts in the Los Angeles atmosphere and so we have not been concerned about the imminence of a serious health problem from this source."

Moving to the present, the deception continues but becomes even bolder. With a presumption that borders on pornography, Charles M. Heinen, of Chrysler Corporation, delivered a paper before the industry-indentured Society of Automotive Engineers in April 1969, entitled "We've Done the Job—What's Next?" He goes on to say:

"I stated that we've done the job. [The main battle against automotive air pollution has been won.] Now, let me summarize what we have done. Starting with the 1961 model and including the 1970 vehicles, the accumulative up-to-date record will show:

"1. Hydrocarbon emissions down about 80%.

"2. Carbon monoxide down about 70%."

This has become the official industry line. Observe the ease with which it can be overwhelmed with refutation. First, the industry ignores the importance or necessity of four other vehicular pollutants—oxides of nitrogen, lead, asbestos and rubber tire pollutants. There is abundant evidence of harm done by the first three and abundant need to find out about the latter pollutant. Second, the Heinen approach fails to account for the projected increase in vehicles and mileage traveled. As a Senate Commerce Committee report declared (1969):

"The present emission standards will not stabilize, much less reduce vehicular air pollution. Studies indicate that, under existing controls, automobile air pollution in the United States will more than double in the next 30 years because of the projected increase in both the number of vehicles and miles driven by each vehicle. Ironically, under present emission standards, oxides of nitrogen emissions, the main villains in photochemical smog production, will be higher than they would be if no standards existed."

Third, the industry neglects specially vulnerable individuals such as the hundreds of thousands with respiratory diseases and traffic police who must work in environments having high vehicular emissions—to name two groups. These people have necessities that cannot be ignored by national pollution control policy. Fourth, vehicular pollutants destroy hundreds of millions of dollars of property—as in agriculture—and cause vast dollar damage to other property.

Since others, not the auto industry, bear this cost, the billions in property losses caused by an industry that refuses to be toilet trained are ignored in the deceptively optimistic orgies that go by the description of technical reports from the auto companies.

Fifth, auto pollution is receiving increasing attention as a traffic safety hazard—ranging from the effect of carbon monoxide on drivers (GM recently recalled over 2 million vehicles because of this hazard) to reduction of driver visibility from smog on highways.

Sixth, auto pollutants and the dirty, ugliness that they produce constitute a nuisance and aesthetic deprivation that alone should be sufficient for their prevention.

Seventh, Heinen's and other's figures about reduction of carbon monoxide and hydrocarbons knowingly ignore the degradation of performance as the mileage increases.

Federal regulations require that automobile emissions not exceed specified levels for carbon monoxide and hydrocarbons. Certification procedures by the national air pollution control administration are supposed to guarantee that emissions will not exceed the maximum allowable for 50,000 miles with one major tune-up at 25,000 miles. However, an undisclosed national air pollution control administration financed study of the emission characteristics of Hertz vehicles, 1969 models, indicated that 53% of the autos tested failed either the carbon monoxide and/or hydrocarbon tests after only 11,000 miles on the average. General motors' failure performance was distinctive: 68% of the GM cars surveyed failed for either carbon monoxide or hydrocarbon at an average of 12,600 miles. The Federal testing of motor vehicles for compliance with the law is a shocking story which will soon be told in a coming report.

Practice No. 5. The auto companies have applied their considerable politico-economic power to avoid having to shoulder the burden of proof for their air violence. In a society with democratic control over its technology, it would not be up to the victims to have to show that a pollutant was harmful, particularly the kind that takes years to manifest its deadly impact on human beings; it would be up to the polluting company to show that its emissions were not harmful. The new cry of the students and the environmentalists to General Motors et al will be—"You prove its harmless or get it out of our air."

Practice No. 6. Having had great success in surrounding themselves with privileges and immunities, the auto companies have been able to keep their research and development budgets tiny. During the past two years, to illustrate the sense of priority, General Motors has spent $250 million to change over its signs to read "GM—Mark of Excellence". Judging by its technical output, its lack of change, its facilities and manpower devoted to R and D, GM could not possibly spend more than $8 million a year for system solutions to its vehicle's pollution. That amounts to about 3½ hours gross revenue. Such contempt for the inalienable rights of people to breathe pure air, coupled with industry-wide conspiracy, is a crime of staggering proportions for which there is no prosecution.

Practice No. 7. The auto companies' response to growing state and Federal demands for pollution control has been to sustain the perpetuation of a grossly inefficient internal combustion engine by applying tack-on "solutions". During the past four years, these tack-on, rather than systemic, approaches have produced with *decreasing* costs to the companies and *increasing* added price increases to the motorist. In addition, the cost of maintenance of these clumsy devices increasingly accelerates with every expanded objective. While promoting the myths of how much alternatives to the internal combustion engines would cost, the auto companies are milking millions from motorists in order that their capital commitment to the conventional engine not be disturbed. It is criti-

cal for Congress to analyze at what point on the continuum is the most efficient absorption of the cost.

Engineering history has shown that that point is the design boards. For example, company representatives are now providing an idea of how much it is going to cost California motorists to meet that state's forthcoming price increases allegedly due to added devices, it will cost California new car buyers about $600 million in the first year. These kinds of figures are rarely stacked up against the cost of basic propulsion changes back in the motorcar plants. The external costs of the present internal combustion engine—health, property, fuel consumption, price increases, maintenance, traffic crashes, etc., vastly exceed initial, fundamental changes in the propulsion changes. But the auto companies, not the people or the government, make these cost decisions. The auto subeconomy is a classically authoritarian system in this regard.

In a period of our history when spectacular advances have been made in space, automated production machinery, computers and other areas, the auto industry continues to inflict the violent internal combustion engine—fuel combination on the public. With greater technological capability and affluence, the auto industry has had a commensurately greater ethical imperative to know the knowable and apply the solutions. The enormity of its criminal behavior grows larger every year. No longer should the people in this country delay in doing what should have been done in the 1920s and 1930s. It is recommended that the following action should be taken:

1. Vigorous antitrust enforcement to dissolve General Motors and restructure the auto industry under conditions that will generate competition for quality and safety.

2. The government should use its procurement powers and research-development funding to create maximum incentives for less polluting vehicles. This would include setting up a production capacity for nonpolluting or less polluting vehicles. There is ample precedent for this move in less urgent areas—e.g., maritime R and D subsidy and the outright creation of a tax-supported private atomic energy industry. Without a government supported capability, the standards process will be controlled by the product-fixing policies of a collusive industry.

3. Existing air pollution control laws must be amended to provide for effective penalties and other sanctions to deter violators, for an expeditious recall power for correction at manufacturer expense, for strong in-plant investigation and inspection powers and for ample manpower to perform these missions. At present, millions of vehicles are produced that violate the pollution control standards. There is no way for the government to ascertain that the carefully tuned, prototype vehicles submitted for testing by the auto companies are in any way similar to production vehicles. Sanctions must apply to corporate officials, not just the companies.

4. The principle of maximum technological feasibility must become a prominent guideline for Federal policy. This is in accord with a new technological ethic that the machine adapts to the man. Quickly jettisoned must be the idea that our people must await two to three decades of medical studies before the human guinea pig evidence begins to bestir the auto manufacturers.

5. Strong, long-range cut-off dates should be established beyond which vehicles with certain levels of pollution can no longer be sold. Long-range decisive deterrents and heightened public expectations are built up in this manner.

Number 6 is particularly appropriate in the light of the refusal of corporate executives, top corporate executives to appear here today. I wish to remind you gentlemen that New York is the corporate capital of the world. The auto industry has many corporate headquarters here.

In fact, General Motors' corporate headquarters are only a short taxi ride away, where the Chairman of the Board is now working.

6. A criterion of corporate insanity should be developed to apply to certain levels of indifference, insensitivity or venality. Once these levels are attained for any given area of corporate decision making—in this case, pollution—the corporate institution will lose its power over that area to the people. In the alternative, there could be a Federal declaration of policy that the quality of air can no longer be intruded upon by corporate or other polluters as their private sewers. This would permit interesting policies and rights to emerge—such as constitutional change pressures toward a fundamental human right to a pure environment or taxation of polluters to such a degree that the companies decide it is cheaper to adopt the control machinery.

7. Above all, a new governmental policy of meticulous investigation of the auto companies to disclose illegal practices, technology suppression and other patterns of activity that slow or block pollution control progress is needed. Disclosure is reform's first step. To continue the present permissiveness of trying to understand these generators of air violence through the contrived statements of a number of company officials is similar to trying to understand China and the Soviet Union through the utterances of Kosygin and Mao.

This nation applies more investigative manpower to one bank robbery than it devotes to the auto industry's violent activities. Those of us who have followed the tortuous path of the industry over the years can be forgiven the lack of patience displayed by public representatives newly exposed to the smooth semantics of corporate publicists. For us, the auto companies' assault on the biosphere must be stopped if only for the benefit of the young and still unborn genrations who will never know what a breath of fresh air can be like.

I would also venture to predict, gentlemen, that the error of reliance on government intermediaries to force the auto industry to clean up the air is over. From now on, the techniques employed in the civil rights movement on the part of students, and anti-pollution environmentalists will be directed directly against the automobile companies.

I should like to request that the attached questions be asked of the auto companies as a start toward the necessary disclosures.

I submit these questions for your pleasure and hopeful use for questioning the auto industry, whether here or by letter in the future.

1. Under the Air Quality Act of 1967, motor vehicle manufacturers are asked to submit prototype models for testing to assure that evaporative and exhaust emissions are controlled in accordance with the standards established by the Secretary of Health, Education and Welfare. What steps has your company taken to assure that production line models conform to these prototypes with regard to the emission of pollutants? Please describe the quality control program as it relates to this problem.

2. Why have the Presidents and Chairmen of the Boards of the automobile companies consistently refused to appear before public forums to discuss their companies' efforts—or lack thereof—in the field of air pollution control?

3. Are the automobile manufacturers at all concerned with the fact that inner city residents—black slum dwellers and others sometimes called the "silent majority"—are subjected to massively greater quantities of pollutants from automobiles than are the residents of Grosse Pointe, Michigan and other suburban communities where the automobile executives lay their heads? If so, please produce the corporate studies which reflect this concern.

4. Why have the automobile companies raised prices for each of the last three model years, each time citing the cost of air pollution control as one reason, when there has been no significant change in that equipment over this period?

5. What research have the companies engaged in relating to the effects of air pollution from automobiles on the following: automotive safety, health, property damage, vegetation, wildlife, climate?

6. Please indicate, for each engine-carburetor-transmission combination, exactly what quantities of the following pollutants are emitted over the life of each vehicle: Carbon monoxide, Hydrocarbons, Oxides of Nitrogen, Lead, Asbestos, Rubber Particles and gaseous matter from tires.

7. What research have the companies undertaken to study the health effects of these pollutants? If they have not engaged in such research, why not? If they have, what have they done to alert the public to the health dangers of these pollutants?

8. Aside from claiming to meet inadequate Federal standards, what have the companies themselves done to reduce these dangerous emissions?

9. Do the executives assembled here today agree that automobile industry executives should be subjected to personal criminal penalties for failure to adhere to Federal standards for automobile exhaust emissions?

10. How much money have the companies spent, for each of the last five years, on research relating to steam, electric and other pollution free unconventional power sources for mass produced automobiles?

11. With regard to questions 5, 7, 8, 10 and 12, please compare the amount of money spent for those activities with the following:

(a) The annual advertising budget of the companies.

(b) The amount of money spent on bonuses and stock options for corporate executives.

12. Are the companies engaged in research to develop a cleaner burning fuel?

13. What is the position of the companies (individually) on Federal standards limiting the omission of oxides of nitrogen, lead, asbestos and tire-related matter from motor vehicles?

14. The newspapers recently reported that the automobile manufacturers were engaged in research relating to electrically powered lunar vehicles. Will the fruits of this research result in similarly powered vehicles for mass production on earth? If so, how soon?

I might also add that some of the technical specialists who are coming up later, such as Dr. Robert Ayres, and Professor Morse of MIT will present much technical corroborative data, and in particular that data referring to the contribution of a third of the nation's air pollution by General Motors comes from the computations of Dr. Robert Ayres, who has conducted extensive studies in air pollution in various kinds of vehicular propulsions.

Thank you.

Congressman FARBSTEIN. Have you finished?

Mr. NADER. Yes.

Congressman FARBSTEIN. I want to thank you, Mr. Nader, for having appeared here today voluntarily, at your own expense, and with great inconvenience, especially with this weather.

I know that your testimony will be appreciated and will be considered very closely.

I might say that one of the reasons that I called this hearing was because I offered an amendment to the Clean Air Act in Sep-

tember to ban the internal combustion engines, unless it could meet air pollution standards equivalent to those laid down by the California Legislature for low pollution vehicles.

I lost 22 to 99 so I felt this hearing was necessary to arouse the public to the dangers to the air we breathe caused by the internal combustion engine. I hope the information that comes out here today will arouse the public to demand of both the auto industry and the Government, action to produce clean engines.

Time is a little tight and so I will restrict myself to one question. Similarly each of the Members of Congress will have the opportunity to ask one question or make a very short presentation. Mr. Nader can then, if he wants, take a minute or two to close.

The question that I want to ask you is this:

Are you suggesting that the automobile companies are shirking their obligation to the public to produce a clean engine, and if so, why?

Mr. NADER. I think my testimony, Mr. Chairman, made clear that the short answer to your question, is yes, that they are not being candid, to use the most charitable phrase I can think of at the present time.

The answers for their stubbornness is quite simple as well. Less polluting engines do not sell more cars. They just save more lives.

Secondly, there is no penalty under the law over the last two decades for delay. They can procrastinate, they can deceive, they can delay, they can assert economic pressure, and there is no penalty for it, so when you get the lack of incentive for human life on the one side and the lack of sanction and penalty on the other the consequence is that the behavior is as has been.

Congressman RYAN. I should like in the first place to thank you, Mr. Nader, for your statement—one that all of the members here could spend a great deal of time in discussing with you.

Unfortunately, our time is limited and we have to move along so the witnesses will have an opportunity to testify. Also, there is legislative business in Washington that calls upon us to be there during the course of this afternoon.

I would like to commend my colleague, Congressman Farbstein, for having called these meetings. I would like to make the following observation:

Although American automobile manufacturers knew of the dangers auto emissions presented to public health, they did not warn the public of these dangers. The manufacturers knew that devices could be installed to reduce these emissions, but refused to design and install these control devices until forced to do so by Federal regulation—and they stopped at what they had been forced to do. They did not instruct owners and mechanics in maintaining these devices. It is possible, after a few thousand miles of driving, if the devices have become clogged, that a car with control devices can pollute the air more than a car without devices. While the devices in current use are reducing emissions, the downward trend will start to rise upwards again by 1980 unless far more effective devices are installed—due to rapid increases in car population.

Motor vehicle registrations in the United States are expected to top 105 million by the end of the year. In New York City alone, there are more than two million automobiles in operation—twice as many as the area can support. Estimated emissions for New York City during a study made in 1968 were:

Carbon monoxide, 4140 ton/day: Hydrocarbons, 560 ton/day; Nitrogen oxides, 106 ton/day.

At one location, average hourly concentrations of carbon monoxide (CO) exceeded 15 ppm from 9 a.m. to 7 p.m. (New York State recommended that 15 ppm not be exceeded for 8 hours more than 15% of the time).

In New York City, automobile traffic produces over 8 million pounds of CO daily; people in moving vehicles in heavy traffic are exposed to sustained levels of 50 or more ppm. Brief exposures of 141 ppm have been found in New York expressway traffic.

Exposure to CO has been related to fatigue, headache, irritability, dizziness and disturbed sleep. Persons with anemia, heart disease and disease states resulting in increased oxygen demand or impairment of circulation to vital organs suffer more severe effects. CO is toxic in the blood because it inactivates hemoglobin. In levels of 5 to 10%, it reduces the amount of oyxgen the blood carries to the heart and tissues, thus affecting the reflexes and the ability of the brain and heart to function. Several studies have connected CO with impaired performance in drivers; this has serious implications for traffic safety.

Other auto emissions are: hydrocarbons, which help produce photochemical smog and cause plant damage, eye and respiratory tract irritation and reduced visibility;

Nitrogen oxides, a major form of which, nitrogen dioxide, a yellow-brown gas, reduces visibility at low concentrations;

Oxidants, such as ozone and the peroxyacylinitrates (PAN) which are associated with eye irritation, odor and respiratory effects; and

Lead compounds, which are toxic to humans, interfering with maturation and development of red blood cells, and possibly affecting liver and kidney functions and enzyme activity.

The particulates produced by auto exhausts may seem small in comparison to the huge plumes emanating from factory or power plant stacks; however, this small volume has grave significance; it creates hazards in both visibility and health effects. Small particles form a "curtain" that severely curtails visibility (larger particles leave "gaps" through which some visibility may be retained). Large particles, when breathed in, may cause coughing and sneezing responses but are generally deposited in the upper airways. Small particles, however, are "respirable"—they may be carried deep into the lungs, into the bronchioles and alveoli, where—if they have absorbed SO_2—they find the natural moisture of the pulmonary system an environment where they may oxidize and produce sulfuric acid.

There is an even more serious problem, much more difficult to control than emission levels—this is the status/power/sex symbol syndrome the automobile manufacturers have created in their advertising and marketing practices. Instead of selling transportation—simply a means of getting from one place to another—the manufacturers have made the American automobile a status symbol, even a potency substitute: they have sold the consumer fast starts, high-powered engines and the speed/power/pleasure/potency syndrome with such insidious and unrelenting pressure that they dare not even bring up the subject of pollution. They dare not let the driver know that his beloved fantasy object emits dangerous pollution. When they have mesmerized the motor addict into purchasing a surrogate for sexual potency, a romanticized compensation for failure, or a surging jungle animal, they can hardly add as an afterthought that driving this magic chariot will vilely and dangerously pollute the environment.

Manufacturers have even less enthusiasm for advising the potential owner that controlling pollution will cost money. Far better to let people spend money on "hidden" costs—cleaning bills, medical bills, poor health, absences from work—than openly admit that automobiles pollute the air and that the automaker and the individual owner are jointly responsible for preventing that pollution.

Electric cars, steam cars, gas turbine engines and fuel cells offer hope for reducing, perhaps even eliminating, pollution in the future: but these solutions may take five, ten or fifteen years.

We can expect development of more efficient control devices (like Milton Farber's catalytic muffler, now being tested, but not by a strangely indifferent auto industry).

In the meantime, what can the driving public do to reduce the auto pollution of our planet's air?

What can the manufacturers do, now?

There is, already available, a simple inexpensive system that can be applied to presently operating motor vehicles—the dual fuel system, which uses compressed natural gas in city or heavy traffic driving, but can switch to gasoline for long trips.

This system is safe, less costly than gasoline, and emissions are below not only current national and California standards, but well below California standards for 1974. This system is closed and there are no evaporation losses. In mileage accumulation (already up to 60,000 miles in test vehicles) there has been no deterioration in vehicle emissions performance; further, there are fewer problems in maintenance because natural gas is a clean fuel; it does not cause oil deterioration or sludging, does not foul spark plugs.

Every driver who owns a motor vehicle can have this system installed in a few hours; his investment will be rewarded by decreased operating costs and decreased emission of pollutants.

What can the manufacturer do? They can design automobiles with space to accommodate tanks for the compressed gas; they can inform the auto owner of the problems of pollution, of the necessity to meet emission standards. They can sell autos simply as modes of transportation, not as sex/power/status symbols. They can treat the auto buyer as a responsible individual, not as an object to be manipulated.

I urge the administration of New York City, the State of New York, and the Federal Government as well as the automobile manufacturers to take every step possible to disseminate the facts about pollutants emitted by automobiles, the dangers to health if pollution continues, and methods to reduce these pollutants.

I urge government at all levels, automobile manufacturers, and industries such as taxi and delivery companies to test the dual fuel method and, if it proves to be efficient and economical, to install it at once in all urban vehicles so that pollution can be substantially reduced while we anxiously await improved control devices and pollution-free vehicles.

Mr. Nader, I make the point that the automobile industry looks at the automobile, not as a method of transportation, a means of getting from one place to another, but as a power symbol, a status symbol and if you will, sometimes even a sex symbol. At the same time the manufacturers have practically ignored the danger of air pollution. Do you want to comment on that?

Mr. NADER. The horsepower race is faster than ever. The emphasis on aggression and power is still a theme of current advertising.

In fact, the recent ad by Ford Motor Company for its Mercury Cyclone had the title "We make it hot, now you make it scream."

The picture showed a Mercury Cyclone surrounded by three crouched teenagers who appeared like they got the message.

Congressman RYAN. May I make one other comment, Mr. Chairman, and that is that the alternatives to the internal combustion engine, the electric car, steam car, and gas turbine engine—are several years away. However, there is now the dual fuel system, and I suggest that the New York City Administration and other governmental agencies start to test that immediaely.

Congressman KOCH. Mr. Chairman, along with the others, I will submit a formal state-

ment because of the time requirement, but I would like to make a brief comment, and ask Mr. Nader a question.

I agree with you that the romance with the internal combustion machinery is over, and that the population in large insists and demands that Congress do something about it. What distresses me is that the administration in effect has supported the automotive industry in that they indicated that they are not going to press for low pollution standards mandatory until 1990.

I don't think we can wait that long. I think you have indicated that we can't wait that long, and I wonder whether you have a comment on the possibility of our requiring that a certain proportion of the existing gasoline tax, which runs anywhere from four to twenty cents on each gallon, perhaps even a little more in some states, that some small percentage of that, whether it is one cent a gallon or two cents a gallon, be set aside solely for Federal research and development into the question of control of air pollution.

Mr. NADER. You raise some very important issues. Let me say I would prefer the revenues to come from an excess tax on the auto companies.

They are increasing their profits. I think an excess tax to finish these kind of prototype non-polluting vehicles is clearly in order.

You mentioned the administration's posture. I think what we are going to see in the next few months, beginning with the President's State of the Union Message, is a major barrage concerning environmental hazards, whose function will be to shift the cost of eliminating these pollutants onto the taxpayer, and away from the corporations.

I see this in recent remarks a few weeks ago.

Recent remarks by Secretary of Transportation, who indicates that the Government might begin to make grants, not to just companies outside the auto industry, but to the auto industry themselves to clean up their engine, a kind of new-fangled bribe that has become increasing in characteristic of the corporate socialism that big companies are developing in this country.

The idea of a tiny agency like the National Air Pollution Control Administration, with a hundred million dollar budget pained General Motors, which grosses $23 billion a year. I think we have to be careful of the present administration's attempts to shift the cost on the taxpayer, which, of course, increases the cost even more, because appropriations for air pollution comes very slowly.

Congressman KOCH. Would you then suggest that some part of the purchase price, so that it comes out of the automotive industry, be set aside for air pollution control research and development and in some way that that be governed by the Federal Government?

Mr. NADER. Yes, but the revenue device should be placed on the auto companies themselves in terms of an excess of profits tax.

Congressman KOCH. I agree with you.

I am very pleased to join today with Congressman Farbstein and others in sponsoring this hearing on the problems of automotive air pollution.

Americans are rightfully proud of the vast technological progress which industry has made. In recent years, however, we have all become increasingly aware that much of this so-called progress is seriously threatening our environment. Today our technological potentialities must be applied to the problem of restoring our environment.

The pollution of our air is a vivid example of the situation, and it is clear that the mass produced, internal combustion engine automobile is the greatest source of air pollution today. Residents of our major urban areas, where 85% of the air pollution comes from auto emissions suffer the most, and the problem is growing more severe. In New York City, for example, over the last four years the sulphur dioxides and dirt in our air pollutants created by a variety of sources including incinerators and the burning of fuel oil, have been reduced 56% and 23% respectively, but the pollution from autos has increased. It is not so difficult to understand why when one realizes that over ½ million cars enter Manhattan daily.

Until a low-pollutant auto engine is successfully manufactured, it is clear that we are not going to be able to tackle the problem of air pollution. Yet we must improve the quality of air soon for there is ample testimony citing the health hazards caused by air pollution which only underscores the urgency of the problem.

Despite the obviously harmful health effects produced by the proliferating internal combustion engine, we still appear to be years away from the production of a low-pollution engine. In large measure this is a situation that can be traced to the unresponsiveness of Detroit. The automotive industry has in the past spent over one billion dollars for annual model changes while only one million annually for pollution control. In fact, despite the clear recognition of the problem, no pollution control devices were put on new model cars until so mandated by State and Federal law. The past performance of the automobile manufacturers has been an attitude of contentment with the status quo, an attitude that has proved highly detrimental to the general welfare.

In fact the AMA's behavior has been so delinquent in the pursuit of a pollution free auto that the Justice Department during President Johnson's Administration saw fit to bring suit against the major auto manufacturers, charging them with a fifteen-year conspiracy to suppress research, development and application of air pollution control devices. The fact that this suit has been settled out of Court by a consent judgment is, in my opinion, a great misfortune and reflects the Nixon Administration's apparent willingness to pander to the interests of the automotive industry. I believe that the public is entitled to know the facts, to know just how culpable Detroit may have been in this matter.

At the time that it was announced that the Justice Department was considering a consent decree I joined with eighteen other Congressmen in writing Attorney General Mitchell asking that there be a public trial and full disclosure of the facts. Although the Justice Department agreed to the consent judgment, I am happy to note that the Court required that the evidence collected by the Federal Government be made available to the cities that, as plaintiffs, want to bring future actions against the industry. I believe that our Congressional action was partly responsible for this and hope that we may someday have the true facts in this case.

Earlier this fall the Nixon Administration set a goal of 1990 as an acceptable date for the development of a low pollution auto engine and asked an allocation of 2.2 million dollars for research. This appears to reflect a real absence of commitment, and is a dangerous way of dawdling with a serious public health problem.

Of course it is not only the Nixon Administration and Detroit that have evinced a lack of publicly-spirited dedication in this area. This Congress and past ones have done much to foster the ever-expanding production of the internal combustion engine. Recent budget allocations show that Congress habitually marks about 4.5 billion dollars each year for highways compared to a meager 175 million for mass transit. More highways mean more cars which in turn means more congestion and more pollution in our cities. This imbalance must be changed. Approximately 70 percent of our population lives in urban areas today and they are the ones who are suffering most. Naturally improved mass transit facilities would reduce the need for cars in the cities, and early in my term I introduced a bill, currently sponsored by 106 Congressmen, which would establish an Urban Mass Transportation Trust Fund to begin to rectify this situation.

But this alone will not solve the problem of the air pollution caused by automobiles. We need a national commitment for the production of a low pollution auto engine. Alternatives to the internal combustion engine must be developed, for it is estimated that the gradual increase of cars on the road through the 70's and 80's will negate the reduction of pollutants emitted by individual cars with control devices. Such a commitment will require funds as well as energy, and, if, as seems to be the case, Detroit will not meet its responsibility, the Federal Government should step in to assist.

With the technological resources of this country it would seem to me that a low pollution engine could be developed long before 1990. The government made the type of national commitment necessary in pioneering the way to the moon, a feat which was accomplished in the remarkably short space of ten years. Rather than having the Government subsidize private industry to the tune of 1.3 billion dollars in such a highly dubious project as the SST, it seems to me that far greater investment ought to be made by the Government to develop the technology to solve this urgent problem of autos polluting our air.

The necessary funds could be easily provided. Every gallon of gas consumed by our polluting autos cost around ten cents. The balance of the market price is made up in City, State and Federal taxes. If we were to take just one penny of this 20 to 30 cents in taxes on each gallon of gas and if we were to set that penny aside to fight pollution we would have a powerful tool indeed.

The major cities of this country are being suffocated by our history of infatuation with the automobile. But this romance is over for the majority of our population and the Government must wake up to this fact as must Detroit. Urban residents are breathing filthy air every day but are becoming more and more vocal in demanding their right to enjoy clean air. The Conservation Bill of Rights recently passed by the voters of New York State reflects the public concern with the problem of the environment in general. But the time has come for action rather than rhetoric, and the Federal Government must lead the way.

The Foley Bill of which I am a cosponsor is a modest step in the right direction. It would give the developer of a low pollution vehicle an ecomonic incentive of 25% by requiring the GSA Administrator to purchase for the Government that car which meets new Federal pollution standards and to pay 125% of the cost of the vehicle which it replaces. In addition to measures such as this one, however, the Government must make a more active investment; an investment for the general welfare which must take the form of more funds for mass transit and for the development of an alternative to the internal combustion engine.

Congressman ROSENTHAL. Mr. Nader, I find it intriguing to determine in my mind whose fault it is that we are in the situation that we are in. I think we can reach a consensus that we are almost at a last clear chance or beyond repair as to the danger to the environment.

Just being the Devil's Advocate for a moment, the auto companies are in the business to make a profit. They may have some implied responsibility to develop a safe car, or a non-polluting car, or do the kind of things that technology permits, but is it a failure of their moral leadership, or is it a failure of Government to step in when they see that

there is a threat to the general welfare, and the failure of Government to enforce livable standards in the commercial world?

Mr. NADER. With every hazardous activity there are two levels of responsibility, the immediate level of responsibility, which is in the lap of the perpetrators, in this case the producers of the motor vehicle, and a second level of responsibility on the part of Government to watch out for the health of its people, so they are both responsible, but I think that the auto industry was in the position earliest to detect the hazard, to have resources to avoid it, so the primary responsibility would be placed on their shoulders, to this day.

Oftentimes people say well, the auto industry is in the business of making money. A lot of people are in commerce as well. Does that mean that they can cease using sanitary toilets? Does that mean that they can justify violence to other people, just because it is attached to a beneficial activity, presumably, that of producing cars for mobility?

I don't think it can possibly be justified on that basis.

Congressman PODELL. I would like to congratulate you, Mr. Farbstein, on calling these hearings, because I for one am relatively new, both in the House, but not in the question of a great need for improving the pollutants of our air, or taking the pollutants out of our air.

I read, with a great deal of interest, the entire hearing in May 1968, before the Committee on Commerce of air pollution, and I have your statement before me.

First of all, I think the fault is not so much with the auto industry. I think the fault is the Congress itself, or the administration.

I think the responsibility for preserving the environment of our country is ours. I think the auto industry is to make profits for themselves. I think from the kind of testimony that I read out of this manual, I think it becomes the responsibility of government to step in and do something about it.

I was toying with the possibility, or the idea of setting up perhaps on a statewide basis, compulsory pollution stations in the same manner that we now have automobile inspection stations throughout the State of New York, where cars must have a pollutant sticker on each year to determine the amount of pollutants that the internal combustion engine may be giving off.

I think we have got to step in and do something about it. I think the government has the responsibility of doing so. May I get your reaction?

Mr. NADER. Yes, Congressman Podell, some of us in the consumer area have difficulties at times of distinguishing Congress from special interest or the auto industry in this case.

Congress cannot be any better than the level of vigorous citizenship, and up to now Congress has been reflected in its majority determination with the tremendous pressure that the auto industry is placing upon it, and so if we are to get a more active, more concerned, and more productive performance out of Congress, we have to go to the auto industry to determine how they are putting this pressure on and to devise ways to reduce it, or eliminate it, and that is why at the time that men of good will are heaping blame on governmental institutions of which they are a part, the fact is that the governmental institutions are a part of the fabric and that is where the focus must rest, in this case on the automobile industry.

Congressman PODELL. Would you care also to comment on the possibility of setting up these auto pollution inspection stations throughout the country?

In the same manner as we have an automobile inspection sticker on your car today, we can do the same for pollution.

Mr. NADER. Given the rapid breakdown in the efficiency of these so-called pollution controls on vehicles that's quite necessary, particularly if used cars will be required to put these tack-on devices in order to determine their efficiency every 10,000 miles or so.

Congressman PODELL. Would you suggest that could be done on a Federal level?

Mr. NADER. Yes, it could be. The tragedy of it all is it is going to cost a tremendous cost on the consumer, because it was not used up by the auto industry.

Congressman BINGHAM. I would like to join in congratulating you, Mr. Chairman, in calling this hearing. I would also like to make a comment and add one question. My comment would be directed to the representatives of the automobile companies who are here. I hope that they will take very seriously what Mr. Nader has said, and the charges that he has made here today, and that others may make. I know from conversations I have had with very influential people in the automobile industry, or related to the automobile industry, that they tend to brush aside Mr. Nader as frankly some kind of a nut. In my judgment, and I am sure this is shared by all of us here, this is a woeful misunderstanding of the situation.

I think that Mr. Nader has made a contribution of enormous significance, not only in this field, but in many other fields, and my word to the automobile company representatives here is to take it very seriously indeed.

I would like to send this message to the representatives of the Chrysler Company, who were not courteous enough to send a representative here to testify. This relates to my feeling that the public must be involved in this.

As Mr. Nader suggests, young people are getting more excited about this, and they are going to be making their feelings known in an effective way. I think the public has a responsibility, just as government and the industry has a responsibility, to take effective action. For myself, I would like to send word to the Chrysler Corporation that I happen to have a Chrysler product which I am about ready to replace, and I am not going to replace it with a Chrysler product, since they have shown no awareness of the problem by failing to appear here today. Mr. Nader, just one question. I am concerned that in trying to improve the present antipollution devices, we are really missing the boat. As I understand it, if we continue to use the internal combustion engine, pollution due to automobiles will continue and even get worse, in spite of the best exhaust control devices simply due to the increasing number of cars. Don't we have to move radically in the direction of some other kind of propulsion system for our vehicles?

Mr. NADER. Based on what is now known I would agree with you that we do, that existing controls not only increase enormously the cost of maintenance and repairs on the part of the motorist, which will thereby build up a pressure to hold off these pack-on additions, but also they don't deal with many of the vehicular pollutants that prevail. Lead, for example, is not dealt with in this way. Oxide and nitrogen still remains to be seen, whether it will be suitably controlled by adjustment to the present internal combustion engine. I think we are going to have a much more fundamental approach in this.

Congresman FARBSTEIN. Mr. Nader, I want to again thank you for coming here.

Might I say in reference to the characternization of you as a "nut" that few subscribe to it, but if it is true, I will say that it is the "nuts" like you whom are responsible for the advances we have made. I might say also that I am sure the public generally will applaud and appreciate your testimony here today as I do as well-considered and thought provoking. Again I want to thank you for coming here.

Mr. NADER. Thank you, Mr. Chairman, I would like to make two concluding remarks. First of all, I think we need to recharacterize with greater accuracy what air pollution is.

Air pollution is a form of environmental violence in the strict sense of the term. It is a form of environmental violence that discriminates as well. Black people in our slums and other people that live in the ghettoes of the city are exposed to a far greater quantity of air pollutants than those who are more fortunate to live in the adjoining suburbs, and I think this type of discriminating impact on the part of the environmental pollutants should be studied so that we take very carefully sections of cities and compare them with sections of suburbs and develop some sort of concern toward which we can develop suitable apologies.

I think it is also clear from the history of post-war engineering development that if we want to achieve a certain technology, all we have to do is submit the necessary resources. We don't have to wait upon some spectacular Einsteinian idea in this area. We can schedule and program innovation, as we did in 1960 when we decided to go to the moon.

It is important to recognize that it is no longer a speculative thing. That all of these delays on the part of the auto industry and non-performance simply reflects an unwillingness to give even the most modest technological resources over the years to find the answers.

Congress is now appropriating 100 million dollars to the Federal air pollution budget. It must increase this to the equivalent total of funding two nuclear submarines as a start. Two nuclear submarines cost Congress 300 million dollars. I think we owe that to the people of this country.

Congressman FARBSTEIN. Thank you again, Mr. Nader.

Now I think we are going to give Dr. Paul A. Chenea, the vice president for research of General Motors, an opportunity to be heard. I believe he has been sitting here listening to the testimony of Mr. Nader and I hope will want to comment or take issue.

Dr. PAUL CHENEA. Thank you, sir.

Representative Farbstein and other Members of Congress, I am Dr. Paul F. Chenea, a vice-president of General Motors Corporation and in charge of the Corporation's Research Laboratories.

I am here today in response to your invitation to General Motors to appear before this panel of Congressmen from New York and New Jersey to discuss on behalf of General Motors the effects of the automobile on the air of the metropolitan area. I am accompanied by Dr. Fred W. Bowditch, director, emission control, of the GM Engineering Staff. Also present on my right is John Caplan, Executive Director, General Motors Research Laboratories.

I have been associated with General Motors Research Laboratories since June, 1967. Prior to that I was vice-president for academic affairs of Purdue University and acting dean of the School of Science, Education and Humanities from 1961 to 1967 and was a professor and administrator in engineering and mathematical sciences at Purdue during 1952–1961. I was on the University of Michigan engineering faculty during 1946–1952.

During those years I also was a consultant to government and industry.

In response to your invitation—and in an effort also to give perspective to the discussion before this panel—our report covers three broad areas:

1. A review of progress in reducing emissions from our current production cars.

2. What we are doing to develop future power plants

3. Some comments on the automotive contribution to the metropolitan area's air pollution problem.

Mr. Chairman, as discussed with you in reaching general guidelines prior to accepting the invitation to appear here today, we are under certain legal inhibitions in discussing any subject matter related to pending air pollution litigation, including a suit in New York State.

However, we do not believe that this in any way will limit our ability to present a meaningful report that will be useful to this panel. As you know, we want to cooperate with you, and we recognize the importance of presenting our views on metropolitan New York air quality problems.

At the outset, I want to emphasize that air pollution problems are taken very seriously by General Motors. We have already made substantial progress in reducing emissions from our engines—including a number of improvements adopted by others in the industry—and we are continuing to reduce emissions each year. But most important—and I cannot emphasize this too strongly—General Motors is and will be irrevocably committed to finding a solution to automotive emission problems at the earliest possible time. And in seeking solutions we will have no hesitation in using a power source other than the internal combustion engine if it will meet the needs of our customers, at a price they can pay, and will solve the emission problem.

We are concerned about the health and safety of the public. The cars we are producing right now—not some time in the future—are in themselves evidence of our concern. Our cars emit approximately 70 percent fewer hydrocarbons than the unequipped cars of 1960; next year it will be 80 percent. Carbon monoxide emissions have been reduced nearly 65 percent in the same period.

More importantly, while emission levels of our current cars are substantially lower than emissions of pre-control vehicles, achievement of the levels now being considered for 1975—and we certainly are hopeful of achieving them—would result in reducing auto emissions even further—with hydrocarbons 95 percent and carbon monoxide 85 percent below uncontrolled cars of 1960.

The facts clearly demonstrate that our current model General Motors' cars greatly reduce the automotive contribution to atmospheric pollution in the metropolitan New York and other major urban areas of the nation.

This effectiveness of emission control systems on 1970 cars was recognized recently by a most eminent public authority on air pollution, Dr. A. J. Haagen-Smit. He is chairman of both California's Air Resources Board and of President Nixon's Task Force on Air Pollution.

Dr. Haagen-Smit discovered how photochemical smog found principally in the Los Angeles Basin is formed. He said in an address last month that the sum total of hydrocarbon and carbon monoxide emissions from motor vehicles on the road today are lower than they were last year. He continued:

"They will be even lower next year and the year after that. This is true even though we will have more cars each year. The decrease in total emissions will soon be true for oxides of nitrogen. The above are significant accomplishments and are ones that should not be casually accepted as having been easily accomplished."

This has been accomplished despite the number of older used cars that lack emission control equipment.

All of our air pollution work at the Research Laboratories has had three basic objectives: the understanding of the nature of atmospheric effects, the understanding of the nature of vehicle emissions, and the development of new control concepts.

We started intensive research into automotive emissions and their relationship to photochemical smog in 1952. The main effort in the beginning was to determine the nature of the problem and develop instruments needed in such research. As knowledge was gained, hardware was developed.

One of our first tasks was to develop techniques for analyzing trace components in exhaust gas. Automobile exhaust contains more than a hundred different hydrocarbons—some of which form photochemical smog a thousand times more readily than others. Some lead to eye irritation and some do not.

However, even today many mysteries remain concerning exhaust gas and the atmosphere. For example, carbon monoxide disappears from the atmosphere rather than accumulating, and the scientific community has never been able to determine where it goes. This illustrates the difficulties of the area in which we have been working.

We are participating in an $11 million, three-year cooperative research program which was started in January 1968, to find answers to such questions as to what happens to carbon monoxide. It is funded by the Federal Government, the petroleum industry and the auto industry.

We are also seeking answers to questions concerning the effect of pollution on plants, the causes of haze formations, the effect of low level carbon monoxide on human and animal behavior and the concentration of carboxy hemoglobin in the blood of various population groups in New York City.

Since 1952—when our intensive air pollution research program was launched—a great deal has been accomplished by General Motors. Systems have been developed to provide controls for all sources of emissions from the automobile—blowby gases from the crankcase, exhaust gases from the tailpipe and evaporative losses from the fuel tank and carburetor. These accomplishments have included the following:

1. The Positive Crankcase Ventilation control system (PCV) developed by General Motors.

2. The GM Air Injection Reactor System (A.I.R.).

3. The GM Controlled Combustion System (CCS).

4. Evaporative controls, which will become standard on our 1971 model cars.

These developments were aided immeasurably by the GM smog chamber—the first and largest privately-owned facility for laboratory simulation of actual smog formation—and the GM laboratory at El Segundo, California, to monitor exhaust emissions of the GM vehicles in the hands of the public. This was the first facility of this type in the industry.

We have taken the most productive steps first in achieving the 70 and 80 percent reductions referred to earlier. The remaining, smaller segments will be much harder to achieve.

Regardless of what we have done so far—and whatever GM and other manufacturers may be able to do in the immediate future—we should all clearly understand a few facts as to existing problems that limit the impact of reductions achieved with new auto emissions on the total automative pollution problem. For example:

The lower emissions of present model automobiles will not have full effect on air quality until older cars that lack effective emission control systems are eliminated from the vehicle population.

While we are working on the problem, no practical system has been developed to retrofit older model cars with current, improved control systems, with the exception of PCV valves, which can be installed in pre-1963 model cars. PCV valves are available at GM dealerships, but owners of pre-1963 cars have shown little interest in having them installed.

Moreover, if there is a desire to speed up the impact of improvements on new cars, then:

Owners of cars must recognize the extreme importance of improved maintenance of emission control systems.

Changes in fuel will be needed, such as lower volatility.

Looking forward, we feel it is our responsibility to develop the technology which, with time, can eliminate the automobile from the list of significant air pollution sources.

Reaching lower pollutant levels may require substantial technological breakthroughs in hardware and materials, or major modification of fuels—whether by alternate power plants or improved piston engines.

The required advances will be the products of research. Research is the product of ideas. Even unlimited sums of money do not assure the needed ideas.

Research is to manufacturing as prospecting is to mining. In research it is our business to explore, to learn, to know and to understand. Design for production comes later and is a different matter entirely.

In research we seek to prove that there are no laws of nature that prohibit what we wish to do. Making a production prototype is quite another matter.

The researcher makes apparatus which can be made to work in a laboratory. The production engineer strives to make devices which will not fail. An automobile, for example, which is produced in volume, not only must operate properly, but it must continue to function over a long period of time even when used under adverse conditions or not properly maintained.

To attain even lower levels of emissions of new vehicles we have intensive, parallel programs involving development of alternate forms of automotive power and improvements of the internal combustion engine.

There is no one, quick answer to the total problem. It will take contributions from many design parameters to minimize emission from any power source.

Now, let us look at the work we are doing on alternate power plants. Specifically, these include continuous combustion engines—that is gas turbines, steam and Stirling engines—as well as electric power systems and hybrids, which are combinations of two or more power plants.

Continuous combustion engines offer the opportunity for more complete, steady and, therefore, more precisely controlled combustion. They can be designed to have reductions perhaps 80 to 95 percent below the emission level of the 1960-level uncontrolled internal combustion engine. This is an emission level to which the internal combustion engine can be reduced by further improvement.

One of the most promising continuous combustion engines is the gas turbine. Our gas turbine research dates back 20 years and has included experimental trucks, buses, and the first gas turbine automobile in the United States, built and tested in 1953.

For the immediate future, a gas turbine engine is scheduled for production by our Detroit Diesel Engine Division for trucks, buses and stationary applications. This power plant, aimed at the heavy vehicle market, will be a relative of the experimental gas turbine developed by the Research Laboratories a number of years ago. The GM turbine-powered bus will have an automatic transmission comparable to those in present buses rather than a manual shift.

While research indicates that the turbine is much better suited to the requirements of trucks and buses, we are working on designs for passenger cars, too. Disadvantages of the turbine for passenger cars in the present state of development include poor fuel economy and inadequate response in traffic.

One possible limitation on mass production feasibility of the gas turbine for passenger cars is the fact that a major required material

is not available in sufficient abundance. Present turbine engine components require large amounts of nickel, perhaps more nickel than present free world availability. However, we are continuing to search for new designs and more available materials that could make this low emission engine practical for production automobiles.

As to steam engines, interest in research and development has been running high. Government-sponsored programs for the testing of steam-engine buses are underway in Dallas and San Francisco. At General Motors, we also have had a number of steam engine research and development programs in progress.

We exhibited two working steam engine test vehicles last summer at a "Progress of Power" exhibit. We are continuing to do experimental work with them.

One is a Chevrolet Chevelle, powered by a steam engine designed and installed by Besler Developments Inc. The second car, a Pontiac Grand Prix, contains an engine designed and constructed at the GM Research Laboratories.

We have found that size, cost, fuel consumption, serious lubrication problems and weight are formidable obstacles—not to mention the cold weather freezing problem.

An external combustion engine, the Stirling, is quiet, vibration free, and about twice as efficient as the steam engine.

The GM Research Laboratories have done development work on Stirling Engines over the last 12 years. Our experimental hybrid Stirling-electric car, the Stir-Lec II, features a battery-powered electric drive system with the 8-horsepower Stirling engine driving an alternator for battery charging.

At its present state of development, the Stirling is bulky, heavy, complex and expensive. It requires materials not readily available in quantity, and both durability and maintainability are unknown. Our current research is directed toward designing lighter, smaller, less costly engines.

In addition to our work on petroleum-burning engines, General Motors has several active programs on electro-chemical energy converters and electric drives. We demonstrated our Electrovair II and other battery-powered cars at our "Progress of Power" exhibit. These vehicles, built as prototypes to gain more definitive answers in our research, were the products of several years of investigation into various electric drive vehicles. The Electrovair II, successor to Electrovair I built in 1963, was demonstrated in Washington in 1967 in connection with a Congressional hearing.

Our intensive investigations of the electric car have shown that the major advantage of this vehicle is reduction of air polluting emissions.

We have researched and built a limited application or short range "shopper" vehicle—something between our compact-sized Electrovair II and a golf cart. Although slightly smaller than most electric cars built today, its performance characteristics are similar to those of other electric vehicles.

A vehicle of this type would be used almost exclusively for local shopping, driving to a commuter station, various short-distance community errand-type driving and other limited range transportation tasks.

A number of limitations compared to current all-purpose cars—at the present state of battery development—are imposed by this type of electric vehicle. For example:

Top speeds range up to approximately 45 miles per hour.

This poses a safety hazard if such vehicles are intermixed with larger cars on urban expressways and comparable roads where constant speeds of 40 miles and more per hour are maintained.

Besides initial cost, replacement of batteries approximately every two years could be expected to cost in the area of $200 in today's market.

Cold weather and passenger compartment heating would place heavy burdens on performance. Battery performance deteriorates in cold climates. At zero degrees Fahrenheit, a lead-acid battery will deliver only about 60 percent of the driving range and peak power than it would at 80 degrees.

A "shopper" that has a range of 40 miles on an 80 degree day would be cut back to a range of 24 miles on a zero degree day if the heater were not used, and only 12 miles if the heater were used.

In our battery work, we are faced with an age-old problem. For vehicular propulsion, a battery must deliver high power for acceleration and hill climbing, and it must offer high energy storage for traveling long distances. The lead-acid battery provides enough power but inadequate range. Fuel cell characteristics are just the opposite and the other concepts fall in between. Cost, size, weight and availability of materials represent a continuing challenge.

No one has yet produced a battery which meets all the requirements. We are continuing development work on some of the most promising contenders. One of these is the zinc-air battery, which has about three to five times the range performance of the lead-acid battery.

In addition, we are studying the lithium-chlorine cell. It has more than adequate power and the energy storage capacity is 10 to 15 times greater than a lead-acid system. However, it operates at extremely high temperatures in the neighborhood of 1200 degrees Fahrenheit. Vehicular application is still many miles down the road.

One major electric vehicle problem in the New York area is the availability of adequate power. As you know, problems related to both air and thermal pollution have limited the utilities in expanding economical power availability. Power supplies are expected to be so tight in the summer of 1971 in New York, according to a recent report in *Business Week*, that the utility company is said to be planning to mount emergency power generators on barges around Manhattan Island. Nationally, utility companies are expected to increase generating capacity fourfold by 1990 just to meet normal demand. This expansion does not provide for capacity that would be needed to recharge batteries of electric vehicles.

In addition to problems related to potential inadequacy of power supply in some locations, shifting motorists from present passenger cars to electric vehicles could produce side-effect problems. True, use of battery-powered vehicles would eliminate auto emissions.

However, generating additional electric power to charge the batteries could result in increased pollutants emitted by stationary sources.

In summary, some of the various alternate power plants that we are investigating have more promise than others in certain respects and our development programs on these concepts will continue. However, in view of the apparent shortcoming of these alternate power plants in various respects, we have continued to work intensively on further development of the internal combustion engine. We will now rveiew this work.

Our programs in General Motors to provide additional reductions of emissions from the internal combustion engine have produced most encouraging results. We have been able to obtain very low emission levels with experimental engines in the laboratory.

Exhaust manifold reactors are one of the routes to still lower emissions from the internal combustion engine. Basically, these are large volume exhaust manifolds from two to four times the size of conventional manifolds. These are devices to consume gases in the exhaust. Their effectiveness depends upon the temperature that can be maintained and how long the exhaust gases mixed with additional air can be kept at the elevated temperature.

Extremely low levels of emission compared to even the currently controlled emissions have been obtained. This effectiveness is offset by a number of problems which we are trying to solve. The principal problem is that of a material. We need heat-resistant material that is longer lasting than any available today.

Another system also involves enlarged manifolds but does not require added air and does not have the fuel economy penalties and high temperature material problems of the previously described reactors. However, these lean-fuel manifolds do not produce as low emission levels, and there are difficulties in providing satisfactory engine operation.

We have actively conducted efforts to apply catalytic control to exhaust emissions—an effort started in the middle 1950's. To date we have been unsuccessful with any catalyst if the gasoline fuel contains lead. The catalysts are rendered inert in a relatively short mileage when leaded gasoline is used.

Our work now is concentrated on catalysts for use with unleaded fuels. We have found that this approach is very effective in further reducing emissions from the internal combustion engines.

Congressman PODELL. May I interrupt you just for one moment. I have been listening with a great deal of interest to the attempts of progress that have been made by General Motors.

In going through the hearings for the Committee on Commerce, I detected that it was first brought to light some 17 years ago, and that is practically 1953, when the question of pollutants in the air had been destroying our environment, derived to a certain extent from the emissions of the internal combustion engine.

Do you know what else was created in 1953? It was the space program, and in those 17 years we have put a man on the Moon, and I tell you, sir, it is difficult for me to be persuaded that the automotive industry has devoted itself in these 17 years to trying to improve their internal combustion engine and get one as emission free as possible, when in 17 years we created the entire space program.

Congressman FARBSTEIN. You may continue.

Dr. CHENEA. However, this success has been attained with precious metal catalysts which require materials limited in availability. Problems of catalyst durability and temperature control must also be solved.

A number of other techniques for emission improvement have been developed which show promise as an aid in attaining lower emissions. These involve combustion chamber design, fuel injection, valve timing optimization and exhaust gas recirculation.

Our studies and experience with these experimental systems have indicated that an improved piston engine has the potential to provide the same very low level of emissions of carbon monoxide, hydrocarbons and nitrous oxides achievable with the gas turbine, steam or Stirling engine.

As a result, selection among these power plants for future production will be based upon characteristics other than emission level. Further, we believe on the basis of the problems yet to be solved that we will be able to achieve a production version of the improved piston engine earlier in time than any of the alternate power plants.

This makes it clear that we must continue to develop the improved piston engine if we are not to delay the advent of still lower emission level automobiles.

Considering all the relative advantages and disadvantages of the various power

plants which might be used in automobiles, the internal combustion engine offers at present the best pollution control value. All of the potential power plants must be measured against each other on the basis of emission level potential and value—in all its aspects—to the owner of the car.

We would like to make it absolutely clear that General Motors has an open mind as to power plants for automobiles and will continue to explore all possible alternatives.

Recently, we demonstrated to many scientists and others interested in power plant development some of the latest results of our continuing investigation of various possible forms of automotive power.

We showed examples of working, experimental propulsion systems at a "Progress of Power" exhibit at our Technical Center near Detroit. These experimental designs still under investigation included both alternate power plants and improved internal combustion engines. We are continuing our work to develop these laboratory prototypes toward manufacturing feasibility.

A booklet containing copies of reports on these various power plants is submitted with this statement.

We invite you to visit the GM Technical Center to see these vehicles and, more importantly, the work we are doing in emission control research and engineering.

All the gasoline-burning engine approaches reviewed previously have important fuel composition requirements if we are to achieve maximum control of emissions.

The most important of these is the elimination of lead from gasoline. Lead creates several problems, such as making exhaust manifold reactors less effective and destroying effectiveness of catalysts.

Use of leaded gasoline rather than gasoline without lead may also cause greater emission control deterioration with accumulation of mileage due to combustion chamber deposits. Also, lead deposits form rapidly in some of the narrow passages which form a major part of some contemplated control systems.

Recently, various government agencies have indicated interest in eventual control of particulates from automobiles. By far, the major share of such particulates are lead or lead products. If significant reduction in these particulate levels is to be achieved, lead must be removed from gasoline.

We have talked so far about the automobile and what we have done and what we are trying to do with respect to auto emissions.

As we go further down the road, reduction of car emissions to an acceptable level would solve only the automotive emission segment of the total air pollution problem.

We are confronted with far-reaching air quality problems that will not be solved even with reduction of auto emissions to zero. This is a fact beyond question. Air pollution will not go away just by restricting auto emissions.

Now let us turn to the data on metropolitan New York's atmospheric pollution problems.

There have been a variety of opinions expressed as to the sources of the metropolitan area's polluted air. Admittedly, the automobile is a contributor to the problem.

There is a tendency to measure gross tonnage and place equal value on all the various types of pollution tonnage in the atmosphere. This type of assessment is misleading.

The tonnage figures should be weighted by the potential harm to health that any given type of pollutant will produce. Even this does not give adequate recognition to time concentration or dosage.

Nevertheless, if we use assessments of the toxicity of the various types of pollutants to modify the tonnage, we obtain a more factual picture of the importance of the individual pollutants in a city's atmospheric problems.

Pollutants present in metropolitan atmospheres include hydrocarbons, carbon monoxide, nitrous oxides, sulfur oxides and particulates.

On a tonnage basis slightly over 50 percent of the metropolitan air pollutant volume is attributable to automobiles.

Because carbon monoxide is the largest tonnage pollutant emitted to the metropolitan atmosphere, it is often assumed that this is the principal metropolitan area pollution problem. Since most of the carbon monoxide comes from automobiles, it is further assumed that the automobile is the major cause of this area's pollution problem.

According to government figures, carbon monoxide is far less significant in terms of potential harmful health effect than are many other pollutants.

If potential health harm of these individual pollutants is considered as well as tonnage, the relative importance of present levels of carbon monoxide in the atmosphere becomes much less. Rather than being responsible for more than 50 percent of the problem, automobile emissions become less than ten percent of the metropolitan air pollution problem.

We think this type of assessment is important in keeping in proper perspective the relative role of the automobile in contributing to harmful pollution. This does not mean, of course, that we believe there should be any relaxation in efforts to control emissions from the automobile, but it does mean that the government at all levels should at all times keep the total problem in mind.

Thus, it follows that regardless of the improvements in automobile power plants, air pollution will continue to be a problem and will continue to concern all citizens and governments for many years.

This is a by-product of our continuing urban growth, population growth and the proliferation of additional products that have their own role in atmospheric pollution. Just as we are dedicated to reducing auto emissions, General Motors supports all useful efforts to find solutions to other sources of atmospheric pollution. This is a big job, and all of us as good citizens must work toward the goal of cleaner air.

For our part, we have undertaken extensive projects to control emissions from our manufacturing facilities, as well as emissions from the cars we produce.

The criteria established in studies of what represents suitable air quality should become the basis for control standards with which automobile manufacturers and all other contributors would comply, taking into account both technological and economic feasibility.

The automobile industry can perform most effectively in reducing emission levels if stable standards are set sufficiently far in advance to allow time for development of an optimum approach to solution of the problem.

In closing, let me assure you that General Motors will do its part in the effort to find means to reduce automotive pollutants. We are working hard to develop alternate power plants. We believe, on the basis of our work, however, that the internal combustion engine currently is the best overall power plant in terms of all value considerations.

It is our firm conviction that auto emissions will diminish satisfactorily, and we are determined to eliminate the contribution of the automobile from the list of significant pollutant sources.

Thank you.

Congressman FARBSTEIN. Thank you, Mr. Chenea. You have suggested that you have been testing the gas turbine ever since 1953, that for the last 12 years you have been developing the Stirling engine as well as various other forms of propulsion. You have not, however, stated when any of this research will come to fruition and you will have in production an automobile with a pollution free engine.

Must we wait another ten or fifteen years?

Dr. CHENEA. The—as I stated before, Mr. Congressman, the air pollution standards, which are proposed for '75, will eliminate 95% of the hydrocarbons from automobiles when compared to pre-control days. We expect to meet and we can meet these with the internal combustion engine—and will.

We think that the internal combustion engine at this level, will have exactly the same low emissions that you are going to get from other engines.

All of our research indicates this. In addition, the internal combustion engine has many other desirable performance characteristics that these engines do not have.

Consequently, this seems to be the quickest and most effective way to get to these standards as we see the problem.

Congressman FARBSTEIN. Mr. Chenea, you have only talked about one of the three major pollutants, hydrocarbons. You have not mentioned carbon monoxide or oxides of nitrogen.

Dr. CHENEA. Yes. First let me speak in regard to carbon monoxide, the difference in emissions between any of the petroleum burning engines—the turbine, the steam engine, the sterling, or the internal combustion engine, fully controlled, appear to be the same. The situation is not quite the same with regard to nitrogen oxide. We do not know, for example, how to get a gas turbine as low as we can get the internal combustion engine, on nitrogen oxide.

Congressman FARBSTEIN. I understand that there have been producers of automobile engines, I do not believe internal combustion in California who have been able to meet the standards that the California State Legislature has set for low pollution autos, namely 5 grams hydrocarbon, twelve grams of carbon monoxide and 1.0 grams per mile of oxide of nitrogen. Would you care to comment on the prospects of the internal combustion engine meeting these standards?

Dr. CHENEA. I know the standards of which you speak, and we can meet these in the laboratories too, with individual vehicles. Our problem is to develop the necessary hardware that can be reproduced in manufacturing mass production techniques before we put it out on the street. This is a much different matter than mass production.

Congressman FARBSTEIN. Mr. Chenea, I understand in a report to the California Air Researchers Board, its technical advisors committee, on emissions after 1974, its technical advisory committee has suggested that you will be in a position to meet these standards set by the California Legislature for the 1975 model auto.

Do you have any comment on that?

Dr. CHENEA. We have every intention of meeting the requirement in California and in any other State of the union. We are committed to meet the requirements as they are established.

Congressman FARBSTEIN. Do you believe you will be able to meet these standards for mass production by 1975?

Dr. CHENEA. We believe so and that is our intention.

Congressman PODELL. What is your reaction in this new development that you are talking about as to noise pollution? Will it have the same effect of a diminishing noise pollution? I am told that the steam type engine would have a much lower noise level and obviously the electric will.

How about this engine you are talking about?

Dr. CHENEA. The Stirling?

Congressman PODELL. The one that you are talking about.

Dr. CHENEA. We will also meet the noise requirements, and incidentally noise is a serious problem and rightfully so, I think, the noise is a serious problem and we are meeting noise regulations as they are coming up. The gas turbine is only a quiet engine

if you have a regenerator or a recuperator, of some kind, otherwise it is an extremely noisy engine as anybody knows who has ever been to an airport.

Congressman PODELL. I would like to say this to you. I for one believe that our major corporations have as well as the profit motive in mind, the motive or the feelings of the people that they serve. I think they go hand in hand. You are not going to make profits, I am sure you know, if you are not going to satisfy the public. Certainly I believe that you are going to do what you possibly can.

Somehow, however, I, as a resident of this great city of ours, feel that enough hasn't been done in the past. I think that the automotive industry should have done this a long, long time ago. They see the handwriting on the wall. I am only concerned about things from your point of view. I think you are going to have a big problem for yourself. I don't think 1975 is early enough. I think you got to get on this thing immediately, today, tomorrow, and all you have to do is try driving around in my own neighborhood where I live, which is a residential area. It is not a ghetto area. It is a residential area. Drive around there and see what the air is like, where the kids can't play in the streets, because the smog and the level of pollutants in the air are so bad, so I can only say I think you have got to reemphasize your priorities and get this job done a lot longer than before 1975.

Congressman FARBSTEIN. Mr. Chenea, you have just stated that you expect by 1975 you can have an automobile which will meet the proposed California air pollution standards. Can you give me any idea of how much it will cost to meet those standards?

Dr. CHENEA. Mr. Congressman, I cannot, because the final cost of that automobile has not been established. There are several alternatives, and I cannot give you that. I am sorry I do not have it.

Congressman FARBSTEIN. Can you furnish that for the record, a statement as to what those whom in authority say will be the additional cost of producing an air-pollution-free automobile, whether it be with the internal combustion engine or whether it be with an alternative engine?

Dr. CHENEA. I do not have it with me.

Congressman FARBSTEIN. I understand that, but will you furnish for this record, within the near future, the answer to my question?

Dr. CHENEA. Yes.

Mr. Congressman, may I add that the implication has been made that the automobile industry is not working on this problem, that we are going to wait to work on it until 1975, or shortly prior to that. We have been working on this problem and it is a very difficult problem, very hard, ever since it was first recognized by this company, and the public as a whole, and the automotive industry really recognized this problem about the same time.

Since this time, our efforts have led to the many things that we have done to minimize the emissions coming out of an automobile, and I said before that we plan to meet every specification, every requirement, with vehicles that we produce.

Congressman FARBSTEIN. Dr. Chenea, do you have any idea as to costs for any phase of this improvement?

Dr. CHENEA. No, I do not. My job is the research laboratory. I am not a production man.

Congressman FARBSTEIN. Don't you have anybody here in the room who is able to testify in connection with costs?

I would like to know how much your company has spent for research and development in connection with low emission engines. Are you able to testify to that, or is there anybody else in the room who is able to testify to that point on behalf of General Motors?

Dr. CHENEA. I can tell you how much we spent for research.

Congressman FARBSTEIN. Break it down, please, for years, if you are able to do so.

Dr. CHENEA. It doesn't vary that much from year to year. The average over the last three years has been in the neighborhood of $30 to $40 million.

Congressman FARBSTEIN. A year?

Dr. CHENEA. A year. I think the last three years totaled something over $125 million, for research and development efforts on emissions or alternate power plants. In research laboratories it is our present trend to turn away from working on the internal combustion engine, with more emphasis on the alternate power plant, because we knew less about them. At the moment we are spending half again as much on alternative power plants as we are on the internal combustion engine.

Congressman FARBSTEIN. You say you are spending approximately 30 million dollars a year?

Dr. CHENEA. I said 30 to 40 million.

Congressman FARBSTEIN. For the purpose of developing pollution free internal combustion engine; is that correct?

Dr. CHENEA. Yes, I want to make sure you understand that such an amount is spent each year.

Congressman FARBSTEIN. Can you break down that 40 million dollars insofar as the number of researchers you have, and what you are spending for each project that goes to make up that 30 or 40 million dollars?

Let me put it to you this way. How many people do you have doing full-time research on the creation of a pollution free internal combustion engine?

Dr. CHENEA. Approximately 1400 people in the corporation working on the internal combustion engine and alternative power plants.

Congressman FARBSTEIN. Are they responsible for the cost of which you speak?

Dr. CHENEA. This is their primary duty.

Congressman FARBSTEIN. And they are full-time researchers?

Dr. CHENEA. They are researchers and engineers working on the development of a solution to this problem.

Congressman FARBSTEIN. Do they have any other duty besides working on air pollution control?

Dr. CHENEA. No significant other duties. Although we have many men who devote full time to emissions control work, several times that number work part of their time on important segments of the problem. Thus, our total effort, in terms of men working full time, was developed by combining the pollution control efforts of each man into the computed total figure which I gave.

Congressman FARBSTEIN. Do you expect to be able to greatly reduce the amount of all pollution from the automobiles before 1975, or must we wait until then to obtain a relatively clean internal combustion engine?

Dr. CHENEA. We are meeting the 1970 standards now. We will meet the 1971 and 1972 standards, which are lower, and we will also meet the '74 and '75 standards. The production is going on now and the automobile emissions are going down. It isn't a matter of doing nothing until 1975.

Congressman FARBSTEIN. Are you doing any research on alternative engines?

Dr. CHENEA. Which kind of engines?

Congressman FARBSTEIN. Alternative to the internal combustion engine.

Dr. CHENEA. As I mentioned, sir, we have programs on gas turbine, on the steam engine, and on the Stirling engine, as well as electrical power plant.

Congressman FARBSTEIN. Please break down the relative amounts of money that you are spending for research for each of these different types of engines?

Dr. CHENEA. That I cannot do. I don't have the figures with me. I do, however, have figures on effort in terms of people, numbers of people assigned, and they are not appreciably different. They are about equal.

Congressman FARBSTEIN. What do you mean they are about equal? Do you mean that the sum of money—spent for researching the internal combustion engine annually is the same as that spent by the various alternative engines?

Dr. CHENEA. No, we are now spending 50 percent more money on alternative power plants as a whole, than we are spending on the internal combustion engine, and among the alternative power plants, the distribution of efforts is roughly equal.

Congressman FARBSTEIN. Will you please provide for the record the sum of money you are spending for producing a pollution-free engine, breaking down the sums you are spending for each type of engine, for the record?

Dr. CHENEA. No.

Congressman FARBSTEIN. I have no further questions.

I appreciate your coming here voluntarily and at your own expense.

You will return to the stand subsequent to the testimony of the panel on technology?

Dr. CHENEA. Sir, as you know, we have to testify tomorrow before the duly-constituted clean air committee, and I think we will have to leave because of the weather.

Congressman FARBSTEIN. I will now call upon the panelists who will testify on the effects of air pollution on health.

I will call their names and those of you present please sit at the table.

Dr. Steven Ayres, Mr. William Cruce, Leonard Greenberg, and Austin Heller.

I guess Mr. Greenberg would not find it possible to be here. I want to thank you other gentlemen for your kindness and thoughtfulness in coming here this morning to give us the benefit of your expertise in connection with the effects of air pollution from the automobile on human health.

After you have each finished testifying, if there are any comments on any statement made by any of the other panelists, I shall be pleased to hear you.

You may commence, Dr. Ayres.

(Stephen M. Ayres, M.D.: Associate attending in Department of Medicine, New York University Medical Center; Former Chairman, Manhattan Action for Clean Air Committee; Member, U.S. Surgeon General's Subcommittee on Cardiovascular Aspects of Smoking and Health and the Medical Advisory Committee, New York City Department of Air Pollution Control.)

Dr. AYRES. Thank you very much. I would like to merely introduce this panel by saying that the health of our nation today is really exposed to at least two environmental time bombs. I am referring to the cigarette and the internal combustion engine. I will limit my remarks to the internal combustion engine, but I would like to point out the striking parallels between the composition of automobile exhaust and the cigarettes.

I would like to question public policy which has been the same and use of food sweeteners, the cyclamates, on relatively weaker data, that exists for the air pollutants.

That law, the requirement states that if any adverse affect is demonstrated for a food additive, it is not permitted. The evidence is quite weak with the cyclamates. The evidence that all of the pollutants that we discussed today caused considerable damage in experimental animals as well as in humans, is quite compellant, and I would like to just draw that parallel. I think in terms of factual presentation I would like to point out that the pollutants that were discussed, the oxides of nitrogen, turn out to be the only way in which one can produce the disease emphysema in the experimental animal. Emphysema is one hears and reads about more today. One can produce in the

experimental animal an illness that looks exactly like human emphysema merely by the feeding of the oxides of nitrogen for 20 to 30 weeks. Again, I would stress this is a common disease, and I think it is very suggestive that the increase in automotive pollution is related to this.

The other pollutant I should mention very briefly, discussed widely, is carbon monoxide, to point out that the major impact of carbon monoxide is its effect on brain tissue and on heart tissue, and I would like to caution you in reading experimental evidence to not become interested in the effects of carbon monoxide on a healthy dog or human being who is healthy, but to consider what happens to the 50 percent of us in the room with coronary diseases, and it is this rather susceptible group of our population that we have recently appropriated a review of the available health literature on the subject, and I will make this available to you and other members of the committee, and I will merely conclude by saying that the medical evidence that automotive exhaust is harmful is inescapable, and I thank you for calling this hearing.

Congressman FARBSTEIN. Thank you.

Mr. Cruse.

(William Cruse: Rockefeller University, neurophysiology studies, lectured widely in New York and testified before legislative bodies; Member Air Pollution Committee, Scientist Committee on Public Information (will be testifying as a representative of the Committee).)

Mr. CRUSE. Congressman Farbstein, today for lack of time, I am going to focus my attention to one specific example of auto pollution. It is pollutant levels from which we can project the future health effects. After trying for two years we finally obtained National Air Pollution Control Administration in 1967. This was a study of carbon monoxide levels in the George Washington Bridge Apartments, which is located above the 12-lane interstate highway 95.

The study found that over a period of two weeks in the summer of 1967 the carbon monoxide levels inside a third-floor apartment averaged 14 parts per million (ppm) on a 24-hour basis. This may be compared with an average level of 15 ppm measured on a heavily traveled street in midtown Manhattan during a business day (9 a.m. to 7 p.m. at 110 East 45th Street).

The levels at both locations exceed New York State's tentative Ambient Air Quality Objectives for carbon monoxide (An 8-hour average of 15 ppm or higher should be exceeded no more than 15 percent of the time on an annual basis). Exposure to such levels of carbon monoxide for a short time may cause temporary impairment of certain mental abilities (visual and time discrimination) by starving the brain of oxygen. The long-term medical effects of exposure to these levels of carbon monoxide are not known, but (based on studies at higher levels) they may show up as damage to the brain and heart, the two organs of the body most sensitive to oxygen deprivation. Lead is another air pollutant from automobile exhaust (it was not measured in this study) and it may act synergistically (more than additive) with carbon monoxide to deprive the body of oxygen. Nitrogen dioxide is a third major automotive air pollutant (also not measured in this study) and long-term exposure to it (based on studies at higher levels) may lead to lung damage, thus indirectly depriving the body of oxygen.

The Scientists' Committee for Public Information, Inc. has already called attention to the possible health dangers which automotive pollutants pose to workers in the Queens-Manhattan and Brooklyn-Battery Tunnels. These workers are exposed to slightly higher levels of automotive exhaust than are people living in the George Washington Bridge Apartments, but they are only exposed for relatively short periods of four to eight hours. In the George Washington Bridge Apartments we have the first known instance in which large numbers of people are being subjected continuously to high levels of automotive pollutants in their homes.

The city, state, and Federal Governments should conduct a long-term medical study of the inhabitants of the George Washington Bridge Apartments (coupled with a more extensive measure of the levels of *all* air pollutants in and around the apartments). Such a study would be of value in the planning of future "air rights construction" over highways; it would also yield valuable data on long-term exposure to automotive air pollution which might tell us something about what to expect from exposure to automotive air pollution at lower levels in the general urban environment.

Since the high pollution level in the George Washington Bridge Apartments is a direct result of the new "air-rights construction" above a highway, there should be a halt in the construction of any additional buildings above highways until completion of the above medical study. For example, there should be a change in the plans to build the Herbert H. Lehman High School in the Bronx above the heavily trafficked intersection of East Tremont Avenue and the Hutchinson River Parkway.

"Air Rights construction" above highways will probably never be advisable from a health point of view until the internal combustion engine is eliminated from the vehicles on our highways or until its pollution emissions are dramatically reduced. A third possibility would be to completely cover over highways under an "air rights development" making them in effect a large tunnel. This would tremendously increase the cost of such construction and would still leave us with the larger problem of dumping the tunnel air into the general urban atmosphere.

Congressman FARBSTEIN. Thank you very much. I would like to thank you for testifying. The record will include the qualifications of each panelist and let me assure you all of these gentlemen are truly qualified to testify in the fashion they are.

I will now call on Mr. Austin Heller, the Commissioner of Air Pollution Control for New York City.

(Austin Heller: Commissioner of Air Pollution Control, New York City.)

Commissioner HELLER. I am very gratified that Congressman Farbstein has convened this panel, and pleased to be able to share with you some details of the New York City experience in pollution control. During the past three years we have had great success in controlling sulfur dioxide and particulates, and we have the capacity to reduce automotive pollution. The important thing is that we act now. The problem is already severe, and we cannot afford to wait twenty years for a pollution-free vehicle.

Each weekday morning, some 700,000 vehicles enter Manhattan's central business district below 60th Street. In the City's five boroughs almost four million gallons of gasoline are burned daily, because of the lack of evaporative controls on existing motor vehicles, it is estimated that about 100,000 gallons of gasoline are lost into the atmosphere each day as waste products, for an economic loss to New Yorkers of $10 million annually. This does not include an additional loss of unburned hydrocarbons due to engine inefficiency.

As of September 1969, the annual motor vehicle emissions in New York City were estimated to be: CO, 1,370,000 Tons/yr; HC, 159,000 Tons/yr; NOX, 50,500 Tons/yr; Pb, 2,000 Tons/yr.

However, these emissions are not evenly distributed across the City. They are concentrated in midtown and lower Manhattan. Our measurements show that carbon monoxide concentrations relate directly to local traffic congestion. For example at peak hours of traffic volume, usually between 9:00 a.m. and 6:00 p.m., weekdays, the carbon monoxide concentrations at 45th Street and Lexington Avenue regularly exceed the recommended New York State standard for an eight-hour average of 15 ppm.

Concentrations of other pollutants associated with auto exhaust such as nitrogen-oxides, hydrocarbons and lead appear to follow the same pattern.

In meeting the problem of automotive pollution, we can make both behavioral changes, such as re-routing traffic, and technological changes. Today, I am going to speak about the latter.

The "Clean Air Package" mandated on all 1968–1969 cars, and proposed changes for 1970 are steps in the right direction. It is important, however, to point out that it will take until 1973 for 50% of all vehicles on the streets of New York City to be equipped with a control device. And not until 1979 are all cars expected to be operating with the device. This decade of change does not take into account the added burden from the increase of automobiles, about 2½% per year for the City as a whole. With no control for nitrogen oxides and lead, the air quality can be expected to deteriorate as a trade-off for questionable improvement of carbon monoxide and hydrocarbons in New York City's atmosphere.

If control devices are not adopted to reflect local conditions and local problems, they can have an opposite effect from that intended, for example, a national survey of taxi fleets reveals that in some cities, including Los Angeles, the clean air package required by current Federal standards has increased gas mileage by 15%. In New York City, due to congestion and stop-and-go driving patterns, the same control device has reduced mileage by 10%.

The excess gasoline attributable to the clean air package in New York taxis is about five million gallons, annually, for an industry loss of over $1 million. Because the Clean Air Package does not control NOx or lead, the excess gasoline is adding, at least, 1,000 tons of NOx and 13,000 pounds of lead to the New York City atmosphere each year.

Congressman FARBSTEIN. Mr. Heller, I take it you do not agree with the recent statement by Chrysler's Chief Engineer, Charles M. Hyman, that the battle against air pollution has been won, that air pollution from automobiles has been brought to acceptable levels, and that further reductions are not necessary.

Commissioner HELLER. I disagree.

Congressman FARBSTEIN. Mr. Heller, because of time and my need to get back to Washington, I would appreciate if you would insert the rest of the statement in the record.

Commissioner HELLER. Congressman Farbstein, I do appreciate the time element, but I would just like to, for the record, make a point about what Mr. Cruse said with respect to New York City.

Congressman FARBSTEIN. Please, just a few seconds.

Commissioner HELLER. First of all, I want to make it clear that we have under way now a comprehensive urban extensive study to define the problem of highway design and its effect on the environment. This is an interagency study with a cost of about $200,000. We are underway with that now.

The Department of Highways of the State of New York, the Department of Transportation in the City of New York, our own department, and the Bureau of Public Roads, are all involved. I think this is a very important piece that ought to be on the record.

In deciding on alternatives to the present internal combustion engine, we are faced with both short and long-term choices. We must begin testing other vehicle systems now

in order to establish an orderly base for change. We can begin to convert to non-leaded gasoline, which will eliminate lead emissions and improve engine operations. Use of non-leaded gasoline with a catalytic muffler will also reduce CO and HC emissions. If the Clean Air Package is removed from the non-leaded gasoline/catalytic muffler combination, and if exhaust gas re-circulation is incorporated, there may be additional benefits by reducing NOX perhaps to 300 ppm.

LPG and CNG have attractive potential, but today they are not readily available within the city and the systems appear to be costly. Steam and electric vehicles are also available today. Prototypes can be built within six to eight months if funding can be provided. These systems must be tested to demonstrate total feasibility. New York City is about to do just this in a comprehensive test program. Our program includes both steam and electric powered motor vehicles, plus conventional but gaseous fueled (LPG, CNG and LNG) motor vehicles. We intend to test these vehicles over a two-year period.

We have had many studies and much talk, but no major demonstration of how low or non-polluting motor vehicles can be placed into the urban system.

The time for action is now. We at the local level are committed to do our part. We now ask you at the Federal level to make a similar commitment. This would include:

1. Accelerated development of low pollution vehicles, with a target of five years, certainly not 20 years;

2. Major changes in strategy to meet the pressing urban situation, where the major problem lies, and

3. Allocation of monies and personnel to achieve these objectives, and

4. Monies for mass urban transit systems commensurate with the expenditures for Federal highway construction.

Congressman FARBSTEIN. If you gentlemen seek to react to any statement made by any of the health experts, you may do so. Let's bring this sort of in a panel thought.

Mr. CRUSE. I have a number of questions. I will try to keep them short. One, I would like to ask Commissioner Heller, if there are any plans for medical studies, along with the study of highways?

Commissioner HELLER. Yes, there is. We work very closely with the National Air Pollution Control Administration, in which we will join them in doing an evaluation of our urban expressway study. I would just like to also make another point, Mr. Cruse, that we do have available, and I am sure you will have no problem seeking it out, carbon monoxide levels in the City, which we have monitored for the past year, at ten of our stations on a continuous basis.

We have at the same time carried out rather extensive carbon monoxide and lead studies in the City, and our carbon monoxide study was carried out in five states, as you know. We have just finished doing some work on estimating and determining what the lead levels are at 45th and Lexington. In the document that I am going to submit for the record that information is available.

Mr. CRUSE. I am not criticizing you, Mr. Heller.

Commissioner HELLER. I understand, but I just wanted it to be clear that the information about the atmosphere with respect to carbon monoxide and lead is an area we are actively engaged in.

Mr. AYRES. I may mention one other thing that is underway, and these are the men that work in tunnels, and this is a good study. One might point out that it looks like, from Commissioner Heller's study, that the pollution level may be as high or higher in the plazas outside the tunnel. These are not merely for the tunnel workers, but for those of us who have to sit in those areas for any time.

Mr. CRUSE. I have a series that I would like to direct to the gentlemen of GM.

Congressman FARBSTEIN. Unfortunately, they have left. If you will send them to me, I will be pleased to forward them and include them in the record whether or not they are answered.

Mr. CRUSE. In written form?

Congressman FARBSTEIN. Yes, put them in written form and send them to me, and I will include them in the record, and we will send them on to General Motors.

If there are no further questions and comments, I would like to thank you gentlemen for coming here.

Next we have the gentlemen who are experts in low pollutant technology.

The gentlemen who will testify are Richard Morse, Alfred P. Sloan School of Management, Robert U. Ayres, vice-president, International Research and Technology Corporation, F. Smith Griswold, president, Seversky Environment Dynamics Research Associates, Wolfgang E. Meyer, Professor of Mechanical Engineering and Chairman, Traffic Safety Division.

Professor Morse, do you want to start this thing going by giving us the benefit of your knowledge, in connection with the various systems of propulsion, and how far the various automobile companies have gone in connection with developing them.

(Richard S. Morse: Alfred P. Sloan School of Management, Massachusetts Institute of Technology; former chairman Federal Panel on Electrically Powered Vehicles; former assistant Secretary of the Army; former president, National Research Corporation.)

Mr. MORSE. You have asked for quite a long list.

Congressman FARBSTEIN. I appreciate it. I may ask for more, but please proceed in your own manner.

Mr. MORSE. First, let me correct any impression that people may have that I am an academic student. I have spent most of my life in hardware, industrial and government. I got introduced to this pollution business during the Johnson Administration, when I was asked to head up the group with some 75 people with the executive branch of the government to look at the air pollution problem. We had a very good group. We had representatives from the three auto companies, associated with us, and this was an unpaid kind of public service activity for both industrial and academic people.

Most of my experience comes from that. I have been associated with two small companies, and another with a radical approach to battery problems. There were some remarks here which tended to oversimplify whose to blame in this business. We, as citizens, are to blame. The smoking problem is not the auto problem.

I don't care, Mr. Chairman, particularly, whether you or someone else smokes, that's up to you. I don't happen to smoke cigarettes, by choice, but the auto is a little bit different.

The average citizen doesn't worry about whether his car pollutes. He worries about whether the other fellow's car pollutes. I think Congress is to blame. We have been sitting around here discussing the space program, for example, and yet who has had the guts to stand up and recognize the great disparity, and our ability to allocate resources in this great country.

Don't think there is any fallout from the space program that is going to help solve this problem. That is not true. I think we are all to blame.

We, the citizens, are the blame, and I am delighted the young people are going to be involved in this.

Since the report I finished in '67, we reported to Senator Muskie and others, not much has happened.

General Motors today inaccurately mentioned the City of Dallas working on steam buses, and that is not true. I was in Dallas yesterday. The company was originally involved in a program and abandoned a particular approach six months ago.

You hear a lot of things in newspapers about action. I think we should concern ourselves with not only re-allocation of some of the resources on the Federal level, who are not subscribing to Mr. Nader's comments on the Federal Government. I think we also should address ourselves to the organization in the Executive Branch. There is confusion in the department as to who has sole responsibility.

There is somewhat confusion. At the moment, we don't have, for example, an executive secretary in the Department of Transportation. The people there are very competent people, but they are overworked. We don't have the technical talent, the right talent to look at this in Washington.

With respect to the auto industry, it is a funny business, and I want to say at the outset that I don't think you can lump all the auto companies into the same category. My experience is that there is a considerable difference in management attitudes and technical ideas between some of them. They are in the business to make money, and I applaud that. On the other hand, it is a highly competitive business, in spite of the relatively high profits that some of them make.

They have not, I will admit, got on to the pollution problem as early as they should have. I do not know of any piece of material that is available today that was not available 15 years ago. I don't understand the members of General Motors not to pick on them. They mentioned 40 million dollars a year as I heard it, and 1100 people, and that comes out to 40,000 dollars per man. I can only conceive that that also includes their technicians in which case this means they have 3300 people.

If you take the national average of R and D in this country, that is a lot of people working on merely anti-pollution devices. I am amazed.

I think one of the things that we have to recognize of the auto industry, and this is true of other industries, is general innovative ideas come from outside the industry. This isn't just the auto industry. The business machine business did not develop Xerox. Kodak has developed very few tela processes. This is the way the country goes. Innovative ideas tend to come from outside the establishment.

Ford Motor Company has gone outside the organization to work with small companies, and I applaud this. I don't think in general the auto industry does research the way other companies do. They do things for effect, in many cases. Their approach is quite different than the chemical industry or the electronics industry.

It is inconceivable to me, for example, how a company, for example, can build liquid oxygen, towing the liquid oxygen with a 1700 pound van on it, and a sign that says "Don't smoke" on it. This is a poor way to do research. I don't think I would spend much of my money on a battery system, that ran on 1200 degrees——

Congressman FARBSTEIN. Who did that research?

Mr. MORSE. General Motors. This makes a pretty good rocket.

To do that on a small scale is good, but to rush into demonstrating this kind of animal is not the way the chemical research industry does things. I don't think we should be confused by the dollars of the 40 million mentioned. I think to be specific about technology, I think I would agree with General Motors, that we are not going to have a steam automobile right away.

On the other hand, if you take the costs, the cost, and you asked for this data, the cost of a low emitting engine is going to go up. If you project a steam car, for example,

against the current status of the IC engine, it will be far more competitive than General Motors will admit, and their is new technology——

Congressman FARBSTEIN. Excuse me, you say the steam engine will be more competitive than General Motors will admit insofar as the internal combustion engine?

Mr. MORSE. I am saying that we should not look at the internal combustion engine today, but the internal combustion engine that will have to be made to meet these standards. I believe right today steam buses would be excellent to have right here in New York City, for example.

Those are the general comments I have. Perhaps I have gone too long, but it is a funny kind of business. It is highly competitive, but I think the blame can be shared by us, the public, and those in Congress, as well as the auto industry.

Congressman FARBSTEIN. Thank you very much, Professor Morse.

I bow my head as a member of Congress who has tried to do something in this area not very successfully because the public hasn't been made aware. They do not have the information on the effect upon health of the pollution produced by the internal combustion engine, or else they would demand either of their government, or their company that has produced these automobiles a radical change.

Mr. Lear, I read in the newspapers some days ago, said that the steam engine was not eminently feasible. Would you care to comment on his statement, after all, because he is supposedly a pretty good technician

Mr. MORSE. Why do you say that?

Congressman FARBSTEIN. This at least is what I have read.

Mr. MORSE. I don't believe anything I read in the newspapers, and particularly about Mr. Lear. I think Dr. Ayres has some data he can give on that. I am indirectly familiar with Mr. Lear's steam engine design which has been abandoned. I know at least two or three other companies that have abandoned that idea a few years ago.

Congressman FARBSTEIN. I read this several weeks ago, and you would think from Mt. Olympus has come the ultimate statement that it is not feasible. I am glad to have your statement on the record.

What company, if any, has done any research on steam technology?

Mr. MORSE. I think Dr. Ayres, perhaps, has had access to more companies than I have. I don't know. There is very little being done. We have a dozen or so inventors. We have a small group in Japan, two small companies in the Boston area and other companies around the world. There is very little really good advanced technology work under way in a corporate level, I would say in the steam auto field.

Congressman FARBSTEIN. I understand that you and Dr. Ayres have taken this position in connection with alternatives to the internal combustion engine. I understand that the industry has said that alternatives are not feasible, but the three Federal panels, the Senate Committee and the California Legislature, who share only the fact that they are not connected to Detroit, can each come to the opposite conclusion from that of the auto industry. How do you account for this?

Mr. MORSE. I can't speak for the auto industry. The question one might ask is if I were running General Motors and was certain that alternatives to the IC engine was impossible, how would I spend so much money of stockholders' money that isn't a good answer, but it is an answer that one might suggest. Detroit is an industry unto itself in the R and D game. You find in new technical enterprises that those people won't work for General Motors. Who would want to continue to work on a Stirling cycle engine for 14 years and not see something happen with them. Good people like to be associated with success. They like to be, and I want to say for the record that the young people today are the greatest group I have seen in our life. They don't want to work for General Motors. They want to be where something is happening. They want to see results for their activities.

Congressman FARBSTEIN. You are suggesting that the purpose of the research of the automobile companies is to discourage the finding of an alternative engine to the internal combustion engine, and even to attain an engine that will free the atmosphere of pollution?

Mr. MORSE. I don't think I would say that, and I further want to say that I don't think you should lump all the four companies in the same area. They are doing R and D work. They have a long time before they can introduce an item to the consumer. They have constraints. People constraints, management constraints, and others.

Congressman FARBSTEIN. What do you think should be done?

Mr. MORSE. I think if the Federal Government would get itself organized to do some demonstration programs, I think that this would be the best incentive to show that some of these things will work, but at the present time, it is not being done, some of the patent clauses the Federal Government has is such that the good many really innovative companies wouldn't want to take Federal funding, and I think we are making progress.

It has been very slow, and it is late. I think you are going to find that some of our non-conventional engines, such as battery operated, one company I am familiar with within the last six months, steam, or hydrocarbon monoxide, or any other system, but these are going to come into the market something other than the Detroit monster. I think once this starts you will begin to prove this will work technically, and economically.

Congressman FARBSTEIN. In view of your knowledge of the industry, would you care to advance your opinion on which company is doing the most in the way of research, among the four large automobile companies. Who is spending the most money?

Mr. MORSE. I don't think I am competent to do that. I again want to caution you, don't get fooled with the money gain. Spending 40 million dollars a year can be just like putting it down the rathole, if you don't have good innovative people. Spending 10 million dollars on liquid hydrogens and liquid oxygen on an automobile which you couldn't legally drive through a tunnel is not my idea of well-spent money.

Congressman FARBSTEIN. Would you say that any of the companies show any degree of innovativeness in connection with this?

Mr. MORSE. I think the Ford Company is in some areas.

Congressman FARBSTEIN. How about the others?

Mr. MORSE. I know when I was concerned with getting together a group of people on this study I did some years ago, and they were all very cooperative. They all offered people to serve with us, and they did, and they were very helpful.

The President of American Motors said there wasn't any reason for his people being on the panel because they weren't doing any research.

Congressman FARBSTEIN. Dr. Ayres, would you tell us your connection with the auto pollution question and give us the benefit of what the auto industry is doing to solve this problem?

(Dr. Robert U. Ayres: Vice President, International Research and Technology Corporation; former technological-environmental specialist, Resources for the Future; member Hudson Institute, former theoretical physicist.)

Dr. ROBERT AYRES. Thank you, Congressman Farbstein. My connection with this subject is primarily through a study that I was involved in sponsored by Resources for the Future, which is a non-profit research organization in Washington that you may be familiar with. This work was done at the same time, or perhaps a little earlier than some of the other panel reports that you mentioned.

It is roughly 18 months since hearings similar to these were held before the Senate Commerce Committee and the Subcommittee on Air and Water Pollution. The format was different but some of the casts are the same. The purpose of the earlier hearing was to determine whether or not steam or more accurately rankine vapor cycle engines might be possible low pollution alternatives to the internal combustion engine.

At those hearings—which Chrysler also boycotted—Ford and General Motors technical representatives testified variously that such engines would be unsafe, excessively complex, heavy and costly. Other witnesses disagreed, however, and two operating steam cars, built by individuals, with negligible resources, were there to underline the point.

During the following year there were three important events. First, the Commerce Committee Staff completed a study which reviewed the material brought out by the hearings, including additional submissions by Ford and General Motors and concluded nevertheless that a rankine cycle engine would be entirely satisfactory for automotive applications.

About the same time the Department of Transportation awarded two contracts for demonstrations of vapor cycle powered buses—one in Dallas and one sponsored by the California Legislature, the San Francisco Bay area. And, finally, the National Air Pollution Control Administration embarked on an R and D program to develop a rankine cycle engine powered automobile.

Both the DOT and HEW programs are moving along at a reasonable pace; with the results of the California bus demonstration project, with which I am most familiar, should be available within 18 months or two years. If it is too early to claim success, it is certainly much too early to claim that steam is dead, as some gentlemen from Detroit have been saying lately.

The reason given for this pessimism is that Bill Lear seems to have given up his highly publicized effort to develop a steam automobile after spending 5.5 million dollars in the quest. I don't suggest that Lear's was the most outstanding industrial achievement of the year—though he seems to be planning to sell $25 million worth of stock on the strength of it. However, it is worth pointing out that Lear attempted to develop a totally new and unproved reciprocating engine design, and install it in an Indianapolis 500 car within nine months—even though something like a breakthrough in lubricants would have been needed to make the system work. When the lubrication breakthrough wasn't forthcoming in time, Lear discarded this engine altogether last spring, in favor of a vapor turbine.

Again, Lear gambled on quick success and again it didn't come off. Lear's latest plans represent still another major change in direction.

Since Bill Lear has been an outstandingly successful and innovative industrialist, one is inclined to give him the benefit of several doubts. He may have had good reasons for attempting to telescope the usual three or four-year development process into a matter of months.

However, eight months of effort, however intensive, isn't enough to prove that something can't be done—only that it can't be done in eight months. Even General Motors took longer than that to build a steam car from scratch, and General Motors would be

the first to admit that its prototype didn't incorporate any significant breakthroughs.

Notwithstanding Lear's experience no fact or analysis has come to my attention within the last 18 months to alter—except in minor detail—my statement at the previous hearings. In short, if the best current ranking cycle technology were put together—which has not been done—I regret to say—the resulting propulsion system would be compared to an internal combustion engine as follows:

1. Mechanically simpler (no clutch, transmission, starter, distributor, carburetor, fuel injection system, muffler, etc.).
2. Longer lived and more reliable.
3. More powerful for the size and weight.
4. Cheaper to operate.
5. Virtually pollution free.
6. Quiet.

Safety and start up time are simply not problems. I will comment in detail on elements of the system in response to questions, if any.

However, I want to anticipate one point which is sure to arise. Detroit witnesses always claim that a steam engine is less efficient than an internal combustion engine.

At the previous hearings Lawrence Hofstad, then vice president for Research of General Motors, said that the energy conversion efficiency of a steam engine would not be above 18 percent, whereas an internal combustion engine could achieve 25 percent to 30 percent.

While this statement might be true, if you specify the conditions of the test properly, it is totally misleading as applied to an operating vehicle in a typical urban driving pattern.

The internal combustion engine is quite efficient as long as it operates at optimum speed. However, in a vehicle it is constantly operating at speeds lower or higher than optimum; moreover operating the cooling system, air pumps, and pollution control equipment, muffler, automatic transmission, and so on eats up huge amounts of power.

In actual tests over a mentioned two hour and 40-minute route in and around Pittsburgh, the efficiency with which energy in the fuel was converted to power at the rear wheels of a standard automobile was 10.7 percent.

In New York City, I'd be surprised if taxis or cars exceed 8 or 9 percent on the average.

Against this, a steam engine which achieved 15 percent actual efficiency at the rear wheels, using cheap, lead-free fuel, would be a very great improvement.

I will be glad to comment further on any point, if questions arise.

Congressman FARBSTEIN: Just one question I want to ask of you, Dr. Ayres. Do you believe the production of 10,000 steam cars would be sufficient to make an operation self-sustaining?

Dr. AYRES. That is hardly a question for a simple yes or no.

Congressman FARBSTEIN. Give me your best estimate. One is led to believe that unless a company can produce hundreds of thousands of automobiles they can't make a profit. In any event it has been suggested that the cost of producing steam engines would compare very favorably with internal combustion engines.

Dr. AYRES. I would say first that it is certainly true that the size of the automobile companies now in the industry was not dictated by manufacturing economies, economies on the sale of manufacturing. It is dictated by considerations involving control of the markets.

In fact, as you well know, the auto companies have their factory distributed all over the place, and apparently the optimum size for a plant, in terms of the machine tools and that sort of investment, is of the order of production run of 10,000 or perhaps 100,000 per year, and it would be in that range, I think.

I am not, of course, a production expert, so you can probably get better answers from other people.

Congressman FARBSTEIN. Would you say it could be possible for a number of small companies to produce a steam car and still make a profit with the technology that we have today for building a steam car?

Dr. AYRES. That depends on the marketing consideration. If they are up against General Motors and General Motors controls the marketing outlets they could not make a profit.

If, however, the bill that was recently submitted, both in the House and the Senate, which would provide for some purchases by the Federal Government, that is by the General Services Administration, Post Office, for low pollution vehicles, if that bill were passed and provided a guaranteed market for a vehicle which could meet the very low emission requirement, then I think it could certainly be profitable for some company to get into that business.

Congressman FARBSTEIN. I believe the State of California is paying a premium for pollution free vehicles; aren't they?

Dr. AYRES. Yes, a law has been signed, and it would provide a market for about 700 vehicles a year.

Mr. MORSE. That was one of the recommendations of our panel three years ago. The Federal Government, three years ago, used buying from the Federal Government as a means of stimulating interest.

Congressman FARBSTEIN. Just one other question. I understand that the National Aeronautics and Space Administration is going to spend 300 million dollars on a moon jeep. How much research and development would this buy on a steam engine?

Dr. AYRES. It depends who does it.

Congressman FARBSTEIN. I thank you very much, Dr. Ayres.

Mr. Meyer, we would be pleased to hear from you in connection with your expertise on this subject.

(Wolfgang E. Meyer: Professor of Mechanical Engineering and Chairman Traffic Safety Division, Transportation and Safety Center, Pennsylvaia State University; panelist, motor vehicle pollution, 1962 National HEW Air Pollution Conference; researcher on the internal combustion engine and its emission levels.)

Mr. MEYER. To identify myself I am a Professor of Mechanical Engineering, and Chairman, Traffic Safety Division, Transportation and Safety Center, at Pennsylvania State University, and I am ashamed to admit for the last 20 years I have been doing research on internal combustion engines, and I have found it exciting, and I find students that find it still exciting, because there are still new problems to be solved, new questions coming up, that have not been here before.

I make this statement in regard to the fact that people dally around on some question for many years and nothing comes out of it. Researchers find themselves in other areas, and merely turning out new gadgets. This is important to consider, and it also strikes me in some of these discussions, and remarks that I have heard, that dollars are being very frequently associated with brains.

Particularly, Mr. Nader was critical of the fact that not enough dollars were being spent. I don't think that should be done, and have to be very carefully done. Talking about dollars, though, I don't know who is asking for what, and when and where Congress is involved, and the general public, but there was a comparison with the space program that was made. One must not forget that the automobile today is being sold at one dollar a pound, and that is very cheap. If you wanted it to do all sorts of other things, we must be prepared, and I personally would be prepared, to pay more for it, but that is one of the problems that must not be overlooked, that if we are going to have a perfectly clean exhaust, or whatever have you, it will require money. It will require time, too.

We are talking in pollution terms about parts per million. You are not talking about pounds and percent, parts per million.

We are arguing about whether 175 or 140, or down to 50 is right, but those are parts per million. They are supposed to be maintained in units that are being produced at the rate of 10 million a year. I think that many of the production control problems are like outside the technology of the vehicle.

Have you gentlemen considered whether or not restricting the movement of automobiles in highly polluted areas is not the way to go? Cyclamates were mentioned. It is discovered that they are dangerous. A prohibition is threatened and they are being dropped from the market, but no one will ever, at any situation, whether it be tunnel, whether it be apartment houses, which are built over freeways, where the concentration gets too high, but nobody says these people have to evacuate this building, or the traffic has to be stopped, when there is supposedly a dangerous situation.

Even if we were today, today would be a non-polluting vehicle available, it would still take us ten or 12 years until there would be no pollution, because the average life of the American automobile is about 12 years, so you would have to allow about 12 years for the polluting vehicles to disappear by attrition, or whatever, unless somebody wants to buy them up, or do something with them.

These facts must be kept in mind, I believe, before any actions are taken. I am not pleading for not doing anything, but I do feel that some of the arguments are getting somewhat out of focus. I think the automobile industry, for instance, has been ridiculed for not having made much effort in the emission control in the last ten years, nitrocarbons to take an example, has been reduced by 85 percent. 85 percent improvement is a darn big one, in anything you do in life.

This may be not enough from a health standpoint. If more has to be done, it should be done, but I think it is not going to get us anywhere to ridicule these companies.

STATEMENT SUPPLEMENTARY TO THE TESTIMONY OF W. E. MEYER

Although the stated purpose of this hearing was to explore the possibilities for reducing the emissions from motor vehicles to tolerable levels, if necessary through the development of new powerplants, it dealt almost exclusively with the question of why the automobile industry is not putting more effort than it does into the development of unconventional powerplants.

In consequence the question of whether or not it is technically possible that the emission levels which are postulated for 1975 by California and the federal government are technically attainable did not get any airing at all. Neither has it been clarified what regulatory steps will be necessary to ensure compliance with such tough standards, not only at the factory, but in the hands of the user. Nor was there any serious discussion of what the remedial steps would add to the first cost of the vehicles, their operating and maintenance cost and how much the regulatory and enforcement machinery would cost.

I consider this extremely regrettable because I am of the opinion that by 1975 (or 1980) no satisfactory substitute for the internal combustion engine will be available. Electric and steam powerplants were held up as the proven panaceas for the despoilment of the atmosphere but the real issues concerning them were not examined. These alternates are currently at the same stage, and here I am being charitable, as heart transplants. It has been shown that perhaps some day the novel technology will work, but no one can foretell when that will be and what

will be involved to make it a success. Who has driven an electric or a steam car which can even begin to do what the present-day family car is capable of doing? Such vehicles have been postulated, but what will they cost?

I also consider it unfortunate that the 1980 projections that emissions in California will, with present-day standards, return to 1940 levels, were brushed aside. Impatience was expressed with the fact that this was not being accomplished now. As I pointed out during the hearing, it could be done if all pre-1969 vehicles would be bought up by the government at prices which would permit their owners to replace them with 1970 models. This would involve about 95 million vehicles, or something like $200 billion.

Clearly, this is impossible, but even if it were done and the substitute vehicles, if they were ready and they could be produced, would not solve the problem once and for all. A steam engine, or a gas turbine, for that matter, still produces emissions. I am sure the committee is aware of the problem and the difficulty of controlling jet engine emissions. True, less CO, NO_x and hydrocarbons would be emitted, but instead we would have much more particulate emissions. Although they do not contribute to photochemical smog (which is a real problem only in California and a few other isolated spots, but not in the major portion of the nation), particulates are becoming more and more suspect as health hazards. I consider it folly to promote the introduction of alternate powerplants as long as we cannot properly assess the health hazards they may produce.

This applies also to electric automobiles. Since no expert gives the fuel cell a chance for general automotive use in the foreseeable future, the electric automobile must be battery powered, that is, electricity must be generated elsewhere and then stored in the vehicle. Although with the best of new batteries now conceivable this will be an inefficient process, it does have the advantage that no fuel has to be burned at the point of power use. Powerplants use either fossil or atomic energy. In both cases pollution is likely to occur. Most fossil fuel plants will eventually have to use coal because the world has large reserves of coal, but very little oil. Coal burning produces fly ash and gaseous pollutants. Some of them can be controlled fairly easily, others cannot, at least not cheaply. Nuclear powerplants present other hazards, the most serious one being heat pollution. I will refrain from elaborating on these problems, but I do wish to call the Committee's attention to the probability that large scale use of electric automobiles would mean exchanging one set of problems for another one.

The times of easy solutions to our socio-technological problems is past. Wishing or ordering the internal combustion engine out of existence will solve nothing. Such a course is as hazardous as fighting boll weevils with DDT: in the long run it solves nothing; on the contrary, the cure may be worse than the disease.

The overall and the sum of the individual effects of an abrupt, mandated change in technology must be most carefully considered. It is my plea to this Committee that it do this, instead of letting itself be persuaded to search for a villain and that there is an easy way out.

Where, for instance, would the lead come from, if electric vehicles would have to be built now in large quantities? Lead batteries are still the only practical one, even though much research (most of it outside the automobile industry) is going on in the search for alternates.

No battery now in the offing can provide a very large operating radius and charging takes time. We would need a network of stations at which empty batteries can be replaced against charged ones. Failing this electric cars would serve for city use only. This, however, means that a large number of people, who now have and can afford only one car, would need two or do without a cross country car. What are the economic and sociological consequences?

Gentlemen, please, consider these and a myriad of other problems which attend inexorably the mandated or forcefully "suggested" abolishment of the internal combustion before you give the public the impression that it is merely vested interests which prevent us from breathing country fresh air in the canyons of New York City.

The City's and its metropolitan area's air pollution problems can be alleviated greatly by many other means than outlawing the internal combustion engine. For one thing, I do not hold with the school of thought, that the internal combustion engine is the villian, not in the New York metropolitan area. There are many more, much more obnoxious and noxious sources of emissions. We have very little evidence that respiratory and circulatory ailments are significantly aggravated by internal combustion engine emissions. Indeed, much of the popular clamor about exhaust emissions is traceable to the visible and odorifous exhausts of diesel engines which do not produce to any measurable degree adverse health effects.

Insuring better traffic flow, banning private automobiles and admitting only clean burning diesel trucks and busses into the metropolitan area, improving public transit, subsidizing taxi fleets with controlled emissions are just a few of the steps which could be taken without drawing the country into a panicky solution.

Emission control costs money. It seems imperative that all possible precautions are taken to prevent large sums from being spent on solutions which seriously endanger our economic system or produce effects which no one bargained for. My suggestion is therefore that this committee review the automotive emission problem from a systems standpoint. It will obviously take a broad cooperative effort to reach the desired goal of significantly cleaner air in the metropolitan area. The most effective inhibitors of cooperation are seeking to fix blame for sins past and present and to assume that solutions are at hand before claims for them have been substantiated.

Congressman FARBSTEIN. I am going to recess for five minutes. We will continue.

(Whereupon, a short recess was taken.)

Congressman FARBSTEIN. Do you agree with the findings of the technological panel of the California Air Resources Board that control of vehicle emissions can be brought down to 0.5 grams per million of hydrocarbon, 12 grams of carbon monoxide, and 1.0 grams of per million oxygen, for the 1975 model vehicle?

Mr. MEYERS. I believe so. I also am a believer not only in the current. I think if the standards are a little tough, that is a stimulant to comply.

Congressman FARBSTEIN. Thank you very much.

I now call on Mr. S. Smith Griswold.

(S. Smith Griswold: President, Seversky Environmental Dynamics Research Associates; former chief, abatement branch, Division of Air Pollution, Department of Health, Education, and Welfare; former air pollution control officer, Los Angeles County Air Pollution District; former president Air Pollution Control Association; member, Surgeon General's Environmental Health Committee; credited with initiating Justice Department air pollution suit against auto industry.)

Mr. S. SMITH GRISWOLD. Congressman Farbstein, it is my dubious pleasure to be connected with the motor vehicle pollution control program, probably longer than any other government official.

This started in '53, when I was control officer of Los Angeles, and it was necessary for that large county to clean up every other source of pollution, to the limit of technological ability before the motor vehicle industry would accept the fact that they were responsible for Los Angeles smog.

The preceding 11 years, from '53 to '65 were ones which included the passing of a legislation in California to require '66 model vehicles to be equipped with smog control devices, and it was at this time that I came back to the Federal Government to initiate the Federal control program at the Federal level, which I did for two years.

Basically, I think the program as it currently exists is regretable. I think it is regretable because the public is not getting what they are paying for in connection with control devices on motor vehicles.

There is no potential for enforcing other than to keep the device on the car, for enforcing its compliance for meeting the Federal standards for a period of 50,000 miles, because it is based on an averaging concept, so therefore motor vehicle inspection stations, such as was mentioned by one of the Congressmen previously, could not actually require that any one car would be cleaned up to a point where it met the standards.

I think another great critical problem with the entire motor vehicle pollution control program is the fact that the program entails too much responsibility on the owner of the motor vehicle, requiring him to maintain a motor vehicle in a certain degree of operability, or maintenance, is asking a lot of 100 million automobile owners.

All he can do is take it into a garage and tell him to adjust this and pay $60 or $70 and he can't be assured when it comes out it will even meet an inspection capability.

In other words, he is paying for something. He isn't getting it. He is expected to go on paying for a device that has a very critical maintenance problem.

Certainly this is one of the reasons that I feel it is very important that there be a new type of propulsion system invented, one that is fuel proof, one that doesn't expect everything of the individual car owner, whether it be a fuel powered vehicle, steam powered vehicle, or potentially an internal combustion engine with a different type of fuel, or absolutely fuel proof equipment.

I think the fact that the Federal Government requires performance of these vehicles for 50,000 miles, these vehicles are not meeting the standards after 11,000 or 12,000 miles, is a very serious offense.

Automobile owners are spending a lot of money every year. With the '70 model year, which is now in progress, that will be one billion dollars they paid since the Federal program started.

Just generally, I think to expect to run under current conditions 100 million vehicles through an inspection system, whether it is run by a state, or the city, or the Federal Government, every year to be sure that they are operating, is completely unrealistic and time consuming.

The characteristics on these cars should have ability in air pollution control. In connection with the technology there is a thing which hasn't been mentioned here. It is not a new concept. It has been tried for years, that of utilizing natural gas as a fuel for internal combustion engines.

The only thing that is new, relatively, and here again this was not developed by the auto industry, but by a public utility in California, as a technology for getting equivalent performance, except under the very highest speed of operations, by just utilizing natural gas with very moderate hardware, the type that could be installed on any internal combustion engine in four hours and taken off in a half-an-hour, and used on subsequent model cars, but the concept of using a cleaner fuel in the internal combustion engine, of course, is one that has been looked at, and it was looked at in Los Angeles during the period that I was there, trying to clean up

the gasoline, before spending all the money trying to clean up the engine, but I do think that a very careful look should be taken at the composition and the type of fuel that is utilized by the internal combustion engine, pending that time when we can arrive at adequate development, commercial development of a new type of a propulsion system.

Congressman FARBSTEIN. I won't keep you long, but I would just like to ask a few questions.

Are you suggesting that Mr. Chenea is in error when he says General Motors will be able to produce a low pollution engine by 1975?

Mr. GRISWOLD. I suggest that I doubt very much that Mr. Chenea will be able to produce what he suggests he will produce by 1975, which will perform in the customers' hands with reasonable maintenance, of the type they will generally get, at a reasonable price. I suggest that this program on oxides of nitrogen is going to be one of the things that throws him for a complete loss. Probably what he will do is come up with a device which California will require before that time, Congressmen, but he will come up with a device which he will say will cost the motorist $300 additional, and he will tell the people of California that if you want control of oxides of nitrogen, here it is, it will cost you $300 per car, and it will use ten percent more gasoline per mile.

Congressman FARBSTEIN. Ford is following you, and we will hear what they have to say about this.

How did the automobile industry react to the California Senate passing that bill banning the internal combustion engines?

Mr. GRISWOLD. I am sure that they will follow and be able to give you their own personal opinion on it, Congressman.

I am well acquainted with how they felt about the first legislation that was passed in 1960 requiring the control of internal combustion engines originally.

Congressman FARBSTEIN. Would you care to make a statement on that?

Mr. GRISWOLD. No, the program was pretty well started. I don't think they thought the legislature would pass it, or could pass it, but the Senate was considering reapportionment at that time, and the Senate went along with the Assembly on it.

Congressman FARBSTEIN. Thank you, gentlemen.

The next witness will be the representative of Ford. I appreciate your testifying.

Mr. H. L. Misch is the vice-president of Engineering, Ford Motor Company, and will now testify as our last witness.

According to the indication that I have received from Ford, Mr. Misch is fully able to discuss his company's policy relating to automotive emissions. I think you have some advantage over the others, having heard the testimony of Mr. Nader and the panelists. We will let you reply to them and give us an idea what Ford is doing to produce a pollution free engine.

Mr. HERBERT L. MISCH. Mr. Chairman, at your pleasure, we can either hand in the prepared statement that I have for the record, and answer any questions that you have, or I can go through the statement, whichever you wish.

Congressman FARBSTEIN. We could put the statement in the record, and you may testify extemporaneously. I would like to frankly be out of here in about 25 or 30 minutes. I have to go back to Washington.

Mr. MISCH. We have the same problem.

Congressman FARBSTEIN. Suppose you put that in the record and tell us your story as best you can.

Mr. MISCH. I am Herbert L. Misch, Vice-President, Engineering, Ford Motor Company, and with me today are Donald A. Jensen, Director of our Automotive Emissions Office and Ross Taylor, Assistant Chief Engineer, Ford Motor Company's engine engineering. At your request, I am here today to describe briefly the efforts of Ford Motor Company to control emissions from our vehicles, the impact of our programs on air quality, particularly in the greater New York City Metropolitan area, and to discuss what we are doing in the area of alternate power sources and their prospects for application to motor vehicles.

First of all, Mr. Chairman, we recognize the seriousness of the air pollution problem in the metropolitan New York area. The problem has been delineated in the 1967–68 Progress Report of the Department of Air Resources of New York City. According to this report, the principal pollutants in the New York Metropolitan area are sulfur dioxide, carbon monoxide and particulate matter. The automobile emits two of these pollutants—CO and particulates. It also emits hydrocarbons and oxides of nitrogen. Because we are aware of no evidence that HC and NO_x pose a significant problem in this area, I will direct my remarks to the two problem pollutants—carbon monoxide and particulate matter.

To set the carbon monoxide problem into perspective, I would like to quote from the City's Department of Air Resources report. It states:

"Carbon monoxide has long been identified as one of New York City's major pollutants. It has been estimated that 1.5 million tons of carbon monoxide are emitted, on an annual basis, into its atmosphere with most of it coming from automobiles. And yet measurements over the last ten years at the City's principal monitoring site in upper Manhattan, rarely indicated levels of carbon monoxide that could be construed to be of concern. However, data collected from 1966 to 1967 in a more detailed study showed that a number of areas in the City experienced greater than desirable levels of carbon monoxide."

I want you to know that we have already accomplished a major reduction in the amount of carbon monoxide emitted by recent model automobiles. Our 1970 model cars emit about 70 percent less CO than did their 1967 counterparts. It should be clear that these improvements will go a long way toward elimination of the automobile's contribution to carbon monoxide levels in the atmosphere of New York City.

With respect to particulate matter, this same report states that 88.6 percent of the particulates in the New York-New Jersey area arise from sources other than motor vehicles and it establishes that the majority of that 88.6 percent is attributable to such sources as space heating, incineration and power generation.

With respect to the remaining 11.4 percent attributed to mobile sources, we know that lead additives in gasoline are responsible for a part of it. But, we also know that even if there were no lead additives in gasoline, the automobile would still emit some particulate matter. My point is that we do not yet know as much about the medical, engineering and scientific aspects of this problem as we must in order to address it intelligently, and, in this connection, are working to advance the state of the art.

I do not mean to underplay the role of the automobile as a contributor to the emission problem in New York City, but rather to give a balanced perspective to the overall problem.

Mr. Chairman, in spite of the certitude reflected by some of the statements made this morning, there remain even at this late stage of the evolutionary process—an amazing number of unknowns relative to the atmosphere in general, the thresholds of toxicity and the synergistic effects of various contaminants of the atmosphere. In other words, we—government and industry—still do not know enough about the vagaries of the atmosphere to be certain how much of any given pollutant is "safe" or "harmful".

Although the responsibility for this definition resides primarily in the government, we are attempting to aid in this effort through, among other things, the support of a research program managed by the Coordinating Research Council. This 13 million dollar program is funded by the auto and petroleum industries and the Department of Health, Education and Welfare.

Experts from each of these entities, totaling over 200 scientists, engineers and medical doctors organized in 32 committees, aid in the management of this program through the Air Pollution Research Advisory Council known as APRAC.

The research efforts include atmospheric studies such as plant damage by air pollution, fate of carbon monoxide in the atmosphere, origin and importance of haze formation, the source and fate of light hydrocarbons in the atmosphere, as well as study programs to measure and identify particulate matter. Medical projects include studies of the effects of low concentrations of carbon monoxide on behavior, cardiovascular activity, blood effects, and so on.

I am not here to suggest that further action on the air pollution problem should await further definition of the specific needs. However, I am sure you will agree that the more certain all of us are on the relevant facts, the better able industry will be to solve the problem and the more informed government's appraisal will be of the cost and performance relationships implicit in compliance with the new and more stringent emission standards.

Now I would like to address the remainder of my comments to the subjects about which you and the other members of Congress here today have deep concern, what Ford is doing to reduce vehicle emissions.

First, let me discuss alternate power sources.

Although we have prepared rather elaborate paper studies and carefully analyzed all publicly available literature on the subject, we have found no cause to become optimistic about the Rankine cycle engine. In a Senate Committee hearing in Washington in May, 1968, I indicated that, in our opinion, the Rankine cycle was too complex and fraught with too many seemingly insoluble problems to be considered a likely successor to the internal combustion engine. We have found nothing since that time to alter our evaluation of the Rankine cycle.

Our activities in electric vehicle research were described to Senate committees in March 1967, by Dr. Michael Ference, Vice-president of Ford's Scientific Research Staff. He cited the development work on a concept battery—sodium-sulfur—a zinc air battery concept, improved motors and control systems. It was pointed out that Ford Motor Company had hopes that these major advances in battery development and in control and motor technology might give the electric vehicle a good chance to succeed as a small urban-suburban passenger car and delivery or service vehicle within a decade.

Then, as now, the principal problem was to find ways to minimize the electric vehicle's disadvantages of short range, poor speed and acceleration and hill climbing and long recharge time compared with the quick refueling of gasoline powered cars.

Our position is essentially unchanged today. Problems associated with the fabrication of sodium-sulfur batteries have proved to be more difficult to solve than had been anticipated. As a result, we are nowhere near as far along at this time as we hoped we would be. Also, the hoped for short range potential of air-zinc and nickel-zinc batteries did not materialize.

Some research with lead acid batteries appears promising. This development, if successful, would permit the production of a

city car with about 40 miles range in city driving. This represents a two-to-four-fold improvement over previous technology. It also has been the motivation to re-examine the hybrid engine, electric vehicle concept.

The most promising of all alternate power sources, in our opinion, is the gas turbine engine. Emissions levels of hydrocarbons and carbon monoxide from gas turbines appear to be extremely low; however, there is some question as to the level to which oxides of nitrogen can be controlled.

We have been devoting an important share of our research, engineering and testing to this engine during the past 15 years. Three years ago we introduced our experimental 707 turbine, a seventh generation turbine engine designed by Ford engineers. The 707 was designed specifically for heavy duty trucks. We have tested these engines for thousands of hours on dynamometers and at our proving grounds in Michigan and Arizona. Some 18 months ago we installed the engine in a few of our own fleet trucks which haul Ford parts from Michigan to our plants in Ohio. Results have been very encouraging, but work must continue to develop adequate durability and performance.

We have extended our turbine activities beyond truck application and, earlier this year, launched a program for application for off-road uses, such as stand-by generator sets, oil well cementing, construction machinery and marine pleasure craft. We also have installed a gas turbine engine in a Continental Trailways bus which soon will be making a test run across the country.

Application to automobiles is still a bit down the road. However, preliminary analysis indicates that the use of gas turbine engines in passenger cars would entail a significant cost penalty and, in the case of city driving, high fuel costs. These cost and technical factors will have to be overcome before the gas turbine can be considered as an attractive substitute for the internal combustion engine in passenger cars.

Whether or not any of these alternate power sources ever proves to be worthy of becoming a volume-produced power plant remains highly speculative at this point. The near term improvements for vehicle emissions must be realized from the internal combustion engine system. Further, we think any objective analysis of the evidence supports our conclusion that the goal of a virtually emission free power source can be reached sooner with the internal combustion engine than with an entirely different and unproven power plant.

For these reasons a greater share of our efforts is directed toward the control of emissions from the internal combustion engine.

One very substantial program dedicated to these future improvements is what we term the Inter-Industry Emission Control Program. It is comprised of Ford and ten other companies, six of which are petroleum companies and the other four foreign auto manufacturers. The IIEC was established in April 1967, with Ford Motor Company serving as project manager.

The IIEC utilizes the respective talents of petroleum and automotive specialists in the quest to develop a virtually emission free car. Some very ambitious goals were set. Program targets are 65 ppm hydrocarbons, 0.3 mole per cent carbon monoxide and 175 ppm oxides of nitrogen. These emission targets represent a 90–97 percent reduction from pre-emission controlled vehicles.

We have attained these very low levels in the laboratory and now have a program involving concept cars utilizing advanced hardware and undergoing tests at our proving grounds to determine whether or not these approaches are feasible in terms of durability, operating economy and performance. We are proceeding at full speed to reach the necessary conclusions, and should these tests show promise, we will explore the adaptability of these concepts to mass production techniques.

Gentlemen, I submit that our progress to date and our future objectives which we confidently expect to attain in the control of emissions from the internal combustion engine will serve our mutual objective of providing clean automobiles and a better environment for everyone. As Mr. Henry Ford II said last Tuesday (December 2) in an address at the Harvard Business School, "It doesn't take much imagination to see that before too many years have gone by, the only market left for motor vehicles will be the market for vehicles that are emission free."

In closing, let me assure you that Ford Motor Company intends to be an aggressive participant in that market.

I will just highlight it now.

I would like though to introduce those gentleman who accompanied me here, Mr. Donald Jensen, director of our automotive emissions office, and Mr. Ross Taylor, assistant chief engineer of our engineering activities at Ford, and Mr. James McNead, who is a member of our office of general counsel.

Mr. Chairman, in response to your request in the prepared statement, we have indicated that we have noted the serious problem of air pollution for a long time, and we have been working very diligently on it. We know the problem isn't licked. We know there is a lot more to do, but quickly let me just speak to the specific problem as we understand it in the New York area, New York, New Jersey area, and quoting from a Department of Air Resources report for New York City, the problem in the main in the New York City area is carbon monoxide, sulfur dioxide, and particulate matter.

Now, the automobile certainly does contribute a great part of the carbon monoxide and there is a small matter of the particulate matter, according to the New York Departments report, something like 11 percent of the particulate matter that they have measured is traceable to mobile sources, of which the automobile is a part.

The particulate matter of specific interest with regard to the automobile is the lead and lead salts. It has been covered, I think, adequately, as to what our 1970 vehicles and 1971 vehicles nationwide will do with regard to improvement in the reduction of carbon monoxide and hydrocarbons, and, of course, Ford vehicles meet those requirments.

However, let me very quickly skim through some of the work that we are doing with regard to alternate power sources. We are not at this time optimistic about steam as an alternative source of power for automobiles.

I testified in the Senate Committee hearing that was referred to by the previous witnesses, saying that our analysts have indicated a gross complexity compared to what we believe the internal combustion will be when it is a virtually emission free engine, and these are our opinions. We continue to do paper studies, be aware of the state of hour and elevate it, and if we see anything that changes our opinion we certainly are going to be aggressive in pursuing this.

Along that line we have arranged with some outside organizations, and one is Thermal Electronic Corporation, in Massachusetts, and we are sponsoring with them certain research work, thinking that as the problems have been identified, they can work on those specific problems, if they find promising solutions then we can take the next step, research with regard to steam engines, or Rankine cycle engines, whether it be steam or some organic materials used.

Dr. Michael Ference, vice-president of Ford Scientific Research reported to the Senate Committee in 1967, March of 1967, in regard to our electric car work, and reported there that we were working on sodium sulfur battery concepts, and a zinc-air battery concept, and improvement in emission controls in order to get an electric car that would appear to be useful. As we see it at the moment, we have run into considerable problems with regard to the sodium-sulfur batteries. We are far behind where we thought we would be from this point at this time. We do have some interesting research with regard to red acid batteries. We devoted by far the majority of our work, our efforts on an alternative source on the gas turbine, and we have high hopes that tomorrow a 707 Ford gas turbine will start cross-country, installed in a Continental Trailways bus.

If we were to indicate as clearly as possible our opinion as to priority for possible success, we would have to say that improvements in the internal combustion engine are in our opinion the best possibility for success in a virtually emission free vehicle, and for that reason we are putting a greater share of our technical efforts in this direction. Our second choice at the moment would be the gas turbine. So far, we are looking at it only for trucks, heavy applications.

We are expanding it some to look at stationary applications, such as oil well equipment, and that sort of thing, but by and large there still has to be a considerable breakthrough before we would see the gas turbine as a replacement for the internal combustion engine in passenger cars.

Quickly in the internal combustion engine work, I would like to cite just one program that I believe will be of significant interest to you, what we call the inter-industry emission control program, that was established in April of 1967 with Ford Motor Company as the manager.

There are 11 participants in that program, and I think six are petroleum companies and the other four foreign auto manufacturers. We established at the start of that program, targets that we then thought were the three most important pollutants, the targets that we established were 65 parts per million hydrocarbons, 0.3 mole percent carbon monoxide, and 175 parts per million oxides of nitrogen.

These targets, if attained, would represent between a 90 and 97 percent—depending on which material you are talking about—between 90 and 97 percent reduction from present emission controls.

Congressman FARBSTEIN. You mean this reduction is from every vehicle you produce. Is that correct?

Mr. MISCH. Yes, sir; that is a target of the research program.

Congressman FARBSTEIN. There have been statements made to the effect that there will be a reduction of the pollution from individual autos of 95 percent. There, however, has been no statement taking into effect the multiplication in numbers of automobiles on the total level of automotive pollution expected. This is the reason I am asking the question directly.

Mr. MISCH. No, we are saying that the new vehicles, once we could meet these targets, the new vehicles would perform at these levels, and, of course, you would have to have the attrition of the population, the replacement of the population, before all vehicles would do so.

Congressman FARBSTEIN. How far advanced are you on the production of an internal combustion engine that meets the standards that you have just discussed.

Mr. MISCH. Let me cite it in terms of this particular inter-industry program. This program was to be completed in April of next year. It is being extended one more year, that is through December of 1970, and we have every hope that the research portion of the program will have been completed successfully.

We have already met these targets in the laboratory. We have concept vehicles that are running on our proving grounds to determine whether in fact we can develop these

concepts into producable designs on a mass basis.

Congressman FARBSTEIN. Then I take it, if I understand you correctly, that by 1972 Ford will be able to mass produce——

Mr. MISCH. No, sir. I don't want to be misunderstood. I said that by the end of 1971 the research in this program would be completed and there is an additional phase in reducing that phase to practicality in the automobile as it would be mass produced.

At the moment, I would have to guess as to when we in fact will have production automobiles. I would say '66, '67, maybe '68.

Congressman FARBSTEIN. You mean '76, '7 or '8?

Mr. MISCH. Yes.

Congressman FARBSTEIN. You heard Mr. Chenea say they hoped to have it by 1975. Won't you be able to meet that date?

Mr. MISCH. These are lower goals than he was talking about. I will say that Ford Motor Company is going to be in swinging, and we are going to get part of the business.

Congressman FARBSTEIN. If you expect to get a part of the business, won't you have to meet the standards when they go into effect?

Mr. MISCH. Yes.

Congressman FARBSTEIN. Do you agree with the finding of the Technological Panel of the California Air Resources Board that the control of emission can be brought down to 0.5 grams parts per million of hydrocarbons, twelve grams of carbon monoxide, and 1.0 grams parts per million oxide of nitrogen?

Mr. MISCH. I believe vehicles can be built for those levels.

Congressman FARBSTEIN. By 1975?

Mr. MISCH. No, I dont think so.

Congressman FARBSTEIN. When then?

Mr. MISCH. I think that we are giving the most honest answer we can, as to what we think we will be able to accomplish. If we can move faster and if we are more fortunate the time is going to move up. I am giving the best estimate that we can give, and it is only an estimate.

Congressman FARBSTEIN. Are we going to have to wait to the mid-1970's to see a significant reduction in auto emissions or is it going to begin before?

Mr. MISCH. I am not sure.

Congressman FARBSTEIN. Can we expect a major reduction in auto emissions levels before 1975 or 1976? Can you produce an automobile with less than the California 1975 standards within a year and improve the standards further year by year until you produce a pollution-free engine?

Mr. MISCH. If I may, sir, I would like to answer it this way. We have a series of changing standards, already established through 1974, and these standards, as they become more stringent, as they require a more stringent control, do require differences in the approach to the hardware. I think we are saying, however, through 1974, these will be evolutionary in nature. By that I mean those things that we are working on now will resolve by that time to meet the requirements. We believe it. We haven't done it yet, but we believe that it is the way it will happen.

Now, for the low levels that I am talking about here it will require more completely new approaches.

Congressman FARBSTEIN. Mr. Misch, how much money has your company spent during the year 1969 for research and development in connection with low emission engines. If you can't give it to me for '69, because it is current, how about '68 and '67. Also break that down into what went into salaries and what went into material.

Mr. MISCH. It is a little hard to break it down. Around 700 people are involved in Ford in emission work, internal combustion work, and alternative sources work.

Congressman FARBSTEIN. Full time?

Mr. MISCH. I would say the equivalent of that many full time. If some of the people spent part of the time on that, and part on something else, there would be a larger number involved. I am saying there would be the equivalent of 700 people full time.

Congressman FARBSTEIN. On low emission engines?

Mr. MISCH. Yes, both the internal combustion engine and the alternate source.

Congressman FARBSTEIN. Mr. Misch, how many individuals are working on the internal combustion engines, as compared to alternative engines?

Mr. MISCH. Yes, I do have an idea.

Congressman FARBSTEIN. Would you please tell us.

Mr. MISCH. I would say more than half.

Congressman FARBSTEIN. If you are spending more than half of the money and personnel on alternatives, how do you divide it between the various types of engines, steam, turbine, electric?

Mr. MISCH. I can tell you to this extent. At least in the order that I prioritize it. The first priority I give is to the internal combustion engine. The next highest effort is the gas turbine. The one following that is the electric. The one we are spending the least on is the Rankine or steam engine.

Congressman FARBSTEIN. Do you believe the steam engine is worthy of less attention than the others?

Mr. MISCH. That is obviously the reason why we prioritized it that way. That is our opinion.

Congressman FARBSTEIN. You certainly have a right to your opinion. There are, however, naturally differences of opinion.

Mr. MISCH. Let me assure you, sir, that it is not just my opinion. It is the opinion of our technical organization that I reflect.

Congressman FARBSTEIN. Are you experimenting at all with alternative fuels?

Mr. MISCH. Yes, we are. Once again, in this inter-industry program, where we have six petroleum companies involved in the research, we have several programs. If you have the time, we could tick off very quickly a few of the things that we are doing. Mr. Taylor would be glad to do that, or at least by title indicate what they are.

Mr. TAYLOR. This program, as Mr. Misch indicated earlier, is a cooperative program between the oil industry and the automotive industry. Its official purpose was to the expertise of people in fuel designs with those best versed in automotive engine designs.

Congressman FARBSTEIN. There is one question that sticks in my mind. I am really unable to understand how the Morse panel, the Battelle Memorial Institute Study for National Air Pollution Control, the Senate Commerce Committee and the California State Assembly, each coming from different backgrounds and perspectives, all come to the opposite conclusion. Each seems to feel that the steam engine is worthy of attention, research, and the expenditure of money. They say it will not need any unique metals, and can be produced as cheaply, perhaps if not more cheaply than the internal combustion engine, and that is the reason I can't understand why you give such a low priority to it. Can you explain that to me, Mr. Misch.

Mr. MISCH. I can certainly try. We evaluate—we have evaluated, and continue to evaluate, Rankine cycle concepts, and compare them in total power plant packages with the internal combusion engine, as we think it would be required to be an acceptable product in the hands of the customer. When we do this, and I will cite my testimony before the Senate Committee, we believe that both the cost and complexity of the Rankine cycle system is greater than the internal combustion engine. For that reason, we think that the internal combustion engine is the right one to put the emphasis on.

Congressman FARBSTEIN. Would your company object to mandatory standards for a pollution free engine being established for the internal combustion engine?

Mr. MISCH. I think you have to say virtually pollution free.

Congressman FARBSTEIN. Let's say the standard set down by the California Legislature.

Mr. MISCH. Our company has supported the clean air project.

Congressman FARBSTEIN. The technology panel of the California Air Resources Board, excuse me.

Mr. MISCH. They are about the same numbers. Yes, I would like to answer it this way. I would like to say that our company has supported the Clean Air Act. We have supported the development and implication of standards and requirements on vehicles, and we would continue to do so. I think we have continued always to say that for everyone's good it is highly desirous that we are certain that the demands for control are reasonably in step with the need, because increased control is going to in fact either cost in compromise of product, or in dollars, or something. It is going to cost something, so let's just all of us be sure that we are progressing properly, that's all.

Congressman FARBSTEIN. I asked that question, Mr. Misch, because the California Deputy Attorney General, Charles O'Brien, on March 4, 1969, at the HEW hearing said, and I quote:

"California has had a long and discouraging relationship with the auto industry in attempting to control automobile produced smog."

That is the reason why I am asking the question.

Mr. MISCH. Let me answer by reading a statement that is in the close of my prepared remarks, and it is a statement that Mr. Henry Ford made last Tuesday, December 2nd, in an address to the Harvard Business School:

"It doesn't take much imagination to see that before too many years have gone by, the only markets left for motor vehicles will be the market for vehicles that are virtually emission free."

He assured that Ford Motor Company is in that market.

Congressman FARBSTEIN. I am glad to hear that, but I still haven't got your answer to the question of whether or not you were opposed to mandatory controls.

Mr. MISCH. I thought I answered. We have mandatory controls.

Congressman FARBSTEIN. The standards being discussed by the California Air Resources Board for 1975.

Mr. JENSEN. I am Don Jensen, the Director of Automotive Emissions at Ford. The standards you are referring to were recommended to the Air Resources Board. They are not now a standard in California. They are having a public hearing on these on January 21st. Since they were announced on November 19, each of the companies is reviewing their internal program to see what their position would be. I think Mr. Misch has been responsive to the questions based primarily on our previous controls.

Congressman FARBSTEIN. Would you care to make a statement on these standards; what is your position on them?

Mr. JENSEN. I think I made it clear, Mr. Farbstein, that they were announced on November 19th. The public hearing is on January 21st, so obviously we have to look at the standards, but the numbers going on already at Ford, or the inter-industry program that Mr. Misch mentioned were lower than the numbers in that particular report.

Congressman FARBSTEIN. I am about finished, gentlemen. If there is anything further you want to add, I would be pleased to hear from you. Before we close, a representative of the Attorney General of the State of New York has been kind enough to come here to make a short statement in connection with

the Attorney General's position in relation to these hearings.

Will you state your name and position?

Mr. MANTZOROS. My name is George C. Mantzoros, Assistant Attorney General, Anti-Monopolies Bureau. I am here representing the Attorney General, Louis J. Lefkowitz, who has the following statement to make:

The discharge and emission of contaminants into the air is contrary to the public policy of the State of New York and in violation of state statutes and the statewide Air Resources Program.

It is my hope that from this committee's hearing will come a plan of positive action at the Federal level in support and implementation of the program which is already underway in New York State.

My office already has begun an action to punish the major automobile manufacturers by requiring them to pay treble damages to the state and its municipalities for the harm done to property, crops and individuals by the emission of contaminants from automobiles of their manufacture.

At the same time we are asking a mandatory injunction against the auto manufacturers requiring them with all deliberate speed to install as standard equipment on any auto sold in New York State effective motor vehicle pollution control equipment.

I congratulate this committee for its action and endorse its efforts to bring about an elimination of the air pollution which seriously affects everyone in the State of New York.

Congressman FARBSTEIN. Thank you very much for your statement. Before adjourning, I would like to insert the text of a letter I have received from Mayor Lindsay in connection with this hearings:

(The text of that letter follows:)

THE CITY OF NEW YORK,
OFFICE OF THE MAYOR,
New York, N.Y., December 4, 1969.

Hon. LEONARD FARBSTEIN,
U.S. House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: I was pleased to learn about the hearing you and several other Congressmen from the New York Metropolitan region have scheduled for next Monday, December 8th, on automobile pollution.

I fully support your efforts and offer my cooperation for your hearing and any activities that may follow.

Automobile exhaust pollution is a problem of deep concern to millions of New Yorkers. New York City, as you may know, has undertaken active leadership in this area. For detailed carbon monoxide studies conducted in the City indicate that our problem is different from that in other parts of the country and requires closer and more special attention than it has been accorded. Recently I outlined a five-point program of steps the City will take to insure more effective programs to combat this pollution, including encouraging faster development of pollution-free vehicles. The City plans to purchase and test several of these vehicles to determine whether a practical model can be made available sooner than we can now anticipate. I have been in touch with leading industry executives to explore what further steps the City can take at this time to promote this important project.

I am sure the results of your efforts will be of great value to our program. I look forward to these findings.

Kind regards.

Sincerely,

JOHN V. LINDSAY,
Mayor.

Congressman FARBSTEIN. The hearing is adjourned.

(Whereupon at 1:30 p.m., the hearing was concluded.)

APPENDIX

On November 7, 1969 the following letter was sent to the presidents and chairmen of the boards of the major automotive companies, and the following replies received:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., November 7, 1969.

GENTLEMEN: We are writing you today as Members of Congress, representing the New York-New Jersey-Connecticut metropolitan region, concerned about air pollution.

We are sure you will agree that air pollution has become a matter of grave concern to every American and that the automobile industry has the responsibility to make every effort to alleviate this problem.

It is our intention to hold hearings to examine the impact of the automobile on the air of the New York-New Jersey-Connecticut metropolitan region. These hearings will be held in the Ceremonial Court Room, U.S. Customs Court Building, One Federal Plaza, New York City at 10 a.m. on December 8.

You, as the head of one of the major American industries, are in a position to exercise your responsibility for helping to solve this severe environmental problem by appearing before our panel at that time.

We are anxious to become acquainted with what your company is doing, or plans to do in the future, to overcome the adverse effects on the atmosphere of pollution from automobiles. We are not so much concerned with the details of how your company is meeting specific governmental requirements. Rather, we are interested in the broader context of what steps you are taking for the improvement of the internal combustion engine and the exploration and development of alternative means of propulsion. Thus, we are more desirous of hearing from you, the people at the highest policy-making level of management, than from technical or other laboratory personnel. You are, of course, welcome to bring such personnel to advise you.

We would appreciate your favorable reply to this invitation at your earliest convenience. Please contact Congressman Leonard Farbstein at (202) 225-5635.

With sincere regards, we are,

Members of Congress: LEONARD FARBSTEIN, BERTRAM L. PODELL, JOSEPH P. ADDABBO, ADAM C. POWELL, ALLARD K. LOWENSTEIN, PETER W. RODINO, Jr., BENJAMIN S. ROSENTHAL, JAMES H. SCHEUER, EDWARD I. KOCH, RICHARD L. OTTINGER, JOSEPH G. MINISH, DOMINICK V. DANIELS, SEYMOUR HALPERN, SHIRLEY CHISHOLM, WILLIAM F. RYAN, JAMES J. DELANEY, HENRY HELSTOCKI, MARIO BIAGGI, EDWARD J. PATTEN, and JONATHAN B. BINGHAM.

GENERAL MOTORS CORP.,
New York, N.Y., November 26, 1969.

Hon. LEONARD FARBSTEIN,
House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: This is in response to the invitation which you and a number of your fellow Members of Congress extended to Mr. E. N. Cole, President, and to me to be present at hearings in New York City regarding the impact of the automobile on the air of the metropolitan area. We share your deep concern with the probem of air pollution.

As discussed with you by our representatives, Messrs. Hilder, Magill and Hall, our corporation is under certain inhibitions regarding this subject as a result of pending litigation. However, within the general guidelines discussed by them with you, General Motors is certainly desirous of cooperating with you and presenting our views with respect to this important subject.

Therefore, I have requested Dr. Paul F. Chenea, vice president in charge of our Research Laboratories, to be present on December 8 and make a statement on behalf of General Motors. Dr. Chenea is fully qualified to discuss the subject not only from a technical standpoint but from the viewpoint of policy as well. He will be accompanied by Dr. Fred Bowditch, Director, Emission Control.

Let me reassure you and those Congressmen associated with you in this matter that General Motors efforts for progress in this area carry a very high priority.

Sincerely,

J. M. ROCHE.

GENERAL MOTORS CORP.,
Washington, D.C., December 5, 1969.

Hon. LEONARD FARBSTEIN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FARBSTEIN: In conversations I have had recently with you and Mr. Levin, you have suggested that the testimony of the General Motors witness at the hearing in New York, December 8, be a "response" or "rebuttal" to the remarks of other witnesses. While I believe I have made it clear to you and Mr. Levin that the GM witness will address himself to the information your invitation requested us to present rather than respond to the remarks of other witnesses, I feel that it is important to reiterate this point in order to clear up any possibility of misunderstanding.

In your November 7 letter of invitation to General Motors you stated you were anxious "to become acquainted with what your company is doing, or plans to do in the future, to overcome the adverse effects on the atmosphere of pollution from automobiles." More specifically, you asked for comments on the steps we are taking "for the improvement of the internal combustion engine and the exploration and development of alternative means of propulsion." In our appearance we intend to try to present as much information on this subject as time permits.

In order to cover even a small part of that vast assignment in the time allotted to our testimony, it will be necessary for our witness to address himself to the points he considers most important. Accordingly, he intends to spend the time available presenting information on the subject matter of the hearing.

Let me assure you that General Motors hopes in this way to make a contribution to the understanding by your group and the public of the automotive emissions problems.

Sincerely,

JAMES M. MORRIS.

CHRYSLER CORP.,
November 26, 1969.

Hon. LEONARD FARBSTEIN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: Mr. Lynn Townsend, Chairman of the Board of Chrysler Corporation has asked me to reply to the letter of November 17, 1969, regarding a proposed meeting in New York City concerning the problems of air pollution in the Metropolitan New York Area.

At the outset, let me assure you that the people at the highest policymaking level of Chrysler Corporation as well as our engineering and technical people are fully aware of their responsibilities to further reduce the level of the smog-contributing emissions currently found in passenger car exhaust.

I understand that Mr. C. M. Heinen, Chief Engineer for Emission Control and Chemical Development, has recently forwarded to you certain technical papers which, together with the references included, outline the extensive work that has been done on the problem of vehicle emission control over the last fifteen years.

To provide you with a current picture of Chrysler Corporation's intensive research activities in air pollution and the outlook for the future as our engineers see it, we would like to extend an invitation to you and the

other Congressmen who signed the letter to visit our laboratories in Detroit and to meet with our engineers at your convenience. If it is not possible for these gentlemen and lady to be in Detroit on the same date, we would be pleased to arrange for a series of such meetings to take place. We hope you will view this invitation to come to Detroit as an acceptable alternative to the opportunity you have offered us to appear in New York as the complexity of showing you in detail the work we are doing makes it necessary to stage any meaningful demonstration where the equipment is located.

In addition, as you no doubt know, the Subcommittee on Public Health and Welfare of the House Committee on Interstate and Foreign Commerce has announced that it plans to hold hearings on the subject of air pollution on or about December 8, 1969, and since this Committee has the statutory authority to conduct hearings on this subject, it appears probable that we will be called upon to furnish such information as can be furnished by hearings on a nationwide basis to this Committee of Congress.

Sincerely,

P. N. BUCKMINSTER.

FORD MOTOR CO.,
Washington, D.C., November 28, 1969.

Hon. LEONARD FARBSTEIN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: This will confirm my conversation with you earlier this week regarding representatives of Ford Motor Company meeting with you and some of your Congressional colleagues in New York City on December 8 to discuss the efforts for improvement we are making in the area of automotive emissions.

Arrangements have been made for Mr. H. L. Misch, Vice President-Engineering, to be present. As a Vice President of the Company with senior responsibility for all staff engineering activities, Mr. Misch is fully familiar with our policies relating to automotive emissions. We expect that he will be accompanied by one or more other representatives of our Company.

I shall await your advice as to whether we should proceed with these arrangements.

Sincerely,

R. W. MARKLEY, Jr.

FORD MOTOR CO.,
Washington, D.C., December 1, 1969.

Hon. LEONARD FARBSTEIN,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. FARBSTEIN: This will confirm our conversation today and advise that my letter of November 28 was intended to embrace the concept that Mr. Misch is able and authorized to speak to company policy in the area of automotive emissions.

Sincerely,

R. W. MARKLEY, Jr.

(On October 20, 1969, the following letter was sent to the major automobile manufacturers by Congressman FARBSTEIN. The only substantive response, sent by Ford Motor Co. follows:)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

GENTLEMEN: On July 31st I introduced H.R. 13225, a bill to help combat more effectively the air pollution resultant from the ever increasing use of motor vehicles. A copy of this legislation is enclosed.

The purpose of this bill, and of additional legislation now being drafted, is to (1) encourage the development of alternatives to the internal combustion engine, (2) improve fuels used in the internal combustion engine in order to meet more stringent emission control levels, and (3) ensure that the control devices on 1968 and 1969 model year vehicles, for which owners have paid nearly two-thirds of a billion dollars, are operating in conformity with Federal emission standards.

So that I may have the most current and comprehensive information available in this area, I am requesting the advice and opinion of manufacturers of motor vehicles and motor vehicle engines both in the United States and abroad. I hope that your company will be kind enough to reply to the following questionnaire which represents items in which I have particular interest.

Please be assured that the information provided will be considered confidential and will not be attributed to your particular company unless you authorize its use. Your assistance is greatly appreciated.

With kind regards, I am

Sincerely yours,

LEONARD FARBSTEIN,
Member of Congress.

Name of Company———————
Headquarters Address———————
Name and Title of Official———————

1. What is the major thrust of your company's activities to reduce automobile air pollution?

2. How much has your company spent for research and/or engineering to reduce emissions from new motor vehicle engines for the 1968, 1969, 1970 model years?

3. Did you spend any funds for new vehicle engine research and engineering for your 1968, 1969, 1970 models? If so, how much did you spend (by years)?

4. What proportion of this money, if any, went for the following (by year):

(a) Development of vehicles utilizing alternative power sources such as steam (vapor), electric, turbine or other. (What is the pertinent data regarding the size, horsepower, weight, speed, range, and comparative performance of each of the foregoing?

(b) More effective emission control devices or systems on the internal combustion engine currently in use. (Please include information on cost and performance pursuant to Federal emission standards.)

(c) Improvement or refinement in the combustion characteristics of the internal combusion engine through basic engine modification or the use of improved or alternative fuels such as unleaded gasoline, LPG, natural gas or any other fuel in adequate supply.

5. Do you intend, in the near future, to be able to meet the emission requirements set forth in H.R. 13225? If so, approximately when and upon what technological advances do you expect to rely?

6. Has your company initiated any program to ensure that the emission control equipment you install will operate effectively after the car has operated for several thousand miles? If so, up to what mileage (Please include comprehensive data generated by or available to your company on vehicles tested under Federal test procedures with less than 50,000 miles of operation in public use.)

7. What programs does your company have for training service personnel in the repair and upkeep of emission control equipment? Could you supply me with drafts of your instructions to these personnel?

8. May this reply be publicly attributed to you and/or your company?

Yes—— No——

Please return to: Congressman Leonard Farbstein, U.S. House of Representatives, 2455 Rayburn House Office Building, Washington, D.C. 20515.

FORD MOTOR CO.
Dearborn, Mich., December 9, 1969.

Hon. LEONARD FARBSTEIN,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FARBSTEIN: Thank you for your letter of October 20, 1969, in which you raise several questions in connection with Ford's activities in connection with the control of automotive emissions. I have prepared a comprehensive summary of Ford's activities past, present, and future in vehicle emission control, a copy of which I have enclosed with this letter. This summary, together with the testimony given by Mr. H. L. Misch, Ford Vice President-Engineering, at your hearing in New York City, seems to me to comply with your request. However, if additional information is needed, please let me know.

Sincerely,

D. A. JENSEN,
Director, Automotive Emissions Office.

Name of Company: Ford Motor Company.

Headquarters Address: American Road, Dearborn, Michigan 48121.

Name and Title of Official: D. A. Jensen, Director, Automotive Emissions Office.

1. What is the major thrust of your company's activities to reduce automobile air pollution?

These are numerous. See pages 3 through 6 of the Summary.

2. How much has your company spent for research and/or engineering to reduce emissions from new motor vehicle engines for the 1968, 1969, 1970 model years?

As indicated starting on page 3, almost every segment of the company is involved in vehicle emissions.

3. Did you spend any funds for new vehicle engine research and engineering for your 1968, 1969, 1970 models? If so, how much did you spend (by years)?

Yes, and the extent of this work is evidenced on pages 3 to 6.

4. What proportion of this money, if any, went for the following (by year):

(a) Development of vehicles utilizing alternative power sources such as steam (vapor), electric, turbine or other. (What is the pertinent data regarding the size, horsepower, weight, speed, range, and comparative performance of each of the foregoing?

(b) More effective emission control devices or systems on the internal combustion engine currently in use. (Please include information on cost and performance pursuant to Federal emission standards.)

(c) Improvement or refinement in the combustion characteristics of the internal combustion engine through basic engine modification or the use of improved or alternative fuels such as unleaded gasoline, LPG, natural gas or any other fuel in adequate supply.

Our accounting system does not break down our efforts in the categories you mention, but considerable engineering development work was spent on each of the above categories as indicated by the summary. If you wish to visit Detroit, I'll be glad to show you exactly what we are doing in respect to a), b), and c).

5. Do you intend, in the near future, to be able to meet the emission requirements set forth in H.R. 13225? If so, approximately when and upon what technological advances do you expect to rely?

See page 5 of the Summary.

6. Has your company initiated any program to ensure that the emission control equipment you install will operate effectively after the car has operated for several thousand miles? If so, up to what mileage? (Please include comprehensive data generated by or available to your company on vehicles tested under generated test procedures with less than 50,000 miles of operation in public use.)

See page 4 of the Summary.

7. What programs does your company have for training service personnel in the repair and upkeep of emission control equipment? Could you supply me with drafts of your instructions to these personnel?

I'm sending under separate cover copies of

Ford Motor Company's Training Handbook 5000 on "Vehicle Emission Control Systems".

8. May this reply be publicly attributed to you and/or your company?

Yes.

Please return to: Congressman Leonard Farbstein, U.S. House of Representatives, 2455 Rayburn House Office Building, Washington, D.C. 20515.

SUMMARY OF FORD MOTOR COMPANY'S ROLE IN CONTROL OF MOTOR VEHICLE EMISSIONS

INTRODUCTION TO A PROBLEM

In the early fifties when it was first recognized that the automobile played a role in the formation of photochemical smog in Los Angeles, Ford immediately initiated extensive research efforts in a number of fields. Up until 1960 there were the following accomplishments in each of these as follows:

1. Instrumentation

The use of nondispersive infrared techniques to measure extremely small parts per million concentrations of contaminates from the exhaust were pioneered by Ford Motor Company. This was only one important step in our cooperative effort with Los Angeles County to first find out how to measure emissions so we could do the engineering job of reducing them to acceptable levels.

2. Test procedures

Since emissions from vehicles varied tremendously based on the vehicle's operating mode, it became essential to determine the "average" trip and the "average" emissions of vehicles in the Los Angeles area. Ford played a major cooperative role working with California to establish these facts which even today form the basis for the test procedure utilized by California and the Department of HEW. The formal adoption by California of exhaust emission test procedures in May of 1961 signaled the opening of an era when auto manufacturers and others could apply their engineering efforts to definitive targets to solve the problem.

3. Control techniques

Initially, it appeared that a device controlling the deceleration driving mode would be sufficient to reduce hydrocarbon emissions so that the required level of air quality could be attained in Los Angeles. We had engineered workable effective deceleration devices when industry data led California authorities to conclude that this was relatively unimportant in the total smog picture.

Thereafter, we worked on controls for almost all driving modes. Among many other exhaust emission control systems we developed a catalyst (vanadium pentoxide) which was effective in controlling the hydrocarbon emissions which contributed to photochemical smog in Los Angeles. It was not designed to be effective in control of carbon monoxide in order to minimize high temperature material problems. We were initiating production studies of this catalyst device when California required the control of carbon monoxide emissions. As a result, we redirected our efforts toward solutions capable of controlling both hydrocarbon and carbon monoxide. Manifold thermal reactor development started in 1958 to back up the catalytic system development. Through new research and measurement methods, it was determined that crankcase "blow-by" was responsible for 20% of the total hydrocarbon emissions from an automobile. Utilizing crankcase fume recirculation systems designed earlier for other purposes, we engineered crankcase control systems for voluntary installation on California cars in the fall of 1960 (1961 models).

In the ensuing years, Ford experimented with numerous exhaust control systems utilizing not only our own research efforts but also those available from others. Specifically, we made significant advances in thermal reactor systems and complex catalyst control methods.

In preparation for the introduction of exhaust controls in California for 1966 models, we reviewed our engineering research and adopted a variation of our thermal reactor. The result was Ford's Thermactor system, consisting of an air pump supplying oxidizing air at the exhaust ports of the engine (in the exhaust manifold) to help consume polluting contaminates. This crash program met California standards and formed the basis for the numerous improvements in exhaust controls since the fall of 1965. When you realize that 37 other new changes (in addition to the air pump) were required in the automobile powertrain to effectuate this control, you can recognize the engineering ingenuity and skill which evidenced itself in the "new" exhaust controls that have been produced since 1966 models in California.

Subsequently, we perfected an engine modification system that we call IMCO—Improved Combustion. IMCO has, for the most part, replaced Thermactor as Ford's method of exhaust control. These controls were extended to heavy duty gasoline powered trucks in California on 1969 models and nationwide on 1970 models.

The 1967 amendments to the federal Clean Air Act required the control of emissions from all 1968 model passenger cars. Subsequently, controls for evaporative emissions from the fuel tank and the carburetor were enacted—on 1970 models in California and on 1971 models nationwide. Final work is now in process to control emissions of oxides of nitrogen from 1971 models to be sold in California and the control of diesel smoke from new engines will become effective on January 1, 1970.

Virtually every segment of the Company is now involved in emissions control. Those who design engines, build carburetors, work on transmissions, electronic engineers; the chassis engineers; those involved in the fuel system; the auto service specialists; quality control experts; the body designers; and the advanced scientists, and many more—all now intimately concerned with vehicle emissions as a part of their job.

The advancements that have been made in exhaust controls have reduced exhaust emissions steadily each year as these moved from California to national controls in 1968 models and on up to the present. Field surveillance has shown continued steady improvement and improved durability in emission controls for Ford vehicles although the government standards were not revised downward until 1970.

Relative to the point when vehicles were not equipped with pollution controls, the regulated levels in 1971 on a nationwide basis will represent an 80% reduction in hydrocarbon controls and a 70% reduction in carbon monoxide.

Quite apart from government requirements, Ford started a comprehensive quality control program to monitor emission controls. A sample of vehicles are checked each day to ensure the integrity of our production vehicles. Ford has an elaborate pressurized room where 100% of our carburetors are "flowed" and checked to be certain they are within necessary emission control tolerances. Idle adjustments are set at the factory and plastic idle adjustment limiters are installed to help maintain emission characteristics of our cars when they are in the hands of our customers. We also issue basic instructions in our manuals and on decals in the engine compartment to aid mechanics for proper engine adjustment.

These are all done voluntarily by Ford Motor Company without government direction and they have been instigated in the last few years because of our interest in improving emission characteristics of our vehicles, not only in production but in the field.

Numerous segments of Ford Motor Company are working for the near-term and far-term future low emission or emission "free" vehicle. One important endeavor is the Inter-Industry Emission Control (IIEC) Program. This is a cooperative effort which began in April, 1967, with Ford as the project manager. It includes six oil companies and four foreign car manufacturers cooperating.[1] The goals of this program are to reduce emissions to:

65 ppm HC equivalent to .82 grams per mile HC.

.3% CO equivalent to 7.1 grams per mile CO.

175 ppm NO_x equivalent to .68 grams per mile NO_x.

This is the IIEC Program definition of a "smog free" vehicle and represents a 90 to 97% emission reduction from the level of pre-control vehicles. The cooperating parties of the IIEC contribute their support both technically and financially in an effort to find the optimum combination of hardware and fuel.

These objectives have been achieved in the laboratory by means of various approaches. Today, "concept" cars are on the test track to determine whether these approaches are feasible in respect to durability and performance. After much preliminary research and culling of a host of alternatives, IIEC work is now concentrated on four basic ways of achieving the project goals.

There are other promising development efforts at Ford Motor Company. We have publicly announced our intention to produce the turbine truck commercially in the early 1970's. Turbine trucks are running daily and have been as we prepare for production. This alternate power source has excellent potential for extremely low hydrocarbon and carbon monoxide emissions. Application of gas turbine to passenger cars is still a bit down the road, however.

Ford also is doing research into electricity, steam, and other alternate power sources and has done extensive development work on the stratified charge concept.

California has adopted stringent vehicle emission requirements up through the 1974 model year. They are designed to reduce vehicle emissions to a level which would result in the level of air quality established by the California Air Resources Board on September 17, 1969. We, at Ford, intend to meet those more stringent 1974 standards.

We hope that the foregoing summary serves to prove the point that, since the first identification of the automobile as a source of air pollution, Ford has been engaged in a continuous effort to eliminate objectionable emissions from the automobile. A part of the job of almost every Ford engineer is related to emissions. We have found it more important to generate this company-wide "drive" permeating our effort than to try to decide if a given engineer or scientist spent 10% of his time on emissions one day versus 90% another, or none the next. We want to utilize, as efficiently as possible, all of the Company's available technology and use our "know how" in numerous fields related to automotive mechanical and chemical engineering. We believe that, by so doing, the day of the smogless motor vehicle will be hastened.

SENATE PASSES H.R. 2—INDEPENDENT FEDERAL CREDIT UNION AGENCY BILL

(Mr. PATMAN asked and was given permission to extend his remarks at this

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[1] Participating U.S. oil companies are American, Atlantic Richfield, Marathon, Mobil, Sohio and Sun. Three Japanese auto manufacturers—Mitsubishi, Nissan and Toyo Kogyo—joined the program in July, as did the Italian automaker, Fiat.

point in the RECORD and to include extraneous matter.)

Mr. PATMAN. Mr. Speaker, yesterday, the Senate by a vote of 73 to 15, passed H.R. 2, legislation which would provide for an independent Federal agency for the supervision of federally chartered credit unions. The legislation had previously been approved in the House on July 28, 1969, by an overwhelming vote of 356 to 10.

Today, I have asked for a conference on the legislation so as to work out the final details on the creation of this new agency. There are only a few differences between the House and Senate versions of the legislation and I do not anticipate any problems in working out the differences. In fact, it is my hope that the conferees can meet very shortly to complete action on the legislation.

Although there are a number of technical differences between the two bills, there are only three basic differences.

The House version provides for a Board of Governors to give direction to the National Credit Union Administration. The Board of Governors would set policy to be carried out by the Administrator of the agency. The Senate version vests the power for setting policy with the Administrator of the agency and creates an Advisory Board to advise the Administrator.

The House version further provides that in selecting Board members, the President "shall receive and give special consideration to the nominations submitted by credit union organizations which are representative of a majority of credit unions located in the region for which a Board member is to be appointed." Also, "the persons so appointed as Board members shall be selected on the basis of established records of distinguished service in the credit union movement." The Senate version contains no procedure for submission or consideration of nominations. The Senate version does provide, however, that "in making appointments to the Board, the President shall consider, along with other relevant criteria, the experience of the person to be appointed in the credit union movement."

The final major difference concerns the authority of the Administrator versus the Advisory Board or Board of Governors. The House version requires the Board of Governors to submit an annual report to the President for submission to the Congress including recommendations for legislative enactments and "other action as in the judgment of the Board are necessary and appropriate to carry out its recommendations." The Senate version does not contain a provision for a report to Congress by the Board.

The creation of the National Credit Union Administration will be the biggest step taken by Federal credit unions since the Federal Credit Union Act was passed in 1934. No longer will the Bureau of Federal Credit Unions, the agency which presently supervises Federal credit unions, be buried in the Department of Health, Education, and Welfare. Credit unions will have their own spokesman who will not be shackled by bureaucratic restrictions.

Credit union members throughout the country have worked hard to obtain the goal of their own supervisory agency. They made an outstanding case for the legislation and they worked hard to provide Congress with all of the information needed to pass the legislation.

The establishment of the National Credit Union Administration will be fitting tribute to credit union members and volunteers who have worked so hard and for so many years to make credit unions the great institutions that they are today.

GAO REPORT ON INTEREST RATE CRITERIA FOR FINANCING FEDERAL POWER PROGRAM

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, the second session of the 91st Congress opened with one ray of sunshine—the Comptroller General's report, dated January 13, 1970, exposing the ridiculously inadequate interest rates Federal agencies have been using in determining the cost of financing Federal electric power programs. Let us all hope this report is a harbinger of a new era where honesty, credibility, and respectability will prevail for Federal programs in the 1970's. This report by the prestigious General Accounting Office is particularly encouraging and reassuring to me because I have been exclaiming for years that these projects do not repay their cost to the taxpayers. In fact I introduced legislation starting in 1962 to correct this problem but nothing was done. Last year I introduced two bills, H.R. 661 and an amended version, H.R. 13107, to establish a uniform and realistic policy for repayment of costs of Federal electric power projects.

In the words of the GAO:

> The interest rate criteria used by Federal agencies in determining the cost of financing the Federal power program result in the use of interest rates that are not representative of the cost of funds borrowed by the Treasury during the period of construction of a power project.

The GAO undertook its review of this matter because its continuing reviews of Federal power agencies noted "variations in the interest rates applicable to the individual projects constructed by the agencies." The GAO found that a significant amount of information on interest rates was available from its annual audits of the financial statements of the Federal Columbia River Power System. Accordingly, it used this system as an example "to show that the Government's cost of financing the Federal power program has been significantly understated because of the use of interest rates below the cost of Treasury borrowing."

The report goes on to point out, however, that this condition is not unique to the Federal Columbia River power system and is applicable to other power systems in the Corps of Engineers and the Department of the Interior.

The GAO report referred to the fact that costs to construct, operate, and maintain the facilities of the Federal power program are financed by appropriations from the Federal Government, except for the power program of the Tennessee Valley Authority. Since fiscal year 1961 the TVA power program has been financed by its power revenues and by the sale of revenue bonds and notes on the private money market where true, cost-of-money, interest rates prevail.

Despite the TVA example in paying the true cost-of-money, interest rates used in accounting for the repayment of Corps of Engineers and Bureau of Reclamation power projects have ranged generally from 2½ to 3¼ percent. During the past year power bonds issued by TVA have resulted in net annual interest rates to that agency of about 8 percent.

With respect to the Federal investment in the power facilities of the TVA, the 1959 TVA Revenue Bond Act required specific annual repayments of capital and interest on the appropriation investment based on the computed average interest rate payable by the Treasury on its total marketable public obligations as of the beginning of the fiscal year. As of June 30, 1969, this rate was 5.232 percent. We all know that the Government is presently paying more than 8-percent interest on its current borrowing.

Mr. Speaker, the GAO believes the Secretary of the Treasury should have the responsibility of "prescribing annually an interest rate to be used in determining the interest costs to be capitalized as part of the Government's investment in power projects," and that this rate should "take into consideration the average market yield, during the year in which the investment is made, on the outstanding marketable obligations which the Secretary considers to be most representative of the cost to the Treasury of borrowing money to construct the power projects." the GAO said it believes further that the annual interest rates should be computed on the basis of a composite of the average market yields used in computing the interest costs capitalized during the construction of the project. This is important, for the cost of financing the Federal power program is a significant portion of the total cost of the program.

The GAO stated that use of an average interest rate on long-term Treasury obligations outstanding at the time initial construction funds were requested for a project as a basis for computing the interest costs as part of the Government's investment in the projects, actually does not represent the cost of Treasury borrowing during the period of construction. The report refers to the use of a 2½ percent interest rate on the John Day Dam, for example, as contrasted to the then average market yield of 3¼ percent on Treasury securities with comparable maturities.

Some further background of this point will help illustrate the economics and financial inequities inherent in the present agency practices. In 1965, the Congress, in the Water Resources Planning Act, established the Water Re-

sources Council. Among the responsibilities assigned to the Council were the establishment, with the approval of the President, or principles, standards, and procedures for Federal participants in the preparation of comprehensive regional or river basin plans, and for the formulation and evaluation of Federal water and related and resource projects. Except for its authority over the "evaluation" of projects, its responsibilities were limited to matters concerning the planning and formulation of projects. Many of us had high hopes that this agency would provide constructive leadership in the planning and formulation of Federal projects. Unfortunately it has, with minor exceptions, been completely inocuous and largely a failure. While it did finally, on December 24, 1968, issue a rule amending the interest rate formula contained in Senate Document 97 to base the interest rates formula on yields rather than on coupon rates, as the GAO points out, the rate applies only to plan formulation and evaluation used to secure authorization of a project and not to repayment. Furthermore, although establishing a much improved formula for determining interest rates, the Water Resources Council ignored it and established a lesser interest rate than would have been required by the formula if it had been applied to the Treasury securities at the time. The GAO report specifically refers to my bill H.R. 661 and quotes a section on interest rates which was subsequently amended in H.R. 13107.

In 1967 and 1968, the Subcommittee on Economy and Government of the Joint Economic Committee held hearings on the interest rates used by Federal agencies in evaluating the feasibility of proposed Federal projects. A number of witnesses including officials of the Federal Government testified that the market yield on Treasury obligations is the only true measure of the cost of Treasury borrowing rather than the interest rate formula proposed in Senate Document 97. For that matter the Secretary of the Treasury has consistently objected to the artificial interest rates used in determining the costs of financing Federal power programs. In a letter dated November 17, 1964, commenting on the proposed Passamaquoddy tidal power project, the Secretary of the Treasury advised the Secretary of the Interior:

> The Treasury Department has for some time been quite concerned about the appropriateness of the interest rate formula presently used for the cost-benefit and reimbursement calculations for water and related land resource development projects.

He referred to the inclusion of the formula in Senate Document 97, 87th Congress, second session, and pointed out:

> The Treasury Department was not consulted in regard to the interest rate formula in Senate Document 97, and we have felt impelled to urge on a number of occasions that an early reconsideration be undertaken.

He continued:

> We feel it is imperative to move toward adoption of a more appropriate interest rate in order to provide for a more accurate portrayal of project costs and more equitable cost sharing arrangements.

It is an anomaly that even after such repeated comments of the Secretaries of the Treasury in both Democratic and Republican administrations it was not until 1968 that a small increase in the interest rate used was directed by the Water Resources Council.

As I have indicated above, the interest rate prescribed by the Water Resources Council does not apply to the repayment of the Federal cost of projects. Nevertheless, it is obvious that to have any meaning project plan formulation and repayment of cost must be directly related. Furthermore, the interest rate used affects not only the costs but the benefits used in justification of such projects. In hearings by a subcommittee of the Senate Committee on Appropriations with respect to appropriations for the Federal Power Commission the following colloquy took place:

> Senator ELLENDER. If you fix the benefits for electric power at 2.75 mills and electricity actually is sold at 2.25 mills, do you think that is a good yardstick to use to determine what the benefit-to-cost ratio should be?
>
> Mr. WHITE [Chairman of the Federal Power Commission]. It certainly would not sound like it, Senator . . . I think the actual ratio paid for the electricity should be used in the benefit-to-cost ratio determination.

Of course, interest rates must be adjusted to actual conditions as they are at the time the financing is provided for the project, rather than using obsolete figures which may have been applicable some years before when the original justification material was being prepared.

The GAO submitted its draft of this report on interest rate criteria to a number of agencies concerned for comment. The Corps of Engineers pointed out that the interest rates used in its evaluations have been in accordance with the coupon formula prescribed by administrative and legislative authority. The Department of the Interior responded that the interest rate policy for Federal power programs had been established in the context of other considerations and that "to the extent intended by Congress total program costs are recovered." Interior referred to the subsidized rates applicable to the rural electrification loan program and said that the Federal power program should not be singled out as the only activity to which a criteria of recovery of entire costs on the Federal investment should apply. For its part the Treasury Department noted that as a matter of longstanding policy it has recommended the use of current market yields on outstanding Government obligations of comparable maturity as the best measure of the cost to the Government of financing an activity. This formula, it stated, provides a current measure of the "minimum" cost of money in the economy.

Mr. Speaker, I fully agree with the findings of the GAO report, but I am sadly disappointed with its lack of recommendations. Despite the fact that it found the interest costs capitalized as part of the Government's investment have been "significantly" understated, GAO merely reports the matter to the Congress without recommendation. I am concerned that such an excellent report may be left to languish on a shelf rather than be the basis for the correction of an entirely unjustified practice. The report does not even indicate that its findings will be considered in reporting on future audits of the Federal power programs. It states only that the "interest rate criteria used by Federal agencies in determining the costs of financing the Federal power program should be changed" but ends up making no recommendation to this effect.

It is interesting to note that the agency specifically established to assist in the development of a region, the Tennessee Valley Authority, more than 10 years ago was required not only to seek future financing of power facilities in the open money market, but also to repay the investment made by the Federal Government over a period of years prior thereto with interest equal to the average rate paid by the Federal Government on its securities. As stated above, that rate currently is 5.232 percent. The Congress decided not only that all future facilities should be financed either from the private money market or from internal TVA sources, but also that current, high-cost interest rates be used on investments made decades ago when interest rates and yields were far lower than they were at the time the revised requirements were enacted. It is strange that the people outside the TVA area should have more favorable treatment than those in what was then an underdeveloped area for which TVA was specifically created.

With respect to the greatly subsidized 2-percent REA electric loan program, it should also be noted that both Republican and Democratic administrations have proposed increases in such rates. Furthermore, the rural electric cooperatives, during this past year, have established a separate independent financing institution outside of the Government to help finance the expansion of their systems.

I have always understood that the General Accounting Office, as an agency in the legislative branch, was created to assist the Congress in providing legislative control over the receipts, disbursement, and applications of public funds. It has the responsibility to assure that expenditures are made in accordance with law and that the administration of programs meets the requirements of statute. In its audit responsibility it has an obligation to report to the Congress information obtained in the audits.

Furthermore, existing law requires generally that rate schedules for Federal power projects be drawn having regard to the recovery by the Federal Government of the cost of producing and transmitting electric energy, including the amortization of the capital investment allocated of power, over a reasonable period of years. This is to be done in conformance with sound business principles. Variations in this language appear throughout the statutes but the basic concept is common to them all.

In the many years of authorizing power projects, one of the primary considerations of the Congress has always been the question of whether the costs to the Federal Government would be repaid. This is of primary interest to the Congress and, I am convinced, of primary

interest to the people of the United States. In fact, until 1966 the GAO, in its audit reports on Federal electric power systems provided information on this subject.

Since then, however, it has been concerned primarily with accounting principles. In its September 1966 audit report on the Columbia River Federal Power System, the GAO stated:

The financial statements are presented on a cost accounting basis and do not purport to show financial results in terms of repayment of the investment in the commercial power program, either cumulatively or for the fiscal year, on the basis of the repayment administratively established by the Department pursuant to law.

While it would be expected that the Federal Columbia River Power System, as well as other power marketing agencies of the Federal Government, would keep and maintain financial records in accordance with sound business accounting principles, and any failure to do so would be reported to Congress, it would seem to me that the Congress is more interested in knowing whether the power systems are meeting their repayment requirements in accordance with law. I am, accordingly, pleased that the GAO is now concerning itself with basic, broad policy considerations, as well as with statutory requirements.

I realize that present law leaves much to be desired as to the specific standards and terms of amortization which are required for repayment of the Federal investment in power projects outside of the TVA area. I also believe that the great mass of the public has been mislead in thinking that the cost of these projects are being repaid to the taxpayer. Regardless of any past needs for power development, it would seem that any clear-minded person, at this stage of development of our country, and in light of the tremendous technological advances that have taken place, would feel that continued subsidization of the Federal power program is neither needed nor desirable. There simply is no need for it now. We can no longer afford this luxury.

The question of whether Federal power projects should repay their cost to the taxpayer is a matter of public policy. It is not something to be left to determination by administrative whim. I realize that certain agency personnel will argue in favor of continuation of past practice to protect their vested interests. But, decisions on policy issues are not within their assigned responsibility. It is for this and other significant reasons heretofore enumerated that I have introduced legislation to establish a uniform Federal policy for repayment of costs of Federal electric power projects. I cannot overemphasize that on matters of this kind GAO has an even greater, overriding responsibility to ascertain and make reports to the Congress concerning the compliance of Federal agencies with the basic policies and decisions of the Congress than it has to report routine accounting findings.

I highly commend the GAO on its recent report and seek its endorsement and support in the Congress of my legislation which would resolve this issue in a manner which will be fair and in the best interests of all the people. It makes no sense whatsoever to continue the present inequitable, varied, and unjustified practices. I also look forward to full disclosure by GAO in its future audit reports of failures by Federal electric power systems to repay their actual costs to the Government.

THE NATION'S LAW SCHOOLS AND THE ENVIRONMENTAL DECADE—PARTIAL RESULTS, NO. 2 OF AN INFORMAL SURVEY

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, this is the second report on results of the informal survey I conducted among the deans of the Nation's law schools concerning environment-related curriculum. As I mentioned in my first report, the response has been extremely gratifying and enlightening. Most responses show a deepening awareness of the responsibility of the law schools to prepare future attorneys for involvement in suits affecting the quality of life.

On the basis of recent news stories about current suits dealing with environmental problems, one can see a pattern developing in many communities across the land where the only recourse available to the public to prevent or rectify environmental pollution is through the courts. This is a time-consuming process fraught with unusual difficulties; not the least of which is the general lack of knowledge about the environment as it relates to our legal system.

My survey shows that most law schools recognize that new ground needs to be tilled and that with time, a body of environmental law may be established. Considering the critical necessity of cleaning up the environment, combined with the public's rising expectations and desire to effect such protection, I can only say that whatever is done now to prepare future legal environmentalists is extremely important to man's future.

I have again taken representative and pertinent sections of the letters from the deans and reproduced them below to give our colleagues an overview of the extent of the commitment to protecting our environment I have found throughout the Nation's law schools.

Associate Prof. David P. Bryden, of the University of Minnesota Law School, reported on the course content in four traditional courses. He mentioned that the law and agricultural economics seminar for this year is devoted entirely to pesticides.

Dean Edward C. Halbach, Jr., of the University of California, Berkeley, School of Law, also noted the traditional courses and added that professors from his school, and one member of the law faculty from Stanford, UCLA, and the University of California, Davis, are making plans for a joint program of research, public service and education relating to the legal and policy problems in the field of environment. He added:

I sincerely hope that imaginative steps will be taken in the Federal government to stimulate and assist a wide variety of law-related but inter-disciplinary work on environmental problems.

Associate Dean Charles W. Mentkowski, of Marquette University, sent a detailed outline of the Law School's plans in this area of curriculum. Dean Mentkowski said:

Plans have been and are currently being made to offer a course in the fall semester of 1970 on Legal Solutions to Environmental Pollution Problems. The course is envisioned as concerning both the legal implications of governmental control and investigation of possible private rights of action to keep the water, air, and forest unpolluted. It will be an interdisciplinary offering to an extent with aid from professors of Chemistry, Biology, and Engineering:

From the Northwestern University School of Law, Prof. Anthony A. D'Amato listed the courses currently being given at Northwestern and added:

I hope that your informal survey helps create a sense of urgency about such curricular offerings in law schools. As a member of a Northwestern University committee investigating environment-related courses here, I have found that although many courses have long dealt with aspects of environmental problems, wholly new offerings are severely needed to cope with interdisciplinary ecological findings that have recently surfaced in public consciousness.

While some members of our faculty share my personal concern that what is at stake in the "environment" issue is nothing less than the survival of the human race in an increasingly polluted and exploited world, there are others who have not been sufficiently exposed to the warnings of scientists and the findings of ecologists to yet share this degree of concern. To some extent, interest for new environment courses will come as a result of student pressure. But time is short, and I would personally appreciate all efforts that may be exerted by persons in a position of authority, such as yourself, to indicate your level of concern to each and every faculty member of our leading law schools.

Prof. James E. Krier of the University of California, Los Angeles, School of Law, outlined a number of interesting environment seminar programs in which UCLA students are currently involved. Concerning the future, he says:

Our plans for the immediate future include seminars in natural resources, conservation, and environmental law. But this is not the limit of our commitment. Many of the most fascinating facets of environmental problems as they bear on legal institutions are best illustrated within the framework of the more traditional courses . . . Several of my colleagues draw upon problems of environmental quality for analysis in those courses. This is, I think, a most valuable and relevant approach.

I know our colleagues will be particularly interested to learn of a new book on "environmental law" which is scheduled for publication late in 1971. I learned of the book from Mrs. Eva H. Hanks, associate dean of the Rutgers University Law School. Mrs. Hanks is a coauthor with her husband, John L. Hanks, of the Columbia Law School, and Prof. A. Dan Tarlock of the Indiana School of Law, of a casebook on environmental law. Considering the growing number of suits dealing with such problems, the compilation of cases is bound to add significantly to the legal profession's ability to cope with these community problems.

Dean Harold G. Wren of the Lewis and Clark College School of Law reported that a new course in "environment and the law" will be added to the

regular law school curriculum during the 1970–71 academic year. He also noted that the faculty of the Northwestern School of Law will publish a legal periodical entitled "environmental law" which will emphasize all aspects of man as related to his environment through the law and legal process. The first issue of the publication is due this spring.

Dean Don W. Sears of the University of Colorado School of Law noted:

In the specific area of environmental quality control, we are now offering a seminar devoted exclusively to this subject. In addition, we have an environmental intern program which has been made possible by a grant from the Ford Foundation. Each year, twelve of our students have an opportunity to participate in the program which consists of spring and fall seminars and an intervening ten-week summer research period. During the summer the students work on research projects in conjunction with an agency at the federal, state, or local level having some responsibility for the quality of the environment.

The Center for Interdisciplinary Study of Public Law at the University of Miami reports the development of a comprehensive program directed to the pressing environmental problems facing the Nation. Prof. Leonard J. Emmerglick stated in his letter:

We are developing a three-part program; one area is directed to legal research to identify substantive principles and procedures to deal with the abuse and misuse of the environment; another part of the program will take the form of a course on environmental law which will be taught by a team of teachers; and, the third part is an action program looking to the making of such contributions as is appropriate in the work of creating needful legislation and supporting the testing of new legal principles in the courts.

Prof. John Mixon, of the University of Houston, Bates College of Law, indicated in his response the "environment" content in some of the traditional courses and added:

Both as a school and as individual faculty members, we share your concern with the up-grading of our national environmental quality. It is likely that our offerings in these fields will be significantly increased over the next few years and that inter-departmental cooperation will also increase.

From the School of Law at the University of North Carolina at Chapel Hill, Prof. Thomas J. Schoenbaum detailed the school's activities in the environmental area. He suggested to the faculty that a new course devoted solely to environmental law be instituted and reports that the course will be started during the next academic year. Describing the course, he said:

My idea is to discard the traditional categories of natural resource law and to conduct a course that would cover selected current problems in the areas of water pollution, air pollution, conservation, planning, zoning, land and water use, and pesticide control.

AMERICAN INDUSTRY AND THE FEDERAL GOVERNMENT ARE CATCHING ENVIRONMENT FEVER

(Mr. SAYLOR asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SAYLOR. Mr. Speaker, this morning the Wall Street Journal informs us that many of the Nation's largest firms are cranking up their printing presses to inform Members of Congress and the public of their efforts toward cleaning up the environment. I know there are those who will scoff at these efforts as public relations gimmicks, but for myself, I welcome the new emphasis industry is making toward informing the public of environmental pollution abatement programs.

One of the brochures which has already been circulated is particularly well done and I want to bring it to the attention of our colleagues. "Keep It Clean: Highlights of Bethlehem's Pollution Control Program," from the Bethlehem Steel Corp., goes beyond just being informative—it holds out promise of bigger and better industry effort for the future. The The partial text of the booklet is reproduced below along with the text of the corporation's great advertisement which appeared in yesterday's Washington Post.

With reference to "effort" in the direction of environmental cleanup, I cannot let this opportunity pass without commenting on the President's magnificent announcement made yesterday concerning the elimination of pollution in Federal Government installations. Truly, this action is a "giant leap for mankind" and the administration is to be congratulated and commended for having the courage of its convictions about the role of leadership in the battle to save our environment.

Certainly, similar statements have been made by previous administrations but President Nixon has given substance to his order. First, a deadline for the cleanup of Government pollution has been irrevocably established. Second, the Bureau of the Budget has been instructed to insure that the funds provided for the cleanup will not be diverted to other uses. In short, the President's order has "teeth," and that is a breakthrough of significant proportions.

Heretofore, the Federal Government has been one of the Nation's worst polluters; that "example" is going to be changed under this administration. Combining the Government's leadership in cleaning up its own house with the new industry awareness of its responsibility, I would say we are well launched in the environmental decade.

The material referred to follows:

[From Keep It Clean, Bethlehem Steel Corp.]

THE AIR WE BREATHE

Americans throw about 200 million tons of contaninants into the air each year. This fouling of the air causes an estimated $13 billion worth of property damage annually, in addition to creating health hazards under certain adverse meteorological conditions.

The uncontrolled discharges from smokestacks, the pollutants rising from streets and highways, the eyeburning smoke from municipal dumps and incinerators . . . can add up to a lot of smog.

WHO'S TO BLAME?

In the search for a villain, an aroused public often points an accusing finger at industrial smokestacks. They are much more easily noticed than the exhaust pipe of your own car, a household chimney, or an outdoor barbecue grill. However, manufacturing industries account for only about 16.5 per cent of air pollutants, according to the U.S. Public Health Service.

Federal Government sources estimate that about one-third of the man-made substances in the air can be attributed to the manufacturing, public transportation, and power-generating industries. The remaining two-thirds comes from the general population.

Fortunately, increasing national and local concern with air pollution is reflected in more stringent regulations by all levels of government. Cities, for example, are placing more restrictions on open burning. And many states are cracking down on industries and utilities that exceed the permissible maximum in emission of smoke and fumes. Automobile manufacturers are making progress in developing pollution control systems of increasing efficiency in response to growing concern over car and truck exhaust gases.

But, each of us, as an individual, shares in the cause and effects of pollution. We also share the responsibility for its control. Whether you are a backyard trash burner, a manufacturer, a journalist, a teacher, or a legislator, part of the burden to control environmental contamination is yours.

[From the Washington (D.C.) Post, Feb. 4, 1970]

WHAT IN THE WORLD DOES A FORESTER DO AT BETHLEHEM STEEL?

Bethlehem Steel owns about 100,000 acres of forest land, most of it over or adjacent to our iron ore and coal mines. And because of mining methods used many years ago, some of these properties had gradually become eyesores. That is why we took our first step toward scientific control and restoration of woodlands more than 40 years ago.

Our program was formalized in 1958, when a registered consulting forester was appointed chief of our Forestry Division. Today, Bethlehem foresters perform reclamation planting, and cruise our timberlands, planning improvements and directing the workers who do the cutting and planting. Some highlights of their work:

In the past ten years they have planted over two million seedling trees at our properties in Pennsylvania, West Virginia, and Kentucky.

At Mine No. 44, near Idamay, West Virginia, our foresters converted a barren coal tailings basin and harsh culm banks into lush acres ankle-high in bluegrass, fescue, lespedeza, and rye grass.

In open fields surrounding our mines near Ebensburg, Pa., some 60,000 pine seedlings have been planted.

Every fall and winter our foresters travel through 40,000 acres of timberland in Kentucky and about 35,000 acres in West Virginia, marking trees ready for cutting. Thinning the timber improves the quality of the remaining trees and accelerates their growth.

Our foresters regularly provide guidance to conservation groups in our plant and mining communities. For example, several years ago a fire destroyed 3,000 acres of timber in the City of Bethlehem's watershed. Bethlehem Steel foresters directed a restoration program that included hydro-seeding with grass, planting 600,000 coniferous seedlings, salvaging salable timber, and initiating a scientific timber-management program.

Hundreds of acres of previously ugly terrain in various locations have been transformed into flowering fields and verdant slopes, pulsing with game and other wildlife. Battalions of evergreens march up hillsides, ending erosion forever. Hedgerows of trees and shrubs screen industrial installations fom the passing eye.

At Bethlehem we are engaged in many things besides the manufacture of steel—

thoughtful land management is just one of them.

BETHLEHEM STEEL.

THIRD CONFERENCE OF THE WORLD ANTI-COMMUNIST LEAGUE

(Mr. DERWINSKI asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, a peoples' phenomenon in Asia, which for some inscrutable reason has escaped the press of our country, though not those of other continents, is the work and effectiveness of the World Anti-Communist League, with headquarters in Seoul, Korea. WACL, as it is known internationally, crystallizes on the popular level the profound anti-communism of the free Asian peoples and is also supported by active anti-Communists throughout the free world, including those of our own country.

The Third Conference of WACL was held this past December in Bangkok, Thailand. It was a highly successful conference, widely reported throughout the Far East. Contributing to the success of the conference were some of the declarations, addresses, and reports. To indicate how both governmental and private supporters, both Asian and American anti-Communists, evaluate the paramount international problems confronting the free world, I commend the following to the careful reading of my colleagues as well as our private citizens: First, the message of President Park Chung Hee of the Republic of Korea; second, the declaration of WACL; third, the address by WACL's chairman, Dr. Phan Huy Quat of Vietnam; fourth, the address by His Excellency General Jesus Vargas, Secretary General of SEATO; fifth, and address by Dr. Lev E. Dobriansky of Georgetown University, along with a report on the work of the National Captive Nations Committee; sixth, an address by Dr. Ku Chen-kang of China, linking the Asian Peoples Anti-Communist League to WACL and; seventh, three significant resolutions on the Brezhnev doctrine, 1970 Captive Nations Week, and the forthcoming Lenin Centennial:

Mr. Chairman, Honorable Delegates, and Ladies and Gentlemen, today marks the opening of the third annual conference of the World Anti-Communist League, symbol of the solidarity of the free men of the world. Our purpose is to defend freedom against continuous communist threats, and to hasten the liberation of captive nations now under communist tyranny.

During the past three years, notable success has been achieved in containing communism through the close cooperation of WACL member nations. I want to express my sincere thanks for your dedicated efforts and achievements. They will surely be recorded in the history of the World.

In the face of the cherished dream of all peoples for peace, communist acts of aggression are on the increase and atrocities continue to grow more and more cruel.

The ruthless manner in which the Soviets and their Allied Warsaw Pact Forces rode roughshod over the liberation movement in Czechoslovakia in the summer of last year remains vivid in our memories. Today, a year and three months after that fateful event, the cries of the Czechs as they seek to recover their sovereignty still reverberate across the world. Although two years have been spent working towards a ceasefire in Vietnam through the Paris Peace Talks, that goal has not yet been attained. Communist North Korea daily shows increasing bellicosity toward the rest of the world. Coming on the heels of their illegal seizure of the US intelligence ship Pueblo last January, their downing of the US EC–121 while it was on a reconnaissance mission over open seas off the eastern coast of Korea on April 15th this year, augmented already aroused worldwide anger.

During the past 16 years since the armistice agreement ended the Korean War in 1953, we have continually attempted to negotiate with the communists, but they have violated the armistice agreement countless times by infiltrating secret agents and guerrillas into our country with the sole purpose of creating anarchy. But each time such intrusions occur, our people decisively repel the enemy. Through bitter experience, we have learned how to thwart communist aggression.

At this point I would like to emphasize that we must never accept compromise with the communists, because such compromise can only lead toward the communist goal of communization of the whole world. Now, more than ever, we must have strong solidarity among free peoples if we are to preserve freedom and to achieve liberation of captive peoples still under the communist yoke.

I earnestly hope this conference will be successful in stimulating the growth of freedom throughout the world, and I wish the World Anti-Communist League continued success in its efforts on behalf of enlightenment and encouragement of the enslaved peoples of communist countries. To all the delegates and their respective governments, I wish Godspeed.

December 3rd, 1969.

PARK CHUNG HEE,
President, Republic of Korea.

DECLARATION OF THE THIRD ANNUAL CONFERENCE OF THE WORLD ANTI-COMMUNIST LEAGUE

The World Anti-Communist League, meeting at its Third Annual Conference in Bangkok, Thailand on December 3–6, 1969, with an attendance of 180 delegates and observers from 54 member- and observer-units, has taken another big forward stride in its endeavor to establish a joint international anti-Communist front by rallying freedom-loving forces under the banner of a crusade for freedom.

With a new decade about to begin, the WACL is doubly aware of its responsibility in the face of rapidly-changing times. The tremendous achievements in the field of scientific creation and material production, and especially the epoch-making significance of the recent successful landing on the moon, point to the possibility that the 1970's will be an era of true freedom for mankind. However, the evils of communism, the terror of slave labour and the menace of Communist aggression still threaten peace and freedom in the world.

The WACL reaffirms its conviction that it must continue its unremitting effort to wipe out Communism, destroy the slave labour system and counter all attempts at aggression until a total victory is attained by all the freedom-loving people of the world.

The WACL firmly believes that to treat the evil power of Communism as compatible with decency is contrary to all principles of justice. All endeavours to reach constructive results through negotiations with Communist aggressors are doomed to failure. The WACL wishes to solemnly remind those peoples of the free world, currently negotiating with the Communists, of their dedication to freedom and that they must forever be viligant against double talk by the Communists.

To the free world peace-negotiators now in Paris, the WACL wishes to state solemnly that the talks must not be allowed to jeopardize the independence and freedom of the republic of Vietnam.

To the government of the United States of America, the WACL must emphasize that, unless the Communists show concrete signs of sincerity, there should not be any premature withdrawal of U.S. combat units from Vietnam such would weaken the posture of the United States of America and its allies.

In this connection, it is noted that the United States government has agreed to return Okinawa to Japan by 1972 and that, consequently certain American combat units would be withdrawn from the Island. In view of this, the WACL also must emphasize that sufficient measures should be taken to safeguard the security of the Republic of Korea and other adjacent areas still threatened by Communist aggression.

The WACL wishes to warn advocates of appeasement against unthingingly giving aid and comfort to Communist designs on human freedom. Lamentably, there have been many cases of young people being exploited and utilized by the Communists to serve their own ends. The WACL calls on the youth of the world to stand bravely and resolutely on the side of freedom and join in the fight for democracy and justice.

The WACL must state that the international Communists are still bent on expansion, infiltration and subversion in Europe, Asia, Africa and the Americas. Such aggression poses the greatest menace to the security and peace of the world.

For this reason, the WACL is of the opinion that efforts must be stepped up to build an international anti-Communist front, to unite all the freedom fighters of the world and to check Communist atrocities. All the free peoples of the world must support the East European and Asian peoples, still languishing under Communist rule, in their fight to regain freedom. Positive assistance must be given for the liberation of these peoples and also in countering any future Communist attempts at aggression, rooting out at the same time the evil influence of Communist ideology of whatever brand.

The WACL renews its support of the liberation fight of Ukraine, Caucasian nations, Byelorussia, Hungary, Baltic States, Turkestan, Bulgaria, Rumania, Albania, Croatia, Czechoslovakia, East Germany and all others against Russian imperialism and Communism, which has violated their national independence and human rights.

The WACL has decided to hold its fourth annual conference on September 21, 1970 in Tokyo, Japan.

Turmoil is ahead in the 1970's. The WACL pledges to start the new decade with determination and courage in order to make the 1970's a decade of decisive victory for freedom.

The WACL takes this opportunity to express its heartfelt felicitations to His Majesty King Bhumibol Adulyadej of Thailand on his birthday on December 5, 1969. The WACL is convinced that Thailand has an infinitely bright future as a great free nation.

SPEECH BY DR. PHAN HUY QUAT, WACL COUNCIL CHAIRMAN

(Delivered at the opening ceremony of the Third WACL Conference in Bangkok, December 1969)

Excellencies, Honorable Delegates, Distinguished Observers, Ladies and Gentlemen, this afternoon, the WACL Secretary General will present to the Conference a detailed report on the activities of the League in 1969, but I would like to take advantage of this tribune to inform you about some highlights of our activities during the past year.

First of all, I should like to announce that the WACL Norway and Bolivia Chapters have been set up, thanks to the untiring efforts of

Messrs. Jelstad and Candia, who attended last year the Second WACL General Conference and had the opportunity of witnessing the Communist brutality and treachery in Vietnam. Groundwork has been also laid for the formation of WACL Chapters in the United States and in France. To Messrs. Jelstad and Candia and all those who have actively worked for the expansion of the League, I request you to give a big applause (pause).

It is my earnest hope that next year similar chapters will be formed and admitted to the League in compliance with WACL regulations.

Next, I should like to report the resolution adopted at the 2nd WACL Conference to send a mission to Latin America, Africa and other countries could not be implemented by the WACL Executive Board. Our Honorary Chairman, Dr. Ku Cheng-kang had been tied up with his duty as a ROC assemblyman and the fact-changing situation in Vietnam had prevented myself from adhering to the program schedule by the League, as I always wished.

As you all know, the world situation has been changing at a rapid rate. Symptoms of disintegration of the Communist bloc have become more and more manifest. Early this year, bloody clashes between Soviet and Red Chinese units broke out along Sino-Soviet borders. It is plain to all that Mao's China and the Soviet Union could never patch up their quarrels. The prolonged conflict has rendered both Moscow and Peking leaders unable to hold their grips on their satellites like in the past. Communist countries in Eastern Europe show obedience to the Soviet Union only under the threat of the force of arms, to wit, the case of Czechoslovakia. Yugoslavia and Rumania continue to oppose Moscow's tyrannical and oppressive policies toward Warsaw countries. Disunity and dissensions prevail among Communist ranks everywhere. In North Vietnam, since Ho Chi Minh's death, the regime has been experiencing a severe leadership crisis.

In Eastern Europe, the danger of disintegration looms particularly great, because the unprecedented economic development and prosperity enjoyed by the European Common Market member countries have lured Eastern European countries away from the Soviet orbit. This clearly constitutes a serious threat to the Soviet interests.

Now, the Soviet Union looks with apprehension at the role of the Federal Republic of Germany in the development of European economy and the possible British entry into the European Common Market, which would boost the power of the Free Europe vis-a-vis the Warsaw bloc. Soviet leaders also fear General de Gaulle's successors in France would return to French earlier stance to consolidate the North Atlantic Treaty Organization (NATO) and thereby enhancing the position of the Free World, especially the United States in Europe. This situation explains in a forceful manner Soviet policy as spelled out in a speech by Soviet Foreign Minister Andrei Gromyko at the United Nations General Assembly, in which he laid great emphasis on the "special" importance of Europe with regard to the Soviet Union.

Undeniably, the Soviet leadership in the Communist bloc has been weakened. But, on the other hand, we should not overlook the fact that the Soviet Union has been picking up influence in the Third World, especially in Middle East countries. Recently, Soviet Communist Party Secretary General Leonid I. Brezhnev, also urged the formation of a system of collective security for South East Asia and the Pacific.

The expansion efforts of the Soviet Union should cause us some concern. In fact, in this area, the Soviet position has surpassed that of the United States and the Free World. It can be safely said that the United Arab Republic, Iraq, and the Yemen Republic have fallen into the Soviet orbit. As for the remaining Arab countries, regardless of their political regimes, autocratic or democratic, except the Kingdom of Saudi Arabia, the Soviet Union has maintained diplomatic relations with them all.

The Soviet Union has provided not only military, but also economic aid to Syria and Iraq, especially for the development of oil fields and industrial projects. In Iran, U.S. influence has been neutralized by the Soviet Union. Iran has signed an agreement granting the Soviet Union the rights to participate in the development of oil fields on the Iranian soil. Most significant in Soviet-Iranian relations has been the treaty signed on Feb. 9, 1967 for the exchange of military hardware valued at 110 million U.S. dollars. Under the treaty provisions, the Soviet Union supplied Iran with tanks, army trucks, and anti-aircraft weapons in exchange for light commodities. Thus, Iran was the first nation-member of the Central Treaty Organization (CENTO) to accept military aid from the Soviet Union.

We should also draw our attention to the Soviet bid to strengthen its political and military influence in the Middle East by helping these countries build air and sea ports. Since 1958, the Soviet Union has embarked on the construction of the Hodeida harbor, located on the Red Sea shore, for Yemen, and the modernization of the Conakry airport for Guinea. Soviet presence in the Aqaba and the Persian Gulf has been firmly established. The Soviet Union's aim in extending its influence over a number of passes, air and sea ports has been to establish military bases for any eventual need in the future. To the Kremlin leaders, the establishment of base such as these would probably reap greater benefits and cost them less money than equipping and training local armies.

Coupled with the above-mentioned efforts, the Soviet Navy has been thrusting deep into the Mediterranean and, to some extent, into the Indian Ocean.

In the Mediterranean, for instance, about 30 to 50 warships have been dispatched to the area as a display of Soviet support to the Arabs. The warships anchored at these ports served to deter any Israeli attempt to attack Arab ports. Besides, the Soviet Union would like to see the influence of the U.S. 6th Fleet reduced in this part of the world.

I should like to call your attention to the growing strength of some Communist parties in a number of European countries. Should these parties seize the reins of government in the Mediterranean, the Soviet Union with its existing influence in scores of Arab countries on the other side, would control an immense area of Europe and Africa, the world balance of forces would be shattered and we would witness a resurgence of strong nationalist sentiments. World War III would break out and mankind would be subjected to a nuclear holocaust.

I do hope such dreadful prospect will serve as a perventive for short-sighted statesmen and intellectuals.

We now come to South East Asia, a region Red China has unceasingly sought to conquer in the last two decades, either through military or political means. The Soviet Union is trying to move in to gain a foothold in that area. The Soviet Union has assisted Communist North Vietnam in carrying out its aggressive designs against the Republic of Vietnam. Recently, at the World Communist Conference held in Moscow last June 7, Brezhnev also called for the establishment of a system of collective security for Asia. Shortly after this meeting, Soviet diplomatic representatives in Asian countries have been summoned home for consultations. Soviet activities in this area undoubtedly aimed at making deep inroads or at least replacing U.S. influence.

An appraisal of Red China will reveal that, although confronted by many domestic difficulties, militarily weak and politically isolated by the Soviet Union as well as the Free World, she remains a grave threat to the security of South East Asia. In this region, Red China will continue to lend support to the so-called "revolutionary" or "people's wars of liberation," such as the kind of war being waged in Vietnam by Communist Hanoi regime. Pro-communist and neutralist slogans are wooed and encouraged by Red China.

It was also for that same purpose that Lin Piao reiterated the five principles for peaceful coexistence at the Chinese Communist Party's National Congress held last April. A two-pronged policy of proclaiming revolution and advocating peace seems to produce effect on some naive and unsophisticated people.

In summing up the situation in Communist countries, I would like to emphasize the fact that, in spite of division within the Communist bloc and the Sino-Soviet conflict, both Moscow and Peking are pursuing the same objectives: to infiltrate and invade other countries, to destroy freedom and democracy, and to trample upon human dignity.

The Free World, on the other hand, has not worked out appropriate policies for joint action in the face of Communists' weakness in order to force them to accept peace. On the contrary, many free nations and a number of religious leaders have chosen to advocate an appeasement policy and more concessions to the Communists. Some groups in the United States have even gone further with their defeatist spirit. American public opinion among the academic circles has been partly poisoned by Communist deceitful propaganda. But I am convinced that, endowed with the democratic heritage and the pride of a nation having sent its men to the moon, a great majority of Americans will awaken to the Communist danger and repair the damage caused by a handful of anti-war critics. Whether she likes it or not, the United States must always assume the responsibilities of the leading nation in the Free World. For only the scientific capability, the industrial power and faith in liberty of the American nation can effectively check the Red tide, encourage the captive peoples under the Communist yoke to rise up and fight for freedom and democracy in order to secure peace for mankind, not a peace in slavery but a peace assuring the interests of all nations.

I am confident such peace prospect will come to us. But to acquire that kind of peace, the Free World should, at least for several decades, maintain and form new defense alliances and developed countries should devote a great amount of their material resources to the economic development of underdeveloped countries.

I sincerely believe that the most effective political formula to resist against Communism for developing countries is to carry out social revolution and to eradicate social evils left behind by their former colonial masters. Only such a revolution would truly restore the people's confidence in their government and deprive the Communists of the issues for their malicious propaganda. It is also imperative and pressing for nations in each region to establish regional associations for development, trade, cultural educational and technical exchange. These organizations would greatly contribute to the development of countries and also constitute an effective weapon against international Communism.

In my viewpoint, the anti-Communist struggle is a long and arduous task. For this reason, I am inclined to think that we must actively create condition conducive to the emergence of a new class of young leaders, who will carry on and complete the noble duty of restoring freedom, peace and fraternity.

Before closing, in my capacity as Chair-

man of the WACL I beg to express my deep gratitude to His Majesty the King and His Excellency the Prime Minister of the Royal Government of Thailand for their invaluable assistance in the organization of the Third WACL Conference.

In the hope that the Conference will score brilliant achievements, I solemnly turn over the Chairmanship of the League to my distinguished successor, Gen. Praphan Kulapichitr of Thailand.

Thank you.

ASIAN UNITY: A PRECONDITION TO PEACE AND FREEDOM

(Text of the keynote address delivered by His Excellency General Jesus Vargas, Secretary-General of SEATO, at the opening of the Asian People's Anti-Communist League Conference, Bangkok, 6 December 1969)

My Fellow Freedom Fighters: My task this morning is for me a very pleasant one, for two reasons. Firstly, it brings me together with fellow craftsmen, many of whom I have had the good fortune of knowing in the past decade or so in the course of their own devoted pursuit of peace and freedom in this part of the world; and secondly, I am to dwell on a subject which is not only very close to my heart but is one with which I am closely involved in my present occupation.

I realize that the task before me is an important one, and that what I say this morning is intended to set both the pace and the tone of the proceedings of this important assemblage during the next two days.

I am deeply honoured, and I am most grateful for this very rare opportunity of being associated all at one time with so many and so devoted and distinguished fighters for freedom.

My friends, you convene at a time when many forces at work in this troubled region, some old and some relatively new, are rapidly changing the face of Asia. You are gathered at a truly crucial time and, therefore, your conference is most opportune. For I can recall no period in the history of Asia that has witnessed so profound a change in such a short time and in which there has been so much at stake for so many people than this, our age.

The contemporary scene has witnessed a fantastic growth of nationalism among Asians. Nationalism, as a propelling force for progress, is imperative. The danger lies in the fact that it is the Communist *modus operandi* to subvert and exploit, for their own sinister ends, the legitimate national aspirations of a people by equating those aspirations with anti-Westernism or anti-Internationalism.

For some countries, the fast changing face of Asia has provided the climate or cause to adopt a policy of non-alignment. For a nation's neutrality to endure and to be valid, it must be able to count on absolute guarantees of non-aggression from all countries on either side of the ideological conflict; in Asia and the West Pacific, such a guarantee must come from, among others, no less than Communist China, which has yet to show that it can keep its word. Since, as a general rule, Communist subversion has progressed the fastest and thrived the best in neutral countries, the present trend towards neutralism is indeed a negative factor in the effort to counter Communist subversion and insurgency in this Area.

The events of recent years have also revealed a distinct trend, to my mind a very healthy one, towards regionalism among Asians—a trend clearly demonstrated by the formation of such political groupings as ASEAN, ASPAC and others. Indeed, the Asians are taking bold and unprecedented steps in the direction of self-help and mutual assistance among their fellows, impelled mainly by a new realization that the problems of Asia are primarily for the Asians to solve. These new political organizations, whose objectives are almost purely economic, cultural and political, have thrown into bold relief the unique character of the South-East Asia Treaty Organization as the only defensive alliance in this troubled area designed to meet Communist aggression in all its ugly forms. In relation to those groups, SEATO has helped provide the conditions of peace and security so vital to meaningful progress.

Perhaps the most disquieting development to free Asians is the tendency of one-time enthusiastic, powerful and determined allies to turn to the home front and concentrate on domestic problems.

Mainly for political and economic reasons, the great powers are gradually pulling out of the Asian scene, and in effect switching to a policy of near isolationism. First, the Dutch. After Dien Bien Phu, France's presence in this part of the world has been limited to that which was necessary to tend her residual interests in the region. This includes her continuing membership in SEATO where, for the present, she continues to participate actively in non-military endeavours. The United Kingdom, while reassuring its SEATO allies and its Commonwealth partners that it will abide by its treaty commitments, has decided to withdraw all its military forces East of the Suez Canal, except the garrison in Hong Kong, by 31 December 1971. This precipitate military withdrawal perforce adversely affects the Free World posture of defence in Asia.

The Americans' own announced programme of de-escalation of the Vietnam War, which envisages the disengagement of fairly sizable bodies of troops from the combat zone, has been viewed with no little apprehension by the free peoples of Asia. In a separate exercise, the United States, in line with a new policy of retrenchment, has made substantial cuts in its troop strength elsewhere in South-East Asia.

One cannot really readily accept the prospect of total unilateral American withdrawal from Asia and the Western Pacific. I have always maintained that it is clearly in the interest of the American people, as it is in the interest of Asians, that the Communists are kept in effective check in this part of the world. Besides, there are those—Asians and non-Asians alike—who believe, not without reason, that the present troubles of Asia, in more ways than one, are the net result of the delicate interplay of Big Power politics in the Area. If this is so, then the Big Powers, America included, have more than just a moral obligation to maintain a stabilizing presence in this part of the world.

The tendency of the Big Powers either to disengage from the troubles of Asia or to reduce the extent of their commitments to the security of the region could lead to a security vacuum which the Communists would be only too happy to fill. These Big Power decisions have had the immediate effect of jolting Free Asians to the inevitable conclusion, rightly or wrongly, that they could easily be let down by their powerful friends and allies. These developments have also raised very serious doubts in the minds of the people of the Area about the very validity of treaty commitments. I hope to God that these doubts, unsettling as they are and striking as they do at the credibility of the Big Powers, do not metamorphose into a wholesale collapse of free Asians' confidence in the sincerity and in the leadership of those Powers.

Major changes in the face of Asia have also taken place and continue to do so as a direct result of the programmes of expanding their influence of the two biggest Communist powers, the Soviet Union and Communist China. Although each has pursued its programme in divergent ways, the objectives of both have been geared to eventual Communist domination of the world. In fact, one cannot really overlook the long-term possibility that, despite the present animosity between the Soviet and Communist Chinese regimes, their differences may somehow be resolved. This could come about either by conciliatory negotiations or by the accession to power within Communist China, in succession to Mao Tse-tung and his entourage, of a group that recognized the mutual advantages of ending the Sino-Soviet dispute. Should such a reconciliation occur, the nations of Asia could indeed find themselves totally subsumed in an area of imperious Communism.

Events in Asia during the past few years give no encouragement to the hope that Communist China's attitude towards her South-East Asian neighbours will be modified to any appreciable degree in the foreseeable future. On the contrary, an appraisal of affairs within Communist China provides clear indications that its intransigent foreign policy will continue unchanged and that, in keeping with Peking's sustained support of so-called "Wars of National Liberation" during the past few years, it would pursue with even greater vigour its support of subversion and insurgency within the borders of the free countries of Asia.

We all know that the Ninth Congress of the Chinese Communist Party held in June this year, was used to re-establish the control of the Party over every aspect of the national life, to reaffirm the mandate of Mao and his supporters and to remove from positions of responsibility those who were in any way opposed to his theories.

The foreign policy outlined to the Congress by Lin Piao, the designated heir to Mao, holds out no hope that Communist China will seek to develop closer and more friendly relationships with its South-East Asian neighbours. One notes with great concern, in fact, that Lin pledged his country's continuing support for the "revolutionary struggle" in foreign countries.

The Soviet Union, for its part, has given clear evidence that it regards Communist China's policy in Asia as a direct challenge to its own position as the world's major Communist power and as a threat to the Soviet interpretation of Communist ideology.

Over the years, the Soviet Union has been making cautious but far-sighted steps to establish its influence in South-East Asia. It is apparent that there is today a widespread pattern of expansion of Soviet influence in this area generally, from Ceylon to Malaysia. Russia has set up diplomatic, economic and cultural relations with many countries in the region, including Malaysia and Singapore. It has also made tentative overtures in the cultural field with staunchly anti-Communist countries such as the Philippines. Acting through North Vietnam, the Soviet Union has made certain preliminary moves to establish diplomatic relations with Nationalist China. Similar attempts have also been made in respect of Japan. Considering the new "forward" policy of the USSR, these diplomatic initiatives are not as incredible as they would seem at first blush. It was, significantly, in May this year shortly after the Communist Chinese Ninth Party Congress, that the Sino-Soviet dispute was openly extended into this Area. An authoritative article in Izvestia, the official Soviet newspaper, expressed concern at Peking's "definite designs on a number of countries" in this part of the world and suggested that the situation called for "the laying of the foundation of collective security". The same theme was taken up by Mr. Brezhnev, Chairman of the Communist Party of the Soviet Union, at the Conference of World Communist Parties held in Moscow in June.

The Soviet proposal for "a collective security system in Asia" was well-timed, from the Russian point of view. Firstly, any pro-

posal that offered the prospect of containing Communist China aggression was likely to appear attractive to those countries which were the declared targets of that aggression. Secondly, the receptiveness of regional governments to such a concept could be substantial in the light of the announced British withdrawal and, additionally, in the light of recent modifications in American policies in the Area. Thirdly, there has been in South-East Asia a growing appreciation that regional co-operation, certainly in economic matters and possibly in defence, holds definite benefits for the individual countries of the region. Fourthly, the preliminary actions of the Soviet Union have been characterized by utmost "correctness"; great care has been taken to limit them to legitimate spheres that bring mutual benefits, and to avoid creating the impression that their objective is a long-term propagation of the Soviet brand of Communism. Finally, there has been a growing feeling in the Area that a cautious dialogue with the Communist powers must be achieved in some way if regional security is to be attained.

Although the proposal has not as yet been set out in any detail, the USSR appears to have in mind an arrangement whereby all foreign military bases would be excluded from the Area, all Asian countries, irrespective of their political complexion, would guarantee one another's security and frontiers, and emphasis would be placed on economic co-operation and the peaceful resolution of local disputes.

The regional Governments may well see in the Soviet concept certain benefits to their own interests, especially in the short term. The Soviet Union may be expected to exploit this by making advantageous offers of economic aid and trading partnerships, as it has successfully done in some countries, and by encouraging regional economic co-operation, which would be consistent with its long-term objectives to extend its sphere of influence.

The long-term implications, however, need to be appraised with the utmost circumspection. In the first place, any increase of Soviet influence would undoubtedly spur Communist China on to stepping up its support of subversion and insurgency, and thus accentuate the present major threat to the stability of the region. Peking has already condemned the scheme as an effort to set up "an Anti-China military alliance". In addition, there is the inherent danger that acceptance of the scheme would lead to political subservience to the world's major Communist power, for a dominant role in economic matters is conducive to the development of an equally dominant role in political affairs. In short, the Soviet concept contains the very real danger that, in time, the regional countries may find themselves subjected to rigid external political domination which denies them the right to determine even their own domestic policies. Let us not lose sight of the fact that the Communist objective still is to erode Western influence and ultimately supplant duly-constituted governments with Communist regimes.

The oft-repeated but entirely distinct proposal for some kind of a security alliance of free Asian countries has, understandably, attracted even more attention in recent months. Several national leaders, spurred on to a determined search for suitable interim or alternative defense arrangements, and recognizing that they have inevitably been tossed into the whirlpool of Big Power domestic politics, have expressed some support, in varying degrees, for the idea. To free Asians, this search for stop-gap solutions or alternatives is a question of survival.

Before I go into the merits and demerits. of the proposal, let us look into the new American Pacific strategy which has given rise to the idea itself. On the basis of recent statement made by Asian leaders and of certain recent international developments, it would seem that the new American formula for Asia and the Pacific is as follows: greater Asian involvement in Asian defence, no wholesale American withdrawal, and certainly no dropping of commitments already entered into, more selective American intervention on behalf of and in alliance with selected Asian countries, and above all, increased reliance on Japan.

What, exactly, are the prospects for active Japanese participation in the defence of Asia? However cautiously, Japan is emerging as the chief ally of the United States in the Far East and, its Constitution notwithstanding, one cannot help but assume that in due course Japan will, once again, be playing a military role abroad. That country has so far been forced by internal political pressures to adopt a policy of "low pressure", but it would be most unrealistic indeed to assume that it will remain a passive member of the society of nations. Certain factors of overriding consideration are likely to compel her before long to change this policy. The hostile forces around her, her geographic size and location, her need for trade—these, and many other factors, would all seem to dictate that she must develop military, naval and air power to guard her booming economy.

This appears also to indicate that no all-Asian security pact would be of any real moment without the membership and the active participation of Japan. Yet, it is not difficult to recognize that Japan cannot change its policies and build up its military might to the proportions of an established military power literally overnight.

There are other difficulties in the way of a full-dress all-Asian Pact at this time. Before a developing country can become a useful member of any alliance in which there is no established world power, it must first attain a certain minimum standard of economic and social development. Japan is a case in point. If it has today one of the world's most stable national economies, it is because, in the crucial two decades following the second World War, it did not need to dissipate its energies and wealth on the development and maintenance of defence forces, spending annually for defence barely two percent of its Gross National Product.

I believe that a formal Asian security alliance would be well worth all the time, all the energy and all the expense involved in its formation, if the main threat to the Area were overt aggression. This is no longer the case, as you know; the main threat which faces us is Communist subversion and insurgency. I doubt very much that, after Vietnam, the Communists will ever attempt any overt aggression of a similar magnitude in the foreseeable future.

What is needed immediately, it seems, is not a formal alliance which would take time to establish and to whip up into a going concern, but some practical and fairly elaborate and binding arrangement whereby effective collaboration among all the free countries of Asia could be carried out in combatting the particular threat of Communist covert aggression. Such a system of effective down-to-earth collaboration could, naturally, constitute the groundwork and provide the foundation for the establishment, at the appropriate time, of an all-Asian military alliance as such.

We in SEATO, without being oblivious to the requirements of military preparedness against overt Communist aggression, have set up a Counter-subversion-and-insurgency Centre, in a necessary re-direction of the efforts of the Alliance. The activities of the Centre have so far been confined to its Members, although, in keeping with the present nature and extent of the threat of Communist subversion, we are attempting to generate some interest in those activities among non-Members. I realize that a far bigger endeavour in this direction, encompassing the affairs and catering to the interests of all free Asian countries faced with Communist subversion and insurgency, is possible; and this should be pursued promptly and vigorously.

With a set-up such as I have just mentioned, and with the Big Powers committed under the Manila Pact to the security of the region, thus providing the requisite Big Power shield and the necessary backing, very little else would be needed to make the machinery for Free World defence in this Area truly responsive to its many peculiar problems.

Let us face it. The Communists are a persistent lot, and, I dare say, are winning in many ways. They know where they want to go and they are steadily getting there. In South-East Asia during the past year or so, there has been a marked, and therefore very disquieting, deterioration in the subversive and insurgent situation. View this against the truism that no country in the region is today without a Communist Party, legitimate or clandestine, and further, that no endemic Communist Party, either established or incipient, is known ever to have veered from the well-known Communist aim of undermining free Governments for the eventual seizure of national power, and you have a very sad but realistic picture, indeed.

On the other hand, the free countries of Asia have had to fend each to his own, quite often haphazardly, and, in some case, wrangling with one another in the process.

I submit that the need of free Asians at this time is solidarity in the face of an enemy who is determined to deal with them and to topple them one by one. I suggest that the action to take, in the wake of diminishing free world Big Power involvement in the affairs of Asia, is for the Asians themselves to stand up and be counted. I suggest that, in the universal effort to ensure world peace, to protect the God-given rights and the dignity of man, and to assure the very survival of mankind, you of the World Anti-Communist League and of the Asian Peoples' Anti-Communist League can, and should, help lead the way. I submit that, with the Chapters of the World Anti-Communist League, of which you are an integral part, spread everywhere, and with your own machinery in your respective countries, you are advantageously placed and particularly equipped to spearhead this crucial movement. I suggest that, in so far as this region is concerned, the order of the day is for Asians to close ranks and, as one, to come to grips with the enemy and beat him at his own game.

Then, and only then, can peace and freedom in this potentially most explosive part of the world be assured for the enduring benefit of all mankind.

ENSLAVED PEOPLES UNDER COMMUNISM

(Address delivered by Dr. Lev E. Dobriansky, Professor of Georgetown University, Chairman of the National Captive Nations Committee, USA, and President of the Ukrainian Congress Committee of America, before the World Anti-Communist League, Bangkok, Thailand on December 4, 1969)

Mr. Chairman, Distinguished Delegates, Observers and Guests, I am deeply honored by the privilege you've extended me in affording this opportunity to speak about the enslaved peoples under communism. In the greatest measure the enslaved peoples are captive nations, and in theory and action communism is but a mythology shielding the worst form of totalitarianism and imperio-colonialism in the history of mankind. The more we concentrate on the approximately one billion souls in the captive nations, the more we can appreciate the pressing need of unity and solidarity for freedom, not only among the still free nations of the so-called noncommunist world

but also, and equally important, with the one-third of humanity in the captive nations.

Make no mistake about it, this World Anti-Communist League, with fertile and vigorous Asian origin, has developed into an essential instrument focused upon the huge family of captive nations as the natural and formidable ally for world freedom and peaceful global community of independent and sovereign nations. To be sure, much remains to be done, but those whose freedom is in immediate danger and under the shadow of constant totalitarian threat are in the best experiential position to positively advance the supreme cause of world freedom in order to preserve their freedom and indirectly that of numerous other members of the Free World geographically removed from the battlelines of freedom and thus myopically indulgent in their domestic complacencies. Leadership in truth and moral fortitude is an enduring power in itself, capable of attracting and magnetizing every other form of power in the Free World.

There is an old Spanish proverb that warns, "A handful of common sense is worth a bushel of learning." When, in this post-World War II period, Red totalitarian aggression has been so blunt and obvious as in the cases of China, Korea, and Vietnam, one cannot but begin to wonder about the common sense of otherwise many learned citizens of the Free World. We are almost forced to acknowledge that there is nothing worse than a learned and educated fool; and we have our dose of this species in the United States as no doubt you have in your respective countries. We can perhaps forgive them for being unable to perceive the subtle and indirect aggressions undertaken by both Peking and Moscow in Asia, the Middle East, Africa and Latin America, not to mention the United States itself, but it is plainly unforgivable in these clearly crass and overt cases.

Yet, with a modicum of common sense and not too much required learning, the average citizen of the Free World can think all this through in terms of the steady aggregation of captive nations since the early 20's; and fifty years of proliferated Red totalitarian and imperial rule are but a minute in historical time. Without oversimplification but with the guiding thread of essentiality, all he need do on a global map is to first encircle in red the Russian area encompassing Moscow and Leningrad, and then in concentric form the non-Russian area from Byelorussia and Ukraine to Azerbaijan to the old Far Eastern Republic, then the Baltic states, then Central-South Europe over to North Korea, mainland China and North Vietnam, finishing for the moment with a red spot covering the island of Cuba. This is the expansive Red Empire, which began in Moscow and in terms of ultimate, determining power today rests on Moscow for its survival.

As President Nixon recently stated, the non-negotiable issue in South Vietnam is the right of national self-determination and independence of the free Vietnamese. What he unfortunately did not say, and which explains much more, is that the United States cannot honorably afford again the addition of another free nation to the long list of captive nations. Too many patriotic and knowledgeable Americans still recall the sell-out at Yalta and elsewhere of several East European nations by the Harrimans and other diplomatic undertakers. And you can rest assured that if the present Moscow-Havana-Peking-Hanoi propaganda assault upon the U.S. leads to any serious internal disturbances, the reaction following World War II will look like a stroll in the park. The domino theory, which has been accurately but narrowly applied to this quarter of the world, will reach its full bloom of historical application to all the captive nations since 1917.

That this occasion will necessarily arise, sooner or later, I have absolutely no doubt. The sprawling pattern of Red psycho-political warfare, as seen here in Asia, in the Middle East, in Latin America and in the United States makes it as certain as the sun rising and setting tomorrow. In preparation for this occasion as well as in coping with our immediate problems, it behooves us to workably grasp the organic concept of the captive nations, understand the dominant trends in the Red Empire, appreciate "the bind" in which the Free World finds itself, and develop a solution to this bind, short of a general shooting war or abject surrender.

THE CONCEPT

Remember always, where necessity pinches, boldness is prudence. But to exercise prudent boldness demands also a guiding concept. Despite the worldwide publicity that was given to the U.S. Captive Nations Week Resolution ten years ago and the annual reports on it since, it is amazing how relatively few in the Free World comprehend the concept. Oh, Moscow, Peking and the Red satraps perceived its significance quickly and vehemently. The continuing responses to my current work, *The Vulnerable Russians*, show a grave deficiency on this score in the Free World. To offset this somewhat, two months ago I managed to have another resolution sponsored and passed in the U.S. Congress, providing for the publication of a House of Representatives Document on the Captive Nations Movement. This forthcoming publication, made possible through the efforts of Representatives Daniel E. Flood and Edward J. Derwinski, should aid immeasurably in the advancement of the basic captive nations concept.

The U.S. Congressional Captive Nations Week Resolution defines the broad concept of the captive nations clearly and succinctly. The captive nations are those that in the past fifty years have been overtaken and subjugated by Soviet Russian imperio-colonialism and its several totalitarian offsprings. Quite plainly, how all of the Red present came to be what it is, regardless of rifts and squabbles, is the answer as to who are the captive nations. To enumerate them accurately and historically, one must begin in 1917, not in the 1940's or later. The first international wars and aggression waged by Soviet Russian imperio-colonialism under the deceptive guise of communism were against newly independent states and nations like Byelorussia, Ukraine, Georgia, Armenia, Azerbaijan and several others that are now imprisoned in the Soviet Union. The second wave of this imperialist aggression reduced Latvia, Estonia and Lithuania to captivity in the early 40's; and the third wave in the later 40's enslaved a whole new group into the growing family of captive nations, such as Poland, Hungary, Czecho-Slovakia, Albania and so forth. Inspired, assisted and trained offsprings of this Red tradition of conquest and domination of peoples dropped the totalitarian curtain about the peoples of Yugoslavia, mainland China, North Korea, North Vietnam and Cuba in this and the decade after.

If the domino process has ever been at work, it certainly and unquestionably has been in the methodical Red conquest and aggregation of captive nations. If one fails to understand this process, executed largely and basically through the whole panoply of psycho-political warfare techniques, he then does not know the history of Eurasia these past fifty years. Any appreciation of the fundamental distinction between the captive nations—the exploited peoples themselves—and the Red totalitarian states is completely lost on him. It is this working distinction, implicit in the very concept of the captive nations, that has cast profound fear in the professional propagandists of the Red states. More, an inability to see this organic process of politico-military conquest from 1917 to the present beclouds also the important truth as to the chief enemy of the Free World.

Yes, I'm well aware that many of my dear Asian friends honestly disagree with the logical and factual determination of the Soviet Union—more precisely Soviet Russian imperio-colonialism—as this chief enemy. In one sense they are not wrong when their immediate danger of a proximitous and aggressive Red China is properly and justly weighed. No matter where, sheer survival for freedom is an incomparable, conditioning force. Moreover, the collapse of Red China would spell the beginning of the end of the Red Empire. Nevertheless, at the moment there is a more general truth affixed to the global framework which we must face with equal awareness and perspective. And that is the primacy of the Soviet Russian enemy. In the broader global framework and on the basis of historical evolution itself, let us not forget the fundamental Soviet Russian contributions that have been made to the training, economic and military equipment, and the apparatus of the so-called communists on mainland China, to the formation and equipment of the North Korean army and the tragic Korean war that ensued, and to the totalitarian and mini-imperialist Hanoi regime, an aid which has protracted the Vietnam war more than any other Red totalitarian factor.

Concerning the war in Vietnam, which really involves three fundamental factors—they are, the seventeen million captives in North Vietnam, the aggression by totalitarian Hanoi backed essentially by Russian Moscow, and the valiant endeavor of the patriotic and nationalist South Vietnamese not to be forced behind the Red totalitarian curtain—this simple conflict could have been over three or four years ago if it hadn't been for the circumstantial combination of sophisticated Soviet Russian aid and America's complete misconduct of the war. This war has produced more pseudo-rationalist nonsense than any war in this century.

In making this charge, believe me, I am not siding with the human boils and carbuncles of American society, for even the healthiest of organisms are capable of such poisonous excesses. The virtual and overt traitors of freedom in the U.S., meaning specifically the professional pacifists, the melodramatic and poor imitations of mid-19th century Bakuninists and Blanquists, who ignorantly spout Marxism, the ridiculously bearded Trotskyists, the basically ignorant and scant minority of students, and many naive clerics and so-called liberals, always pawns for the professional Red revolutionary who manipulated this species in the 30's and is repeating it now, are of course political warfare fodder for Hanoi, Peking, Havana and Moscow. Like the Russians, they protesteth "peace" or mir too much, and we cannot but wonder what piece they seek.

Nevertheless, we in America have so far failed in coping with what some call revolutionary warfare and what is really Russian-developed psycho-political warfare as applied in Vietnam. The so-called and miscalled Vietnamization of the war in Vietnam could have been accomplished years ago, in fact during the Eisenhower period. What was required was a psycho-political warfare concept extending into North Vietnam and buttressed by American armed logistics. With American military withdrawal from Vietnam, its application should be seriously considered in a new context of Asianization of the war with the presence of not only more Korean divisions but also Free Chinese and other Asian divisions. Regrettably, we Americans still don't understand this psycho-political warfare, which today extends even to the terrain of the United States itself. If any one is to be charged with a specific irresponsibility in the United States for this institutional incapacity, it is Senator Fulbright of the Foreign Relations Committee. He and the ever-blundering Harrimans have for years

opposed and sat on the Freedom Academy measures in the U.S. Congress which are purposed to equip Americans and their allies in the ways and means of this type of warfare. This is by no means an unfounded charge; it can be easily documented and justified. Its tragedy is that it involves other peoples, including the captive people of North Vietnam and all others in the extensive Red Empire.

NATIONALISM IN THE CAPTIVE WORLD

By the very nature of realities prevailing in the captive world, conditions of psycho-political warfare are always extensive and omnipresent. It has been truly said, "In a free country there is much clamor with little suffering; in a despotic state there is little complaint, but much grievance." In the Soviet Union, which Alexander Solzhenitsyn has accurately described as a "sick society," the dozen and more captive nations are being subjected to a new wave of political repressions, cultural genocide, religious oppression, imperio-colonialist economic exploitation, revived MVD operations, and concentration camp consignments. All this and more in the sweep of Russian consolidating moves for Moscow's expanding Cold War operations in Asia, the Middle East, and the Western Hemisphere.

In mainland China, North Korea and North Vietnam the captive peoples are under the worst conditions of totalitarian tyranny, economic privation, and dehumanization left in the train of a grotesque "cultural revolution," guerrilla war activities on the Korean peninsula, and a war of aggression by Hanoi. In captive Cuba similar forms of Red exploitation of the people prevail as that unhappy island is being rapidly transformed into a Russian base for continental political warfare. And in Central Europe the Russian rape of Czecho-Slovakia last year confirmed again the oppressions and imperio-colonialism imposed on the captive peoples in that area.

Among the numerous forces at work for freedom in the captive world, the most dominant is the indomitable force of nationalism. This natural force means national self-determination and independence, economic freedom and opportunity, cultural progress and a respectful place in a peaceful community of independent nations. Expressed in many ways, this persistent force is rampant in the Soviet Union; it is manifested daily in Central Europe; it permeates all of Asia; it is the basis for Cuban resistance and hope. As the record well shows, nationalism is the greatest insurmountable obstacle to Red totalitarianism and Soviet Russian imperio-colonialism.

"THE BIND"

Whether viewed from the East or the West, efforts to wean less powerful Red states from the direct or indirect control and influence of the powerful Soviet Russian center will come to naught so long as this center is afforded psycho-political sanctuary within the substrate empire of the Soviet Union. This truth is the clear lesson of the Czecho-Slovakian tragedy. The free governments in the West clearly found themselves in a bind. And they will continue to be in this bind unless a radical shift is made in policy toward the captive nations within the USSR.

The Brezhnev doctrine further substantiates this truth. In essence, a contemporary version of traditional Russian imperialism, this doctrine can be applied by Moscow to any Red state in the West or in the East including mainland China; even to ostensibly socialist states in the Free World, all for the goal of insuring the security of the mythical commonwealth of socialist states. This doctrine is in itself a confession of intent and also weakness. The fundamental weakness is represented by the existence and struggles of the captive nations.

PROBLEMS AND THE SOLUTION

An old French adage teaches us, "the weakness of the enemy forms a part of our own strength." The captive nations in the aggregate constitute the foremost weakness of the totalitarian Red Empire. As such, they are one of the most essential parts of our Free World strength. The more we concentrate on the captive nations, the more we intensify the weakness, the insecurity and the doom of all Red governments. But to advance along this sure road toward world freedom and the avoidance of a general hot war, citizens of the Free World must scotch certain misconceptions and wishful thoughts.

The first misconception is about the captive nations themselves. The captive nations concept must be clearly understood. The family of captive nations extends from Central Europe into the Soviet Union out to Asia and over to Cuba. Second, it is a species of wishful thinking to believe that any genuine detente is possible with the vast Red Empire. The dynamics of history, greased with the victories of Red totalitarianism and the worldwide network of Red psycho-political warfare, simply do not favor this. Wishful, too, is the misleading notion of spheres of influence, a sideline of the containment policy. It not only compromises principle with its accommodationism but also is unrealistic and self-defeating. Our enemies don't pour billions of investment into Cold War operations for physical exercise and self-enjoyment.

Contrary to absurdities witnessed in some places of the Free World, including the United States, the youth, the workers and the intellectuals in the captive world know what it means to be deprived of freedom. With their grasp of the real and true values of human existence, these captives of Red totalitarianism are today freedom's most trusted allies; tomorow they shall be its sternest guardians.

The eventual solution of the titanic struggle in this century rests not only with military arms, but rather with the effective linkage of the forces of freedom in the non-Red world with those of all the captive nations, particularly those in the huge concentration camp called the Soviet Union. The forging of this link with the truly genuine NLF's and their tremendous legions behind all three Red curtains can only be effected through the means of psycho-political penetrations that are indispensable to the deterrence of a hot general war. The captive nations are our formidable allies, and had we sensibly tapped this resource in North Vietnam, the war there would have been over long ago.

Fortitude, it has been said, is the mean between fear and rashness. To fight adequately for freedom means to constantly display fortitude in will, determination and honor. The captive nations ceaselessly show this fortitude. Free men can't afford to do less. Free men must not blind themselves to this truth of politico-cultural survival: The only guaranteeing way to preserve our freedom—the freedom of the still Free World; national, cultural and personal—is for all of us to unceasingly labor and fight for the expansion of freedom throughout the entire Red Empire and its captive world. In the end, you and I, the free and the captive, cannot but win for freedom, justice and a genuine international peace.

REPORT OF THE NATIONAL CAPTIVE NATIONS COMMITTEE, U.S.A.

(Presented by Dr. Lev E. Dobrainsky, Chairman of NCNC to Third WACL Conference, Bangkok, Thailand)

Mr. Chairman, Distinguished Delegates and Observers, it is with the profoundest gratitude toward the host chapter of Thailand that I have the honor to submit this report on the salient activities undertaken this past year by the U.S. National Captive Nations Committee in the furtherance of our mutual cause of the defeat of imperialist Red totalitarianisms, expanded World Freedom and independence of all the captive nations. As in all preceding years, our report to this Third WACL Conference is not an ideological dissertation but rather a concise, business-like statement of the peak achievements, projects and continuous action of NCNC since the successful Second Conference in Saigon. Though transient events and developments in the United States seem to run against our goals and objectives, let me assure you that with basic certitude our persistent action is constantly attuned to the long haul of certain victory because our message is treasured in the hearts of one-third of humanity and rest firmly on the ultimate honor of the remaining two-thirds in the Free World. This still being the 10th Anniversary of the Captive Nations Week Resolution, I will restrict my main points to ten.

The precise report is as follows:

(1) Soon after our return from the last WACL–DPACL Conferences in Saigon, arrangements were made for discussions of the conferences and Vietnam on two radio and TV stations in Miami, Florida, which extend to and are heard in Cuba. Let us not forget that the megalomaniacal Castro has exuded a special affinity for Hanoi and Pyongyang. On WIOD and WKAT in Miami, discussions up to three hours covered the Second and 14th Conferences, the valiant fight of the Republic of Vietnam for survival, and the reasons for American support of Free Vietnam. A transcript of the WIOD program was sent to the office of President Thieu in Saigon.

(2) China's Freedom Day in January is a highly important commemoration which NCNC participates in. In addition to expressing our annual greetings on the occasion, we urge our groups to fittingly support the event in their respective communities so that the continuous free Chinese fight for the liberation of mainland China and the incalculable and enormous psycho-political symbol of freedom on the island be constantly in the foreground of American interest. Moreover, NCNC sees to it that the event is properly recognized by our friends in the U.S. Congress and that reports and addresses on the occasion are prominently published in the *Congressional Record*. The crucial importance of a completely Free China to the liberation and freedom of all the captive nations hardly needs stating.

(3) It was NCNC's pleasurable privilege to receive WACL's Freedom Center delegation at the beginning of April in Washington, D.C. Led by the distinguished Secretary General, Dr. José Hernandez, the delegation was received at a luncheon hosted by NCNC in the Rayburn Building of the House of Representatives. A press conference preceded the luncheon, and reports were carried by several newspapers. The luncheon, toastmastered by the Honorable Edward J. Derwinski, was attended by a dozen Senators and Representatives. As the gods would have it, the untimely death of former President Eisenhower affected the promised attendance of a dozen more legislators, including the late Senator Dirksen.

(4) As in every preceding year of a full decade, NCNC stepped up in mid-spring its national preparation and coordination of the annual Captive Nations Week. The 1969 Week was commemorated as the 10th Anniversary of the Captive Nations Week Resolution, which, as you know, the U.S. Congress passed in July, 1959. The burdensome and costly details of launching this annual Week are known only to a few, even commencing with the effort directed at the White House for an effective Presidential Proclamation of the Week. Nonetheless, the 1969 Week proved to be another huge success. President Nixon issued his proclamation, Governors followed from Alaska to Florida, New Hampshire to Hawaii, Mayors of all major cities did likewise, and our committees in all sections of the country conducted their respective

activities effectively. Radio Moscow and other Red media expressed their contempt.

(5) An added function of NCNC this year produced the singular highlight of the 1969 Week. And this was the privileged opportunity we treasured in honoring Dr. Ku Cheng-kang, First Chairman of WACL and President of the Chinese Chapter. In Arizona, under the leadership of Mr. Walter Chopiwsky and his NCNC branch, Dr. Ku received full exposure throughout the State and beyond. In the Nation's capital, at a capacity reception and dinner hosted by NCNC in the University Club, it was our indescribable honor to honor Dr. Ku and present him the Eisenhower Captive Nations Award. Ten Senators and Congressmen received medals on this memorable occasion. Again, as the gods would have it, the first Apollo shot coincided with this event, but, nevertheless, the turnout was magnificent. Dr. Ku's successful itinerary extended to our groups in Chicago, Philadelphia, New York and Los Angeles.

(6) NCNC regularly assumes the responsibility of having newspaper, documentary and other printed coverage of the Week's activities, both in the United States and abroad, published in the U.S. national annals, namely the *Congressional Record*. In July, August and September, the *Record* was replete for the historical record with these reports. Beyond our groups in the U.S., once again the Republic of China was outstanding by this measure in implementing the resolution on captive nations passed at the conferences in Saigon.

(7) Through the initiative and efforts of NCNC, another resolution on the captive nations was passed by the U.S. Congress on September 24. The resolution called for the publication of an official House Document commemorating the 10th Anniversary of the Captive Nations Week Resolution and the Captive Nations Movement. The significant resolution was sponsored by the Honorables Daniel J. Flood of Pennsylvania and Edward J. Derwinski of Illinois.

(8) Under the directives of this passed legislation, NCNC, working in coordination with the Joint Committee on Printing in the U.S. Congress, has in the past two months contributed to the preparation of the document. The initial quantity of 10,000 copies will be available this month. Those who have significantly implemented WACL's resolution on Captive Nations Week will receive copies of this document. The issuance of a Captive Nations stamp by the Republic of Korea is an outstanding and unforgettable event referred to in the work.

(9) NCNC has participated in current negotiations for the eventual and much-needed formation of a WACL Chapter in the United States. That such a chapter is indispensable to our mutual cause is beyond any question of doubt. Our problem in the United States is the multiplicity and variety of anti-communist organizations. Prudence and discretion are uppermost in the pursuit of this pressing goal. What eventually develops must—I reiterate, must—be a solid basis for an effective and crucial chapter organization. NCNC does not adhere to paper organizations, lacking in following and programmatic capacity; nor does it wish to incite an internal conflict among and between anti-communist organizations. The complexity of the issue is great; our determination to resolve it is, I assure you, preserving.

(10) Finally, NCNC has unswervingly pursued its conviction that a Special Committee on the Captive Nations in the House of Representatives is of pressing and essential moment to all of our mutual struggles for a full, educational accounting of the oppressions, genocide, terrorism, tyranny, and Hitlerianism of the Red Totalitarian regimes. Such an official committee in the U.S. Congress would provide a central thrust for anti-communism not only in the United States but throughout the Free World. It would accomplish in a year what thousands of well-documented books couldn't do in two or three decades. It would undertake a case-by-case methodology and produce data that even the illiterate would sense its crucial importance to the world struggle. Negotiations on this vital issue are being pursued by NCNC with the utmost determination.

This is my report, Mr. Chairman. We are thoroughly confident of the road we are paving. The Republic of Vietnam is another national, independent entity that the Free World cannot afford to sacrifice. Should my Government do so, our captive nations thesis and list will be enlarged more than ever. Pray God, this will not transpire. In the event that this further tragedy is consummated, we are prepared. Again, I pray God it will not happen. It certainly need not happen.

ADDRESS BY CHIEF DELEGATE KU CHENG-KANG

Mr. Chairman, Fellow Delegates and Distinguished Guests, following the 3rd WACL Conference, the 15th APACL Conference is solemnly unveiled in Bangkok.

Indeed, in its fifteen years of sustained struggles, APACL has made major contributions in elevating the Asian Peoples' Anti-Communist consciousness and in promoting Anti-Communist solidarity of Asian Nations. Its continuous efforts to enlarge Asian Peoples' Anti-Communist solidarity into the solidarity of peoples throughout the world gave birth to the World's Anti-Communist League (WACL) three years ago. This marks one singular achievement of the APACL in uniting freedom forces of the entire world.

As you know, presently there are three international Anti-Communist organizations in Asia. One is the Asian Peoples' Anti-Communist League (APACL) which is the union of purely people's Anti-Communist forces in various countries. Another is the Asian-Pacific Council (ASPAC) which is a cooperative agency among the governments of Asia's free nations. The third is the Asian Parliamentarians' Union (APU) which is the union of the Parliaments of the various countries. Parliament always acts as the bridge between people and government. In fact, the emergence of ASPAC and APU was the result of what APACL had been urging and pushing.

In promoting the establishment of ASPAC, APACL has always fought for the establishment of an Asian-Pacific regional security organization. When the 5th APACL Conference was held in Seoul in 1959, APACL passed an important resolution on "Urging Leaders in the Governments of Asian Anti-Communist Nations to Confer and Establish an Organization for Anti-Communist Cooperation." Subsequently, APACL delegates undertook action in their respective countries. In Jan. 1961, the Four-Nation Foreign Ministers' Conference was held in Manila. Attended only by the foreign ministers of the Republic of China, Korea, Vietnam and the Philippines. The composition and substance of the conference could not satisfy objective requirements. By 1964 when 10th APACL Conference was held in Taipei, the resolution on "Urging Asia's Free Nations to Establish a Collective Security Organization" was passed. Members of APACL expended more efforts to promote the realization of this mission. When the Nine-Nation Foreign Ministers' Conference was convened in Seoul in June, 1966, events gradually developed to establish the Asian-Pacific Council.

As to the Asian Parliamentarians' Union (APU), it was organized in 1965 in Japan by such people as Nobusuke Kishi and Saburo Chida who were either leaders of the APACL movement in Japan or responsible officials of APACL Japan Chapter. I myself also took part in organizing the APU. Many of the APU delegates have associated with APACL for sometime. Indeed, APACL has produced results in promoting understanding and cooperation between free nations in Asia. During the latter part of last month, I presided over the 5th APU conference in Taipei which reaped fruitful results.

During the past 15 years, APACL has continued to grow and develop, but we are not satisfied with our gains. The current world situation and the Asian situation compel us to make further struggles to expedite the formation of a really strong and effective Asian-Pacific regional security organization.

At this time, I wish to make the following observations:

First, I have also believed that we Asian nations should have the spirit of self-strengthening and self-salvation and use our own strength for our common survival. Now that the new Asian policy of the United States expects that we Asian Nations protect our security and freedom with our own strength, we should devote ourselves to the realization of this objective. By 1971, Britain will withdraw her forces from the Far East. Therefore, we should urge the completion of the ground work preparatory to the establishment of Asian-Pacific regional security organization sometime next year to fill the gap in the military posture of the free world camp, and make an important contribution to usher in the '70's of the 20th century.

Secondly, I feel that the Asian-Pacific regional security organization can be established through strengthening the present Asian-Pacific Council. If the first course of action is adopted, other free nations in the Asian-Pacific region must, of course, be invited, including the United States. Meanwhile, the present ASPAC efforts which are limited to cultural exchange and economic mutual assistance should be developed into firm political and military cooperation.

Thirdly, I consider that, in the face of Asian Communist aggression threats and the current Asian situation, Asian peoples will awaken sooner or later and find the need to establish mutual defense forces at an early date and will not delay the fulfillment of this important historical mission. We must not be satisfied with the achievements scored in the economic field. If security cannot be safeguarded, free and happy life may go out at all time. Similiarly, we must not be intimidated by the superficial forces of the Asian Communists. Fact reveals to us that Asian Communist rule has its serious inherent vulnerability. So long as Asian nations unite, they have every assurance of deterring Communist aggression. Therefore, we fervently hope that Asian governmental leaders will cast away all doubts and give to this objective first priority in their current national policies.

Fourthly, prior to or after the formation of an Asian-Pacific regional security organization. The Vietnam situation will be the first primary challenge to our employment of mutual defense strength. Regardless of the circumstances, Asia's free nations should actively support the government of the Republic of Vietnam in its struggles to fight for the independence and freedom of Vietnam. The Vietnamese Communists must not be permitted to realize their ambition of annexing South Vietnam nor to realize their design of subverting Vietnam through formation of a "Coalition Government." We must not permit the crimes committed by Asian Communists in launching the war in Vietnam to be repeated in other Asian Countries.

At the opening of the 5th APU General Assembly held last month in Taipei, His Excellency Chiang Kai-shek, President of the Republic of China said: "Asia belongs to the Asians. Hence we Asians must rely on our strength in the pursuit of regional peace, security and prosperity . . . If the strength of these separate countries are combined, the result will be a massive cultural, political, economic and military force of justice sufficient to assure the peace and security of Asia and the world. An Asian epoch of freedom, security, prosperity and progress will be opened

up." I also urged in my addresses at that Assembly that the formation of an Asian-Pacific regional security organization should be expedited. Again, I am happy to present my advocacy and views to my colleagues in APACL. This is the topic of the struggle for which APACL has fought fifteen years. The current situation demands that we not remain in urging others, but take action. We are delighted to hear that the response to this advocacy is louder and louder. I sincerely hope that my fellow delegates will exert their influences to hasten the accomplishment of this great mission and set an important, historical milestone as Asia enters into the 1970's.

RESOLUTION CONDEMNING THE "BREZHNEV DOCTRINE"

Whereas the Soviet Union has used the "Brezhnev Doctrine" as a tool for implementing Soviet Russian imperialism; and

Whereas the interventionist character of the "Brezhnev Doctrine" portends a climate of insecurity and incertainties in which genuine peace would likely prove to be increasingly elusive; and

Whereas this doctrine tends to allow Soviet Russia to operate under the assumption that the countries between the borders of the Soviet Union and the Free World (including mainland China . . .), are its private preserve, and that such an acceptance of sphere of influence concept can have lasting effects in all parts of the world; and

Whereas the "Brezhnev Doctrine" was used to crush the struggle of Czechs and Slovaks for freedom, and to justify the shameless Soviet Russian military intervention in Czechoslovakia; and

Whereas the doctrine unequivocally violates both the spirit and content of the United Nations Charter;

The World Anti-Communist League strongly condemns the "Brezhnev Doctrine" and repudiates its implications; and

Appeals to the free governments and peoples of the world—

1. To repudiate the intent and objectives of the "Brezhnev Doctrine", including its implied recognition of spheres of influence and the *status quo* in East-Central Europe, Asia, Cuba, etc.

2. To initiate in the United Nations a serious examination of the doctrine in relation to the provisions of the United Nations Charter;

3. To reiterate their support for all nations and peoples, fighting for freedom and national independence;

4. To call at the United Nations, International conferences and other forums, for withdrawal of Soviet Russian troops from Czecho-Slovakia, and all other subjugated countries and for stopping subversion and military intervention everywhere.

OPERATIVE: WACL to send message to U Thant, condemning the doctrine as a violation of the UN Charter and calling for a UN debate on this serious issue. Member units of WACL should present this resolution to their governments and suggest that the national delegations and observers to the UN, and Embassies, be briefed about its contents.

The same briefing should be given to the member of the elected bodies of the various countries.

Endorsed by Prof Dobriusky.

Presented by: Vosil Germenji.

RESOLUTION ON 1970 CAPTIVE NATIONS WEEK

In view of the profound effects and impact made by the U.S. Captive Nations Week Resolution upon the totalitarian and imperiocolonialist reins of Red Moscow, Peking and minor satraps in the Red Empire; and

In view of the constant hope this resolution, which was passed by the U.S. Congress in July 1959, has symbolized and extended to the one billion humans in all of the captive nations in Central Europe, the Soviet Union, Asia and Cuba; and

In view of the consistent support given by both the Asian Peoples Anti-Communist League and the World Anti-Communist League in the annual observance of Captive Nations Week; Therefore,

Now be it resolved that the Third Conference of WACL urges all of its chapters and affiliated organizations to prepare and participate in the 1970 Captive Nations Week, scheduled for the third week of July, and to send all published documents and data on the week's observance to the U.S. National Captive Nations Committee for inclusion in U.S. Congressional reports on the Captive nations movement.

Considering that the Kremlin is making plans to celebrate the Lenin Centennial in 1970 throughout the world with a view to inspiring communists and their fellow-travellers all over the world with optimism and courage:

Be it resolved that all member units organise counter-action in their respective countries by exposing the evil ideology of Lenin's teachings and the tyranical rule and genocide that has ensued, and also to counteract steps taken by UNESCO and other Free World media to observe this event.

COMMUNIST UNCONVENTIONAL WARFARE—ASIA AND AFRICA

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, at the time of the tremendous propaganda publicity given the Mylai hoax, much was made of charges that American soldiers may have shot women and children.

I said, at that time, that all of us who have seen war in a populated area know how difficult it is under combat conditions to make the split-second decision which may keep you alive. In an unconventional guerrilla war, where the enemy is not a uniformed and disciplined military force, the enemy is everybody until you learn differently.

A recent newsclipping tells the story of the Air Force doctor who treated a young Vietnamese girl crippled in the premature explosion of the plastic bomb she was constructing for his assassination.

In the same paper, on the same date, is the newsclipping indicating that the report made on conditions in conquered Biafra by a team of international observers is too sensitive to publish.

Apparently, British, Canadian, and Swedish officers lack the experience to understand what the Nigerian dictator and we in Washington know full well—that looting and rape are the normal results where a primitive majority is not constrained.

The pertinent clippings are included in my remarks, as follow:

[From the Washington (D.C.) Evening Star, Jan. 31, 1970]

VIETCONG GIRL AIDED BY DOCTOR SHE TRIED TO KILL

SAIGON.—A U.S. Air Force doctor treated a young Vietnamese girl whose hands had been blown off, then learned later she was wounded while fusing a bomb to kill him.

The Air Force said the girl's aunt brought her to Capt. Jerold D. Albright of Haven, Kan., at the Ca Mau province hospital in the southern Mekong Delta.

Her hands had been blown off at the wrists. Albright cleaned the wounds, stopped the bleeding and bandaged the stumps of her arms.

Later the girl told officials she was helping her aunt, a Viet Cong, build a bomb from plastic explosive when it went off. The bomb was to be placed under the seat of the doctor's jeep, she said.

"If the Viet Cong are so interested in getting rid of me, it must mean our medical efforts in this area are helping turn the local population against the VC," Albright said. "It also indicates to me that even the enemy has confidence in our medical care."

[From the Washington (D.C.) Evening Star, Jan. 31, 1970]

FOUR-NATION BIAFRA REPORT "TOO SENSITIVE" TO REVEAL

LAGOS, NIGERIA.—A team of international observers returning from its third trip to former Biafra since the end of the civil war could saddle the Nigerian government with a major crisis, diplomatic sources said today.

The sources said a report prepared by a group of military observers from four nations on the plight of 1 million hungry Ibos was too sensitive to publish.

Publication of the results of the survey by the joint team from Britain, Canada, Sweden and Poland probably would lead to its ouster, the sources said. Eventual publication of their conclusions is inevitable, the sources said.

SECRET REPORT

A secret interim report by the group, they said, describing looting and raping by Nigerian troops has infuriated Nigerian authorities.

According to the sources, Federal Communications Commissioner Aminu Kano has told the group to "pack up and go" and Nigerian chief of state Gen. Yakubu Gowan has been angered by the report.

The observers are reported to be sharply divided in expressed opinions. A dissenting minority report submitted by Polish members of the team is much less critical of the central government.

The team has spent 17 months in the country, traveling between Nigeria proper and the secessionist states comprising Biafra.

REPORT BY POLE ORDERED

The sources said that Polish Col. Jozef Biernacki has been ordered to prepare a report that will not embarrass the Soviet-backed federal government in any way.

They said the central government wants the group to report on relief work but the Canadians claim they are not qualified to oversee relief operations and wish to withdraw as soon as possible.

The federal government yesterday reorganized its national rehabilitation commission to speed handling of relief supplies entering the country.

An official announcement said relief supplies would be allowed into Nigeria duty free. But it also said visas would be issued only to foreign relief workers sponsored by the Nigerian director of relief operations or his aides.

WHEN NAACP DESTROYS PUBLIC SCHOOL, WHO PAYS?

(Mr. RARICK asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RARICK. Mr. Speaker, an editorial by a newspaper which quite apparently supports the desegregation of the public schools, a timetable of the NAACP-instituted school litigation in its community, and letters to the editor from a Negro mother and another citizen are

unfortunately quite typical of the situation in the South today.

The question raised is quite fair, and deadly serious. For whose benefit did this organization—which claims to represent Negroes, but has never had a black leader—promote this litigation and destroy the public schools of this community?

A clue may be found in a comment by one of the local "Reverends" who is the head of the local NAACP chapter that if the court does not move promptly, their "New York lawyers" will act.

The clippings are included in my remarks, as follow:

[From the Fort Myers News-Press, Jan. 16, 1970]

AN OPPORTUNITY FOR THE NAACP

The National Association for the Advancement of Colored People has the opportunity now to perform the greatest service is has ever done for Negro school children of Lee County. It can do this by petitioning the U.S. District Court to adhere to the timetable which the court itself previously set calling for the integration of the Franklin Park Elementary School next fall and not to advance the time to Feb. 1.

A court order to desegregate Franklin Park by Feb. 1 would indeed create the chaos that school officials apprehend—chaos of which the 740 Negro children now attending Franklin Park would be the hapless victims. It would be a physical impossibility to integrate Franklin Park by busing some 600 white children to it—and some 600 Negro children from it to other schools—to achieve the required racial balance starting in February. It would be physically impossible because there simply are no busses with which to do it; there is no money for buying the additional buses, and even if there were it would take some months to get delivery of them.

So, if the court decreed that Franklin Park could no longer be operated with its present all-Negro enrollment, the school would have to be closed. Then the parents of its 740 pupils would have to apply for their admission at elementary schools elsewhere which already are overcrowded, with their lower grades on double session. No more than a handful could be accommodated, and the parents of those who were would have to arrange some transportation of their own to get them there for there would be no buses for them. The inescapable result would be that the students now attending Franklin Park would have their education broken off and would be unable to go to school for the rest of this year.

There is a strong and dire likelihood that the U.S. District Court will order Franklin Park to be integrated by Feb. 1 regardless of the consequences unless the NAACP petitions otherwise. Zealous Judge Ben Krentzman of Tampa has stated that he considers new rulings of the U.S. Supreme Court, although given in other cases, to be "supervening case law," indicating that he considers them to require application in the Lee County case. The Supreme Court now has ordered full desegregation by Feb. 1 in the 14 school cases before it, two of which involved Alachua and Bay Counties in Florida—and Judge Krentzman has scheduled a new hearing for Jan. 26 for Lee and certain other counties under his jurisdiction.

The NAACP has a decisive voice in the matter because it is the real plaintiff in the case before Judge Krentzman. The case is styled "Blalock v. Board of Public Instruction of Lee County" but it was the NAACP that filed the case for John Blalock and other Negro parents and whose attorneys have handled it. The suit was filed in the fall of 1964 and the court's decree was issued in early 1965 but the federal court has retained jurisdiction ever since. It is of some interest now to recall that the court's original order called for the Lee County schools to be desegregated by grades over a period of five years under a "freedom of choice" plan by which every student could attend either the school nearest his home or the nearest school in which his race was predominant—and that the NAACP agreed to it.

If the NAACP asks the district court now to invoke the Supreme Court's "supervening case law" and order the Lee County school desegregation completed by Feb. 1 with the integration then of Franklin Park, the court probably will do so. But if it does, the NAACP will bear a terrible responsibility for disrupting the education of its people.

On the other hand if the NAACP tells the court it is satisfied with the present decree ordering the integration completed by next fall and asks that the order be continued in force, it will be making no compromise of its principles, it will assure the orderly achievement of its aims, and it will show the mark of enlightened leadership.

[From the Fort Myers (Fla.) News-Press, Jan. 26, 1970]

SIX YEARS IN COURT

The Lee County school desegregation case has been in the U.S. District Court at Tampa for nearly six years. Here is the record:

Aug. 4, 1964—NAACP files suit on behalf of Negro parents for desegregation of Lee County Schools.

Aug. 28, 1964—School Board asks court to accept grade-a-year desegregation plan.

Oct. 22, 1964—School Board asks court for summary judgment in its favor.

Oct. 29, 1964—Court denies School Board's request for summary judgment and rejects grade-a-year plan.

Feb. 24, 1965—Court approves School Board's plan to desegregate schools in five years.

Aug. 30, 1965—Lee County schools "integrated" for first time with one Negro student at Elva Elementary and two at Edison Park Elementary.

July 26, 1966—NAACP sues School Board to speed up desegregation.

Aug. 29, 1966—All secondary schools except Alva desegregate and all elementary schools integrate first three grades.

Sept. 7, 1966—U.S. Dist. Judge Joseph Lieb allows Justice Department to join in NAACP suit against School Board.

March 2, 1967—School Board files freedom of choice plan to replace the five-year plan and proceeds with it.

Jan. 7, 1969—Justice Department files to have freedom of choice plan junked.

Feb. 12, 1969—Court orders School Board to file another plan to replace freedom of choice because all-Negro schools have continued.

May 7, 1969—Court orders all-Negro schools in Lee County except Franklin Park Elementary closed or integrated by fall.

June 9, 1969—Court denies School Board request to return to freedom of choice.

Aug. 12, 1969—Court approves plan for countywide seventh grade at two schools in Dunbar Heights and orders Franklin Park desegregated by next fall.

Dec. 18, 1969—Court orders School Board to report desegregation plan for Franklin Park.

Dec. 22, 1969—Court gives School Board go-ahead on planning for middle schools which would desegregate Franklin Park next fall.

[From the Fort Myers (Fla.) News-Press, Jan. 28, 1970]

NO NEED TO CHANGE

EDITOR, NEWS-PRESS: My children attend Franklin Park Elementary School and they have been going there all of their school years. I didn't see any need in transferring them when the freedom of choice law was passed, because to me a school is a school and I don't expect a teacher to put everything in my childrens' heads. I help them at home. I have encyclopedias and books that will help them. You cannot cheat a child out of an education if he has the ability to learn.

Another reason I didn't send them to a white school is because there are more white elementary schools to serve the needs of the white communities and it would have been difficult for me to choose one. There is no proof that my child is going to get a better education in a white school than he is in a black school. You can only be two things in life, a success or a failure, and I am sure you have some whites that fail.

Please don't get the wrong impression. I am not a separatist or anything of the sort. I am all for my freedom to go wherever I want but why pick on the small children.

We integrate every day of our lives. We have to, there are not many Negroes to hire us on jobs.

I am not going to let any NAACP leader tell me what's best for my children. I think I am a better judge of that. I know I cannot change the Supreme Court ruling but I would be happier with my small children going to a neighborhood school.

These people (the NAACP) are not thinking about the welfare of our children. Their only interest is getting a black child in a white school no matter what goes on afterward.

DISGUSTED MOTHER.

[From the Fort Myers (Fla.) News-Press, Jan. 27, 1970]

SUE NAACP

EDITOR, NEWS-PRESS—

I can't understand why the NAACP can sue governors, sheriffs, mayors and any other good citizen-loving official. Let us all get together and sue the NAACP. Say for about one billion dollars, this could help the taxpayers money.

The NAACP should be sued for these costs. One—destruction of property, two—court costs for the protection of the parties who destroy, three—cost of extra police, National Guard, and four—trying to put fear in the general public mind.

I do hope that some day that all governors get together and take the power away from this dictating Supreme Court. Let us all have some part in our own government. Just write your congressman.

H. KRAMER.

WILLIAM E. TIMMONS

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I want to offer my warm congratulations to William E. Timmons on his appointment as assistant to the President for congressional relations.

This is a well-earned and well-deserved promotion. Many of us have known Bill Timmons because of his service with our colleague, the gentleman from Tennessee (Mr. BROCK), because of his active participation in the Young Republicans and in the campaigns of Richard Nixon for President in 1960 and 1968.

We know him and respect him. As deputy assistant for congressional relations with responsibility for the House of Representatives, Bill has done an outstanding job during the last year.

I know he will continue to do the same kind of a job in his new position. Although he also has had experience in the

other body, he understands and loves this House.

Of course we will all miss Bryce Harlow, who now holds the extremely important position of counselor to the President. His wise counsel will serve the President and our country well. And I know he will continue to be available to this body for advice and counsel.

In the meantime it is gratifying to know that he has a most worthy successor. I am looking forward to working with Bill Timmons in his new position.

GROWTH OF 4-H PROGRAM

(Mr. GERALD R. FORD asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GERALD R. FORD. Mr. Speaker, I would like to tell this House about the continuing growth of a great program, 4-H. The 4-H has over 3½ million members nationwide. Right here in the District of Columbia, we have a new 4-H program attached to the Federal City College and out on Connecticut Avenue, the National 4-H Center is about to triple its youth educational capacity.

I am gratified to learn that American business is supporting the growth and development of 4-H in urban as well as rural areas. In fact, Howard C. Harder, chairman of CPC International, Inc., has recently formed the National 4-H Club Foundation Advisory Council to support 4-H.

Mrs. Richard M. Nixon and J. C. Penney, founder of the company which bears his name, are honorary cochairmen of the council.

The council's first goal is to expand the National 4-H Center at 7100 Connecticut Avenue here in Washington, D.C. 4-H members across the Nation have already pledged $2 million to the building program. The business leaders on the council will raise the remaining $6 million to complete the expansion project.

There are 150 leading American businessmen and women serving on the council. Working directly with Mr. Harder on the center expansion are: J. Paul Austin, president of the Coca-Cola Co.; Daniel S. Parker, chairman of the Parker Pen Co.; W. W. Keeler, chairman of the Phillips Petroleum Co.; Art and Jack Linkletter, chairman and president of Linkletter Enterprises, Inc.; and S. B. Penick, Jr., chairman of the S. B. Penick Co. Mills B. Lane, Jr., president of the Citizens & Southern National Bank is council treasurer. Russell B. Robins, executive vice president of the Jam Handy Organization, handles public relations.

The National 4-H Center expansion program will make it possible to train nearly 60,000 young people in citizenship and leadership programs each year. Right now the center can handle only 20,000 annually and thousands more must be turned away.

The work of Mr. Harder and his council is a fine example of what the business community is doing in behalf of our youth. This is particularly significant now that 50 percent of the 4-H membership is in our towns and cities. And, these young people are doing something about America's critical problems. Pollution and nutrition education are two areas of concern for 4-H'ers.

I salute the members of the National 4-H Advisory Council in their effort to expand the National 4-H Center and I salute 4-H.

IN SUPPORT OF A MASS TRANSPORTATION TRUST FUND

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KOCH. Mr. Speaker, I have decidedly mixed feelings about the mass transit legislation passed by the other body this week. The Senator from New Jersey (Mr. WILLIAMS), is to be congratulated for his leadership in getting legislation passed that gives some hope that the Congress and the Department of Transportation will improve the dismal record of the Federal Government concerning mass transit problems.

In the last 5 years, the Federal Government has spent approximately $800 million on mass transit and approximately $20 billion on highways. Since 1956, $45 billion has thus far been spent on highway construction. The new mass transit legislation now authorizes the Federal Government to spend $1.86 billion in the next 5 years. This is not what I consider to be a significant change in our transportation priorities.

I should point out that the new legislation tries to firm up the Federal commitment by giving 5-year contract authority to the Department of Transportation. This contract authority amounts to $3.1 billion. However, only $1.86 billion can be spent before fiscal year 1976. In the new budget, the administration has asked for only $105 million in contract authority for fiscal year 1971. In addition, the Appropriations Committees of the Congress have not hesitated in the past to place limitations on the use of contract authority, or to cut it back.

I regret to say that this new legislation which will soon be before this House for consideration provides neither sufficient guarantees nor adequate funds needed to do the job for our cities in the 1970's. Consequently, the fight for a mass transit trust fund should continue.

At the present time, 105 of our colleagues support the trust fund concept which is a far more reliable financing mechanism than contract authority. One need only cite the highway trust fund to make that undeniably clear. Furthermore, the Federal Government must commit much more than $3.1 billion in the next 5 years. Without the availability of sufficient funds and a system of assured long term financing, municipalities simply will not be able to develop plans and float bonds for projects of sufficient scope to have a substantial effect in modernizing local public transportation. Our trust fund bill would commit at least $10 billion during the same 5-year period.

Let us face the fact that we have a mass transit crisis in our cities. And let us not create another credibility gap between promise and performance. I urge my colleagues to support trust fund legislation as the best means of meeting the mass transit crisis.

ENVIRONMENT IN DANGER OF COLLAPSE

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, last November the Nation's most prominent scientists met in Boston. During that week America's attention was forcibly focused on its scientific community's concern over whether this Nation can survive the decade.

Leading spokesmen for every technical discipline competed with one another to tell us that our environment is in danger of collapse. Some predicted that human life will cease to exist in the next 30 years if we continue to pollute at the present rate. According to our scientists, the atmosphere will shortly become unbreathable, the land unproductive, the cities unlivable, and humanity, if it escapes from being driven insane by the rising levels of decibels, will eventually succumb to suffocation in its own garbage.

I suspect the November meeting in Boston served as the final catalyst. The horrendous problems created by our pollution of the environment have finally come to the forefront of the national conscience and are receiving the attention they deserve.

Californians, probably more than most Americans, have been painfully aware of the consequences of pollution. Our eyes have been smarting from smog, our beaches smeared with oil, and our landscape littered with auto graveyards.

Pollution is, of course, not confined to California. Other parts of the Nation, like politicians, have discovered the seriousness of environmental pollution. The voices of the experts on pollution—the ecologists, natural and social scientists—are finally sounding above the din of the many less significant issues and problems facing our society. We are listening, horrified. Their scientific facts seem more like science fiction. Increased emphysema, dead trees on the west slope of California's San Bernardino mountains, 48 billion bottles and 46 billion cans annually, and 200 million tons a year of poison pumped into the atmosphere is not fiction. The facts lead one to seriously ask—can we survive? The answer must be yes.

My personal concern over the effects of environmental pollution is long standing. Over the years, I have made repeated statements on the problems as I saw them, decrying our negligence in this vital area, drawing public attention to the problems, and offering possible approaches and solutions. Two years ago I was calling for the development of imaginative new programs and emphasizing the importance of an ecological approach to the environment, with man as the focal point.

My concern over this growing crisis has prompted me to introduce the following environmental quality and conservation legislation. In the first half of this 91st Congress alone, I introduced eight bills on pollution and conservation. They establish a revolving fund for the removal of oil discharged into navigable

waters; control oil pollution from vessels; augment funds for land acquisition for the Point Reyes National Seashore in California; control the granting of offshore drilling permits to oil companies; prevent the importation of fish and wildlife species endangered with extinction; establish a Council on Environmental Quality; create a research and development program on the marine and atmospheric environments; and organize a Youth Conservation Corps.

In the field of air pollution, I authored legislation to provide grants to develop alternatives to the internal combustion engine. Research is now being conducted on a widespread basis to develop these alternatives. In the field of water pollution, I served as a floor leader in the fight to raise the water quality appropriations from the $200 million requested by President Nixon to the $800 million finally appropriated.

However, I will not stand on my record alone. Instead I am introducing further legislation in the pollution field during this, the second session of the 91st Congress. Allow me to set out for you the problems as I see them today, my views on what we in the Congress should do, and what I as an individual legislator will do to deal with these overwhelming problems.

I do not wish to sound like an alarmist, but the condition of our environment has become critical—so critical as to threaten man's very survival on this planet. Some experts predict the extinction of advanced life on earth by the turn of the next century if present trends in pollution rates and population growth rates continue. No area of our environment remains unaffected, whether it be on the earth's surface where we live, below it where we mine and blast, or above it where we throw off noxious fumes.

Our Nation faces three major, closely related environmental problems. They are: First, pollution of the environment; second, overcrowding of our population into urban areas; and third, the deterioration of many areas—rural as well as urban.

Pollutants in the forms of solid, liquid, and gaseous matter alter the chemical and physical qualities of the environment. The automobile each year produces one-half of the pollutants fouling our air. Of the 200 million tons of waste expelled into the atmosphere annually, the automobile contributes 95 million tons. These poisons include carbon monoxide, sulphur oxide, hydrocarbons, oxides of nitrogen, and lead particles. Add sunlight and other elements and you have smog.

Pollutants may alter the environment in such a way as to upset the delicate balance of the ecology which supports human life. Pollution kills valuable marine life, such as phytoplankton which floats on water and produces 70 percent of our oxygen in the cyclical ecological process.

Noise pollution affects the nervous system of living things, and has adverse physiological as well as psychological effects. The average city dweller lives in an environment that is twice to three times as noisy as his country cousin.

Overcrowding is a major cause of pollution. As more and more of our people live on less and less of our land, we find our cities packed, like sardines in cans. Our citizens live in crowded quarters, their waste products concentrated within or near the city. The factories which grow up to take advantage of the concentrated labor force further contaminate the urban area. In the process of the inevitable urban sprawl, open space vital for renewing oxygen in the air is eliminated. This literally denies urban dwellers "breathing room." Facilities have not and possibly cannot be built quickly enough to handle the problems created by concentration. Existing facilities and infrastructures are already taxed beyond their limits.

As sections of our country have grown at phenomenal rates, we have tended to abandon those areas which were exploited and could no longer support the economy with their natural resources. As a result, we find Appalachia depleted and scarred, the inner city abandoned to the physical decay of its buildings and the spiritual decay of its inhabitants, and large areas of rural America underutilized. In New York City alone, according to Mayor Lindsay, 500,000 occupied dwellings are unfit for occupancy, and 50 percent of all rental units are substandard. Our crowded ghetto areas have the highest crime and drug use rates of any in the country, which clearly indicates their social decay. We must look back at the deterioration of parts of our great land and assume the necessary responsibility to reverse that deterioration.

Before discussing the specific legislative proposals I intend to introduce, let me stress their importance in the context of a total ecological approach to everything we do relating to our environment. This includes our efforts to clean up the environment, and to right the wrongs we have perpetrated upon it in the past. We must consider all of the ecological ramificiations of every approach we take, for only in such a context do our comments have relevance.

We must also face the fact that technology may not be able to satisfactorily solve all of our pollution problems, and that we may actually have to curtail and even cease certain pollution-causing activities, at least until satisfactory solutions are found. In testimony before the Senate committee on Tuesday, the head of Consolidated Edison of New York asked this question: "How many more generating stations can the environment tolerate?" He answered his question by saying that Americans may have to cut back on the use of electrical power in order to preserve the environment.

A total ecological approach to pollution problems requires a rational, coordinated administrative effort. Much of our success in the space program has been due to the centralization of responsibility and authority in a single agency, NASA. The Environmental Quality Council established in recently passed legislation is a step in the right direction. However, we really need a more definitive realinement of Federal environmental activities under a single agency with power equal to the task assigned. At the moment, the environmental effort is spread out among 13 different committees of Congress, 90 Federal programs, over a dozen interagency committees, and over 2 dozen semi-government units.

In fact, with the President's budget cutbacks in space and defense, we must be careful not to lose the scientific problem-solving capability which already exists. We must carefully plan to redirect laboratories and technical capabilities to environmental problems. Unfortunately, some loss has already occurred in the name of economy. The present administration has completely dismantled the Radiological Defense Research Center in San Francisco, dissipating an impressive reservoir of scientific capabilities and expertise. We must take care to insure that the expertise existing in the high technology aerospace and defense industries is not lost. Rather, this problem-solving capability should be directed toward dealing with environmental pollution.

Only in the last 5 years has the Federal Government begun to deal with pollution through the enabling power of two major pieces of Federal legislation: The Federal Water Pollution Control Act of 1967 and the Air Pollution Prevention and Control Act of 1967. However, for a number of reasons governments at all levels have been unable to efficiently come to grips with the problem. Many times State and local governments lack the financial and manpower resources to enforce pollution standards. Quite often, too many agencies are involved. And more often than not, the law is confusing and unclear. But time is catching up with us. We need to do much more. We need to do so quickly. Today, I am introducing legislation which will help meet some of these needs.

I believe that every individual should be guaranteed the right to safe, healthful, productive and esthetically and culturally pleasing surroundings. It is axiomatic that no right can be effective unless there is an accompanying remedy aimed at insuring the owner of the right a means of defending it against infringement. At this time, a citizen's interest in a safe, healthful, productive, and esthetically and culturally pleasing environment is recognized by Federal law. However, a citizen has no means of vindicating his interest.

A measure I am introducing today would furnish the citizen with the ability to enforce his right in Federal court. In so doing, it recognizes the veracity of the assertion that a citizen's greatest civil right is his ability to sue in a court of law. Absent this right, all other rights are—at best—fragile because they exist only at the sufferance of those in power. Only when a citizen's right to vindicate his interest in a healthful environment is enshrined in law will that interest have any real meaning.

A second measure I am introducing deals with oil pollution. Two weeks ago, the Washington Post reported a major oil leak off Grand Isle, La. A 15-mile slick washed ashore, damaging beaches and destroying wildlife. Two coasts of the Nation have now been badly damaged by oil pollution.

On the west coast, the Santa Barbara Channel has been continually polluted since the major leak last year. The costs

of cleaning the channel have been high. Recreational facilities have been made unusable. Uncounted numbers of wild animals have been killed. The ecology of the area has been so badly damaged, strong measures must be taken to bring about recovery.

I am introducing legislation today which would ban offshore oil drilling in the channel. The bill would require the Secretary of the Interior to withdraw all licenses and refund all fees or exchange present oil leases for others. Drilling would only be allowed to relieve the pressure that causes eruptions.

The administration made a serious mistake by allowing full-scale drilling to continue. Its consistent inability to act in the face of mounting evidence has been most frustrating. Since the administration has demonstrated its incapacity, Congress must act.

I am also introducing two amendments to the Air Quality Act of 1967. Both amendments deal with auto emission standards.

The first amendment authorizes the Secretary of Health, Education, and Welfare to issue auto emission standards for used cars. The Secretary will issue these standards when he issues standards for 1972 automobiles. The standards will apply to automobiles manufactured prior to 1968, the first year Federal standards became effective.

The second amendment requires the Secretary to issue Federal standards that are the same as California's requirements for emissions from new engines of 1975 cars.

California has just submitted to the Secretary of Health, Education, and Welfare stringent new auto emission standards for 1975 cars. These standards cut in half the noxious chemicals emitted from present car exhausts.

When we first passed the Air Quality Act in 1967, Congress recognized California had major problems and, therefore, permitted it to set higher standards. I think we should recognize that although California has been willing to take stronger action, air pollution is just as serious in other parts of the Nation. California has demonstrated that strong air pollution standards can work and it should not be too much to expect that Federal standards, by 1975, be uniform throughout the Nation and as strong as possible. California should insist upon its 1975 standards being adopted nationwide; if for no other reason than the number of out-of-State cars that come into the State each year.

In the first 6 months of 1969, 8 million tourists visited southern California. Almost 45 percent of these tourists came in by car. This represents almost 2 million out-of-State cars, vehicles with less stringent emission requirements, in southern California within a 6-month period. Although we do not yet have statistics for July and August, we do know these are the peak tourist months in southern California. We can safely estimate there are at least 1 to 2 million out-of-State cars in the greater Los-Angeles-Orange County area during these 2 months—which also happen to be the peak smog months.

It is absurd to continue to emasculate California's strong antipollution program. And that is exactly what happens when millions of vehicles with lower standards come into the State annually.

Congress last year took a strong stand in the area of water pollution. It appropriated $800 million for water treatment facilities, the full amount authorized in the legislation, and four times what the President requested. The President threatened not to spend the funds at first, but has wisely decided to spend the entire amount. He has also proposed a new $10 billion program. I am concerned however, that his proposals may be highly inflationary. He will ask the local communities to pay for at least 60 percent of the project cost of a treatment facility, which means that cities will have to float bonds to raise the needed capital. This will only increase the pressure on the extremely tight money market. Cities will have to further increase property taxes to pay the existing exorbitant interest rates, and these rates will only be forced higher by a potential $6 billion in bond flotations.

Progress in water pollution can be made quickly since we are dealing with such a tangible resource. Inflationary pressures may slow the President's program down. The other alternative is to redirect Federal funds into the battle.

The Federal Government should consider paying for at least 80 percent of the water pollution fight. Local governments, depending entirely on property taxes, simply do not have the necessary resources to pay for such high-cost financing.

Another question must be answered in regard to building water treatment facilities. The President plans to require only that secondary treatment facilities be built. But strong evidence argues in favor of building tertiary treatment facilities, even though they are somewhat more costly. Secondary treatment plants do not kill many kinds of viruses. They also produce byproducts which can eventually lead to the death of wildlife. It seems pennywise and pound foolish not to go directly to tertiary treatment plants.

My mail, as I am sure must be the case with many of my colleagues, is filled with requests from constituents asking what they can personally do to combat pollution. Preserving the environment is a cause that deserves more than armchair concern. Many who were active in the protests of the 1960's intend to make the environment the issue of the 1970's.

I believe political leaders should encourage citizens to make a personal commitment. In my district, a number of local citizen action groups have come into being. Students, as they did in the 1960's, are taking the lead. Fullerton Junior College students have already had a number of symposia on the relevant issues. These meetings have generated widespread interest and direct action programs are planned. Teach-ins are planned on all the major campuses in my area.

In Garden Grove, Calif., a group called Stamp Out Smog is proving itself to be an excellent instrument of citizen action. Not only are they getting the issues before the public, but they are facilitating information between concerned citizens and the maze of officialdom. Another group of local residents affiliated with the Comprehensive Health Plan Association of Orange County is studying ways to improve the area's immediate environment.

I suggest citizens interested in what they can do get directly in touch with local organizations such as the ones I mentioned above. I also suggest citizens continue to demand that preserving the environment be among those issues at the top of their legislator's agenda.

The job of righting our environmental wrongs will take many years and will require more than the building of bigger and better treatment plants or the replacement of the internal combustion engine. We must closely examine our values and our ethics and bring them in line with environmental reality if we are to restore ecological harmony. We must value air, water, and land as limited commodities and preserve them. We must realize our dependence upon the other forms of life with which we share the earth, and respect them. And finally, we have all the more reason to intensively study ourselves, in order to understand how we relate to our environment.

AMENDMENTS TO OMNIBUS CRIME CONTROL AND SAFE STREETS ACT

(Mr. BINGHAM asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BINGHAM. Mr. Speaker, no more urgent need faces Congress than to provide better Federal assistance to help release the Nation's neighborhoods and communities from the grip of crime.

President Nixon's crime proposals may provide additional Federal aids for this fight. But already those proposals have stimulated great controversy. Even if and when they are enacted, time will be required to implement them. In the meantime, Americans will continue to fall victim to crime—much of it street crime—in ever-increasing numbers, fearing more than ever to walk in their parks, to go out after dark, or even to traverse the hallways of their apartment buildings.

With the urgency of this problem in mind, I feel that we must pay particularly careful attention to Federal crime control assistance programs already on the books. These programs will have the most immediate impact on the crime situation.

The Omnibus Crime Control and Safe Streets Act passed by Congress in 1968 established most of the crime control assistance programs currently in effect. The act provides funds to State and local agencies for planning and action against crime, administered by the Law Enforcement Assistance Administration within the Department of Justice.

The bill I am introducing today, with 16 cosponsors, would provide a 3-year authorization totaling $3 billion for these crime control assistance programs, and make other needed changes, particularly in the funding mechanisms. The overall purpose of this legislation is to insure that a great portion of available

funds reach local areas where they are most needed—high-crime areas, mostly in our larger cities. This legislation was originally introduced on the Senate side by Senator Hartke.

I am delighted that the following colleagues have joined me as cosponsors of this bill: EDWARD P. BOLAND, Democrat of Massachusetts; SHIRLEY CHISHOLM, Democrat of New York; LEONARD FARBSTEIN, Democrat of New York; DONALD M. FRASER, Democrat of Minnesota; SEYMOUR HALPERN, Republican of New York; WILLIAM D. HATHAWAY, Democrat of Maine; HENRY HELSTOSKI, Democrat of New Jersey; EDWARD I. KOCH, Democrat of New York; WILLIAM S. MOORHEAD, Democrat of Pennsylvania; RICHARD L. OTTINGER, Democrat of New York; ADAM CLAYTON POWELL, Democrat of New York; MELVIN PRICE, Democrat of Illinois; ROBERT A. ROE, Democrat of New Jersey; BENJAMIN S. ROSENTHAL, Democrat of New York; JAMES H. SCHEUER, Democrat of New York; and MORRIS K. UDALL, Democrat of Arizona.

A number of other Members are introducing or plan to introduce identical legislation at my suggestion.

Mr. Speaker, several careful studies of LEAA programs have been conducted by various groups. These studies cite, first, severe underrepresentation of city officials, citizens—as opposed to law-enforcement professionals—and minority groups on planning panels; second, dissipation of funds to create unnecessary additional administrative layers; third, excessive influence on planning by "law-and-order advocates led by State police-type functionalists;" and fourth, a tendency to use funds simply to "do more of the same."

Under present law, 85 percent of LEAA's grant funds go to the States for redistribution. The remaining 15 percent are dispensed at the discretion of the LEAA officials. Forty percent of the funds allocated to the States for planning, and 75 percent of the funds for action grants, must be "passed through" to local units.

LEAA programs are the first to use a block-grant funding approach. There are those who categorically distrust and oppose block grants. I hold no such categorical views, though I find it unfortunate that we are experimenting with a new funding approach on such a vital set of programs. There is already evidence that LEAA programs are not directing adequate assistance funds to high-crime urban areas where they are most needed, as Congress intended. Based on the 1969 balance of planning and action funds, only 48 percent of total grant money allocated to the States was required to pass through to localities. And a preliminary survey of the States shows that only eight employ "incidence of crime" in given areas as a factor in distributing funds.

The bill we are introducing today would make several changes in the funding mechanisms of these programs to insure that more funds reach these high-crime areas. At the same time, it would retain much of the block-grant mechanism. Specifically, it would reduce to 50 percent the total funds going directly to the States for redistribution, leaving the remaining 50 percent eligible to be allocated directly to high-crime localities at the discretion of Federal officials. In addition, however, each State's block-grant allocation will be increased by 20 percent—from discretionary funds—if Federal officials find that the State is dealing adequately with its urban and high-crime areas. Another 20-percent increase in a State's block grant would be made where the State contributes at least 50 percent of the non-Federal share of costs for federally assisted local crime-control programs.

The legislation also provides for increased funds for crime prevention, including improved lighting of high-crime areas and other measures to lower opportunities for crime.

Finally, it would authorize $800 million for these programs in 1971—as compared to President Nixon's budget request for $480 million; $1 billion in 1972; and $1.2 billion in 1973. Such a 3-year authorization is needed to stimulate local planning efforts and better assure a long-term Federal commitment.

I am pleased to note that this bill has the support and endorsement of the National League of Cities and the U.S. Conference of Mayors. Those organizations share my concern with the problem of crime on the streets, and my belief that the changes in crime control assistance under the Safe Streets Act proposed by this legislation will do a great deal to get adequate, useful Federal assistance to local officials.

We simply cannot afford to waste scarce crime-control assistance resources on excess administrative baggage and unnecessary law-enforcement hardware for police in areas where crime is a much less serious problem than it is in most urban neighborhoods. We have to put this money in the hands of the men on the front lines of the fight against crime in the streets—the men who come in daily contact with the narcotics addicts and others who are responsible for the burgeoning crime rate. These men, for the most part, are the men on the beat in our big cities.

NIXON HAS ISSUED STRONG CHALLENGE

(Mr. CHAMBERLAIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CHAMBERLAIN. Mr. Speaker, the President's address was a refreshing departure from the usual state of the Union messages—both in its tone and in its vision.

It seemed to have a special character flowing from a conviction that the problems facing our country are not essentially those of quantity and dollars, but of quality and moral values. It was not a political scorecard nor a long shopping list for election year spending, but rather a blueprint for the seventies seeking to inspire our citizens in the traditional American spirit for a better quality of life.

Mr. Speaker, the President's message has been very well received in Michigan's Sixth Congressional District as is indicated by editorials appearing in the State Journal of Lansing on January 23, 1970, and in the Jackson Citizen Patriot, January 25, and I insert them in the RECORD for the wider distribution that their views deserve:

[From the Lansing (Mich.) State Journal, Jan. 23, 1970]

NIXON HAS ISSUED STRONG CHALLENGE

President Nixon's State of the Union address Thursday could well go down in the record books as one of the sharpest and most effective presentations of its kind in many years.

It was relatively brief, concise and hit directly at the major issues facing this nation in the immediate future and the new decade of the seventies. Though there were few specifics, the President gave strong general guidelines on what he thinks should be done and called upon the Congress and Americans of all groups and ages to join forces in this effort.

In one major part of his talk he called for an immediate and all out fight against air and water pollution and said he will propose to Congress "the most comprehensive and costly program" in this field in the nation's history, starting with a $10-billion clean waters program to put modern municipal waste treatment plants "in every place in America where they are needed." At the same time he called for massive efforts to combat air pollution at all levels and development of new non-pollutant type automobile engines.

The chief executive placed heavy emphasis on the fight against crime and said he would double his request for federal aid to law enforcement in 1971. He pledged a continued fight against inflation and appealed for help from Congress through tighter spending policies.

On the inflation issue the President made a particularly important point when he noted that "it is tempting to blame someone else for inflation," including business and labor unions. But he said a review of federal spendin the last 10 years shows that the government spent $57 billion more than it took in in taxes and the American people paid the bill for that deficit.

In turn the President called for reform of the institutions of government and reversing the flow of power from Washington "back to the states and the people."

He urged new programs to rebuild decaying inner cities and also to provide a new rural environment to stem the migration to urban areas and thus give the cities a chance to start on the road to recovery.

The President also again stressed the overdue need for total reform of our welfare system which he said "penalizes work, breaks up homes and robs recipients of dignity," and urged action on his welfare reform proposal which was presented to Congress last year.

In a most significant portion of his talk, Mr. Nixon, calling for a decade without war, stressed again that his foreign policy will be one promoting peace and a complete revision of outdated approaches which have dominated U.S. foreign policy since World War II. The President clearly was reinforcing his Guam proposal of lowering American commitments on a worldwide basis and calling upon other nations to take a greater load in handling their own defense problems.

As one newsman noted, the President has seized the initiative on virtually all the major issues facing the nation, outlining goals and calling for action. Many of his proposals on various domestic issues are now before Congress awaiting action. The President has promised he will present many more this year.

No one can predict with certainty how a Democratically controlled Congress will re-

act to the Republican President's appeals in this election year. But Mr. Nixon has presented a courageous and bold message on the needs of the nation.

[From the Jackson (Mich.) Citizen Patriot, Jan. 25, 1970]

NIXON MESSAGE GOOD IF ACTION FOLLOWS

In his first formal State of the Union Message President Richard M. Nixon said most of the proper and expected things with respect to the nation's hopes for peace, for an improved environment, for control of crime and for the end to what he calls putting good money into bad programs.

The timing of the political processes is kind to a new President in that it gives him a year in office before he is required to report on the state of the nation—and to submit a budget of his own design. Thus does he speaks against a background of experience in his job. By the same token, his listeners in the Congress and among the people have the background of his performance to better judge his words.

It must be said that the Nixon message contains no major surprises and no extravagant promises of actions or slogans which may, or may not, be translated into effective policy and action.

The aspects of the message dealing with the Vietnam war caused hardly a ripple. For the time being what President Nixon is doing with respect to that wearisome conflict is being accepted by a majority of the people. The advocates of a "get out now" policy still are heard, but the President's moves have deprived his critics of a burning issue—at least for the present. If his plans go awry he may well expect the Vietnam roof to fall in. Obviously he is conscious of the risk.

In his dramatic call for an improvement of the environment Mr. Nixon is riding a popular issue. This is one which is receiving attention on every hand. It looms large, for example, in Gov. William G. Milliken's programs for Michigan in 1970.

The ancient tale about the revolutionary who said, "There go the people. I am their leader. I must follow them," may apply to the President, to the governor and other persons in high places who have become conscious of what man is doing to his environment.

A certain irony is present in Mr. Nixon's promise to attempt to mobilize federal funds in the fight against pollution.

The promises have been made before. Much federal law dealing with clean water already is on the books. The effectiveness of the federal program, however, has been lessened by the failure of this and past administrations and the Congress to provide the appropriations to fund the programs.

States and local communities which have counted on federal help in financing sewage treatment plants and sewer system and other pollution control devices have been disappointed when they looked to Washington for the federal share of the money.

Much hypocrisy is to be found in the discussions of damage to the environment and efforts to curb it. Everyone admits that the problems exist. They are not so quick to agree on who or what is to blame or who is to pay the huge cost of making things right with nature.

The man who berates industry for polluting streams or the air may have a defective septic tank in his own backyard and may be fighting any effort to make him pay his share of the bill for installing a proper sewer system.

This same man may cheer Ralph Nader for his appropriate remarks about the failure of the automobile industry to get on with the job of curbing noxious emissions from internal combustion engines, but may burn trash or leaves on his own property, or litter a beach or a roadside with bottles and other debris.

Still, the proposition that the 1970s is the decade of decision with respect to the environment must be considered valid. While the dire facts of pollution long have been known to the environmental scientists the great awakening among the people only now is taking place. The facts of the population explosion and the problems it brings finally are being recognized. It is only proper that the President of the United States and the governors of the several states sound the call to battle and provide the leadership in dealing with man's own threat to his existence.

His natural enemies largely have been conquered. Remaining is only man's worst enemy—himself.

In his recommendations in the area of crime control the President again may be following the people he leads. The crime issue loomed large in the political campaign which put Mr. Nixon in the White House.

The Congress was singularly reluctant to act on crime prevention bills in the 1969 session, a fact which the President emphasized in his address. Even with the pressure he hopes to put on Congress in search of action and the widespread concern among the people, positive action on anti-crime measures cannot be taken for granted.

The issue is so deeply involved in politics and bold moves are so certain to bump into fears that the cure will be worse than the disease that interminable debates on crime measures can be anticipated.

As in the case of the damage to the environment the threat of crime has reached such proportions that something has to be done. Richard Nixon said as much. The people will agree.

They also will buy his premise that far too many social and economic programs which have the noble purpose of improving American life (and thus attacking the crime problem at its roots) simply have proved to be misconceived, misdirected and almost totally ineffective. The classic assumptions with respect to the cures for social ills have to be re-examined because they have been found to be in error.

The failures of the past in the areas of welfare and social progress have been compounded because the answer to a given worsening situation has been to provide only more of the same kind of cure.

Social concepts and programs generate their own momentum. Turning them aside to make a new approach possible is extremely difficult. Not the least of the reasons is the stake that a massive bureaucracy acquires in perpetuating a given function, no matter how useless it may appear to be.

The President, however, has pledged to try new approaches and new ideas in the welfare system which has undergone little change in the past 30 years. The people can only hope that he succeeds.

The President touched many other bases in his State of the Union message. Being a political figure he put the best face possible on his first year's performance and outlined what he deems to be proper courses of action.

The message was notable, perhaps, for the avoidance of promises impossible to carry out. It was in keeping with his "low profile," "easy does it," "let's work together" approach which he has tried to make the hallmark of his administration.

To praise his words is easy. Performance rather than rhetoric, however, is the basis on which the people must judge their President.

His message can best be judged from the vantage point of this date in 1971.

CALLING ALL PHYSICIANS

(Mr. LANDGREBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANDGREBE. Mr. Speaker, most of us are well aware of our Nation's critical shortage of physicians. Nowhere is this crisis more acute than in our Nation's rural areas.

Today, I would like to call the attention of my distinguished colleagues and, through the medium of the CONGRESSIONAL RECORD, the physicians of America, to the plight of one rural community which desperately needs a doctor.

The town of Wolcott, Ind., needs a physician. Its community leaders have been involved in an imaginative and vigorous campaign to lure a doctor to Wolcott for over a year. They even pulled a banner, reading "Wolcott Needs a Doctor," behind an airplane flying over last year's Purdue-Indiana football game. Another such banner flies over the main street of town, but to no avail.

Mr. Speaker, we must address ourselves to this problem, for Wolcott in my district is not alone in this dilemma. We must search for ways to encourage more young men and women to enter the medical profession.

But this is a long-term solution, and Wolcott needs a doctor now. While perhaps most young doctors are lured by the bright lights of the big cities, surely there is someone reading these remarks in the RECORD who would be interested in an old-fashioned family practice in a small but prosperous community.

Wolcott really has many attractions for the young physician or anyone else, for that matter. The town is small, with a population of 900 to 1,000 and the surrounding area has another 1,500 to 2,000 residents, but this total of 2,500 to 3,000 persons is a very sizable practice.

There are several excellent hospitals located within a 35-mile radius, including two major hospitals in the city of Lafayette, as well as three others in Rensselaer, Monticello, and Brook. Here a young doctor can meet and exchange ideas with many colleagues.

There are several nurses available in Wolcott to assist any doctor who comes to town. The community health organization has even rented a former doctor's office and is willing to remodel and furnish it.

In addition to its attractions to the medical profession, Wolcott offers the best of several worlds to just about anybody as a place to live. Its rural setting means cleaner air and almost no crime, as well as a more convenient and relaxed way of life.

But besides the benefits that would be offered by most rural towns, Wolcott can also list two major cities, a large university, a small college, and even a lake resort.

It is a 2-hour drive to either Chicago or Indianapolis from Wolcott, so a weekend in the city for shopping or entertainment is easily realized, without the many headaches of actually having to live there.

Purdue University, the birthplace of astronauts, is located less than 30 miles away in Lafayette. And St. Joseph's College, an excellent small school, is even closer in Rensselaer. Both schools make

many social and academic activities available to the community and also attract name talent to many muscial and dramatic presentations.

Only 20 minutes of driving will take the young doctor and his family to the famous Twin Lakes resorts near Monticello. Lake Shafer and Lake Freeman have offered the finest in swimming, boating, fishing, water skiing, and entertainment for years.

Finally, there is the great intangible of Hoosier hospitality. Nobody is a stranger in Indiana, which has the friendliest people in the world.

Any physician interested in practicing in Wolcott can obtain more information by writing to the chairman of the Wolcott Health Organization—Mr. Robert Nordyke, Wolcott, Ind. 47995.

OIL IMPORT CONTROLS

(Mr. WAGGONNER asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous material.)

Mr. WAGGONNER. Mr. Speaker, in December of last year, I wrote the President of my deep concern about the persistent reports indicating that his Task Force on Oil Import Control was about to propose radical changes in this vital program. The President kindly acknowledged my letter and promised to give my views on this important subject every consideration.

I fear that the passage of 2 months has not allayed my concern over the recommendations of this committee. Because the prosperity of this industry is of concern to all Americans, because the very defense of this Nation is involved, I would like to make this letter available to every Member and urge them to be alert to what may be forthcoming.

At the same time, I would like to add here in the RECORD a statement made by Mr. F. D. Lortscher, president of Signal Oil & Gas Co., which appeared in the Oil Daily of February 2. He calls attention to what I sincerely believe is an alarming situation.

The above-mentioned material follows:

DECEMBER 11, 1969.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The undersigned wish to take this means of expressing to you our deep concern about the persistent reports indicating that the Cabinet Task Force on Oil Import Control may propose radical changes in the oil import program. Most disturbing are reports that the present level of imports will be increased and that this action is to be taken for the purpose of forcing a reduction in the price of crude oil.

It is our firm conviction that an increase in the present level of imports would seriously jeopardize our national security and constitute a disservice to the consumers of both oil and natural gas. In this regard, the following considerations appear to us to be conclusively persuasive.

1. Imports of crude oil and refined products now equal more than one-third of total U.S. crude oil production. This already is a dangerous dependency, and under no circumstances should it be increased. For example, during the Middle East crisis of 1967, we were barely able to meet the emergency requirements for domestic oil, even for a short duration. Since that time, our petroleum reserve position has deteriorated. Last year, for the first time in our history, crude oil producing capacity declined. In contrast, authoritative forecasts show that our requirements by 1980 will be some 30 percent greater than at present.

2. The Eastern States, including Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, West Virginia, Virginia, Maryland, North Carolina, South Carolina, Georgia, and Florida, are now dependent on foreign source petroleum for 40 percent of their requirements. Any further dependence of this important industrial area on uncertain foreign sources, which experience has indicated would be cut off in time of emergency, could result in critical shortages because domestic supplies and transportation facilities would no longer be available.

3. We already face a most critical natural gas supply problem. The Federal Power Commission and also officials in the Department of the Interior recently have publicly recognized the seriousness of the natural gas supply problem and have called for immediate remedial actions. Increased imports of oil would discourage and further depress the search for new gas fields and new oil fields—an inseparable activity.

4. All forms of energy are essential to national security. Increased oil imports adversely affect not only domestic supplies of oil and natural gas but also of coal and synthetics such as shale oil.

5. The use of low-cost imported oil appears at first glance to be attractive, and it might very well be so for the short term. But, to do so would put the Nation in a very vulnerable position for the long term. During the 1967 Middle East crisis, we were the victims of an embargo. It is obvious from previous experience that foreign oil will be cheap only so long as we are not dependent upon it for our needs and security.

6. There have been claims made that the present Mandatory Oil Import Program costs consumers billions of dollars annually. These claims are totally misleading because they are based upon the fallacious assumption that Middle East oil will remain cheap even after we are dependent upon it. Furthermore, these claims disregard the losses to our economy that would result from dismantling the domestic industry which generates billions of dollars annually in revenues to the economy and tax revenues throughout more than half our States which produce oil and gas.

7. Oil imports now constitute the largest commodity deficit item in our balance of trade, totaling $2.6 billion annually. If the import level is increased, the serious balance of payments problem will be further aggravated.

8. The petroleum industry now markets more Btu's in the form of natural gas than in the form of liquid petroleum. The combined wellhead price of these two products on a crude oil equivalent basis, is less than $1.90 per barrel. This is lower than the cost of imported oil or natural gas from any source of the world.

9. In 1957–59, the combined weighted wholesale price of the four principal petroleum products was $3.99 a barrel. In the latest month, September 1969, these weighted product prices averaged $3.90. Prices of petroleum are, therefore, lower today than in the 1957–59 price, while the wholesale price level for all commodities is up almost 14 percent. If price behavior of all other industries had been as favorable as the oil industry, there would be no problem of inflation today.

10. Recent discoveries in Alaska have been cited by some as providing security of supplies for the future. We think prudence requires caution as to (1) these preliminary but optimistic estimates of reserves and (2) the cost to consumers in the other 49 states. Furthermore, it should be kept in mind that our requirements are growing at a rapid rate; for example, during the past 10 years we found about 35 billion barrels of oil whereas during the next decade if we are to remain secure we must find about 60 billion barrels.

We are also very much concerned about the impact increased imports would have upon the economy of the oil producing states. The cost to the total U.S. economy would aggregate billions of dollars annually through reductions in state and local tax revenues; lower bonuses and rentals from Federal and state lands; losses in employment; and decreases in purchases of equipment, supplies and services from allied industries.

We wish to urge with all the persuasion and force at our command that in our opinion the Nation's security will be dangerously impaired if the level of imports is increased. We direct your attention particularly to the uncertain conditions in Libya and the Middle East which serve to remind us of the folly of becoming dependent upon these sources. In addition, we are firmly convinced that increased imports would bring about serious economic problems, including what we believe would be a crippling impact upon the already serious balance of payments problem.

Respectfully,

F. EDWARD HÉBERT.
HALE BOGGS.
OTTO E. PASSMAN.
JOE D. WAGGONNER, Jr.
SPEEDY O. LONG.
EDWIN W. EDWARDS.
JOHN R. RARICK.
PATRICK T. CAFFERY.

STATEMENT BY F. D. LORTSCHER

The first thing to do when you're looking for an answer to a problem is to appoint a committee, a task force. That's just what we did. Of course you have to choose people who will look at the problem objectively.

Our Number 1 choice was Jesse who, among other duties, serves coffee to Signal's executives. Then Louise, our chief cook. Next we picked Pete, who runs our parking lot. We added Earl, he's in charge of building security. We had no choice but to use Grant who washes the windows and Pat who changes light bulbs. Of course, the committee needed Henry, our gardener. Finally, as Executive Director of the Task Force we appointed our friendly cafeteria cashier, Margaret.

We wanted people with no direct involvement in the issues to be weighed so they could remain detached.

There has been no official report from the Task Force yet, but there have been a couple of leaks from reliable sources. Several committee members are said to be recommending that oil companies give their products away, that additional profits are not necessary since all money is made through tax loopholes.

Another leak says they will recommend the closing of service stations in certain beach cities on the West Coast until the people in those towns can get back on their feet again.

There will be a reported demand from one member for an end to controls on Spanish Onions which he allegedly enjoys so much on his chili con carne. He believes that oil interests in Spain are behind an embargo.

Scores of company engineers, geologists and economists have testified before the committee, but it is said that their comments have been dismissed by five of the seven members. As one reportedly said, "I never thought much of the company anyway. I think the government should run all busi-

nesses. This is a good time to help me get my way."

Does what you've read so far sound incredible? Well, it is not as way out as it might seem. In fact it's quite similar to what's happening to the oil industry today. We must add here not to Signal Oil and Gas Company. That committee wasn't for real, but those people sure are, and they do a lot more on their jobs than the things we mentioned. If we didn't know them as well as we do and think as much of them as we do we wouldn't be able to kid them as we did.

But the point is, and we're sure those folks we mentioned understand, they have not had practical experience in the business end of petroleum. We think when you want an answer to a question you go to someone who knows the subject.

Recently, President Nixon appointed a Cabinet Task Force on Oil Import Controls to look into the quota system, to make recommendations to him. This was all well and good. In fact, it was the American Petroleum Institute representing our industry who had asked the President to look into the matter!!! They wanted him to have a serious review undertaken on the system!

These are the men whose background gave them their "insight" into the problems in the field of petroleum. As Executive Director there was a professor from Harvard Law School. We always wondered how really interested he was in the "problem" as several times he indicated that he couldn't wait to get back to teaching.

The Task Force Chairman's background included an education at Princeton and a career steeped in Industrial Relations. Other members of the committee had the following professional backgrounds: a lawyer who studied at Colgate; an accountant who studied at Columbia; a banker who went to Rutgers; a Brigadier General who learned his economics at Oxford; a gentleman who succeeded his father when he died as a state senator and has been in politics ever since; and a man who quit school to go out and make a fortune in real estate and construction.

We do not mean to knock any of the backgrounds of these men. There's not a thing in the world wrong with them. They are all fine men, indeed all but one is a member of th President's Cabinet. But we do question their interest in petroleum and their understanding of its role in our country's and the free world's defense. Several had the reputation for being anti-oil to begin with.

We don't say they went in with their minds made up, but this Task Force certainly approached its work from a strange point of view. It openly hunted out ways to relax import controls. It was harsh in its language towards what it called "high domestic oil prices" and "its heavy costs to the nation." Yet this is the group that should in all fairness hand the President an accurate, balanced report with equitable and workable recommendations on which to base the nation's oil policy.

How is this report being put together? Our Harvard law professor, who knows nothing about the industry, put together a staff. The staff's knowledge of oil economics is limited to what they have read about the industry, mainly what academic critics have written on the basis of pure theory without any practical experience.

Since his staff is biased toward free trade and biased against the oil industry, it puts the industry in a fairly hopeless position. Sure papers were submitted to the staff, but the key cabinet members did not have time to read them. So the staff summarized the industry papers and passed summaries to the Task Force slanted to their own bias. We can't expect the Task Force to go back and read tons of original papers so they will probably do what the staff recommends.

Vice President Agnew recently criticized the networks for what he said was the granting of preferential treatment to the politically Liberal point of view. It has certainly been true with the petroleum industry with Democratic Sens. Ted Kennedy of Massachusetts, Edumud Muskie of Maine, William Proxmire of Wisconsin and John Pastore of Rhode Island as leading members of our vocal critics. Their faces and voices have constantly come into the nation's living rooms. We can remember Senator Pastore shouting, "The (oil import) system reeks and is ripe for change. The industry should know that this is a time for consumer revolt!"

Consumer revolt? Against an industry which has continually produced a superior product at no increase in consumer prices? Against an industry which has contributed so much to bettering our standard of living? Someone's got to be kidding! If you don't count the taxes put on gasoline, it costs five cents a gallon less than it did 45 years ago! We would be interested in learning of any other major industry which can match that record. (By the way, those taxes on motor fuel generate revenue at the rate of one million dollars an hour! The total for 1969 was around $9 billion more than the revenue derived from any other commodity in this country!)

Five cents a gallon less . . . how does that compare with other prices and costs these days? Like, for instance, salaries of Senators. They recently voted themselves a raise in pay from $30,000 to $42,500 a year!!! That's more than a 41 percent increase. And what was it they said about inflation? About keeping wage increases to something like six percent? It seems their motto is "do as we say, not as we do." Yes, let's have a consumer revolt, but let's be fair and not cloud the issues with propaganda against just the petroleum industry, an industry which has contributed a great deal to the American way of life.

It's been said the oil industry is privileged, that it is, in essence, getting a government subsidy through oil import controls. That is not true but even if it were, how do we explain the fact that our government subsidized farmers to the tune of $233 million last year? And that $233 million was only the amount going to farmers who got payments of more than $25,000 each!!! We haven't even included the "small" farmers.

We hear constant senatorial speeches about the nation's poor who have to go to bed at night hungry. Then why are we paying out these hundreds of millions of dollars to farmers not to plant crops? Why do we order tons of food thrown away each year? If the government really wants to help the people, why not knock out supports on every commodity. The facts are that most petroleum product prices are not more, but less than they were 45 years ago, with import controls which have contributed to the vitality of all branches of the petroleum industry.

It's time the oil industry fought back. The old image of the millionaire with money sticking out of his pockets, wearing a ten-gallon hat, standing by his oil wells went out of style 30 years ago, just as did the image of the railroad tycoon. But it is still being used by politicians who seemingly hope for government controls of business and prices. They seem to think this image makes good copy. The fact that it is not true today doesn't bother them one iota. It's not how you play the game as long as you win. The fact that petroleum companies had an average return on net worth for the past ten years less than that of all manufacturing companies doesn't seem to enter into the picture at all. Profits in petroleum are not excessive. In fact, they are under most other major industries.

Instead of passing on higher costs to consumers, they have been absorbed by the oil companies. How many other industries today can make that statement? Like we said, it's time we shouted back. The President can afford to keep a "soft voice." His job is not at stake. Thousands of men and women in the oil industry don't have that same assurance. If the people of this nation were presented the facts, they'd be able to see through this political smokescreen.

The subject is immense, but we shall be as brief as possible, at least try to cover the major points on why we have an Oil Import Control Program and what will happen if it is tossed out. And one of the latest "leaks" is that the recommendation of the Presidential Task Force will be to scuttle it, to desert the ship, to let it sink. Before we drown let's look at what's happened.

Not too long after World War II, crude from the rich oil fields of South America and the Middle East began to come into the United States. It was a small amount at first, then with the jumbo tankers it really started to "pour" in.

The government and most of the petroleum industry were concerned. It wouldn't be long before these unlimited low-cost imports would economically force closure of two-thirds of the oil wells in the United States. Once they were shut-in, it would be impossible to return most of them to production. The result would be that at least one-third of America's crude oil reserves could be lost forever.

There was an even greater problem: the effect on the nation's security. Security is something we Americans think is worth keeping and fighting for. If the United States were to become dependent on foreign crude—as England, France, Germany and Japan are—this country could become vulnerable in many ways, in peace or war.

In July, 1954, President Eisenhower established an Advisory Committee on Energy Supplies and Resources which recommended that in the interest of national defense and to insure "orderly industrial growth," imports of crude oil and petroleum products be limited to a fixed proportion of domestic crude oil production.

Three-fourths of the energy that powers and lubricates American industry came from petroleum hydrocarbons. Armies, navies, and industry succeed depending on the availability of oil. The threat to national security was obvious.

Then came the 1956 Suez Crisis. The canal was blocked cutting off supplies of vital petroleum. Overnight, Europe was thrown into panic. Only by a fantastic effort was the U.S. oil industry able to supply the oil and prevent even wilder military adventures from taking place in the Middle East.

Subsequent Congressional investigations, hearings by the Office of Defense Mobilization and study by the President's "Special Cabinet Committee To Investigate Crude Oil Imports" prompted the President in July, 1957, to establish a program of voluntary controls on the level of crude oil imports.

The Suez Crisis was an eye opener for a lot of people. It added weight to a growing problem. In February, 1959, the Director of the Office of Civil and Defense Mobilization advised the President that the level of oil imports was still adversely affecting domestic exploration and development, and therefore, threatening to impair the national security. As a result, President Eisenhower issued a Presidential Proclamation on March 10, 1959, establishing the Mandatory Oil Import Control Program.

That policy has been in effect to this day. It "limits oil imports to whatever amount is required to supplement domestic production, and still be able to foster growth of a strong domestic oil industry, capable of exploring for and developing new domestic reserves." Of our total supply today, about 22 percent is imported crude and products, mostly going to the East Coast.

Certainly the program gets more complicated than this, but a policy of controls has

enabled our nation to promote a strong viable domestic oil industry and has, thereby, avoided dependency on foreign oil supply. Under this policy the United States is flexible and can balance its requirements between domestic and foreign sources in order to maintain a viable domestic petroleum industry.

No other major industrial nation in the free world has this option. Only Russia has it in the Communist world. To determine whether or not the U.S. policy is correct, we need only ask ourselves what England and France or Germany or Japan would do if nature had given them this option. (It is interesting to note that Australia, which also has the option of choosing between domestic and foreign supplies, has adopted a control program very similar to that of the U.S.)

During the Kennedy-Johnson years, political tampering began in the administration of the oil import program. Special exemptions made the program a political football hurting the industry as a whole. This is why the majority of members of the petroleum industry went to the President and asked him to move the program administration back to the President, to study the problems so as to return the program back to what it was intended to be. The industry did not expect the President to turn the problem over to a group of men with no practical experience in the oil industry, to a group who had in the past spoken out openly against the petroleum industry. According to the Task Force "leaks" some of them would like to "cut out the entire control program!" Isn't that smart? You have a sore on one of your toes, so you cut off your foot? It makes about as much sense!!!

While no single overseas producing country has a big enough share of total reserves to dominate the international world market, groups of oil producing countries with common interests do have large enough shares. In fact, it is the openly avowed aim of the members of the Organization of Petroleum Exporting Countries (Saudi Arabia, Kuwait, Iraq, Iran, Libya, Qatar, Abu Dhabi, Venezuela and Indonesia) to control the export market for crude oil. The main reason the control of market prices is yet to be achieved is that, so far, no individual country has been willing to give up producing income for the sake of the others. But without a strong U.S. petroleum industry to counter the potential market power of the OPEC group, it could in time act as a monopolistic entity at the expense of the consuming countries. This would include the entire free world and even the United States to a degree that we were overly dependent on oil from OPEC members to power our own economy. It is naive to think Mideast oil will remain cheap for very long. Then, of course, a move could be made by petroleum critics to nationalize the industry which may be what they wanted all along.

Some critics of oil shout, "You don't have to rely on oil from the Middle East. You can get it from Venezuela. It's the largest producer, with 17 percent of free world production, outside of North America. True, critics, but for how long? Venezuela has 4 percent of the world's reserves. The Middle East and North Africa have 86 percent! And shipments from both areas have been interrupted eight times since World War II.

Suppose the oil import control is abolished. What will happen? Any immediate savings to consumers would be wiped out in a few years by price increases. Once the U.S. became dependent on foreign sources, how long would prices stay low? If you have a monopoly do you keep prices as low as you can? That wouldn't make sense in today's economic world. At least not according to what those nations have planned!

By the early 1970's the United States could be dependent on foreign oil for 50 percent of its supply! . . . while the Soviet Union's naval force continues to sit in the Mediterranean, continues to rearm Egyptian forces . . . yes, it makes a lot of sense for us to become dependent on the Middle East for our oil. We'd better wake up to the fact that if we cannot produce a substantial part of our own we're going to be in trouble!!!

Elimination of controls would cause domestic production to be seven million barrals per day lower in 1985 than production anticipated with a continuation of import controls.

Without controls, the number of wells drilled in search for new oil and gas supplies would be reduced by 85 percent or approximately 4,500 wells annually in the 1970–1985 period! Development wells would be cut by 50 percent or approximately 8,000 wells per year!!! The tax reform bill removed some risk-taking incentive. It would be ridiculous to pile drastic changes in our imports policy on top of this.

Elimination of controls would result in the premature abandonment of 185,000 small wells, representing 60 percent of the active wells in the U.S. in the early 1980's. Total completion would be off from 485,000 to 190,000. Expenditures for development drilling would be off by $1.1 billion for 1976–1980. Discoveries after 1971 would become insignificant.

Without controls, it will worsen the country's balance of payments problems. The dollar outflow for oil would more than double by 1970 to nearly $4 billion. The country's total deficit in balance of payments is now $9.5 billion per year. And inflation, no matter what the Congress does, will grow even worse!

Without controls, the economies of oil producing states would be severely crippled. Labor forces would be cut—amounting to the elimination of as many as 165,000 workers—earnings would be off by $1,650,000,000.

Without controls, future domestic oil reserves would be 55 percent below current projections by the year 1985.

Domestic crude prices might be cut by $.80 to $1.00 per barrel and U.S. crude oil producing capacity could drop by at least 8 percent per year. Lease bonuses to the various government bodies would be off drastically. So would the billions in taxes now paid to the government. Who's going to pick up the slack? The public. But who will care? They might save a penny or two a gallon on gasoline, but have their total tax bill upped many times their possible savings on gasoline purchases!

There's a side effect, too, a very important one. Natural gas supplies would be severely cut with a reduction in domestic exploration and drilling. Most gas is found while looking for oil. The cost of natural gas to consumers will go up and up and up and up! That's not a threat, it's a fact of life.

Since 1954 the Federal Power Commission has regulated the price of natural gas. The petroleum industry tried in every way to demonstrate that these regulations would work against the American people, not for them, that controls would limit new supplies.

But the FPC members had no practical background in the petroleum industry. They lacked knowledge, they lacked understanding, a situation very similar to what's happening today with the Oil Imports Task Force.

So, today, there is a shortage of natural gas. There will be some cold feet this winter because of the lack of foresight by a group of men who wouldn't listen to the petroleum industry's side to things. True, men on the FPC today say poor judgment was used in the past, but they may not be in time. There's a big time lag between discovery and delivery and lots of cold feet in between.

The American public can thank a former government "task force" for this. The question is will the American public allow another task force to make even greater mistakes today with the oil imports program?

Sure the oil import control program has problems. The industry was the first to point that out. Certainly we ought to take a long hard look at the inequities that have developed. But let's not cut out the whole program because the last Secretary of the Interior "goofed." A firm decision should be made to phase out of the program those elements of favoritism which have allowed to creep in.

It is said a tariff system will be recommended to replace the quotas. Many inland refineries would be legislated out of business under such a system. True, it would bring in revenues to the government at first, but this must be weighed against job losses, price increases to consumers as inland refineries are eliminated, and in addition any revenues gained by the Treasury through tariff would undoubtedly be offset by revenue losses from federal lease sales and from losses in federal taxes paid by both coal and oil. (Yes, even the coal industry realizes full well that flooding the country with cheap foreign oil will render it less competitive.)

It's amazing though, the beating the oil industry has been taking recently. When we spoke of fighting back, we meant fighting in order to save one of the greatest industries in the world—not only in this current attack, but against future ones as well. The political destroyers will be there, believe us. They won't stop until they have either completely crippled the petroleum industry, or maybe nationalized it.

If the oil business goes on the rocks and our nation's defense is immobilized for lack of fuel, it won't take the public long to decide who put it there—not if the petroleum industry does its public relations job well. Above all we must not forget the matter of security. Certainly we recognize that the men on the Task Force are intelligent and dedicated, that they have developed data to support change. What we do question is their complete lack of practical knowledge and understanding of the petroleum industry. We simply point out that uncertainties exist. National security is too vital to have policy based on uncertainties.

The administration of the Oil Import Program should be moved as rapidly as possible toward an objective basis, fully justified by the requirements of national security. The key issue in this whole debate is the relationship that exists between dependable petroleum supplies and the economic and military security of this nation.

Elimination of import controls means dependence on foreign oil—and dependence on foreign oil will make America insecure. When the last word has been spoken, this is what we must remember.

We are optimistic about the survival of the oil industry should it just be given an even break by our national government. The oil industry needs an identifying symbol, similar to Reddy Kilowatt of the electric industry. We need a symbol that would be used by all of the oil companies—to help the man on the go realize what allows him to get there!

Our industry should work with various government bodies to formulate programs designed to end pollution. And these programs should make sense.

Our industry should also try to make some sense out of our marketing practices. We think the public feels they're often being used and misled.

Above all, the oil industry needs to unite in a strong and positive public relations campaign. We've got to go on the offensive. We've got to stop allowing ourselves to be put on the defensive all of the time. We're the only major industry which constantly finds itself in that position.

There's too much at stake, and we're not just talking about the companies that are

involved. We're talking about our country. This is our country, yours and mine. If we allow the very basics on which this country was born, to be destroyed, we might as well say goodbye to tomorrow. It sure won't be worth much.

But we've got a chance. It will take all of us pulling together, but the opportunity is there. We've got to make it work. Given half a break, we will, as we always have.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON THE DEPARTMENTS OF LABOR AND HEALTH, EDUCATION, AND WELFARE AND RELATED AGENCIES APPROPRIATIONS, 1970

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tomorrow night to file a privileged report on the Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill for fiscal 1970.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BOW. Mr. Speaker, reserving the right to object, I should like to say to the gentleman that the committee has not reached complete agreement on this and I am wondering if asking for permission to bring a bill in now is not somewhat premature. It may be that we should wait until there is agreement on the bill in the subcommittee, as well as the full committee, before asking for this unanimous consent.

Mr. FLOOD. Mr. Speaker, will the gentleman yield?

Mr. BOW. I yield to the gentleman from Pennsylvania.

Mr. FLOOD. It is true, as the gentleman from Ohio says, that we have no firm agreement as of this minute and we, actually, have no bill.

However, it is my hope, as the gentleman from Ohio knows, that we will meet at 2 o'clock and I was very much of the opinion and impression at noon today that at this meeting at 2 o'clock or shortly thereafter we will have some bill.

Mr. BOW. Well, I would say to the gentleman from Pennsylvania, it would seem to me that from the discussions we have had in committee we may not be as close to agreement as the gentleman thinks.

We are also faced with this situation: I would ask the gentleman to consider that the minority may want to file minority views, and it will take time to prepare these minority views.

I therefore ask the gentleman if he would consider deferring this unanimous-consent request and not ask for it at this time.

Mr. MAHON. Mr. Speaker, will the gentleman from Ohio yield?

Mr. BOW. Yes, I yield.

Mr. MAHON. I think it ought to be said that there was an agreement in the subcommittee this morning that we would probably be able to reach a decision as to the content of the new Labor-HEW bill at the meeting at 2 o'clock today. It is on this account that we are now asking for permission until midnight tomorrow night to file a privileged report on the bill.

Mr. BOW. I say to the gentleman that I think there may have been agreement among the majority, but I believe the gentleman will agree with me that the minority were not as certain that we would reach agreement on the bill today. There is still the consideration of language that will have to be perfected.

Again, I say that a minority report will have to be filed. I would hope that I do not have to object to this unanimous-consent request and that the gentleman from Pennsylvania would make this request for a later date.

Mr. MAHON. Mr. Speaker, will the gentleman yield further?

Mr. BOW. Yes, indeed.

Mr. MAHON. Well, is it the gentleman's proposal or suggestion that we abandon the plan to bring the bill before the House on Monday or Tuesday of next week and postpone consideration thereof until Monday the 16th or Tuesday the 17th?

Mr. BOW. Mr. Speaker, I would suggest that this might be a more orderly procedure.

May I say to the gentleman that, even though the majority might bring the bill in, and on Tuesday we get into a question of consideration of the bill, there remains the question of how late we have to go. There are a number of amendments that might be offered, and we have passed a resolution here calling for an adjournment on Tuesday night.

I have serious doubts as to whether we can finish on Tuesday.

I would agree with the gentleman from Texas—and it is my suggestion—that the bill go over until the following week.

Mr. FLOOD. Mr. Speaker, then in view of this discussion I ask unanimous consent that the Committee on Appropriations may have until midnight on Monday, February 16, to file a privileged report on the Departments of Labor and Health, Education, and Welfare and related agencies appropriation bill for 1970.

Mr. BOW. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. PUCINSKI. Mr. Speaker, reserving the right to object, I would like to ask the gentleman a question.

My Subcommittee on General Education has had a number of inquiries from around the country from school administrators who are trying to figure out the status of Federal education assistance. Here it is the first week of February. These administrators have observed us passing continuing resolutions since November. These administrators had every right in the world to plan their budgets at the local school levels in anticipation of funds that were to be forthcoming within the general framework of the continuing resolutions as amended. Then the appropriations were vetoed. Now additional time is being asked for here, until the 16th or 17th of February. Then when we pass the bill, it must go over to the other body, and I understand it is going to encounter some problems over there.

Mr. Speaker, I am inquiring who in this House is in a position to tell the school administrators what they can expect for the months of March, April, May, and part of June. Many of them are now borrowing money against those months. All over this country school administrators are borrowing money against funds that they had budgeted through June, or through the end of this semester, in anticipation of these Federal funds.

Now, if the formula is rewritten consistent with the President's veto all over this country there are going to be school districts that will either have to curtail their activities or shut their schools down earlier than they had expected because they are going to run out of funds.

I would be very happy to hear from those who might offer a solution to this problem.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Michigan, the distinguished minority leader (Mr. GERALD R. FORD), if he can give us some comprehensive answers that will guide these school administrators all over this country.

Mr. GERALD R. FORD. Mr. Speaker, I would have preferred that we could have completed action on the bill by the middle of February, but the various practicalities of the situation convinced me that it was a wiser course of action that we go along with the recommendation that we have a continuing resolution until the end of February for this year's HEW appropriation bill.

The resolution does expire on February 28, as I understand it. The House of Representatives will be acting in a more reasonable way in light of the fact that the subcommittee has not yet acted, and the full committee has not yet acted, by agreeing to some date certain, say, the week of February 16. That I believe is the wiser course of action.

Mr. FLOOD. Mr. Speaker, if the gentleman will yield, I have now asked until midnight on February 16 to have a report filed. That would, as far as I am concerned, mean to bring the bill up Tuesday on the floor.

Mr. PUCINSKI. Am I correct in understanding that when that bill comes back to the floor, it will be presented as a completely new measure subject to full debate and full amendments?

I am trying to determine when this Nation's hard-working school administrators are going to receive some indication of the amount of Federal aid that will be available for the remainder of this school year.

I think this delay compounds the problem and it would seem to me we ought to try to proceed as quickly as possible. The House will be in session on Monday and Tuesday. If we act at that time, the measure will be sent to the other body. Perhaps then we can give these school administrators some sort of logical answer as to what this Congress intends to do in the way of Federal assistance to education.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman.

Mr. GERALD R. FORD. Mr. Speaker, I think the gentleman would have been in a much better position to make the argument that he is making now if he had made it on Monday when the continuing resolution came to the floor of the House. It would have made a great deal more sense than arguing that way today. I want the legislation approved as quickly as possible. I deplore the delay of 7 months. Congress has no excuse. Let us finish the job no later than February 28.

Mr. PUCINSKI. With all respect to my distinguished colleague, in all good faith, I had a right to expect that when we voted this additional continuing resolution last Monday that this House would move expeditiously to enable the school administrators of America to know what assistance would be available to them for the remainder of the school year. It now appears we are going to need the full 28 days of February, despite assurances made to us on Monday that this delay would not be necessary.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania (Mr. FLOOD)?

There was no objection.

Mr. BOW. Mr. Speaker, I reserve all points of order on the bill to be reported on Monday, February 16.

LEGISLATIVE PROGRAM

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute.)

Mr. GERALD R. FORD. Mr. Speaker, I have asked for this time for the purpose of asking the distinguished majority leader about the program for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, we have completed the program for this week and, upon announcement of the program, we will ask to adjourn over to Monday.

The program for next week is as follows:

On Monday, which is District Day, there are no District bills.

On Monday, we will call up the bill, S. 2214, to exempt potatoes for processing from marketing orders. It has an open rule with 1 hour of debate.

We will consider, on Tuesday, H.R. 3786, to authorize acquisition of land at the Point Reyes National Seashore, Calif. It has an open rule with 1 hour of debate.

Following adjournment on Tuesday, of course, will come the Lincoln Birthday recess—February 10, 1970, to noon, Monday, February 16, 1970.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time and any further program will be announced later.

Mr. GERALD R. FORD. Mr. Speaker, will the gentleman from Oklahoma yield for an inquiry?

Mr. ALBERT. Yes.

Mr. GERALD R. FORD. On the basis of the colloquy that we had and the request that was granted, can we anticipate that on Tuesday or Wednesday, February 17 or February 18, this appropriation bill will be on the floor for consideration?

Mr. ALBERT. Offhand, I would say that we would likely program it on the 17th or 18th. But we must consult with the committee and make that determination on the basis of events which occur between now and then.

ADJOURNMENT OVER TO MONDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. YATES (at the request of Mr. VANIK), for Thursday, February 5, 1970, through Tuesday, February 10, 1970, on account of official business.

Mr. ADDABBO (at the request of Mr. VANIK), for Thursday, February 5, 1970, on account of death in the family.

Mr. ROONEY of New York (at the request of Mr. VANIK), for Thursday, February 5, 1970, on account of official business.

Mr. CORMAN for Thursday, February 5, 1970, on account of official business.

Mr. FLYNT (at the request of Mr. ALBERT), for today, Thursday, February 5, 1970, on account of official business.

Mr. BARING (at the request of Mr. ALBERT), for today, Thursday, February 5, 1970, on account of official business.

Mr. TEAGUE of Texas (at the request of Mr. ALBERT), for today, February 7, 1970, on account of official business.

Mr. PRICE of Texas (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of official business.

Mr. MORSE (at the request of Mr. GERALD R. FORD), for February 9 through the 25th, on account of official business as a member of the House Committee on Foreign Affairs.

Mr. FREY (at the request of Mr. GERALD R. FORD), for today and the balance of the week, on account of official business as a member of the Committee on Science and Astronautics.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. RIVERS, for 20 minutes, today.

Mr. ALBERT, for 1 hour, on Monday, February 9; to revise and extend his remarks and include extraneous matter.

Mr. GONZALEZ, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. RYAN, for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. EDWARDS of Alabama, for 5 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. FARBSTEIN (at the request of Mr. ANDERSON of California), for 60 minutes, today; to revise and extend his remarks and to include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BENNETT and to include extraneous matter.

Mr. MADDEN and to include an editorial.

(The following Members (at the request of Mr. SCOTT) and to include extraneous matter:)

Mr. MCCLOSKEY.
Mr. ROBISON.
Mr. HALPERN.
Mr. HORTON.
Mr. BURKE of Florida.
Mr. MILLER of Ohio in six instances.
Mr. NELSEN in three instances.
Mr. STEIGER of Wisconsin in two instances.
Mr. GOLDWATER.
Mr. RUTH in five instances.
Mr. KLEPPE.
Mr. FREY.
Mr. SCHERLE in two instances.
Mr. MCCLURE.
Mr. BOB WILSON.
Mr. ESCH.
Mr. BUSH in two instances.

(The following Members at the request of Mr. ANDERSON of California:)

Mr. O'HARA in two instances.
Mr. BOLLING.
Mr. GIAIMO in five instances.
Mr. SCHEUER in two instances.
Mr. DAWSON in two instances.
Mr. WOLFF in three instances.
Mr. MOORHEAD in two instances.
Mr. STOKES.
Mr. GALLAGHER.
Mr. POWELL.
Mr. MATSUNAGA in two instances.
Mr. RARICK in three instances.
Mr. KOCH in five instances.
Mr. HELSTOSKI.
Mr. GIBBONS in two instances.
Mr. BURKE of Massachusetts.
Mr. RYAN in three instances.
Mr. FLYNT.
Mr. MIKVA in two instances.
Mr. FOUNTAIN in two instances.
Mr. GRIFFIN in two instances.
Mr. HARRINGTON.
Mr. CHARLES H. WILSON.
Mr. ALEXANDER.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3253. An act to provide that the Federal Office Building and United States Courthouse in Chicago, Illinois, shall be named the "Everett McKinley Dirksen Building East" and that the Federal office building to be constructed in Chicago, Illinois, shall be named the "Everett McKinley Dirksen

Building West" in memory of the late Everett McKinley Dirksen, a Member of Congress of the United States from the State of Illinois from 1933 to 1969; to the Committee on Public Works.

JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on February 3, 1970, present to the President, for his approval, joint resolutions of the House of the following titles:

H.J. Res. 888. Joint resolution to authorize the President to designate the period beginning February 13, 1970, and ending February 19, 1970, as "Mineral Industry Week".

H.J. Res. 1051. Joint resolution designating the week commencing February 1, 1970, as "International Clergy Week" in the United States, and for other purposes.

H.J. Res. 1072. Joint resolution making further continuing appropriations for the fiscal year 1970, and for other purposes

ADJOURNMENT

Mr. ANDERSON of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Monday, February 9, 1970, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1614. A letter from the Chief Justice of the United States, transmitting a report of the proceedings of the Judicial Conference of the United States held in Washington, D.C., on October 31 and November 1, 1969, pursuant to the provisions of 28 U.S.C. 331 (H. Doc. No. 91-220); to the Committee on the Judiciary and ordered to be printed.

1615. A letter from the Comptroller General of the United States, transmitting a special report on illegal expenditure of funds for construction of research facilities by the Department of the Air Force; to the Committee on Government Operations.

1616. A letter from the Comptroller General of the United States, transmitting a report on the cost and balance-of-payments advantages of replacing foreign-made buses with American-made buses abroad, Department of Defense; to the Committee on Government Operations.

1617. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior; to the Committee on Interior and Insular Affairs.

1618. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to authorize appropriations for the saline water conversion program for fiscal year 1971, and for other purposes; to the Committee on Interior and Insular Affairs.

1619. A letter from the Commissioner, Immigration and Naturalization Service, U.S. Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third and sixth preference classification, pursuant to the provisions of section 204(d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

1620. A letter from the Secretary of Commerce, transmitting the annual report of the Economic Development Administration, pursuant to the provisions of the Public Works and Economic Development Act of 1965; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of New York: Committee on the Judiciary. H.R. 13582. A bill to amend title 5, 10, and 32, United States Code, to authorize the waiver of claims of the United States arising out of certain erroneous payments, and for other purposes; with amendments (Rept. No. 91-831). Referred to the Committee on the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 15698. A bill relating to the control of organized crime in the United States; to the Committee on Judiciary.

By Mr. ANDREWS of Alabama:

H.R. 15699. A bill to amend section 410(a) of title 38, United States Code, to provide for the payment of dependency and indemnity compensation to certain survivors of deceased veterans who were rated 100 per centum disabled by reason of service-connected disabilities for 20 or more years; to the Committee on Veterans' Affairs.

By Mr. ASPINALL (by request):

H.R. 15700. A bill to authorize appropriations for the saline water conversion program for fiscal year 1971, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT (for himself, Mr. ANDERSON of Illinois, Mr. ANDREWS of North Dakota, Mr. ANNUNZIO, Mr. BYRNES of Wisconsin, Mr. DORN, Mr. HALEY, Mr. HORTON, Mr. KYL, Mr. KYROS, Mr. MATSUNAGA, Mr. MEEDS, Mr. MELCHER, Mr. MINISH, Mr. MURPHY of New York, Mr. O'NEAL of Georgia, Mr. OTTINGER, Mr. PRICE of Illinois, Mr. REES, Mr. SIKES, Mr. SPRINGER, Mr. STOKES, Mr. WHITEHURST, and Mr. YATES);

H.R. 15701. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. BINGHAM (for himself, Mr. BOLAND, Mrs. CHISHOLM, Mr. FARBSTEIN, Mr. FRASER, Mr. HALPERN, Mr. HATHAWAY, Mr. HELSTOSKI, Mr. KOCH, Mr. MOORHEAD, Mr. OTTINGER, Mr. POWELL, Mr. PRICE of Illinois, Mr. ROE, Mr. ROSENTHAL, Mr. SCHEUER, and Mr. UDALL):

H.R. 15702. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mr. CARTER:

H.R. 15703. A bill to amend title II of the Social Security Act to provide disability insurance benefits thereunder for any disabled individual who has at least six quarters of coverage, and for other purposes; to the Committee on Ways and Means.

By Mr. CHAMBERLAIN:

H.R. 15704. A bill to amend the Internal Revenue Code of 1954 and title II of the Social Security Act to provide a full exemption (through credit or refund) from the employees' tax under the Federal Insurance Contributions Act, and an equivalent reduction in the self-employment tax, in the case of individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. COWGER:

H.R. 15705. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

H.R. 15706. A bill to improve law enforcement in urban areas by making available funds to improve the effectiveness of police services; to the Committee on the Judiciary.

By Mr. DENNEY:

H.R. 15707. A bill to require the Secretary of Agriculture to make advance payments to producers under the feed grain program; to the Committee on Agriculture.

By Mr. DORN:

H.R. 15708. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 15709. A bill to increase the rates of pension and income limitations under the Veterans' Pension Act of 1959; to the Committee on Veterans' Affairs.

By Mr. DOWNING:

H.R. 15710. An act to amend title 14 of the United States Code to authorize the Secretary to control movement of vessels in navigable waters of the United States; to the Committee on Merchant Marines and Fisheries.

By Mr. EDWARDS of California:

H.R. 15711. A bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement; to the Committee on the Post Office and Civil Service.

By Mr. FALLON (for himself, Mr. BLATNIK, Mr. EDMONDSON, Mr. HARSHA, and Mr. CLEVELAND):

H.R. 15712. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971; to the Committee on Public Works.

By Mr. GALLAGHER:

H.R. 15713. A bill to amend title 38 of the United States Code to increase the level of annual income at which individuals may receive the minimum amount of compensation (if a parent) or pension payable under such title; to the Committee on Veterans' Affairs.

By Mr. GIBBONS:

H.R. 15714. A bill declaring a public interest in the open beaches of the Nation, providing for the protection of such interest, for the acquisition of easements pertaining to such seaward beaches, and for the orderly management and control thereof; to the Committee on Interior and Insular Affairs.

By Mrs. GREEN of Oregon:

H.R. 15715. A bill to amend title XVIII of the Social Security Act to provide payment for chiropractors' services under the program of supplementary medical insurance for the aged; to the Committee on Ways and Means.

By Mr. HELSTOSKI:

H.R. 15716. A bill to provide additional benefits for optometry officers of the uniformed services; to the Committee on Armed Services.

By Mr. McCLORY:

H.R. 15717. A bill to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile; to the Committee on Armed Services.

By Mr. MIKVA:

H.R. 15718. A bill to authorize the Secre-

tary of Health, Education, and Welfare to prescribe standards governing the design of plastic bags and other commercial articles utilizing plastic sheeting with dangerous adhesive characteristics, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 15719. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit for certain amounts set aside by a taxpayer for the higher education of prospective college students in his family, and a tax credit for certain amounts otherwise paid as educational expenses to institutions of higher education; to the Committee on Ways and Means.

By Mr. MINISH:

H.R. 15720. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 15721. A bill to provide for the establishment of the Puukohola Heiau National Historic Site, in the State of Hawaii, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. OBEY (for himself, Mr. CULVER, Mr. MELCHER, Mr. RANDALL, Mr. STEED, Mr. HATHAWAY, Mr. ANDREWS of North Dakota, Mr. MATSUNAGA, Mr. JONES of North Carolina, Mr. FOLEY, Mr. HULL, Mr. LOWENSTEIN, Mr. HAMILTON, Mr. HENDERSON, and Mr. MCMILLAN):

H.R. 15722. A bill to require the Secretary of Agriculture to make advance payments to producers under the feed grain program; to the Committee on Agriculture.

By Mr. PUCINSKI:

H.R. 15723. A bill to provide relief from Dutch elm disease by amending the Forest Pest Control Act; to the Committee on Agriculture.

By Mr. QUILLEN:

H.R. 15724. A bill to amend title 38 of the United States Code to provide that an appeal be made at any time with respect to a discontinuance of disability compensation and to permit, under certain circumstances, the retroactive award of such compensation for the period of such discontinuance; to the Committee on Veterans' Affairs.

H.R. 15725. A bill to permit State agreements for coverage under the hospital insurance program for the aged; to the Committee on Ways and Means.

By Mr. RANDALL:

H.R. 15726. A bill to amend section 4005 of title 39, United States Code, to restore to such section the provisions requiring proof of intent to deceive in connection with the use of the mails to obtain money or property by false pretenses, representations, or promises; to the Committee on Post Office and Civil Service.

By Mr. REID of New York:

H.R. 15727. A bill to amend the Federal Power Act in order to provide for a national powerplant siting study and a national powerplant siting plan, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RIVERS:

H.R. 15728. A bill to authorize the extension of certain naval vessel loans now in existence and new loans, and for other purposes; to the Committee on Armed Services.

By Mr. RYAN (for himself, Mr. ADDABBO, Mr. BINGHAM, Mr. BROWN of California, Mr. BUTTON, Mr. CONYERS, Mr. DIGGS, Mr. EDWARDS of California, Mr. FRASER, Mr. GILBERT, Mr. HALPERN, Mr. HAWKINS, Mr. HELSTOSKI, Mr. KOCH, Mr. MATSUNAGA, Mr. MOORHEAD, Mr. OLSEN, Mr. O'NEILL of Massachusetts, Mr. OTTINGER, Mr. PODELL, Mr. REID of New York, Mr. ROSENTHAL, Mr. SCHEUER, and Mr. TUNNEY):

H.R. 15729. A bill to provide supplemental appropriations to fully fund the urban renewal, model cities, rent supplement, and low-income homeownership and rental housing assistance programs for the fiscal year 1970, and for other purposes, including jobs in housing; to the Committee on Appropriations.

By Mr. SAYLOR:

H.R. 15730. A bill to amend the Mineral Leasing Act for Acquired Lands of August 7, 1947 (61 Stat. 914; 30 U.S.C. sec. 352); to the Committee on Interior and Insular Affairs.

By Mr. SCOTT:

H.R. 15731. A bill to exclude from gross income the first $250 of interest received on deposits in thrift institutions; to the Committee on Ways and Means.

By Mr. SHRIVER:

H.R. 15732. A bill to amend the Interstate Commerce Act in order to give the Interstate Commerce Commission additional authority to alleviate freight car shortages, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STAGGERS:

H.R. 15733. A bill to amend the Railroad Retirement Act of 1937 to provide a 15 per centum increase in annuities and to change the method of computing interest on investments of the railroad retirement accounts; to the Committee on Interstate and Foreign Commerce.

By Mr. TUNNEY:

H.R. 15734. A bill to authorize the Secretary of the Interior to study the desirability of establishing a national wildlife refuge in California and/or adjacent Western States for the preservation of the California tule elk; to the Committee on Merchant Marine and Fisheries.

H.R. 15735. A bill to amend the Internal Revenue Code of 1954 to provide income tax incentives for saving by individuals; to the Committee on Ways and Means.

By Mr. UDALL:

H.R. 15736. A bill to authorize rural housing loans to lessees of nonfarm rural land, and for other purposes; to the Committee on Banking and Currency.

H.R. 15737. A bill to establish a national policy and program with respect to wild predatory mammals, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. VANDER JAGT:

H.R. 15738. A bill to amend title 18 of the United States Code by adding a new chapter 404 to establish an Institute for Continuing Studies of Juvenile Justice; to the Committee on the Judiciary.

By Mr. WATSON:

H.R. 15739. A bill to amend the act of June 27, 1960 (74 Stat. 220), relating to the preservation of historical and archeological data; to the Committee on Interior and Insular Affairs.

By Mr. WHALEN:

H.R. 15740. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. YATRON:

H.R. 15741. A bill to amend title II of the Social Security Act to increase the amount of outside earnings permitted each year without any deductions from benefits thereunder; to the Committee on Ways and Means.

By Mr. BURTON of Utah:

H.R. 15742. A bill authorizing the conveyance of certain lands to the University of Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CRAMER:

H.R. 15743. A bill to amend the Fish and Wildlife Coordination Act, as amended; to the Merchant Marine and Fisheries.

By Mr. DUNCAN:

H.R. 15744. A bill to provide for publication of a U.S. Treaty Code Annotated; to the Committee on House Administration.

By Mr. EDMONDSON:

H.R. 15745. A bill to prohibit the charging of entrance or admission fees for access to any recreational lands or waters under the jurisdiction of the United States; to the Committee on Interior and Insular Affairs.

By Mr. FEIGHAN:

H.R. 15746. A bill to amend the Fish and Wildlife Act of 1956 to authorize the Secretary of the Interior to make loans to associations of fishing vessel owners and operators organized to provide insurance against the damage or loss of fishing vessels or the injury or death of fishing crews, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FULTON of Pennsylvania:

H.R. 15747. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

By Mr. HANNA:

H.R. 15748. A bill to provide for the termination of mineral leases in the area of the Outer Continental Shelf seaward of the Santa Barbara State oil drilling sanctuary in the State of California; to the Committee on Interior and Insular Affairs.

H.R. 15749. A bill to amend the National Emission Standards Act to require Federal emission standards for used motor vehicles; to require that Federal emission standards for new motor vehicles shall be the same as the emission standards adopted by the State of California for the calendar year 1975 and for each calendar year thereafter; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. JACOBS:

H.R. 15750. A bill to establish a national usury law; to the Committee on Banking and Currency.

By Mr. JONAS:

H.R. 15751. A bill to prohibit the involuntary busing of schoolchildren to adopt freedom of choice as a national policy; to the Committee on the Judiciary.

By Mr. KLUCZYNSKI:

H.R. 15752. A bill to permit the Secretary of Transportation to commence progress payments to a bridge owner upon ordering alteration of the bridge; to the Committee on Public Works.

By Mr. KOCH:

H.R. 15753. A bill to prohibit the introduction, transportation, or distribution in interstate commerce of gasoline containing lead; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER:

H.R. 15754. A bill to provide for the elimination of the use of lead in motor vehicle fuel and the installation of adequate antipollution devices on motor vehicles, and for other purposes; to the Committee on Ways and Means.

By Mr. WHITE:

H.R. 15755. A bill to facilitate the operations of foreign aircraft, pilots, ground crews, and radios in connection with the International Soaring Championships at Marfa, Tex., May 25, 1970, through July 6, 1970; to the Committee on Interstate and Foreign Commerce.

H.R. 15756. A bill to amend section 106 of title 4 of the United States Code relating to State taxation of the income of residents of another State; to the Committee on the Judiciary.

H.R. 15757. A bill to amend the fair housing provisions of the act entitled "An act to prescribe penalties for certain acts of violence or intimidation, and for other pur-

poses," to provide for accelerated payment of certain housing loans in cases of discrimination by the loan recipient; to the Committee on the Judiciary.

By Mr. WYMAN:

H.R. 15758. A bill relating to taxation by a State of income received by nonresidents of that State for services performed in a Federal area; to the Committee on the Judiciary.

By Mr. FASCELL:

H.J. Res. 1077. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Railways Congress Association; to the Committee on Foreign Affairs.

By Mr. GALLAGHER:

H.J. Res. 1078. Joint resolution establishing the Commission on United States Participation in the United Nations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. GIAIMO:

H.J. Res. 1079. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. MINSHALL:

H. Con. Res. 498. Concurrent resolution to express the sense of the Congress with respect to peace in the Middle East; to the Committee on Foreign Affairs.

By Mr. RIVERS:

H. Con. Res. 499. Concurrent resolution, Paris peace conference on prisoners of war; to the Committee on Foreign Affairs.

By Mr. WOLFF:

H. Con. Res. 500. Concurrent resolution expressing the sense of Congress that the United States should sell Israel aircraft necesary for Israel's defense; to the Committee on Foreign Affairs.

By Mr. MATSUNAGA (for himself, Mr. DENNIS, and Mr. WILLIAM D. FORD):

H. Res. 823. Resolution to provide for record voting in the Committee on the Whole House upon the assent of one-fourth of the Members present; to the Committee on Rules.

By Mr. NELSON:

H. Res. 824. A resolution affirming U.S. policy calling for face-to-face negotiations between the governments of the nations involved in the Middle East crisis; to the Committee on Foreign Affairs.

By Mr. SATTERFIELD (for himself, and Mr. MARSH):

H. Res. 825. Resolution calling for support of policy of direct face-to-face negotiations for peace between nations in the Middle East; to the Committee on Foreign Affairs.

By Mr. TUNNEY:

H. Res. 826. Resolution to express the sense of the House against the persecution of persons by Soviet Russia because of their religion; to the Committee on Foreign Affairs.

By Mr. BOB WILSON:

H. Res. 827. Resolution to create a Select Committee on the Investigation of Pornographic Enterprises; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADEMAS:

H.R. 15759. A bill for the relief of Yi-chuan Pan and Yi-jen Yu (maiden name: Yu); to the Committee on the Judiciary.

By Mr. DONOHUE:

H.R. 15760. A bill for the relief of Dr. Anthony S. Mastrian; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 15761. A bill for the relief of Albert H. Quarles; to the Committee on the Judiciary.

By Mr. FISHER:

H.R. 15762. A bill for the relief of Lottie Emerson; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 15763. A bill for the relief of Rogelio Candanoza-Leza; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 15764. A bill for the relief of Celia G. Debs; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 15765. A bill for the relief of Milton E. Nix; to the Committee on the Judiciary.

By Mr. POWELL:

H.R. 15766. A bill for the relief of Campbell Glenallen Emanuel, wife Daphne Olive I. Emanuel, and son Calvin Roger Emanuel; to the Committee on the Judiciary.

By Mr. WATKINS:

H.R. 15767. A bill for the relief of Mrs. Maria Zahaniacz (nee Bojkiwska); to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 15768. A bill for the relief of Katsu Asage Whetstine; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 15769. A bill to authorize and direct the Secretary of the Interior to relinquish and quitclaim any title it may heretofore claim to certain lands situated in the county of San Bernardino, State of California; to the Committee on Interior and Insular Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

279. By the SPEAKER: A memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to overriding the presidential veto of the Health, Education, and Welfare Appropriation bill; to the Committee on Appropriations.

280. Also, a memorial of the Legislature of the State of California, relative to agricultural labor-management relations; to the Committee on Education and Labor.

281. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to continuing certain airline operations; to the Committee on Interstate and Foreign Commerce.

282. Also, a memorial of the general court of the Commonwealth of Massachusetts, relative to a Federal welfare system, to the Committee on Ways and Means.

283. Also, a memorial of the general court of the Commonwealth of Massachusetts, relative to expanding the medicare program to include the permanently and totally disabled; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII,

386. The SPEAKER presented a petition of the chairman, Realtors' Washington Committee, National Association of Real Estate Boards, Washington, D.C., relative to the residential mortgage market, which was referred to the Committee on Banking and Currency.

EXTENSIONS OF REMARKS

"CAPTAIN EASY" RETIRES—HELPED NATIONAL GOALS

HON. LOUIS FREY, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. FREY. Mr. Speaker, Les Turner of Orlando, Fla., in the congressional district which I represent, has produced for 36 years the comic strip "Captain Easy." "Captain Easy" appears in more than 600 daily and Sunday newspapers across the country and has contributed greatly to better public understanding of national problems and goals. As the creator of the comic strip, Les Turner has used his mind and ability to make the national space program more understandable to all Americans. I congratulate Mr. Turner on his retirement, and also his associates, Bill Crooks and Jim Lawrence, who will continue the comic strip. I would like to place in the RECORD a portion of an article from the Orlando Sentinel, Orlando, Fla., November 23, 1969:

LES TURNER, PRODUCER OF COMIC STRIP, RETIRES

Les Turner, artist-writer who has produced the "Captain Easy" comic strip since 1943, will retire next Sunday.

"Captain Easy," appearing in more than 600 daily and Sunday newspapers and distributed by Newspaper Enterprise Association, will continue to be produced by Turner's associate, Bill Crooks, and writer Jim Lawrence. Crooks has been working with Turner since 1945.

Turner started on the strip as an assistant in 1937. It was then carried in hundreds of newspapers as "Wash Tubbs" and its title was changed to Captain Easy in 1949.

Turner's already completed strips will continue to appear in newspapers until early 1970, being succeeded by Crooks' and Lawrence's work in mid-January.

During his many years with Wash Tubbs and Captain Easy, Turner brought many unique situations to the comic pages. He pioneered educational, sociological and scientific subjects in his strips and received praise from professionals in all fields for his accuracy and timeliness.

In one 1949 sequence, Turner's heroes helped an alcoholic win his fight to redeem himself through Alcoholics Anonymous. AA members praised Turner's understanding and his contribution to their efforts. One member wrote:

"I know of at least five hopeless alcoholics who have been saved through your comic strip."

A 1950 news bulletin of the Stanford Research Institute reproduced a strip in which Turner showed the use of the Poulter Seismic Method of Geophysical Exploration to discover oil deposits. Captain Easy had explained the technical marvel in language simple enough for the youngest of his readers.

Living in Orlando, Turner kept abreast of rocket and space developments and reported—and sometimes foretold—them in his comic strip. When the Army launched Jupiter II from Cape Canaveral March 5, 1958, Turner's story which appeared in newspapers that day showed a fictitious Cyclops rocket carrying the first man into space.

His accurate backgrounds and on-the-scene research continually gave readers dramatic stories as current as today.

A 1962 continuity explaining the Binary number system used in computers was requested in reprint by many schools because

it gave a clear explanation of a complex math system. Captain Easy had discovered spies employing Binary numbers to pass information on America's antimissile program . . . and appropriately, using the comic pages to transmit the secret data.

THE ABM—PHASE TWO

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 5, 1970

Mr. SCOTT. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an excerpt from President Nixon's press conference of January 30, 1970, and an editorial entitled "ABM's Phase Two," published in the Washington Star of February 2, 1970.

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

THE ABM AND AREA DEFENSE

Question. Sir, in connection with the ABM, there have been suggestions that expanding the ABM from a protective system for Minutemen into an area defense of cities might raise problems in connection with the negotiations on arms control.

Without going into too much detail, can you tell us whether your decision to proceed with the second phase involves area defense or simply an additional defense of Minutemen like the first phase?

The PRESIDENT. Mr. Bailey, our decision involves area defense. The Minutemen defense is only effective insofar as an attack by a major power, taking out our retaliatory capacity.

The area defense, on the other hand, is absolutely essential as against any minor power, a power, for example, like Communist China. I don't anticipate an attack by Communist China, but if such a power had some capability with ICBM's to reach the United States, an area defense, according to the information we have received, is virtually infallible against that kind of potential attack, and, therefore, gives the United States a credible foreign policy in the Pacific area which it otherwise would not have.

Question. Mr. President, you said a minute ago that your expansion of the ABM system would provide a credible defense in the Pacific. Do you mean in part by that it will expand your options in the war in Vietnam and the war in Laos in the event of unanticipated difficulties?

The PRESIDENT. No, what I was referring to was the time span of perhaps 10 years from now, and we must do now those things that we may be confronted with 10 years from now, to deal with those things.

Ten years from now the Communist Chinese, for example, among others, may have a significant nuclear capability. They will not be a major nuclear power, but they will have a significant nuclear capability. By that time the war in Vietnam will be over. By that time, I would trust, also, the Laotian war may be resolved.

But, on the other hand, with a significant nuclear capability, assuming that we have not made a breakthrough—and we are going to try to make the breakthrough in some normalization of our relationships with Communist China—then it will be very important for the United States to have some kind of defense so that nuclear blackmail could not be used against the United States or against those nations like the Philippines with which the United States is allied in the Pacific, not to mention Japan.

[From the Washington Star, Feb. 2, 1970]

ABM'S PHASE TWO

One distinct surprise which emerged from the President's press conference was announcement of the decision to go ahead with the second phase of the Safeguard antiballistic missile system. That decision is one with which this newspaper is in no position to quarrel.

Mr. Nixon said the second phase, which is expected to add about $600 million to the $900 million already allocated to the ABM program in the 1971 budget, will be for "area defense." He said such a defense was "absolutely essential" to guard against attack from a "minor power . . . like Communist China."

The President added that "within the time span of perhaps 10 years" such a system would be necessary to prevent Chinese "nuclear blackmail" against the U.S., the Philippines and Japan, and to give Washington "a credible foreign policy in the Pacific."

Having just vetoed a politically popular bill because it involved $1.3 billion in excessive spending on social services, it seems to us highly unlikely that the President, many of whose congressional supporters must seek re-election this year, would commit this country to additional defense spending unless he felt it to be absolutely necessary.

Talks with the Communist Chinese are under way in Warsaw. Negotiations to limit the strategic arms race are in train with the Russians. But progress—much less agreement—is in both instances problematical and a long way off.

No one can say what the shape of the world will be a decade from now. It is right to seek political solutions to our problems with Russia and China through negotiations.

But it would be criminally wrong for any American president to base his defense strategy on the supposition that co-existence will be the policy of the leaders of China and Russia a decade from now.

Regrettable as it is in terms of fiscal policy and the fight against inflation, the President's decision seems prudent and may have been the only possible and responsible one he could have made. Better Safeguard than sorry.

RECORD LIBRARY IN THE WHITE HOUSE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, February 5, 1970

Mr. JAVITS. Mr. President, the Senate Subcommittee on the Arts and the Humanities on Tuesday concluded its hearings on legislation to extend the National Foundation on the Arts and Humanities Act. Witnesses from all segments of the arts displayed enthusiasm for the administration's proposal and the interest in the arts that has been evinced by the President. I am very much pleased to note that last week further evidence of this interest has come from the White House. Last Thursday, Mrs. Nixon announced the formation of a commission to select the best available records to form the White House Record Library.

The Committee on the Preservation of the White House has endorsed this idea and the distinguished Americans who will select the discs for inclusion. From time to time these will be updated. The Recording Industry Association of America will make the records as well as equipment available to the White House, the first family, and those first families who will follow.

In the same spirit of public service, the White House and the RIAA will make available a duplicate collection of the records and the equipment in Washington so that all might enjoy them.

I ask unanimous consent the New York Times article of January 20, detailing this event, be printed in the RECORD.

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

[From the New York Times, Jan. 30, 1970]

PRESIDENT TO GET A MUSIC LIBRARY; INDUSTRY TO GIVE COLLECTION OF CLASSICS AND ROCK

(By Nan Robertson)

WASHINGTON, January 29.—The first official White House music library for this and future Presidents and their families, "perhaps the finest ever assembled," was announced today.

It will be selected by a commission of experts in fields ranging from classical through rock and country music and the spoken word, who are aiming to complete their choices of "several thousand" records by mid-March.

The Recording Industry Association of America will donate the records and the sound system to the White House. A duplicate collection will also be presented later to some institution in Washington, such as the Smithsonian or the John F. Kennedy Center for the Performing Arts, to be used by the public free.

UNDER AUSPICES OF MRS. NIXON

The commission, approved by the White House under the auspices of Mrs. Richard M. Nixon, consists of:

Classical music: Irving Kolodin, music critic and associate editor of Saturday Review, and a record critic for 40 years.

Popular: Johnny Mercer, songwriter and lyricist and four-time winner of Academy Awards for his songs. His credits include "Moon River," "Blues in the Night," "Black Magic," "Come Rain or Come Shine" and "Laura."

Jazz: Willis Conover, jazz broadcaster for the Voice of America, concert producer, and producer of the White House birthday program last April honoring Duke Ellington.

Folk and country: Paul Ackerman, music editor of Billboard, executive director of the Songwriters Hall of Fame and recipient of the Connie B. Gay President's Award for outstanding service to the Country Music Association.

The spoken word: Helen Roach, former professor at Brooklyn College of the University of the City of New York, founder and supervisor of the listening room and spoken record collection at Brooklyn College.

A WHITE HOUSE COMIC OPERA

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. O'HARA. Mr. Speaker, those of us who have felt that the Nixon administration is devoid of a sense of humor may have been proven wrong. At least, I hope so. A careful examination of the proposed new ceremonial uniform for the White House Hussars and of the nationwide editorial response would tend to indicate that the entire proposition was a put-on from the start. Only a President with a deep and incredibly subtle sense of the ridiculous could have

so unerringly hit the national funny bone.

In a time when the news is so somber, in a time when the President sorrowfully but unmovingly decides that we cannot afford to educate our children and must reduce our efforts to wipe out disease, in a time when the national budget seeks to portray a nation which is simply fiscally unable to cope with problems affecting its very survival, it is, I suppose, heartening to have leadership that can give us, if not bread, at least comic opera.

In my view, Mr. Speaker, an editorial in the Detroit News provides the most definitive comment yet on the Pennsylvania Avenue Praetorians. I commend it to your attention:

A WHITE HOUSE COMIC OPERA

One could almost hear Jeanette MacDonald belting away at a Rudolf Friml lullaby in the wings while center stage lacked only Nelson Eddy as the White House policemen came on parade. After the initial stupefaction, those of us who recall the movies of the '30's were smugly satisfied that the generation gap had at last done itself proud. It had gone into reverse.

What Her Britannic Majesty's prime minister, Harold Wilson, thought when the chorus line of armed rockettes strutted onto the White House lawn at President Nixon's ceremonies of welcome is probably classified information. But it must have struck a fellow reared in a land where the fashion is tradition and ceremony, graced by royalty against a background of coroneted peers, scarlet-tuniced guards and beefeaters, that those upstart American colonials were trying to steal a march on England in this international sport of one-upmanship.

Camelot written and staged by Americans had been a warning, come to think of it, and then there was that white knight on a white charger cavorting around suburban homes to the ecstatic delight of housewives. The British had been alerted that America was ready to turn on.

There they stood in phalanx, a little self-conscious in their parade debut, immaculate in white double-breasted tunics trimmed with gold braid and buttons and sporting shakos emblazoned with the White House crest. They looked like policemen in their Sunday best after a Saturday toiling over the washer-dryer to prove white could be whiter than white.

Those shakos may have been loaned only temporarily by a corps of baton twirlers from a high school band. But the composite effect was not only unusual but ghastly. Elizabeth and her beefeaters and the Pope and his Swiss guards need not worry about a threat to their ceremonial supremacy.

We think Mr. Nixon was ill advised to permit this comic opera. There may be no business like show business, but this was a camp at the highest level. It is politically inept when everyone is asked to tighten his belt to let out your shakos. You should not veto one day and parade your fancy-costumed commandos the next. What did it all cost? The silent majority would like to know.

FOREIGN POLICY MISTAKE

HON. HARRY F. BYRD, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 5, 1970

Mr. BYRD of Virginia. Mr. President, I ask unanimous consent to have printed in the Extensions of Remarks an editorial entitled "Foreign Policy Mistake," published in the Dallas, Tex., Times-Herald of December 28, 1969.

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

[From the Dallas (Tex.) Times-Herald Dec. 28, 1969]

FOREIGN POLICY MISTAKE

The fact that Rhodesia has completed, as of last month, four years of independence from Great Britain calls to mind once again our unusual relationship with that small country. This relationship, it becomes more and more apparent, involves a foreign policy miscalculation of no small proportion on the part of the United States.

Though this was strictly a private dispute between Great Britain and Rhodesia, the United States at Great Britain's urging joined the latter in seeking U.N. economic sanctions against Rhodesia. The U.N., after a partial boycott against certain strategic materials failed, decreed a total embargo on trade with Rhodesia.

Though this embargo, supported by the U.S., has now been in effect for the past three years, Rhodesia still has not bowed to British demands and is showing no signs of doing so in the future.

Thus the situation seems to be in indefinite stalemate unless the U.N. decides to resort to force to bring Rhodesia to its knees. The use of armed force seems highly doubtful. Certainly, in such an event, indignation in this country would be so widespread as to preclude the U.S. carrying its support of Great Britain that far.

The peculiar position we are now in regarding Rhodesia was emphasized recently by Sen. Harry F. Byrd, Jr.

"The reason given," he said, "for our policy toward Rhodesia is that she has not constitutionally provided for an 'orderly transition to majority rule.' Yet recent figures show 37 member nations of the U.N. do not have a form of government based on majority rule, and the adherence to that principle is questionable in 23 others."

Sen. Byrd also pointed out that "prior to the U.N. sanctions, Rhodesia was our major source of chromium ore. Now we are in the strange position of having to purchase chrome from the Soviet Union who supplies the bulk of the raw materials for the North Vietnamese war efforts."

Former Secretary of State Dean Acheson also has deplored the U.S. policy toward Rhodesia, terming the U.N. economic sanctions "barefaced aggression, unprovoked and unjustified by a single legal or moral principle."

Just how it can be done, we do not presume to know, but somehow the U.S. should find a way to acknowledge that we made a major foreign policy mistake in siding with Great Britain in this private fuss and change our policy toward Rhodesia.

THE CHALLENGE OF AN ARCHITECT

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, February 5, 1970

Mr. SCOTT. Mr. President, I invite attention to a Philadelphia architect who has designed Philadelphia institutions and whose work has been recognized all over the Nation. While he has designed projects outside his home city, Vincent Kling recently reached the pinnacle when he was selected to design the new Federal Triangle here in the Nation's Capital. Building Construction magazine's latest issue contains a complete profile of Vincent G. Kling. I ask unanimous consent that the article be printed in the RECORD.

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

VINCENT G. KLING AND ASSOCIATES—THE OFFICE OF AN ARCHITECT WHO FOCUSES 300 ARCHITECTS, PLANNERS, AND ENGINEERS ON DISTINCTIVE BUILDING DESIGN AND THE TOTAL OWNER PRODUCT

The practice of architecture always seemed to require, classically, and, at its best, the dominance of one creative man. Today, an architectural firm, motivated still by that ideal, while handling substantial and complex contemporary architecture, is Vincent G. Kling and (his) Associates. Their distinctive work is the result of a man blessed with sufficient drive to guide, almost personally, the work of a staff grown to nearly 300 in its 23rd year.

If you ask Vincent Kling to characterize his firm, he starts at the beginning with orderliness:

"When we build, we are telling the world what we stand for. Our structures will influence our lives for a very long time. The choices we have with which to achieve this influence are legion; no longer is it a simple matter of bricks and mortar, windows and doors. The new methods, new systems, and a seemingly endless demand from more and more people, give the designer fascinating opportunities at every turn, as we enter a building surge which, in 30 years, will witness the certain doubling of our shelters.

"The architect, a generalist by training and practice, plays the major role in the conception and execution of the design of spaces, places, and enclosures. He leads and directs a wide spectrum of specialists."

Noting the particular demands of today, Kling states, "Our fundamental conviction in approaching the design of every project is that architecture is for people, not just architects. With increasing urban concentration and megalopolitan sprawl, the greatest challenge to the architect is to recreate environments for people, within and around his structures. Elegance, grace, style, functional efficiency, economy and durability are still as important to owners as ever, but today the most pressing need is for humane spaces in which people can live and breathe.

"This, of course, makes our task more complex. Our office offers a comprehensive service from research, programming and planning, land utilization, and movement systems to finished engineering, design, construction and final inspection. This includes landscape and site preparation, interior design, space planning, communications, cost analysis and budgeting."

A more classical recital of the role of the architect for these years could hardly be composed. It could serve, of course, for any sophisticated full-service team of men, but for the Kling office, in particular, it describes really the thrust of Vincent Kling himself. Here is one of the few architectural sole proprietors of today with such a tremendous talent for personal organization and with such command of his staff, that he is able to reach deeply into the critical decision-making on any project, and earn the right to point to most of his buildings and say, "I was the architect." To be sure, without a certain pattern of capable, understanding, and supporting associates, he would be powerless. Yet, to them, he remains their ultimate source of unique directional power.

Kling can point to a surprising number of buildings right in the front yard of his office which is in the heart of Philadelphia (although his work spreads over the states of eastern U.S.): the Municipal Services building across from the venerable old City Hall, the realty of Penn Center, the IBM building, John F. Kennedy Plaza, and eight other buildings or courts. Upcoming are the twin towers of Center Square, and not far away

is the new U.S. Mint. In a city noted for its pride in Independence Hall, its traditions, and its cultural attainments, this manifestation of confidence is enviable indeed.

BEAUTY STILL SUPREME

At the heart of Kling's strength is an intense dedication to design. In these architectural years, when exploding technology in structure, materials, and methods has almost stolen the prime attention of architects and engineers, when client demands as well as labor has upped the cost of buildings, Kling still insists that while these demands are being met skillfully, each building must be composed overall to have a special humane appeal—in short, to be beautiful. Every building from his office is conceived as an example of quality in architectural design.

His beauty is of the 1970's however; not the classical beauty of visible form alone. It is the beauty of the artful blending of all the impacts of a building on the senses—lighting, air-conditioning, sound, materials, scale and proportion as they induce a response of better human well being.

The challenge to his men has resulted in superior performance, and they have earned commissions and rewards in growing and fullsome measure. Whereas 10 years ago, Kling could refer to a staff of 85 men who had earned 55 honor citations for excellence, today with a staff approaching 300 men, the office has been honored by over 150 citations nationally and locally.

To implement the work, the staff is divided into five offices or Studios, each with a Studio Director, and each with sufficient man-power to handle a project from conception to final inspection. Each Studio carries a variety of projects in various stages of design or construction, and currently the total value of the work in any one office has been running from $100 to $250 million. One studio is exceeding $300 million with a very large airport project.

HOW HE WORKS

The sessions around the conference table with the client representatives are extremely significant. Kling makes them man-to-man exchanges, thought-starting explorations, which, before he is through, are thorough and conclusive. For these, he marshals a three-man front. Kling zeros in, on center, on the parameters and opportunities of the total situation—the functions and spaces and client ambitions.

While absorbing and revealing in this direction, the other two men keep embryo ideas under control. On his right sits Frederick G. Roth, Director of Design; architect, designer, active in the fine arts, he is responsible for the design of all projects. With Kling since 1952, he is ready with observations in depth about structure, materials, vital equipment, configurations and feasibility generally. At Kling's left is Albert L. Huber, Director of Production; architect, experienced in construction supervision, with Kling since 1953. He is responsible for the control of documentation of all projects in the office and their status during construction. He is ready with observations in depth about scheduling of studies, drawings, engineering consultants, and office costs. In addition, he is there with direction about construction methods, procedures, and project time. And, as an added strength, he can discuss project costs and pattern of client financing.

When a project, or any phase of it, is ready for studies, the work is assigned to a Studio and a staff architect, who will be in charge for the life of the project. In the drafting rooms, that same trio of Kling, Roth, and Huber convene each Monday to analyze the development of all projects in the programming, schematic, and design development. Obviously, each man has learned to know how the other two think—both in the conference room and the drafting room, and the result is a finely tuned trio of complementary abilities.

Speaking of his own role, Kling is quick to state that he exercises no arbitrary veto power. To him, design is a two-way street, a process of asking, exploring, and listening, "letting outside forces impinge on your own mind." His concern is to assure that no factors which should be obvious are overlooked. And, he insists on much thinking before definitive lines appear on paper. "Too many designers begin to talk a language before they have something to say."

Working with his architects, Kling displays a fascinating talent for holding up targets of design possibility, and parcels of study, that excite the imagination and inspires the best efforts of his men. There is also the talent for judging the fitness of a direction of study and sensing intuitively its consummation. "I hold no one's pencil; I can indicate where a study should go, but I tell no one how to get there." The true magnitude of his talent for this kind of controlled concentration comes through when you learn that there may be more than a dozen substantial projects in the office at one time in this critical stage of development. And, when representatives are made to a client, several of the project's men are present, but the man who leads the session is Kling.

In short, his mastery of a project is the result of an arrangement of men who are able to help him handle the major aspects of design which he feels must reflect his judgment and direction, while his associates control the total job for the sake of the project and the welfare of the office. Those major aspects include those features which the client has been assured will reflect Kling's own interpretation.

Coming along in this spirit is his son, Vincent Kling, Jr., who, following recent degrees in architecture and planning, is working on a new civic center project. And, a brother of Kling senior, Paul Kling, is managing field work at the new and interesting Philadelphia International Airport project.

PROGRESS THROUGH A STUDIO

Each Studio Director operates with a fixed group of nine or ten staff architects plus a supporting group of draftsmen. There may be five to eight active projects going along at any one time, each under a staff architect-in-charge. A staff architect of one Studio may be loaned to another as Studio work loads and architect aptitudes may justify. There is no competition among Studios except for performance that issues in understandable pride. No Studio is allowed to become a specialist in any one building type. Each one, like the total firm, has developed design experience.

Under Jack Rutkowski, senior Director, his Studio is active on: two office buildings, a medical/dental school, a laboratory, college campus, and a private hospital, for a total of $136.5 million. Other Studios have a similar variety though the total work loads may not always be in balance.

All projects are considered to pass through five stages of production: Programing, Schematics, Preliminary Drawings, Working Drawings, and Construction. Drawing techniques and organization are still in accord with traditional practices. With Kling, they are part of the design process, which is never completed till the final drawings are issued. There is a continual striving for refinement—a heavying up of a window section, the lightening of mill profiles for a wood ceiling, another offset in a joint for better weathering. In fact, the number of hours budgeted for the working drawings is substantially greater than that allowed in most offices. Kling and Roth are involved to the very end, and drawing time is a vital factor in the presentation of their fee structure.

TO PRESERVE CONTINUITY

For continuity of production, the five Directors meet every two weeks to discuss work load and men. Each Director is responsible for not only job progress, but for satisfactory on-going client relations, holding to client budgets, and timing of client progress payments. In addition, Directors carry the prime responsibility for the morale of the men, including recommendations for promotion and compensation. In general, the Studio Director is responsible for the administration of the jobs, while Roth carries design responsibility.

Traditionally, the office goes outside for its structural engineering, and under the direction of Al Huber, the firm maintains contact with about six structural consultants.

For mechanical engineering the firm also engages appropriate outside consultants, except that just last July the office asked the firm of Charles S. Leopold, Inc., mechanical and electrical engineers to merge with Vincent G. Kling and Associates. This firm, founded in 1923, is now a corporation under the direction of James Bricker, operating as Kling-Leopold, Inc. This was a step in the direction of greater in-house capability for full range service. Kling's work calls noticeably for a thorough distribution of terminal units and control devices integrated sensitively with the architecture of the building.

For overall office continuity, and coordination, Kling and the twelve associates, which includes the five Studio Directors, meet every two weeks, (alternating with the Director's weeks). With Roth, Huber, the Financial Officer, W. C. Taylor, the Director of Communications, Gerre Jones, and the Personnel Manager, R. Bauer, the group discusses job progress and current firmwide welfare. Then monthly, the Studio Directors and all the staff architects meet with Kling and Roth to be updated on new technologies, construction procedures, findings in urban development, cost trends, etc. For a renewal of spirits, the associates, department heads, and Kling get away from the office two or three times a year for a short retreat from the phones and the office tensions.

SPECIFICATIONS AND MATERIALS

Specifications are also handled in the traditional manner. As soon as specific materials and methods evolve in the design process, the specifications chief is asked to prepare trial paragraphs. These are reviewed with the staff architect and the Studio Director, and there are additions and refinements in in a running series of exchanges with the specification department. When materials critical to exterior or interior architectural design are under consideration, Kling himself becomes involved in the material characteristics and even in brand considerations. Samples, displays, and mock-ups are subject to Kling's approval, and many times he has had preconceived preferences for a certain brand, based on research and field experience.

MATERIALS RESEARCH

To expedite the inquiries into the growing complexity of the materials applicable to the office projects, the firm set up a short time ago a Research Office with an architectural engineer, R. Lowden, well experienced with the ways of the office. To control the work load, he meets office inquiries by digging up who has the answers to problems and where he is rather than developing the technical answers himself. Then, again, he may assist in the run down of alternates, like the study that determined that the best roof surface for the unusual Richmond Coliseum would be aluminum sheets with a porcelainized finish. In policy, Kling insists on an exploration of what is available and then, a knowledge of its application.

And, research for a project does not stop on the day of dedication. It includes checking back on the completed building to appraise performance and client satisfaction. The high ratio of repeat clients which the office enjoys can be traced, in part, to this post-occupancy client contact.

CONTROLLING OFFICE COSTS

As a result of a management consultant's analysis several years ago, Walter Taylor was brought in for financial supervision. From a background of law and finance, he has gradually instituted certain controls, but his greatest contribution is a policy of continual surveillance in the drafting room. When a staff architect wants to enlarge on an avenue of study that will probably take "extra" time, there is a short discussion of its merits and cost and a balancing against the possibility of other such extras. Because of Taylor's unusual capacity for empathy with the architects in continual man-to-man discussions, he has been able to avoid any really serious compromise in their mood of creative freedom.

CONTROLLING PROJECT COSTS

For the task of cost planning, for budgeting and definitive estimating, there is an Estimating Group which serves the entire firm. The chief estimator, aided by four or five other estimators, is one of three activities operating under the manager of Construction and Research. The other two are Field Inspection—which consists of ten or eleven construction-experienced field representatives, and the Research Office. Under the direction of the manager, there is a continual playback from the field men of conditions affecting not only material unit costs and labor, but regional practices that affect general conditions items. This, and an exchange with the research manager, on cost factors revealed in current material inquiries, enables the estimators to be quite current and accurate about total job cost. Kling is proud of the office's record of estimates which have been typically within about 2 percent of contract figures.

Going at a pace that would do away most men in three months, and even with the travel flexibility of his own plane, a seven passenger Cessna #421A, Kling decided, about a year ago, to bring in a man to coordinate prospect development. Now, Gerre Jones, as Director of Communications, develops presentations to prospects as well as opportunities for work. Fortunately, much of the work comes from the former clients and referrals. As for pure sales, Kling is convinced that by insisting on quality in client relations as well as buildings he has freed himself from time-consuming promotion.

THE PROFESSION AND THE INDUSTRY

Over ten years ago, Kling began to enunciate convictions about the profession. Today, he declares, even more fervently:

Architects must concentrate, not so much on professional pride, as on "the product" of their efforts—the constructed building, the procedures by which it was realized, the client's total experience. The architect must present himself as being responsible for all of it, and he must prove it.

The architects in offices must assume aggressively the responsibility for the training of the younger men—the upcoming architects and technicians. Kling projects them into experiences that will make a young man a "total architect." Kling invites the men to client sessions and their completed buildings. "The men love it," he says. "They don't understand all that goes on in the give and take, but they come along fast."

Kling also declares that the building industry is struggling under chaotic practices. The architects as a group must take the lead, by study and research, in bringing new efficiencies into building procedures. They have the training, but they must act, and soon, or others will steal the show from them. Clients today are more sophisticated about design and management of the work. The architect must have construction management capacity.

Overall, beauty in a building shows respect for its function—"Beauty is a matter of simplifying the complexities, of doing the best with what you have, regardless of the budget . . . I advocate showing that we care (for education, for commerce) and for our community."

OPPOSITION TO THE APPOINTMENT OF G. HARROLD CARSWELL

HON. MICHAEL J. HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. HARRINGTON. Mr. Speaker, I wish to protest the nomination by the Nixon administration of G. Harrold Carswell to the U.S. Supreme Court.

Earlier this week one of the distinguished scholars testifying before the Senate Judiciary Committee, Dean Louis Pollak of the Yale Law School, characterized Judge Carswell as "the most poorly qualified nominee in this century."

Dean Pollak came to this conclusion after examining the credentials of some of the 40 judges going back to Oliver Wendell Holmes who was nominated to the Court from the Supreme Bench of my State in 1902.

It is ironic that Judge Carswell has been nominated to fill the very seat occupied by Mr. Justice Holmes for more than 30 years and before him by a succession of great New England jurists who are part of the history of American constitutional jurisprudence—Cushing, Story, and Gray to name only the best known. Needless to say, I do not claim this seat for my State, but I do claim it for scholarship and wisdom, for judgment and gentleness, and for the highest aspirations of the Republic.

I do not condemn Judge Carswell today for his words of more than 20 years ago—bigoted and insulting as they were to Americans who will be standing before the bench on which he is nominated to sit. As Justice Frankfurter observed:

> Wisdom too often never comes, and so one ought not to reject it merely because it comes late.

But Judge Carswell's record, other than his own self-serving statement that he has changed his views since 1948, does not reflect that he has indeed acquired the wisdom which would make more possible his consideration for the Supreme Court. Rather to the contrary, some disturbing indications have been brought to light before the Senate Judiciary Committee suggesting that neither in his private life nor in his conduct as a judge, has he effected the growth toward wisdom which the Nation has every right to expect of a Supreme Court nominee.

Last fall when the Nation was watching consideration of Judge Haynsworth for the same seat on the Supreme Court, I stated that his appointment would have a negating impact on the historic decisions rendered by the Court in recent years. Clearly, the nomination of Judge Carswell is no improvement over the earlier administration nomination and may indeed represent a backsliding.

At this time in our history when justice is making discernible effort to correct the imbalance which has characterized our treatment of the black minority, it can only be viewed as opportunistic politics to nominate a Harrold Carswell immediately after the rejection of a Clement Haynsworth.

It has been suggested by the dean of Massachusett's commentators, Louis M. Lyons, that it should be possible for the President to find "a judge without flaw to wear the mantle of the Court as befits a Justice of the United States."

I share this view. I urge our colleagues in the upper body to reject the nomination of Harrold Carswell for the Supreme Court.

ALCOHOLISM AND CHRONIC LIVER DISEASE

HON. JACOB K. JAVITS

OF NEW YORK

IN THE SENATE OF THE UNITED STATES

Thursday, February 5, 1970

Mr. JAVITS. Mr. President, an article entitled "The Social Impact of Liver Disease," and published in the New England Journal of Medicine of December 25, 1969, represents a statement of the steering committee of the American Association for the Study of Liver Disease which I commend to the attention of the Senate. The chairman of the committee is Hans Popper, M.D., dean for academic affairs, Given Foundation professor and chairman, Department of Pathology, Mount Sinai School of Medicine of the City University of New York. The members of the committee are Charles S. Davidson, M.D., professor of medicine, Thorndike Memorial Laboratory, Harvard Medical School, Boston; Carroll M. Leevy, M.D., professor of medicine, New Jersey College of Medicine and Dentistry, Jersey City; and Fenton Schaffner, M.D., professor of pathology and medicine, Mount Sinai School of Medicine of the City University of New York.

The American Association for the Study of Liver Disease was founded 20 years ago as an academic society to deal with the scientific aspects of liver diseases and in the last 2 years has added to its goals the improvement of the medical care of patients with liver disease and has thus become concerned with the delivery of medical care.

An abstract of how the steering committee has dealt in the question of delivery of medical care follows:

> Although knowledge of hepatic biology and pathology is advanced, the prevention and treatment of liver disease lag sadly. This discrepancy is attributable to lack of facilities and trained personnel. Morbidity and mortality of liver disease are increasing in frequency because of alcoholism, adverse reactions from drug use and abuse, and viral hepatitis are more prevalent. As the nature of these factors suggests, the disadvantaged are particularly at risk. To promote the application of scientific knowledge to the control of liver disease, clinical centers developed with community participation and devoted to the management of liver disease are proposed. These would improve hospital and ambulatory care for a disease that is often curable; provide medical and paramedical personnel with the specialized knowledge needed for the management of a debilitat-

ing disease, including its psychiatric overtones; facilitate further research; and ensure community participation in controlling a serious socio-economic burden.

The second problem, as viewed by the steering committee, concerns the need for including in the national and local efforts directed against alcoholism a consideration of chronic liver disease. Alcoholic liver disease is not only an important part of the problem of alcoholism in view of rising mortality rate, prolonged morbidity, high cost to society and inadequate treatment facilities but it is also the first manifestation of injury from alcoholism in many persons who have no previous policy or psychiatric record and are socially well functioning. These persons are particularly promising candidates for medical as well as alchohol withdrawal therapy. Nevertheless, the doctors point out, most of the efforts are today directed almost entirely toward the behavioral problem.

I believe the recommendations of Dr. Popper and the members of the steering committee of the American Association for the Study of Liver Disease merit serious consideration by the people and particularly by those concerned in national and local efforts directed against alcoholism. I ask unanimous consent that the article be printed in the RECORD.

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

THE SOCIAL IMPACT OF LIVER DISEASE

(By Hans Popper, M.D., Charles S. Davidson, M.D., Carroll M. Leevy, M.D., and Fenton Schaffner, M.D.)

(Statement of the Steering Committee of the American Association for the Study of Liver Disease. From the Mount Sinai School of Medicine of the City University of New York, the Thorndike Memorial Laboratory, Boston City Hospital, and the New Jersey College of Medicine and Dentistry, East Orange, N.J. (address reprint requests to Dr. Popper at Mount Sinai School of Medicine, Fifth Ave., and 100th, New York, N.Y. 10029).

ABSTRACT

Although knowledge of hepatic biology and pathology is advanced, the prevention and treatment of liver disease lag sadly. This discrepancy is attributable to lack of facilities and trained personnel. Morbidity and mortality of liver disease are increasing in frequency because alcoholism, adverse reactions from drug use and abuse, and viral hepatitis are more prevalent. As the nature of these factors suggests, the disadvantaged are particularly at risk.

To promote the application of scientific knowledge to the control of liver disease, clinical centers developed with community participation and devoted to the management of liver disease are proposed. These would improve hospital and ambulatory care for a disease that is often curable; provide medical and paramedical personnel with the specialized knowledge needed for the management of a debilitating disease, including its psychiatric overtones; facilitate further research; and ensure community participation in controlling a serious socio-economic burden.

The social revolution in medicine challenges the relevance of the present service to the sick from the points of view of the total society, of the information taught medical students and physicians and of the direction of research. The liver has been a target of many clinical and basic-science investigations because of its size, homogeneity and prominent role in metabolism. The application of molecular biology and pathology to mammalian tissue has been to a large extent carried out on the liver. The wealth of information that has been obtained in basic functional and structural studies on the liver contrasts with a relative dearth of established information concerning liver disease. The social revolution in medicine calls for reassessment of medical service, education and research in liver disease, which now represents a quantitatively important cause or morbidity in the population. Since liver disease, especially cirrhosis, is a common cause of death preceded by prolonged morbidity requiring frequent hospitalizations, it is a serious economic problem for society. A device combining service, education and research and providing the necessary co-operation with the community would be centers devoted to the management of liver diseases as part of the national programs for improvement of health care.

Cirrhosis is increasing in frequency among the causes of death. At present, it is listed as the fourth or fifth cause of death in patients above 40 years of age,[1] and the death rate from cirrhosis rose more than that from other causes in the last decade in the United States.[2] Recent surveys indicate that the disease is also on the rise in Europe. A death rate from cirrhosis in France of 34.2 per 100,000 and in Portugal of 30.4 per 100,000 population has been reported.[3]

Clinical recognition and management of liver disease varies considerably, depending on the training and interest of the physician and the availability of appropriate facilities. The concern of the physician and his interest in the somatic welfare of the patient is of particular importance in the alcoholic, who is probably more effectively persuaded to abstain from alcohol by the interested physician taking care of his physical illness than by the psychiatrist or social worker. The same thing may be true for the drug addict when he seeks medical care for hepatitis. Prevention and proper therapy require basic knowledge of etiology and epidemiology and the recognition of persons at risk of chronic disease. This is largely lacking for hepatic disease. The causative agent of the most frequent acute liver disease in adults, viral hepatitis, has not been isolated, and the etiology of cirrhosis, except the one related to chronic alcohol abuse, has not been established. Even with alcohol abuse, factors responsible for the known variation in susceptibility to cirrhosis have not been identified. Moreover, chronologic events in the conversion of a liver from normal to cirrhotic in both alcoholic and nonalcoholic persons require documentation. The problem is complicated by the need to delineate further the role in chronic liver injury of toxic agents in the environment and particularly in foods and beverages.

Inadequacy of our knowledge is also reflected in the unavailability of specific therapy for liver disease, except for bacterial and parasitic infections. We have been successful in treating the complications of liver diseases such as bleeding esophageal varices, ascites, coma and renal failure rather than in treating the sick liver itself. Asymptomatic cirrhosis is found at autopsy rather frequently. The spontaneous regulation of factors making cirrhosis sometimes almost innocuous could be imitated by proper therapy if instituted at the right time. That management may have an effect is also indicated by the change of the clinical and pathological features of cirrhosis in recent years. Later stages of the post-necrotic or macronodular types appear to be more frequent now than the previously more common Laennec or micronodular cirrhosis.[4,5]

The management of acute hepatic failure in cirrhosis as well as in acute hepatic disease, like viral hepatitis or pernicious drug reactions, by medical therapy remains a target of therapeutic attempts of limited success. This is more effective in centers where precipitating factors, such as electrolyte imbalance, renal failure and infection, are recognized earlier. Most important, however, are iatrogenic causes. When therapeutic guidelines are not established, the experience of the physician in recognizing the subtleties of many physiologic details and the variations in the response of patients and in the disease determine the fate of the patient. Specific indications and contraindications for available therapeutic approaches must be based on controlled studies that are missing. Such information will be necessary even for extracorporeal assistance or for liver transplantation. The gaps in knowledge differ in the various diseases because of specific problems.

Of the liver diseases, the one in the alcoholic is the most important economic and social problem since alcoholism is such a major health problem in the United States and in the Western world. Approximately 6,500,000 persons are affected by alcoholism in the United States, with an increase of 1,500,000 within the last decade.[6] This figure is conservative. When the relatives of patients are included, at least 20,000,000 Americans suffer from consequences of alcoholism. The major problems usually cited and supported handsomely by governmental and other agencies are those handled by psychiatrists and sociologists. The prolonged high cost to society incurred by the individual alcoholic results from chronic liver disease rather than from mental disorders, which are more frequently acute than chronic. By contrast, the alcoholic with cirrhosis presents the problem not only of absenteeism but also of long-term disability entailing expensive hospitalization and medical care. This is borne out by the available mortality statistics, which understate the case since reluctance exists to list alcoholic cirrhosis on a death certificate. Instead, the complications or consequences of cirrhosis, such as infection and hemorrhage, are listed. In 1964, 11,000 deaths in the United States were attributed to alcoholic disorders.[7] Three fourths of these were from cirrhosis, a fifth from alcoholism itself, and the rest from psychosis related to alcoholism. The death rate from alcoholic disorders had risen from 5.5 per 100,000 in 1950 to 8.7 in 1964. This increase is entirely the result of cirrhosis. This rise involves 30 per cent of white males and 90 per cent of nonwhite males. In females, the increase was 75 per cent in white and 150 per cent in nonwhite. In the nonwhite group, the increase occurred in the fourth decade, whereas in whites, it is in the 50's and 60's.[2] Life-insurance statistics dealing only with the American white population suggest that the increase was much greater at the lower than at the higher economic levels, the lower ones being industrial policy holders who are members of the urban wage-earning, lower-income families, and not including the indigent.[8] In another study, the death rate attributed to cirrhosis was compared between 1957–58 and 1965–66 in Baltimore. An increase of 47.4 per cent was found in white men, one of 76.3 per cent in white women, one of 162.7 per cent in Negro men, and one of 259.7 per cent in Negro women.[9] The authors also point out that fatty liver even without cirrhosis is a common finding in otherwise unexplained sudden death.

Fatty liver, alcoholic hepatitis or cirrhosis may occur in alcoholics who are socially functioning. As yet unsettled is the relative role of alcohol toxicity and malnutrition to the development of liver disease in alcoholics. Natural-history studies have not clearly shown the transition of fatty liver into cirrhosis. Alcoholic hepatitis with or without central hyaline sclerosis[10] seems to be an intermediary stage, in the development of cirrhosis,[11] although it is not established whether it is a necessary one. The roles of genetic predisposition, the total

Footnotes at end of article.

amount of alcohol taken and the pattern of intake may explain why some alcoholics are spared from cirrhosis. When alcoholic hepatitis develops, transition to cirrhosis is probable if alcohol abuse continues.[11] Even in fully developed cirrhosis of the alcoholic, arrest with prolonged survival is possible with sustained abstinence.[12] This points to the necessity of rehabilitation programs to reduce morbidity and mortality.[13] Their effectiveness depends upon the co-operation with community groups. The total social cost of cirrhosis in alcoholics has been estimated to be higher than $2,000,000,000 per year.[7] Thus, prevention by recognition of the asymptomatic persons at risk, treatment of hepatic failure resulting from cirrhosis and long-term management are high-priority health problems.

Although cirrhosis in the alcoholic is the most important fraction responsible for the rise of the death rate from cirrhosis, the death rate from other types of cirrhosis also seems to be increasing.[3] Viral hepatitis is possibly the main etiology of nonalcoholic cirrhosis, at least in the Western world. The size of the problem of viral hepatitis is unknown, however, because the frequency of the anicteric variety of both the serum and infectious forms is not established. The icteric form may represent as little as 10 per cent and as much as 50 per cent of all cases.[14,15] This is complicated by ignorance about the fate of anicteric hepatitis. The problem of chronicity and its relation to immunologic and fibrogenic factors is an experimental and clinical problem that might be solved with presently available technics and by epidemiologic investigation establishing the persons at risk even without a specific virologic test to determine etiology. The immediate future will tell whether the demonstration of Australia antigen[16] will be the etiologic test long searched for. Research on viral hepatitis involves virologic investigations, the study of the immunology, the management of acute hepatic failure in the patients in whom massive necrosis develops (approximately 4000 fatalities per year in the United States)[17] and the prevention of transition into cirrhosis. A special problem in viral hepatitis is its frequent development in youths using drugs by injection nontherapeutically.

The increasing number and sophistication of therapeutic agents has led to a rising number of hepatic adverse drug reactions, some of which threaten life, particularly if they result in acute massive necrosis. Drug-induced hepatic reactions make up a considerable fraction of persons with massive necrotic hepatitis with high mortality rate.[18] The problem in most of the hepatic drug reactions that involve only a small number of patients taking the drug in an unpredictable fashion lies in identifying the persons at risk rather than only in toxicologic studies in animals. This requires recognition of either genetic abnormalities of drug metabolism or immunologic factors as the basis of the disease. The study of the patient with the reaction is therefore most promising.

The list of diseases could be lengthened by inclusion of liver disease in children and by exploration of environmental factors producing hidden intoxications in food or from pesticides. The recent success in isolating the mycotoxin aflatoxin[19] is an example.

Liver disease in general is more frequent in impoverished and disadvantaged peoples in both prosperous and underdeveloped nations. This is related to increased chance of exposure to infectious agents, greater prevalence of nutritional deficiencies of various types and delayed recognition and receipt of proper treatment for initial phases of liver injury. The current effort to deliver better medical care to the disadvantaged Americans emphasizes the urgent need to bring biology of the liver and medical care of liver disease together at this time. This requires program planning at the community, state and federal level with involvement of the private sector as well as tax-supported local hospitals, the regional medical program, the Public Health Service and the Veterans Administration.

The size of the problem of liver diseases and the lack of knowledge, more of clinical factors than of basic ones, represent elements of need. Means to answer these needs are available, but progress is hampered by the following items: the lack of interest on the part of practitioners, hospital officials and the public at large in a disease that in the past has been linked to alcoholism; the inadequate facilities available for diagnosis and chronic care of patients with liver disease; and the relatively small number of physicians and clinical scientists devoting themselves primarily to liver diseases as contrasted to the many experimentalists studying basic aspects of the liver. Availability of special centers for liver disease would permit the immediate application of currently available knowledge to a larger segment of the population.

Liver centers would facilitate further clinical as well as basic research in an appropriate environment and permit rapid increase of medical and paramedical personnel with special expertise in liver diseases. They could disseminate the knowledge acquired by demonstration to the referring physicians on their own patient material. Such centers would permit development of a medical and social team approach that would extend into the community to help prevent and recognize hepatic injury and provide continuous ambulatory follow-up observation of patients with chronic liver disease. They would also assist in the rehabilitation of patients with alcoholic hepatitis, in whom the risk of development of cirrhosis is great. These centers could be affiliated with existing centers for control of alcohol or of drug abuse or could be made part of the Regional Medical Program. By these mechanisms, the centers would become part of a community effort in view of the built-in community advisory committees. The activities of the professional medical and paramedical personnel would be woven together with those of lay groups to provide broad coverage for case detection, maintenance of therapeutic supervision in chronic disease and management of drug or alcohol withdrawal.

FOOTNOTES

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THE PLASTIC BAG MENACE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. MIKVA. Mr. Speaker, during the last decade, over 300 infants have died in America from suffocation, their breaths stopped short by the thin film of plastic bags. This needless loss of life can be prevented by adequate safety measures. Although there has been some improvement in recent years—thinner material, providing perforation—more needs to be done. Today, I am introducing a bill which will help curb the dangerous design and uses of plastic sheeting, in the hope that other children will not die and that other families will not have to suffer like the infants described above and their families.

The bill I am introducing today would give the Secretary of Health, Education, and Welfare specific statutory authorization to set safety standards covering the design of plastic bags and other commercial articles utilizing plastic sheeting with dangerous adhesive characteristics.

I realize that last year Congress passed the Child Protection and Toy Safety Act of 1969, Public Law No. 91–113, as an amendment to the Federal Hazardous Substances Act. But there is some question whether the provisions of that act will in fact provide adequate authority for regulation of the manufacture and use of plastic bags and plastic sheeting. The bill I introduce today would specifically insure that the Secretary has such authority. In doing so, it would help to prevent further accidental deaths resulting from such products.

UKRAINIAN INDEPENDENCE DAY

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. FARBSTEIN. Mr. Speaker, more than 50 years ago when a band of brave and patriotic Ukrainians unfurled the banner of revolt against their oppressors and proclaimed their national independence, they were attaining the cherished dream of all their compatriots. As a result of the Russian revolution, czarist autocracy was shattered and it was only natural that the largest non-Russian ethnic element in Russia's polyglot empire should be the first to assert its freedom and independence. But wartime events, over which Ukrainians had no control, and unforeseen postwar international convulsions, proved too costly and disastrous to the newly proclaimed independent state. Even before the end of the war it was attacked by the Poles in the north, and at the end of the war, it was altogether too weak to withstand the deadly onslaught of the Red army. The sad result was that a little more than 2 years after its national independence Ukraine was forced to surrender its independence to the Red army in November of 1920.

Today Ukraine is the second largest socialist republic in the Soviet Union, second only in importance and population to the Russian Socialist Republic. Some 45 million Ukrainians constitute about a fifth of the Soviet Union's total population. The Ukraine has always been one of the most fertile grain-producing areas in Europe. As a matter of fact, the whole Soviet Union is dependent to a great extent for its grain supply and for a large variety of other foodstuffs on the Ukraine.

It is tragic that so many million Ukrainians, constituting such an important segment of Europe, do not enjoy many of the elemental privileges and amenities of life which are considered in free societies in the free world as the birthright of all human beings. If the Ukrainians were living under normal conditions, and if they were in a position to realize their aspirations, they would gladly seize the opportunity to establish a democratic government in their homeland. Unfortunately, however, for more than five decades conditions have not been normal in the Ukraine, and are not normal now.

Since 1920 these sturdy people have not known freedom in their native land. There is, however, one encouraging light in this rather gloomy present. The innate and inborn desire of the Ukrainian people to regain their freedom is an undying and living force in today's Ukraine. Neither the tyrants of Moscow, nor their minions in the Ukraine, can extinguish this spirit of freedom and independence which all liberty-loving Ukrainians claim as their inalienable birthright. As long as that noble spirit is kept alive, and as long as the ideal of national freedom is cherished by the people of Ukraine, no dictatorship or tyranny can rob them of their real independence—the independence of their souls and hearts. As long as they possess this spirit, they will never give up their resistance to the Red tyrants. On the observance of the 52d anniversary of the Ukrainian Independence Day I wish the people of Ukraine fortitude and luck in their national struggle.

AMERICA'S MOBILE MINORITY

HON. J. HERBERT BURKE

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BURKE of Florida. Mr. Speaker, we are increasingly hearing the voices of so many differing groups of Americans, who have pooled their resources, banded together, and have organized, in large numbers and small, to demand the rights, opportunities and benefits of this great land to which they feel they are entitled as citizens. Undoubtedly, many are justified.

And yet, ironically, one group of Americans which is unequivocally the most forgotten, the neediest, and the least served of the widely differing peoples comprising our country, has not been heard from.

I refer to many of our migrant farmworkers today, who each year come forth from all parts of rural America to the agricultural scene, offering their vital services in assuring an adequate agrarian working force to reap the harvest of nature's bounty which helps to nurture all of us. Too often the lives of many of these workers are characterized by wholly inadequate housing facilities, a shameful lack of educational opportunities for their children, and a genuine need for meaningful health services.

The Congress has at times recognized that it has a responsibility to these workers and it has taken some important first steps in recognizing and fulfilling its responsibility for the improvement of the lives of migratory agricultural workers—these steps being the appropriation of funds for improving primary and secondary schools; advances in health care services; child protection; and other similar programs.

Yet, so much more remains to be done. The migrant farmworkers often travel in family groups, working side by side in the fields of America's farmland, to help to bring about abundance to Americans, but reaping few harvests, financially or otherwise, for their own benefits from their labors.

It is my hope that in the months ahead we in the Congress will not fail to direct our attention and our energies to the task of ultimately eliminating this gross error of omission of our society to our migrant farmworkers.

We must insure them and their families that they will have the opportunity to fully participate in the prosperity to which they themselves have nobly contributed.

H.R. 15631, A BILL TO INCORPORATE THE NATIONAL RIVER ACADEMY OF THE UNITED STATES

HON. BILL ALEXANDER

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. ALEXANDER. Mr. Speaker, I have introduced a bill, H.R. 15631, to incorporate the National River Academy of the United States. This bill is an outgrowth of a great deal of work in the past few months on behalf of myself and many, many people throughout this country who are interested in the orderly and rapid growth of the inland waterways industry and the continued development and utilization of our rivers' resources.

Several months ago I proposed the establishment of a National River Academy to be located at Helena, Ark. At the time I made this proposal, I said:

> The growing need for trained personnel to operate our waterways transportation network of barges, dams and ports is going to mushroom in the next fifty years. At the present time, there are not any schools which have been specifically established to train inland waterways personnel to operate towboats on the rivers and canals. This situation exists even though the vessels have been more technologically sophisticated and the traffic more dense.
>
> With the purposes for industrial expansion along the banks of our waterways and with the present need that exists for trained personnel to operate and maintain the tows and barges on the inland waterways of the United States, there appears to be a present demand for the establishment of a training academy for river personnel.

Discussions with leaders in the inland waterways industry throughout the country in recent months has only served to confirm this prediction. The case for establishing such a training institution can be easily made. At the present time, there are six academies in this country to train the 40,000 persons employed on our ocean-going vessels. And, yet, there are no formal training facilities to train the 80,000 persons who are employed on the Nation's inland waterways.

In the coming years, we hope to see a dramatic growth and development in the inland waterways industry. It is estimated that waterborne tonnage will increase 450 percent during the coming 50 years. At the same time, more sophisticated equipment and technology is constantly being introduced onto the Nation's 23,000 miles of inland waterways.

These factors add up to a challenge, in the name of both efficiency and safety, to offer the best possible training programs and opportunities to the people employed in this key industry.

The leaders of this industry have told me that this is a project they want. They, too, see the advantage of using the latest techniques and tools available to provide their personnel with the best training available. They, too, recognize that on-the-job training, while offering experience that is absolutely essential, does not offer the efficient training or the effective instruction that is necessary in a dynamic industry.

In other words, Mr. Speaker, the degree and quality of training and instruction that the National River Academy will offer is something that is needed and wanted, by the inland waterways industry throughout this country. This academy will be national in scope, it will be national in emphasis, and it will produce results that will be felt nationally.

It is for these reasons that I have introduced H.R. 15631, a bill to incorporate the National River Academy under the acts of Congress. This is a project and a goal that should be recognized publicly by this Congress. It is a project that should have the backing of this Congress.

I am hopeful that early hearings and consideration of this proposal can be scheduled, and that my colleagues in the Congress will join me in recognizing the inland waterways industry as one which is vital to the future development of this country and which needs and deserves our support.

TAX INCENTIVES FOR COLLEGE EDUCATION FUNDS

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. MIKVA. Mr. Speaker, any family putting a child through college today knows what a thoroughly frustrating burden that can be. Each year tuition and housing costs jump again, as do the costs of books and a young person's social life. It is often discouraging for a student to look forward to years more of such a marginal existence, or for his parents to try to prepare for a future of increasing college costs for the rest of their children.

But colleges, in view of a tripling student population in the next decade, are also reaching for funds to maintain and expand their academic capacities. For everyone, then, the prospect of investing in education seems insurmountable—it is difficult enough now to find resources and any later payoff only promises to be inadequate.

In an attempt to ameliorate this dilemma, I am introducing a bill today which can offer an immediate as well as a long-term solution.

First, as an immediate aid to families supporting college students, this bill would provide for a $100 yearly tax credit for each full-time student, and a proportional credit for part-time students.

Second, as an incentive for families to invest in the future education of their children, as well as a source of development capital for colleges, this bill would establish a special educational investment fund. A $50 yearly tax credit would be granted the families of any potential college student for deposits in a restricted fund, which would be available only as loans to colleges.

It is estimated that this fund over the next 18 years would provide $25 billion for educational development, and at the same time ease some of the burden on millions of parents and students who want to insure the best college opportunity they can get.

Clearly, a break is needed by these families, and just as clearly, there must be financial help for our colleagues if they are to serve as adequately through the decade. This bill, with minimal jeopardy to any party—students, colleges or the Government—can provide that assistance.

I urge my colleagues to consider the need for and wisdom of the solution proposed today.

THE ATTACK ON HISTORY

HON. RICHARD BOLLING

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BOLLING. Mr. Speaker, the "Attack on History" is the subject of a timely editorial in the current issue of Horizon magazine. Contributing Editor Walter Karp finds his answers to the attack in Thomas Jefferson's memorable writings on the purpose of studying history. I call to the attention of my colleagues the editorial, which appears in the 1970 winter edition of Horizon. It follows:

THE ATTACK ON HISTORY

It is seldom that alarming news emerges from learned journals of education and the decisions of educational committees. Such, however, is the case today, and the news is well worth pondering. It is simply that the teaching of history is being seriously undermined. Attacked by teachers, by educational leaders, and by academic scholars, the history curriculums in the nation's schools are in the process of being cut to the bare minimum prescribed by state laws. It is high time to say something in history's defense.

Of criticism, the teaching of history suffers no lack. Most of the criticism is harsh and curiously contradictory. On the one hand, history courses are accused of being mere compilations of dead facts. On the other hand, they are criticized for being mere packages of "pieties," designed to each obedience, docility, humility, according to one distinguished American educator, Edgar Bruce Wesley. The famous Harvard historian Oscar Handlin says that history should be taught only in college because it is too difficult for the average student. Mr. Wesley, on the other hand, faults history precisely because "any reasonably normal student can learn any kind of history at any grade level." Lastly and most significantly, history is scornfully compared to the social sciences, with their "exacting standards." Indeed, it is looked upon by many educators as a sentimental relic that must be replaced by the more "relevant" social sciences. Dr. Charles G. Sellers, a member of a California panel charged with drawing up a program of social studies for the state's public schools, reported recently that only the panel's historians "saw much value in retaining history in the curriculum at all."

Can the study of history be defended—to quote Dr. Sellers—"in the face of the teachers' hardheaded insistence on precision in defining the objectives" of teaching history? We think it can be, and must be. Far more is at stake than the outcome of an academic squabble.

The study of history, Thomas Jefferson long ago insisted, is the very heart of education. History, broadly speaking, is our record of the actions taken by men in the past that have made us what we are today. It is the record of men deciding and aspiring, using power and abusing power, in their ceaseless attempts to achieve their purposes. History thus reveals the ways of men when they are free, for freedom, in its most profound sense, is the capacity of men to shape their own world. If history is taught as dead facts, it is being badly taught. If it is taught to inculcate "obedience" and "docility," it has been perverted into propaganda.

As for the social sciences themselves, the one thing they can never do is replace history. By their very nature, the social sciences show us men when they are not free. Psychology describes us insofar as we are bound by behavioral "laws." Sociology describes us insofar as we are bound by social "forces." Anthropology describes us insofar as we are bound by inherited "custom." These sciences do depict mankind, but it is a partial picture. If all we knew of ourselves were derived from social science, men would know themselves only as passive creatures of ironclad laws and circumstance. Only the study of history can rectify a view of man so dangerously one-sided; can show us not only as passive creatures, which we are, but as active creators and lawmakers, which we also are.

To answer the teachers' demand for a precise "objective" in studying history, defenders of history might well turn to Jefferson's words. In a republic, he said, the purpose of history is to "enable every man to judge for himself what will secure or endanger his freedom." Surely that is "precise" enough and "relevant" enough to satisfy anyone.

A TRIBUTE TO JUDGE DAVID HOLMAN

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. WOLFF. Mr. Speaker, although his death came immediately before the recent congressional recess, it would be a grave injustice not to take time to note the passing of David Holman, who, at the time of his death, was a New York State supreme court justice.

Judge Holman, in a long career that spanned four decades, was a public servant who epitomized the ideals of service and dedication to the public good.

While we were from different parties there was never any lack of respect for Dave Holman's honest commitment to those principles in which he believed.

His record of public service is a long one demonstrating that he possessed great energy and interest in his fellow man. At the time he took his place on the bench he was president of the Nassau County Bar Association. During his career he was, at different times, an assistant district attorney, counsel to a joint legislative committee, attorney for many local jurisdictions, and counsel for the New Hyde Park School Board, where he lived for many years.

Dave Holman's charitable activities were as diverse as his legal undertakings. Among the many philanthropic causes to which he devoted his time were the United Jewish Appeal, CARE, Cerebral Palsy, and the Long Island Committee for the U.S. Olympic Team.

One did not have to share all Dave Holman's political views to appreciate his sincere desire to serve his community

and leave a positive contribution to man's well-being. He left such a legacy and his widow, Ethel, and his son and daughter, Gary and Sandra, may be justly proud of the long and purposeful career of Dave Holman.

It is people such as David Holman that have made our country great. He will be missed.

ST. LEO COLLEGE ACTIVATES POLISH STUDY CENTER IN MEMORY OF FATHER JEROME WISNIEWSKI

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. HELSTOSKI. Mr. Speaker, a Polish priest, Father Jerome Wisniewski, O.S.B., who spent most of his lifetime at St. Leo Abbey and was recognized as a foremost authority on Florida history will be honored at St. Leo College with the creation of a Polish Study Center to be dedicated in his memory.

The Polish Study Center will be a repository for books and manuscripts on Polish history, music, literature, education, arts, and the governments. Here students from St. Leo College and St. Leo Abbey and interested citizens will be encouraged to pursue studies and research and where documents will be preserved, reproduced, and distributed for educational purposes as a public service.

Father Jerome, a great educator and historian, was also an accomplished poet and a noted horticulturist. He was the recipient of Peace River Valley Historical Association's first Florida History Award.

The Florida House of Representatives and the Florida Senate have passed a joint resolution paying well-deserved tribute to the late Father Jerome, O.S.B. of St. Leo Abbey.

The resolution follows:

HCR 1081–A Concurrent resolution expressing sympathy and regret over the death of Father Jerome and paying tribute to his accomplishments during his life and to his memory.

Whereas, it is appropriate to record for posterity the life and works of a dedicated educator, an accomplished poet, a noted horticulturist, a great student of history and a holy man, for whom Florida history was the most fascinating subject of the many subjects in which he was interested; and

Whereas, Father Jerome, O.S.B., born Jerome Wisniewski, of St. Leo Abbey, who was small in stature but who stood tall in intellect, spirit and accomplishments, contributed so greatly to the study of Florida history; and

Whereas, the efforts of Father Jerome in the study of Florida history have resulted in an outstanding library of rare historical volumes and documents on Florida history and a wealth of original treatises from his own pen, all of which have preserved the history and lore of this great state for the study and enjoyment of future generations of Floridians and Americans; and

Whereas, Father Jerome, the recipient of the Peace River Valley Historical Association's first Florida History Award, has left to us St. Leo College which grew and prospered because of his efforts and zeal, now therefore,

Be it resolved by the House of Representatives of the State of Florida, the Senate concurring:

That on behalf of the people of the State of Florida this Legislature does pause to pay tribute to the life and memory of Father Jerome, whose death in 1966 has removed from our midst a man of rare abilities, whose contributions to the people of our state and our country will continue to live for the benefit of all of us, and that his memory be accorded our respect and gratitude;

Be it further resolved that a copy of this Resolution, signed by the Speaker and attested to by the Clerk of the House of Representatives and by the President and Secretary of the Senate, be forwarded to the St. Leo College library to be placed with the historical collection left to the library by Father Jerome.

NEED HISTORICAL, ARCHEOLOGICAL PRESERVATION BILL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BENNETT. Mr. Speaker, with the changing environment, expanding population, and increased technology, our Nation is facing a possible "archeological gap." There is a definite threat that a majority of our scientific, prehistorical, historical, and archeological data will not be available for study in the next few decades.

Legislation I have introduced in the House of Representatives, along with 60 cosponsors will help to remedy this situation and preserve historical objects, which might be damaged or permanently lost to history because of Federal public works projects.

This bill, which has been introduced in the Senate by its chief sponsor, Senator FRANK E. MOSS of Utah, has 28 cosponsors. It is supported by the Society of Historical Archeology.

This bill amends the act, Public Law 86–523 of June 27, 1960, which provides for the salvage only of those historical and archeological remains being flooded or destroyed by dams constructed by or with the assistance of the Federal Government, by extending the coverage to all Federal and federally assisted or licensed programs which alter the terrain and thus potentially cause loss of archeological and historical data. The bill makes it clear that agencies may take the necessary steps to conserve scientific, archeological, and historical resources within the framework of their own administrative procedures rather than being required always to work through the Secretary of the Interior. It further provides that if an agency wishes to utilize the resources of the Secretary of the Interior, it is authorized to transfer funds, not to exceed 1 percent of its total program, to that Secretary to cover salvage costs.

The concept of the bill is that the cost of the salvage of the data would be related directly to the destruction or threatened destruction of irreplaceable scientific, archeological, and historical resources. Agency programs threatening the destruction of the nonrenewable resources would have the authority to expend a very minimal amount of the funds to recover, protect, and preserve the data when it was significant and had been called to their attention. The bill only authorizes expenditures; it does not demand them.

Much information about the past still lies buried in the ground awaiting investigations by scientists to recreate a meaningful picture of the lives of those who lived in this land before us. From the objects and other information in the ground, the past can be brought to life again and can become a part of the education of our children. Our children cannot preserve the past for their children unless we help preserve it for them. We who are alive today possess the last opportunity to save, preserve or record a portion of the long record of man's experience and achievement in the United States. The choice is ours whether we will preserve the manuscripts, objects, and other sources of information from which future generations may learn about those who preceded us, or whether intentionally or through neglect, we will allow our heritage from the past to be destroyed. If we do not preserve the information, all future generations will have lost forever the ability to experience and profit fully from the past.

The bill presented here is an important conservation measure designed to facilitate and promote protection and recovery of one of America's great nonrenewable resources, the evidences of the past. The need for action is urgent for it is estimated that a majority of our archeological and historical sites will be damaged or destroyed within the next 25 years.

The House cosponsors of the bill are:

H.R. 15453: BENNETT, BERRY, BURLISON of Missouri, CARTER, FUQUA, HAMMERSCHMIDT, and Mrs. MAY.

H.R. 15522; STEPHENS, TIERNAN, TUNNEY, UDALL, WALDIE, WYATT, and VANIK.

H.R. 15521: BROCK, BROOMFIELD, CHAPPELL, CLEVELAND, DADDARIO, DULSKI, EDMONDSON, FOLEY, HELSTOSKI, HULL, KEE, KUYKENDALL, MCCLOSKEY, MIKVA, Mrs. MINK, OLSEN, PRYOR of Arkansas, PURCELL, RARICK, REIFEL, RUPPE, SAYLOR, SCHERLE, and SKUBITZ.

The bill will be introduced Thursday, February 5, with the following cosponsors:

ANDERSON of Illinois, ANDREWS of North Dakota, ANNUNZIO, BYRNES of Wisconsin, DORN, HALEY, HORTON, KYL, KYROS, MATSUNAGA, MEEDS, MELCHER, MINISH, MURPHY of New York, O'NEAL, OTTINGER, PRICE, REES, SIKES, SPRINGER, STOKES, WHITEHURST, and YATES.

A UNIVERSAL INSTINCT FOR PEACE

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. NELSEN. Mr. Speaker, in a recent editorial, Ken Berg, editor of the Mankato Free Press in Mankato, Minn., chose to philosophize a bit about the deeper nature of man. It is a pleasure to share

his viewpoint with readers of the CONGRESSIONAL RECORD.

UNIVERAL INSTINCT FOR PEACE

About the commonest observation on the part of those who are well-traveled is that people . . . human beings . . . everywhere are basically kind.

Some go a step further and suggest that generally speaking, these human beings deserve something better in the way of government than they are receiving.

This thought is prompted by a report on a visit to the Iron Curtain countries by Harry L. Page, assistant superintendent of public instruction for the State of Illinois. It contained the following:

"I discovered that peoples living in other lands, even those under a totalitarian regime, even under a hammer and sickle yoke . . . are just like our next door neighbors when you get them alone on a one-on-one basis.

"I am convinced that the hardnosed citizen of Russia, bred to believe that Americans are their perpetual enemy, can sit down and talk to us, when we get away from government, about our children and what we want in life."

"They are every bit as compatible in a discussion as our next door neighbors," the Illinois educator concluded on this point.

Our own over-riding impression, conversely bred as we were to believe that Russians are our perpetual enemy, is that humans wherever you find them hold the same aspirations and dream the same dreams as our own.

Despite an impressive amount of evidence to the contrary at this moment in history, we are convinced that the instinct for peace is the one most deeply embedded in mankind.

We reject the commonly held assumption that man is a fighting animal and that wars are inevitable.

SCOUT AT WORK

HON. EARL B. RUTH

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. RUTH. Mr. Speaker, in his state of the union message, President Nixon proposed that each individual should enlist in the fight against pollution. He suggested that each person resolve to "leave his home, his property, the public places of his city or town a little cleaner, a little better, a little more pleasant for himself and those around him."

Even before the President spoke these words, a Laurinburg, N.C., Boy Scout named Richard Williams, undertook a local project to determine the extent of litter in his small part of the Nation during the month of January. On February 2, 1970, the Laurinburg Exchange in the Odds and Ends column reported the findings of Scout Williams:

SCOUT AT WORK

Richard Williams is a Boy Scout who lives on Hasty Road and has recently conducted an interesting survey. At the suggestion of his advisor in Troop 447, Alvin Hafer, Richard undertook a litter project. He set out to determine how much actual litter is deposited on Scotland County roadsides, and how much it is costing taxpayers. No attempt was made to determine the degree of unsightliness, but this is the more obvious part of it.

"For 30 days during January when litter disposal is considered the highest in the year. I collected litter each day on a designated highway section (on Hasty road, not one of the heaviest travelled roads), converted my figures to the mile and applied this to the 445 miles of paved highways in Scotland County.

"Unbelievably, Scotland County averaged 578 tin cans, 263 glass bottles and 1,630 pieces of paper per mile per month." Richard concluded during this project (he was working on a conservation merit badge) that during a given month over a quarter of a million cans, 117,000 bottles and nearly three-quarters of a million pieces of paper are dumped along our roads. And this he judges is below average for the count was done in cold weather when car windows are up most of the time and riders are not apt to make as frequent deposits as during the summer. Also he did not include the 95 miles of unpaved roads in the county's system.

HEAVY COST

"The county highway department filled two pickup trucks with litter in the short distance of 2.4 miles from the Scotland County line on the west side of Maxton and the east end of Number 74 bypass," Richard reports. "This included 13 cases of soft drink bottles and was done during the same time I was doing my study."

This persevering and concerned scout calls attention to the cost this is to the taxpayer. He has figured that if the minimum wage of $1.60 per hour is paid, it would cost $7,000 in wages for the highway department to pick up all the litter along the paved roads of Scotland County just once a year.

"Some of our complaints about high taxes is our own making through poor stewardship," Scout Williams charges. "If each person would do his part in the control of litter the taxes would be lower than what they are now. So I ask everybody to try to do their part in the control of litter."

REPORTS FROM WASHINGTON

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. SCHERLE. Mr. Speaker, Supreme Court Justice William O. Douglas, self-appointed messiah of the hippies and yippies, is at it again. This time the aging Lothario practically invites his long-haired mental midgets to thumb their noses at the law enforcement agencies of this country and obey only the laws which agree with their naive philosophy.

In his soon-to-be-published book, "Points of Rebellion," the 71-year-old swinger with a penchant for wives a half-century younger than he, endlessly tirades against the FBI, CIA, local police officials, educators, and every other organization or person with a semblance of dignified authority. He heaps praise upon the degenerate disciples of disorder while strongly hinting that the philosophy of citizens concerned about rampant crime and riotous behavior parallels that of Adolf Hitler.

The Justice, an obvious student of the extracurricular activities of Henry VIII, attempts to draw the ridiculous comparison between George II and what he describes as today's "establishment."

If Justice Douglas, whom the taxpayers are subsidizing at $60,000 a year for life, really believes his own drivel, he should resign from the Court and spend his time hiking down the pointless paths tread by the rest of the anarchists. The biggest point in his book, "Points of Rebellion," rests on top of the distinguished jurist's shoulders.

EVERY LITTER BIT

The taxpayers paid $30 million to clean up the 4.3 billion pieces of litter that Americans dumped on their major highways last year alone. These figures cover only the 270,000 miles of main arteries, and do not include the 3.4 million miles of secondary roads and city streets. The true cost of cleaning up all the debris tossed out on our roads by thoughtless drivers is undoubtedly much higher. This is a terrific price to clean up our own mess.

Litter is one of the chief polluters of our environment and almost everyone contributes to it in one form or another. Discarded paper accounts for 59 percent of all highway litter, plastic wrappers for 6 percent, bottles another 6 percent, cans 15 percent, and miscellany the remaining 14 percent. While it is easier to pinpoint the derelictions of the large-scale industrial polluters, the cumulative effect of individuals littering highways adds up to a staggering pile of costly and unsightly debris. Youthful offenders are the worst, but affluence tends to make litterbugs of us all. Even children are not interested in returning bottles to the store today—the trip would not be worth the few cents it would bring.

To cope with this problem, a battery of new antipollution laws have been proposed at the State and Federal level. It is worth noting, however, that most cities and States already have strong antilitter laws, with fines up to $100. They are rarely enforced. Therefore, before we plunge into new elaborate and expensive antipollution programs at the Federal level, we should use the weapons which now exist to fight pollution at the local level.

The problem is one of persuasion and education as well. No matter how vigorous the enforcement of laws, no police force can hope to catch every offender. People must be made to realize how much their own thoughtlessness is costing them not only in dollars but in the deterioration of the quality of life. As President Nixon pointed out in his state of the Union address:

> We have been much too tolerant of our surroundings and too willing to leave it to others to clean up our environment. . . . Each of us must resolve that each day he will leave . . . the public places of his city or town a little cleaner, a little better, a little more pleasant for himself and those around him.

BOXCAR SHORTAGE

A major problem that has habitually plagued the grain farmers of this Nation has been the critical shortage of railroad freight cars during peak harvest periods. In fact, one of the very first petitions of complaint received by the Interstate Commerce Commission after it was created in 1887 dealt specifically with this subject. The farmers' Grain Dealers Association of Iowa reported that the asso-

ciation suffered a net loss of $125,792 last year, largely because of the freight car shortage.

In order to ease this century-old burden, I introduced a bill in Congress last week that would amend the Interstate Commerce Act in order to give the Commission additional authority to alleviate freight car shortages. The provisions of the bill attack the per diem system established by the ICC in 1968, which is based on time used and mileage of freight cars. The present ICC mileage basis results in the retention of empty boxcars on foreign lines until a load is obtained to pay their way back to their owner's railroad lines. This policy has been challenged by 20 railroads and 21 States on the grounds that it does not encourage the movement of freight cars to the west to carry western grain. My proposal provides that per diem charges on empty cars would be doubled in order to prevent the retention of empty boxcars. Therefore, a 1-year-old boxcar costing $18,000 would, if allowed to sit unused, incur a per diem charge of $10.50, where the present daily charge under current ICC rates would be $4.93. This measure would encourage the rapid movement of empty freight cars to distant points of shipment.

Although additional work on a long-term solution still needs to be done, such as building new freight cars and proper maintenance of present cars, this bill would encourage the rapid movement of empty freight cars and expedite the entire procedure.

Compounding the present situation is the curtailment of loans by the Department of Agriculture to build adequate storage facilities for newly harvested grain. The food producer finds himself squeezed between inadequate storage facilities and inefficient use of the transportation system which hampers the movement of grains to the marketplace.

Secretary of Agriculture Clifford M. Hardin should reevaluate the present policy on storage and dryer loans and ease the restrictions to encourage more farm storage facilities.

STICKY SUBJECT

Admitting to countless complaints about glueless stamps, Postmaster General Winton Blount says the Post Office Department is determined to lick the problem.

THE 1971 AGRICULTURAL BUDGET

HON. THOMAS S. KLEPPE

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. KLEPPE. Mr. Speaker, I believe my colleagues will be interested in a "Summary of the Budget for the Fiscal Year 1971," as it relates to agriculture. This was prepared by the U.S. Department of Agriculture at my request. It is a handy reference for all of us who find wading through the complicated budget a difficult and often frustrating chore.

Some charges are already being circulated to the effect that farm programs got the "meat ax" treatment in the President's budget. I think even a quick glance at the summary I am including as a part of my remarks will refute that contention. In fact, considering the tight budget situation and the need to hold down total Federal spending, I believe the President showed in his budget recommendations for agriculture both awareness and concern for the serious problems of American farmers. The summary follows:

SUMMARY OF BUDGET FOR THE FISCAL YEAR 1971

The Department's activities in FY 1971 will be directed toward the major goals of (a) maintaining farm income and providing food and fiber for all Americans, (b) assisting in the development of our rural communities, including the provision of better housing, (c) protecting consumers from unwholesome food and dangerous pesticides, and (d) providing additional food assistance.

Following are the overall totals of the Department's budget:

[In millions]

	1970	1971	Change
New obligations or commitments	$8,796.6	$8,576.7	−$219.9
Expenditures (before adjustments for increased sale of insured FHA loans)	8,407.4	[1] 9,268.4	+[1] 861.0

[1] The budget proposes increases sales to private investors of Farmers Home Administration insured loans in 1971 over 1970. This has the effect of increasing receipts in 1971, thus reducing net expenditures. Such actions have no effect on program levels. Net expenditures after reflecting this increase in receipts are:

[In millions]

1970	$8,407.7
1971	7,952.7
Change	−454.7

The following items are the major changes in the budget for 1971:

1. *Commodity Credit Corporation*—The major program for helping farmers maintain their incomes, CCC is the largest item in the Department's budget. The appropriation requested will restore all losses through June 30, 1969 and will provide ample borrowing authority to enable the Corporation to meet its commitments next year and still have a balance of over $2 billion. Expenditures totaling about $3.8 billion are based on the latest projections of production, utilization, and exports expected next year. However, there are many uncontrollable factors involved in this estimate.

Following is a summary of estimated expenditures for CCC price support and related activities in 1970 and 1971 for the principal commodities (including diversion and price support payments where applicable):

[In millions]

	1970	1971
Feed grains	$1,393	$1,403
Wheat	733	647
Cotton, upland	787	945
Dairy products	26	181
All other commodities, interest, storage and handling costs, and administrative expenses	707	603
Total	3,646	3,779

2. *Farmers Home Administration*—The total program for the Farmers Home Administration, including loans (both direct and insured), grants and related administrative expenses, total $2.3 billion next year, as shown in the tabulation below. The amounts for 1970 are less than originally planned due to (1) need to hold down budget outlays, (2) high interest costs, and (3) other factors.

[In millions]

	1970	1971	Change
Farm ownership loans	$205	$205	--------
Operating loans	275	275	--------
Water and sewer grants	28	24	−$4
Water and sewer loans	144	126	−18
Housing programs	853	1,489	+636
Other loan and grant programs	95	101	+6
Operating expenses, FHA	72	85	+13
Total	1,672	2,305	+633

3. *Rural Electrification Administration*—These loan programs are being continued in 1971 at the same level as in 1970, i.e., $345 million for electrification loans and $125 million for telephone loans, for a total of $470 million. The request for new loan funds is $18.5 million less than 1970 primarily because of the use of prior year balances carried forward.

4. *Agricultural Conservation Program*—The budget does not include a request for a 1971 program. The necessity to hold down the budget has made it necessary to eliminate this item.

5. *Food for Peace*—The budget next year contemplates a program of $1,133 million for P.L. 480 activities. It reflects the anticipated needs of other countries needing additional food and fiber, given the need to hold the budget as low as possible. This is distributed by program as follows:

[In millions]

	1970	1971	Change
Sales for foreign currencies and long-term credit sales for dollars (title I)	$894	$782	−$112
Donations abroad (title II)	357	351	−6
Total	1,251	1,133	−118

6. *Payments to States*—The Cooperative Extension Service and the State Experiment Stations of our Land-Grant Colleges will carry a greater share of the responsibility for improving conditions in rural areas. They will emphasize activities to carry out rural development programs involving leadership, research and technical assistance to help local people help themselves. For all of these and other related purposes the budget proposes increases totaling $49.8 million, as follows:

[In millions]

	1970	1971	Change
Extension Service (increases for nutrition education, +$20 million; rural community development, +$10.4 million; increased operating costs and retirement contributions, +$9.5 million)	$132.0	$172.0	+$39.9
Cooperative State Research Service (increased payments for rural community development research, increased operating costs and forestry research; no funds requested for construction of facilities)	62.6	72.5	+9.9

7. *Food programs*—The budget includes a total of $2,274 million for food assistance programs, including commodity donations. This consists of $1,250 million for the Food Stamp Program, an increase of $640 million above 1970.

A total of $685 million is proposed for the Child Nutrition Program, including commodity donations and special feeding assistance under Section 32 funds. This is an increase of $133.3 million above 1970.

No funds are requested in the budget for the Special Milk Program for which $84 million was appropriated in 1970. Expanded lunch and breakfast programs at schools and

increased milk consumption under the larger Food Stamp Program are expected to offset the decline in milk consumption under the Special Milk Program.

Commodity donations for distribution to families are estimated at $313 million next year, an increase of $17.5 million above 1970.

8. *Forest Service*—To continue the acceleration begun in 1970 to accelerate timber production from the national forests, an additional increase of $5.3 million is requested for timber sales administration and $2.9 million for reforestation and timber stand improvement. The total estimate for Forest land management, Forest research, and State and private forestry cooperation is $278.6 million, a net increase of $10.9 million over 1970. In addition, an increase of $21 million is proposed for timber access roads, making a total program for roads and trails of $176.4 million.

9. *Other changes in 1971 budget*—There are a number of other changes in the budget. The principal ones are:

Fiscal year 1971

(In millions)

Agricultural Research Service:	
Research	+$2.1
Imported fire ant program	+2.0
Hog cholera eradication	+2.0
Pesticides regulation	+2.4
Elimination of relatively lower priority plant pest control programs (European chafer, sweet potato weevil, soybean cyst nematode, phony peach and peach mosaic)	−2.2
Soil Conservation Service:	
Watershed works of improvement (P.L. 566 small watersheds)	+8.3
Watershed planning (to achieve a better balance between planning and installation of measures)	−1.3
Resource conservation and development projects (no new projects are planned for 1971)	+3.1
Economic Research Service (principally economic analyses of foreign and domestic economic development)	+1.6
Statistical Reporting Service (principally for improvement of livestock statistics)	+1.2
Consumer and Marketing Service (principally meat and poultry inspection)	+9.5
Foreign Agricultural Service (for market development activities)	+0.7
Conservation Reserve Program (sufficient funds are available to complete payments under existing contracts)	−37.2

EXPLANATION OF H.R. 15676, TO AMEND THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

HON. SAM GIBBONS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. GIBBONS. Mr. Speaker, yesterday, I introduced H.R. 15676, to amend the Omnibus Crime Control and Safe Streets Act of 1968. This bill has three sections, which would do the following:

Section 1 adds a new type of action grant program: crime prevention, including improved lighting of high crime areas and development of laws and ordinances and building designs to better cope with crime.

Section 2 would change the sharing formula so that cities would get 50 percent of crime-fighting Federal funds in direct grants instead of 15 percent as under present law. The present formula gives 85 percent to the State agency and only 15 percent to local governments.

My bill would allow a State to receive 20 percent additional funds if its comprehensive anticrime plan was adjudged to deal adequately with the problems of urban high crime areas and a second 20 percent bonus if the State helped the city and local governments with their portion of the non-Federal sharing.

Finally, section 3 would authorize appropriations for 3 years instead of 1 year and at a rising level of funding. It would provide $8 million for fiscal 1970, $1 billion for fiscal 1972, and $1.2 billion for fiscal 1973. The State's added shares under section 2 are provided for from discretionary Federal funds.

Let me discuss these sections in more detail. The effectiveness of better lighting in curbing crime is well documented. A study by the National League of Cities, reported in the January 1970 issue of FBI Law Enforcement Bulletin, indicated that criminal assaults dropped 70 percent and robberies by 60 percent in one midwestern city after a new lighting system was installed. Overall crime rates in a major southern city showed a similar drastic decline in a 12-block area.

The need to change the funds formula to allow cities more direct grants is likewise strongly indicated by two basic studies of Crime Control and Safe Streets since passage in 1968. These studies indicate that the primary purpose of Congress in passing this law; namely, to curb crime in the streets of high-crime urban areas, simply is not being met under the present provisions.

A study conducted by the National League of Cities, based on a survey of 31 State law enforcement plans comes to the following conclusion:

> Instead of focusing dollars on critical problems of crime in the streets, local planning funds are being dissipated broadly without regard to need and are being used to finance third levels of bureaucracy as a matter of state administrative convenience.

This report notes that 28 of these 31 State plans include regional planning agencies which, together, outnumber the 370 cities with more than 50,000 population in the Nation.

Funds appear to be going to plan administration instead of direct anticrime programs in the cities and towns where most crime is found.

There is also some indication, the NLC report concludes, that no crime incidence index is included in the State plans distribution formula, thus reducing the proportionate funds going to the high-crime cities.

A second analytical survey of the Safe Streets Act by Dr. B. Douglas Harman, assistant professor at American University's School of Government and Public Administration, dwells on the flaw in the distribution formula of the present act whereby the State gets 85 percent of the Federal grants. Dr. Harman highlights the fact that crime control is primarily a big city problem while the administrative bias is in the program toward State administration.

My own conclusion is that there are serious political obstacles to any State program which will adequately deal with the cities crime problems, and that more direct grants to the agencies with the biggest crime problems are essential.

Section 2 of this bill would take a giant step to remedy this political bottleneck while at the same time giving State agencies a financial incentive to do better than the record shows they have in the past.

If we are going to use the block grant approach in distributing anticrime funds to States and local agencies, then the Congress must guarantee that the large cities, which have the highest crime rates, get the most money to fight crime. Increasing the amounts to be granted for this anticrime fight is also essential, thus the higher amounts provided in succeeding years in this bill.

We must do even more in future years and not let this program fail. No magic formula is going to wipe out all crime. But money, not rhetoric, will do the most toward that obective. Contrary to President Nixon's campaign promises, his election has not been sufficient to restore law and order in this land. To achieve that we must put more money where the crime is—in the streets of our major cities and not into more bureaucratic mechanisms.

VIETNAM: OUR STAKE IN THE PACIFIC

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BURKE of Massachusetts. Mr. Speaker, I urge the Members of the House of Representatives to review J. Richard Lamere's exclusive interview with Adm. John S. McCain, Jr., commander in chief, Pacific Command.

I noted with grave concern Admiral McCain's comments on the danger that the U.S. Navy is losing its supremacy on the high seas. The expansion and rise of the Soviet navy is a fact. The vital necessity for our action in rebuilding our own sea power is crucial.

The Boston Herald interview follows:

[From the Boston Herald Traveler, Jan. 18, 1970]

VIETNAM: OUR STAKE IN THE PACIFIC

(By J. Richard Lamere)

Question. Admiral McCain, to what extent do you think the end of the Vietnam War will affect U.S. strategy in the Pacific?

Answer. An end to the major hostilities will be only one step toward peace and security in the Pacific Command area. The vital necessity for maintaining a military deterrent posture will remain. This ranges from missiles afloat and ashore to lesser forces. It could mean troops airlifted to a trouble spot, or a carrier task force hundreds of miles offshore, or a heavy bomber squadron within a few hours flight time, or an interceptor force poised ready to take off. Or it could mean a fleet of submarines deployed in areas unknown. Or even a combat-ready marine battalion cruising in sight of the beach. We cannot afford to let our military presence melt away should there be an early cessation of hostilities in South Vietnam.

Three times we have not only sheathed, but thrown away our sword when the fighting stopped. We did this after World War I, we did it again after World War II and

to a large extent after the Korean War. Each time we were called upon to rearm under crisis conditions because we had let slip through our fingers the great deterrent force of presence. I trust that we have learned our lesson.

Question. How many troops do the Communists have available in the Far East and Southeast Asia?

Answer. The Communists in Asia have some 3.8 million men under arms, comprising approximately 200 divisions and very substantial air and naval forces.

While Communist China's military forces are largely defensive in character at present, China presents a major potential threat in that it possesses nuclear weapons and soon will have missiles to deliver them. They have more than two and one-quarter million men in their ground force, which is a formidable force in itself. There is, in addition, the ever increasing naval and air strength. Communist China now has the fourth largest submarine force in the world and the third largest air force.

Question. What is the size of American military presence in the Pacific?

Answer. The Pacific Command covers some 85 million square miles of ocean, islands and mainland; or about two-fifths of the entire surface of the earth. It reaches from the California coast to the Eastern Indian Ocean and from the Aleutians to the South Pole. The East-West span is 9,000 miles and the North-South span 10,000 miles. Even the fastest jets require about 19 hours to cover the route from the West Coast of America to Saigon, and sea transport from 13 to 18 days. There are 24 different flags in addition to our own flown in this vast segment of our planet. Of these, nine can be considered firm, consistent friends of our country. The alignments of the remainder are either definitely hostile to our interests or vary between latent hostility and non-alignment.

The composition of our force in the area varies, but in a typical period we will have approximately 7,400 aircraft which includes bombers, fighters, special purpose aircraft and combat support aircraft such as transports and helicopters operated by the Army, Navy and Marines as well as Air Force. There are 560 ships operational which include carriers, cruisers, destroyer types, submarines, amphibious vessels, and special purpose ships.

In addition, approximately 300 merchant vessels carry supplies to Vietnam carriers, tanks, trucks, bulldozers and other equipment are operating. Our total military personnel active in the Pacific Command is well over a million, of whom about half serve in Vietnam.

Question. What is the significance of the Pacific Command?

Answer. The mission of the Pacific command is to defend the United States against attack through the Pacific Ocean Area and to support and advance the national policies and interests of the United States. CINCPAC is responsible for preparing plans, conducting operations and coordinating the activities of the Army, Navy, Marines and the Air Force in the Pacific. It is the largest of seven U.S. unified military commands and encompasses as I said, approximately two-fifths of the world's surface.

The United States has undertaken to help protect and strengthen the free Asian and Pacific nations. PACOM discharges responsibilities through a series of collective security and defensive arrangements. We have linked our strength to the security of the free nations in the Far East.

The treaties with our principal allies remain highly important to the security and stability of the area. Bilateral treaties provide for U.S. support to key free nations in the Pacific.

I'm assuming that you are familiar with the provisions of the agreement between the Republic of China and the United States which was signed on December 2, 1954. The ANZUS Treaty links us closely with Australia and New Zealand.

The United States has also entered into bilateral mutual defense treaties with the Philippines, Japan and Korea.

SEATO is the major multilateral treaty designed to halt aggression in Southeast Asia. In addition to the signatory powers, the treaty includes under its protective shield the Republic of Vietnam. Another major element in the strategy in the Pacific is the military assistance program. This increases the ability of free nations to defend themselves and helps to create forces which can support a common effort. The program currently includes countries throughout the world.

Military assistance program agreements are separate from the mutual defense treaties. The mutual defense treaties generally call for some degree of military response by the United States with Congressional approval in the event of aggression or attack on an allied nation.

The military assistance program agreements set forth the conditions under which the U.S. will provide military assistance in the form of equipment, training advisory functions and-or related support in accordance with the requirements of United States security foreign policy and contingent upon the necessary authorization and appropriation action by the Congress.

Question. What military action would the U.S. or SEATO nations take in the event the Communists shift aggressive actions from South Vietnam to Laos?

Answer. I wouldn't want to speculate on a hypothetical question of this kind. It's an acknowledged fact, however, that North Vietnamese Army forces are operating in Laos in violation of the Geneva Accords of 1962. In the event they should decide to substantially increase their aggressive activities in Laos, any U.S. decision would have to be made at national level.

Question. What is the estimated North Vietnamese strength in Laos and Cambodia?

Answer. In Laos, strength of NVA forces is estimated at approximately 50,000. The Royal Cambodian Government has announced recently that there are up to 40,000 NVA forces which have violated Cambodian territorial integrity by crossing Cambodia from South Vietnam.

Question. Is SEATO dying?

Answer. President Nixon reaffirmed last May 7th the U.S. resolve to continue its contributions to the "security and progress in both the Pacific area and in Southeast Asia." The U.S. considers SEATO fundamental to our strategy and position in Southeast Asia.

Question. Admiral McCain, President Nixon has been quoted as stating he will demand Japanese participation in Asian security. What are your views on this position?

Answer. As you are aware, the realm of foreign policy is not within my purview of responsibility. I might say the Japanese and United States Governments have continually cooperated in matters concerning their mutual security.

Question. There is considerable talk in Japan about assuming more responsibility for the defense of her shores. In your opinion is the Japan Self Defense Force capable of assuming such responsibilities, and what would be needed to provide an adequate defense?

Answer. We would like to see all of our allies increase their capabilities for self-defense and assist in the collective security of the Free World to the extent possible. As you know, the Treaty of Mutual Cooperation and Security between Japan and the U.S. provides that the U.S. will assist Japan in its defense.

In this context, Japanese self-defense forces are balanced, well trained and organized, and could act effectively in the defense of Japan although further expansion and modernization would be desirable. The U.S. will, of course, continue to have to provide the nuclear deterrence forces for Japan's defense.

Question. At least one foreign correspondent has indicated that a major drawback to Japan's assumption of a leading role in Asia is the fear among small nations that Japan may achieve by military means the economic domination of Asia. Do you agree with this theory?

Answer. While there may still be some latent fears, it is clear that Asia of today is greatly different from that of 25 to 30 years ago. Japan's military power is not great and the Japanese public is opposed to any foreign adventures. Japan is a great economic power and is providing economic assistance to a number of East Asian countries.

I believe that cooperation with Japan will continue and that Japan will figure in regional arrangements in an increasingly important way—primarily those dealing with economic and cultural aspects of the region.

Question. Some Japanese fear that because the bases in Japan are not used solely for the defense of Japan, there is danger of Japan being drawn into a war against her will. Is this possible?

Answer. Such a possibility is highly remote. A 1960 exchange of notes between the government of Japan and the U.S. which supplement the security treaty provides for prior consultation if we are to use our bases in Japan for combat purposes other than defense of Japan against attack.

Question. Does the reversion of Okinawa detract from our military posture in the Pacific?

Answer. Okinawa's importance to the strategic balance of East Asia cannot be overstated. It is centrally located in an arc of mutually supporting defensive bases constructed by the United States and her allies. From these bases, forces can respond promptly to all foreseeable threats; the loss of any of these bases would reduce our capability to be immediately responsive.

Further, Okinawa represents an enormous investment in time and money and represents a built-in flexibility for the deployment and supports of military units or weapons. However, the reversion of Okinawa does not entail the loss of any bases there.

Question. As a military specialist, what do you think about the military situation on the Korean peninsula?

Answer. The preservation of the rights and liberties of the people of the Republic of Korea is vital to the continued peace and growing prosperity of the Western Pacific and Asia areas.

Question. A primary objective of Kim Il Sung's regime is the reunification of the two Koreas, by force if necessary, and North Korea continues to prepare for this eventuality. With possible peace in Vietnam in the near future, are you considering repositioning your forces to counter any aggressive efforts North Korea may make in pursuing the objectives?

Answer. The President has emphasized that the United States is awaiting positive steps from the North Vietnamese government to indicate their good faith in negotiating a peaceful settlement to the Vietnam conflict. The avenue for a peaceful settlement is open. Any discussion concerning re-positioning of U.S. forces is premature. However, we have already taken measures to counter North Korean aggressive actions, and support of our ally, the Republic of Korea, continues in this regard.

Question. It is general knowledge that the North Korean Armed Forces are continuing to improve and modernize. What are we doing to increase the capability of the Republic of Korea Armed Forces to cope with this threat?

Answer. With our support, the South Koreans are adding a number of new units to their force structure.

In addition, much equipment required for modernization of their current forces and for counter-infiltration purposes is being provided the Republic of Korea by the United States. This includes special counter-infiltration equipment (such as night vision equipment), communications equipment, vehicles, weapons, ammunition and other items.

Question. In the event a sucecssful settlement is reached in Paris, would an Asian Peace-keeping Force be feasible?

Answer. Yes, it would be feasible in this event for such a force to be brought into being. How successful it might be would depend upon the political basis on which it would be constituted.

Question. Is the U.S. Navy in danger of losing is supremacy on the seas to the Soviet Union and the Communist-controlled part of the world?

Answer. To quote Admiral Thomas Moorer, the Chief of Naval Operations, "Today the threat to U.S. supremacy at sea is real. I expect it to increase in the years ahead."

Rear Admiral F. J. Harlfinger, director of Naval Intelligence, testifying before the House Armed Services Subcommittee on Seapower, also said, "There is an unmistakable dynamism about all Soviet maritime enterprises today—from research through sophisticated operations. We see nothing on the horizon to inhibit the current expansion of the Soviet Navy, indeed the entire Soviet maritime investment."

The subcommittee issued a report stating that although the U.S. is aware of the Soviet Union's desire to unseat it as the world's leading sea power, America is having difficulties in meeting this challenge.

The U.S. Navy, the subcommittee reported, is an aging collection of warships older and smaller than the Soviet Navy and unfit for battle. American ships are so old, the subcommittee reported, that in some cases crews have difficulties in obtaining spare parts because the original suppliers have either stopped making the item or gone out of business.

Two-thirds of the U.S. fleet was built more than 20 years ago. Even with costly overhauls and rebuilding, the life expectancy of these vessels is not great, the subcommittee said. Because of the complexity of new sea warfare systems, involving demands for complicated electronics, the old seagoing platforms are ill-fitted for modernization. The problem of age faced by the U.S. Navy is in marked contrast to the situation in the Soviet Navy where only 10 per cent of its warships is over 20 years old.

Question. What steps are needed for the U.S. to cope with the Communist buildup on the seas?

Answer. What is needed is a major buildup of U.S. seapower. According to the Naval Balance Report published by the House Armed Services Committee, "If the United States proceeds at full speed to augment its naval forces, the Soviet Union will not be able to wrest the trident from America's grasp."

INDEPENDENT CEYLON: SELF-GOVERNING DOMINION WITHIN BRITISH COMMONWEALTH

HON. ADAM C. POWELL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. POWELL. Mr. Speaker, the people of Ceylon attained their independence on February 4, 1948. From the beginning a parliamentary form of government with two houses was set up. The leaders of Ceylon chose to remain within the British Commonwealth of Nations as a self-governing dominion. Thus the Queen of the United Kingdom is also the sovereign of the Dominion of Ceylon, but the British sovereign does not interfere in the affairs of the self-governing Dominion.

The people of Ceylon, guided by their politically mature leaders and under their democratic government, have done well during more than two decades of their independence. Ceylon is a member of the United Nations Organizations as a sovereign state, is a valued member of the British Commonwealth of Nations, and its some 10 million inhabitants value their self-governing political status.

We salute the people of Ceylon on their approaching 22d independence day.

"COMPROMISE" PROPOSAL BY PRESIDENT NIXON ON LABOR-HEW APPROPRIATION BILL

HON. CARL ALBERT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 4, 1970

Mr. ALBERT. Mr. Speaker, President Nixon in his televised address to the American people on the veto of the Departments of Labor, and Health, Education, and Welfare appropriation bill made the impacted area aid program the villain of the increases which Congress had voted for education. He was sharply critical of this program contending that it benefited many areas of the country which did not need Federal assistance and that its continuation at a high level of funding would make impossible the development and adequate financing of quality education programs.

The Congress has now received from the President a so-called "compromise" proposal recommending new figures for the various items in the Departments of Labor, and Health, Education, and Welfare appropriation bill which are in controversy. It is obvious from those figures that the rumors which immediatley preceded the House vote on the veto were well founded. At that time we heard that White House spokesmen had informed Republican Members, whose districts received impacted aid, that if they would vote to sustain the President's veto, the President would propose substantially increased aid for the impacted area program. Undoubtedly, innumerable Republican Members, who might have otherwise voted to override on the basis of these assurances, were pursuaded to vote to sustain the veto.

The President has more than made good on the debt incurred by his lieutenants in rounding up the necessary Republican votes required to uphold his veto. Programs which clearly would fall within the President's classification of quality education are to receive but nominal increases over his original budget recommendations. For example, title I of the Elementary and Secondary Education Act would be increased by less than 12 percent, grants for vocational education by 30 percent, and education for handicapped by a token amount of 7 percent. Federal assistance in federally impacted areas, the object of so much of the President's indignation and rhetorical ire, on the other hand, would be more than doubled from $202 million to $440 million, an increase of 118 percent. This may seem large but even it is inadequate to meet proven needs and like every figure recommended by the President, is in my opinion substantially below that for which the vast majority of Democrats are going to fight.

Mr. Speaker, I stated during the debate on the veto that I believed that this was going to happen and that if it did happen, the administration would be guilty of cynical double dealing. It has happened and I now reiterate that charge—the administration is guilty of cynical double dealing.

UKRAINIAN INDEPENDENCE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BIAGGI. Mr. Speaker, on January 22, 1970, people throughout the world who treasure freedom paused to celebrate the 52d anniversary of Ukrainian Independence Day. A proud and brave pepole, 47 million Ukrainian citizens remain in Soviet bondage, denied the simple liberties that we too often take for granted.

It is fitting to honor these courageous people, Mr. Speaker, for theirs was a hard-won and short-lived freedom. They defended their homeland for 3½ years before the Bolshevik government, with its Communist hordes, overwhelmed their embryo republic in 1920. Still, 52 years later, the lamp of hope burns brightly in the hearts of those who remain captive through the brute strength of the Soviet Union.

Oppression is a tragedy. But, it does not stamp out a subjugated peoples' desire for freedom and national independence. Nor does it absolve us of our moral duty to sustain this desire for freedom through words and deeds and action. We must not deny others, because of our forgetfulness, the basic freedoms and liberties that each American is blessed with as his birthright.

Neither tyranny, political oppression, nor religious persecution has swayed the Ukrainian people from their quest for self-determination. Therefore, we, as free Americans, must do our part to help in this quest.

We must reaffirm mankind's right to freedom. We must rededicate ourselves to the task of supporting, in whatever appropriate manner we can, the struggle of the people of the Ukraine to regain control of their own destinies. To all those in bondage let us give hope.

Let us chastise, in 1970, those who would strip liberty and freedom from all mankind.

Independence is not a casual thing. It is molded from a dream by the blood of patriots and maintained by hard work and sacrifice. Keep it we must, and help, we must, the cause of freedom throughout the world.

Let us, therefore, work to keep the lamp of hope burning in the hearts of millions of Ukrainians who yearn for the liberation of their lives and homeland.

DRUG ABUSE EDUCATION

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, I think all of us realize that, while we can be effective at the Federal level on many critical issues, it is vital that action on the local level play a significant role in our Nation's problem-solving activities. Nowhere is local cooperation more important than in the crucial area of drug abuse education.

The spiralling statistics on drug abuse, especially among young people today, are proof enough that we must do more on the Federal, State, and local levels to effectively combat the problem. For this reason, I would like to call to the attention of my colleagues an outstanding project recently completed in the city of Hawthorne, Calif.

The Operation Drug Alert Committee of the Kiwanis Club of Hawthorne organized and directed the distribution by 300 young people of 20,000 drug abuse pamphlets titled "A Summary for Parents and Students on the Subject of Teenage Drug Abuse".

I regret that I cannot include this pamphlet, created by Linda Lamb, in my remarks; it is an outstanding piece of work utilizing many imaginative and informative drawings and illustrations and, therefore, impossible to reproduce here. I would, however, like to include at this point in the RECORD a letter of commendation which I have sent to the Honorable Gregory Page, Hawthorne's outstanding mayor, citing those responsible for Operation Drug Alert for their excellent work.

FEBRUARY 3, 1970.

Hon. GREGORY PAGE,
Mayor, City of Hawthorne,
Hawthorne, Calif.

DEAR MAYOR PAGE: At a time when drug abuse is infecting our homes and schools, at a time when youngsters ten and eleven years of age are getting hooked on heroin, and exposed to marijuana, the activities of concerned citizen groups becomes of paramount importance in succesfully combatting the problem. As a co-sponsor of the recently passed Drug Abuse Education Act, as chief sponsor of the Comprehensive Narcotic Addiction and Drug Abuse Care and Control Act and as author of a bill to create a commission to study marijuana and other hallucinogenic drugs, I am quite familiar and quite disturbed by the magnitude and severity of the drug situation. Consequently, I was most heartened to learn of the outstanding endeavors in this area of the Operation Drug Alert Committee of the Kiwanis Club of Hawthorne.

Under the Chairmanship of Whitey Gellibrand and ably supported by Jim Crace, Dick Giles, Gene Gores, Richard Pennock and Robert Wald, the Committee organized 300 youngsters in Hawthorne to distribute 20,000 drug abuse education pamphlets that they had developed. One of the greatest causes of the rise in drug abuses is ignorance. The Kiwanis Club of Hawthorne has provided our community with a service the true value of which can never be determined, for how can one estimate the worth of the life of even one of our children. The brochure, "A Summary for Parents and Students on the Subject of Teenage Drug Abuse," provides in outline form some of the dangerous drugs, narcotics and volatile chemicals that are being used by some of our teenagers and pre-teenagers. It also describes some of the harm that results.

Mayor Page, the need for parents, teenagers, and pre-teens to learn the truth about the substances that seem to be readily available in every urban area in the nation is great. It is therefore with deep sincerity that I commend to you Whitey Gellibrand, Jim Crace, Dick Giles, Gene Gores, Richard Pennock and Robert Wald for the outstanding job they have done in protecting the lives of the children of Hawthorne. The Kiwanis Club must be congratulated for establishing their Operation Drug Alert Committee and encouraged to continue in this most beneficial and needed activity.

With best personal regards,
Very sincerely yours,
CHARLES H. WILSON.

THE MYTH OF HOUSING COSTS EXPLODED

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. MATSUNAGA. Mr. Speaker, what some "experts" on housing have been trying to tell the Congress about the high cost of labor being the biggest factor in slowing down home construction turns out to be a myth.

A recent study conducted by a nationally renowned economist, Nathaniel Goldfinger, for the AFL–CIO American Federationist shows that the proportional cost of labor in housing construction is far less than it was 20 years ago: In 1949 onsite labor costs accounted for 33 percent of the total housing construction costs; in 1969, the average onsite labor costs amounted to only 18 percent.

Mr. C. J. Haggerty, the very able president of the Building and Construction Trades Department—AFL–CIO—brought these facts, and additional pertinent information relating to labor costs on home construction, to my attention in a letter dated January 26, 1970.

I believe that my colleagues and others concerned with meeting America's housing needs should read Mr. Haggerty's letter, which I submit for insertion at this point in the CONGRESSIONAL RECORD:

BUILDING AND CONSTRUCTION
TRADES DEPARTMENT,
Washington, D.C., January 26, 1970.

Hon. SPARK M. MATSUNAGA,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN MATSUNAGA: It has been alleged by some so-called experts that one of the greatest causes of our present housing shortage is labor costs. This charge is completely erroneous and is no doubt anti-labor in derivation.

Knowing of your desire for the true facts concerning the relationship between labor and housing costs, we are enclosing information on this vital subject. One of the enclosures is an article entitled "The Myths of Housing Costs". It is pointed out that in 1949 on-site labor costs accounted for 33% of the total housing construction costs; in 1969 on-site labor only accounted for 18%, on an average, of housing costs.

The other enclosure is a fact sheet prepared by our Milwaukee Wisconsin Building and Construction Trades Council. It shows that on-site labor costs on a typical three bedroom home in the Milwaukee area during 1969 amounted to only 16% of the total cost of the home.

We hope this information will be helpful to you in answering any inquiries you may have from constituents concerning the lowering of housing construction costs. It is our firm belief that an attack must be mounted against the real culprits: land costs, money costs and material costs.

With kindest regards, I am,
Sincerely,
C. J. HAGGERTY,
President.

OCCUPATIONAL HEALTH AND SAFETY

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, the Select Labor Subcommittee has completed its hearings on proposed occupational health and safety legislation and will begin marking up the bill in the near future.

One of the major questions raised during the hearings was the use of consensus standards which have been developed over the years on a voluntary basis by the private sector as a base for Federal occupational health and safety standards.

Patrick F. Cestrone, Chief, Programing and Research Division of the Office of Occupational Safety, Bureau of Labor Standards, U.S. Department of Labor has written an excellent article outlining the Labor Department's involvement and experience in the use and application of voluntary standards, and the work that is now going on to revise existing standards.

I commend the article to my colleagues and include it at this point as part of my remarks:

SHOULD THE FEDERAL GOVERNMENT DEVELOP SAFETY STANDARDS

(By Patrick F. Cestrone, chief, programming and research division, Office of Occupational Safety, Bureau of Labor Standards, U.S. Department of Labor, Washington, D.C.)[1]

The question of whether the federal government should develop safety standards is quite complex and involved. On the surface, it appears to be unencumbered, but the answer being sought really revolves around the question as to whether we should "chuck" voluntary safety standards, or diminish their role and go the federal route. Any answer as to the role of the government must be influenced by one's own experience, exposure, and degree of involvement in the utilization of safety standards. It is quite difficult to maintain a cool and objective position with all that's going on. Many are quick to overlook the contributions, the capability, and the important role played by voluntary standards during the past 50 years.

The position of many today seems to be:
"What have you done for me lately?
"What can you do for me now?"

[1] EDITOR'S NOTE.—This article has been prepared from a talk given by Cestrone at the 57th National Safety Congress.

For the past three years, voluntary standards have received unparalleled exposure and publicity—some good, some not too good. The press, congress, trade publications, wage earners, and consumers are all pushing for greater safeguards. The "standards syndrome," no doubt, originated with the demand for auto safety, meat safety, product safety, mine safety, pipline safety, radiation safety, and others. Over 1,000 safety bills were introduced in the first session of the 91st Congress (150 by the senate and 886 by the house)—some major, but most having some peripheral safety involvement. All of this, coupled with legislative hearings and plenty of press exposure, has truly made this an era of standards.

The private sector maintains that it has the know-how and the capability to do the job—voluntarily. Others say they can't do it and that the job can best be done by the federal government.

The statements made and the questions asked at recent hearings on H.R. 13373—the Occupational Safety and Health Bill (see "Wire from Washington," January issue)—are indicative of the fact that there is some degree of disenchantment with the consensus of voluntary standards. The reasons why as well as the total answer is hard to determine. Perhaps the Labor Department's involvement and experience in the use and application of voluntary standards may shed some light on the problem.

The U.S. Department of Labor is very much involved in this area. In eight laws and one executive order, the Secretary of Labor is charged with the responsibility of safeguarding some 35 million workers. Recently added to this list was the responsibility for the safety of another 2.5 million workers involved in federally financed construction.

Chief among the department's legal tools are the *Walsh-Healey Public Contracts Act, McNamara-O'Hara Service Contract Act,* and the *Longshoremen's and Harbor Workers' Compensation Act.*

The department seeks to meet its responsibility by, among other things, promulgating and administering effective safety and health standards. Such standards then constitute a master link between expression of public policy and congress and in its realization at the workplace.

Why is the department so interested in the use of voluntary safety standards?

Or better:

How has the department become so involved in the use of safety standards produced under the consensus principle by voluntary groups?

The *Public Contract Act* (PCA) (Walsh-Healey) hearings, held in 1964, to promulgate or modify the PCA Safety and Health Standards five years ago, served as a catalyst to bring on the "standards syndrome." Briefly, the 1964 hearings resulted in two major conclusions:

(1) Nearly all, including management and labor, recommended that the Secretary of Labor get away from writing his own specification type standards and move toward adoption of consensus type standards;

(2) The other recommendation, supported quite strenuously by the National Safety Council, National Association of Manufacturers, American Society of Safety Engineers, and others was for the Secretary of Labor to establish a safety advisory committee.

Late in 1965, the Secretary of Labor appointed a 12-man *ad hoc* advisory committee. This committee met in March 1966, and its recommendations were essentially the same as those that emerged from the hearings. Consequently, the Secretary of Labor established a policy of adopting safety standards, developed by voluntary groups, wherever applicable standards existed. Subsequently, the secretary formed the National Safety Advisory Committee.

In December 1967, safety and health regulations were promulgated under the *McNamara-O'Hara Service Contract Act* by adopting standards developed by nationally recognized professional organizations and those published by the federal government. This concept, that is the mix, of utilizing voluntary standards where they existed and federal standards to fill the gaps was very favorably received. There was little or no opposition to this approach.

In September 1968, using the *Service Contract Act* (SCA) approach, the department proposed a revision of the Walsh-Healey Safety and Health Standards, again adopting consensus standards wherever they existed and federal government standards to fill the gaps. Hearings were held, wrinkles ironed out, and standards were promulgated, to become effective January 1969. With a change of administration, the new Secretary of Labor delayed the effective date of the new PCA standards. This gave the secretary and his safety advisory committee an opportunity to review the new standards, the testimony of the hearings, and other appeals and considerations brought to his attention. After they were very carefully reviewed, with a high degree of involvement by the Advisory Committee and some very significant changes, the new PCA regulations, permitting adoption of consensus standards, were promulgated and became effective May 1969.

It was obvious early in 1968 that voluntary standards were going to be adopted, where possible, for the bulk of the secretary's safety responsibilities. Consequently, it became imperative to take a very close look at the safety standards resources available to the department in the voluntary private sector. A study was started.

The first phase of this study was to determine the "state of the art." This effort was directed toward determining what was available, reviewing the age or vintage of the standards, relationship of their age to current applicability, the frequency with which standards were being revised or reaffirmed; determining the cause or causes for the delay in updating the older standards; and identifying the need for new standards (that is, with respect to the program needs of the department). The 1969 phase of our evaluations was to be directed toward a qualitative evaluation of the standards and the quality of their safeguards.

In September 1968, we completed the first phase of the study and were requested to publish a report of our findings. The report was entitled, *Status of Safety Standards—A Review of Occupational Safety and Health Standards, 1968.*

With 234 ANSI standards as a base the results of this study revealed that:

Some 40 percent were less than 5 years old and considered to be current under the existing ANSI review procedures;

Nearly 60 percent of these consensus standards were five years old or more—28 percent were more than five years old, but less than 10 years old and 32 per cent were 10 years old or more.

This first report did not in any way deal with the quality of a standard, nor did it report that a standard is bad or obsolete. The prime concern of it was to identify what was available, how old it was, and point out needed standards for the department's programs. Based upon research, it was quite evident that there was a need to speed up the updating of older standards and the system for developing the new standards. It should also be noted that for every criticism made, the report contained an alternate suggestion as to how the situation might be improved. *The Status Report* outlined the many ways an effective voluntary system can be advantageous to both government and industry.

Some felt that the status report was too critical and served only as a fault finder. Actually, it served as a pathfinder. And if this report helped to communicate, motivate, and generate a higher degree of interest and participation in helping to upgrade the status of the voluntary standards it has served its purpose well.

From all indications that is the case.

On Jan. 27, 1969 Donald Peyton, managing director, ANSI, called a special meeting at Chicago to discuss the report, its findings, and the need for some serious commitments. It was concluded that a problem existed and that there was a need to establish some realistic priorities and goals for safety standards. Also needed were more effective time tables and rigid monitoring of the time schedules set. The need for more active cooperation and participation on the part of sponsors and committees was also highlighted. A series of actions and commitments were outlined:

(1) Set up a task force immediately to review outdated standards with a view toward revising or reaffirming them by the end of 1969 or dropping them;

(2) Establish a list of new priorities for the new safety standards' projects underway—this would involve a review of all work on current projects, and a "speed up" or a "drop action" would be directed to those projects making no progress;

(3) Review existing procedures or develop new ones, if necessary, to produce standards on a more timely basis;

(4) Establish specific goals and time tables for the development of new projects;

(5) Set up necessary communication to reach sponsors, committees, and, all concerned to advise them of these actions.

Then on Jan. 30, 1969, the special *ad hoc* committee for the safety standards held its first meeting. The ANSI staff was directed to develop a current action report on all ANSI safety projects. The Bureau of Labor Standards was requested to provide a realistic listing of standards it urgently needed for its regulatory program. (Other needs would be covered later.)

On Feb. 20, 1969, the Safety Standards Committee of the Industrial Conference, National Safety Council, volunteered to work up several pilot projects with a view toward broadening the scope of standards to permit wider application.

On March 6, 1969, the *ad hoc* committee received its detailed report on all committee actions. Identified were actions being taken, lagging actions, reports of sponsors failing to initiate action over a number of years, and a report of committees that were dormant. As requested, the Bureau of Labor Standards presented a realistic listing of some 83 standards, both old and new, it felt was essential to its programing needs. A critical review was made of each standard, and priority actions assigned by the *ad hoc* group. Sponsors, committees, and working groups were to be contacted by special letters, telegrams, telephone calls, and personal contacts.

The *ad hoc* group held several subsequent meetings in April, May, July, and September of 1969 to monitor the various actions it had set in motion.

Many constructive ideas and actions have emerged from the group to date. Some of the more significant ones dealt with the modification of rules to permit faster approval actions. A management machinery is being developed by ANSI's hierarchy to meet the current need for standards on a more timely basis; more staff help is being provided at the ANSI headquarters. Other suggestions dealt with the examination of the five-year cycle, establishing permanent committees, changing the balloting rules, assigning new and broader technical responsibilities to standards boards members, and giving more time to ANSI staff to keep pace with the more current needs. Suggestions were made by the National Safety Council for speeding up new projects, application of PERT systems to speed up the production of standards, the use of critical review patterns,

and a production flow chart for monitoring time tables. Many new concepts and ideas have emerged as a result of the very serious effort being put forth to move some of these standards' projects off dead center.

An interim report of what is happening on the production end of the project as a result of the special efforts of the ANSI *ad hoc* group has been prepared.

The first series of priority actions were in direct response to the 83 actions requested by the Bureau of Labor Standards.

The 83 actions involved:

Review of actions since March 1969—

(1) Category A—Standards 10 years old or more,

(2) Category B—5 years or older,

(3) Category C—New standards,

(4) Summary of the 83 actions,

(5) Actions since June 30 (checked on October 20),

(a) Four of the 12 standards under review have been moved by subcommittees to full committees for final ballot;

(b) Three projects, which were absolutely dormant in June, have been moved into a review action;

(c) Three additional standards have been balloted since June, approved, and sent to the sponsors for approval;

(d) Five standards have been finalized and sent to ANSI for approval action;

(e) Four projects still remain with no action at all.

Where no action is imminent, ANSI has been requested to appeal to get action or to ask the sponsors to withdraw from the project.

Many sponsors and committees, who worked diligently to meet the December 31 deadline, and working groups requested an extension of time.

These productive actions are indicators of concern and evidence of the fact that many in the voluntary sectors can be motivated to act when the need is pressing. Perhaps some day, similar efforts will be in direct response to the current needs, and thereby obviate the need for taking on a firefighting role everytime someone lights a fire under the voluntary system.

Thus far, the answer to the big question still hangs in the balance:

Should the federal government develop safety standards?

Working on phase two of the standards evaluation project, together with the development of guidelines for the application of voluntary standards in the new PCA safety and health regulations, has been very revealing. Guidelines will be developed into a reference handbook, containing an *Inspection Survey System* to be used by our field staff in determining compliance. The handbook will also be made available to the contractor subject to the PCA–SCA regulations, and thereby make him aware of what he can expect to be checked for during the course of a plant survey. Working on these two projects concurrently has enabled us to evaluate the standards more thoroughly with respect to coverage, content, applicability, conflicts, limitations, gaps and other shortcomings.

This flow of information comes to light as we identify the hazard category and develop a capsule version of the requirements contained in the applicable standard.

In keeping with one of the major recommendations made in last year's status report, this inspection system is being structured according to "Hazard Categories."

The inspection system has been developed into two major parts. The first part will cover the preoperational safety and health requirements and treat the conditions normally checked or looked for prior to the start of any operational process. Our studies reveal that there exists a series of situations that remain fairly static and that certain standards have common application.

For example:

Part 1—*Preoperational* will treat walking and working surfaces, general illumination, fire suppression systems, heating and general ventilation, pressure vessels and piping, sanitation, electrical wiring apparatus and equipment, personal service rooms, stairs, ladders, exits, permanent building structures, and appurtenances thereto;

Part 2 of the system will treat the operational safety requirements in situations involving material handling equipment, cranes, derricks, hoists, a multiple variety of machinery and machinery guarding, local exhaust, ventilation, surface preparation and finishing, welding, burning, electrical grounding of machinery and equipment, occupational health exposures, flammable liquids, and other environmental controls.

Every situation or hazard category will not be covered in the first issue, nor subsequent issues. There will always be something to add. This document will be a *live* document, and additional sections will be added as they are developed. Special industry requirements or situations will be handled on an individual basis and issued subsequently as an appendix to the original document.

In "searching out" the applicable safety standards to fit selected hazard categories, we have gained an excellent insight on the makeup of the standards.

The exercise reveals that many standards are *good, valuable,* and *useful.* However, woven into the fabric of the standard are many paragraphs of extraneous information—rhetoric on separability, legislative and exclusionary clauses—all tending to confuse, rather than improve, the standard *per se.* Loosening requirements and conflicts of requirements have also been found to exist within and between the NFPA and ANSI standards. These tend to create additional problems for us in our work and use of these standards.

One of the problems encountered was limitation of coverage. Some standards just don't go far enough. Coverage normally expected to be found in a selected standard is not there. As the search continues, the coverage may ultimately be found in some other standard—*usually a special industry standard.*

Our policy for the inspection survey system will be, ". . . whenever a position or requirement in one standard has application in other like situations, the principle involved will apply." One example of this was the search for specific dimensions for aisle spaces used by industrial trucks. We were unable to find the specific details in one standard, but subsequently found them in another. We have found conflicting requirements in both NFPA and the ANSI standards. These will be spelled out in detail and brought to the attention of both the ANSI and the NFPA organizations as soon as the project is finished.

Most interesting of all findings was the proliferation of terms used in characterizing safety factors and loading.

Terms used to characterize loading range from meaningless or nebulous—terms such as ample, substantial, safely, substantially strong enough, to the more meaningful and specific terms that spell out explicit safety factors, pounds per square foot with deformation tolerances, pounds per square foot with a safety factor of four, etc.

Granted, a variety of techniques for expressing safety factors are essential, but standards writers should really take a closer look at these requirements. In some standards, specific factors of safety are cited and in others, it is merely expressed in *number of pounds.* I am certain that we will find the difference between "pounds" and "pounds-per-square-inch" vital. It may make the difference between being able to safely work on a platform constructed of heavy timbers or steel, but not on one constructed of tissue paper.

Conflicts and questionable requirements were found in both the NFPA and ANSI codes, and they, too, need a closer look.

A certain number of conflicts will be inevitable. Perhaps, the establishment of a joint clearinghouse mechanism within the standards organizations may help to reduce the number.

There are areas of vulnerability in the system. We would rather air them for constructive purposes than have others do it for destructive purposes.

The Bureau of Labor Standards is doing all it can to make the voluntary system work. There is no reason for it not to work if all interested parties participate.

Based upon the department's actions to date, both legislative and regulatory, it is quite apparent that the department is doing all it can to give the private system an opportunity to work effectively. But where they fail, the government is obligated to take action.

Do you want the federal government to develop safety standards?

We don't want to.

But we can, if we have to!

ADLAI E. STEVENSON

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. MOORHEAD. Mr. Speaker, today, February 5, 1970, would have been the 70th birthday of the late Gov. Adlai Ewing Stevenson, of Illinois. Twice the Democratic Party nominated him for that exalted honor he termed "the highest office within the gift of the American people."

In tribute to him we need not be reminded of what we have lost. That hurt is deep—and no one of us is too old to cry. We may better, then, give thanks for what we have had and rejoice in our recollections of how our good fortune came to be. Adlai Stevenson stood in the aristocratic tradition of American politics. His name is recorded with the Adamses and the Roosevelts. He had the instinct for public service, he knew that the greatest opportunities for effective public service lie in elective office. The disappointments were his in cruel measure but as one who was privileged to call him a friend let me testify that the satisfactions were his as well. We need not fear that he ever looked back with despairing regret at the way the final balance was struck.

It was appropriate that the Republic should have paid its final tribute to him when he died in July of 1965 in the National Cathedral in Washington, D.C. It is here that Woodrow Wilson is buried. Adlai Stevenson came of that generation of Princeton students who thrilled to the Wilson saga—that figure in our history in whom the contrasting worlds of university and precinct have had their most dramatic conjunction. That day in the cathedral we realized the youthful admirer had completed the course with honor and was at rest with the admired.

Those who are concerned with the fate of America in the 1970's can find a blueprint for action if they reread the speeches that Adlai Stevenson delivered in the forties, the fifties, and the sixties. Surely history will place his speeches and his writings among the great state papers of the Republic.

As Judge Carl McGowan said in the funeral oration:

That voice is stilled now but its echoes are likely to be sounding down the corridors of history for a long time. For it is the essence of faith to believe that the world in its advancing age will set no less store than we have upon reason, upon intelligence, upon gaiety, upon charity and compassion and grace— in all these things, and more, of and with which this voice has spoken to us so often and so clearly in the past. * * * He died as he would have wished, engaged in his country's business and mankind's.

THE IRREPRESSIBLE MILLS B. LANE

HON. G. ELLIOTT HAGAN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. HAGAN. Mr. Speaker, oftentimes the good that people accomplish in their lives is not given recognition until they pass on. Fortunately, in the case of Mills B. Lane, this is not so as his endeavors have been widely known and admired for quite some time.

The February 1970 issue of Reader's Digest has an interesting article on this outstanding Savannahian, and I wish to commend it to the attention of my colleagues:

THE IRREPRESSIBLE MILLS B. LANE

(By Irwin Ross)

When the Atlanta officers of the Citizens and Southern Bank arrived for their regular Wednesday meeting, they found a huge target hung on the wall. Its bull's-eye was a flashing red light, the only thing visible when the room suddenly went dark. A moment later came a blast of gunfire then the lights went on again, revealing five men dressed in hunting costumes, brandishing shotguns. "We're taking dead aim at new savings bonds!" shouted their leader, Mills B. Lane, Jr., the irrepressible 58-year-old president of the bank. It was Lane's way of announcing a competition among bank employes to see who could sell the most savings bonds.

The incident is typical of the zany gimmicks with which Lane enlivens the working day—and get cascades of publicity for his bank. He once rolled into an officer's meeting top a toy automobile, to emphasize the need for speed in a bank promotion. Another time, touting teamwork, he and his chief officers appeared at a meeting in football uniforms, complete with helmets. Most bankers blanch at such stunts, but they find it hard to argue with success. In his 23 years as its president, Lane has built Citizens and Southern into the largest bank in the South, with over $1.3 billion in deposits and 70 offices covering the state. Among major banks, C & S is the second most profitable in the nation, earning a 14.4 percent return on equity capital.

Over the years, these high profits have been matched by a quality of leadership and community identification unexcelled among American banks. Lane himself has won a reputation as perhaps the most imaginative, and certainly the most colorful banker in the country. "We don't take *ourselves* seriously here," he says. "But we're dead serious about banking."

Part missionary, part hardheaded businessman, Lane prefers to call himself a promoter rather than a banker. He is a bald, round-faced, bulky man, carrying a 220-pound load on his five-foot, 8½-inch frame, whose cloth often look slept-in after he's worn them for an hour. His taste runs to loud sports jackets in the office, a beret when he's behind the wheel of his car. He is exuberance personified, a quality not appreciated by everyone whose back he slaps. His standard greeting is a booming, "It's a wonderful world!" He wears ties inscribed with the same message, and has given away 4000 of them to employes and friends. A colleague once asked him whether the world was indeed so wonderful. "Of course," said Lane. "That's company policy."

Everything is a bit offbeat about Lane. He wears rimless eyeglasses with wire ear loops—a style popular 30 years ago. He is up by 5:30 a.m., breakfasts on fruit juice and tea, and is in the office soon after 7. He is usually at home again by 4:45 p.m., and in bed by 8:30 or 9 p.m.

Lane prides himself on his accessibility. His office is just off the main banking room; the door is open, and visitors often duck in to see him. He also answers his own phone, and is a superb performer when fielding calls—cordial, hearty, but businesslike and very fast. "Mills Lane," he says, in a musical upbeat tone as he lifts the receiver; then, "You *know*, it's a wonderful world!"

Lane has built Citizens and Southern to its pre-eminent position in the South through a dazzling display of speed, flexibility and imagination. At C & S, a customer who applies for a loan can generally get an answer within 24 hours. Lane's speed in approving loans is legendary. On one occasion, a local trade publication needed half a million dollars to buy out another publishing house. Two other Atlanta banks dithered about for days with the loan application. Lane was approached. He listened for five minutes—and committed C & S for the full half million.

Lane has been equally willing to go out on a limb for community projects—like the "Georgia Plan," a bank-sponsored effort to improve the living conditions of Georgia's urban poor, most of them black. The scheme has several features. The most dramatic is an annual spring clean-up day, in which volunteers scoop up debris, clean vacant lots, haul away abandoned cars. In May 1968, Lane organized the first such drive in his native Savannah. The C & S bank bought 5000 new garbage cans—one for every resident who cooperated—and 50,000 feet of new fencing. After a drumbeat of publicity that lasted for days, 10,000 Negro and white volunteers poured out into the streets with trucks, shovels and brooms. In 1969, the drive enrolled nearly 75,000 Georgians in 12 cities. Lane's bank has pledged $1 million a year for five years for such efforts, as well as for the building of playgrounds and swimming pools, and paving streets.

The "Georgia Plan" also includes an ambitious program to improve ghetto dwellings and encourage home ownership. In Savannah, where the program has been under way for over a year, the bank has made more than a thousand home-improvement loans, averaging $1500 each, to citizens who have rarely, if ever, been able to borrow funds from a bank. In addition, nearly 100 residents have been lent an average of $9000 each to become homeowners. Many applicants lacked even the money for a down payment. Lane therefore set up a wholly owned subsidiary, the Community Development Corporation, to provide the necessary down payments in return for second mortgages on the dwellings. (A bank itself is not allowed to take a second mortgage.)

The CDC has another function as well: to lend equity capital to capable ghetto residents eager to go into business. So far, 28 business loans have been made in Savannah alone, all but two to blacks. A restaurant, a dry-cleaning establishment, an electrical contracting business, a used-car agency have been among the new businesses. These are high-risk loans, but none of them is in default.

So far, the bank has lent over $2.5 million for "Georgia Plan" projects. "And we've done it all on our own, without any government money or guarantees," says Lane.

Lane is a third-generation banker. His father, Mills Lane, Sr., an austere banker of the old school, became president of the Citizens Bank of Savannah, one of the two predecessors of C & S, back in 1901, and laid solid foundations for its present empire. Mills Jr. went to work in his father's bank in 1934, at $85 a month, after graduation from Yale. When his father died in 1945, Lane was C & S's first vice president.

The president was H. Lane Young, a cousin, with whom Mills Jr. had many clashes. Young was an elderly, conservative banker who often boasted that he had never made a bad loan. Lane saw such a record as a reflection of excessive caution. He wanted to move, to innovate, to accept reasonable risks. Their difference came to a climax in 1946 over an auto-financing scheme which Lane worked out but which Young rejected. Lane resigned but was not away for long. Control of the bank was held by his family and within a few weeks Lane was back—at 34 one of the youngest bank presidents in the country.

With his optimism and flair for publicity, Lane has always been the talk of the town. To attract more savings, the bank was the first in the country to sell "Savings Bonds"—certificates of deposit, in modest denominations, which yield more than the normal interest rate when held to maturity. Another first, in 1959, was "instant money"—a cash loan upon presentation of the bank's credit card to any teller. "We've been showmen," he says today, "but not damn fools. The banking business needed humanizing."

Another novelty is his fleet of helicopters, to fly paperwork from outlying branches to the bank's computer center in downtown Atlanta, saving many hours in clearing checks. When making their rounds, the helicopters do not always land but scoop up canvas bags hoisted atop flagpoles on the roofs of banks.

Lane firmly believes in youth. The bank has for years had an aggressive recruitment program in the nation's colleges; currently 150 college trainees are enrolled. C & S already has a substantial "youth movement" among its seasoned executives. Richard L. Kattel, an executive vice president who runs the $150 million Savannah operation, is 33; William E. Green, Jr., the bank's comptroller, is 34; Eugene M. Rackley, III, the vice president for personnel, 33.

In no area has Lane so dramatically upset banking tradition as in his involvement in politics. Most bankers remain aloof from the political arena, for fear of offending customers. Lane has plunged right in. In 1961, he helped spark Ivan Allen's successful mayoralty boom. The next year, Lane got behind Carl Sanders, an enlightened young legislator who won the governorship by outpolling a bitter-end segregationist. But Lane does not win them all. He backed the loser in Atlanta's recent mayoralty race.

Win or lose, he plows ahead, heedless of convention or personal popularity, announcing "It's a wonderful world!" to all comers, even if they grimace in response. "I may be an eccentric," he concedes, "but I'm no clown." He is correct. And few states are more in debt to a banker.

ADMIRAL DORNIN RETIRES

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BOB WILSON. Mr. Speaker, Admiral Dornin, known to all of us as "Mush" Dornin, was formerly head of the Congressional Liaison Office of the Navy, and is a friend of many of my colleagues. They will be interested to learn of his retirement in San Diego after 40 years of distinguished service to our Nation. We San Diegans are pleased that Admiral Dornin has chosen our fine community as his retirement home, but know the Navy will sorely miss him. I would like to share the following San Diego Union article which outlines a few of Mush's many accomplishments during his Navy career:

ADMIRAL RETIRES AFTER 40 YEARS

(By Kip Cooper)

Cutting into the bone and muscle of the military forces by budget conscious administrators has three times caused this nation to be militarily unprepared for war, the retiring commandant of the 11th Naval District said here yesterday.

Rear Adm. Marshall E. Dornin identified these occasions as the Washington Naval Disarmament Conference of 1921–22 leading to a naval limitations treaty between the United States, England, France and Japan, and the post-World War II and post-Korea scrapping of military equipment and ships.

"The Washington conference cut our Navy down," Dornin said. "And after World War II, the fat was going to be cut from the military forces but the bone and the muscle were cut into so we were ill-prepared for hostilities in Korea.

REDUCED AGAIN

Dornin said after Korea, military forces were reduced again and we were not too well prepared for hostilities in Vietnam.

"I honestly hope that our leaders today don't cut into the bone and muscle of our defense establishment to the extent that this nation cannot meet its international treaty commitments, that the nation's security is jeopardized and that our diplomats are forced to deal from a position of weakness," he said.

"Of course, we need a nuclear deterrent and intercontinental ballistic missiles," he said. "But we also need the tools of conventional warfare as we have seen in Vietnam."

DORNIN RETIRES

Dornin, 62, retired yesterday, ending over 40 years of military service which span the eras from coal to nuclear propulsion in naval vessels.

President Nixon awarded him the Legion of Merit, his third, for exceptionally meritorious service here as commandant of the three-state 11th Naval District from August 1967 to January 1970.

In the citation, which was read by Vice Adm. A. M. Shinn, Pacific Fleet Naval Air Force commander, Dornin was commended for his outstanding community work in San Diego and for inducing 98 per cent of the city's landlords to subscribe to non-discriminatory housing policies.

The popular admiral also was commended for his successful efforts as the Navy's principal contact with 11 community and civic organizations and for ensuring that all commands in the area worked together to provide outstanding service to the fleet.

About 500 guests, including five past commandants of the 11th Naval District, attended the ceremonies at the Naval Training Center in which Rear Adm. Joseph W. Williams Jr., assumed the commandant's duties from Dornin.

ADMIRALS ATTEND

The past commandants attending, all retired rear admirals, were C. C. Hartman, Almon E. Loomis, M. W. White, Walter H. Price and Frank A. Brandley.

Williams came to San Diego from the post of inspector general of the Pacific Fleet with headquarters in Hawaii, a transfer jokingly characterized by Shinn as "a change of hardship posts."

Williams, a veteran submariner and a former commander of the U.S. 7th Fleet, also served as commander of naval forces in Korea and as assistant chief of naval operations.

He wears the Navy Cross—second highest award for heroism—the Silver Star, Legion of Merit with four gold stars and the Bronze Star Medal with combat V.

DORNIN'S DAY

"This is Admiral Dornin's day," Williams said in a short speech, "and I don't want to detract from the honors that are rightly his."

However, warned Williams, "I want to remind those critics of the military-industrial complex that it is the civilian-military team that for 200 years has been providing the men and the equipment that have kept this nation free."

The United States, Williams said, "truly is the land of the free but only because of the brave."

The Dornins will live in San Diego after retirement.

COUNTRY NEEDS TO PURSUE ENVIRONMENT

HON. JAMES H. SCHEUER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. SCHEUER. Mr. Speaker, President Nixon has recognized the danger to our environment. In his state of the Union address he said:

The great question of the seventies is: shall we surrender to our surroundings, or shall we make our peace with nature and begin to make reparations for the damage we have done to our air, our land, and our water?

Mr. Nixon has gone on record with the belief that we must act soon to make those reparations. The U.S. Commissioner of Education, Dr. James Allen, has also seen the great dangers facing the environment. Recently, he declared that it was essential for students to "know the basic facts about environment." Along with my colleagues, Congressmen BRADEMAS, REID, and HANSEN, who joined me in sponsoring the Environmental Quality Education Act, I am very pleased that the President and his leading expert in education have decided to act in behalf of the environment.

And if this country is to preserve its environment, an active informed public is a necessity. It was for this purpose that the Environmental Quality Education Act was drawn up. Yet, in order for these informed citizens to wield political power they should have helpful guidelines. In a short essay, Mrs. Donald Clausen, second vice president of the League of Women Voters of the United States has offered some suggestions which I think will prove beneficial to both the general public and my colleagues.

The essay follows:

THE ROLE OF THE PRIVATE SECTOR—MOBILIZING PEOPLE POWER

(By Mrs. Donald Clausen)

It is no longer difficult to point to substantial evidence that achieving a quality environment depends in a large and increasing measure upon public awareness, interest, support, and participation. If the "public" (as we in the private sector are usually called) is to be more than an unthinking tool in the hands of the professionals in resource management, or the pressure groups representing single purpose interests, or the politicians who make the final decisions, we need to become more astute about what motivates us and how to gain strength. Obviously the challenge in mobilizing people is twofold: (1) catch their interest, and (2) channel this interest into some productive action.

Capturing the interest of people in any cause has become a highly competitive and scientific discipline. In spite of this, those who desire to bring people together in behalf of environmental causes do not always demonstrate much awareness of how to go about this feat. During the last 50 years, the League of Women Voters has learned a little about this process, and during the nearly 14 years of our involvement in water resource problems, some thoughtful attention has been given to this very problem. It seems to us that those who share environmental concern must recognize some important factors:

(1) The need to reach new elements in our society, i.e. urban dwellers, young people, and minority groups. The decisions on the important environmental questions of this generation and the next are going to be made in a large measure by those who fall into one or all of these groups. If we fail to demonstrate sufficient concern for the urban environment, or to help city dwellers to recognize their physical problems as environmental problems, or to show a renewed interest in the city and its problems, we will lose a large percentage of the population as backers for conservation causes. The money, the votes, the legislative representation, the bargaining power is becoming increasingly concentrated in cities and suburbs. Failure to recognize that we have really done very little to appeal to a large portion of our population could be disastrous in future decision-making. It is not difficult to point to selected programs involving young people and environmental awareness which could be termed successful, but we have hardly scratched the surface when it comes to making most of the next generation aware of the difficult decisions they will need to make if man is to survive on this planet. Until environmental decisions are as hotly debated as the war in Vietnam, until young people identify as closely with this spectrum of problems as they do with drugs and the draft, until they are as willing to support funds for massive protection and clean-up in our environment, we will continue to lose the battle for attention and awareness of the young.

(2) The need to see the interest and involvement of more people in environmental concerns, not as winning adherents to a cause, but as involving more people in the decision-making process which should precede solutions. It would be a mistake for us to think in terms of wanting to arouse large numbers of people to concern and action on a broad range of problems as raising an army which will defend every ounce of water, every inch of ground and every cubicle of sky against the misuse of the uniformed. If we are to involve large numbers of people in the

choices to be made, then we must be prepared to give people the facts, show them how to express their wishes, and be prepared to accept the fact that the people's choices may not always coincide with those of the pure conservationist. We must not make the mistake of assuming that "right" and "wrong" of environmental choices is so obvious that the decisions will always be what we would like them to be. What is important is that we, who because of our involvement in citizen-based organizations, have learned quite a bit about how to be politically effective, share this knowledge of technique with others without apprehension that it will not be used to support unfortunate choices.

There would be little purpose to trying to bring into the decision-making process larger numbers of people from previously-unreached parts of society unless we also focus on how to channel this interest into some productive and satisfying action. To oversimplify and surely to eliminate many possibilities, I should like to suggest a few guidelines for those who seek to arouse the public to action.

(1) Have well-defined goals for what you want to accomplish. Many a good idea goes floundering for lack of the ability to see it as a part of the whole or to articulate it to laymen. People do not like to waste their time in meetings where the nature of the problem and the aims of the group are never set forth in explicit terms.

(2) Include those whom you want to reach in the planning process, i.e., in the selection of goals and in the strategy sessions. Action by citizen organizations and individuals is not a commodity which can be turned on at the convenience of officials or lay leaders.

(3) Be prepared to show how the doer will benefit from the action. An important principle of opinion building—the identification principle—is involved. To accept an idea or a point of view, the people we are trying to reach must see clearly that it affects them.

(4) Be ready and willing to provide sufficient information and assistance to those whom you want to take action. One of the biggest blocks to more citizen action on resource problems is the feeling the average citizen has that he is incompetent to express opinions on scientific and technological matters.

(5) Identify those you want to reach and tailor your plans to fit. As in any other effort to reach people, you will need to identify the audience and adapt requests for action to what they can and will do.

(6) Be clear about what you want people to do. People do not buy ideas separated from action. Unless a means of action is provided, people tend to shrug off appeals for support.

(7) Keep the channels of communication open. Once individuals or organizations have been enlisted it is important to keep in contact in order to maintain interest.

(8) Make the doer feel he is not alone but a participant in a large effort. Don't be negative about the outlook, or the numbers of people, or the effect of citizen efforts, if you want to encourage more of the same.

(9) Praise the efforts of others—and publicize their names and/or their organizations. Subjugation of personality and organizational identity is often necessary.

(10) Be realistic about what can be accomplished and be frank. It is better to decide to do something that has a reasonable chance of success—at least in the beginning. People become disenchanted if they never see any measurable progress.

In summary, to get action from people, they must be helped to see in the dry and often technical reports of basic data, a larger view. People must be helped to the point where they are willing to accept the inconveniences, the regulations, and the expense of the solutions to the nation's environmental problems because they are fully committed to the final goals and objectives.

MORTGAGING THE OLD HOMESTEAD

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. COHELAN. Mr. Speaker, I submit for the attention of my colleagues a most illuminating article on the environmental crisis we find our society in. "Mortgaging the Old Homestead" by Lord Ritchie-Calder is a clear and comprehensive account of the ever-increasing problem of pollution. Lord Ritchie-Calder's analysis is frightening. He depicts environmental pollution as a manmade disease with untold effects upon all of mankind. Something must be done before it reaches uncontrollable epidemic proportions.

I recommend this article as additional testimony for the need for stricter antipollution legislation. It follows:

MORTGAGING THE OLD HOMESTEAD

(NOTE.—The destruction of the environment, the erosion of the "quality of life," has become the foremost issue of the day. Making "our peace with nature," said President Nixon in his State of the Union Message last week, is "the great question of the '70s." As public awareness increases and indignation mounts, a torrent of words pours forth concerning the necessities and priorities of our environmental dilemma. But nowhere has the issue been faced as succinctly and provocatively as in the following article, written for the current edition of the quarterly "Foreign Affairs" by the eminent British scientific author and United Nations science adviser, Lord Ritchie-Calder. Though Lord Ritchie-Calder considers some questions that are normally outside the scope of our editorial interest, he deals with others that certainly are not. And one point is clear: if the matters he discusses are not resolved, there will be no sporting life, no leisure life, no contemplative life—perhaps no life at all. "These [smog, pollution, noise, etc.] are not the great questions that concern world leaders at summit conferences," said the President. But Lord Ritchie-Calder a convinced internationalist, says this is the summit issue, that man's last chance lies in planned cooperation between nations at the highest level. In the belief that this article deserves the widest readership, it is reprinted here in full.—The EDITORS.)

(By Lord Ritchie-Calder)

Past civilizations are buried in the graveyards of their own mistakes, but as each died of its greed, its carelessness or its effeteness another took its place. That was because such civilizations took their character from a locality or region. Today ours is a global civilization; it is not bounded by the Tigris and the Euphrates nor even the Hellespont and the Indus; it is the whole world. Its planet has shrunk to a neighborhood round which a man-made satellite can patrol 16 times a day, riding the gravitational fences of Man's family estate. It is a community so interdependent that our mistakes are exaggerated on a world scale.

For the first time in history, Man has the power of veto over the evolution of his own species through a nuclear holocaust. The overkill is enough to wipe out every man, woman and child on earth, together with our fellow lodgers, the animals, the birds and the insects, and to reduce our planet to a radioactive wilderness. Or the Doomsday Machine could be replaced by the Doomsday Bug. By gene manipulation and man-made mutations, it is possible to produce, or generate, a disease against which there would be no natural immunity; by "generate" is meant that even if the perpetrators inoculated themselves protectively, the disease in spreading round the world could assume a virulence of its own and involve them, too. When a British bacteriologist died of the bug he had invented, a distinguished scientist said, "Thank God he didn't sneeze, he could have started a pandemic against which there would have been no immunity."

Modern Man can outboast the Ancients, who in the arrogance of their material achievements built pyramids as the gravestones of their civilizations. We can blast our pyramids into space to orbit through all eternity round a planet which perished by our neglect.

A hundred years ago Claude Bernard, the famous French physiologist, enjoined his colleagues, "True science teaches us to doubt and in ignorance to refrain." What he meant was that the scientist must proceed from one tested foothold to the next (like going into a minefield with a mine detector). Today we are using the biosphere, the living space, as an experimental laboratory. When the mad scientist of fiction blows himself and his laboratory skyhigh, that is all right, but when scientists and decisionmakers act out of ignorance and pretend that it is knowledge, they are putting the whole world in hazard. Anyway, science at best is not wisdom; it is knowledge, while wisdom is knowledge tempered with judgment. Because of overspecialization, most scientists are disabled from exercising judgments beyond their own sphere.

A classic example was the atomic bomb. It was the Physicists' Bomb. When the device exploded at Alamogordo on July 16, 1945, and made a notch mark in history from which Man's future would be dated, the safebreakers had cracked the lock of the nucleus before the locksmiths knew how it worked. (The evidence of this is the billions of dollars which have been spent since 1945 on gargantuan machines to study the fundamental particles, the components of the nucleus; and they still do not know how they interrelate.)

Prime Minister Clement Attlee, who concurred with President Truman's decision to drop the bomb on Hiroshima, later said: "We knew nothing whatever at that time about the genetic effects of an atomic explosion. I knew nothing about fallout and all the rest of what emerged after Hiroshima. As far as I know, President Truman and Winston Churchill knew nothing of those things either, nor did Sir John Anderson, who coordinated research on our side. Whether the scientists directly concerned knew or guessed, I do not know. But if they did, then so far as I am aware, they said nothing of it to those who had to make the decision."

That sounds absurd, since as long before as 1927, Herman J. Muller had been studying the genetic effects of radiation, work for which he was later awarded the Nobel Prize. But it is true that in the whole documentation of the British effort before it merged in the Manhattan Project, there is only one reference to genetic effects—a Medical Research Council minute which was not connected with the bomb they were intending to make; it concerned the possibility that the Germans might, short of the bomb, produce radioactive isotopes as a form of biological warfare. In the Franck Report, the most statesmanlike document ever produced by scientists, with its percipience of the military and political consequences of unilateral use of the bomb (presented to Secretary of War Henry L. Stimson even before the test bomb exploded), no reference is made to the biological effects, although one would have supposed that to have been a very powerful argument. The explanation, of course, was that it was the Physicists' Bomb and military security restricted information and discus-

sion to the bomb-makers, which excluded the biologists.

The same kind of breakdown in interdisciplinary consultation was manifest in the subsequent testing of fission and fusion bombs. Categorical assurances were given that the fallout would be confined to the testing area, but the Japanese fishing boat *Lucky Dragon* was "dusted" well outside the predicted range. Then we got the story of radiostrontium. Radiostrontium is an analog of calcium. Therefore in bone-formation an atom of natural strontium can take the place of calcium and the radioactive version can do likewise. For all practical purposes radiostrontium did not exist in the world before 1945; it is a man-made element. Today every young person, anywhere in the world, whose bones were forming during the massive bomb-testing in the atmosphere, carries this brand mark of the Atomic Age. The radiostrontium in their bones is medically insignificant, but, if the test ban (belated recognition) had not prevented the escalation of atmospheric testing, it might not have been.

Every young person everywhere was affected, and why? Because those responsible for H-bomb testing miscalculated. They assumed that the upthrust of the H-bomb would punch a hole in the stratosphere and that the gaseous radioactivity would dissipate itself. One of those gases was radioactive krypton, which quickly decays into radiostrontium, which is a particulate. The technicians had been wrongly briefed about the nature of the troposphere, the climatic ceiling which would, they maintained, prevent the fallback. But between the equatorial troposphere and the polar troposphere there is a gap, and the radiostrontium came back through this fanlight into the climatic jet streams. It was swept all round the world to come to earth as radioactive rain, to be deposited on food crops and pastures, to be ingested by animals and to get into milk and into babies and children and adolescents whose growing bones were hungry for calcium or its equivalent strontium, in this case radioactive. Incidentally, radiostrontium was known to the biologists before it "hit the headlines." They had found it in the skin burns of animals exposed on the Nevada testing ranges and they knew its sinister nature as a "bone-seeker." But the authorities clapped security on their work, classified it as "Operation Sunshine" and cynically called the units of radiostrontium "Sunshine Units"—an instance not of ignorance but of deliberate noncommunication.

One beneficial effect of the alarm caused by all this has been that the atoms industry is, bar none, the safest in the world for those working in it. Precautions, now universal, were built into the code of practice from the beginning. Indeed it can be admitted that the safety margins in health and in working conditions are perhaps excessive in the light of experience, but no one would dare to modify them. There can, however, be accidents in which the public assumes the risk. At Windscale, the British atomic center in Cumberland, a reactor burned out. Radioactive fumes escaped from the stacks in spite of the filters. They drifted over the country. Milk was dumped into the sea because radioactive iodine had covered the dairy pastures.

There is the problem of atomic waste disposal, which persists in the peaceful use as well as in the making of nuclear explosives. Low energy wastes, carefully monitored, can be safely disposed of. Trash, irradiated metals and laboratory waste can be embedded in concrete and dumped in the ocean deeps—although this practice raises some misgivings. But high-level wastes, some with elements the radioactivity of which can persist for hundreds of thousands of years, present prodigious difficulties. There must be "burial grounds" (or, euphemistically, "farms"), the biggest of which is at Hanford, Wash. The Hanford "farm" encloses a stretch of the Columbia River in a tract covering 575 square miles where no one is allowed to live or to trespass.

There, in the 20th-century Giza, it has cost more, much more, to bury live atoms than it cost to entomb the sungod kings of Egypt. The capital outlay runs into hundreds of millions of dollars and the maintenance of the U.S. sepulchers is more than $6 million a year. (Add to that the buried waste of the U.S.S.R., Britain, Canada, France and China, and one can see what it costs to bury live atoms.) And they are very much alive. At Hanford they are kept in million-gallon carbon-steel tanks. Their radioactive vitality keeps the accompanying acids boiling like a witch's cauldron. A cooling system has to be maintained continuously. The vapors from the self-boiling tanks have to be condensed and "scrubbed" (radioactive atoms removed); otherwise a radioactive miasma would escape from the vents. The tanks will not endure as long as the pyramids and certainly not for the hundreds of thousands of years of the long-lived atoms. The acids and the atomic ferments erode the toughest metal, so the tanks have to be periodically decanted. Another method is to entomb them in disused salt mines. Another is to embed them in ceramics, lock them up in glass beads. Another is what is known as "hydraulic fraction": a hole is drilled into a shale formation (below the subsoil water); liquid is piped down under pressure and causes the shale to split laterally. Hence the atoms in liquid cement can be injected under enormous pressure and spread into the fissures to set like a radioactive sandwich.

This accumulating waste from fission plants will persist until the promise, still far from fulfilled, of peaceful thermonuclear power comes about. With the multiplication of power reactors, the wastes will increase. It is calculated that by the year 2000, the number of six-ton nuclear "hearses" in transit to "burial grounds" at any given time on the highways of the United States will be well over 3,000 and the amount of radioactive products will be about a billion curies, which is a mighty lot of curies to be roaming around a populated country.

The alarming possibilities were well illustrated by the incident at Palomares on the coast of Spain, when there occurred a collision of a refueling aircraft with a U.S. nuclear bomber on "live" mission. The bombs were scattered. There was no explosion, but radioactive material broke loose and the contaminated beaches and farm soil had to be scooped up and taken to the United States for burial.

Imagine what would have happened if the *Torrey Canyon*, the giant tanker which was wrecked off the Scilly Isles, had been nuclear-powered. Some experts make comforting noises and say that the reactors would have closed down," but the *Torrey Canyon* was a wreck and the Palomares incident showed what happens when radiocative materials break loose. All those oil-polluted beaches of southwest England and the coasts of Brittany would have had to be scooped up for nuclear burial.

The *Torrey Canyon* is a nightmarish example of progress for its own sake. The bigger the tanker, the cheaper the freightage, which is supposed to be progress. This ship was built at Newport News, Va. in 1959 for the Union Oil Company; it was a giant for the time—810 feet long and 104 feet beam—but, five years later, that was not big enough. She was taken to Japan to be "stretched." The ship was cut in half amidship and a mid-body section inserted. With a new bow, this made her 974 feet long, and her beam was extended 21 feet. She could carry 850,000 barrels of oil, twice her original capacity.

Built for Union Oil, she was "owned" by the Barracuda Tanker Corporation, the head office of which is a filing cabinet in Hamilton, Bermuda. She was registered under the Liberian flag of convenience and her captain and crew were Italians recruited in Genoa. Just to complicate the international tangle, she was under charter to the British petroleum Tanker Company to bring 118,000 tons of crude oil from Kuwait to Milford Haven in Wales, via the Cape of Good Hope. Approaching Lands End, the Italian captain was informed that if he did not reach Milford Haven by 11 p.m. Saturday night he would miss high water and would not be able to enter the harbor for another five days, which would have annoyed his employers. He took a shortcut, setting course between Seven Stones rocks and the Scilly Isles, and he finished up on Pollard Rock, in an area where no ship of that size should ever have been.

Her ruptured tanks began to vomit oil and great slicks appeared over the sea in the direction of the Cornish holiday beaches. A Dutch tug made a dash for the stranded ship, gambling on the salvage money. (Where the salvaged ship could have been taken one cannot imagine, since no place would offer harborage to a leaking tanker.) After delays and a death in the futile salvage effort, the British Government moved in with the navy, the air force and, on the beaches, the army. They tried to set fire to the floating oil which, of course, would not volatilize. They covered the slicks with detergents (supplied at a price by the oil companies), and then the bombers moved in to try to cut open the deck and, with incendiaries, to set fire to the remaining oil in the tanks. Finally the ship foundered and divers confirmed that the oil had been effectively consumed.

Nevertheless the result was havoc. All measures had had to be improvised. Twelve thousand tons of detergent went into the sea. Later marine biologists found that the cure had been worse than the complaint. The oil was disastrous for seabirds, but marine organic life was destroyed by the detergents. By arduous physical efforts, with bulldozers and flamethrowers and, again, more detergents, the beaches were cleaned up for the holiday-makers. Northerly winds swept the oil slicks down the Channel to the French coast with even more serious consequences, particularly to the valuable shellfish industry. With even bigger tankers being launched, this affair is a portentous warning.

Two years after *Torrey Canyon*, an offshore oil rig erupted in the Santa Barbara Channel. The disaster to wildlife in this area, which has island nature reserves and is on the migratory route of whales, seals and seabirds, was a repetition of the *Torrey Canyon* oil spill. And the operator of the lethal oil rig was Union Oil.

Another piece of stupidity shows how much we are at the mercy of ignorant men pretending to be knowledgeable. During the International Geophysical Year, 1957–58, the Van Allen Belt was discovered. This is an area of magnetic phenomena. Immediately it was decided to explode a nuclear bomb in the belt to see whether an artificial aurora could be produced. The colorful draperies and luminous skirts of the aurora borealis are caused by the drawing in of cosmic particles through the rare gases of the upper atmosphere—ionization it is called; it is like passing electrons through the vacuum tubes of our familiar fluorescent lighting. The name Rainbow Bomb was given it in anticipation of the display it was expected to produce. Every eminent scientist in the field of cosmology, radio astronomy or physics of the atmosphere protested at this irresponsible tampering with a system which we did not understand. And, typical of the casual attitude toward this kind of thing, the Prime Minister of the day, answering protests in the House of Commons that called on him to intervene with the Americans, asked what all the fuss was about. After all, they hadn't known that the Van Allen Belt even existed a year before. This was the cosmic equivalent of Chamberlain's remarks about Czechoslo-

vakia, at the time of Munich, about that distant country of which we knew so little. They exploded the bomb. They got their pyrotechnics and we still do not know the cost we may have to pay for this artificial magnetic disturbance.

In the same way we can look with misgivings on those tracks—the white tails of the jets that are introducing into our climatic system new factors, the effects of which are immensurable. Formation of rain clouds depends upon water vapor having a nucleus on which to form. That is how artificial precipitation is introduced—the so-called rainmaking. So the jets, crisscrossing the weather system, playing noughts and crosses with it, can produce a man-made change.

In the longer term we can foresee even more drastic effects from Man's unthinking operations. At the United Nations' Science and Technology Conference in Geneva in 1963 we took stock of the effects of industrialization on our total environment thus far. The atmosphere is not only the air which humans, animals and plants breathe, it is also the envelope that protects living things from harmful radiation from the sun and outer space. It is also the medium of climate, the winds and the rain. Those are inseparable from the hydrosphere—the oceans, covering seven-tenths of the globe, with their currents and extraordinary rates of evaporation; the biosphere, with its trees and their transpiration; and, in terms of human activities, the minerals mined from the lithosphere, the rock crust. Millions of years ago the sun encouraged the growth of the primeval forests, which became our coal, and the plant growth of the seas, which became our oil. Those fossil fuels, locked away for eons of time, are extracted by man and put back into the atmosphere from the chimney stacks and the exhaust pipes of modern engineering. About six billion tons of carbon are mixed with the atmosphere annually. During the past century, in the process of industrialization, with its release of carbon by the burning of fossil fuels, more than 400 billion tons of carbon have been artificially introduced into the atmosphere. The concentration in the air we breathe has been increased by approximately 10%, and if all the known reserves of coal and oil were burned at once the concentration would be 10 times greater.

This is something more than a public health problem, more than a question of what goes into the lungs of an individual, more than a question of smog. The carbon cycle in nature is a self-adjusting mechanism. Carbon dioxide is, of course, indispensable for plants and is, therefore, a source of life, but there is a balance which is maintained by excess carbon being absorbed by the seas. The excess is now taxing this absorption, and it can seriously disturb the heat balance of the earth because of what is known as the "greenhouse effect." A greenhouse lets in the sun's rays but retains the heat. Carbon dioxide, as a transparent diffusion, does likewise. It keeps the heat at the surface of the earth and in excess modifies the climate.

It has been estimated that, at the present rate of increase, the mean annual temperature all over the world might increase by 3.6° centigrade in the next 40 to 50 years. The experts may argue about the time factor and even about the effects, but certain things are apparent, not only in the industrialized northern hemisphere but in the southern hemisphere also. The north-polar ice cap is thinning and shrinking. The seas, with their blanket of carbon dioxide, are changing their temperature, with the result that marine plant life is increasing and is transpiring more carbon dioxide. As a result of the combination, fish are migrating, changing even their latitudes. On land the snow line is retreating and glaciers are melting. In Scandinavia, land which was perennially under snow and ice is thawing, and arrowheads of more than 1,000 years ago, when the black soils were last exposed, have been found. The melting of sea ice will not affect the sea level, because the volume of floating ice is the same as the water it displaces, but the melting of ice caps or glaciers, in which the water is locked up, will introduce additional water to the sea and raise the level. Rivers originating in glaciers and permanent snow fields will increase their flow; and if ice dams, such as those in the Himalayas, break, the results in flooding may be catastrophic. In this process the patterns of rainfall will change, with increased precipitation in some areas and the possibility of aridity in now fertile regions. One would be well advised not to take 99-year leases on properties at present sea level.

At that same conference, there was a sobering reminder of mistakes which can be writ large, from the very best intentions. In the Indus Valleys in West Pakistan, the population is increasing at the rate of 10 more mouths to be fed every five minutes. In that same five minutes in that same place, an acre of land is being lost through waterlogging and salinity. This is the largest irrigated region in the world. Twenty-three million acres are artificially watered by canals. The Indus and its tributaries, the Jhelum, the Chenab, the Ravi, the Beas and the Sutlej, created the alluvial plains of the Punjab and the Sind. In the 19th century, the British began a big program of farm development in lands which were fertile but had low rainfall. Barrages and distribution canals were constructed. One thing which, for economy's sake, was not done was to line the canals. In the early days, this genuinely did not matter. The water was being spread from the Indus into a thirsty plain and if it soaked in so much the better. The system also depended on what is called "inland delta drainage," that is to say, the water spreads out like a delta and then drains itself back into the river. After independence, Pakistan, with external aid, started vigorously to extend the Indus irrigation. The experts all said the soil was good and would produce abundantly once it got the distributed water. There were plenty of experts, but they all overlooked one thing—the hydrological imperatives. The incline from Lahore to the Rann of Kutch—700 miles—is a foot a mile, a quite inadequate drainage gradient. So as more and more barrages and more and more lateral canals were built, the water was not draining back into the Indus. Some 40% of the water in the unlined canals seeped underground, and in a network of 40,000 miles of canals that is a lot of water. The result was that the water table rose. Low-lying areas became waterlogged, drowning the roots of the crops. In other areas the water crept upward, leaching salts that accumulated in the surface layers, poisoning the crops. At the same time the irrigation regime, which used just 1½ inches of water a year in the fields, did not sluice out those salts but added, through evaporation, its own salts. The result was tragically spectacular. In flying over large tracts of this area, one would imagine that it was an Arctic landscape because the white crust of salt glistens like snow.

The situation was deteriorating so rapidly that President Ayub appealed in person to President Kennedy, who sent out a high-powered mission which encompassed 20 disciplines. This was backed by the computers at Harvard. The answers were pretty grim. It would take 20 years and $2 billion to repair the damage—more than it cost to create the installations that did the damage. It would mean using vertical drainage to bring up the water and use it for irrigation, and also to sluice out the salt in the surface soil. If those 20 scientific disciplines had been brought together in the first instance, it would not have happened.

One more instance of the far-flung consequences of Man's localized mistakes: no insecticides or pesticides have ever been allowed into the continent of Antarctica. Yet they have been found in the fauna along the northern coast. They have come almost certainly from the northern hemisphere, carried from the rivers of the farm states into the currents sweeping south. In November 1969, the U.S. Government decided to "phase out" the use of DDT.

Pollution is a crime compounded of ignorance and avarice. The great achievements of *Homo sapiens* become the disaster-ridden blunders of unthinking Man—poisoned rivers and dead lakes, polluted with the effluents of industries which give something called "prosperity" at the expense of posterity. Rivers are treated like sewers and lakes like cesspools. These natural systems—and they are living systems—have struggled hard. The benevolent micro-organisms which cope with reasonable amounts of organic matter have been destroyed by mineral detergents. Witness our foaming streams. Lake Erie did its best to provide the oxygen to neutralize the pickling acids of the great steelworks. But it could not contend. It lost its oxygen in the battle. Its once rich commercial fishing industry died and its revitalizing micro-organic life gave place to anaerobic organisms which do not need oxygen but give off foul smells, the mortuary smells of dead water. As one Erie industrialist retorted, "It's not our effluent; it's those damned dead fish."

We have had the Freedom from Hunger Campaign; presently we shall need a Freedom from Thirst Campaign. If the International Hydrological Decade does not bring us to our senses, we will face a desperate situation. Of course it is bound up with the increasing population, but also with the extravagances of the technologies which claim that they are serving that population. There is a competition between the water needs of the land which has to feed the increasing population and the domestic and industrial needs of that population. The theoretical minimum to sustain living standards is about 300 gallons a day per person. This is the approximate amount of water needed to produce grain for 2½ pounds of bread, but a diet of two pounds of bread and one pound of beef would require about 2,500 gallons. And that is nothing compared with the gluttonous requirements of steel-making, paper-making and the chemical industry.

Water—just H_2O—is as indispensable as food. To die of hunger one needs more than 15 days. To die of thirst one needs only three. Yet we are squandering, polluting and destroying water. In Los Angeles and neighboring Southern California, a thousand times more water is being consumed than is being precipitated in the locality. They have preempted the water of neighboring states. They are piping it from Northern California, and there is a plan to pipe it all the way from Canada's Northewest Territories, from the Mackenzie and the Liard, which flow northward to the Arctic Ocean, to turn them back into deserts.

Always and everywhere we come back to the problem of population—more people to make more mistakes, more people to be the victims of the mistakes of others, more people to suffer hell upon earth. It is appalling to hear people complacently talking about the population explosion as though it belonged to the future, or world hunger as though it were threatening, when hundreds of millions can testify that it is already here—swear it with panting breath.

We know to the exact countdown second when the nuclear explosion took place—5:30 a.m., July 16, 1945, when the first device went off in the desert of Alamogordo, N. Mex. The fuse of the population explosion had been lit 10 years earlier—February 1935. On that day a girl called Hildegarde was dying of generalized septicemia. She had pricked her finger with a sewing needle and the infection had run amok. The doctors could not save her. Her desperate father injected a red dye into her body. Her father was Gerhard Domagk. The red dye was prontosil, which he, a pharmaceutical chemist, had produced and had successfully used on mice lethally in-

fected with streptococci, but never before on a human. Prontosil was the first of the sulfa drugs—chemotherapeutics—which could attack the germ within the living body. Thus was prepared the way for the rediscovery of penicillin—rediscovery because, although Fleming had discovered it in 1928, it had been ignored; neither he nor anybody else had seen its supreme virtue of attacking germs within the living body. That is the operative phrase, for while medical science and the medical profession had used antiseptics for surface wounds and sores, they were always labeled "Poison, not to be taken internally." The sulfa drugs had shown that it was possible to attack specific germs within the living body and had changed this attitude. So when Chain and Florey looked again at Fleming's penicillin in 1938, they were seeing it in the light of the experience of the sulfas.

A new era of disease-fighting had begun—the sulfas, the antibiotics, DDT insecticides. Doctors could now attack a whole range of invisible enemies. They could master the old killer diseases. They proved it during the war, and when the war ended there were not only stockpiles of the drugs, there were tooled-up factories to produce them. So, to prevent the spread of the deadly epidemics which follow wars, the supplies were made available to the war-ravaged countries with their displaced persons, and then to the developing countries. Their indigenous infections and contagions and insect-borne diseases were checked.

Almost symbolically, the first great clinical use of prontosil had been in dealing with puerperal sepsis, childbed fever. It had spectacularly saved mothers' lives in Queen Charlotte's Hospital, London. Now its successors took up the story. Fewer mothers died in childbirth, to live and have more babies. Fewer infants died, fewer toddlers, fewer adolescents. They lived to marry and have children. Older people were not killed off by, for instance, malaria. The average life-span increased.

Professor Kingsley Davis of the University of California at Berkeley, the authority on urban development, has presented a hair-raising picture from his survey of the world's cities. He has shown that 38% of the world's population is already living in what are defined as urban places. More than one-fifth of the world's population is living in cities of 100,000 or more. And more than one-tenth of the world's population is now living in cities of a million or more inhabitants. In 1968, 375 million people were living in million-and-over cities. The proportions are changing so quickly that on present trends it would take only 16 years for half the world's population to be living in cities and only 55 years for it to reach 100%.

Within the lifetime of a child born today, Kingsley Davis foresees, on present trends of population increase, 15 billion people to be fed and housed—nearly five times as many as now. The whole human species would be living in cities of a million and over inhabitants, and—wait for it!—the biggest city would have 1.3 billion inhabitants. That means 186 times as many as there are in Greater London.

For years the Greek architect Doxiadis has been warning us about such prospects. In his Ecumenopolis—World City—one urban area would ooze into the next, like confluent ulcers. The East Side of World City would have as its High Street the Eurasian Highway stretching from Glasgow to Bangkok, with the Channel Tunnel as its subway and a built-up area all the way. On the West Side of World City, divided not by the tracks but by the Atlantic, the pattern is already emerging, or rather, merging. Americans already talk about Boswash, the urban development of a built-up area stretching from Boston to Washington; and on the West Coast, apart from Los Angeles sprawling into the desert, the realtors are already slurring one city into another all along the Pacific Coast from the Mexican border to San Francisco. We don't need a crystal ball to forsee what Davis and Doxiadis are predicting; we can already see it through smog-covered spectacles. A blind man can smell what is coming.

The danger of prediction is that experts and men of affairs are likely to plan for the predicted trends and confirm these trends. "Prognosis" is something different from "Prediction." An intelligent doctor, having diagnosed your symptoms and examined your condition, does not say (except in novelettes) "You have six months to live." An intelligent doctor says, "Frankly, your condition is serious. Unless you do so-and-so, and I do so-and-so, it is bound to deteriorate." The operative phrase is "do so-and-so." We don't have to plan for trends; if they are socially undesirable our duty is to plan away from them, to treat the symptoms before they become malignant.

We have to do this on the local, the national and the international scale, through intergovernmental action, because there are no frontiers in present-day pollution and destruction of the biosphere. Mankind shares a common habitat. We have mortgaged the old homestead and nature is liable to foreclose.

THE NEW REPUBLIC TAKES TIME TO EXAMINE DIRECT ELECTION

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. CLAY. Mr. Speaker, September 18, the House of Representatives passed legislation for the direct popular election of the President and Vice President of the United States. My opposition to passage of that proposal is recorded with that of 69 other House Members, most of whom are Representatives from Southern States who, for different reasons, oppose direct election.

One need not be from the South or be a member of the conservative camp to oppose direct election. One need only study the potential disasters of such a radical and unnecessary reform as compared to a reform which would remove the most objectionable and fearful features of the present system.

I have introduced legislation proposing that the electoral college be eliminated and that electoral votes be cast automatically for the winner of each State's presidential vote. Known as the "automatic electoral system," this proposal also provides that the Senate and House of Representatives sitting in joint session would choose in such case as neither candidate were to achieve at least 40 percent of the electoral votes.

This reform would remove the two threats reponsible for the fear which now provides the momentum for the direct election forces.

I commend to the attention of my colleagues the following comment from the New Republic of September 27, 1969 when this magazine took time to evaluate and to question the action of the House on direct election. It follows:

MISREADING DEMOCRACY

The drive to abolish the electoral college and substitute direct popular election of Presidents, which achieved an important initial success last week when the House endorsed it by more than the required two-thirds, is powered by two engines: fear and ideology. The people have been told repeatedly that we are playing Russian roulette; that in close elections under the present system, such as those of 1968 and 1960, a George Wallace or the like can keep both major-party candidates from getting the necessary majority of electoral votes, and can then be the President-maker, either by selling the votes of the electors supposedly committed to him, or by letting the election go into the House. In the House, we are reminded, the Constitution now gives each state one vote for purposes of electing a President when the electoral college is deadlocked, and that vote is cast by a majority of each state's Representatives. The small states count, therefore, most disproportionately, and a George Wallace may be able to fish quite successfully.

The fears may be a trifle exaggerated, but they are nonetheless justified. Yet they do not justify abolishing the electoral college. The dangers which give rise to them can be entirely eliminated by an amendment perfecting the present arrangement: abolish the elector as a theoretically free agent, providing instead that a state's electoral vote be automatically and unavoidably cast for the winner of a majority or plurality of the popular vote in that state; and, cause deadlocks to be resolved, not by the present archaic and pointless method, but for example, by election in the House or in a joint session of Congress by a majority of the individual votes of the members.

These solutions do not commend themselves to advocates of the popular election, however, because practical worries about the workings of the electoral college are, after all, a secondary matter to them. Their position is essentially idealogical. It's the principle of the thing. Democracy, the argument runs, has one pure and simple meaning—a popular majority decides. Once in our history, under the system now in effect, the electoral college produced a deadlock, and once in the last century in an honest election it let the loser of the popular vote by a very narrow margin gain the Presidency. Otherwise, and always in this century, it has allowed a popular majority—or plurality, which is apparently equally acceptable—to be decisive. In theory, nevertheless, the electoral college *can* defeat the winner of at least a narrow popular majority or plurality. That is its chief sin, that is behind the strong drive to abolish it, that is why Tom Wicker of *The New York Times* writes that there's no better way to unify the nation "than to convert our patchwork method of choosing a national leader into a genuinely national act, in which every man's vote counts equally, and neither states nor sections matter."

Is a simple and invariable majoritariansim what we mean by democracy? Since when? The Supreme Court, which has a great deal to do with how we are governed, is not only not majoritarian, it is not even elected. The Senate also wields a good bit of power over us, (and in the judgment of many it has in recent years been more responsive to the public interest than has the House); in the Senate, each state, regardless of population, has an equal vote, of which no state may be deprived, says the Constitution, even by a duly passed and ratified amendment, without its own consent. In the House, although each state has at least one vote, the whole state may be—and some are—considerably smaller in population than the average Congressional district.

Aside from the fact that very few of our institutions, and none of our national ones, are out-and-out majoritarian, we don't choose to do everything by simple majority votes. It takes a two-thirds vote in the Senate to ratify a treaty, and a two-thirds vote in the Senate and House to propose a constitutional amendment, which must then be ratified by the legislatures of three-fourths of the states. A Congress in which the entire House and one-third of the Senate are newly-elected, and which is thus the authentic voice of a popular majority, if ever there is one in our national institutions, may pass a law, but a President elected two years earlier and now perhaps out of tune with the new majority may veto the law. If he does, it takes a two-thirds vote in the Senate and House to override his veto and make a valid law.

One may view all these institutions and devices as outrageously undemocratic, hardly less undemocratic than the electoral college, and be prepared to sweep one or all of them away also, including the Supreme Court, the next time the majoritarian broom cleans out the stables. In truth these institutions and devices tell us that throughout our history we have perceived other values in government than its reflection of simple majorities of the moment, which are in any event not easy to find or may be whipped up on demand. We have lived this democracy as a rather complex sum of these values, not just as uncompromising majoritarianism. We have, since Madison, understood that people tend to act politically not so much as individuals as in groups; that they have opinions, preferences and interests which vary in intensity, thus calling for varying degrees of respect and forebearance on the part of others, even if those others constitute a majority; that majorities sometimes act rashly and even mindlessly, and may need to be given pause; that, in short, influence and even power should be distributed more widely than they would be in rigid adherence to the majoritarian principle, so that government may rest on widespread consent rather than teetering on the knife-edge of a transient 51 percent. For we have wanted government to be stable and peaceable, and to have the most limited need to resort to coercion. What we have evolved, therefore, is a pluralistic system, in Professor Robert Dahl's phrase, of minorities rule. We have striven, perhaps it may be said, not for a majoritarian, but for a participatory democracy, in which access to the process of government is continuously available to all groups.

The question about the electoral college, then, is not whether it is inevitably and purely majoritarian. It is not, although the electoral college is very considerably more so than our other national institutions. The question is whether or not it tends to enhance minorities rule; whether it tends to include or exclude various groups from influence in the institution of government which is the Presidency, and whether, if it assigns somewhat disproportionate influence to some groups, they are the ones which are relatively short-changed in Congress, so that the total effect of the electoral college is the achievement of a balance of influence. The groups which tend to be favored by the electoral college system, as we have several times pointed out in these pages, are cohesive blocs of urban voters in the large industrial states; they are the ones which have proportionately less influence in Congress than their numbers would justify.

Practical men interested in perfecting the American democracy are well-advised to disenthrall themselves from the romance of pure majoritarianism. Diminishing the influence of the urban voter, which is one probable result of popular election of Presidents, is not a democratic result—not as the concept of democracy has been defined and applied in our tradition, or as it could conceivably be applied in the conditions of our vast and varied country.

LOS ANGELES COUNTY BOARD OF SUPERVISORS SUPPORTS EXPANDED EDUCATION AND TRAINING ASSISTANCE FOR AMERICA'S RETURNING VIETNAM VETERANS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. ROYBAL. Mr. Speaker, because of the growing nationwide interest in providing more adequate programs of education, vocational training, civilian readjustment, and job placement assistance for our returning Vietnam veterans, I would like to include in the RECORD the text of a resolution adopted by the Los Angeles County Board of Supervisors in support of congressional passage of H.R. 11959, the Veterans' Education and Training Assistance Act Amendments of 1970.

As a member of the House Committee on Veterans' Affairs, and as a strong advocate of maximum veterans' assistance in readjusting to civilian life, I deeply appreciate the support of the Los Angeles County Board of Supervisors on this matter, and I earnestly hope that the House and Senate conferees will be able to come to an early agreement on an acceptable compromise between the House- and Senate-passed versions of H.R. 11959—that will offer the most comprehensive possible program of assistance to America's young men and women who have served their country as citizen-soldiers with great distinction and often at considerable personal sacrifice.

The resolution follows:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES IN SUPPORT OF HOUSE BILL 11959, AS AMENDED BY THE SENATE, RELATING TO RETURNING VIETNAM VETERANS

Whereas, the Los Angeles County Board of Supervisors represents a population in excess of seven million people; and

Whereas, the County of Los Angeles is charged with the legal responsibility of providing vital services such as judicial administration, property assessment, tax collection, public health protection, hospitals and public social services on a County-wide basis to all citizens; and

Whereas, the County of Los Angeles is further charged with providing services such as fire safety, sheriff services, building and safety code enforcement, veterinarian services, pound services, noxious weed abatement, emergency ambulance service, recreation services, planning and zoning services and street maintenance to its unincorporated territories; and

Whereas, the County of Los Angeles is further charged with providing vital services organized under special districts, such as air pollution control, flood control, fire protection and sanitation; and

Whereas, the County of Los Angeles is further charged with providing the same services rendered to its unincorporated territories to its seventy-seven incorporated cities on a contract basis; and

Whereas, the County is further charged with providing assistance to the individual citizen, especially the returning veteran from Viet Nam, who has served with his life and person; and

Whereas, the County is further charged with providing assistance to the returning veteran from Viet Nam in his return to a productive civilian life; and

Whereas, House Bill 11959 would provide an increase on a graduated scale the rates of educational assistance, vocational rehabilitation and special allowance paid to eligible veterans; and

Whereas, House Bill 11959, as amended by the Senate, would provide additional education and training assistance to veterans and preveterans who may have academic deficiencies preventing them from pursuing higher education or vocational training; and

Whereas, House Bill 11959, as amended by the Senate, would provide for a veterans outreach services program to insure that all veterans, especially those recently separated, receive personalized educational, vocational, social services and job placement assistance; and

Whereas, House Bill 11959, as amended by the Senate, in addition, would provide for the establishment of Veterans Assistance Centers in communities where large numbers of those veterans reside, such as in the East Los Angeles area; and

Whereas, House Bill 11959 has been referred to the Conference Committee of the House and Senate;

Now, therefore, be it resolved that this Board of Supervisors of the County of Los Angeles is in support of House Bill 11959, now awaiting further action by the 91st Congress, and

Be it further resolved that this Board extends Los Angeles County's appreciation to the California Congressional Delegation and California Senators as well as the members of the House Committee and the Senate Subcommittee on Veterans Affairs for their efforts in behalf of Viet Nam veterans.

State of California, County of Los Angeles ss.

I, James S. Mize, Executive Officer and Clerk of the Board of Supervisors of the County of Los Angeles, do hereby certify that the foregoing is a full, true and correct copy of an excerpt of Board Order No. 137 of January 13, 1970 of the Board of Supervisors of the County of Los Angeles, and ex officio the governing body of all other special assessment and taxing districts for which said Board so acts.

In witness whereof, I have hereunto set my hand and affixed the seal of the County of Los Angeles this 14th day of January, 1970.

JAMES M. MIZE,
Executive Officer—Clerk of the Board of Supervisors of the County of Los Angeles.

By DORIS M. FAULDI,
Deputy.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

CHEMICAL TRANSPORTATION INDEX

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. PUCINSKI. Mr. Speaker, it has come to my attention that a remarkable development is taking place in the railroad industry today; that is, an outstanding demonstration of responsibility for our Nation's interest. I not only want to share my awareness at this time, but I want to salute those extremely capable individuals who collectively are the leadership of this most basic of all modes of transportation.

This industry is currently developing the ultimate in a comprehensive program designed to mitigate against accidents involving the transporation of hazardous materials, especially chemicals. This subject has, from time to time, been brought before this House, only to accomplish frustration. Meanwhile, quietly, unobtrusively, the railroad industry has structured a solution, that has been and will be financed by private industry funds. We should take our cue from developments, such as I am about to relate, and find ways to have our Government support, complement, and extend.

The problem of transportation safety has been brought to the attention of the American public so repetitiously during the past several years that our Nation seems almost to have lost the ability to respond to the stimulus. In fact, the economy and the public it represents is in a most perplexing position. The potent materials that we have come to rely on for our Nation's comfort, well-being, and day-to-day survival, are indeed powerful.

The consequences of our wants and needs can be awesome, if not frightening. The advantages of having abundant frozen foods, is enabled by our ability to quick-freeze. Our individual command of electrical conveniences is predicated that electrical surges abound. The environment saving insecticides, the effective substitutes for DDT, are obtainable from phosgene being readily available. On one hand, we must observe that the most hazardous chemical solvent known to man, that has taken more lives and is an ever present danger, is the refreshing water we drink. While on the other hand, we must never forget the basic reality of our Nation's economic strength: that supply and demand points for our raw materials, byproducts manufacturing capacities, and ultimate consumers differ for each commodity from one section of the country to another. Since it is patently impossible to remove these materials from our transportation systems without making a shamble of our economy, our standard of living, the alternative is to find a new formula for relating man to his environment.

The essence of the transportation safety problem contains four interrelated threads: the separate modes' physical plant, equipment and right-of-way; preventive measures, rules and regulations; procedures and standby services when accidents do occur; and the individual's freedom of choice in the absence of definitive information. These threads have a cumulative effect. A problem in one area renders it difficult to solve the problems in any other area.

To focus, for example, upon preventive measures fosters a dangerous sort of tunnel vision. Appeals to conscience have little prospect of success. Legislation, unless accompanied by an inordinate amount of manpower which in itself would create a tremendous information problem, would be less than effective. How, then, can we expand on this basic scientific fact—all chemicals can be safely transported and handled if necessary precautions and control measures are observed?

The only hopeful prospect is to create a framework of information, which would encompass the entire transportation safety environment. This would define and control the community of interests, and relate them to national goals. And this is exactly what the leadership in the railroad industry has done, that this development can be used equally well by all means of transportation, fire departments, and public safety agencies.

They have created the commodity transportation safety system which consists of correlated elements, that will be progressively developed in three phases:

Phase No. 1: Element 1—The Chemical Transportation Safety Index. This is truly an information marvel. It is a plastic, oversized sliderule device enlightening the holder with immediate information on intelligent handling and safe conduct in any emergency from fire, explosion, water reaction, inherent danger—directs first aid, extinguishing of fires, toxic and corrosive pollution control—for 202 potent chemicals. Having been in distribution for only a few weeks, it already has become a standard for railroad operating men and a most welcomed tool for several urban and rural fire departments that were fortunate to receive them.

For example, the Rock Island Railroad has taken the initiative along its right-of-way and distributed to each fire chief this Chemical Transportation Index. The response to this gift from the individual fire chiefs was a chorus of grateful acknowledgments for a job well done: Clinton, Cedar Rapids, West Liberty, and West Branch, Iowa; Salina, Herington, and Sherman County, Kans.; Brinkley, Ark.; and Alva, Okla., to mention just a few. Under a headline in the Ottumwa, Iowa, Courier, Janaury 18:

> Firemen get chemical data . . . it stated that Fire Chief Hubert L. Smith called the INDEX a valuable piece of information that can help officials cope with emergency incidents such as fire or explosion, a truck accident, train derailment, pipeline break or an airplane crash.

What a contribution for our Nation's good.

But how did the railroad industry accomplish the conception—the establishment—of this commodity transportation safety system, so effectively, so expeditiously, so quietly. It is obvious that the industry has been working on this for some time. Being the organizational experts they are, the industry turned over the problem of a safety package—in order that its efforts would be quiet and unhampered—to an industry organization, the Railway Systems and Management Association—RSMA. RSMA is an educational and "think tank" organization supported entirely by the railroad industry. Without committees, but with communication, direction, and leadership; the resources available to this "think tank" quickly assembled and produced this index and right now they are working on the development of this entire system: an emergency action plan manual, that will correctly prompt the control of a total accident scene; safety charts, that will give reference and depth of understanding to avoid, to confront, to handle, to contain, any hazardous threat; an education program, for the operating men in the industry, and for local fire departments; an information program, to enlighten the public; and to complete this total environment approach, a national transportation safety data retrieval system.

It is evident that the railroad industry is positive-result oriented in its determination to establish this commodity transportation safety system. In this all too brief statement of this most needed contribution to our Nation's basic needs, I should conclude by noting that this is probably the first time, that an entire industry has concerned itself and devoted its resources to a problem, with such far-reaching social benefits for the entire Nation.

EDUCATION BY VOUCHER

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, I think my colleagues will find of interest an article which appeared in the February 2, 1970, issue of National Observer.

The cost of quality education is a continuing problem and one which, needless to say, we have not yet solved in the Congress.

A plan is now being experimented with to permit parents to buy education for their children at any school they choose. The concept is not without problems, but I think the article which I include as part of my remarks sets out the pros and cons of this idea well:

> PARENTS WOULD BUY SCHOOLING WITH A VOUCHER—PRESIDENT CONSIDERS PLAN FOR COMPETING SCHOOLS; UNITED STATES PAYS FOR A STUDY
>
> (By John Morton)
>
> CAMBRIDGE, MASS.—The Nixon Administration, having pledged "new and strong emphasis on experimentation and evaluation" in education, is studying a plan that would permit parents to buy education for their children at any school they choose.
>
> The working name of this device is "educational voucher." A parent would be given a voucher, representing his child's share of the public-school budget. The voucher could then be "spent" at the public or private ele-

mentary or secondary school of the parent's choice, or even, in some views, at profit-making schools that might be established in response to the voucher market.

The educational-voucher plan is being developed here at the Center for the Study of Public Policy under a $196,000 grant made in December by the Office of Economic Opportunity (OEO). Little publicized until now, it is one of the experiments that President Nixon alluded to in his message last week explaining his veto of the Health, Education, and Welfare bill.

". . . In my education message, which I will shortly be submitting to the Congress, I will propose a new and searching look at our American school system," the President said. "We are placing new and strong emphasis on experimentation and evaluation to learn about more effective approaches to education."

WHY OEO IS INTERESTED

The voucher proposal has drawn support from both conservatives and liberals, although not always for the same reasons. It is especially attractive to those concerned with improving the education of the poor, which is why OEO, the poverty agency, has funded the study. In a half dozen states, legislation already has been introduced proposing various voucher plans, though none as ambitious as might grow out of the OEO project.

A voucher scheme would pose a bagful of Constitutional and other legal problems involving segregated schools, church-run schools, and the profit motive. And it is sure to draw the ire of professional education organizations devoted to a system of public schools.

Still, the Nixon Administration thinks the voucher plan holds enough promise to find out how it might work. The center here, under the direction of education critic Christopher Jencks, hopes to complete its feasibility study by spring so that OEO can start selecting cities for experimental projects by early summer.

The voucher plan has had several proponents, most notably the conservative economist Milton Friedman, who envisions it as a way to improve schools through competition. He and others also emphasize the opportunities that vouchers would give poor parents in big cities who believe their schools are inadequate and unresponsive. Inner-city schools would have to improve or lose their customers, much as they already have been losing children of more affluent parents who either send their children to private schools or move to the suburbs.

THREAT TO THE ESTABLISHMENT

"Obviously a program like this poses a tremendous threat to the educational establishment," says an OEO official in Washington, D.C. Those working on the voucher plan in Cambridge are assuming opposition from the National Education Association (NEA) as a matter of course. This will be one of the problems that must be dealt with when cities are selected for a pilot program.

Indeed, an NEA spokesman said last week that widespread use of the voucher program would be a threat to the public-school system, in the NEA's view. "This business of making it competitive will just widen the gap between the poorer and richer school districts," he said, since students would tend to flow to the better schools in rich districts to the detriment of poor districts. "Public schools are having their problems now, of course, but at least there is some form of equal opportunity."

A kind of voucher proposal that involves competition can be traced back to Adam Smith, who wrote in 1776 that the master of a public school should only partly be supported directly by the government because, "If he was wholly or even principally paid by it, he would soon learn to neglect his business." Thomas Paine proposed 20 years later that government should give poor families a certain amount of money for each child under 14 to spend on "reading, writing and common arithmetic."

Moreover, the GI Bill, started after World War II, is in effect a voucher plan for higher education that permits veterans to spend public money in all manner of public, private, segregated, church-related, or profit-making educational institutions.

OPENING A SCHOOL WITH 10 CHILDREN

Other countries have government programs that are in effect voucher systems, most notably Denmark. There, in fact, if a parent is dissatisfied with the public schools, he can get government money either to send his child to a private school or to open a school of his own.

Danish parents who assure that at least 10 children will be taught can qualify for grants to organize a school, build a school building if needed, and pay the teachers' salaries. The parents themselves run the schools or hire managers. The government reserves the right to inspect standards of sanitation and instruction in Danish and arithmetic, but beyond that the school's operation is pretty much up to the parents.

Mr. Friedman, the University of Chicago economist whose views have been especially attractive to the Nixon Administration, proposed a voucher program for American primary and secondary schools as early as 1953. One of his arguments, stated in his book *Capitalism & Freedom*, is that the public-school system may have been ideal for offering equal educational opportunity to a young nation still assimilating diverse foreign cultures, but that in today's urban society the public system "far from equalizing opportunities, very likely does the opposite. It makes it all the harder for the exceptional few—and it is they who are the hope of the future—to rise above the poverty of their initial state."

Wealthy parents, he comments, can send their children to private schools if they are unhappy with public schools. Middle-class parents can express dissatisfaction, even if they cannot afford private schools, because they can afford to move to a different public-school district. "For the rest," Mr. Friedman writes, "they can express their views only through cumbrous political channels."

ALSO ADVANCING THE IDEA

Others who have advanced the voucher idea include the late George K. Gardner, a Harvard Law school professor who proposed in 1955 that states give parents education money to spend on the school of their choice; Theodore Sizer, dean of Harvard's Graduate School of Education, and Mr. Jencks, coauthor of *The Academic Revolution*, who is heading up OEO's study.

Some state legislators, intrigued by the voucher idea, have drafted legislation, but so far none has become law. The California Legislature last year looked at a bill, which died in committee, that proposed to establish a means of measuring the quality of public schools. Then, if a particular school fell below a certain standard, a parent would become eligible for a $1,000 voucher to spend on education at some other school.

Legislatures in Missouri, Wisconsin, and New Mexico, among other states, also have proposals in the works that would establish a form of voucher payment to parents who send their children to private schools. Typical of these is Wisconsin's, which would double the amounts granted if family income fell below $3,000, and triple it for incomes below $2,000.

But the amount of money is piddling by private-school standards—$50 a year per pupil for primary grades and $100 for high school in Missouri and Wisconsin, and twice that in New Mexico.

Southern states have been attracted to voucher programs as well, mainly as a way to circumvent integration by founding private schools supported by state tuition grants. But these schemes generally have been opposed by courts on the grounds that a private school principally supported by public funds, even if indirectly through tuition grants, is a public school for purposes of the Supreme Court's desegregation rulings.

In Mr. Friedman's view, parents should have absolute freedom to choose the kind of school their children attend; whether they should attend integrated schools, which he believes would be desired, should in his opinion be left to persuasion. But a virtue of the voucher system, he said last week, is that it can be devised to conform to whatever standard the issuing agency desires. "If a community at large felt strongly that you must have compulsory integration, then it could be specified that the voucher be spent only on schools that are integrated," he says.

As for attending parochial schools, he says: "I don't think a voucher system in any way violates the separation of church and state, provided that the voucher does not specify that it must be spent at a particular religious kind of school." He does not expect, however, that a voucher system would bring any great resurgence in the financially troubled parochial-school system, because other private schools would spring up to compete with them.

"Give the parents vouchers, establish an effective market for schools, and you will have an enormous proliferation in the development of new schools of a variety of kinds," Mr. Friedman says. "I may be wrong, but my prediction would be that with 5 years, and certainly within 10 years, the fraction of students going to parochial schools would be much smaller than it now is."

Mr. Jencks believes a voucher program can be designed to avoid church-state problems, noting that several states now provide some form of aid to parochial schools on secular matters, such as nonreligious textbooks. "One way of dealing with it," he says, "would be to set up a system in which you would support the nonreligious activities of church schools with vouchers."

He is more concerned with questions of segregation—not just by race, but also by economic class and ability. The courts almost surely will not permit vouchers to be used in segregated schools, he believes. But that leaves the problem that good schools will tend to attract the best students and perhaps may not have room for, or not be inclined to take, problem students. To handle distribution of students solely by a "free-market" approach, as advocated by Mr. Friedman, would be undesirable, Mr. Jencks believes.

"It seems to me that the state will have to assume ultimate responsibility for the question of distribution of students," Mr. Jencks says. "It could allow some greater or lesser degree of free choice by parents within some framework established by the state or the community or whatever. It can't be settled just by individual choice, because some individual choices will preclude the individual choices made by others."

The problem of distribution may indeed be the most difficult of all to solve, since it involves not only the question of segregation of various sorts, but also promises to complicate the lives of public-school administrators, principals, and teachers.

SOME SCHOOLS GRAVEYARDS

OEO's director of research, Thomas K. Glennan, Jr., says he worries about "what happens to the worst 20 per cent; there would be a danger that some schools would be graveyards for the kids nobody wants."

One proposed solution to this is to force every school to operate on a first-come, first-served basis, so that everybody would have

a chance to get into the best schools. But Mr. Glennan remarks: "The problem with that is, that the kids who are the worst academically, and need the good school the most, are usually the ones whose parents care the least, and who probably would be the last to apply."

Mr. Glennan also wonders how well some parents can make crucial education decisions for their children. "How much information do these people have and how intelligently can they exercise their choice? I think this is a very fundamental issue here."

But Mr. Jencks is less concerned. "We have always assumed that middleclass parents should have the privilege of making these decisions," he says. "They can send their children to any damfool school they want, so we ought to accord the same privilege of choice to parents of all income brackets.

"True, parents probably will make a lot of foolish decisions, but so does everybody else. There's no evidence that teachers are particularly well equipped to make these decisions either. The parents at least have a strong stake in making the right decision, whereas a school system may not have any particular interest in making sure that any specific child ends up in the school that is most appropriate." —JOHN MORTON.

PADEREWSKI WELL DONE BY MISS SAPIEYEVSKI

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. PUCINSKI. Mr. Speaker, Miss Wendell Margrave, a contributing critic for the Washington Star has written an excellent review on Miss Nina Sapieyevski who performed here the other day.

I am placing the review in the RECORD today because Miss Margrave captured in a most inspiring way the real spirit of Ignace Jan Paderewski and interpreted by Miss Sapieyevski.

Paderewski was not only a great artist but also a great statesman and champion of human dignity. It is reassuring that we have artists of Miss Sapieyevski's outstanding talent to interpret the works of the great master.

The review follows:

PADEREWSKI WELL DONE BY MISS SAPIEYEVSKI

(By Wendell Margrave)

Nina Sapieyevski, piano, Barker Hall, All-Paderewski program:

Minuet, Op. 4; Nocturne, Op. 16 No. 4; Mazurka, Op. 9 No. 2; Melodie, Op. 8 No. 3; Caprice (genre Scarlatti) Op. 14 No. 3; Legende, Op. 16 No. 1; Theme varie, Op. 16 No. 3; Chant d'amour, Op. 10 No. 2; Sarabande, Op. 14 No. 2; Cracovienne Fantastique Op. 14 No. 6.

Nina Sapieyevski, a pianist trained at the University of Sopot in Poland and later at the Juilliard School of Music, was heard in recital yesterday at Barker Hall in a program of music by the great Polish pianist, composer and statesman, Ignace Jan Paderewski.

I believe it was Saint-Saens who said that Paderewski was a genius who happened to play the piano. He also happened to compose a good deal of music, including a symphony, a piano concert and an opera, Manru, which was given at the Metropolitan Opera in 1902, besides songs and a number of piano pieces.

Miss Sapieyevski played a cross section of these pieces, beginning with the minuet that every pianist used to play, and which I remember as the last event in every Paderewski recital, when the children would come trooping down the aisle calling for it. He wrote better pieces, but none so well known.

It has become the fashion (based on imperfect recording and a few jealous contemporary statements) to consider that Paderewski did not have a commanding technique, and so on. Be that as it may, he appeared like a meteor on the musical horizon and quickly won a position of preeminence, against such formidable rivals as Anton Rubinstein, Teresa Carreno, Busoni, Rachmaninoff, and the whole list of Liszt's later pupils. He was more famous and made more money (much of which he gave away to support worthy causes) than any of his rivals throughout a concert career that stretched from about 1888 to 1939.

I have never seen a man who had more presence.

Miss Sapieyevski played his music with care, respect and in style. I liked best the Mazurka and the delightful little piece in the style of Scarlatti. The audience responded with greatest enthusiasm to the brilliant theme with variations.

As an encore Miss Sapieyvski played the second movement of a sonatina by her husband, Yerszy Sapieyevski, now a graduate fellow at the Catholic University. It was bright and contemporary.

GOVERNOR McNAIR OF SOUTH CAROLINA DELIVERS OUTSTANDING ADDRESS AT NASHVILLE DEMOCRATIC DINNER

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. EVINS of Tennessee. Mr. Speaker, at a recent Democratic Party rally in Nashville, Gov. Robert E. McNair, of South Carolina, delivered an outstanding address worthy of consideration by others.

I place Governor McNair's address in the RECORD herewith because of its interest to my colleagues and the American people.

The speech follows:

REMARKS BY GOV. ROBERT E. MCNAIR

It is significant that South Carolina and Tennessee are sharing in the observance of this important Democratic Party function tonight. After all, that great South Carolinian, Andrew Jackson, made Tennessee his adopted home and even became President with the help of our two states. If it were not for him, we probably would not even have a Democratic Party today, at least not in its present form.

There is another important reason I am happy that we could share this important event. There are no two states in the nation where the Democratic Party is any stronger—or where its record of public service is any finer—than in South Carolina and Tennessee. On this evening when we look back upon the accomplishments and contributions of Andrew Jackson and Thomas Jefferson, it is only appropriate that we reflect upon the manner in which our two states have lived up to their tradition. Jefferson and Jackson made the Democratic Party the party of the people, and as I look out across this gathering here tonight, it is apparent that in Tennessee, the Democratic Party is still the party of the people—all the people. If there are those who have doubts and misgivings about the status of our party, they should be here this evening to see that the Democratic Party is alive and well, and tremendously enthusiastic about the important elections coming up this year.

These are crucial times, not just for the party, or the state, but the entire nation. A new administration took office in Washington more than a year ago, promising to find solutions to crime, inflation, high interest rates, and the many problems which confront our nation. The American people were led to believe that a change in administrations would lead to solutions and would provide answers to these many difficult problems. The American people have waited a year, and while they have not expected instant answers, they have looked for signs that trends are being reversed, and that improvement in conditions is taking place. Unfortunately, the people are still looking. Statistics tell us what the administration does not tell us—that it has not been able to live up to its promises, and that matters are continuing to worsen. During the past year—when the economy was supposed to cool off and slow down inflation, the cost of living for the average American citizen rose faster than it had in many years. The American housewife found that food cost eight per cent more than it did a year ago. If this is any indication of the effectiveness of the new administration in controlling inflation, then I question whether any of us can afford to live here three years from now.

In the matter of crime, the American people expressed their deep concern over the administration of law and justice, and the overall problems of public safety. The new administration again made promises, but there is little evidence of any results. A year after the new administration took office, the crime rate in our nation's capital had risen by 27 per cent. Robberies in the District of Columbia are up 44 per cent, murders by 49 per cent, and rapes by 29 per cent.

The people of our nation deserve—and demand—better performance than this. The promises of 1968 are beginning to sound hollow, and the people's confidence in the effectiveness of their government is being damaged. There are only two issues—but they are issues of primary importance to the welfare of this nation, and they are issues which must receive more effective treatment. There are others, many others. The people of our area can remember other promises, and the promises which were made in the name of the new administration. Now, as more and more of these fall empty and unfulfilled, we hear the protests of betrayal from those who placed their faith in the Republican administration. There is nothing more regrettable than the false hope generated during the heat of political campaigns, and the unpaid debts which accumulate when the promises are later discarded. It is the obligation of each citizen to judge fairly and properly the performance of this new administration, and to make a determination as to whether it has lived up to the expressed principles of its 1968 campaign. It would seem apparent that such an evaluation would lead undeniably to the conclusion that the Republican administration is creating not only a record of ineffectiveness, it is also building a monstrous Credibility Gap which threatens the right of every American citizen to know what his government is doing.

It is apparent that the honeymoon is drawing to a close, and that the American people are beginning to look for the type of alternative which can provide truly enlightened and effective leadership. This alternative can—and must—come from only one place, the Democratic Party. Unless we respond to the challenge, we will not only be misreading and misjudging the climate of the times, but we will also fail in our ob-

ligation as a political party responsive to the people.

It is not an easy task. Within our own ranks, the problems of the Democratic Party go far beyond the fact that we lost in the White House in 1968. If there are those who think the Democratic Party's sole responsibility is to regain the Presidency, then they are pursuing a narrow and restrictive course which can only further compound our problems. The defeat in 1968 was only a part of our difficulties, and what has taken place since 1968 has not been encouraging. Where we found ourselves badly divided following the Chicago convention, we have been only further fragmented by a serious failure on the part of our party leadership. Where we have needed a positive and responsible approach to reorganization, there has been only a further exploitation of the very issues which divided us in Chicago. The wounds of the 1968 convention have not healed because our leadership has gone chasing after the very elements which disrupted our convention. It is sadly ironic that on an evening when we gather to honor the memory of Thomas Jefferson and Andrew Jackson, we find that the party they founded and developed is without the type of leadership to carry forward principles they handed down to us.

The seriousness of the situation, however, requires that we do more than complain. Dissatisfaction, unless it is matched with determination to improve, is only so much negative grumbling. This is no time for negativism in the Democratic Party. If there was ever a time that our party required the positive involvement of concerned Democrats such as yourselves, it is now. We are a party without adequate leadership. We see elements of political extremism daily threatening to carry our party far beyond the limits of toleration of the American people. If this situation is to be corrected, then new leadership and influence must emerge to restore the traditional stability of the Democratic Party. That influence—that leadership—must come from this very room, from this meeting, from this state, and from all others like it where Democrats still know what it is to win an election, and to serve the people with sincere dedication. Unless people like yourselves are willing to become involved in party leadership, then we cannot legitimately criticize those who step into the leadership vacuum.

The alternatives, in this instance, appear to be quite clear. Perhaps for many people, the easy thing would be to sit on the sidelines and watch. There is no better way to deliver the party right into the hands of extremists than this sort of apathy. There is no question now that there are those who would welcome this abdication of responsibility by many elements of our party. There are those who would like nothing better than the opportunity to reshape the party in their own image, and to use it as a personal political instrument. The time has arrived when we must determine whether we shall permit this to happen, or whether we shall resist what we feel is not in the best interests of the total party. Responsible Democrats can choose but one course; otherwise, by washing their hands of party involvement, they only give their tacit endorsement to the trends our party seems to be taking at this time.

Those who choose indifference and inactivity give free rein to the zealous reformers who would replace open and free participation in the party with quota systems. They would be encouraging the type of reform which would deny Governors and other party leaders a seat on convention delegations. At a time when our party needs strengthening and rebuilding, they would be aiding those who would seek further to disrupt and discredit many leaders of our state parties.

It goes much further. The chairman of our party's so-called Reform Commission has said that we must be reformed along his commission's lines, or it will die. There are those of a similar persuasion who are convinced that the present party must die, and then be rebuilt into a narrow, restrictive organization appealing only to certain segments of the population. It appears that some people were listening more to those outside the convention hall in Chicago than to those inside the hall, and that they would now seek to impose that type of disruption and ideology on the entire party. If those of us gathered here tonight—and the many millions of responsible Democrats throughout the nation—are unwilling to resist these efforts, then we only condemn the Democratic Party to a destiny of further deterioration, fragmentation, and extremism.

There is an alternative, however, to this approach. It involves the Democrats of Tennessee, the Democrats of South Carolina, and Texas, and Connecticut, and Kansas, and Illinois, and every state in this union. It is not what the political experts would call a coalition. Jefferson and Jackson did not say that the Democratic Party must be a coalition of special interest groups. They did not say that the Democratic Party should be liberal or conservative. They said one thing—that the Democratic Party belongs to the people. Thomas Jefferson said, "I know of no safer depository of the ultimate powers of society than the people themselves." It is inconsistent with this very clear mandate that we now permit our party to be run out of the Senate Cloakroom in Washington, or that we have a situation where the national chairman puts his own interests above the organizational needs of the party.

Last fall, we had the opportunity of attending the meeting of the Democratic National Committee in Washington, and expressing our position at that time. What took place there was frighteningly similar to what took place in Chicago, on a slightly smaller scale. The same disruptive elements attempted to deny Congressman Albert Rains his seat on the National Committee from Alabama. I wonder now if the same loyalty standards will be applied uniformly to other states. I wonder if the National Committeewoman from New York will be questioned on the basis of loyalty "because she supported John Lindsay for mayor of New York."

Loyalty is a matter which works both ways—loyalty from the local and state parties to the national, and loyalty from the national party to the state and local parties. One-sided loyalty becomes nothing more than the imposition of doctrine, and this is totally inconsistent with the principles of our party. There is a need for reorganization in the party, but it doesn't stop with the selection of convention delegates. It goes right to the composition of the National Committee itself, and the fact that state parties must now demand a stronger hand in party matters.

At the September meeting, I had the opportunity of issuing a statement to the National Committee expressing my position on the party's present problems. In that statement, I said:

"There is grave apprehension about the direction our party is taking, and the alteration of basic philosophy which is under consideration. If the zeal of reform has now brought us to the brink of extremism, then I suggest that we reassess our values.

"Extremism breeds extremism. To yield our party now to either extreme would most certainly touch off a chain of reaction which could reshape the entire political structure of our nation, and damage permanently the traditional concept of our party's broad ideology. Unless I misread all the political signs in our nation today, I do not think our people are ready for a political party of extremism. I think the people of America today are looking for the politics of moderation.

"We are a party of liberals, we are a party of conservatives, we are a party of moderation encompassing that great collection of ethnic, racial, religious, economic, cultural, occupational and social minorities which have given our nation its perpetual regeneration of strength. Let us now turn from this coalition of ideals into a single-minded party bent on purging certain elements from its midst."

I reiterate most strongly that position this evening with one most important addition. If you feel as I do that our nation needs an alternative to the present administration; if you feel as I do that the Democratic Party must return to its position of strength all along the political spectrum, then I suggest that you recommit yourselves to the principles of the two gentlemen we gather here to honor. Now is the time when we must have involvement and participation. We must strengthen our base by moving into the communities and bringing into the party the youth, the women, the minorities, and all other aspects of the society. We must now open doors, not shut them, and we must oppose vigorously those in our own party who would wish to carry us down the road of extremism. It is your job—and mine—to go to the people, and to make them a full partner in the party which has always been their single best hope for good government. Andrew Jackson once said that "one man with courage makes a majority," I feel this can apply most particularly at this juncture when we do need and must have the political courage to withstand the forces of disruption and factionalism. I know of no better time than this evening for each of us to pledge ourselves to the continuing goal of preserving and strengthening the party of Jefferson and Jackson, the party of the people of America, and the party which provides our nation its brightest hope for the future.

A 1918 COMMENCEMENT ADDRESS BY MR. SOL BRACHMAN TO MARIETTA COLLEGE APPLICABLE TO TODAY'S TIMES

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. TEAGUE of Texas. Mr. Speaker, one of my constituents of Fort Worth, Tex., has forwarded me a copy of a commencement address made by a mutual friend, Mr. Sol Brachman of Fort Worth, to the Marietta College in 1918.

It is amazing how after 52 years, much of what Mr. Brachman had to say is applicable to our present situation. Under leave to extend my remarks in the RECORD, I wish to include Mr. Brachman's address:

COMMENCEMENT ADDRESS BY SOL BRACHMAN TO MARIETTA COLLEGE, IN 1918

The United States adopted Universal Military Service for the duration of the war. This is good—as far as it goes. But the United States must adopt this as a permanent policy.

It is impossible in a short time to take up the many arguments for permanent Universal Military Training. We know now the waste and inefficiency of preparing under stress! We know now the enormous cost of preparing under stress! We know now the danger of unpreparedness!

I repeat, the Untied States must adopt Universal Military Training as a permanent

policy. Why? First, because war is not yet a thing of the past. Under present day commercial and manufacturing systems all nations seek colonies or spheres of influence as outlets for their trade. Call this dream of empire, manifest destiny, a place in the sun, colonial system, or what you will! You cannot change international relations in a day. Friction and complications are inevitable. While conditions in Europe might allow it, there can be no permanent disarmament and world peace until the international status in Asia is settled.

Second, with war still possible, the United States may be involved in the future. Germany will bear no love for the United States after the present conflict. Japan is taking high-handed control of Asia and the Pacific, and the United States has a greater Pacific coast line than any other nation. Our Monroe Doctrine will be challenged after this war as never before. But it is unnecessary to prove specific possibilities. This war has shown that a nation may be dragged into conflict even though not directly involved. The United States was forced into this war by violation of all international law and justice. The United States was forced into this war to protect her interests and rights and those of her citizens. These same causes may arise in the future. It will demand then, as it does now and as it always has demanded, military strength to obtain the rights, security, and international justice which belong to all nations. No nation is ever a whit more safe than its own strength and its instant readiness to use that strength make it. The international problems which will follow this war make it imperative that the United States be strong.

Third, permanent Universal Military Training is the only method of obtaining modern national strength and preparedness. To prove this it is but necessary to examine the results of the system or the results of the lack of Universal Military Training in various countries.

We will turn first to Europe. Germany aimed at world domination with Universal Military Training and its resulting power of instant mobilization, as her master weapon. That she did not succeed is due only to the same method, adopted for defense, in France.

When the blow fell in 1914 France was the first of the Allies to mobilize and give Germany opposition. The French General Staff had seen the war coming. They had built up a comparatively large reserve army by Universal Military Training. They had the plans ready for defense. True, France failed to clear her soil of invaders. But she failed because of lack of British aid! She failed because Russia failed her in the East! But France spoiled Germany's plans. That the world has had the opportunity to defend itself against German rule is due only to France's system of permanent Universal Military Training, with its accompanying plan and preparedness for an emergency.

Now let us cross the Channel and observe the results of preparedness. In England, Lord Roberts had been laughed to scorn because he preached Universal Military Training and preparedness. If England had been prepared the war might have been over in a short time. If England had been prepared, Germany might not have risked the struggle. All her Diplomatic efforts were bent to keep England neutral. But aside from possibilities we know that it took England two years, and the adoption of Universal Service, to even attempt a drive to expel the Germans from France. England's lack of permanent Universal Military Training has cost her and France hundreds of thousands of men and billions of money.

Switzerland has suffered less than any other neutral in Europe. Why? Because she has an admirable system of Universal Military Training. In August 1914, 300,000 men were mobilized, sent to the border, and have been kept there. That was enough to furnish real opposition. Switzerland has not been invaded or even seriously threatened.

Finally, let us observe the results of the lack of Universal Military Training in the United States. After the war in Europe started no steps were taken here for an adequate army. The rights of the United States and her citizens were more and more infringed upon by the belligerents. Still no action. What was the result? The inevitable result of national weakness. The United States was involved in war without enough men to defend the Atlantic Coast. Had the United States possessed the military strength which a great and self-respecting power must have, she would probably not have been dragged into the war.

But at last systematic Universal Military Service was adopted for the duration of the war. The United States is only now becoming an important military factor. Order is coming out of chaos. Men are being sent to France in respectable numbers. Is there one here who doubts that only the adoption of universal service has brought the great strides made in building an adequate army?

We see then that the experiences of other nations, the experiences of the United States herself, point to but one course—permanent Universal Military Training.

Herbert Adams Gibbons, in his foreword to "the New Map of Europe," quotes Montesquieu as follows: "There are general causes, moral or physical, which act in each state, elevate it, maintain it, cast it down."

The general cause why the United States has been elevated and maintained as a great power is that she has been strong. She has always taken necessary measures to protect her interests and those of her citizens. National strength means preparedness. Modern national preparedness is possible only under permanent Universal Military Training. If, in the course of time, the United States must follow the fate of nations, the fate of Greece, the fate of Rome, let not the general cause be failure to learn from the events about her! Let not the general cause be refusal to be strong! Let not the general cause be lack of preparedness. Only in preparedness is there national strength and national safety!

UKRAINIANS OBSERVE 52D ANNIVERSARY OF INDEPENDENCE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. WOLFF. Mr. Speaker, the courage of the Ukrainian people, amply exhibited throughout the nation's history, cannot be adequately described in a few sentences.

Last month, as you know, the Ukraine celebrated its 52d anniversary of independence—an independence which unfortunately is maintained more in hope than reality since the Ukraine still strains under the oppressive hand of the Soviet Union.

From the chaos of World War I, the Ukraine, after centuries of foreign domination was able to bring independence to its people. But freedom was short lived. Within 3 years, this courageous nation was under Communist control.

Nevertheless, the dream of freedom has never been extinguished in the souls of these people. Despite hardship and anguish, that the people of the Ukraine have experienced, they still maintain the conviction that some day, in the not too distant future, the reality of freedom will again be theirs.

It is for this reason, Mr. Speaker, that I would like to take this opportunity to extend my best wishes to this small yet towering nation on its 52d anniversary. Moreover, this affords me the opportunity to also reconfirm our dedication to bring freedom to the Ukraine and to all nations which still struggle under the anguish of Communist control.

Each one of us has a stake in the future of nations such as the Ukraine which are dedicated to restoring independence to their people. For without a firm and lasting commitment to freedom for all, we can never hope to establish lasting world peace.

May the time not be too far in the future when we will be able to celebrate the freedom of all nations and the establishment of lasting world peace, rather than merely praising those who struggle against tyranny.

POPULATION AND GENOCIDE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BUSH. Mr. Speaker, the House Republican Task Force on Earth Resources and Population of which I am chairman, has studied the facets of population growth for the past year. Through our research and hearings, we became aware of the seriousness of this problem, and the great need for family planning recommendations. This research eventually led our task force to produce a family planning report: Federal Government Family Planning Programs—Domestic and International.

One of the arguments leveled against family planning has been the fear of racial genocide. This assumption, however, is usually feared by those who have not carefully examined the crucial issues involved. Family planning is, in reality, a contributor rather than a detriment to the welfare and development of every race and nation.

Carl T. Rowan's column in the Washington Sunday Star, February 1, 1970, discusses the question of birth control and genocide. These cogent remarks probe the tenets of the genocide question, and expose the fallacious reasoning behind the philosophy of a proliferate birth rate. Mr. Rowan points out, for example, that a child is much more likely to be born prematurely if the mother is very young; bears a lot of children in rapid succession, or continues to bear children until a late age. He also points out that premature infants have two to three times as many physical defects and 50 percent more illness than full-term infants. For the benefit of my colleagues, I submit this informative article at this point in the RECORD:

[From the Washington Sunday Star, Feb. 1, 1970]

MILITANTS MISLEAD BLACKS ON BIRTH CONTROL

(By Carl T. Rowan)

With increasing frequency, I am getting reports of opposition in black ghettos to the

distribution of birth control devices and the dissemination of information about family planning.

There is talk of having to close some ghetto centers that take teen-age girls who have borne a child out of wedlock, help them over the emotional trauma, teach them about contraceptives so they will not soon become a two-time loser, get them back in school, and generally try to ensure that the birth of one illegitimate child does not mean the wrecking of two lives.

These centers are getting rough treatment from some militants who say birth control in the ghetto is a form of genocide.

Some social workers are blaming the Black Panthers. These workers say that, because the Panthers' harsh rhetoric shows them willing to stand up to the white establishment and because of their programs of providing breakfast for children and discouraging the use of narcotics, the Panthers have the ear of many thousands of people in the ghettos.

So black women supposedly are listening when a Panther says: "A black woman should have as many children as possible, whether she can afford them or not, so we can gain numerical strength and power."

This viewpoint ought not to be laid completely on the Panthers' doorstep. It is a fallout of racial polarization in this country which has affected many blacks who would not think of joining the Panthers. In fact, it goes beyond pure racism; it is an expression of nationalism which one often hears in countries like Brazil where people argue that the U.S. is pushing birth control so Brazil will never be as populous and powerful as the United States.

There are some specially tragic aspects of this situation in the U.S. They ought to be weighed carefully by any self-styled militant before he rushes out to urge black women to bear babies as fast as they can.

Dr. Frederick C. Green, a black man who is director of pediatric ambulatory care in Roosevelt Hospital, New York, has run into this anti-birth-control campaign.

"I tell them it's not quantity that's important; it's quality," Green says. "What good is it to have 10 or 15 children under undesirable conditions in which they are not able to develop their total potential."

A Negro woman social worker in Trenton, N.J., is arguing that another black baby does not necessarily mean more black power. "It doesn't mean another vote; it might mean another person on welfare. The Establishment likes this; it's another one of us they can use as a statistic."

There are some crucial statistics that the militants ought to study.

One set shows that a child is much more likely to be born prematurely if the mother is very young or bears a lot of children in rapid succession or continues to bear children until a late age. Thus, poor black women have a starkly high percentage of premature births.

Now listen to the results of several studies showing what prematurity does to babies:

"Premature infants have two to three times as many physical defects and 50 percent more illnesses than full-term infants.

"Mental retardation is ten times more likely to occur in a premature baby than in a full-term infant.

"A premature infant is 16 times more likely to die during the first 28 days of life than one whose birthweight is normal."

In sections of Chicago's ghetto, 14 black babies out of every 100 are born prematurely; in some New York City housing development areas, 15 of every 100; in one Newark, N.J., hospital, over 16 of every 100 black infants were premature.

What kind of black pride is it, what form of militancy is it, that asks black women to accept physical abuse and sometimes degradation to produce large numbers of children when the odds are that many of them will be retarded and bear other afflictions?

A mentally retarded child makes a poor soldier in the fight for racial equality.

The Panthers and other militants may be in a rage; their rhetoric may sometimes seem unwise; but they are not dumb. I want to believe that they can look at the facts and see birth control and family planning working to enhance black pride and dignity. If they do, these clinics will not be driven out of areas where they are so desperately needed.

"SESAME STREET" SWINGS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. ROYBAL. Mr. Speaker, in a recent newsletter report to my constituents, I commended the new educational TV series, "Seasame Street"—the delightful children's program designed to improve the language and numerical skills of America's 12 million preschool youngsters between the ages of 3 and 5, and help prepare them for formal classroom work in elementary school—as an outstanding example of an imaginative combination of Federal and private funding used to initiate a promising experimental project to exploit the tremendous potential of our modern communications techniques for worthwhile educational purposes.

Sponsored by the U.S. Office of Education, the Corporation for Public Broadcasting, and Project Headstart, in cooperation with the Ford Foundation, the Carnegie Corporation, and the Markel Foundation, "Sesame Street" is a 26-week series of daily hour-long color programs carried on the Nation's nearly 200 public TV stations—including KCET, channel 28 in Los Angeles.

It has been described as perhaps the most ambitious single effort ever attempted to employ television as an education tool for the benefit of smaller children.

This unique project reaches and teaches preschoolers in an attractive and entertaining fashion, sustaining their interest by utilizing many popular elements borrowed from commercial children's television, such as puppets, animated cartoons, live-action films, other children, and appearances by guest celebrities.

So, I was extremely encouraged by the preliminary results of a recently announced three-State evaluation survey on "Sesame Street," which indicates that children who viewed the program's first 6 weeks of presentations greatly increased their rates of learning, exceeding the normal gains experienced by other children who did not watch the series by some 250 percent.

Such impressive results are highly significant for parents, educators, public officials, and all citizens who are concerned about the urgent necessity for improving the quality of American education, particularly in our fast-growing urban metropolitan population centers, where financially hard-pressed school districts are confronting a serious educational crisis, which they are often inadequately equipped to handle.

Because of the importance of this subject, Mr. Speaker, I would like to include in the RECORD an article on the "Sesame Street" evaluation survey, entitled: "Tests Indicate TV Program Improves Children's Skills," which appeared in the January 28 edition of the New York Times.

The article follows:

[From the New York Times, Jan. 28, 1970]

TESTS INDICATE TV PROGRAM IMPROVES CHILDREN'S SKILLS

(By William K. Stevens)

"Sesame Street"—a brisk, rib-tickling television program that is designed to improve the language, numerical and reasoning skills of preschool children, particularly those from poor families—appears to be achieving many of its goals.

According to preliminary tests in three states, poor children who viewed "Sesame Street" regularly in the program's first six weeks of daily hour-long presentations made gains two and one-half times as great as those made by poor children who did not watch the program.

Other surveys indicate that the program is reaching about five million children, including substantial numbers of those from poor homes.

The results of the tests and surveys were disclosed yesterday in a report by the Children's Television Workshop producer of "Sesame Street" to its sponsors—the Carnegie Corporation, the Ford Foundation, the United States Office of Education, the Markel Foundation and the Corporation for Public Broadcasting. The report was made at a meeting at the Essex House.

HOPE FOR ANOTHER YEAR

After the meeting, Mrs. Joan Ganz Cooney, executive director of the workshop, said that she hoped the test results would persuade the sponsors to support the experiment for another year and that she was optimistic about this. The initial 26-week, 130-program series began last Nov. 10 and will end on May 29. It cost $8 million to produce.

Although the program has been widely acclaimed for its high degree of professionalism, originality and general level of quality, and although there was evidence that many children had become enthusiastic devotees, no evaluation of "Sesame Street's" educational impact had been available until yesterday.

In the preliminary evaluation conducted by Dr. Edward Palmer, the workshop research director, 3-, 4- and 5-year-olds in three day-care centers for poor children of working mothers in Maine, New York and Tennessee were randomly divided into two groups in each center. One group watched "Sesame Street" regularly for its first six weeks. The other group never watched it.

Before "Sesame Street" went on the air, each child in each group was asked 217 test questions to find out how well he could recognize letters, numbers and geometric forms, and how well he could sort out objects.

After six weeks of "Sesame Street," the same test was given again. The regular viewers, as a group, could answer 10 per cent more of the 217 questions than they could at the start. The nonviewers could answer 4 per cent more.

In the ability to name letters, the viewers made a 9 per cent gain, against a 3 per cent gain for the nonviewers. In naming numbers, there was a 12 per cent gain for the viewers against a 4 per cent gain for the nonviewers.

Substantial gains, somethimes 25 per cent or more, were made by regular viewers in their ability to sort, differentiate and classify objects and group them by twos and threes.

But, in one important area—recognizing the sounds of letters—there was no differ-

ence between the performance of viewers and that of nonviewers, leading Dr. Palmer to suggest that "Sesame Street's" approach in that area may have to be modified.

"Sesame Street" is broadcast each weekday by nearly 200 television stations from Maine to American Samoa. In about 100 communities it is seen both in the morning and the late afternoon. Five stations carry it a total of six times a day in the New York area—WLIW (Channel 21), WNDT (Channel 13), WYNE (Channel 25), in WNYC (Channel 31) and WPIX (Channel 11).

The program is considered the first major national effort to harness the most effective of contemporary television techniques to the task of preschool education. In particular, it adapts to the teaching of letters and numbers the fast-paced, high-impact, repetitive commercial techniques that have been successful in selling toys.

THE AUTOMOBILE AND POLLUTION

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. RYAN. Mr. Speaker, in his state of the Union address, President Nixon recognized the peril to our environment caused by pollution.

In our constant surge toward economic growth and increased technology, we have sacrified those elements of our society which were free—our air, our water, and our land.

Air pollution is a costly hazard, both in dollars and in lives, and one of the primary polluters of the air is the automobile. Although automobile manufacturers have recently acknowledged that their products cause pollution, the fact is that they have done little, if anything, to solve the problem despite the fact that automobile pollution has been a serious problem for many years.

I am inserting in the RECORD, an article by Colman McCarthy, which appeared in the January 26 Washington Post entitled "The Way Detroit 'Wages War' on Pollution."

I urge my colleagues to read Mr. McCarthy's article, which shows that promises are not enough. If the air is to be cleansed, then rigorous emission standards must be set and strictly enforced.

The article follows:

THE WAY DETROIT "WAGES WAR" ON POLLUTION

(By Colman McCarthy)

Edward N. Cole is the president of General Motors. His company is the world's largest maker of motor vehicles. Two weeks ago, Cole made a speech in which he said GM was "committed to eliminating the automobile as a factor in the nation's air pollution problem at the earliest possible time."

As in the case of a confessed wife-beater, it is hard to know how to take Cole's statement: with tender thanks that Detroit plans finally to stop polluting the public air? Or with rage that it has deliberately been a polluter for so long and with so little concern about the damage done?

Regardless of one's feeling about Cole's statement, and the similar ones made earlier by Ford and Chrysler, Detroit's record is on the books, if not in the lungs. Automobiles account for at least 60 per cent of the nation's total air pollution. In the smog belts of some cities, car pollution is as high as 92 per cent. Each year, automobiles dump into the air, and potentially the lungs, more than 90 million tons of pollutants. In Los Angeles County alone, 9660 tons of carbon monoxide are exhausted daily from motor vehicles, despite emission controls required by law since 1966. The figures are too staggering to understand, but roughly translated they mean that if the pollutants were not diffused by the air, a person walking in the street in the Los Angeles area would be wading through toxic substance two or three feet deep.

A question in many people's mind is why is Detroit suddenly concerned about serious pollution control. The answer, not to play games, is that it realizes unequivocally that the public is aroused, the government is moving in—however slowly—and that carmakers are being sued in many states for continuing to make cars that pollute the public's air.

The latest suit was brought recently by the State of Illinois. It charged that since 1953 the car companies have conspired "to eliminate all competition" in research, development and installation of anti-pollution equipment on vehicles. "We cannot," said the Attorney General of Illinois, "afford patience and the wanton convenience of polluters any longer."

Those who have followed the car-makers closely on the issue of pollution control know that the industry has an attitude almost as poor as its record. At the 1958 National Conference on Air Pollution, in Washington, Harry Williams of the Automobile Manufacturers Association, represented the industry in a speech in which he said: "In eliminating smoke from vehicle exhaust, much progress has been made. True, there is still room for improvement, but mostly this must come from the (car) owners, who are alone responsible for the maintenance of their vehicles." In plainer words, the carmakers admitted they were selling the consumer a smoke-wagon, but after the sale is made it is the consumer's problem.

In the same speech, Williams repeated a favorite theme of automobile makers: the great benefits motor vehicles have brought to America. Not only that, but once you get to thinking about it, the notion is absurd that today's cites have an air pollution problem. Think back, said Williams, to the days "before people were liberated from the congested cities by the motor vehicle . . . There were reeking livery stables in every neighborhood. Cow barns were the customary auxiliaries to dairies. There were malodorous privies in every backyard . . . It is difficult for us to imagine that vanished world, and the air pollution that was its accepted odor. Yet, if we would retain the calm and dispassionate attitude that the scientific method demands, we should try to remind ourselves that the evils afflicting us [today] are perhaps mere pinpricks in contrast to those borne by our ancestors."

One man who has been able to live calmly with the "mere pinprick" of automobiles massively fouling the air is Henry Ford. In a Look magazine interview, May 28, 1968, Ford said that he prefered a program of "research and development" with several major oil companies in the fight against pollution. As for experimenting with non-polluting vehicles like the electric car, Ford said bluntly: "We have tremendous investments in facilities for engines, transmissions and axles, and I can't see throwing these away just because the electric car doesn't emit fumes."

Elsewhere in the interview, Ford was asked what was his company's number one problem. "That's easy," he answered. "Making more money."

Although the general public has learned only recently of the horror of automobile exhaust fumes, pollution control authorities have known all along. It was not until 1964 that any dared speak out in direct language and pointed a finger at the car-makers. Said Smith Griswold, then air pollution control chief for Los Angeles County and the man behind the tough California laws against pollution from cars:

"Everything that the industry has disclosed it is able to do today (in 1964) to control auto exhaust, was possible technically 10 years ago. No new principles had to be developed, no technological advance was needed, no scientific breakthrough was required. Crankcase emissions have been controlled by a method in use for at least half a century. Hydrocarbons and carbon monoxide are being controlled by relatively simple adjustments of those most basic engine components—the carburetor and ignition systems.

"Why has this action required ten years? One is forced to ascribe it to arrogance and apathy on the part of this, the nation's largest industry. Control of air pollution does not make cars easier to sell, it does not make them cheaper to produce, and it does not reduce comebacks on the warranty. To people interested in profits, expenses for the development and production of exhaust controls are liabilities.

"For nearly a decade, the auto industry has been telling us they have been spending a million dollars a year on air pollution control. Their announced expenditure has totalled about $9 million during that period. This provides an interesting contrast with a recent survey which revealed the earnings of the 44 highest paid executives in the country. Of these, one half, 22, are employed by the auto industry. Their combined 1963 earnings were about $9½ million dollars. In short, during the past decade the industry's total investment in controlling the nation's number one air pollution problem, a blight that is costing the rest of us more than $11 billion a year, has constituted less than one year's salary for 22 of their executives.

"The industry is spending over $1 billion to change over its models this year. Their annual expenditures for air pollution control development is one-tenth of one per cent of $1 billion. For that, the industry has bought 10 years of delay and unhampered freedom to pour millions of tons of toxic contaminants into the atmosphere."

One of the surprising parts of Edward Cole's speech was the implied criticism of the oil industry. "Research indicates that without lead in gasoline, long-time exhaust catalytic converters would become technically feasible. Exhaust manifold reactors also would have increased life. The same is true of exhaust gas recirculation systems to control oxides of nitrogen." Then, getting less scientific, Cole said that the presence of tetraethyl lead in gasoline causes most of the pollution emission. "It is important to emphasize that—if stringent control of particulates becomes a federal goal as we expect—we know of no way presently that such control can be accomplished with lead in gasoline."

To the petroleum industry, which for decades—with Detroit's encouragement—has added lead in gasoline to increase the octane levels and "no-knock" power, Cole's anti-lead remarks were like a match in the gas tank. "What has he got to lose if we go out of business," exploded R. V. Kerley, of the Ethyl Corporation, expressing his personal viewpoint the day after Cole's speech. "Who kills the most people in the United States yearly? The auto-makers, not the leaded gasoline. Let's get in proper perspective who is doing the damage."

Whether American industry's most blissfully happy marriage—between the car and oil producers—is about to break up is not likely. Before Detroit's sudden concern about pollution, disputes between the two giants were calmly and quietly worked out by the

Coordinating Research Council, an offspring of the Society of Automotive Engineers and the American Petroleum Institute. But now the dispute has become a fight, not around executive tables but in the public forum.

One reason Detroit has been able to sell tens of millions of polluting cars is that the public has never seriously demanded otherwise. It wanted horsepower, chrome, speed, comfort, bigness and gimmicks. Here and there, demands were made for battery- or steam-driven cars; but even if a manufacturer knew a way of massproducing these kinds of cars, he could not compete with the Big Four. The latter knew the public didn't really care about anti-polluting cars. But a large part of it does now, and suddenly Henry Ford is no longer saying money is his number one problem; it's pollution.

Mr. Cole said in his speech that HEW would soon issue new pollution goals for 1975 and 1980, the latter date being the deadline for a fume-free car. "This will be no easy assignment," he said. But neither Cole nor the government said what the breathing public should do with its lungs until 1980. Presumably, comfort should be taken from Cole's declaration of Detroit's passion and sincerity: "We must not neglect any area of potential improvement as we escalate the war on air pollution."

The last time the country heard talk of a war against a social evil was the Great Society's war against poverty. But the trouble there, many now say, in the war against poverty, poverty won.

NEED ADEQUATE FAMILY PLANNING SERVICE

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BUSH. Mr. Speaker, the need for family planning services for all Americans will be a paramount issue in the seventies. The research of the Republican Task Force on Earth Resources and Population of which I am chairman has emphasized the necessity for adequate family planning services. The task force has studied the interrelated problems of population, pollution, and poverty and we feel that a national population policy is essential and should have top congressional priority. In dealing with environmental problems, we must not just treat the symptoms and neglect the cause.

Yesterday, February 4, along with nine task force members, I introduced H.R. 15691, Family Planning Amendments of 1970. This bill would amend the Public Health Service Act to provide for special project grants in family planning services and contraceptive research. The task force report entitled "Federal Government Family Planning Programs—Domestic and International," issued in December and printed in the December 29, 1969, CONGRESSIONAL RECORD recommended specific levels of funding for these programs. This bill incorporates those recommendations into the legislation proposed by the administration to do much the same thing—H.R. 15159.

H.R. 15691 differs in only two respects from the administration proposal. It emphasizes the importance that private agencies, institutions and organizations have played in the family planning services and research field and specifically gives the Secretary of Health, Education, and Welfare the authority to make grants to these groups. Second, it ties down specific authorization levels for these purposes for the fiscal years ending June 30, 1971, through June 30, 1975. Prorated over the 5-year period, this bill calls for $485 million for family planning services and $380 million for contraceptive research.

The pill has been under heavy criticism from some quarters recently; but we must not jump out of the frying pan into the fire over the uncertainties we have about it. We must provide women with a simple alternative to unwanted pregnancy. It is convenient for millions of American women, but it is not the ultimate. We need more research in this field and we need it now.

The quality of our lives depends upon our ability to control our fertility. The case has been made; the facts are undeniably clear—we need not continue contemplating the complexities of the problem. We need action and results. This legislation gives the administration the necessary money to accomplish President Nixon's goal of providing family planning services to all Americans who wish them, but cannot afford them.

HAWAII: A LEADING MARITIME STATE

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. MATSUNAGA. Mr. Speaker, on Monday, January 26, 1970, Gov. John A. Burns presented to Hawaii's Fifth Legislature a unified legislative program which underscores the 50th State's leadership in the study and use of marine resources.

In his oceanographic message, Governor Burns said:

The Pacific Ocean is a vast treasure which surrounds Hawaii and gives to each Island of our State a band of white surf and golden sand, symbolic of an ideal marriage of environmental purity and economic prosperity.

It has been obvious for decades that Hawaii must use this treasure for her own good and for the good of mankind, and forbid its misuse. The earlier decades were decades of dreams and desires. Now, the Seventies is the Decade for Action.

Calling for a legislative program which would enable Hawaii to lead the way in this decade for action in marine science, Governor Burns offered several bills which would continue the orderly process of sequential development of Hawaii's marine science resources. His legislative packet included proposals calling for the establishment of a Hawaii Planning and Logistics Center for the international decade of ocean exploration, and the creation of the position of a marine affairs coordinator to oversee the various programs of the State.

Most of the innovative and practical proposals presented to the legislature are an outgrowth of recommendations from the recently published oceanographic report, "Hawaii and the Sea." Hawaii is the first State of the Union to issue such a report, representing the combined effort of 100 specialists in marine affairs.

Knowing of my colleagues' interest in the Nation's progress in the utilization of marine resources, I would like to have Governor Burns' message, "Using Our Pacific Treasure," printed in the RECORD, as follows:

USING OUR PACIFIC TREASURE

(A unified legislative program for immediate action to make Hawaii a leader in the study and use of marine resources)

(By John A. Burns, Governor, State of Hawaii)

The Pacific Ocean is a vast treasure which surrounds Hawaii and gives to each Island of our State a band of white surf and golden sand, symbolic of an ideal marriage of environmental purity and economic prosperity.

It has been obvious for decades that Hawaii must use this treasure for her own good and for the good of mankind, and forbid its misuse. The earlier decades were decades of dreams and desires. Now, the Seventies is the Decade for Action.

The time is at hand for specific, detailed, practical programs by the State Legislature and State Administration to study and use the rich resources of our marine environment. This is the time when a growing despoilation of our waters must cease, and when they must be restored to the crystalline cleanliness which our Hawaiian forefathers knew.

Accordingly, I have prepared and am recommending this unified program for legislative action in this first year of the Decade of the Seventies. It carries out, in logical sequence, the earlier more basic programs of our State Administration. We foresaw this day and prepared well for it. Our past Governors' conferences on science and technology, on hydrospace and astronautics, on oceanography, on fisheries, and on a number of other specialized topics, all carefully, slowly and diligently set the pattern and the pace for well-ordered scientific development in Hawaii. And in the last year of the Sixties—our Statehood Anniversary Year—this Administration produced the pioneering work among the States called *Hawaii and the Sea*, which is our broad plan for State action in marine affairs.

Nationally, there has been delay and uncertainty in the past year over the direction and extent of the Nation's commitment in marine affairs. Varying programs which culminated in the publication of the Stratton Commission's excellent report, *Our Nation and the Sea*, now appear to be waiting for Federal direction, Federal leadership, decisive Federal action. Hawaii, however, need not wait, but rather should press forward, always conscious of the dangers of cutbacks in Federal programs, but nevertheless optimistic that our own programs need not stop while we wait for the Federal projects to develop.

Today is the day we must set the leadership pattern in oceanography, this fast-developing area of human concern, toward which the eyes of all nations are only beginning to turn. Now is the time we must propose to our own Nation, and to other Pacific nations, that Hawaii is the logical—indeed, the ideal—place for oceanographic headquartering, for major ocean research projects, and for gatherings fostering international cooperation in marine affairs.

Now is the hour to get, not only down to earth, but down to the sea in ships, in undersea craft, in submerged habitats. Now is the time to jump into the water and swim.

For this session of the State Legislature, our Administration proposes a variety of measures. They have been carefully planned as a result of the outstanding effort put into *Hawaii and the Sea* by many distinguished

specialists. They contributed priceless talent and thousands of man-hours of energetic effort to pinpointing the areas in which the State can, and should, act.

These legislative proposals continue the orderly process of sequential development of Hawaii's marine science resources. They are varied in scope. They include modest proposals which will require only limited funding and which can be carried out by present State Departments which already have shown their competence and capability for producing outstanding results with limited resources. And there are also major proposals which will require bold action, pioneering action, the type of initiative for which Hawaii's Legislatures already have won national distinction. Some of these bolder proposals will challenge the vision and wisdom of our legislators, who must always balance the ever-pressing fiscal needs of todays' world with the marvelous opportunities for future prosperity and environmental excellence.

THE INTERNATIONAL DECADE OF OCEAN EXPLORATION

Foremost among the national proposals for the development of oceanography and other marine sciences is the International Decade of Ocean Exploration, born in a prior national administration and accepted by the present Administration as eminently worthy of the attention and best efforts of many nations. Hawaii is an ideal location for major activities related to this noble and practical program. Hawaii need not wait to be told what to do, or wait to be invited to participate in plans generated elsewhere. As a free and sovereign State, we must extend to our national administration—which already has expressed its great interest in our oceanographic efforts—the helping hand of bold initiatives to assist this great program in setting sail.

Accordingly, one of my major proposals to the Legislature is for a Pacific I.D.O.E. Conference which would welcome representatives of all the nations and regions of the Pacific Basin, as well as of other U.S. Pacific States, to Hawaii to consider the legal, economic and sociological aspects of the I.D.O.E. and its many proposed projects. This conference would enable the Pacific Family of Nations to offer Pacific regional plans and recommendations to I.D.O.E. which would be of immense benefit in integrating the world-wide efforts of this international effort. This proposal calls for an expenditure by the State of $25,000.

Closely related to this conference is another legislative proposal: That the State establish a Planning and Logistics Center for the International Decade of Ocean Exploration. There will be a great need to coordinate the multitudinous activities related to IDOE, and to provide the logistical support and data exchange necessary for efficient projects development. Such a center would serve to emphasize Hawaii's determination to become a major center of international oceanographic activities. An appropriation of $50,000 is requested.

SKIPJACK TUNA RESOURCE EXPLOITATION

The Central Pacific Skipjack Tuna Resource is a potential $100 million industry. Hawaii's two U.S. Senators have jointly sponsored a bill in the Senate calling for a $3 million appropriation to research and develop the practical purse-seine technology necessary to use this resource wisely. It is a resource which can be of tremendous benefit to our Sister-Islands of the Trust Territory, Guam and American Samoa. Hawaii has been a leader in calling for development of the food-from-the-sea potential of this tuna species. I have extended invitations to officials of Guam, the Trust Territory, and American Samoa to coordinate the development of this resource. I am pleased to report that American Samoa has already pledged it will contribute to this project. My legislative proposal is for an appropriation of $100,000 to carry out a three-year State program of research and sea trials which will prove the economic value of the fast-sinking purse-seine method of skipjack tuna harvesting.

MARINE AFFAIRS COORDINATOR

The report, *Hawaii and the Sea*, recommended, as a key to Hawaii's success in marine science affairs, the establishment of the position of Marine Affairs Coordinator in the Office of the Governor. The Marine Affairs Coordinator would be responsible directly to the Governor. His work would be to cross over existing departmental lines to achieve broad cooperation between existing agencies concerned with a variety of marine affairs. To date, Hawaii's oceanographic development efforts have shown excellent results in terms of intense activity in many Government Departments and in the private sector. We have now grown to the point at which the uniting of these efforts through such a Marine Affairs Coordinator is a logical and necessary step. My legislative proposal is for an appropriation of $30,000 to establish this position and carry out this coordination.

SEACAP: AN UNDER-SEA RESOURCES SURVEY OFF OAHU

Hawaii needs much more information about the nature and extent of the resources in the sea surrounding the State. Sand, precious coral, fish and shellfish, the capacity of the ocean to absorb wastes without contamination—all these need scientific study. My legislative proposal in this area is a request for $190,000 in State funds to be matched by an anticipated $410,000 in Federal Sea Grant funds and another $190,000 in Hawaiian industry contributions. These funds would finance a pilot marine resources survey from Koko Head to north of Kahana Bay, Oahu. University of Hawaii and other State and private industry scientists would form a team, and surface craft, a deep-diving submersible and a mobile manned undersea habitat would be used for this major survey. We have had exhaustive studies of the land which have been of great economic and social value; now is the time to begin the same for the lands, creatures and other phenomena under the sea around us. There is no time to lose in preserving the richness of marine life which will be surveyed. The SEACAP project will promote effective conservation and help considerably in preserving the ecological balance so essential to all forms of life in Hawaii.

THE 1967 INTERNATIONAL MARINE EXPOSITION IN HAWAII

As the United States in 1976 celebrates its Second Centennial—its 200th birthday—Hawaii will have developed a tremendous head start in marine science affairs. It will be a most appropriate and jubilant year for a major celebration in Hawaii, and not the least of our happy events must be an International Marine Exposition in which Hawaii would be host—as one of our Nation's leading maritime States—to the best exhibits of many nations. It is now, not tomorrow, that plans for such important conferences must be made. My legislative proposal, therefore, is for an appropriation of $30,000 to establish this year an International Marine Exposition Commission with necessary staff support to plan for this 1976 event. The Commission would be charged with determining an exposition site and funding methods, and making all the extensive preliminary arrangements which will prove to the intended participants that it will be an Exposition worthy of their participation and finest exhibitions.

AN ATLAS OF THE MARINE RESOURCES OF THE STATE OF HAWAII

All major movements have their bibles and bibliographies. The compilation of data, and making it available to the public in practical format, is one of the most basic needs of any important social or economic undertaking. Hawaii needs definitions and tabulations of its marine resources in the form of a Hawaii Marine Resources Atlas which will be of value both to professionals and laymen. My legislative proposal is that a sum of $75,000 be expended by the University of Hawaii in the preparation and publication of such an atlas.

OTHER LEGISLATION

Above are the highlights of this "legislative package" of our State Administration's proposals relating to marine affairs. But also an integral part of that package are a variety of programs and projects found in the operating or capital improvement budgets of the various State Departments which relate to marine affairs and which complement these new action proposals. All contribute to the one goal of this State Administration: to make Hawaii an international leader in marine science activities.

These programs and projects may be mentioned briefly:

Establishment of Marine Science Research Parks, in a manner similar to the establishment of industrial parks, to foster marine research.

Coordination in the Department of Planning and Economic Development of the variety of additional recommendations resulting from the report *Hawaii and the Sea*, so that a unified package may be prepared for the 1971 Legislature to carry on in logical order the advances already made.

Establishment of a Pacific Center for Marine Sciences, with initial studies to be made by the University of Hawaii.

Obtaining Federal designation of precious coral beds located in waters adjacent to the Hawaiian archipelago as "Creatures of the Continental Shelf," an official act which would retain U.S. ownership of such a valuable resource even when such beds occur beyond the presently recognized 12-mile fishing zone.

Designation of the State Civil Defense Agency's responsibility in the area of potential disasters in the form of massive oil spillages in Hawaiian waters.

Funding for completion of underwater parks at Hanauma Bay, Oahu, and Kealakekua Bay, Hawaii, and to initiate work on underwater in Maui and Kauai Counties.

A shoreline setback of 300 feet for State-owned lands.

Development of Snug Harbor for oceanographic research vessels.

Expansion of the Hawaii fishery vessel construction loan program to $500,000.

Extension of the shark control program.

In determining the excellence and practicality of these many projects, programs and proposals, I commend to the attention of all concerned the wonderful heritage which we have today from those ancient Polynesians who discovered these beautiful Islands. They learned through study, research, and practical programs, how harmoniously man and the sea can live together for the benefit of both. It must be our task to influence our nation and our world in the same manner in which the eternal sea has influenced us. We must reverence this Pacific treasure, and in turn accept with gratitude—and earnest effort—the multitude of gifts it offers mankind.

PERSPECTIVE ON THE DEBATE OVER DEFENSE SPENDING

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. BROWN of California. Mr. Speaker, the current imbroglio over the HEW funding bill indicates that the battle

lines over defense spending policies are already being redrawn.

I still find it incomprehensible to see the President blaming an extremely modest increase in education funds for future inflationary pressures, while at the same time, budget requests for a whole grab-bag of marginal weapons systems get more than adequate hikes.

Time after time I have emphasized that the cause of the inflation which began in mid-1965 and continues rampant today is overspending for defense—or, rather, for war.

At any rate, I expect another turbulent spring here in Congress as the debate reopens on items such as Safeguard, AMSA, and the alphabet soup of fighter jets and other attack systems. And as this debate begins anew, I would like to point out to my colleagues a stimulating article in the current issue of the Nation magazine.

Richard F. Kaufman, of the Joint Economic Committee staff, rates as a pivotal figure in the continuing argument over defense priorities. We all owe Mr. Kaufman tremendous gratitude for the sharp and critical analysis he has provided over the past 2 years, and I think his article, "Who Won the Debate?" is must reading as a background for upcoming events.

I now place Mr. Kaufman's article in the RECORD at this point:

MILITARY SPENDING—WHO WON THE DEBATE?

(By Richard F. Kaufman)

What did the attempt in 1969 to cut defense spending accomplish and what effect will it have on the future? Post-mortems on last year's military debate have ranged from sad eulogies on the premature death of a movement to joyous celebrations for the rebirth of an old-fashioned American tradition, demobilization. To make an informed judgment one needs perspective on the clash between Pentagon and Congress.

The sixties began with a defense budget of $44 billion, moved to $49 billion by 1962, hovered around that amount of three years, then dropped down to $47 billion in 1965. That year it was decided to make Vietnam into a major war, and by 1969 military spending had shot up to almost $80 billion. The long-term trend, dating back to the pre-Korean build-up, has been for the defense budget to expand. Since 1965 this tendency has been uncontrollable.

Except for the protest votes of a few mavericks like Joseph Clark and Ernest Gruening in the Senate, and George Brown and William Fitts Ryan in the House, Congress had given little indication up to the start of last year that it would oppose the big military spenders. For years the neo-Keynesians had been assuring everyone that all forms of government spending, whether for civilian or military programs, conferred similar benefits on the economy; they went so far as to hurl epithets at the Eisenhower administration for not devoting enough of the nation's resources to national security. The idea, drawn from a deep well of New Deal, Fair Deal, New Frontier and Great Society convictions, was that it is better to turn funds over to the military for weapons procurement, which would increase employment, technical and scientific talent, technological innovations, and plant capacity, than to allow them to be spent by individual taxpayers for consumer luxuries.

The more orthodox policy makers have rarely applied their faith in fiscal responsibility beyond the narrow bounds of the civilian side of the federal budget. Thus while welfare programs were kept lean and austere, in accordance with the Protestant ethic, defense was judged by a different standard and allowed to grow fat and profuse. The standard for defense has never been clearly articulated by the guardians of fiscal morality. No doubt it was composed in part of fears engendered by the cold war and the Red menace, with a strong assist from the influential beneficiaries of high-level defense spending, the military establishment and the defense industry. The Friedmanite monetarists were able to rationalize their insensitivity to the growth of the military juggernaut on the theory that inflationary stresses from just about any amount of increased spending could be offset through proper adjustment of the money supply.

Liberals and conservatives disagreed on everything except the need for a large and continually expanding defense budget. Congress, stirred by the rhetoric of White House. speech writers and its own, went along. The result was a profligate fiscal policy with regard to defense and a public works project for the military and industrial elite. Against this discouraging backdrop and in the midst of a still bloody war, with the Pentagon demanding that its funds be increased, the question was raised in Congress whether defense spending ought to be reduced.

The part played by the anti-ballistic missile program (ABM) in the overall debate was important but misunderstood. The search for an ABM system had been the subject of controversy for more than ten years and had already cost several billions of dollars when it was first seriously challenged in the Senate in 1968 (Senator Clark had single-handedly battled against it the year before). In that year Senators Hart and Cooper sponsored an amendment to delete the funds for construction of ABM sites. The purpose was to delay the program for a year, during which research and development would continue, so that in the words of Cooper, "We might find out most certainly whether the system has any value."

Much of the argument concerned what effects the new weapon would have on the arms race and whether it would work after it was deployed. Few Senators stressed as an argument against ABM the need to reduce military spending. Sen. Charles Percy inserted this statement from James Douglas, former Secretary of the Air Force and Under Secretary of Defense: "The requirement to reduce the military budget without affecting the war effort suggests postponement of any deployment of the so-called Sentinel anti-ballistic missile system." Senator Clark juxtaposed the recently enacted 10 per cent surtax for the war with the decision to cut $6 billion from federal expenditures. The entire reduction, said Clark, could be made up entirely "out of the swollen defense budget." The amendment lost 34 to 52, but observers were surprised by the number who had voted to delay the program.

When the ABM dispute arose again in 1969 the opponents had the advantage of growing public hostility to the weapon system. Site construction in cities across the nation drew protests from citizens who saw their property values and their lives endangered by arrival of nuclear-tipped missiles in their own back yards. An impressive array of scientists and former high government officials, including many from the Defense Department, reinforced the doubts about the technical performance of the system and fears as to its impact on the arms race. The Nixon Administration changed the name of the ABM game from Sentinel to Safeguard, reversed its orientation from the Chinese threat to the Soviet threat, and modified its mission from the defense of the cities to defense of the Minuteman fleet of ICBMs. As far as the critics were concerned, however, the basic facts did not change. First, ABM would escalate the nuclear arms race; second, the system would be a technical failure; third, it would cost billions of dollars—estimates ranged from $10 billion to $40 billion and up.

In 1969, concern over the way government funds were being spent was summed up by the phrase, "national priorities." By this was meant the allocation of the nation's resources to areas of low priority, when areas of high priority cried for attention. As the ABM dialogue moved forward, some participants asked whether earmarking billions for this program was a proper ordering of the nation's priorities in view of the condition of the cities, poverty, pollution, etc. But the emphasis, as in the prior year, was on the arms race consequences and especially the technical feasibility of the system. The main thrust of the opposition was not that the potential contribution of ABM to national security was so slight that it ought not to be funded, or that there were more important uses for the money it would absorb. Rather, it was that there were so many unanswered questions and doubts about the program that it needed to be slowed down and re-examined. The solution proposed was not to cancel the program; it was, in 1969 as in 1968, to delay deployment a year for further research and development.

Thus right up to the final day of debate, the Senate did not ask itself whether to put a halt to the ABM program. The Cooper-Hart amendment, offered a second time, merely proposed that funds be authorized only for the purpose of research and development, in effect suspending deployment for twelve months or until another military authorization bill was before Congress. Significantly, the amendment left untouched most of the funds requested for ABM. Only the use of the funds was being circumscribed. For this reason a number of Senators not normally eager to question the decisions of the military planners could feel comfortable supporting Cooper-Hart. Their position was that they did not oppose ABM; they only wanted to see a little more research and development spent on it.

The shocker came when Sen. Margaret Chase Smith offered an amendment on the final day of the debate to cut off all Safeguard ABM funds and thereby terminate it. Her logic was unassailable. If the program was as defective and as dangerous as many of its critics maintained, why have it at all? "Why waste funds on research and development of a system in which you have no confidence?" The ABM program, Senator Smith maintained, "is too vulnerable and too costly and would be a waste of resources at a time when we must carefully determine our national priorities." Therefore, Safeguard ought to be given no funds at all.

The Smith amendment garnered eleven votes. Cooper-Hart lost very narrowly, 51 to 49, and all other efforts to oppose military spending last year are usually compared to it. According to this criterion, the Cooper-Hart ABM vote was the high-water mark of the struggle to restrain the 1969 military spending bill, and the votes that followed represent a decline from the critics' peak strength.

But this conclusion fails to take into account the nature of the Cooper-Hart vote. It was not an accurate measure of Senate opposition to excessive military spending, because the amendment did not squarely face that issue. Since it was an oblique rather than a direct confrontation, the ABM vote had the unfortunate effect of exaggerating the growth of the new attitude toward the defensive budget, and it created the illusion that the switch of only a few votes would turn the tide altogether. The real measure, as of early August, when Senator Smith offered her challenge, was probably closer to the eleven votes registered in favor of her amendment.

The deeper significance of the ABM fight was its effectiveness as a rallying point for large segments of the public, the scientific

and academic communities, former government officials, and members of Congress against a weapon system that promised to diminish rather than enhance national security. In the process, many persons received their first lessons in defense analysis and they found the discipline accessible to ordinary reason. Because of the good showing the opponents made in the floor debates, and the excellent support they elicited from individual constituents and from such *ad hoc* citizens' groups as the National Citizens Committee Concerned About Deployment of the ABM, headed by Arthur Goldberg and Roswell Gilpatric, a number of them were emboldened to probe further into military affairs. These effects spread to the House of Representatives, where later in the fall 105 members voted in favor of a Cooper-Hart type of amendment—a display of dissatisfaction with military leadership not often seen in the House.

Following the ABM vote, and in the few days remaining before the mid-summer Congressional recess, the Senate took up the first batch of the many amendments directed against other portions of the military authorization act. Among them were an amendment, introduced by Sen. Richard Schweiker, directing the Defense Department to make quarterly reports to Congress on the costs of major weapons systems; a proposals by Sen. Gaylord Nelson to regulate the production and deployment of chemical and biological warfare agents, and one by Sens. Thomas Eagleton and Mark Hatfield to delete $54 million designated for the Main Battle Tank, pending a report by the General Accounting Office on the huge cost overruns plaguing this program. The Schweiger and Nelson amendments passed; a compromise was reached on the Main Battle Tank whereby the General Accounting Office was asked to make a report on the program to the Armed Services Committee which would then reconsider the question of continuing it. In the belief that the committee would take the funds out of the bill if the report indicated that the program was too costly, Eagleton and Hatfield withdrew their amendment.

A measure proposed by Sen. Joseph Tydings to reduce the research and development emergency fund (some called it a slush fund) was modified to a smaller cut and adopted, and Sen. William Fullbright was able to remove $45 million from the Pentagon's social science and foreign policy grant program.

It was, for the military critics, one summer of happiness. The slim margin of the ABM defeat had been heralded as a moral victory, and the string of small successes that followed was interpreted by some observers as further proof that the big military spenders were being routed. Secretary Melvin Laird's announcement during the recess that, due to Congressional pressure, defense spending would be cut by as much as $3 billion added to the euphoria. But after Labor Day, Congress and reality returned to Washington. The budget cutters put forth some of their best arguments against some of the worst programs and were voted down handily on each one: proposals to cut back or postpone the C-5A Cargo Plane, F-14 Fighter, AMSA Bomber, and Nuclear Aircraft Carrier programs were all defeated. What had happened?

The difference in the critics' fortunes before and after the recess was, to a large extent, a matter of money. The August amendments concerned new regulations and attempts to place controls over the Pentagon's use of funds in programs which, for the most part, did not involve major weapons systems or great (by Pentagon standards) amounts of money. It is one thing to attack open-air testing of lethal chemical agents and disease-producing biological micro-organisms, or to blow the whistle on military research grants into such problems as "The Decline in Paternalism Among Peruvian and Japanese Laborers." It is something else to attempt to cancel a major weapon system, for every one of these involves contracts for hundreds of millions, often billions, of dollars with large defense firms who employ workers by the tens of thousands. Obviously, military contractors do not stand idle while Congress deliberates over their contracts. In addition, each major weapon system can vitally affect the relative influence and status of the military services and they, too, become something more than dispassionate onlookers during such debates. How prestigious would the Navy be without a carrier fleet, or the Air Force without a manned bomber fleet, or the Army without a tank fleet? The one system other than ABM attacked by an amendment in August—the Main Battle Tank—after being withdrawn by agreement, was re-endorsed by the Armed Services Committee after it had received from the General Accounting Office a report very critical of the program.

On the other hand, while the attempts to take out some of the weapons were not successful, the votes indicated that the critics were making headway in the sense that more Senators went on record to eliminate large sums of money from the bill than had ever done so before. For example, twenty-three Senators voted for Sen. William Proxmire's amendment to cut out more than $500 million from the C-5A. Only eleven, it will be recalled, had voted for the Smith proposal to take all the money away from the Safeguard ABM. Senator Smith was able to improve upon her earlier showing: she reintroduced her ABM amendment on the appropriations bill on December 15 and received thirty-six votes. These votes and the corresponding ones in the House, though modest, represent dramatic progress over the year before, when Senator Clark, for example, could muster no more than six of his colleagues against the proposed new bomber defense system (called AWACS) and similar numbers on other programs, and when the opposition to his arguments against the Manned Orbiting Lab (MOL) was so rigid that he was discouraged from even introducing the amendment he had prepared against it.

The fundamental failure of the floor efforts in both Houses was that all the advanced weapons survived the challenges intact and no substantial money cuts were achieved while the bill was being considered. But this should not detract from what was accomplished. In the first place, the funds recommended by the Armed Services Committees were substantially lower than the Administration had requested, and it is generally agreed that the demands made by the military critics for defense reductions influenced the actions of the committees. In a move of long-term importance, $1 billion was taken out of the research and development program alone.

Second, the relatively minor reductions and the non-money amendments tacked on to the authorization act were also not insignificant. In addition to the amendments on chemical and biological warfare, social science research, and the Pentagon's emergency fund, Senator Proxmire successfully proposed that (1) the General Accounting Office conduct the first comprehensive study of defense profits; (2) a directory be compiled and kept up to date of retired military officers employed by defense contractors and of former contractor officials employed by the Pentagon; and (3) the category of military research known an *independent* research and development be cut 20 per cent. In addition, a ceiling was placed on total troop strength, though hardly low enough for many critics, a cost and effectiveness study of the nuclear attack aircraft carriers was ordered, the Pentagon agreed to hold up spending on the Main Battle Tank until it could complete a study of that program, and a number of small weapons were added to the list of items that must be specifically authorized each year rather than simply contained in an appropriation. This last change will improve Congress' ability to control military spending, assuming the willingness to exercise control persists.

Third, throughout the year decisions about weapons systems were announced by the Pentagon that served to vindicate those who had tried to point out the waste inherent in the defense budget by examining specific programs. In May production of the Cheyenne Helicopter was halted, a step that Rep. Otis Pike, one of the "fearless five" dissident members of the House Armed Services Committee, had been urging for more than a year. In June the MOL was canceled. In November, after the authorization acts were completed. President Nixon proclaimed a limitation of the use of chemical agents and a renunciation of germ warfare, although the germ ban has since been revealed as only a partial ban because of a recent redefining of biological toxins. Also in November, the Air Force announced that it would purchase eighty-one rather than 120 C-5A cargo planes due to its increased costs, thus conceding much of Proxmire's criticism of that program. Such developments encourage continued Congressional effort.

On December 3, some of the most stinging criticism of military spending in recent years emanated from an unlikely source, the House Appropriations Committee. Throughout the year, Rep. George Mahon, chairman of the committee, had been giving hints of dissatisfaction with the military budget and with the military in general. In an exchange on the floor of the House, May 21, Mahon asserted that "The military has made so many mistakes, it has generated a lack of confidence"—whereupon Rep. L. Mendel Rivers, chairman of the House Armed Services Committee, accused him of "playing into the hands of the enemies of the military." The December report of the Mahon committee cited chapter and verse. The year 1969, it concluded, was the year of the cost overrun; "No single year stands out in which inordinate escalations in costs for Defense weapons systems developments and procurements have been surfaced to the extent they have been this year during the hearings." Punching a hole in the Pentagon's usual explanation for cost overruns, the committee found that inflation accounted for only 11.4 per cent of the increases identified, and "It can be said that cost overruns in fact have contributed to inflation." The report went on to indict the Pentagon for sloppy contracting methods and questionable practices with regard to justifications for programs presented to Congress.

More important, the committee recommended an appropriation $5.3 billion below the Nixon revised request, and $4.4 billion below the amount actually appropriated the year before. The Senate then removed an additional $627 million, and the conference committee restored about half of that amount. The appropriation finally passed was thus $5.6 billion below Nixon's request. The Senate also placed in the bill a prohibition against the use of U.S. ground troops in Laos and Thailand and a requirement that funds appropriated but not spent or obligated by the Defense Department be identified after certain periods of time—further evidence of a strong sentiment that Congress should exercise greater control over defense spending.

The appropriation was the first since 1965 to be less than that of the year before; it showed the largest reduction since the post-Korean War year of 1954. That is not to say that total defense spending will actually be reduced by any given amount. The appropriation bill referred to contains most but not all the moneys appropriated for defense. Military construction is handled as a separate piece of legislation, as are such military-related appropriations as foreign military aid. Also, the regular defense appropriation bills can be, and usually are, augmented by supplemental appropriations. The supplementals are sometimes wildly unpredictable. In 1967 the Johnson administration asked additional

sums of close to $13 billion, because of a miscalculation of the costs of Vietnam.

There is reason for restrained optimism with regard to total appropriations this year. (They can never be considered complete while supplementals can still be introduced and acted upon, and these can be submitted any time up to June 30, the end of the fiscal year. Technically, the appropriations process is not over until the fiscal year is over.) In addition to the large reduction in the main defense appropriation, both the military construction and the military foreign aid appropriations were below the amounts requested, and the only supplemental that now appears on the horizon will be relatively small—about $1 billion to pay for the military pay raise enacted last year.

But there is a hitch: the amounts appropriated by Congress differ from the amounts spent by the Pentagon. This discrepancy arises because money appropriated in one year, but not spent, is then carried over to subsequent years. The time lags between appropriation and expenditure vary with the type of program, the greatest lag occurring on procurement. For this reason we can anticipate substantial delays between appropriation reductions and spending reductions, and the full amount of last year's cuts will not be realized immediately.

Taking all of this into account, we can estimate total Defense Department expenditures in fiscal 1970 of about $76 billion. This compares with $77.3 billion in 1968 and $77.9 billion in 1969. The difference, if the estimate holds up, would be an actual reduction of about $2 billion from last year.

Balancing off this healthy sign is the fact that, with the exception of the MOL and Cheyenne programs canceled early last year, and the cutback in the number of C-5As to be purchased, all the major weapons systems were allowed to go forward. Since an unusual number of new programs are getting off the ground or into the water this year, and since their major funding is yet to come, the stage is clearly being set for another big defense budget *Putsch*. For example, a mere $100 million was appropriated for AMSA this year, but it will probably cost more than $15 billion eventually, and annual appropriations will soon total several hundred million dollars a year. The same can be said for the new fighter aircraft, the carriers, the Main Battle Tank, and several other weapons which got their big feet in the door this year. If old and new weapons systems continue to be funded, it matters not what cuts are made in manpower, operations and maintenance, research and development, in stretch-outs of hardware programs, or in the closing of bases; the pressures will ultimately develop for once again enlarging the overall budget. Congress shied away from this issue in 1969, but one day soon it will have to be met. If there is not a weeding out of the marginal and excessively ambitious programs at various stages of the their development, last year's struggle will have achieved at best a temporary dip in expenditures, to be followed by another upward thrust.

Congress did not turn the military establishment around in 1969, and perhaps it was too much to expect that twenty years of almost constant military growth would be reversed in one. In fact, defense spending increased somewhat in fiscal 1969. But Congress did make a start. It appropriated less money and reclaimed some of its controls over the Pentagon by legislating them back into existence. Its method of analysis and attack, weapon system by weapon system, proved very effective and succeeded in keeping the military on the defensive throughout the year. The critics demonstrated their willingness to work hard in order to understand defense programs; their future success as critics will largely depend on their persistence in straightening out what Senator Fulbright has termed our cock-eyed priorities.

The Senate debate over the military authorization bill, which was the longest military debate in the history of Congress, and the many hearings into military affairs conducted by Senators Proxmire, Fulbright, Symington, Gore and Ribicoff, have helped to establish a better understanding of how the Pentagon and its industrial allies operate. It raised serious doubts, if not indignation, over the wisdom of entrusting to their hands so much of the nation's wealth and power.

At the very least, the issue of defense spending has been removed from the sanctuary of the high priests of military authority and brought into the light for all congregations to see. By doing that much, Congress has shaken itself free of some of the myths that have enveloped the military budget for so long. One was the assumption that it was somehow preordained for defense expenditures in the nuclear age to comprise between 8 and 10 per cent of the gross national product, and that so long as the figure hovered in this range it was acceptable. This supposition has been rejected partly because the enormous amount of waste disclosed by last year's investigations proved that defense spending is excessive; partly because members of Congress have learned to ask some of the more important questions and to challenge the basic assumptions underlying military policy. For example, the real question with regard to the size of the budget is not what proportion of GNP it represents, or whether the percentage should be raised or lowered, or whether it is equal to the square of the moon's diameter. The real question is whether we are investing too little or too much of our resources to achieve the only rational objective for a military establishment, national defense.

By spending such time and energy on these matters, Congressmen have begun to understand how critical it is to deal with the defense budget. The issue of defense is going through the process of socialization, just as the issues of civil rights, poverty and hunger, and pollution of the environment have gone through a similar process in recent years. Like these civilian issues, defense is no longer thought to be the exclusive province of any body of experts in the executive or legislative branches. Increasingly, members of Congress have made themselves fully qualified and competent to speak out, raise questions, make suggestions, and exercise their individual judgment about civilian issues, regardless of their committee assignments or background and training. Defense policy is rapidly coming to be viewed with the same degree of urgency. It is too important to be left to the military or to the professional experts who have botched things badly up to now.

What the public now needs to understand is that defense, like many other questions, is too important to be left to the government to determine by itself. The anti-ABM movement was one of the better examples in recent years of a coalition of people, groups and elected officials committed to a major change of policy, and the fact that it did as well as it did is a sign that it is still possible to strive toward public resolution of public issues. Unfortunately, that coalition turned out to be too ephemeral to sustain its pressure during the debate over military spending that followed the ABM vote. The steady stream up Capitol Hill of citizens groups, emissaries from the universities, ex-officials and statesmen who indefatigably buttonholed their Congressmen and Senators to argue the case against the ABM, who held conferences, wrote papers, reports and speeches, conducted press conferences and took out ads in major dailies, slowed to a trickle after that first August vote. When the debate resumed in September it had dried up almost completely. There were no packed galleries after ABM.

But for a while last year, the juices flowed again in Congress, a branch of government which many persons thought too withered to show any life. As Ruth Gordon, age 72, said upon receiving her first Academy Award in 1969, "I can't tell you how encouraging a thing like this is."

A SOLDIER VIEWS MYLAI

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. NELSEN. Mr. Speaker, the Worthington Daily Globe in my congressional district has seen fit to publish a most thoughtful look at the Mylai scene from a soldier's point of view. I believe this account by Sgt. Tim O'Brien of Worthington provides insight and understanding about the tragic situation that exists in parts of Vietnam and should be shared with the American public. I include Sergeant O'Brien's assessment, along with its editorial introduction, at this point in my remarks:

(EDITOR'S NOTE.—Sgt. Tim O'Brien, a Worthington man and a graduate of the local public schools, is now with the U.S. infantry in Vietnam. He fought at Mylai not in March 1968, when it is purported an atrocity was committed there but less than a year later. His report is powerful. O'Brien is the son of Mr. and Mrs. William T. O'Brien, 230 11th Ave.)

The villages of Mylai are scattered like wild seed in and around Pinkville, a flat stretch of sandy red clay along the northern coast of South Vietnam. Pinkville seems a silly, county fairish misnomer for such a sullen piece of the world. From the infantryman's perspective, zig-zagging through one of the most heavily mined areas in the war zone, there is little pink—or rosy—about Pinkville. Mud huts more often deserted than not, gray and filthy hamlets, bombed out pagodas, and the patently hostile faces of Pinkville's inhabitants are what he finds there, along with a spate of elaborate tunnels, bomb shelters and graves.

The place derives its name from the fact that military maps color it a shimmering shade of elephant-pink, signifying what the map legends call a "built-up area". Perhaps it once was. Now it needs to be. GIs operating in Pinkville have long since concluded that the only justification for the name is in the strength and ferocity of Viet Cong in the area, a bunch of real pinkos.

Pinkville and the villages called My Lai are well known to this unit. They were notorious and feared places even before the brazen and perhaps unfair headlines heralded the "My Lai Massacre". In January of last year, less than a year after the alleged slaughter, this unit took part in the massive Operation Russell Beach, joining forces with other Army elements, boatloads of Marines, the Navy and Air Force. Subject of the intricately planned and much touted campaign was Pinkville and the Batangan Peninsula, both of which had long served as Charlie's answer to the American R&R Center—friendly natives, home cooked rice, and nearly total sanctuary from American footsoldiers. Despite the publicity and War College strategy, the operation did not produce the anticipated results, and this unit learned some hard lessons about Pinkville. There is no reliable criterion by which the GI can distinguish a pretty Vietnamese girl from a deadly enemy; often they proved to be the same person. The unit triggered one mine

after the other during the operation, frustration and anger built with each explosion and betrayal, one hamlet and one Oriental face began to look like any other—hostile and black—and this was a group of men boiling with hate when they were pulled out of Pinkville.

THE VIETCONG WERE THERE

In May we were ordered back. Inserted by chopper in the villages of My Khe, a few thousand meters south of the My Lai's, the unit hit immediate contact, only seconds after interrogating with negative results the citizens of My Khe 3. The Viet Cong were there, waiting in ambush across the rice paddy; the people, some of them, had to know what was in store; so we went across the paddy and the Arizonan was killed and a grenade bounced off my helmet, taking Clauson out of the war. And a lieutenant swiveled the skinny Arizonan off his shoulder, into a chopper, and we went north, into the My Lai's.

It is difficult to recount the next weeks. It was a matter of walking until someone hit a mine—a frenzied call for dust-off choppers—then walking until we were mortared or until snipers plinked away at us from one of the villages.

We met a certain number of local Vietnamese along the way. Invariably they were the nonparticipants in war: children under 10 years, women, old folks who planted their eyes into the dirt and were silent. There were no military-aged men to be seen, no fathers for the children, husbands for the women; no brothers and no farmers to reap the rice which someone had to have planted. And there were never answers to the question, "Where are the men?" Not from the villagers. Not until the unit ducked poppa's bullet or exploded his fine mine into a million fragments.

The unit was fatigued and angry leaving My Lai 5: another futile search of a nearly deserted village, another fat zero turned up through interrogation. Moving north to cross the Diem Diem River, the unit took continuous sniper fire, and it intensified into a storm of sound when we reached the water and a bridge, 75 meters long and perfectly exposed, the only way across. One man at a time, churning as fast as the rucksacks and radios and machine guns allowed, the unit crossed the Song Diem Diem, the rest of the troops spraying out protective fire, waiting their own turn, and we were scared. It was a race. A lieutenant was the starter, crouched at the clay runway leading into the paddy, hollering "Go" for each of us and then letting a burst of fire to cover the guy. The CO, first man to win his race, was at the finish line. He gave the V sign to each man across, which might have signaled victory or valor but afterwards came to mean vindictive—as in vengeance.

ONE HUT AFTER ANOTHER BURNED

In the next days it took little provocation for the unit to flick the flint on their Zippo lighters. Thatched roofs take the flame quickly, and on bad days the unit burned one hut after the other. Fear, exhaustion, the torture of searching for ground that won't blow you away, day to day harassing fire—these things built, one upon the other, and the psyche finds its outlets.

When two popular soldiers were blown into a hedgerow by a booby trapped artillery round, men put their fists to the nearest Vetnamese, two frightened women living in the guilty hamlet, and when the troops were through with them, they hacked off swaks of thick black hair. The men were crying, doing this.

Fighters were called in. The hamlet was leveled and naplam was used to burn away whatever might have been living in the rubble. There were VC in that hamlet, and who else?

If the alleged incident at My Lai 4 in March, 1968, occurred as reported, it was a crime, and there is no justification to be culled from reference to the participants' brutal experiences in and around the My Lai's, just as this unit's actions are not assuaged by pointing to dead buddies, hostile civilians, and the omnipresent mines. GIs, growing up on the image of the American soldier as a khakied savior, generously giving of himself to fight for enslaved and grateful souls, has a difficult time understanding that this is not France, that My Lai is a far cry from Paris and its cheering, willing young chicks. The difference is that My Lai is not occupied nor enslaved by the enemy. The residents of Pinkville are the enemy—or his children or his wife or his bronzed old mother. And still GIs find it incomprehensible, their hostility. "Ungrateful, stupid dinks," we call them. Dinks, which is a word laden with all the contempt of World War II's "nip" and "kraut", the Korean War's "gook", Castro's "yankee".

ONE DAY IN CZECHOSLOVAKIA

Pinkville is the enemy's home, that can be said as surely as one can say anything about what happens here. Given that fact, the outrage of American troops at the sullen faces, mines, and unanswered questions reaches ludicrousity. What more can be expected from the enemy and his family?

If outrage does not justify what might have happened in March of last year, neither does the fact that the slain women and children were hostile relatives and friends and sympathizers of the Viet Cong. If so, we could smile at our consciences and justify similar atrocities by past and present enemies: when, in retribution for the killing of Heydrich, the Nazi occupiers of Prague traveled a few kilometeres to the west, cordoned off the village of Lidice and marched the inhabitants off to a nearby field where they were killed. The official explanation: Lidice was the suspected refuge for Heydrich's killers. Today Lidice, Czechoslovakia, is a flowered memorial to that event. One wonders how the Vietnamese will commemorate My Lai 4 20 years from today.

There is more to our unit's behavior and the behavior of Charlie Company in Pinkville than can be found in the phrase "mob psychology". There was hate and a kind of crazed frustration in the men out there. No mob leader, no anonymity in numbers was needed to carry the troops toward violence.

Nor does Cooley's "in-group, out-group" analysis penetrate deeply into what happened and, presumably, is still happening. Though it is true that the Oriental skin, poverty, and hostility found in Pinkville leads to the "we-they" complex, grouping all Vietnamese—friendly or not into the same category, the dink, it is not often that the out-group is so intensely out that they are beaten and bombed and shot.

AFFLICTION MANIFESTED IN WAR

Perhaps we should take another look at the insight of Freud (who is also "out" these days) and his concept of the Id, which Alan Watts characterizes as "the primordial instincts of the swamp and the cave." Perhaps the American condemnation of "the national character" of Nazi Germany—with its lurking brutality, authoritarianism and ethnocentrism—was too quickly and glibly confined to the Germanic culture.

Whatever the roots, the affliction seems to be manifested in war and particularly, most acutely, in the sort of throe of events this unit experienced last May in Pinkville. It was a hard way to peek into your own soul, and the headlines may have been a shocking denouncement for the American public, but some soldiers here are hoping we can proceed from a new level of understanding, individually and as a nation. Some of us are convinced, with Alan Watts, that "the most intense darkness is itself the seed of light, and all explicit warfare is implicit love."

COMMISSION ON U.S. PARTICIPATION IN THE UNITED NATIONS

HON. CORNELIUS E. GALLAGHER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. GALLAGHER. Mr. Speaker, I am today introducing a resolution calling for the establishment of a Presidential Commission on United States Participation in the United Nations.

The year 1970 marks the 25th anniversary of the United Nations organization. Many things have happened since that organization came into being and many other things will happen in the years ahead. This year, therefore, would seem to offer us a timely opportunity for reviewing the record of accomplishments of the U.N. organizations, for reapprising the machinery of the U.N. system and for trying to arrive at some answers regarding the role which that instrument of international cooperation should play during the coming decade.

With these thoughts in mind, the Subcommittee on International Organizations and Movements of the Committee on Foreign Affairs, which I have the honor to chair, has planned a series of hearings relating to the U.N. These hearings will begin on February 17 and many distinguished Americans in public life and in the private sector will testify before the subcommittee.

It has been my feeling and that of some of my colleagues that any meaningful reappraisal of the United Nations and of the U.S. role in that organization cannot involve the Congress alone. The executive branch and, indeed, the whole Nation, ought to have a part in that undertaking. It is with this in mind that I am today introducing the resolution which would provide for the establishment of a Presidential commission to conduct such a reappraisal.

The text of the resolution follows:

H.J. RES. 1078

Joint resolution establishing the Commission on United States Participation in the United Nations, and for other purposes

Whereas 1970 marks the twenty-fifth anniversary of the United Nations; and

Whereas the world community has changed and new problems have arisen during this twenty-five-year period; and

Whereas the beginning of the 1970's is an appropriate time to initiate adequate planning for the future operations of the United Nations and for the role of the United States in such operations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established the Commission on United States Participation in the United Nations (hereafter in this Joint Resolution referred to as the "Commission") to be composed of twenty-five members as follows:

(1) Four Members of the House of Representatives selected by the Speaker of the House of Representatives, at least two of whom shall be selected from among members of the Committee on Foreign Affairs and not more than two of whom shall be selected from the same political party.

(3) Seventeen members selected by the President of the United States from among outstanding citizens in both private and public life. The President shall designate a

member of the Commission selected by him from private life to serve as its chairman.

(b) Any vacancy in the membership of the Commission shall not affect its powers, but shall be filled in the same manner as in the case of the original appointment.

(c) Thirteen members of the Commission shall constitute a quorum for the transaction of business.

SEC. 2. (a) It shall be the duty of the Commission to review the organization and operation of the United Nations and its specialized agencies and programs for the purpose of making recommendations to the President and to the Congress regarding the role of the United States in the operations and programs of the United Nations during the decade of the 1970's.

(b) The Commission shall report in writing to the President and to the Congress, not later than one year after the date of enactment of this Joint Resolution, which report shall set forth the results of the review conducted by the Commission, together with such recommendations regarding United States participation in United Nations operations and programs as the Commission may deem appropriate. The Commission shall cease to exist sixty days after filing the written reports required by this subsection.

SEC. 3. The Commission is authorized, without regard to the civil service laws and regulations, to appoint, compensate, and remove such personnel as it may deem advisable to carry out the provisions of this Joint Resolution.

SEC. 4. (a) Each member of the Commission who is an officer or employee of the United States shall serve without compensation in addition to that received for his services as such an officer or employee, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him when actually engaged in the performance of his duties as a member of the Commission.

(b) Each member of the Commission selected from private life shall receive compensation at the rate of $100 per diem when actually engaged in the performance of his duties as a member of the Commission, and shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in the performance of such duties.

SEC. 5. The Commission is authorized to request from any department, agency, or independent instrumentality of the United States any information and assistance it deems necessary to carry out its duties under this Joint Resolution; and each such department, agency, and instrumentality is authorized to cooperate with the Commission and, to the extent permitted by law, to furnish such information and assistance to the Commission upon request made by the chairman or any member acting as chairman.

SEC. 6. There are authorized to be appropriated such sums, not to exceed $250,000, as may be necessary to carry out the provisions of this Joint Resolution.

VETERAN RECALLS FIRST WORLD WAR

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. ROBISON. Mr. Speaker, Harold L. Barlow, a fine gentleman and constituent of mine, recently wrote a guest editorial for the Legionnaire, a monthly publication sponsored by Post 80 of the American Legion, Binghamton, N.Y. The editorial recounts some of Mr. Barlow's thoughts and reflects upon his experiences during World War I. It is, at once, a nostalgic and interesting piece. The full text follows:

A 75-YEAR-OLD VETERAN WRITES

When we old veterans walk down this long road of life, we see and hear things that make us laugh, things that make us cry and many things that make us wonder why.

Let us think back to days when we all wore the diaper, when Mother and Dad worked hard every day for little pay so that our future would bring forth brighter days.

To start us off right they tickled us under the chin so that we would grin. They knew this would eventually turn into laughter and would pay-off thereafter.

Oh, we cried too when we had a little pain, were hungry or if we were upset when harmful things were taken from our little hands. We didn't cry long until we started to smile or fell asleep for awhile.

Things went along nicely until we thought we were smart and did things we should not. We were soon corrected on this foolish stunt by a spanking on our growing rump.

We believe today the above mentioned things were good ideas. They taught us in later years to go along doing right and not wrong. There were times I didn't follow the right path and down the wrong path went, all for which I now repent. The times I followed the right path surely paid-off, especially in friendship ways. I don't know or, nor do I believe that I have one enemy in the U.S.A. It's a wonderful feeling, and I hope it is here to stay.

Some of us didn't have the opportunity to get much education. My parents were poor, so I left grammar school and went to work, figuring that it would help. It did help a little but not much. It didn't help me in later years when I wanted to advance to higher position and rank. I can assure you that, if I had the opportunity to go to college it would have been to seek more knowledge. Not to do like a few students, cry and stew, to ease their minds use narcotics and sniffle glue, think the college professors and teachers have no wits and that they are hypocrites, try to turn the college campus into a college rumpus. To the sincere student who wants to advance, you are where you have a chance for a profession or degree, stick it out and you will see, how much better-off you will be.

Today some young people are steering the tragic train while the parents are riding way back in the old caboose, sitting there paying no attention to where their children are headed just saying what is the use? We are comfortable in this old caboose.

Now let us look back to the year of 1917, when our President thought it best to declare war and we were told what we would be fighting for, future self defense, helping friendly nations pull their chestnuts out of the fire and fighting a war to end all wars. As we look at this last reason and think of the wars our nation has been in since, it is evident we did a darned poor job.

Anyway, to show our patriotism we enlisted and many were drafted. We didn't tear up Draft Cards or burn the Red-White and Blue, as some do, surprisingly supported and defended by supposed-to-be intelligent men.

In the attitude of these people today to make people all over the world think we are distrusting, pessimistic, capitalistic and destructive invaders, giving our enemies ideas for propaganda, or is it fear within themselves, that of going to war.

Oh, we had a few we called the "Slacker." He was so scared, that on the Fourth of July he would run when somebody set-off a small firecracker.

We sang the songs that included the following words—"America America" land that we love—It's a "Grand Old Flag," It's a "High-flying Flag" and forever in peace may it wave—It's the emblem of the land we love, the home of the Free and the brave—"We're going over, We're going over and we won't be back til it's over, over there."

So away we went, first in training. While there my Commanding Officer felt that I was qualified to be an officer in the infantry. Before I went, there was an understanding between the Sergeant who took my place as First Sergeant that, if there was any indication that the Regiment was going across, to notify me at once. Before the school started I received the message that the company was about to leave and immediately made arrangements with the Commanding Officer of the school to return to my company and arrived just in time to go along with my Buddies.

We were soon on a ship and on our way. We landed in France and within four days sent into a defensive action where the German Army was trying to enter Paris. This soon turned into an offensive action when our artillery, dough-boys and Marines drove them back. We kept driving them back through the Aisne-Marne and Oise-Aisne offensives. From there we went into the Meuse-Argonne offensive, starting from the day it began to the day it ended, November 11th 1918. Then after a ten day interval, we followed the Germans into Germany and stayed in the Army of Occupation for five and a half months.

During the actions mentioned we saw the horrible things that happen in war, Artillery men, Dough-boys, Marines and Germans alike laying dead on the ground, airplane pilots, balloon observers their planes and balloons hit in the air and come down in flames, soldiers wounded and some who had been through poisonous gas. Thank God we didn't see any women or children wounded or laying dead on the ground.

While in the Meuse-Argonne offensive I was offered another chance to enter an officers training school. This I turned down and stayed with my Buddies. When in Germany the men in my company presented me a gold watch that cost a lot of money then. Every man in that outfit, 250 in all, contributed to that cause. At the start of this writing I mentioned about making us cry. Well the tears rolled down my cheeks, not in sadness, but the thought in my mind how much those men thought of me as their First Sergeant, because I treated them the way I would like to be treated. That watch is over 50 years old now. I gave it to my son, a Korean War Veteran, so he would have it after I am gone. He can look at it then and say, as he has in the past, I hope I live to see the day that I have as many friends as my Dad.

Nothing in this writing has been mentioned in braggadocious way, but to show that it pays off to be loyal and friendly to your nation and your friends, even in time of war.

To all the people who breed hate, congregate for destruction and would like to see this country blown-up by combustion or see us go into revolution and will never change their minds: maybe it would be money well spent if our Government would furnish free transportation to the land of their choice, where for propaganda reasons would they have any voice, where if they spoke out in dissent, they would be to prison sent, or wind-up facing a firing squad. While waiting for the words "Ready-aim-fire" they would say a prayer, God forgive me for all my sinful ways, including the day I left the U.S.A.

Free transportation should also be furnished to the hijacker who holds a revolver to a pilot's dome and says "take me to Cuba or fly me to Rome."

German people were very friendly, treated us fine all the way from the border to beyond the Rhine. Just to mention a few nice things they did, the first night we crossed the border we were billeted in a tailor shop. The owners were two brothers, just discharged from the army. They were making

their uniforms over into civilian clothes. They welcomed us in, gave us a nice dinner. At night we were supposed to sleep on the shop floor. They sent us upstairs to sleep in their beds and they slept on the floor, themselves. One other night we stayed in an army officers home, they treated us well. We had a good night's rest, awoke in the morning our shoes were gone, they had cleaned and polished them and, believe me, they were well done. At Christmas time we were in the farthest outpost of the American army, in a small town. People there came from all around they brought us chicken and food. One elderly lady who had had a son killed in the war, brought me a small Christmas tree to place in my room and wished all a Merry Christmas.

It was a sad day for America when a crazy crack-pot shot and killed Martin Luther King, Junior, who would have brought about the wishes of the intelligent Negro much sooner. He preached the Gospel and asked all people not to be hostile.

To those who call policemen brutal, culprits and things I don't care to mention, give police all kinds of trouble, better look in a mirror and take a good look at themselves. A policeman is trying to protect us by enforcing the law. A policeman in his heart doesn't like to make an arrest, but is doing his best to keep law and order at its best.

Now let us pray that the day will soon come when all our brave soldiers come home, when wars will cease and all people live in peace, when all people of different creeds, race and color will get on the band-wagon together, shake hands, and ride in the freedom parade, waving the flag of the grand old U.S.A.

HAROLD L. BARLOW.

WASHINGTON POST URGES TYRANNY IN SOUTH

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. RARICK. Mr. Speaker, it was said of old that judges ought to remember that their office is to interpret law and not to make law. The wisdom of that warning was recognized by the founders of our Republic, when they established the Congress for the enactment of laws and the judiciary for the judging of cases and controversies. It was recognized by generations of jurists who, time and time again entreated to waver, held to their course and refused to legislate.

Our present domestic difficulties are due in major part to weak men who broke the judicial faith. Within our lifetime we have seen their precedents—first in Russia, then in Nazi Germany.

The Bolsheviks, having abolished all law, created their "Peoples' Courts" for the administration of both criminal and civil justice measured by the yardstick of "the proletarian conscience."

One of Hitler's early actions permitted German judges to decide cases, not according to law, but according to "the healthy sentiments of the German people."

Yesterday I pointed out the true law of the land which governs the question of school desegregation—the Constitution, the Civil Rights Act of 1964, and the current HEW Appropriations Act. There is no other law which applies. All else is the bald usurpation of power—the decision of cases under such suicidal standards as Lenin's "proletarian conscience" or as Hitler's "sentiments of the German people."

Our present courts, acting outside the law, are on the very ground which history teaches leads inevitably to tyranny. In this course they are encouraged by those who, giving loud protestations of their democracy, chart the course to slavery. The editorial view of the Washington Post is typical, that of the Fort Myers News-Press a foolish following, and the column of David Lawrence the truth.

I include the clippings in my remarks:

[From the Washington Post, Feb. 4, 1970]

HELPING THE SCHOOLS IN THE SOUTH

There was some good sense, or at any rate there may have been, in what the Vice President said, or at least started to say, about school desegregation in the South on the CBS television and radio networks last Sunday. But owing to the invincible propensity of TV interviewers to interrupt and change the subject to something entirely different just as soon as the person they are interviewing begins to be interesting, it is difficult at this point to know just what Mr. Agnew had in mind.

Fairly early in the interview, Mr. Agnew said: "The President has indicated to me that he will shortly announce the formation of a cabinet-level group which I will chair that will work for the purpose of implementing the decisions of the court in the least disruptive way to quality education in the South." He went on to say that the Attorney General and the Secretary of HEW and "probably several of the President's counselors, possibly Mr. Moynihan, possibly Mr. Harlow and others," would be participants. In addition, before being cut off or taken off the hook, he observed that "much of the difficulty"—the difficulty in obtaining compliance with Supreme Court school desegregation rulings—"has come about . . . through misunderstanding of what the court really meant and what the people have taken out of the court's statements and what the Department of HEW and the Attorney General's office may have promulgated in the way of regulations."

Excuse us for indulging our own invincible propensity to interrupt at this point, but we have long thought and often said that much of the misunderstanding of what the court really meant has come about because the administration has persistently waffled, at least during the past year, about the "guidelines" governing school desegregation and about cutting off funds from school districts in violation of the law, and because the Department of Justice has persistently sought to defer application of the court's rulings, as though these could be reversed, or better still, forgotten. It is hardly open to question, we believe, that the Nixon administration has freshened and fortified Southern hopes that desegregation can be escaped by promising to appoint to the court "strict constructionists" who can be counted upon to construe the equal protection clause of the Constitution loosely and by indicating that it will not construe the Civil Rights laws passed by Congress too strictly.

Sixteen years have gone by since the court unanimously called segregated public schools unconstitutional; yet fewer than one-fifth of the black children in the South go to school with white children. The recognition of equality between the races entails a painful and difficult change for white Southerners, and no one could have expected it to come about quickly. But a whole century has elapsed since the 13th, 14th and 15th amendments were added to the Constitution, and the black people of the South can wait no longer. The President of the United States, and the Vice President, too, ought to make that plain.

It is quite true, as Mr. Agnew said, that the South needs help in making the change, in achieving equal education and quality education for blacks and whites. And the federal government ought to contribute that help; it can do a great deal through money and counsel and personnel. But the beginning of any real help has to lie in making it unmistakable that compliance with the law can no longer be delayed. "We've run out of courts, and we've run out of time, and we must adjust to new circumstances," said the Governor of South Carolina, Robert E. McNair, just the other night. If the Vice President and the new group he is to head really want to help the South, they will tell Southerners what Governor McNair told them, not what they want to hear but what they have to learn.

[From the Fort Myers News-Press, Jan. 25, 1970]

FLYING BY RADAR ON INTEGRATION

The call for Congress to lay down by statute the definite rules and requirements for school desegregation to supplant the uncertain judge-made laws now governing the matter, sounded by this paper to the limited extent that its voice may carry, has now been taken up by the Washington Post which has a rather louder voice, particularly at the capital. This is surprising since the Post is a notably liberal paper strongly supporting integration and opposing all proposals to slow its march. But it recognizes now that the situation calls for congressional investigation and action.

The Washington paper's concern is not so much with the chaos and disruption that will be caused in southern school districts, including Lee County, if the courts' impending Feb. 1 deadline for completing their desegregation is to be met. Rather, it apprehends a revival of the so-called Whitten amendment if President Nixon delivers his promised veto of the pending appropriation bill for the Department of Health, Education and Welfare (HEW) and a new bill has to be passed.

This is the amendment annually proposed by Rep. Jamie L. Whitten of Mississippi to the HEW appropriation bill to forbid any of its funds being used for busing students or assigning them to schools not of their choice to achieve racial balance. Last fall, although the amendment was passed by the House, it was defeated in the Senate. But the Post notes that now "fear of forced busing has become a potent emotion in the North" as well as the South so that if the HEW appropriation bill has to be reconsidered, the Whitten amendment is likely to be adopted.

The Post rightly warns that "nothing will be resolved—nothing fair or effective anyhow—by means of playful, Whitten-style legislative maneuver or by resounding (and aimless) political posturing. Yet that is pretty much all that the people's elected representatives, north and south, have seen fit to offer." A prime example of such political posturing, incidentally, is the mischievous plan of Gov. Claude Kirk to "order" Florida school boards not to comply with a court-ordered Feb. 1 deadline when he knows he has no authority to do so.

The influential Washington paper then makes a cogent plea for responsible congressional action. It says that Congress "would do us all an enormous service by initiating a reasoned and responsible inquiry into the nationwide problem of racial segregation in the schools" and resolving the "inequities and ambiguities." "As it is," the Post observes, "the courts and innumerable school

districts are more or less flying by radar in the absence of any direction by Congress."

A number of congressmen, Rep. William C. Cramer of Florida among them, have introduced proposed constitutional amendments aimed at reversing the court orders but this is simply more of the "political posturing" of which we have had a surfeit. What is needed and what Congress could do more practically is to supplant the desegregation "radar blips" from the courts with sound statutes.

[From the Evening Star, Feb. 4, 1970]

CONGRESS' STAND ON "RACIAL BALANCE"

(By David Lawrence)

The Constitution of the United States specifically says that Congress may by law limit the jurisdiction of the Supreme Court. Congress recently has passed such a law, forbidding the courts to issue any order to achieve "racial balance" in the schools by busing. The Civil Rights Act of 1964 says:

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the courts to insure compliance with constitutional standards."

In another section of the same act is the following provision:

" 'Desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

In the last appropriations measure for the Department of Health, Education, and Welfare, there were two sections that dealt with the forced busing of students. These provide:

"Section 409. No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

"Section 410. No part of the funds contained in this act shall be used to force busing of students, the abolishment of any school or the attendance of students at a particular school in order to overcome racial imbalance as a condition precedent to obtaining federal funds otherwise available to any state, school district or school."

In the 1970 Appropriations Act for the Department of Health, Education and Welfare, which has been vetoed by President Nixon, these sections were revised to read:

"Section 407. Except as required by the Constitution, no part of the funds contained in this act may be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of any student attending any elementary or secondary school to a particular school against the choice of his or her parents or parent.

"Section 408. Except as required by the Constitution, no part of the funds contained in this act shall be used to force any school district to take any actions involving the busing of students, the abolishment of any school or the assignment of students to a particular school as a condition precedent to obtaining federal funds otherwise available to any state, school district or school."

After Nixon's veto of the bill, it went back to a House Appropriations subcommittee. The phrase "except as required by the Constitution" makes the two provisions valueless because there is nothing in the Constitution that directly or indirectly deals with the compulsory busing of school children.

The Civil Rights Act of 1964 states broadly the power of Congress to forbid the use of public funds to correct "racial imbalance," but it has to be proved that this is a result of a state law or deliberate discrimination locally.

What the people everywhere are insisting upon is "freedom of choice" insofar as the districts in which they reside are concerned. They want to be able to send their children to any school within a school district, but they cannot, under court orders, object to children of other races attending the same schools.

The parents, however, do not feel their own children should be required to go to a distant school to correct "racial imbalance." Congress has specifically ruled against this remedy and has, in effect, prohibited not only the courts from issuing such an order but also the Department of Health, Education and Welfare from carrying out any such instructions of the courts.

The administration has appointed a special Cabinet committee under Vice President Spiro T. Agnew to try to solve the problem. It certainly needs further study, particularly by legal experts, so that some solution in conformity with "the law of the land" may be found.

SUSTAINS PRESIDENT'S VETO

HON. MARVIN L. ESCH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. ESCH. Mr. Speaker, the vote in the House of Representatives last week on whether or not to override the President's veto was one of my most difficult decisions since I came to the Congress. As an educator for 14 years at the University of Michigan and Wayne State University and as a member of the Education and Labor Committee, I have been vitally concerned with educational programs and I have worked to advance the priority of sound Federal educational programs in such areas as vocational education, urban education, and day care centers.

However, the vote which we took was not a vote for or against education—or for or against the future of our children—but a vote on some very specific programs and it had to be assessed in light of the entire national picture. After full consideration and discussion with hundreds of educators who came to Washington, I cast my vote to sustain the President's veto. I would like to review with you the factors which led to my determination on this issue.

First, I share with the President the grave concern that the fight against inflation must hold the highest priority. I firmly agree with many who have argued that cuts should have been made in other areas—I voted for cuts of nearly $10 billion in Defense Department appropriations; I voted against the deployment of the ABM; I voted against the subsidization of the SST; I voted against increased staff for Congress. I will continue to work against such expenditures.

Unfortunately, however, the crucial public test of our national willingness to fight inflation did not come on these issues—it came on the veto of the Labor-HEW appropriations bill. This is not the battleground which I would have preferred, but it is the one which was presented to us. Success in the fight against inflation requires not only a cutback in Government expenditures, but also a clear perception on the part of all forces in the economy that the President and the Congress mean business when they talk about fighting inflation. Once the President had actually vetoed the bill and the issue was joined, an override would have been tantamount to admitting that the Congress was willing only to talk about, not fight, inflation. By signaling a lack of determination against inflation, an override might well have set off a new wave of inflation.

The stake of the educational community in the fight against inflation is as high as any other segment of the Nation. As the January issue of School Management magazine reports:

> While many administrators complain bitterly, these days, about the adverse effect on education of the Nixon Administration's tough anti-inflation measures, the Cost of Education Index makes it abundantly clear that inflation itself is far more damaging than any of the attempts to bring it under control.

Indeed, if inflation were unchecked, the rise in costs would result in a loss of $2 billion to education in the next year—more than twice the amount contained in the vetoed bill.

A second consideration in my decision was the inclusion in the vetoed bill of an increase of $400 million in funds for impacted aid to school districts. This figure, nearly half of the entire increase, was in my view completely unwarranted. Impacted aid has become the biggest boondoggle in Federal educational assistance. Designed originally to assist those school districts which were suddenly deluged with increased enrollments because of a Federal installation which did not pay local school taxes, the program has grown into a bonanza for schools near any Government center. Montgomery County, Md., for instance, is the richest county in America. After taxes, the average family income is $18,000, yet the Federal Government subsidizes Montgomery schools with $5.8 million. During that part of the year which I reside in Washington, I live in Montgomery County, pay local property taxes there and send my three children to public schools there. The Federal Government subsidizes the education of my children—and the children of all other Federal employees.

This program bases Federal payments to schools on the basis of the employment of their parents, rather than their need. While Montgomery County is receiving $5.8 million to educate its middle and upper class students, Detroit received only $619,761 from this program to assist the thousands of needy students in its overcrowded, underfunded schools through the impacted aid program. There is an immediate need to revise completely this inequitable formula and assure that Federal funds are directed at those areas where they are most needed and in programs where they will be most effective.

For years, educators and Congressmen alike have prostituted themselves in accepting and continuing impacted aid in order to secure support for other more

worthy programs. We can no longer justify this compromise with principle. This vote was an expression of my determination to press for modernization and overhaul of this program. The funds involved in impacted aid simply must be diverted into more pressing educational needs such as day care, vocational education, urban and inner city programs, and so forth.

Finally, the vetoed bill contained mandatory spending requirements which would have forced HEW to spend the funds for specific programs whether or not the funding requests seemed responsible in the remaining 4 months of the fiscal year. Had the Congress voted to override the veto, I understand that HEW was under pressure to cut back on every discretionary grant under its control—which might have resulted in major and extremely serious cuts in funds for medical and educational research. Such cuts might well have resulted in great damage to these programs.

The Federal Government is now in the eighth month of fiscal year 1970 and schools have completed more than half of the school year. It is absolutely irresponsible and indefensible that we should still be embroiled in a fight about the appropriations for Labor-HEW. The failure of the Congress to take prompt action on appropriations bills illustrates again the need for a major overhaul of our appropriations process. Had the Congress acted in a timely manner on the appropriations request, this controversy could have been settled months ago, and whatever the final appropriations figure, it could have been spent more efficiently and effectively. It is clear that we must take prompt action to reform congressional procedures to insure that delays of this nature do not take place in the future. My proposal for a calendar fiscal year which has been endorsed by the Rules Committee in its congressional reform draft bill, would go a long way toward preventing the problems we are facing today.

Mr. Speaker, as we approach the decade of the 1970's, it is clear that there must be, not only a reordering of our priorities, as is so often stated today, but rather a total reexamination of our thinking in the field of education.

Federal aid to education is here to stay. What we need now is the courage to delineate the programs which have been effective from those which are nonessential. The educational leadership in the country, and in the Congress specifically, must bear a heavy responsibility in the coming years if we are to rework our Federal education programs so as to maximize effective utilization of our funds to reach out to those school children who are in the greatest need.

Without more attention to preschool education, vocational training and urban education in the United States are sure to reach a crisis stage.

Mr. Speaker, in closing, let me reiterate that I am sorry that the key inflation vote was brought to us in the form of the Labor-HEW appropriations bill. However, once the President had chosen this as the key issue, I felt it necessary to express the interest of the Congress in fighting inflation. One side effect of this debate, however, may well be the revision of outmoded and ineffective programs, and that may prove to be an important advance for the future of all education.

CARE OF VETERANS IN TEXAS VA HOSPITALS SUFFERS FOR LACK OF FUNDS

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 5, 1970

Mr. TEAGUE of Texas. Mr. Speaker, the Committee on Veterans' Affairs is in the process of conducting a comprehensive survey of the Veterans' Administration hospital system to determine if adequate funding and staffing is being provided to promptly and properly care for America's sick and disabled veterans. This survey includes all of the 166 hospitals in the Veterans' Administration and most of the independent outpatient clinics.

Mr. Speaker, this in-depth survey, which will be followed by committee hearings, was undertaken because I was seriously concerned about recent reports which I had received from a variety of sources indicating that many VA hospitals were being caught in an impossible squeeze between higher medical and drug costs and rising workloads without receiving proportionally higher funding and staffing allocations. As I have previously stated to this body, if these policies are permitted to stand, they will wreck the VA hospital system and undermine the veterans medical program to the point of dangerous dilution in quality.

Mr. Speaker, I have not been able to thoroughly examine the 1971 budget which was submitted to the Congress a few days ago; however, a preliminary examination indicates that at best it is a "stand still" budget that may lead to further deterioration of medical care for our Nation's veterans in the future.

Mr. Speaker, the Veterans' Administration is attempting to provide first-class medical care with an inadequate staff. General medical community hospitals and State and local government hospitals have an average staff ratio of 2.72 employees for each patient, while the Veterans' Administration has only 1.5 staff for each patient. University hospitals operated in connection with medical schools are even higher, and have a staff ratio of over three employees for each patient. I have written to President Nixon and advised that I expect to seek a minimum staffing ratio for the Veterans' Administration of at least two employees for each patient in most VA general medical hospitals, and a one for one ratio in psychiatric hospitals.

The Veterans' Affairs Committee investigation of nine Texas Veterans' Administration hospitals revealed funding deficiencies in fiscal year 1970 of over $3,600,000 to operate about 5,000 hospital beds serving approximately 1,353,000 Texas veterans.

In Texas, VA hospitals are located in Amarillo, Big Spring, Bonham, Dallas, Houston, Kerrville, Marlin, and Temple. A 1,421-bed psychiatric hospital is located at Waco, and independent VA outpatient clinics are operated in Lubbock and San Antonio.

The investigation being conducted by the House Veterans' Affairs Committee revealed that under the hospital staffing formula which I advocated, Texas VA hospitals are approximately 2,700 positions short of needed staff. These extra positions would cost about $14,100,000 annually. A few of these positions would be difficult to fill, but most are recruitable. Texas VA hospital directors also reported that community nursing care programs at their hospitals were underfunded in fiscal year 1970 by over $400,000. More funds were needed approximating $250,000 for dental care due to increased workloads largely created by returning Vietnam veterans. Hospital and clinic directors were recently advised that about $91,000 was being made available to apply against this deficiency.

The 1,200-bed Houston VA hospital has made significant contributions to research of synthetic arterial replacements in cardiovascular surgery, and is one of the most active hospitals in the VA system. The Houston VA hospital reported the largest deficiency among Texas hospitals—over $2,500,000. Funds totaling more than $1,600,000 are needed to provide over 200 positions which Hospital Director Dr. John W. Claiborne reported as being needed to operate at "proper employment levels." Many of these positions are needed to properly staff special intensive care units which have already been constructed and equipped at a cost of about $460,000. The remaining deficiency of over $900,000 included shortages for drugs and medicines of $117,000, $20,000 for outpatient dental exams and treatments, mostly for returning Vietnam veterans, and the balance for medical operating supplies, maintenance and repairs of hospital facilities, replacement of old and outmoded equipment, and acquisition of new equipment.

A shortage of about 30 much needed research support personnel was also disclosed. In order to support on-going research activities, over 20 positions costing over $150,000 are being diverted from current patient care needs. Over and above these 20 positions, five additional positions costing $37,000 are needed to relieve this vital research personnel shortage at the Houston VA hospital.

Dr. James B. Chandler, director of the 700-bed Dallas VA hospital, reported the second highest deficiency amount among the Texas hospitals of over $800,000. The largest part of this deficiency was for staffing about 65 positions at a cost of about $500,000. Some of these positions are needed to correct understaffing of a special surgical intensive care unit, the hospital's recovery room, and other special clinics, laboratories, and services for cardiac catheterization, anesthesiology, audiology, prosthetics, pharmacy, and outpatient activities. Shortages of over $260,000 were reported by Dr. Chandler for other annual operating costs which include drugs, medical and dental sup-

plies, blood and blood products, and other operating costs. Unless additional funds are forthcoming, over $70,000 in equipment replacement and acquisitions will be deferred to provide funds this year for pharmacy costs and prosthetics such as arms and legs for many returning Vietnam veterans. Dr. Chandler also reported a deficiency of about $58,000 to cover the cost of placing veterans in private community nursing homes who have received maximum hospital benefits at the Dallas hospital. Dr. Chandler said that an average daily community nursing home care load of 65 could have been maintained but that initial funding from VA Central Office allowed for only 48.

Dr. Charles S. Livingston, director of the 700-bed hospital and 400-bed domiciliary at Temple reported fiscal year 1970 deficiencies of almost $216,500. Of this, $67,000 was needed to correct staffing deficiencies; $76,000 for other annual operating costs; and over $95,000 for maintenance and repairs of hospital facilities, equipment replacement, and new equipment acquisitions. Dr. Livingston also reported that funding provided to Temple for placing veterans in community nursing homes was far below needs. He said that an average daily community nursing care load of 64 could have been maintaind but that his station was allotted initial funds for only 42. Over $88,000 in additional funds were needed to fully fund this program.

Dr. Sam J. Muirhead, director of the 130-bed hospital in Amarillo, advised the Veterans' Affairs Committee that unless he received additional fiscal year 1970 funding from VA Central Office it would be necessary for him to divert approximately $19,000 from maintenance and repair and equipment funds for hospital staffing, thus delaying long needed hospital repairs and equipment replacement and acquisitions.

Bonham's hospital director, Glyndon H. Hague, reported a fiscal year deficiency of about $100,000. Hague indicated that he was short by approximately $60,000 in personnel funds and about $40,000 for other hospital operations. Hague reported that because of funding shortages it may be necessary to cancel plans to furnish a greater percentage of patients with flame retardant pajamas during 1970 even though their usage was strongly advocated by VA Central Office for patients who smoke. Present VA instructions concerning maintenance and repair at hospitals require projects costing less than $5,000 to be funded from station operating funds. This imposes an especially difficult problem for smaller VA hospitals such as Bonham, according to Hague.

Dr.W. B. Hawkins, director of the 1,421-bed psychiatric VA hospital at Waco, reported $59,000 in operating deficiencies. He also reported he could have used an additional $85,000 to properly operate Waco's community nursing care program and another $18,000 to take care of needed dental care. Funding for the dental care program was almost exhausted by December 31, 1969, due to substantially increased costs and the accelerated return of Vietnam veterans.

The major concern at Waco is the deferral of the long-sought air-conditioning and hospital modernization project. Plans have been completed at a cost of approximately $380,000 and the 91st Congress appropriated $7.5 million to fund the modernization plans even though the administration struck the Waco project from its revised budget submitted to Congress last April. Congress restored the cut but the project has been stalled because of a Nixon Executive order to all Federal departments and agencies to defer in fiscal year 1970 federally financed construction projects by 75 percent.

Dr. Hawkins stated that in order to bring his staffing ratio more into line with minimal acceptable standards of one staff to each patient, 46 additional full time permanent positions were needed which would cost about $284,000 annually at current pay scales. All of these positions were listed as being "recruitable" at present pay scales. Two psychiatrists and two psychologists positions costing over $64,000 annually were listed as being "nonrecruitable."

Director W. R. Byrd reported to the Veterans' Affairs Committee that the primary deficiency at Kerrville's 346-bed hospital was the shortage of $77,000 to fund the community nursing care program to care for veterans who have reached maximum hospital benefits and no longer need expensive hospital care. The hospital director indicated that it would have been possible to maintain a daily average of 17 more veterans in community nursing homes if funds had been provided for this purpose.

The 222-bed Marlin Hospital under the directorship of Dr. Albert T. Hume reported that they had been denied funds to purchase a $11,600 fluoroscopic image intensifier which was required for X-ray work in treating intermediate and acute medical patients which are the predominate types of patients now treated at Marlin since the surgical service was moved to Temple. Optimum use of the community nursing care program would have required about $10,000 more.

At Big Spring, VA Hospital Director Jack Powell reported that he could have used over $90,000 in additional funds during fiscal year 1970 to place veterans in community nursing homes at VA expense who no longer need expensive hospital care. He recently received an additional allocation of $5,000 earmarked for this purpose but it may still be necessary for him to defer some transfers to nursing homes in May and June of 1970.

Funds have been appropriated by Congress to construct a new 750-bed hospital in San Antonio costing over $27,000,000. However, this project was also delayed by the Nixon Executive order. Community leaders have been seeking a commitment from the Nixon administration that funds for the San Antonio VA hospital will be released in the coming year. The 1971 budget indicates that construction funds will be obligated. The proposed VA hospital was planned as a part of San Antonio's new international medical center to operate in conjunction with the new medical school which has begun operation. Another delay in the contract for the VA hospital will cause a serious problem for the new medical school.

Dr. J. J. Novak, director of the San Antonio VA outpatient clinic reported a dental fund shortage of almost $40,000 which is needed mostly to handle increased workloads for returning Vietnam veterans. The clinic director also reported staffing shortages for seven additional personnel costing approximately $100,000 annually.

The Lubbock VA outpatient clinic director, Dr. R. K. Hosman, also reported a shortage in dental funds amounting to $26,000.

Mr. Speaker the Veterans' Administration hospital system has long been considered among the best of Government-operated medical facilities. VA has been doing an exceptionally good job in operating its medical program, but they are not able to keep up with greatly increased workloads and vast improvements which are being made in medical treatment and technology under current funding and staffing formulas.

Look at what is being accomplished.

In fiscal year 1970 VA will treat 780,487 patients—38,000 more than it did in fiscal year 1966—with almost 17,000 fewer hospital beds than were in operation in fiscal year 1966.

In fiscal year 1970 outpatient visits will total about 7,425,000, an increase of 1,243,000 over fiscal year 1966.

VA provides some training for about half of the Nation's 7,500 new doctors which are graduated each year.

VA employs 4 percent of all doctors in the United States and is the world's largest employer for more than 10 different medical professions—including nurses, clinical and counseling psychologists, dietitians, medical and psychiatric social workers, physical therapists, and occupational therapists.

Conducts over 6,000 research projects covering almost every field of medicine.

Mr. Speaker, the fine accomplishments which the VA medical system has achieved cannot be allowed to deteriorate so that they become a part of a second-rate system.

Some curtailment of VA funding and staffing has been blamed on the war on inflation. I take the position the Vietnam veteran has contributed enough when he fights the shooting war and that he should not be expected to fight the inflation war also at the expense of his health.

This Nation has prided itself in its service to those who have borne the burden of battle. A bipartisan attitude has long prevailed in Congress in the funding of an adequate medical program for America's veterans, and in providing for the educational and housing needs of returning servicemen. We in Congress of both parties have always acted in the belief that the finest medical care should be made available to those who served their country in uniform, and especially to those who returned home suffering wounds and service-connected disabilities.

I do not intend to sit idly by and allow shortsighted policies to destroy a medical program that is absolutely necessary to care for America's veterans.