make sales subject to the EDA. This technique could lessen the amount recaptured at ordinary rates. Even if the transferee lost the capital gain treatment on sales proceeds, however, if his tax rate is less than the transferor's the negative tax effect is achieved.

[70] If the farming operation is diversified and if these operations consist of a grain operation producing large ordinary income and a livestock operation producing large ordinary deductions and cattle capital gains, the Metcalf Bill arguably can produce a negative tax by insulating the grain ordinary income from tax while subjecting the livestock profits only to capital gains. This result can be argued to be exactly the same as using excess livestock deductions to offset salary income while reporting livestock capital gains. While the force of this argument cannot be denied, there are at least two pertinent comments. First, even this result does nothing more than exempt farm profits from tax. There is no spillover of benefits into endeavors other than farming. Second, those taxpayers, investing in farm assets solely for tax purposes, seem likely not to have diversified farm operations. Whether enactment of the Bill would encourage diversification by "tax farmers" would depend on a number of considerations such as profit margins, interest rates, risks, alternative investments, and similar factors.

[71] 1963 TAX MESSAGE 1537–97; TAX REFORM 1969, at 2001–183. Since writing the text, the Senate Committee on Finance on September 22, 1969, has received testimony on farm losses.

[72] *See* 1963 TAX MESSAGE 144–45; 1963 TAX MESSAGE 1546 (statement of Stephen H. Hart); TREASURY STUDIES 16, all of which assert that the abuse lies in rewarding uneconomic, *i.e.* unprofitable, farm operations by granting tax profits. *See also* 1963 TAX MESSAGE 1581 (statement of Arthur Levitt), which focuses on the sale of livestock to investors at prices greater than fair market value.

[73] *See* 1963 TAX MESSAGE 1574 (statement of Jacquin D. Bierman); 1963 TAX MESSAGE 1540 (statement of Stephen H. Hart); 1963 TAX MESSAGE 1959 (statement of Floyd L. Madden); 1963 TAX MESSAGE 1569 (statement of James Trimble); TAX REFORM 1969, at 2155 (statement of Herrick K. Lidstone); TAX REFORM 1969, at 2035 (statement of Claude Maer); TAX REFORM 1969, at 2152 (statement of George D. Webster).

[74] 1963 TAX MESSAGE 1574 (statement of Jacquin D. Bierman); TAX REFORM 1969, at 2035 (statement of Claude Maer); TAX REFORM 1969, at 2107 (statement of R. H. Matthiessen, Jr.).

[75] *See* Sonabend v. Commissioner, 377 F. 2d 42 (1st Cir. 1967).

[76] *See* 1963 TAX MESSAGE 1587 (statement of Jay B. Dillingham); 1963 TAX MESSAGE 1566 (statement of William Greenough); 1963 TAX MESSAGE 1567 (statement of B. Earl Puckett). *See also* TAX REFORM 1969, at 2129 (statement of John Asay); TAX REFORM 1969, at 2125 (statement of George Hellyer); TAX REFORM 1969, at 2035 (statement of Claude Maer).

[77] *See* 1963 TAX MESSAGE 1588 (statement of Harold W. Humphreys), in which he claims that without the subsidy to livestock "the very necessary proteins would have been priced beyond the reach of millions of our consuming public." For an opposing view, expressed by one of the strongest advocates of the present tax subsidy, see Oppenheimer, *The Case For the Urban Investor*, 24 FARM Q. 80 (1969); 115 CONG. REC. 2033 (daily ed. Feb. 25, 1969) (reprint of speech given by Brig. Gen. H. L. Oppenheimer at the National Farm Institute, Des Moines, Iowa, Feb. 14, 1969).

[78] *See* 1963 TAX MESSAGE 1566 (statement of William Greenough).

[79] *See* note 77 *supra*.

[80] *See* TAX REFORM 1969, at 2035 (statement of Claude Maer); TAX REFORM 1969, at 2107 (statement of R. H. Matthiessen, Jr.); TAX REFORM 1969, at 1567 (statement of B. Earl Puckett).

[81] *See* 1963 TAX MESSAGE 1581 (statement of Arthur Levitt); Oppenheimer, *supra* note 77.

[82] TAX REFORM 1969, at 2132 (supplementary statement by Brig. Gen. H.L. Oppenheimer).

[83] The fair assumption is that all of this amount is deductible. The witness claimed that there was no revenue effect of the deduction because the payees would take the amounts into income.

[84] *See* TAX REFORM 1969, at 2035 (statement of Claude Maer); TAX REFORM 1969, at 2001 (statement of Jack Miller).

[85] U.S. DEP'T OF COMMERCE, CURRENT POPULATION REPORTS, CONSUMER INCOME, ser. P–60, No. 15, at 23 (Dec. 28, 1967).

[86] TREASURY STUDIES, *supra* note 18, at 158.

[87] U.S. TREASURY DEPARTMENT (unpublished tabulation of statistics of income).

[88] *See* 1963 TAX MESSAGE 1574 (statement of Jacquin Bierman); TAX REFORM 1969, at 2124 (statement of Jay B. Dillingham); TAX REFORM 1969, at 2107 (statement of R. H. Matthiessen, Jr.); TAX REFORM 1969, at 2120 (statement of Brig. Gen. H. L. Oppenheimer). *See also* Oppenheimer, *supra* note 77.

[89] *See* Letter from Secretary Snyder, *supra* note 16.

[90] 1963 TAX MESSAGE 1558.

[91] *See* PRESS RELEASE BY CHAIRMAN MILLS, *supra* note 52.

[92] *See* TAX REFORM 1969, at 5428, 5430 (Office of Secretary of the Treasury, Office of Tax Analysis, General Explanation of Farm Proposals, Tables 1 and 3).

[93] U.S. TREASURY DEPARTMENT (unpublished tabulation of statistics on income).

[94] H.R. REP. No. 91–413 (Part I), 91st Cong., 1st Sess. 16 (1969).

[95] TAX REFORM 1969, at 5058.

[96] 115 CONG. REC. 9898 (daily ed. Aug. 13, 1969) (remarks of statistics of Senator Metcalf).

[97] U.S. TREASURY DEPARTMENT (unpublished tabulation of statistics of income).

[98] TREASURY STUDIES 158. The proposal put forth by the Treasury Department in this document should reach about the same number of taxpayers as the Metcalf Bill. The estimate is 14,000 returns.

[99] The Treasury Department has estimated that the special accounting rules cost about $800 million annually. *Hearings on the 1969 Economic Report of the President Before the Joint Economic Comm.*, 91st Cong., 1st Sess. 36 (1969) (supplementary statement of Joseph W. Barr). If the revenue raised under these alternatives then is an index of effectiveness, the House Bill would be 2.5% effective; the Treasury's EDA would be 6.25% effective; and the Metcalf Bill would be just over 25% effective.

Several averages may be derived from 1964 figures published as Table 3 to the General Explanation of the Treasury's Farm Proposal. TAX REFORM 1969, at 5430. The raw data presented there are:

(a) All tax returns showing more than $50,000 nonfarm adjusted gross income with a farm loss numbered 14,325 with aggregate farm losses of $369,005,000, an average of $25,800. If we assume a 50% marginal tax bracket, the average farm loss has an average value of $12,900. If ultimately there are capital gain sales equal to the average farm loss, the taxes paid would be $6,650 under the Bill while under present law the taxes would be $6,450. Thus the Bill on the average would remove but $200 of the tax subsidy. This amount of reduction would hardly discourage anyone because the tax subsidy is over thirty times the recaptured tax.

(b) The above figures could be broken down into nonfarm adjusted gross income categories as follows:

$50,000 to $100,000 nonfarm adjusted gross income:

10,036 returns showing an average loss of $16,487. On the *average* the Bill would have no effect.

$100,000 to $1,000,000 nonfarm adjusted gross income:

4,204 returns showing an average loss of $46,908. If we assume a 65% tax rate (maximum under the Bill), the loss would have a current value of $30,490 on the average. If there were ultimately capital gains equal to the loss, the taxes incurred giving effect to EDA would be $22,365 leaving a negative tax benefit of $8,125. Again this is hardly sufficient deterrent to be effective.

Over $1,000,000 nonfarm adjusted gross income:

85 returns showing an average loss of $81,576. Again assuming a maximum rate of 65%, the loss would have a current value of about $53,000. Ultimately taxes of nearly $45,000 would be paid if EDA were fully effective. Again there is something less than full recovery of the tax subsidy, and the deferral benefit remains.

[100] 115 CONG. REC. 4354 (daily ed. May, 1969) (remarks of Senator Metcalf). In a press release, dated October 17, 1969, the Senate Finance Committee announced that it had decided to disallow one-half of the farm loss in excess of $25,000 in those cases in which the nonfarm adjusted gross income exceeded $50,000, and the farm loss exceeded $25,000. This approach is at best a very poor substitute for Senator Metcalf's Bill. While the press release is not entirely clear, apparently there is no effort to confine the disallowance to losses created by the special accounting rules. The income and loss limits are still excessive. It does, however, take a step in the right direction by disallowing losses. At this writing, estimates for revenue and the number of taxpayers affected are not available.

HOUSE OF REPRESENTATIVES—*Monday, March 2, 1970*

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

He leadeth me in the paths of righteousness for His name's sake.—Psalm 23: 3.

Our Heavenly Father, mindful of our responsibilities as the leaders of our people we bow before Thee praying that we may be led in right paths for the sake of our beloved America. May Thy spirit guide us that we be saved from false choices and be lifted to new heights of creative endeavor and courageous action. Together as leaders and people may we be physically strong, mentally awake, morally straight, and religiously alive.

We pray for the family of our beloved colleague who has gone home to be with Thee. We are grateful for his devotion to the district he represented, for his dedication to our country he loved with all his heart, and for his faith in Thee which held him steady throughout his life. May the comfort of Thy presence abide with his family and may the strength of Thy spirit dwell in all our hearts.

In the Master's name we pray. Amen.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

THE JOURNAL

The Journal of the proceedings of Thursday, February 26, 1970, 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. 14465. An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes; and

H.R. 15931. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 14465) entitled "An act to provide for the expansion and improvement of the Nation's airport and airway system, for the imposition of airport and airway user charges, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. HARTKE, Mr. HART, Mr. CANNON, Mr. LONG, Mr. ANDERSON, Mr. GORE, Mr. COTTON, Mr. PROUTY, Mr. PEARSON, Mr. WILLIAMS of Delaware, and Mr. BENNETT to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 15931) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1970, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MAGNUSON, Mr. RUSSELL, Mr. STENNIS, Mr. BIBLE, Mr. HOLLAND, Mr. COTTON, Mr. CHASE, Mr. FONG, and Mr. BOGGS to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2523) entitled "An act to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes".

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2809) entitled "An act to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel."

THE LATE HONORABLE JAMES B. UTT

(Mr. SMITH of California asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, almost to the minute 4 weeks ago today I had the sadness to announce the passing of the late Honorable Glenard P. Lipscomb, and today, with further sadness, I must announce to you, Mr. Speaker, and to the Members, that Congressman JAMES B. UTT, who was serving in his 17th year representing the 35th Congressional District in California, passed away yesterday of a heart attack.

In discussing the matter with JIMMY when we went out to Glen's funeral, he stated that he would not want business to be suspended, any business that had to be taken care of, when his time might come, and he also said he did not wish to have memorial services in Washington.

The plans are these, Mr. Speaker:

JIMMY will be at Gawler's later this afternoon, and through this evening and until at least noon tomorrow. He will then be taken to California, where he will be at the Saddleback Mortuary, located at 220 East Main Street in Tustin, Calif. Services will be Wednesday at 2:30 p.m. at the Garden Grove Community Church, 12141 Lewis Street, Garden Grove, Calif. Interment will follow immediately thereafter at the Fairhaven Memorial Park, 1702 East Fairhaven, Santa Ana, Calif.

In lieu of flowers, Members may make contributions to the Heart Fund if they so desire, or to any particular fund that they would like to donate to.

Mr. Speaker, a special order will be requested some time later, probably next week, so that all Members desiring to do so may participate, and eulogize Mr. UTT.

An adjournment resolution later on today will be presented in connection with adjournment today.

And on behalf of you, Mr. Speaker, and all Members, I extend our deep and profound sympathy to Mrs. Utt, Charlene, JIMMY's wife, to their son, and to all of the members of their family.

AUTHORIZING CALL OF CONSENT CALENDAR AND MOTIONS TO SUSPEND THE RULES TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the call of the Consent Calendar—under clause 4, rule XIII—and the authority for the Speaker to entertain motions to suspend the rules—under clause 1, rule XXVII—be in order on tomorrow, Tuesday, March 3, 1970.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

GENERAL LEAVE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may have permission today to revise and extend their remarks and include extraneous material in the RECORD and also in that portion of the RECORD entitled "Extensions of Remarks."

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE SECRETARY DID NOT GO FAR ENOUGH

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SIKES. Mr. Speaker, Secretary of State Rogers has completed a 10-nation tour of Africa and his efforts toward a better understanding with the nations of that continent should be applauded. Particularly is it obvious that there must be an improvement of the situation in the Mideast, and if the United States is to be helpful, there needs to be a greater measure of confidence from the Arabs. Our support of the Israelis is well known and is becoming more and more resented by the Arabs. The Russians are taking full advantage of this situation to strengthen their own position in the area. We can seek a better understanding with the Arabs without giving up our friendship for the Israelis. It is noticeable, however, that the Secretary's trip took him as far south as Zambia, whose Government is encouraging revolution in South Africa and Rhodesia. These are probably the most stable countries on the African Continent, but they are in disfavor with the Socialist Government of Britain and we are tagging along with the British position. This does not make a lot of sense, and it would have given the Secretary's trip a better flavor had he shown an interest in reaching a better understanding with these countries too. They have shown repeatedly that they want close and friendly relations with the United States, even to the point of voting with us in the U.N. when other African nations do not. The Secretary did not go far enough.

LAREDO HONORS DISTINGUISHED PHYSICIAN, DR. LEONIDES GONZALEZ CIGARROA, AS "MR. SOUTH TEXAS" OF 1970

(Mr. KAZEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. KAZEN. Mr. Speaker, the city of Laredo, Tex., has for 73 consecutive years honored our Nation's first President, Gen. George Washington, in a patriotic celebration of Washington's Birthday, remembering the Father of Our Country who was, "first in war, first in peace, and first in the hearts of his countrymen."

We take great pride in having in our community such a colorful event, filled with tradition and pageantry, to salute President Washington's ideals of justice, freedom, and individual liberties.

One of the most outstanding events of this historical celebration is that of conferring upon a citizen of south Texas the distinction and honor as "Mr. South Texas" of the year. This great honor

goes to one who has made an outstanding contribution to the progress, growth, and development of the south Texas area. Recipients of this distinguished award have come from many fields, such as education, business, and government.

This year's recognition went to a most distinguished and dedicated physician, Dr. Leonides Gonzalez Cigarroa, a humanitarian, a philanthropist, a quiet man with a humble personality, the son of an immigrant family who became a naturalized citizen and proudly displays an open love and deep appreciation for the liberty and freedom of opportunity that this country provides for its people.

The citation honoring Dr. "Leo"—as he is affectionately known—reads as follows:

In public recognition of his many personal contributions to the continued development of South Texas and the accruing benefits to its citizens through his outstanding achievements in the field of medicine, through his furtherance of the cause of public education at all levels, through private philanthropy, through his dedication to service through the humanities and through his fervent love of country and his devoted efforts toward perpetuating our American way of life with its God-given blessings of dignity and individual freedom for all those it encompasses.

Allow me, Mr. Speaker, to cite the background and list some of the honors, awards, achievements, and activities of this distinguished south Texan.

Dr. Cigarroa is a diplomat of the American Board of Surgery, a fellow of the American College of Surgeons, of the International College of Surgeons, of the American College of Sports Medicine, of the American College of Geriatrics, of the American College of Angiology, clinical professor of surgery at the University of Texas School of Medicine at San Antonio; civilian consultant in surgery to the U.S. Air Force; medical adviser to the U.S. Selective Service System; chief of surgical staff at Laredo Mercy Hospital; member of the Texas Medical Association, the American Medical Association, the National Advisory Commission on Health Facilities of the United States, and a former instructor in surgical technique at the Cook County Graduate School of Medicine.

Dr. Cigarroa holds a degree in doctor of medicine by reciprocity with the National University of Mexico City. In Laredo he is a trustee of the Laredo Independent School District and Laredo Junior College District, member of the Webb-Zapata-Hogg Medical Society, Noon Optimist Club, and surgical adviser to the Division of Vocational Rehabilitation of the Texas Education Agency. He is a past president of the Optimists and is active with numerous youth sports programs such as golden gloves, little league baseball, and high school athletics.

The presentation of the award was made at the traditional president's luncheon on Saturday, February 21, 1970, by Laredo's very able and popular mayor, the Honorable J. C. "Pepe" Martin, Jr. Mayor Martin's introduction of the honoree very eloquently describes the many and great contributions made by Dr. "Leo" toward the growth and development and progress of the south Texas community, and I insert the mayor's remarks in the RECORD so that all may become aware of and take great pride in the achievements of this great American.

Following the stirring introductory remarks made by Mayor Martin, the honoree, Dr. Leonides Gonzalez Cigarroa, then addressed the president's luncheon and in view of the exemplary life that this outstanding citizen has led, and the great public service he has rendered his State and his country, I also take great pride and extreme pleasure in inserting Dr. Leonides Gonzalez Cigarroa's remarks in the RECORD.

The addresses referred to follow:

PRESENTATION OF DR. LEO CIGARROA AS "MR. SOUTH TEXAS" OF 1970 BY MAYOR J. C. MARTIN, JR.

We are indeed privileged to be among such a distinguished group of Texas' governmental, business, professional and civic leaders, such as that assembled here. I know that the presence of each of you is most heartwarming to the talented and revered fellow Texan we've joined together to honor here today. Needless to say, the fact that "one of our own" is being honored makes this an auspicious occasion for the people of Laredo. On their behalf, may I extend a proud and most sincere welcome to all those many friends and admirers here from neighboring cities on both sides of the Rio Grande.

As most of you are aware, the President's Luncheon serves as an appropriate climax to Laredo's yearly observance of Washington's birthday. Traditionally, it is an occasion upon which the people of South Texas pay tribute to an outstanding and beloved individual whose Washington ideals and whose personal talents and energies have combined to bring new material blessings into their lives and to create new opportunities for them and their neighbors.

It is my great personal privilege to present to you such an individual this afternoon—a wise and courageous man through whose work the lives of countless others have been touched—a man who first of all is an American and a Texan by choice—a man who is a giant in his profession, but who has always concerned himself with the plight of the most deprived of his fellow men—a dedicated leader in the fields of public education and youth development—a man who camouflages his private philanthropy with the deepest humility, and a man we of Laredo feel is eminently qualified for his selection as "Mr. South Texas" of 1970.

To establish the virtues of our esteemed fellow Laredoan preparatory to extolling them here today, we delved into several research manuals, hopeful of discovering a truly proper definition of a physician. The scarcity of such a definition was perplexing. In three different works, however, we found the same definition of a physician. It read: "A professional man who suffers from good health."

Whether this is true or not, we do know the man we honor today to be gentle, lovable, determined and even aggressive if the occasion demands. But as we researched his character, the words of that anonymous poem from a farmer's Almanac kept crowding other thoughts from our mind.

I'm sure many of you can recall the words from the poem about the tree that never became a forest kind and died a scrubby-thing because it never had to fight for sun, air, light or rain.

And the message of the second paragraph that reads:

"The man who never had to toil,
Who never had to win his share
Of sun and sky and light and air,
Never became a manly man,
But lived and died as he began."

The message conveyed by this poem is a figurative description of the man we honor here this afternoon for his days are crowded with hours on-end of professional toil, with time in-between devoted to his family and to inspiring others to overcome life's obstacles. Daily he proves himself to be a "manly man," and reaffirms on each turn of the clock that his initiative, his strength and his dedication to purpose are of strong timber and are equal to the challenges born of disease, community involvement and his private concern for those less fortunate than himself.

We also know that "Dr. Leo," as he is affectionately called by thousands of his admirers throughout South Texas and northern Mexico, is a deeply religious, God-fearing man, a devoted husband, a dedicated father and a man innately proud of his family and its background.

To fully comprehend and appreciate the character and dedication of this man, perhaps it is best that we start at the Genesis of his life in the City of Tlalpam, Mexico. Cradled by a pharmacist mother and a physician father, both of whom were widely respected for their professional proficiency and for countless acts of charity which were never publicly discussed but nonetheless were public knowledge, Leonides, their first-born, appeared predestined to a medical career.

His father, the late Dr. Joaquin Gonzalez Cigarroa, Sr., and his mother, Josefina Gonzalez de la Vega, were descendants of old established, respected families. When young Leo was only one year old, the family in search of a better way of life, came to the United States. Their initial home was in San Antonio, where Dr. Cigarroa opened an office for the practice of medicine and surgery. A constant source of encouragement, Mrs. Cigarroa divided her time between caring for young Leo and assisting her husband with his office routine. The reputation for charity the Cigarroas established in Mexico followed them to San Antonio. Although no member of the family divulged the information, it is known that the Cigarroas' personal funds were shared without question and often without hope of repayment to help many immigrating Mexican families—friends, and otherwise—who came to them for guidance.

It was in San Antonio that Dr. Leo's brother, Joaquin, and his sister, Rebecca—now Mrs. Marco Uribe—were born.

In 1937, the family moved to Laredo, and the roots of today's tribute luncheon were planted.

Arriving in Laredo young Leo, now a teenager, enrolled at Martin High School. Upon graduation in 1940, he enrolled at St. Edwards University in Austin. Holding a degree in music from the San Antonio College of Music, young Leo almost elected at this time to pursue a career as a concert pianist. He gave up the idea in favor of medicine when he was accepted to attend Loyola School of Medicine at Chicago in 1943. Today he remains a pianist of appreciative ability.

While pursuing his medical studies at Loyola, Dr. Leo became a naturalized American citizen in 1944. He graduated from Loyola with a degree of Doctor of Medicine, cum laude, in 1946, and set about the task of becoming a surgeon, as was his father before him. He was accepted to the Cook County Hospital in Chicago for a one-year rotating internship and then served his general residency at the same institution. It was during his residency that the medical profession shaped another sphere of his life. He met a young intern at the hospital, Dr. Margaret

Giller. Her beauty and talents disturbed him no end. With characteristic dogged determination, Dr. Leo wooed her in a whirlwind courtship that culminated in marriage in 1950.

In 1951, Dr. Leo completed his residency and with his bride returned to Laredo to begin the practice of surgery. His wife, Margaret, in addition to now being a practicing physician here also serves as our City Health Officer.

The marriage of Doctor Margaret and Dr. Leo has been blessed with six children—Mary Margaret, Joaquin, Jane, Ruth, Leonides Jr., and Martha.

Taking note once again of the possessiveness of medicine and related professions on the Cigarroa family, I'm sure it will prove no surprise to you to know that Dr. Leo's younger brother, Joaquin, who is married to the former Barbara Flores, is now a most successful practicing physician at the Cigarroa Clinic in his own right; that their sister, Rebecca Cigarroa Uribe, is a graduate pharmacist and operates the Clinic pharmacy, and that Dr. Leo's oldest child, Mary Margaret, is now a pre-med student at the University of Illinois.

Outside of medicine, government appears to hold a special fascination for the family. One of Dr. Leo's uncles, his mother's brother, Lic. Francisco Gonzalez de la Vega, gained national renown in his native Mexico, serving as the Dean of the Law School in Mexico City. He has since served as the Governor of the State of Durango and as Minister of the Supreme Court of Mexico. He currently holds one of the most important assignments within Mexico's Foreign Affairs Department—that of Ambassador to Argentina.

On this side of the Rio Grande, service with our own federal government has proven equally appealing. One of the most respected and most popular and influential members of the U.S. House of Representatives is a first cousin of Dr. Leo's, whom we're most proud to number among our visiting dignitaries today—the Hon. Henry B. Gonzalez of San Antonio.

Indicative of the close ties existing between the Cigarroas, all members of Dr. Leo's family who could attend are here today sharing this great tribute with him—his wife, with most of their children, his mother, his brother with his family, and his sister with her husband, County Commissioner Marco Uribe and their family. Mindful of the close family ties enjoyed by the Cigarroas, I would like to ask that the members of Dr. Leo's immediate family and their families stand so that we can get a first-hand look at some of our practicing physicians, surgeon and pharmacists—past, present and future!

Aren't they a wonderful group. I'm certain Dr. Leo won't feel we're detracting from anything due him by recognizing them with a rousing round of applause! Thank you very much.

The influence of Dr. Leo's esteemed late father continues to provide guide posts that have made possible many of the achievements of our honor guest. The elder Dr. Cigarroa taught his children that success comes only through hard work, personal sacrifice and dedication. He also left for them an enriching philosophy that he followed throughout his life: Be true to those who are good to you—to your profession, to your community, to your friends and neighbors and always be helpful to youngsters and to those ill-equipped to fend for themselves amid the complexities of life.

Upon this philosophy, our honor guest has achieved rewarding success and widespread recognition as an outstanding surgeon and as a devoted disciple to the principle that excellence in education must be the prime cornerstone for perpetuating our American way of life, as well as being a benefactor to our city's youth and to untold members of his deprived fellow citizens.

Tributes and honors are not new to Dr. Leo. He has been the recipient of honors and accolades from all levels—international, national, state and local. His participation and membership in professional medical societies and organizations and his services on the various boards, committees and agencies to which he has been named bespeaks a man to whom the Hippocratic Oath is still meaningful.

We will not embarrass Dr. Leo by reading to you the several type-written pages which this list consumes. We would, however, like to mention a few of his personal attributes on the human and community planes that have endeared him to Laredoans from all walks of life and of all ages.

First, let me say that in Dr. Leo's heart there's no room for discrimination nor for any obstacle stemming from color, creed, or religion in dealing with his fellow man. He looks upon us all as just plain human beings made in the image of our Creator. He is equally sympathetic to the needs of all—be they poor, wealthy, English-speaking, Spanish-speaking, or bilingual, strong or crippled, powerful or weak. And when he thinks he's right on a public cause, he's a fighter—a hard-driving individual. He doesn't know the meaning of the word defeat.

As the senior member in years of service on our Laredo School Board, Dr. Leo led the early exploration that eventually birthed the multi-million dollar facility construction program now under way on the Laredo Junior campus. He inquired, he pursued and he insisted. He had a dream, yes, but even more, he had the even temperament, the rare talent, the logic and tenacity to convert that dream into reality. The modern, air-conditioned Math-Science Building recently completed at the Junior College bears his name and stands as a symbol to his courage and to his dedication to achieve for Laredo's students the same advantages enjoyed by those of other cities.

It was this same dedication that brought innovative educational programs such as educational television, extensive development of audio-visual aids, instruction for the mentally retarded, remedial education, Head Start and the establishment of Mexican-American cultural programs to Laredo's public school system.

His efforts are also largely responsible for the designation of Laredo Junior College for 4-year college courses under the Texas A&I University at Laredo plan. This unique idea in high level educational programming promises to bring a university level education within the reach of hundreds of Laredo High School graduates, who are economically unable to attend an out-of-town college or university. Third and Fourth year curriculum for a degree program in teacher education and business administration is now being set up at the Junior College.

Dr. Cigarroa worked diligently and provided the leadership that brought the first domestic program ever undertaken by Project HOPE, in cooperation with our schools, Laredo Junior College, Mercy Hospital, our public health system and other agencies. The program is already operating here and promises to eliminate many of our community's needs in the public health and related job training fields and in kindred areas.

Through the generosity of the Cigarroa Foundation, established in memory of the late Dr. J. G. Cigarroa, Sr., the family has made possible the modern football stadium at Nixon High School. The foundation also provides scholarship assistance to High School and Junior College graduates. Dr. Leo, his mother, Dr. Joaquin and Mrs. Uribe, guide the operation of the Foundation.

Dr. Leo is an ardent Little League fan and can be seen roaming the sidelines when Martin High and Nixon High School football teams are playing. He offers constant encouragement to the players, to the coaches and to the schools' pep squads.

Yes, this is the same man who thrills with pride at the sight of Old Glory and the sound of our National Anthem—the man whose greatest ambition in life is to live to see his children "successfully educated and living in the true American way."

This is the man who, as a naturalized citizen of these United States, personifies the opportunities and achievements within reach to those who revere our rich heritage under the American ideal of Democracy. A man who tendered generously of his talents combining professional excellence with the warm spirit of the humanities in his varied fields of endeavor.

Yes, this is the "manly man" to whom our Laredo citizens and the Washington's Birthday Celebration Association have authorized me to present this plaque symbolizing their unanimous selection of him as "Mr. South Texas" of 1970, and which reads:

"Presented to Dr. Leonides G. Cigarroa selected as 'Mr. South Texas' for 1970, in public recognition of his many personal contributions to the continued development of South Texas and the accruing benefits to its citizens through his outstanding achievements in the field of medicine, through his furtherance of the cause of public education at all levels, through private philanthropy, through his dedication to service through the humanities and through his fervent love of country and his devoted efforts towards perpetuating our American way of life with its God-given blessings of dignity and individual freedoms for all those it encompasses."

By the citizens of Laredo, Texas, through the Washington's Birthday Celebration Association, 73rd Annual Celebration, February 21, 1970, and inscribed with the names of the Officers of the Association and the Members of the "Mr. South Texas" Committee.

Ladies and Gentlemen, it is my proud pleasure to present to you one of Laredo's most accomplished and beloved citizens, "Mr. South Texas" of 1970—Dr. Leonides G. Cigarroa.

Congratulations, Leo.

REMARKS BY DR. LEONIDES G. CIGARROA

Members of the Reverend Clergy, Distinguished Honor Guests, Ladies and Gentlemen: As one travels the world of his memories during the course of a life time, there are so many recollections of thoughts, ideas, and dreams. These many concepts have, in many instances, become a reality and have indeed become factual as things that actually exist. In all phases of life, there is no higher ideal than that of rendering help to a fellow traveler. It is truly in this that happiness comes forth as joy and love. So it has been with me and with all that I have been able to accomplish as a citizen and as a member of a community. Since I was a child, my parents gave to me the basic truth of help thy neighbor. It was this that encouraged me and gave to me the desire to become a physician. I have never regretted my choice of profession. I have never regretted the work entailed, and I have never forgotten with true appreciation the role my teachers had in my development.

As a physician, I soon realized that in order to succeed in the treatment of a patient a team was needed. I soon realized that man can never function to promote the betterment of others, his family, his friends, and himself without the help of others. I realized that the ideal of brotherhood and of loyalty was the "sine qua non" of any true good fortune of making many friends. a Country. The loyalty of friendship and of adherence to a just cause with tenacity and devotion is the secret of the evolution of dignity in an individual.

I have been asked where do I find the time, when do I plan, and how do I formu-

late my endeavors. As I have walked the path of this life on earth, I have had the true good fortune of making many friends. I have been honored by their confidence and trust in me. It is these friends that have enabled me to do what I have for the Community.

At one time, we were not ashamed in this country to be an idealist. At one time we were proud to confess that an American is a man who wants peace and believes in a better future. We must reclaim these great and humane concepts. Once again we must state that the American cause is the cause of all mankind. We must light with brilliance the ideals on which our forefathers based this country, and give these the courage of our tongues.

Happiness comes to many of us and in varied ways, but I can truly say that to few men has happiness come in so much abundance as it has come to me. Why, I know not, but this I do know—that I have not deserved more than others. I have been singularly happy in my family and my friends, and for that I thank my God. From this bond I shall always cultivate a measure of equanimity that would enable me to bear success with humility and to be ready when the day of sorrow and grief comes to meet it with the courage befitting a man.

Recently, over our great nation, there have been manifestations of a determination to suppress individual voice and opinion. Abusive language, violent action cloaked in the shield of civil rights, has revealed the sickness of our great nation—a sickness that must be stopped by our lawmakers. The foundation of this country, conceived in liberty and dedicated to justice, must be reinforced.

What are the basic issues which confront us today?

Are we going to preserve the religious base to our origin, our growth, and our progress, or are we to yield to the devious assaults of atheism?

Are we going to maintain a course towards Socialism and Communism, or are we to reverse this trend and regain our hold upon our American heritage of liberty and freedom?

Are we going to squander our resources to a point of inevitable exhaustion, or are we going to help our duly elected representatives adopt policies that shall preserve our national wealth?

Are we going to continue to yield personal liberties and Community and State control, or are we going to regain these personal liberties, and assure the individual States primary responsibility and authority in the conduct of our local affairs, and assure that in the framework of liberty, freedom, and free enterprise, social justice must prevail.

I ask of you—is the American life of the future to be characterized by freedom and strength or by servitude and weakness?

The answer to me is crystal clear and unequivocal. It is not to be found in any dogma of a political philosophy, but in those unerasable precepts of respect for the rights and dignity of others. I know that the soul of liberty is alive in all our hearts and is vibrant. As I gaze into each of your faces before me, I know that it is neither Anglo American nor Mexican American, Democrat nor Republican, but it is American. The soul of liberty in your breasts shall assert itself with invincible force and the people under God shall progress, shall live, shall compete, shall find their individual happiness as their conscience dictates, and they shall still rule.

Perhaps my sentiments are best expressed in a poem by Walt Whitman:

"Let me live in my house by the side of the road
Where the race of man goes by—
The men who are good and the men who are bad,
As good and as bad as I.
Let me not sit in the scorner's seat,
Nor hurl the cynic's ban—
Just let me live in my house by the side of the road
And be a friend to man."

CREDIT CARD FRAUD OPERATION IN WASHINGTON

(Mr. HANLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HANLEY. Mr. Speaker, Thursday's newspapers carried a story about a huge credit card fraud operation in Washington. According to reports, almost $300,000 in fraudulent charges were made with Central Charge cards since the first of the year. Some businesses reported that 90 percent of their charges during these 2 months were made on stolen credit cards.

Where did these stolen cards come from? Apparently they were not lifted from wallets; they were not stolen from purses; they were not carelessly lost and used by the finders. Preliminary reports indicate that they were stolen from the mail and in fact may have been taken directly from the main post office here in the District of Columbia. The cards were allegedly sold to a ring specializing in fraudulent purchases with stolen credit cards.

This is not an isolated case, Mr. Speaker. The stealing of credit cards is becoming a big business. Indictments have been brought against credit card rings in Chicago and New York. In New York, for example, several letter carriers in debt to a Mafia leader stole 20 credit cards which were later used to charge $175,000 worth of goods.

But these are only representative of a far greater problem, Mr. Speaker. The Post Office Department reports that investigations of credit card thefts from the mail have increased 700 percent in the past 4 years. Millions upon millions of dollars are being lost each year through these illegal operations. And we would be naive if we did not assume that these costs are passed directly on to the consumer.

In my opinion, and the opinion of many others, the temptation to steal credit cards from the mail is magnified many times by the unwelcome, unwarranted, and above all unwise practice of mailing unsolicited credit cards. Some 200 million cards, most unsolicited, are now in circulation. And the number of unsolicited cards appears to be growing by almost geometric proportions.

The unsuspecting recipient whose card is stolen before it reaches him can suddenly be confronted with hundreds, perhaps thousands, of dollars in bills incurred without his knowledge with a card he did not even know he was supposed to get. We are told that most companies do not press for payment in these cases. But my files are full of letters from average people who have been saddled with high legal expenses and have suffered from poor credit ratings through no fault of their own. Their only mistake was to bear the name stamped on an unsolicited credit card which was subsequently stolen.

A spokesman from Central Charge told me that his company did not send out unsolicited cards. I question his definition of "unsolicited" since I have evidence that Central Charge cards have been sent to depositors of the Riggs National Bank. However, the fact that the cards in this specific fraud case were probably solicited in one form or another does not weaken my argument. The discovery of this theft ring, in fact, reinforces it. With the growing black-market value of stolen credit cards, any practice which significantly increases the flow of credit cards through the mail can do nothing but magnify an already alarming crime problem.

I strongly feel that this flood of unsolicited cards should be reduced to a trickle. These cards are dangerous not only because of the problems outlined above. In addition, they are very inflationary and can often lead to bankruptcy when they are indiscriminately mailed to people with shaky financial habits.

I have introduced a bill, H.R. 13244, which would greatly restrict the mailing of unsolicited credit cards. The Subcommittee on Postal Operations has conducted hearings on it, and I was most gratified with the widespread support which the measure received. I expect that the bill will be reported from the Post Office and Civil Service Committee shortly.

Many people from all walks of life have supported the concepts behind my bill. I am bitterly disappointed, however, by the inconsistent positions taken by the Nixon administration. When Robert Meade, the Director for Legislative Affairs of the President's Committee on Consumer Interests, testified before the Federal Trade Commission in September, he said:

> We would concur with the principle proposed by the Federal Trade Commission that unrestricted, unsolicited credit cards should be prohibited.

But it was a different story when he appeared before Senator PROXMIRE's Subcommittee on Financial Institutions in December. In the short space of 3 months, the administration backed down considerably. At that time, Mr. Meade said the banning of unsolicited cards was only one alternative which should be studied. Mr. Meade's concern had shifted from the consumer to business interests. As Mr. Meade himself said:

> We are somewhat troubled by the question of giving an unfair competitive advantage to those who are already in the field by now prohibiting it. And we think that a fairer position would be to give some further study to the problem.

No, Mr. Speaker, I cannot accept this line of reasoning. If we were to base all remedial legislation on this argument, there would be no remedial legislation on any subject. If a practice is evil or has evil consequences, it should be stopped. We cannot run the Government on the basis of appeals from special interest groups. I have been a businessman myself, and I am certainly not attacking legitimate business interests here. However, in this case, the business interests

supporting unsolicited credit cards are wrong, and it is incumbent upon us in Congress to say so. The consumer must be protected.

Therefore, Mr. Speaker, I strongly urge my colleagues to study this important matter closely and objectively. I am sure that when the facts are all in, they will agree with me that H.R. 13244 should receive favorable consideration. The time for further studies has passed. It is time for action.

VOICE OF DEMOCRACY CONTEST

(Mr. HALEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HALEY. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its ladies auxiliary conducts a Voice of Democracy contest. This year over 400,000 school students participated in the contest competing for five scholarship awards as top prizes. The winning contestant from each State is brought to Washington, D.C., for the final judgment as guest of the Veterans of Foreign Wars.

The contest theme this year was entitled "Freedom's Challenge," and I am very proud to note that Florida's winner this year was 17-year-old Gregory J. Schlaf from my hometown of Sarasota, Fla. In his essay, Mr. Schlaf has made very clear that his generation is most concerned about its role to preserve freedom and democracy in the United States, that indeed the challenge of freedom demands of all of us to free ourselves from the bonds of apathy and demonstrate true citizenship and involvement in helping to solve our country's most pressing problems. I might add that it was refreshing to me to read the remarks of a young citizen who is concerned with preserving the ideals and goals of our forefathers rather than seeing them torn down. It gives me great pleasure and pride to submit his winning essay to your attention. His essay follows:

FREEDOM'S CHALLENGE

(By Gregory J. Schlaf)

All things are subject to change, except change itself. Democracy is, accordingly, subject to change and go either for the better or the worse. Our challenge is one of navigation, to steer our nation through the straits of indifference into the seas of true citizenship.

Your generation was helped in its striving for unity by a world war which held the people together under a common cause. My generation is not. We face a war which divides us into innumerable factions. People are tired of war, of inflation, of unemployment and of other people. We grow tired of listening to the complaints of the minorities. To get what they feel is proper recognition, these groups resort to violence. Naturally, they receive attention but after a while we begin to ignore violence, or worse yet, accept it as a norm in the democratic process. Violence, now, has destroyed partially the democratic machinery and there's a gradual decay of the inbuilt guidance systems that show us a correct course of action. Note that our nation no longer follows a clear pattern of action; but, rather, a constant series of corrections in an erratic course.

I often wonder if my generation is part of the problem, and, invariably, the answer is yes. Remember, though, that we are also the answer to the problems. We are now faced with a dilemma. My generation is both the partial cause and the solution to our country's problems. In looking toward the future, however, remember that the actions of individuals out-speak their words. Observing the actions of the majority of my generation, we may both find solace in the solving of our country's challenge, the regeneration of our free society. One of freedom's greatest challenges, then, is to find the correct course for the United States, for democracy, to follow.

Apathy, too, is a challenge to everyone's freedom. After the Constitutional Convention of 1794, a worried citizen approached delegate Benjamin Franklin and said, "Sir, what form of government have you given us?" Franklin replied, "A republic, if you can keep it." So far we have maintained our republic fairly well but now when not even one-half of the registered voters take time to vote, and twenty percent and above have no opinions whatsoever on governmental matters, it is a time of concern.

Compare these figures to a lesser scale of voting in my high school, where ninety percent of the students are registered to vote and ninety percent of those registered do vote, and opinions on scholastic matters yield the same response. Do not scoff at our sense of civic duty. Our challenge is to reverse this trend of apathy toward constitutional rights and all the figures show that we will.

All the challenges that I have mentioned will fall on my generation's shoulders. And, since we have felt the effects of these problems, we have all the more incentive to solve them.

It is not ours to say whether your generation has failed in its duty. It is my belief that nothing is static, and that you have solved your problems, met your challenges, only to encounter new ones.

We fully face our challenges now, challenges that threaten the growth, the survival of our society. We will accomplish our ambitions and also prove to anyone that is observing that we are not a worthless generation and, perhaps, that is a challenge in itself.

THE AX HAS FALLEN

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute.)

Mr. HECHLER of West Virginia. Mr. Speaker, the ax has fallen on John F. O'Leary, the able Director of the Bureau of Mines, summarily and peremptorily fired by President Nixon on Saturday.

Mr. O'Leary was at his desk on Saturday when the curt and peremptory message came over from the White House to announce that the guillotine had fallen on this able and dedicated public servant.

Here was a man who was appointed as Director of the Bureau of Mines on October 20, 1968, exactly 1 month prior to the Farmington mine disaster. He immediately and forcefully moved to reorient the Bureau of Mines from an agency which had served too much the will of the coal operators, and to transform it into a public service agency which was equally devoted to protecting those who worked in the mines. He started the practice of spot, unannounced inspections and put an end to the old scheme of letting the coal operators know when the inspectors were to appear. He breathed new life and vigor into the Bureau of Mines.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. HECHLER of West Virginia. I gladly yield to the gentleman from Pennsylvania, the able chairman of the Labor Subcommittee, who piloted the coal mine health and safety legislation through the House.

Mr. DENT. Mr. Speaker, I would like to join the gentleman in his statement on the dismissal of this able public servant.

I want to say publicly that without John F. O'Leary I doubt whether we would have had the kind of coal mine safety bill and lung disease compensation act that recently was passed by this Congress.

Mr. HECHLER of West Virginia. Mr. Speaker, the gentleman from Pennsylvania (Mr. DENT) is absolutely right. This arbitrary action in firing Mr. O'Leary indicates the Nixon administration has turned its back on the coal miners of this Nation, and has decided that the power of the coal operators will call the tune when it comes to coal mine safety.

The dismissal of Mr. O'Leary is a mindless, senseless act which I know the President will live to regret. The coal operators lost their fight when the Congress enacted the Federal Coal Mine Health and Safety Act, but now it looks as though the private interests may yet win the war. What good is a strong act of Congress if it is placed in the hands of an administrator who does not believe in enforcing it for the protection of those who work in the mines? We are informed that the President intends to appoint only an acting director to succeed Mr. O'Leary, in order to sidestep a confirmation fight in the other body when the President taps a man who is likely to be less effective and knowledgeable than Mr. O'Leary.

MAYOR OF NEW YORK JOHN LINDSAY AND THE PROPOSED DEFENSE FACILITIES AND INDUSTRIAL SECURITY ACT OF 1970

(Mr. ICHORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ICHORD. Mr. Speaker, our former colleague, the mayor of New York City, John V. Lindsay, recently addressed the Bar Association of New York City at its centennial program in which Mayor Lindsay criticized the Chicago trials on the ground that the defendants were tried on a conspiracy charge without mention that they were also charged with a specific violation of the 1968 anti-riot law, a charge of which the jury in fact found five of the defendants guilty.

Excerpts from his speech appeared in the Washington Post on February 22, 1970. In his prepared remarks, Mr. Lindsay also said that the Defense Facilities Act of 1970, recently passed by this body, would permit private citizens to be fired from their jobs without being told the basis for the dismissal, notwithstanding the fact that the bill specifically provides that notice of the reasons for denial of clearances must be given.

It is not my purpose to embarrass the mayor of New York as I know that the mayor would not intentionally misstate

the facts. However, this is a good example of the widespread misapprehension as to what the defense facilities bill contains and I feel that the mayor owes the 274 Members who voted for the measure an apology. I am greatly concerned when a former Member of this body, a distinguished member of the bar, the mayor of the largest city in America, in speaking to the Bar Association of New York City, should make such a misrepresentation. I have reason to believe that the misapprehension of Mayor Lindsay or of his speechwriters may well be based on some of the misrepresentations that have appeared in the press. For this reason, I am constrained to insert in the RECORD copies of my letters of February 27 to Mayor Lindsay and the president of the New York City bar. The explanation of the error should be interesting. Copies of the letters are as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNAL SECURITY,
Washington, D.C. February 27, 1970.

Hon. JOHN V. LINDSAY,
Office of the Mayor,
New York, N.Y.

DEAR MAYOR LINDSAY: There has been brought to my attention a report of your recent speech before the Association of the Bar of the City of New York in which you took occasion to refer to a bill (H.R. 14864), titled the "Defense Facilities and Industrial Security Act of 1970," co-sponsored by me and other members, which the House passed on January 29 by a vote of 274–65. The *Washington Post,* generally regarded as the arbiter elegantiarum on national security matters, in printing an extended excerpt from your speech quotes you as saying with respect to the bill that "It would authorize federal agents to examine the political association and acts of people in private industry—and it would permit these private citizens to be fired from their jobs without even being told the basis for the dismissal."

Your comments on the bill grossly misrepresent its terms and provisions. Apparently neither you nor your speech-writer had read the bill, the report on the bill, or the extended debate on the bill. While the bill permits the Government to screen personnel for access to designated sensitive positions in highly essential and selected industrial defense facilities, and for access to classified information, it does not authorize the screening for all people in private industry, nor does it permit "private citizens to be fired from their jobs without even being told the basis for the dismissal." Section 407 of the bill, which establishes basic hearing procedures for determining a person's eligibility for access to sensitive positions or to classified information, requires that no person be finally denied such eligibility unless he is given—

"(1) a written statement of reasons for the denial, suspension, or revocation stated as comprehensively and detailed as the national security permits;

"(2) an opportunity, after he had replied in writing within a reasonable time under oath or affirmation in specific detail to the statement of reasons, for a personal appearance at which time he may present evidence in his own behalf;

"(3) a reasonable time to prepare for the proceeding;

"(4) the opportunity to be represented by counsel; and

"(5) a written notice advising him of final action, which notice, if final action is adverse, shall specify either the finding has been for or against him with respect to each allegation in the statement of reasons."

Apparently, the major theme of your address to the Bar was to remind them, as you say, "of our obligations as lawyers to protect our citizens' rights and liberties from threats and infringements." While your thought is undoubtedly valid, it is hardly original. You would, of course, concede that your concern for constitutional and civil liberties may be shared by the Members of the House, including the overwhelming majority which voted in support of my bill. As a matter of fact, it was the major purpose of the bill to write into law an express legislative requirement that in the application of screening programs the rights of individuals should be fully assured to the maximum degree consistent with the imperative requirements of national security. The bill, in effect, codified such procedures as are now administered principally under President Eisenhower's Executive Order 10865, and for the first time writes into an Act of Congress procedures which require the Executive to administer relevant security programs with meticulous regard for the rights of individuals.

It seems to me that the bill should merit the support of genuine civil libertarians. To misrepresent its terms and effect serves only to pollute the stream of public discourse and does no service to the bar or to the cause of human freedom.

I therefore think that you should take the time to examine the bill, the report on the bill, and the House debate on the bill, and then sit down and have a quiet talk with your speech writer, so that on future occasions you may deal with this subject in a more reasoned manner. Meanwhile, I am addressing a letter to the President of the Association of the Bar of the City of New York, a copy of which I enclose herewith.

Sincerely yours,

RICHARD H. ICHORD,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON INTERNAL SECURITY,
Washington, D.C., February 27, 1970.

Dr. RUSSELL D. NILES,
President, Association of the Bar of the City of New York, New York, N.Y.

DEAR DR. NILES: I have been much disturbed by the report of a speech made by the Mayor of the City of New York at the centennial program of the Association of the Bar of the City of New York. In this speech, the Mayor purports to discuss a House-passed bill, H.R. 14864, to which he refers as a "Defense Facilities Bill" and in which he grossly misrepresented the terms and effect of the bill. I enclose herewith a copy of my letter to the Mayor which is self-explanatory.

I also forward for your review a copy of the bill, the House Report on the bill (to which is appended a dissenting opinion), my response to the dissenting opinion, and the House debate on the bill. You can thus judge for yourself as to the accuracy of the representations of your Mayor to the Bar on this subject. It also seems to me that this matter should be brought to the attention of the members of your Association. Should you require any additional copies of the enclosed material, please feel free to call upon me.

I thank you for your attention to this matter.

Sincerely yours,

RICHARD H. ICHORD,
Chairman.

DIRECTION NEEDED IN THREATENED TRANSPORTATION TIEUP

(Mr. PICKLE asked and was given permission to address the House for 1 minute.)

Mr. PICKLE. Mr. Speaker, as I understand it—unless there has been any late developments within the past few hours, today, the Federal court's stay order expires and unless some additional delay is enforced, this Nation will wake up tomorrow with a railroad strike and lockout of national proportions. Obviously, we need clear direction to avert this threat which has been hanging over our heads for more than a year.

Against the backdrop of a threatened transportation tieup, President Nixon's transportation strike proposals should be an indication that this problem has not been met. His proposed legislation will not help at all on the problem at hand. I am amazed that there is an appalling sense of apathy on this national issue. Hardly anyone is giving it any serious thought.

I am happy to see the administration join in a battle in which there are no legislative or executive heroes. I have been pushing for effective modernization of the Railway Labor Act for years and I know firsthand that few people will risk the combined frown of labor and management in this matter.

I understand the President's approach to transportation strikes is similar to mine in many respects. However, I am not in favor of his suggestion to combine the emergency strike section of the Railway Labor Act with the Taft-Hartley Act. This only confuses the issue. At first blush, it would appear the President has included trucking and maritime industries in his proposal.

The main thing is—there is a glaring gap in the methods we have available to us to use in settling national transportation disputes. This Nation simply cannot afford a transportation tieup. And, in developing a solution, it is important to protect and preserve the theory of collective bargaining.

I urge the Congress to get to the task at hand. Hopefully, we can begin investigation and debate soon on legislation to prevent a national transportation strike. Hopefully, we can avert the transportation tragedy that looms larger each day.

FREEDOM'S CHALLENGE

(Mr. WHITTEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. WHITTEN. Mr. Speaker, in these days of stress when you cannot pick up a newspaper, cannot turn on the television set, cannot listen to your radio without hearing all the reports of crime, riots, demonstrations, it is easy to become engulfed in a smog of depression. Then along comes a fresh breeze, clean, true, and in the language of today's young people, "beautiful."

Such was the feeling that came to me as I read the words of a speech prepared by Miss Katherine Allen Townes, age 17, of Grenada, Miss., a fine community, which I am proud to represent in this body.

Katherine's speech on "Freedom's Challenge" was entered in the Veterans of Foreign Wars Voice of Democracy Contest. It was the winning speech from the State of Mississippi. When you read it, I know you will know why. The speech is herewith attached, in full:

FREEDOM'S CHALLENGE

The First Amendment to the Constitution of the United States of America reads as follows:

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

This Article clearly expresses the great value our forefathers placed upon freedom. For more than one hundred and eighty years these ideas have withstood the tests of time. Now these beliefs are more important than ever to us, because they are being challenged from every direction in our rapidly changing world.

Can it be that the greatest challenge to our freedom is freedom itself? This challenge is a two-edged sword. One edge grants freedom of speech, press, and assembly—even though these instruments may be used against the government which grants this freedom. The other side of the blade calls for the government that grants these freedoms to preserve itself and its integrity—and at the same time to protect these rights which are the backbone of our freedom and liberty.

How can the first challenge—that is, the seeming abuse of free speech, free press, and free assembly—be met? Should we destroy the freedom which is essential for its existence? Or should we attempt to do away with dissent by trying to impose upon every citizen the same opinions, the same feelings, and the same interests? Either way, the remedy would be much worse than the disease. James Madison said, "As long as the reason of man continues fallible, and he is at liberty to exercise it, different opinions will be found."

Our great freedoms—so abused by many, so taken for granted by too many—must be preserved. They have been procured and protected by the sacrifice of many lives. Beginning with the "Minutemen" at Lexington and continuing to the present minute, lives have been sacrificed to preserve and protect our liberty.

To meet this challenge—to create from this double-edged sword a standard which we can all follow, we must have a strong government. This means a strong people—people who use these freedoms to develop ways and means to see that the greatest measure of truth that is available be given to all people for their judgment and consideration. To accomplish this, we must become a more vigorous part of our government. We must inform ourselves of what is going on, and let our voices be heard.

Here in America we do not engage in free discussion *only* with the consent of the Government. The Government governs *by* our consent, and this is what makes us the great nation that we are.

John Stuart Mill said, "The will of the people, practically speaking, means the will of the most numerous or the most active part of the people—which is the majority, or those who succeed in making themselves accepted as the majority." Here, I fear, is where we let the challenge fall. We allow a vocal minority to speak for each of us. We must protect the freedom of this minority, but we must also bolster our Government by being better participants in all the aspects of our Government. We must inform ourselves. We must let our feelings be known. We must become a vital part of self-government, based on the rule of the majority—a Government OF, BY, and FOR the people—*all* of the people. Through this process, freedom will survive. The challenge will be met.

U.S. PRESS COVERAGE OF LATIN AMERICAN NEWS

(Mr. FASCELL asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, one of the complaints all of us have heard from Latin American friends is that the American press pays scant attention to what is happening in the southern half of our hemisphere.

The Latin Americans, understandably, have been concerned about this and many of them have felt that developments in their countries are of little interest to their northern neighbor.

Until recently it has been difficult to reply to such complaints. While I have long felt that some leading American newspapers, particularly the Miami Herald, have given extensive coverage to Latin American news, concrete evidence on this point has been largely unobtainable.

A giant step in the direction of remedying that situation was recently taken by Mr. George Beebe, the senior managing editor of the Miami Herald, and I believe that all of us will be very much interested and gratified by the tremendous public service which he has performed.

Mr. Beebe is an outstanding leader among American journalists and he possesses a wealth of background and experience in matters relating to Latin America. Last year, Mr. Beebe traveled with Governor Rockefeller on his special mission for President Nixon. In the course of those travels he revisited many countries of Latin America, heard the complaints about U.S. press treatment of Latin American news, and decided to collect a few facts.

Through his personal initiative, Mr. Beebe conducted a survey of the major American newspapers and discovered that, through their pages, the American public learns a lot what is happening in our sister republics.

Mr. Beebe's findings, outlined in an article which he prepared for the American Society of Newspaper Editors bulletin, were printed by the Miami Herald, and appear at the conclusion of my remarks. I would recommend them warmly to my colleagues and to all others interested in the current and future state of our relations with Latin America.

As I mentioned at the outset, Mr. Beebe performed a valuable public service in exploding at least one part of the myth that the American press and the American people are not interested in what happens in the southern half of our hemisphere.

The job which he undertook is not finished, and Mr. Beebe plans next to survey the small city dailies to find out whether the situation that obtains with respect to our larger newspapers applies also to papers with smaller circulation.

I know that members of the Subcommittee on Inter-American Affairs, which I have the honor to chair, will be just as interested as I am in studying the results of Mr. Beebe's second survey, and I plan to place it in the CONGRESSIONAL RECORD when it becomes available.

The findings of Mr. Beebe's first survey follow:

NO LATIN NEWS UP HERE? LET'S CHECK THAT

(By George Beebe)

For long years, Latin Americans and the people of the Caribbean have complained that the United States press uses little or no news about their regions.

"And when you do, it usually is negative," is the oft-repeated remark.

Alberto Lleras Camargo, former president of Colombia and now board chairman of Vision, the Hemispheric magazine, told the Inter American Press Association at its Mexico City meeting in 1964:

"Since the peoples of the United States and Europe are not familiar with Latin America, no news about Latin America is given (in the U.S.-Europe press) even though the international news agencies cover events using millions of words that are never published.

". . . although our colleagues in those regions seem to understand our indignation at the world's indifference to Latin America, they must say to themselves: If you don't do anything more important than make revolutions, we are not going to invent the news ourselves."

Camargo was challenged by a U.S. editor, who termed his lament "an old record which should be smashed because it no longer plays a true tune."

But this theme persists, as I found out in talking with some 300 members of the news media in 20 countries while accompanying Nelson Rockefeller on his fact-finding missions to the Latin and Caribbean countries in 1969.

I told them I thought they were wrong, but when I returned home I would conduct a survey to determine who is right.

The survey was conducted October 6–12 and December 15–21—weeks picked at random. It is significant that these were just average news weeks, with no major happenings in Latin America or the Caribbean.

Twelve metropolitan newspapers were given a cover-to-cover check: the Baltimore Sun, Boston Globe, Chicago Tribune, Christian Science Monitor, Dallas Times Herald, Houston Chronicle, Los Angeles Times, Miami Herald, New York Times, San Diego Union, St. Louis Dispatch and Washington Post.

The decisiveness of the results was surprising.

In the 14-day period, the survey showed that the 12 newspapers used a total of 528 stories on Latin America and the Caribbean.

Of these, 375 contained favorable stories about those regions, while 153 stories could be considered negative to the countries from which the news emanated (terrorist attacks, a nationwide strike, airplane hijackings, rat infestations, an aborted coup in Panama).

I am certain that the percentage of positive and negative stories would vary little for any given week of the year.

So it is gratifying to put to rest for the time being, at least, the feeling of countries to the south of us that we ignore them.

There were some happenings difficult to classify. For instance, a Cuban air force officer stole a Russian-made MIG and flew it to Florida as he sought exile. This was a positive story from the standpoint of Miami's Cuban colony, but extremely negative from Fidel Castro's angle.

Likewise the Brazilian priests who quit the Catholic church to marry.

Both these stories went into the negative column, for they reflected adversely on a Latin nation.

On the positive side were some excellent interpretive stories used at length on such subjects as:

"Latins Face Big Election Year."

"Peru Reaches Mining Accord with U.S."

"Venezuela Oil Leases Popular Despite Terms."

"Colombia Proves Democracy Can Work."

"Move Made to Save Rio's Eroding Beaches."

There were some tempting travel stories, and a large number of sports stories.

The news media executives with whom I talked on the Rockefeller mission trips, while complaining about U.S. press coverage, hesitantly admitted that they probably had a tendency to emphasize the negative news coming their way about the United States.

Stan Swinton of The Associated Press, in a survey conducted several years ago, found that Latin American newspapers have little interest in their neighbors.

He found that they devote more news space to North America (7.7 per cent) than they do to Latin America (5.4 per cent). Their heavy emphasis (76.7 per cent) is on national and local news.

But the Latins are more sensitive to what the U.S. newspapers report.

I showed the results of the recent survey I conducted to two Latin American publishers who visited Miami recently.

They both admitted surprise, but gratification.

"Now," said one, "how about your small city dailies? Are they aware that Latin America exists?"

That's the next survey.

SETTLEMENT OF LATIN AMERICAN FISHING DISPUTE: NOW OR NEVER

(Mr. PELLY asked and was given permission to address the House for 1 minute.)

Mr. PELLY. Mr. Speaker, early last week I reported to the House that Peru had seized the American tuna vessel *Western King*, 30 miles off its coast.

On Wednesday of last week, another seizure took place. This time it was the *Day Island*, and it was forced into port from a point 35 miles offshore.

These outrages against American citizens on the high seas would seem to have forestalled any further talks by Peru, Chile, and Ecuador and the United States aimed at a settlement of our fishing disputes. But, before one can ascertain definitely what will happen, the Department of State must determine the attitude of these three Latin American countries.

I have asked to be informed on this latter point and have further requested that the President review various laws regarding sanctions and retaliation by the United States where the President has been given the authority by Congress to waive or invoke such statutes as the Arms Sales Act and foreign aid.

If the international talks are not to be rescheduled and no settlement of the fishing dispute is possible, then, of course, the Nixon policy of helping Latin American countries sell their goods in the United States can be forgotten. Instead, we must provide armed protection for our fishing fleet and deter these acts of piracy by sanctions and other stern measures. In this connection, Chairman GARMATZ has announced that our House Committee on Merchant Marine and Fisheries will hold hearings on these seizures.

Meanwhile, I hope no impulsive action, though there is understandable indignation, will be taken by our longshoremen or other unions to picket ships containing goods from or to any of these offending countries.

I hope a determination as to the attitude of Peru and Ecuador will be made public. It is now or never, it seems to me, if a settlement is possible at the conference table. In the past, our requests for mediation, arbitration, or reference to the International Court of Justice have been summarily rejected.

Our industry has lost its patience and these fishermen are apt to follow through with their suggestion of arming themselves and their vessels.

Mr. Speaker, their indignation is, as I said, understandable. For the last decade and a half these American citizens, working their trade in international waters and under the flag of the United States, have been harassed, threatened with bodily harm, pirated from the high seas and held against their will in the ports of Latin American countries. The fines against the owners of the vessels have been prohibitive.

As an example, the *Day Island*, the vessel which was seized by Ecuador last Wednesday, was not released until the owner had paid a total of $84,050. This same vessel had been seized by Ecuador in December 1968, at which time she was fined $81,875. The fines against this vessel in six seizures by four different Latin American countries in the last 7 years have reached almost $200,000. This is the case of just one vessel, Mr. Speaker. The list of seizures is long indeed.

And, this is not to lessen the seriousness of the incidents in which American fishermen have been injured by gunfire from the capturing Latin American vessel.

Meanwhile, and of special interest to the House, the Congress has passed a law stating that the amount of any illegal fine imposed by one of these countries will be deducted from any foreign aid due that country. I understand that no such action has been taken by our State Department. What is worse, our State Department has delayed and used interpretations of the law that have caused additional and undue hardship on the boatowners.

As provided by law, all these fines should have been deducted from foreign aid. They have not been. Furthermore, in my opinion, the President should cut off all foreign aid to these countries seizing vessels, which he has the right to do. I shall ask the President to do this.

In addition, Mr. Speaker, I am asking the Committee on Foreign Affairs to attach a rider to the next foreign aid bill providing that no funds be permitted for State Department salaries until the Department abides by the law and deducts the amounts of these illegal fines.

The American taxpayers, whose money is used to reimburse the boatowners for these fines, deserve better treatment than they have been receiving from the State Department. Their money could be reimbursed by the offending country if the law passed by this body were only enforced.

ICC HITS INTERSTATE MOVERS

(Mr. CEDERBERG asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CEDERBERG. Mr. Speaker, any of us who have had to move our households know of the problems which such an action can create. The Interstate Commerce Commission receives hundreds of complaints each month about problems encountered by people moving across State lines. In an attempt to protect both the citizen and the moving companies from the problems which can arise due to misunderstandings the ICC is, during the first week of March, publishing new regulations covering the interstate movement of household goods. I want to commend the Commission on its efforts in this area and, in this connection, bring to the attention of my colleagues an article outlining some of the areas which the Commission treats. The article, from the Detroit News, describes both the problems and some of the proposed cures. I am hopeful that the new regulations will go a long way toward alleviating what is fast becoming a very serious situation.

The article follows:

[From the Detroit News, Feb. 17, 1970]

ICC HITS INTERSTATE MOVERS

(By Sue Hoover)

For six and a half weeks, Daniel Druia and his family thought they had lost nearly everything they owned.

In mid-December they loaded a Greyhound Van Lines truck to move to Roseville from Ft. Leavenworth, Kan., where Druia had been stationed in the Army. They were told their goods would be delivered no later than Dec. 26.

The truck finally came Jan. 31, but their six-month-old baby's dresser was missing, three boxes of other items (they're finding out what by the process of elimination) were missing, and their air conditioner was in pieces.

As the movers unloaded the truck, the bottom fell out of a box containing a good share of their clothing, which was dumped in the street. Druia and his father ended up unloading most of the load themselves.

While waiting, they had to stay with Druia's parents and make payments on a house they couldn't occupy without furniture.

Druia couldn't interview for a job because all his suits were loaded on the van. The baby had no crib.

When they called the movers, they first were told the driver had gotten drunk. They were told he had tried to deliver the load on Dec. 24 and when no one was home, he returned to Kansas.

Later, Druia found their goods had been delivered by way of Orlando, Fla.

The Druias aren't unusual: The Interstate Commerce Commission (ICC), the regulating agency for household movers, reported some 5,000 consumers complained of poor service last year.

Mostly, they said salesmen underestimated their loads, carriers failed to pick up and deliver loads when they said they would, and no one notified them when the delivery was delayed.

The ICC and the moving industry alike recognize the problems. The ICC is trying to pass new regulations to be in effect by summer.

The moving industry is pretty much convinced the problems revolve around peak load periods from June to October, and there's little remedy.

"There just are no solutions," said Ed Wilson, a salesman for 40 years with North American Van Lines in Detroit.

"Everybody wants to move in the first 10 days after school's out in June, and there aren't enough trucks in the United States to move them all at once."

The ICC says 40 million citizens—more than 12 million households—move every year. Only about 17 percent of the moves—those across a state line—are regulated by the ICC.

Nevertheless, officials think stiffer interstate controls might prompt states to improve their regulations as well.

There are several areas in which the ICC has suggested new regulations.

ICC officials would eliminate or at least change the salesman's practice of estimating weight, and thus the cost, of shipments. Gerald Davis, of the Detroit ICC office, explains the estimate is often a competitive tool, used by companies to vie for a shipment. For that reason, it may be deliberately low. The ICC is considering requiring an independent weight-estimating service sponsored by the moving companies.

ICC would require a "reasonable" dispatch of shipments which they define as "the performance of transportation on the dates or during the period of time agreed upon by the carrier and shown on the carrier's order for service and recorded on the bill of lading."

The moving industry came up with its own plan concerning delivery dates a couple of months ago. They would offer a "premium" service which guranateed exact day delivery for those customers who wanted to pay more.

The ICC would require the moving company to notify the shipper of his actual charges, rather than just the estimate, before the goods arrived, and notify him when there was a delay.

They would require the actual weight certification of the load on the bill of lading. Now, the weight is typed on the bill from a separate certification—leaving a chance for error or fraud.

They would improve the contents of a brochure given prospective movers which describes services and costs. The ICC now requires each moving company to give the pamphlet to every shipper, although many customers report they don't receive them.

In the last year, the ICC's Bureau of Enforcement has increased its prosecution of moving companies which don't comply with the rules already in existence. Penalties have been as high as $10,000 and have averaged more than $1,000.

If you feel you've been cheated or are entitled to better service, write the Bureau of Enforcement, Interstate Commerce Commission, Washington, D.C., 20423, or call the Detroit ICC office, 226-7245.

NEW LOOK AT CRISIS STRIKES

(Mr. LLOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LLOYD. Mr. Speaker, President Nixon has performed a courageous act of leadership in presenting to the Congress a tangible proposal to prevent nationwide transportation strikes which would seriously impair the health and safety of the Nation.

It is a courageous move because neither labor nor management has given encouragement to the proposals and indeed both will oppose part or all of the congressional action as proposed by the President. The President's recommendations are designed to promote the public interest, and to start the search for a civilized way out of a jungle created by labor-management impasses in which the public has an overriding involvement.

The House Republican Task Force on Labor Law Reform, which I have the privilege of chairing, has had many meetings over the past year with representatives of management and labor organizations, and it has been made unmistakably clear to us that general legislation proposing compulsory settlement of labor disputes would have vigorous opposition from both labor and management. Free collective bargaining simply will not work in the opinion of most of those with whom we have talked if there is available an alternative of compulsory settlement by a third party. Moreover, the imposition of a third party settlement, even if authorized under some legislative enactment, would be beset by great difficulty and lack of acceptance.

This Presidential message does not propose such general compulsory settlement of disputes. It is limited to transportation and the possibility of a compulsory settlement even here is remote and available only where all other means have failed and the Nation is faced with gravest danger to its health and safety.

Transportation tieups crippling the national interest continue to be a lurking specter, and twice since 1963 this Congress has been called upon to enact compulsory arbitration legislation to keep vital transportation moving. It was quite apparent when we last took this action in 1967 that an increasing number of Members of the House were becoming less inclined to exert Government intervention and more inclined to leave the parties alone.

This is the first time in many years that the White House has actually come to grips with labor law which deals with one of society's great domestic problems. The President has proposed first that Congress eliminate entirely the emergency strike provision of the Railway Labor Act which applies to the railroads and the airlines; second, that Congress remove the railroads and the airlines from the Railway Labor Act's jurisdiction and make them subject to the emergency provision of the Taft-Hartley Act and; third, that Congress amend the Taft-Hartley Act to give the Executive three additional weapons that he could invoke in a major transportation dispute at the end of the "cooling off" period. He could invoke only one of the three alternatives. These three alternatives are:

First. Extend the present 80-day "cooling off" period for an additional 30 days.

Second. Authorize the President to require partial operation of the struck industry to minimize the dangers of health and safety to the Nation.

Third. The President would be empowered to invoke a novel "final offer selection procedure" under which both parties would submit one or two "final offers" to the Secretary of Labor after which 5 more days would be allowed to bargain over these offers. If an agreement could not be reached, the parties to the dispute would choose three persons to select one of the "final offers" in the exact form in which it was presented and impose it as the final settlement. If the disputants could not agree upon the three person panel, the panel would be appointed by the President. The President is also at liberty to use none of the three alternatives or to go to Congress again for compulsory arbitration.

President Nixon has come forward with concrete proposals as he promised the American people he would do. The consequences of inaction by the Congress are increasing nationwide transportation tieups in avoidance of the public interest and the public welfare. The Nixon proposals are much milder than many other alternatives which have been urged upon him. Certainly he has not suggested general compulsory arbitration. The factual situation of past strikes and impending strikes does however, confront him with a challenge and a responsibility which he has chosen not to ignore. I urge the Education and Labor Committee to begin early hearings on this legislation and to allow the House of Representatives to work its will. The President has taken the essential first step. Our clear responsibilty is to proceed with hearings which will enable spokesmen and representatives of all points of view to present their case for the consideration of the Congress.

An editorial in the New York Times dated February 28 entitled "New Look at Crisis Strikes" is on target in my judgment, and I include it with these remarks:

NEW LOOK AT CRISIS STRIKES

The most welcome aspect of the proposals President Nixon sent to Congress yesterday for better public protection against transportation strike emergencies is that they introduce fresh approaches into a field in which progress has been blocked for twenty years by prejudices too mossgrown to dislodge.

The President, acting on the recommendations of Secretary of Labor Shultz, has recognized that the national emergency provisions of the Railway Labor Act have operated to frustrate collective bargaining without providing dependable safeguards against cutoffs of rail and airline service. He has also recognized that the worst breakdowns in labor-management relations, at greatest cost to the economy, have tended to be in transportation—not only airlines and railroads but maritime, longshore and trucking as well.

As the soundest road to more effective statutory protection, the President has decided to build on the eighty-day cooling-off period that is now the basic defense against national emergency strikes in steel, aerospace and other industries. Even though labor made this injunction provision the chief basis for its 1947 denunciation of the Taft-Hartley Act as a "slave labor law," experience has demonstrated that it is as useful a safeguard for unions as it has proved to the nation.

The problem the Nixon bill seeks to deal with is how to assure an equitable solution when the court-enforced truce runs out with no settlement. The President would have three new weapons on which to draw in such circumstances. One would be a straight thirty-day extension of the no-strike, no-lockout period.

A second option would be to let the strike or lockout go forward after the injunction but to insist on operation of such limited facilities as the White House deemed necessary for the national health and safety. The third choice, and the most original, would

introduce a desirable element of finality into the peace process while seeking to by-pass the almost phobic semantic hurdles both labor and management would throw up if the Administration advocated complusory arbitration.

There is very little rationality left in most sections of labor or industry on the merits and defects of compulsory arbitration. Experts on both sides automatically rush to the barricades at the mere mention of the term. The President is trying to get around that hurdle by a proposal that would seek to encourage good-faith contract bargaining while giving an impartial panel final and binding authority to break deadlocks in the public interest.

What would happen is that, instead of splitting the difference between the last management offer and the final union demand—a conventional practice in arbitration—the panel would have to choose one or the other of the two last-ditch positions.

No one can make too informed a judgment on how well this approach might work since such minor experience as has been had with it anywhere is confined to Germany in the post-World War I days of the Weimer Republic. But it could provide a spur to realistic proposals by both sides in the hope of winning the Presidential "selectors" endorsement for the union or industry stance.

The plan for partial operation sounds better in theory than it is likely to prove in practice. First, there are many industries in which tidy delimitation of what is needed for the national health or safety would be extremely difficult. An even more potent drawback would be the danger that allowing one company to operate while most others stayed down would lead to "whipsaw" pressures on the idle enterprises to capitulate.

However, one virtue of the entire plan is that the President would not be obliged to utilize any of the options. He could let nature take its course at the end of the initial eighty days or he could ask Congress to adopt a special arbitration law as it has twice done in the railroads since 1963. This broad range of choices would keep both sides guessing and thus reinforce the pressures on them to work out an accommodation of their own.

To guard against White House arbitrariness, either house of Congress could act within ten days to veto any specific Presidential decision. Labor and management could also go to the Federal courts for relief if they considered the White House intervention capricious. On top of all this, there would be a seven-member national commission to review the bargaining situation in other problem industries and to advise the President on how well or badly the new remedies were operating in transportation.

After years of timorous White House refusal to grapple with the strike problem, Congress finally has been given a good bedrock document on which to start the search for improved public protection.

ELIMINATION OF FEDERAL PROGRAMS

(Mr. EDWARDS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. EDWARDS of Alabama. Mr. Speaker, President Nixon in his message to Congress last week put forth a plan to eliminate some 57 Federal programs for a $2.5 billion savings in the next fiscal year. Some of these cuts of course, will require congressional approval. All bear close scrutiny; and I would guess that many of the proposed cuts should be made. But for every one proposed there must be a dozen other Federal programs that could be terminated.

The time has come for this body to join with the President in seeking out offices, bureaus, agencies, sections, commissions, divisions, administrations, boards, councils, committees, corporations, services, and authorities and any of the other assorted conglomeration of bureaucratic fiefdoms that have long since outlived their usefulness.

One estimate puts the vast bureaucratic waste at $30 billion. And who do we listen to during committee meetings to refute this claim? Those who have a vested interest in perpetuating the monster they thrive on, the bureaucrats themselves. Daily the cadre of directors, chiefs, supervisors, commissioners, board chairmen, consultants, specialists, and experts that hold the reins of the bureaucratic power make their way to the committee rooms on this Hill to tell their tale of such a great need for more and more of the taxpayer's dollars.

If we are to exercise our duly constituted right to oversee the expenditures made out of the Federal Treasury, then we should begin by questioning more closely the motives behind requests for funds by the users of the same funds.

I believe, Mr. Speaker, that President Nixon and his administration is going to make the effort to cut back on wasteful expenditures within the Federal Government. But the greater burden rests with we Members of Congress, duly elected representatives of the people, charged with protecting the Federal Treasury from wasteful spending. Let us not shirk our duty in that respect.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., February 27, 1970.

The SPEAKER,
U.S. House of Representatives.

DEAR SIR: I have the honor to transmit herewith a sealed envelope addressed to the Speaker of the House of Representatives from the President of the United States, received in the Clerk's Office at 12:07 p.m., on Friday, February 27, 1970, and said to contain a message from the President wherein he transmits a Message concerning National Emergency Labor Disputes.

With kind regards, I am
Sincerely yours,

PAT JENNINGS,
Clerk, U.S. House of Representatives.

EMERGENCY PUBLIC INTEREST PROTECTION ACT OF 1970—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-266)

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

Early in my Administration I pledged that I would submit a new proposal for dealing with national emergency labor disputes. Since that time, members of my Administration have carefully reviewed the provisions of these laws and the nation's experience under them. We have concluded from that review that the area in which emergency disputes have created the greatest problem is that of transportation.

Our highly interdependent economy is extraordinarily vulnerable to any major interruption in the flow of goods. Work stoppages in the railroad, airline, maritime, longshore, or trucking industries are more likely to imperil the national health or safety than work stoppages in other industries. Yet, it is in this same transportation area that the emergency procedures of present laws—the Railway Labor Act of 1926 and the Taft-Hartley Act of 1947—have most frequently failed.

It is to repair the deficiencies of existing legislation and to better protect the public against the damaging effects of work stoppages in the transportation industry that I am today proposing that Congress enact the Emergency Public Interest Protection Act of 1970.

TWO MAJOR OBJECTIVES

Our past approaches to emergency labor disputes have been shaped by two major objectives.

The first is that health and safety of the nation should be protected against damaging work stoppages.

The second is that collective bargaining should be as free as possible from government interference.

As we deal with the particularly difficult problems of transportation strikes and lockouts, we should continue to work toward these objectives. But we must also recognize that, in their purest form, these two principles are mutually inconsistent. For if bargaining is to be perfectly free, then the government will have no recourse in time of emergency. And almost any government effort to prevent emergency strikes will inevitably have some impact on collective bargaining.

Our task, then, is to balance partial achievement of both objectives. We must work to maximize both values. Ideally, we would provide maximum public protection with minimum federal interference. As we examine the laws which presently cover the transportation industry, however, we find that interference has often been excessive and protection has often been inadequate.

THE RAILWAY LABOR ACT

Work stoppages in both the railroad and airline industries are presently handled under the emergency procedures of the Railway Labor Act. Under this law, the President can delay a strike or lockout for sixty days by appointing an Emergency Board to study the positions of both parties and to recommend a settlement. If the sixty-day period ends without a settlement, then the President has no recourse other than to let the strike occur or to request special legislation from the Congress.

Past events and recent experiences

demonstrate the failure of these provisions. Since the passage of the Railway Labor Act 45 years ago, the emergency provisions have been invoked 187 times—an average of four times yearly. Work stoppages at the end of the sixty-day period have occurred at a rate of more than one per year since 1947. Twice the President has had to request special legislation from the Congress to end a railroad dispute, most recently in 1967.

Why does the Railway Labor Act have such a bad record? Most observers agree that the Act actually discourages genuine bargaining. Knowing that the Emergency Board will almost always move in with its own recommendation whenever a strike is threatened, the disputants have come to look upon that recommendation as a basis for their own further bargaining. They have come to regard it as a routine part of the negotiation process.

Over the years, the members of one Emergency Board after another have concluded that little meaningful bargaining takes place before their involvement. Most of what happens in the early bargaining, they report, is merely done to set the stage for the appearance of the Federal representatives. Designed as a last resort, the emergency procedures have become almost a first resort. The very fact that an official recommendation is *possible* tends to make such a recommendation *necessary*.

The disputants also know that government participation need not end with the Board's recommendation. They know that the nation will not tolerate a damaging railroad strike—and that even compulsory arbitration is a possible legislative solution if they are unable to compromise their differences. This expectation can also have a significant, discouraging effect on serious bargaining. Aware that arbitrators and public opinion will often take a middle ground between two bargaining positions, each disputant feels a strong incentive to establish a more extreme position which will put the final settlement in his own direction. Expecting that they might have to *split* the difference tomorrow, both parties find it to their advantage to *widen* that difference today. Thus the gap between them broadens; the bargaining process deteriorates; government intervention increases; and work stoppages continue.

Many of the deficiencies in the Railway Labor Act do not appear in the Taft-Hartley Act. Therefore, as the first step in my proposed reform, *I recommend that the emergency strike provisions of the Railway Labor Act be discontinued and that railroad and airline strikes and lockouts be subject to a new law—one which draws upon our experience under the Taft-Hartley Act.*

THE TAFT-HARTLEY ACT

Labor disputes in other transportation industries—maritime, longshore, and trucking—are now subject to the emergency provisions of the Taft-Hartley Act, legislation which I helped write in 1947.

Under the Taft-Hartley Act, the President may appoint a Board of Inquiry when he believes that a strike or lockout or the threat thereof imperils the nation's health or safety. After the Board of Inquiry has reported on the issues involved in the dispute, the President may direct the Attorney General to petition a Federal District Court to enjoin the strike for an eighty-day "cooling-off" period. During the eighty-day period, the Board of Inquiry makes a second finding of fact and the employees have an opportunity to vote on the employer's last offer.

There are a number of features in the Taft-Hartley Act which encourage collective bargaining to a far greater extent than does the Railway Labor Act. First, government intervention is more difficult to invoke since the Taft-Hartley Act—unlike the Railway Labor Act—requires a court injunction to stop a strike or lockout. Moreover, the Taft-Hartley Act, explicitly prohibits the Board of Inquiry from proposing a settlement. Thus neither party is tempted to delay an agreement in the hope that the Board's recommendation will strengthen its hand. Finally, the standard for judging whether the threatened work stoppage justifies government intervention is stricter under Taft-Hartley than under the older Act—though the use of stricter standards does *not* imply that a strike or lockout which primarily involves one region of the country could not be enjoined if it threatens the national health or safety.

But even the Taft-Hartley Act gives the President inadequate options if a strike or lockout occurs after the eighty-day cooling-off period has elapsed—something that has happened in eight of the twenty-nine instances in which this machinery has been invoked since 1947. All of these instances of failure have involved transportation industries. As is the case under the Railway Labor Act, the President has no recourse in such a situation other than to submit the dispute to the Congress for special legislation.

Each of the last four Presidents, the President's Labor-Management Advisory Committee, numerous voices in the Congress, and many other students of labor relations have concluded that the President's options at this point in the dispute should be broadened. I share this conclusion—but I believe it advisable to limit its application at present to the transportation field. It is in the area of transportation, after all, that our present procedures have encountered the greatest difficulty. If at some later date, conditions in other industries seem to demand further reform—and if our experience with the new transportation procedures has been encouraging—we may then wish to extend the application of these new procedures.

THREE NEW OPTIONS

The President must have additional procedures which he can follow at the end of the cooling-off period if damaging work stoppages in vital transportation industries are to be avoided. *Accordingly, I propose that the Taft-Hartley Act—as it applies to transportation industries—be amended to give the President three additional options if, at the end of the eighty-day injunction period, the labor dispute in question has not been settled and national health or safety is again endangered.*

1. The first option would allow the President *to extend the cooling-off period for as long as thirty days.* This choice might be most attractive if the President believed the dispute were very close to settlement.

2. The President's second option would be *to require partial operation of the troubled industry.* Under this provision, the major part of the strike or lockout could continue. But danger to national health or safety could be minimized by keeping essential segments of the industry in operation or by maintaining service for the most critical group of service-users. This procedure could be invoked for a period of up to six months.

It is important, of course, that the precise level of partial operation be correctly determined—it must be large enough to protect the society but small enough so that both parties feel continued economic pressures for early settlement. Responsibility for determining whether partial operation is possible and for establishing the proper level of operations would be assigned to a special board of three impartial members appointed by the President. The panel would be required to conduct an extensive study of the matter and to report its findings within thirty days of its appointment. The strike or lockout could not continue during that period.

3. The President's third option would be *to invoke the procedure of "final offer selection."* Under this procedure, each of the parties would be given three days to submit either one or two final offers to the Secretary of Labor. The parties would then have an additional five days to meet and bargain over these final proposals for settlement. If no agreement emerged from those meetings, a final offer selector group of three neutral members would be appointed by the disputants or, if they could not agree on its membership, by the President. This group would choose one of the final offers as the final and binding settlement.

The selectors would hold formal hearings to determine which of the final offers was most reasonable—taking into account both the public interest and the interests of the disputants. They would be required to choose one of the final offers in the exact form in which it was presented; in no case could they modify any of its terms nor in any way attempt to mediate the conflict.

The final offer selection procedure would guarantee a conclusive settlement without a dangerous work stoppage. But—unlike arbitration—it would also provide a strong incentive for labor and management to reach their own accommodation at an earlier stage in the bargaining. When arbitration is the ultimate recourse, the disputants will compete to stake out the strongest bargaining position, one which will put them at the greatest advantage when a third party tries to "split the difference." But when final offer selection is the ultimate recourse, the disputants will compete to make the most reasonable and most realistic final offer, one which will have the

best chance to win the panel's endorsement.

Rather than pulling apart, the disputants would be encouraged to come together. Neither could afford to remain in an intransigent or extreme position. In short, while the present prospect of government arbitration tends to widen the gap between bargaining positions and thus invite intervention, the possibility of final offer selection would work to narrow that gap and make the need for intervention less likely.

It should be emphasized that the President could exercise any one of these options only if the eighty-day cooling-off period failed to produce a settlement. Whatever option the President might choose, either House of Congress would have the opportunity—within ten days—to reject his recommendation under a procedure similar to that established by the Reorganization Act of 1949.

Either a partial operation plan or a final offer selection could be voided in the courts if it were judged arbitrary and capricious. If the President were to choose none of the three additional options, if the Congress were to reject his choice, or if one of the first two options were chosen and failed to bring a settlement, then the President could refer the entire matter to the Congress as he can do under the present law.

OTHER RECOMMENDATIONS

The effort to broaden Presidential options is at the heart of the reforms I propose. There are a number of additional repairs, however, that would also strengthen our labor disputes legislation.

—*I recommend that a National Special Industries Commission be established to make a comprehensive study of labor relations in those industries which are particularly vulnerable to national emergency disputes.* Experience has clearly shown that such labor crises occur with much greater frequency in some industries than in others. The Commission, which would have a two-year life span, should tell us why this is so and what we can do about it.

—The Railway Labor Act presently calls for final arbitration by government boards of unresolved disputes over minor grievances. Usually these disputes involve the interpretation of existing contracts in the railroad or airline industries. Again, the availability of government arbitration seems to have created the necessity for it; the National Railroad Adjustment Board, for example, has a backlog of several thousand cases to arbitrate. The growing dependence on government represents a dangerous trend: moreover, the resulting delay in settlement is burdensome and unfair to both labor and management.

I propose therefore that the National Railroad Adjustment Board be abolished. A two-year transition period should be allowed for completing cases now in process. The parties themselves should be asked to establish full grievance machinery procedures, including no-strike, no lockout clauses and provisions for final binding arbitration. When necessary, the Federal Mediation and Conciliation Service would assist in this process.

—A labor contract in the railroad or airlines industry presently has no effective termination date. This is true because the right of the parties to engage in a strike or lockout depends on a declaration by the National Mediation Board that the dispute cannot be resolved through mediation. Negotiations can thus drag on for an indeterminate period, far beyond the intended expiration date of the contract, with no deadlines to motivate serious bargaining.

I recommend that this unusual procedure be discontinued and that new labor contracts for railroads and airlines be negotiated in the same manner as those for most other industries. The party which desires to change or terminate any contract would be required to provide written notice to that effect sixty days in advance of the date on which the change is to go into effect. The schedule of negotiations would thus depend not on the decision of the National Mediation Board, but on the decisions of the parties; earlier, more earnest, and more independent bargainiing would be encouraged.

—The National Mediation Board now handles two very different functions: mediating railway and airlines disputes and regulating the process by which bargaining units are determined and bargaining representatives are chosen. This combination of functions is unique to the railroad and airlines industries, and again, I propose that the discrepancy be eliminated. *The mediation functions of the National Mediation Board should be transferred to the Federal Mediation and Conciliation Service*—which presently handles this work for the vast majority of our industries. *The regulatory functions should remain with the National Mediation Board, but its name should be changed to the Railroad and Airline Representation Board to reflect this new reality.*

Whenever possible, the government should stay out of private labor disputes. When the public interest requires that government step in, then it should do so through procedures which bring the current conflict to an equitable conclusion without weakening the self-reliance of future bargainers.

The nation cannot tolerate protracted work stoppages in its transportation industries, but neither should labor contracts be molded by the Federal government. The legislation which the Secretary of Labor is submitting to the Congress would help us to avoid both pitfalls; it would do much to foster both freedom in collective bargaining and industrial peace. The hallmark of this program is fairness; under its procedures we will be able to end national emergency labor disputes in our transportation industries in a manner which is fair to labor, fair to management and fair to the American public.

RICHARD NIXON.

THE WHITE HOUSE, *February 27, 1970.*

COLONEL KIRKMAN'S LIFE TRIBUTE FLORIDA HIGHWAY PATROL

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 10 minutes.

Mr. FUQUA. Mr. Speaker, the retirement of Col. H. N. Kirkman as director of the State department of public safety brings to a close a distinguished career of public service. That career, however, is one which has served as a model for integrity and service for not only our State, but the Nation as well.

His retirement on February 19 was also his 78th birthday. Colonel Kirkman has been compared in our State with FBI Director, J. Edgar Hoover. Certainly the comparison is apt, for Colonel Kirkman directed the Florida Highway Patrol with fairness and with such a degree of integrity that it has the respect and admiration of those it serves.

More than this, the innovations in the service which Colonel Kirkman instituted served as an example and model for other highway patrols across the Nation.

He can look back on a life of service and a department that reflects the sterling character of the fine gentleman who helped create it.

Those who know Colonel Kirkman best know that there has been one person who has assisted and sustained him through all of the many difficult periods he has had to endure—his charming wife. He would be the first to state that any success he has had in life was made worth while because of Mrs. Kirkman, a lady I admire and consider to be a warm personal friend.

The colonel began his career of public service in 1936 as head of the State road department patrol under Gov. Dave Sholtz. He was asked to organize and train the Florida Highway Patrol in 1939, after its creation by the State legislature.

From a force of 32 men trained at the Bradenton Training School in that year, it has grown to the crack outfit it is today. There were problems through the years as in any new field. It was the firm dedication of Colonel Kirkman that gained for the Florida Highway Patrol the support of the people of my State.

Today, it is composed of a courteous, neat force of almost 900. Recent reorganization of State government placed the highway patrol and the department of motor vehicles into the State department of public safety, with Colonel Kirkman serving as its first director.

Another outstanding public servant, Ralph Davis, succeeds him and is destined to add to the stature and progress of the department which has been so ably advanced by the colonel and his staff in the past.

On a very personal note, I have many warm personal friends among the membership of the Florida Highway Patrol. They are a friendly and outgoing group of men who have earned the respect in which they are held by the people of Florida.

Looking back over the years, it took all the ingenuity and perseverance of a dedicated man like Colonel Kirkman to do the building job which had to be done.

One newspaper pointed out that Colonel Kirkman is a stickler for cleanliness and courtesy. He always told his recruit classes that a "good patrolman keeps his head cool, his feet warm, and his mouth shut."

Records show that more men were dis-

missed for being discourteous than for any other 10 reasons.

Not only are our patrolmen dedicated to their law enforcement duties, they are amdassadors of good will to the millions of tourists who come to our State.

Colonel Kirkman is respected by the men and women of his department. His trademark is a high, beige, wide-rimmed Stetson hat, the style he has worn for as long as anyone can remember.

The problems were never easy and a lesser man than Colonel Kirkman might have despaired. Those who know him best can attest that when the going was the toughest, that is when he was best.

A native of North Carolina, he came to Florida in 1912, maintaining a permanent residence in Putnam County since 1916. He was engaged in the construction business for many years, particularly the building of bridges which include the Memorial Bridge at Palatka and the bridges on the Clearwater Causeway.

He served in World War I, entering the Army as a private and being discharged at the end of the war as a first lieutenant. During World War II, he served in Europe and was U.S. district engineer in England, constructing bomber stations, fortresses, and warehouses. He served overseas during both wars for a total of some 38 months, being decorated for his service in World War II with the Legion of Merit.

In late 1945, after his release from military service, he rejoined the patrol as director of the department of public safety and at the time of his retirement was senior director in the United States.

Colonel Kirkman is a charter member of the American Legion of Florida and was State commander in 1923–24. He is a member of the National Safety Council; Florida Peace Officers Association; a member and past chairman of the State and Provincial Section, International Association of Chiefs of Police; past president of Region II, American Association of Motor Vehicle Administrators, and now president of the American Association of Motor Vehicle Administrators; National Committee on Uniform Traffic Laws and Ordinances; commissioner from Florida to the Vehicle Equipment Safety Commission; National Security Committee of the American Legion; Elks; 32d degree Mason and Shriner.

Much more could and should be said about Colonel Kirkman.

But, the finest tribute to his life and work that I can think of is the Florida Highway Patrol itself. When he left the black and cream colored headquarters for the last time as director, he left a building named for him as a tribute from the people of his State who know full well what contributions he has made.

The Florida Highway Patrol is second to none in the Nation. Colonel Kirkman would want no finer tribute paid him.

INDEPENDENT RHODESIA—A REPUBLICAN FORM OF GOVERNMENT

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. RARICK) is recognized for 15 minutes.

Mr. RARICK. Mr. Speaker, I rise to congratulate the sovereign state of Rhodesia on the occasion of its final step in adopting the Republican form of government for which its citizens overwhelmingly voted last June.

This event was relegated to the back page of the local newspaper. The wire service story followed the usual line of leftists—that the indigenous savages were not running the show instead of the civilized people who built the country. We can expect this plaintive cry to continue, although not honestly enough to compare the welfare of the blacks in Rhodesia with that of their racial brethren in Biafra, where the savage majority does rule.

At the same time, we continue to play the foolish game of boycott and embargo. This may serve the purpose of the collection of tribes, financed by American taxpayers, who claim to be the United Nations Organization. It certainly serves the purposes of the masters of the Kremlin. It is not only immoral of us to continue this shabby pretense, but it is plainly detrimental to the security of the United States.

To punish our natural friends, at the insistence of the tools of our self-professed enemy, we have deliberately put in the hands of that enemy the strategic materials necessary for our own defense.

I, for one, have not forgotten the boast that "We will bury you"—nor am I unaware of the monopoly on chrome which we have deliberately given to the Soviet boaster. This is the kind of insanity which must cease.

The notice attached to a purchase which I made last week points up the absurdity—chrome which we refuse to buy from friendly Rhodesia is such a critically short item for defense that we must use substitutes. What chrome we buy is from the Soviets—watered down in quality and marked up in price.

Foreign policy should be founded in the protection and welfare of the people of these United States. It should not be designed to aid our enemies, and it should not be planned for damaging our defenses. When it does, it is either wrong or treasonous—and in any case cries for correction.

Since the Republic of Rhodesia has followed, for exactly the same reasons, the course charted by our forefathers some 200 years ago, it would be altogether fitting and proper for the United States to be the first to recognize its de jure as well as de facto existence.

Mr. Speaker, I call on the President to repudiate the cheap sham of sanctions, invalidly and dishonestly applied by the United Nations Organization, and in furtherance of the enlightened self-interest of these United States, to promptly extend diplomatic recognition to our friends in the Republic of Rhodesia.

I include herewith the article referred to and the notice of the chrome shortage mentioned in my remarks:

[From the Washington (D.C.) Star, Mar. 2, 1970]

RHODESIA FORMALLY CUTS LAST TIES WITH BRITAIN

SALISBURY, RHODESIA.—This nation where 241,000 whites dominate 4.5 million blacks formally declared itself an independent republic today with a constitution insuring the continuation of white rule.

A proclamation signed yesterday dissolved the "Queen's Parliament" as of midnight, severing the last ties with the British crown, installed the new constitution and named Clifford DuPont as acting president.

Premier Ian Smith and DuPont, who has been administering the government since Smith declared independence from Britain on Nov. 11, 1965, signed the document in DuPont's study at Government House with a minimum of fanfare.

In London, British officials called the move illegal, and at least one black African leader urged the use of force if necessary to topple the white minority regime.

President Ahmadou Ahidjo of Cameroon said in a message to the Organization of African Unity that his government "reaffirms the imperative need . . . if need be, (of) recourse to force to reach a democratic solution of the Rhodesian problem."

The new Rhodesian constitution provides for the election April 10 of a new Parliament with 50 white members and 16 blacks. It will allow more black members when the native population begins paying more than 24 percent of the nation's income taxes. The blacks now pay less than 1 percent.

Rhodesia's white population voted 81 percent in favor of the new Constitution last June, making today's proclamation anticlimactic. Said a government spokesman, "We just think of it as a dull little occurrence."

IMPORTANT NOTICE FROM HAMILTON COSCO, INC., COLUMBUS, IND.

Certain parts of the trim and finish on this product are finished in an attractive new bonderized, baked enamel, which is highly resistant to chipping and scratching.

This change has been made to conserve critcial chrome plating materials for the nation's defense effort.

This new finish on this product meets every exacting standard of quality and durability promised in our guarantee.

SUPPORT FOR ISRAEL

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, yesterday, March 1, it was my privilege to participate in various meetings in Queens, New York, sponsored by the Queens Jewish Community Council, under the chairmanships of Rabbi Moshe Kwalbrun, Rabbi Rafael Saffra, Rabbi Samuel Landa, Rabbi Walter Wurzurger, and others. Participating in these meetings also were the Hadassah, B'nai B'rith, Jewish War Veterans groups and, more importantly, thousands of individuals—not only individuals of the Jewish faith.

In conjunction with these meetings, the borough president of Queens, the Honorable Sidney Leviss, had declared Sunday, March 1, "Israel Solidarity Day."

The meetings, as I said previously, attended by thousands, were called to show public concern and interest and to ask for our Government's support of the democratic State of Israel—the last bastion of democracy in the Middle East.

I take this time to commend the sponsors, the coordinators and all who worked to arrange the meetings on the success of their efforts. I especially commend all those thousands of individuals who attended and were willing to sit hours indoors on such a lovely Sunday afternoon. They gave meaning and life to the many

resolutions we here in Congress have sponsored in support of and commendation of the free State of Israel.

They have given support and meaning not only to our resolutions in support of material and diplomatic aid to Israel and direct negotiations between Israel and the Arab nations, but also my and many of my colleagues boycott of the appearance of the President of France, Georges Pompidou before the Congress.

Mr. Speaker, in conjunction with the meetings of yesterday, the following resolution, which I am now privileged to read, was unanimously endorsed by those attending the various meetings and many others. I quote:

Whereas, as Americans we are profoundly concerned with our country's national interests and the cause of world peace; and

Whereas, we recognize that there is serious danger that a new round of hostilities in the Middle East may trigger another world conflict; and

Whereas, we believe that it would not be in the interest of the United States or in the service of world peace if Israel were left defenseless in the fact of the continuing flow of sophisticated offensive armaments to the Arab nations; and

Whereas, Israel has repeatedly sought direct negotiations with its neighbors, and unremittingly expressed its earnest desire to live in peace and dignity with the Arab countries; and

Whereas, we believe that the parties to the conflict must be parties to the peace achieved, by means of direct, unhampered negotiations;

Now therefore, we here assembled call upon our President and the Secretary of State to reaffirm our country's support for the democratic State of Israel; we urge that they do not permit an arms imbalance to develop in the Middle East; and that they use their good offices and exert every effort to encourage direct negotiations between Israel and the Arab states looking toward a firm and lasting peace—a peace which will be of benefit not only to the countries of that area but to the world at large.

Mr. Speaker, I have this day sent a copy of this resolution to the President of the United States, Mr. Nixon, and Secretary of State, Mr. Rogers.

THE AGONIZING RETURN OF COMMONSENSE

The SPEAKER. Under a previous order of the House, the gentleman from Louisiana (Mr. WAGGONNER) is recognized for 30 minutes.

Mr. WAGGONNER. Mr. Speaker, in the last few days, more and more columnists and editorial writers are acknowledging with varying degrees of enthusiasm, the death of forced school integration. Some, the more perceptive ones, see the phasing out of the unsupportable doctrine of heavyhanded force which has been used on our children, as a welcome thing. Certainly there can be no question in the minds of the reasonable that the people of every section of the country and every race are opposed to forced integration for the sole purpose of integration, and this includes busing of schoolchildren among a wide variety of examples.

The tide which has finally swept up even some of the former liberals who were unaffected by what was being done to the South, is now running strongly against mixing for the sake of mixing and strongly for concentration on making available the best quality education for our children.

Even the extreme left New York Times admits that forced mixing of the races has not worked; that student absences now run from 40 to 50 percent; that racial violence is the common denominator in schools from coast to coast. In those cases where actual violence has not flared, it seethes beneath the surface. Teaching and learning are sidelines; the major interest is survival. This is the condition which has been brought about by sociological meddling.

That this era is dying is occasion for rejoicing. It should never have been born and only the militant whites and blacks who make their sorry living promoting racial strife and hatred will mourn its passing. But there is a great deal more we need to do here in the Congress.

We need, for instance, as I have for years said to you to pass, in forceful, unequivocal language a freedom of choice law. As a beginning point for consideration, I again suggest a resolution which I have cosponsored with six other members of the Louisiana delegation. It is a simple statement framed as a constitutional amendment and one any reasonable man should support. It says:

The Congress shall make no law restricting freedom of choice in any area of human discretion wherein a person has a lawful right to choose between two legal alternatives; in particular, all persons shall have freedom of choice in selecting schools, domicile, marital status, employment and the ownership, use and disposal of property.

Now, you and I know that all of this is guaranteed by the Constitution of the United States already. It would be idiocy to say that the framers of the Constitution did not mean for us to have at least these basic rights. Yet, you and I know as well, too, that we do not have these rights today, thanks, in part to the Congress and thanks in part to the Supreme Court and other courts. They must then, be specifically restated.

For instance, we cannot select the schools our children will go to. We cannot select the employees we want to hire and we cannot dispose of our property as we see fit. We have to meet whatever standards the courts and the bureaucracy set up, unreasonable, unworkable standards which effectively strip us of these rights.

I mention, this particular resolution (H.J. Res. 346) as an example of what this Congress must do. There are dozens of others in the dead files of the Judiciary Committee. I, myself, have submitted others on this subject in each of the 9 years I have been here. It makes no difference to me and it makes no difference to the people which one is passed. My abiding interest and theirs is that something be done by the Congress to curb the courts and the zealots of HEW and other agencies.

If the Congress turns its back on the people in this crisis, I do not dare contemplate what the people will do. It may be the revolution which the militant minority is promoting. It may be a civil war with whites pitted against blacks. It may take the form of an acceleration in the present trend away from accepted moral standards, respect for authority, religious faiths and ethics. Regardless of which, this Nation cannot continue on this path and this Congress cannot continue to allow, even condone it.

This is not the hour for any man to play with the demagog. The hope this Nation has held out to mankind is the only hope of the world today. This legacy carries the obligation to preserve that hope and pass it on the future generations. We are not doing so by participating in this destruction of our educational system and society.

In all solemnity, I tell you gentlemen we are either at midnight on the clock or zero-zero-zero one. It may be that it is already too late. We must pray it is not. We must work as if it is not.

The solution does not lie simply with additional legislation from the Congress. The core of the difficulty is, as it has always been, with the Supreme Court and the lower courts. We had a perfect example of what we are faced with in the Harris County, Ga., case which District Judge W. A. Bootle ruled on on Wednesday of last week. In this case, the Georgia copy of the New York State statute prohibiting school busing, was summarily dismissed out of hand and the judge demanded additional busing and pairing to achieve his particular idea of racial balance.

The Nation's schools are at the mercy of men such as Judge Bootle, a man who has no experience in the field of education, no experience as an administrator and, obviously, no understanding of the psychological or sociological problems faced in the education of our children. Until men like him are curbed, there will be no settlement in this crisis. And it is to this end that we must direct our intelligence and our energy.

There is no question but what the House has correctly interpreted the mood of the country when we passed the freedom of choice language and the busing prohibition in the HEW appropriation bill, but the Senate has failed to read the clear mandate of the people as evidenced by their precipitous action last Saturday in striking down these safeguards.

For my own part, I guarantee that I will leave no stone unturned, no idea untried, to save education in Louisiana and the rest of the Nation. I owe it to the people I represent and so do you.

The articles which I have referred to are reprinted below and I urge your attention to them.

[From the Washington Post, Feb. 24, 1970]

OBITUARIES FOR DESEGREGATION WRITTEN BY LEFT, RIGHT, CENTER

(By David S. Broder)

CAMBRIDGE, MASS.—It was a great ecumenical funeral they arranged last week for the 15-year-old policy called school desegregation. They said the kid never accomplished much when he was alive, but he sure drew a crowd for his burial.

The President and Vice President of the United States came, and so did most of the Republicans and Democrats in the House and Senate, and they all threw a handful of dirt into the grave.

The obituaries had been written by the best commentators of the left, the right

and the center, the New Republic's Alexander Bickel, the National Review's William Buckley and Newsweek's Stewart Alsop. They agreed it was a darn shame it happened, but the fool kid had been warned time and again to stay off buses and to quit messing around neighborhood schools. He just wouldn't listen.

They listed all the trouble the kid had caused in his short lifetime. He'd made race relations worse, they said, and helped pile up a vote for George Wallace. He'd caused violence in the schools. He'd scared the whites out into the suburbs and made the cities more segregated than before.

Even those who had been the kid's friends and had tried to help him had to admit that the effort was costly when measured against the pitifully little genuine integration that had been achieved since the Supreme Court delivered the unwanted infant on the nation's doorstep that May Monday in 1954.

There was no call for an inquest into the cause of death. Maybe it could have been shown that what really killed integration was the unwillingness of the white majority to stick the cost and inconvenience of desegregating the schools. But everyone knew the cost—in dollars and in disruption of familiar patterns—was bound to go up, and most agreed it was better the kid was dead, with no questions asked.

One of the new "realists" was Sen. Abraham Ribicoff (D-Conn.), who has progressed in only 10 years from being John Kennedy's favorite governor to being John Stennis's favorite senator. He came pretty close to telling the truth at the funeral when he said, "We are talking about a segregated society. . . . It is not the kids who are racists; it is the adults who are racists. I do not want to make the children innocent pawns."

But even Ribicoff, the supreme realist, could not quite bring himself to admit what it was that had been killed—or even that a death had occurred. He kept talking about opening the suburbs to Negroes and making big improvements in ghetto schools—trying to comfort the bereaved.

However, the kid's friends know now that desegregation is probably finished, except in those rare communities where local conditions and attitudes are so favorable that the federal courts can enforce their orders with the minimal help likely to be available from federal, state or local authorities. No politicians—and few judges—will work very hard at propping up a corpse.

Most of the country will now revert to the reservation policy, as Sen. Clifford Hansen (R-Wyo.) suggested, when he compared the "mistake" of integration to the "mistake" of sending Indian children off the reservations to school.

It is, of course, a somewhat chancier proposition to adopt a reservation policy for 22,000,000 blacks, whose reservations are the centers of our cities, than it is to impose that policy on 5,000 Indians in Wyoming.

But even if every Negro parent passively accepted reservation status for his children, which will not happen, one would still have to ask how much of the soul of America was in the casket that was buried last week. This was the question Leon Panetta, the ousted administration civil rights official Sen. Walter F. Mondale (D-Minn.) and a few others tried unavailingly to raise at last week's state funeral.

School desegregation was a last, desperate effort to erase the ugly heritage of slavery. It was an effort to vindicate in the next generation the founder's faith that this could be one nation of many peoples, a free society based on the equality of all men.

History may judge that vision was foreordained to failure by the tragic fact that slavery preceded independence on our continent.

But that is a judgment only history can make, and the test of statesmanship today surely must be resistance to that fateful admission of failure.

It is tragic that a President who only a month ago spoke of giving this country "the lift of a driving dream" should have acquiesced, with nary a protest, in the death of the American dream.

[From the Washington Post, Feb. 22, 1970]

DRIFT TO THE RIGHT—SENATE VOTES ON SCHOOL DESEGREGATION SEEN AS REACTION AGAINST BLACKS

(By Joseph Kraft)

The latest Senate votes on school desegregation make it plain that a reactionary tide is running in American politics. But the present move to the right is a curious phenomenon—different from what happened in the 1920s and the 1950s.

This time the reaction is without visible leaders and organization. It is less a swing than a drift—something allowed to happen, which probably means that it will be that much harder to arrest and reverse.

The prime targets of the present reaction are the blacks in this country. They constitute an obvious and unpopular minority, geographically centered in the major cities, and without inner economic balance. They were the chief beneficiaries of the liberal surge under Presidents Kennedy and Johnson.

And at the heart of that liberal surge was the principle, implicit in the famous 1954 Supreme Court decision against school segregation, that fairness required a progressive lowering of the barriers between the races.

Nobody knows the exact meaning of the many amendments voted up and down last week by the Senate. But that is precisely the point. The ambiguity is large enough to mean a field day for the local officials in the South who have so long and so tenaciously resisted the spirit of the 1954 decision.

They will now halt school desegration dead in its tracks. There will be efforts to stop desegregation of such public accommodations as hospitals and hotels. The real requirement, which is to move forward to break up residential concentration of the races, is distant beyond imagination. For there has been a turnabout in race politics.

But this momentous change-over had about it nothing of the dramatic. There was no moment of truth, no big speeches or policy statements. On the contrary, the transformation was wrought with minimum breakage. The visible signs were a certain fogginess at the White House, and a couple of marginal shifts in Democratic ranks.

The fogginess at the White House was central and calculated. The starting point was the administration's Southern strategy. That strategy would plainly have been compromised if the administration were obliged to enforce court orders on school desegregation over the opposition of Southern politicos like George Wallace. Accordingly, the President had a political interest in letting the segregation issue sink from sight without a big fuss.

The administration played that interest to near perfection. Through various spokesmen, the White House issued a series of statements on school desegregation that added up to any position anybody wanted to take. Inside the administration, this waffling caused one casualty—the resignation of the Special Assistant to the Secretary of Health, Education and Welfare, Leon Panetta.

But on the floor of the Senate there was almost complete confusion about the administration's desires. At one point there were two Republican senators—Minority Leader Hugh Scott of Pennsylvania and John Tower of Texas—standing on the floor claiming White House support for opposite views.

On the key vote—the vote on the amendment submitted by Sen. John Stennis of Mississippi—only 11 diehard Republican liberals stayed with Sen. Scott in opposition. Twenty-six Republicans joined Sen. Tower in supporting the Stennis amendment.

On the Democratic side the fuss was not much greater. Sen. Abraham Ribicoff of Connecticut had a personal crisis of confidence about a desegregation policy that was concentrated on the South. His stance made it easy for his colleague from Connecticut, Thomas Dodd, and three liberal Democrats from border states to support the Stennis amendment.

That Ribicoff had even that much clout said something about the weakness of the Democratic leadership effort. Sen. Walter Mondale of Minnesota did see what was brewing and fought it all the way. He emerged with enhanced national standing as a result.

But Sen. Edward Kennedy who might have made a difference, was in bed with pneumonia and a temperature of 104. And the senior Democrats were not prepared to make a big deal about the blacks.

What this really means is that the reaction now registered in the Senate is a popular reaction. The majority of the country, not just a few demagogues skilled at whipping up passions, has had it with blacks. And presumably that mood will endure until events and a new set of leaders show that the United States cannot decently turn its back on what we all know to be our main social problem.

[From the Washington Post, Feb. 23, 1970]

ENFORCED SCHOOL INTEGRATION POLICY STARTING TO CRUMBLE

(By Joseph Alsop)

Last week, it was like feeling the first sharp tremor of an earthquake, and seeing the first crumbling of a great landmark that has long dominated the scene for many years. The landmark was enforced school integration, first established in the Supreme Court's 1954 decision in the Brown case.

The tremor began when Sen. Abraham Ribicoff of Connecticut took his stand with the Southerners in the fight on the Stennis amendment to the education bill.

In that fight's first test vote, on an additional amendment by Ribicoff, the liberal Democrats openly broke ranks on the school integration issue that has united them for so long.

Half a dozen of the liberals, like Sen. Alan Cranston of California and Joseph Tydings of Maryland, joined Ribicoff, along with civil rights-minded Republicans like Sen. John Sherman Cooper of Kentucky. The tally was 63 to 24.

Sens. Edward M. Kennedy of Massachusetts, Eugene McCarthy of Minnesota, and George McGovern of South Dakota did not vote at all. They could well have had their "nay" votes recorded, despite their absence, as did Sen. Edward Brooke of Massachusetts. But they did not trouble to do so.

To be sure, the ranks of the Democratic liberals partly reformed in the final vote on the Stennis amendment itself. Yet the end of an era was clearly announced in the roll call analyzed above. The reason for it, or part of the reason for it, was in turn revealed by a story frankly told to Ribicoff by an old liberal comrade-in-arms, who was helping to lead the attack on the new stand Ribicoff had taken.

The son of the senator in question needed to buy a pen. The senator offered him an expensive one. The boy instead asked for a whole handful of the very cheap pens, made to be soon thrown away, that they now sell in drug stores. The senator asked why.

"Oh," said his son, "It's not worth having an expensive one. They take away any pen you have after one, two, three days—not more than that. So it's much better to have a lot of very cheap ones."

"They" turned out to be the tougher black

boys in the majority-black public school that the senator's son attends in Washington. The school-yard toughs, of course, were natural products of the cruel deep ghetto life from which they come. But the senator, who nonetheless continued to fight for school integration, did not respond to his son's news from school as millions of other white parents have by now responded to the troubles in the schools.

The terrible fact is that the Supreme Court's decision in Brown vs. Board of Education, has wholly lost the majority support it unquestionably had in 1954. The further fact is moreover, that speaking to the angrily disillusioned white majority about the troubles in the schools is a major element in President Nixon's daring plan for major intervention in the 1970 congressional campaign.

The President himself, one may guess, will take what may be called code-positions, such as emphatic opposition to busing and condemnation of disorder in both schools and universities. Vice President Agnew, whose assigned role is that of the plain-speaker, will no doubt go a lot further than the President.

In any case, it can be said on positive authority that drugs, crime and the troubles in the schools are to be the three main themes, if the President does not change his campaign plan in the interval. What the effects of stressing the school theme may be, can in turn be judged by what has happened already.

To give one example, Ribicoff has even come to favor what amounts to a quota system for black children in integrated schools—"because, you may as well face it, the whites move away if the blacks go over 20 per cent." This kind of violent, though reluctant, about-face is the customary sign that a political earthquake is in progress.

In earthquakes, as long experience has shown, the decisions of the courts tend to be altered or disregarded. That, too, must be expected, if the earthquake is as severe as the first tremors indicate. So what is to be done in this heart-breaking situation?

The best answer has come from the brilliant black columnist of the Washington Post, William Raspberry. In a memorable piece, Raspberry has quitely suggested that "we have spent too much effort on integrating the schools and too little on improving them."

It has to be faced that radical school improvement, especially in the ghetto neighborhoods, will cost a great many billions of dollars a year. But no degree of sacrifice is too great to give every American child, whether black or white, the education needed to be a citizen with a full share in our country. As this reporter has been glumly saying for years, the national future will almost certainly depend on doing this job that now cries out to be done with redoubled urgency.

[From the Washington Post, Feb. 20, 1970]

CONCENTRATION ON INTEGRATION IS DOING LITTLE FOR EDUCATION

(By William Raspberry)

Racial segregation in public schools is both foolish and wrong, which has led a lot of us to suppose that school integration must, therefore, be wise and just.

It ain't necessarily so. It may be that one reason why the schools, particularly in Washington, are doing such a poor job of educating black children is that we have spent too much effort on integrating the schools and too little on improving them.

The preoccupation with racial integration follows in part from a misreading of what the suit that led to the 1954 desegregation decision was all about.

The suit was based (tacitly, at least) on what might be called the hostage theory. It was clear that black students were suffering under the dual school systems that were the rule in the South. It was also clear that only the "separate" part of the separate-but-equal doctrine was being enforced.

Civil rights leaders finally became convinced that the only way to ensure that their children would have equal education with white children was to make sure that they received the same education, in the same classroom.

Nor would the education be merely equal, the theory went: It would be good. White people, who after all run things, are going to see to it that their children get a proper education. If ours are in the same classrooms, they'll get a proper education by osmosis.

That, at bottom, was the reasoning behind the suit, no matter that the legal arguments were largely sociological, among them, that segregated education is inherently unequal.

(Why it should be inherently more unequal for blacks than for whites wasn't made clear.)

In any case, the aim of the suit was not so much integrated education but better education. Integration was simply a means to an end.

Much of the confusion today stems from the fact that the means has now become an end in itself. Suits are being brought for integration, boundaries are being redrawn, busing is being instituted—not to improve education but to integrate classrooms.

The results can sometimes be pathetic.

In Washington, blacks send their children (or have them sent) across Rock Creek Park in pursuit of the dream of good education. But as the blacks come, the whites leave, and increasingly we find ourselves busing children from all-black neighborhoods all the way across town to schools that are rapidly becoming all-black.

The Tri-School setup in Southwest Washington is a case in point. Of the three elementary schools in the area, only one was considered a good school: Amidon, where the children of the black and white well-to-do attended. Bowen and Syphax, populated almost exclusively by poor kids from the projects, were rated lousy schools.

Then the hostage theory was applied. A plan was worked out whereby all first- and second-graders in the area would attend one school, all third- and fourth-graders a second, and all fifth- and sixth-graders the third.

The well-to-do parents would see to it that their children got a good education. All the poor parents had to do was see to it that their children were in the same classrooms.

That was the theory. What happened, of course, is that instead of sprinkling their children around three schools, the luxury high-rise dwellers, black and white, packed their youngsters off to private school. Now instead of one good and two bad schools, Southwest Washington has three bad ones.

After 16 years, we should have learned that the hostage theory doesn't work. This is not to suggest that integration is bad but that it must become a secondary consideration.

Busing makes some sense (as a temporary measure) when its purpose is to transport children from neighborhoods with overcrowded classrooms to schools where there is space to spare.

It works to a limited degree when it involves children whose parents want them bused across town for specific reasons.

But it has accomplished nothing useful when it has meant transporting large numbers of reluctant youngsters to schools they'd rather not attend.

The notion will win me the embarrassing support of segregationist bigots, but isn't it about time we started concentrating on educating children where they are?

[From the National Review Bulletin, Mar. 3, 1970]

WHAT'S AHEAD: END OF INTEGRATION?

"It will be the continuing policy of this Administration to vigorously oppose—by all legal means—the forced busing of California school children," responded Governor Ronald Reagan to the February 11 court order that Los Angeles must integrate its public schools by September 1971. The California decision, characterized by Reagan as "utterly ridiculous," officially certifies the school crisis as national. Los Angeles school officials believe the desegregation plan will mean "the virtual destruction of the public school system," estimate it will cost $40 million to bus the quarter of a million children involved. The odds are that Angelenos, traditionally conservative and individualistic, will simply choose not to comply. If they do not, the whole movement toward total integration may grind to a halt.

The issue has been sharpened. Senator John Stennis' amendment to the four-year $35-billion education authorization bill, requiring that rules for cutting off aid to school districts failing to desegregate "should be applied uniformly in all regions of the U.S. . . . without regard to the origin or cause of such segregation" has now been passed by the Senate and goes to the House. Support came from an unexpected source: Senator Abraham Ribicoff of Connecticut, liberal of liberals. "The North is guilty of monumental hypocrisy in its treatment of the black man," said Ribicoff. "Without question, Northern communities have been as systematic and as consistent as Southern communities in denying the black man and his children the opportunities that exist for white people." Ribicoff argued that there is in fact no practical difference between the results of de jure and de facto segregation. Recent HEW figures seem to support the contention. In New York City 43.9% of all Negro students attend schools 95 or 100% black. In Chicago the comparable figure is 85.4%; in Washington, D.C., 89.2%.

And so, Northerners will have a chance to practice what they have long preached—or perhaps to modify their preaching. A Mississippi congressman has officially requested that Attorney General Mitchell file desegregation suits against 27 non-Southern school districts. Among them: Boston, New York and San Francisco. The result may be a hard rethinking of the whole concept of total integration; either that, or massive defiance. The end of the public school system? Or the end of integration?

[From the Washington Star, Feb. 25, 1970]

RACIAL "GRADUALISM" GETS NEW LEASE ON LIFE

(By Richard Wilson)

If, as some believe, school integration has proved to be a colossal failure, especially in the North, what is to be done next?

The answer to that question is discouraging. It is that nothing is being done next. Urban public schools of the nation are to remain mainly segregated, white or black, in an atmosphere more hostile than when social reformers converted the clear dictum for the racial desegreation of public facilities into a social imperative for integration of the races at all levels.

Everyone knows what went wrong and no one likes to speak of it. Integration as a social imperative was no more a cure for bigotry and discrimination than the prohibition amendment was for alcoholism. That attempt to control the mores and habits of a society had to be abandoned, and it begins to appear that before progress on racial amelioration can be resumed the concept of integration as a social imperative will have to be abandoned.

It hasn't worked. It goes against prejudices which cannot be reformed in a few years time. It is a faster process than the public generally has been willing to accept. Those who have favored gradualism at the risk of being accused of bigotry have been told that the black race won't wait. The time has come. The social revolution is here. But the time has not come. Integration has not been achieved however dire the threatened consequences without integration, and partly because of those threatened consequences.

So far as the schools are concerned, what the white liberals in Congress are really talking about now is abandoning integration as a social imperative for the very simple reason that it won't work. They are beginning to talk about integration in the North as a mirage which must be replaced by real-life goals which don't include mixing of the races by busing students over long distances or establishing quotas and goals by judicial edict.

It hurts some of the liberals to admit this. They deny they are lowering their sights. But, in fact, they are talking about other more practical objectives such as federal action in the housing field, the location of new industries, efforts to lure back the white population of central cities, improving the quality of Negro education as a higher imperative than whether a black child sits next to a white child in the classroom.

Gradualism is thus getting a new lease on life after years as a code word for bigots, and to be shunned as a mere diversion from true integration.

It is rather strange that this change in atmosphere should have come so suddenly on the issue of the relatively meaningless Stennis amendment that no federal funds can be used for school integration except on an equal basis between North and South.

For years the Southerners have been trying to tell Northerners that desegregation in Charlotte, N.C., is far more complete than in Chicago, Ill. What brought the change evidently was the realization that white families in the North have changed their living patterns to such a drastic extent that many all-white schools have become all-black, nearly all black, or a majority black. This has been accompanied by disorder in Northern public schools in many cities. All at once it became an established fact that Northern white families would escape school integration wherever and however they could.

Under the Stennis amendment there is not much that can be done about this or anything else. The amendment is more like an official recognition of what had become an established fact.

The conclusion must be reached that the Nixon administration, with all its confusing and contradictory actions and pronouncements in this field, has come down on the side of gradualism in integration. That was probably responsible for the adoption of the Stennis amendment, and Senator John Stennis, D-Miss. and the Southerners would conclude that they have now succeeded in slowing down Southern integration by demonstrating the hypocrisy of the Northern liberal attempt to impose further desegregation in the South.

The problem, however, does not rest with the hypocrisy of the Northern liberal position on Southern integration. The problem is in the courts, not alone the federal but the state courts, which order, as in Los Angeles, integration on a numerical or qouta basis.

This is the heart of the matter, whether or not segregation is legal if based on the living patterns of neighborhoods, and that issue will ultimately have to be decided by the Supreme Court.

In the meantime, the change in atmosphere in official Washington, and among those who in the past have been leading spokesmen for integration, is the principal outcome of the present school integration crisis. This changed attitude solves nothing but it might lead to solutions by stripping away the sham and pretense which has enveloped the integration issue.

[From Newsweek magazine, Feb. 23, 1970]

THE TRAGIC FAILURE

WASHINGTON.—Surely it is time to face up to a fact that can no longer be hidden from view. The attempt to integrate this country's schools is a tragic failure.

There are good reasons why this fact should be hidden from public view. To admit that it is a fact is to delight every racist and reactionary in the land. Moreover, the failure of integration is a failure of the American system itself, of the whole *mythos* of the melting pot. Yet truth, like murder, will out, and there is no longer any escaping the plain truth that integration is a failure.

Among those who know the realities, that ugly truth is almost universally recognized. This reporter, no educational expert himself, read the first paragraph of this report to a dozen or more people who do know the realities. What was surprising was the similarity of their reactions. Here, for example, are the reactions of three leading Negroes:

Ben Holman, director of the Justice Department's Community Relations Service: "Of course it's true. I started out at 14 picketing for integration, but it's just not going to work. We've got to admit publicly that we've failed, so we can stop pursuing this phantom, and concentrate instead on gilding the ghetto—a massive diversion of manpower and money to the central city schools."

Dan Watts, editor of The Liberator, intellectual organ of the black militants: "You're so right. There's more race hatred in New York today than there is in Mississippi, and it all goes back to the schools. Its a traumatic experience, anyway, for a black kid to be bused clear across town for the privilege of sitting next to Miss Ann . . . we've got to move away from integration and toward coexistence."

Julius Hobson, Washington's leading black militant: "Of course—integration is a complete failure . . . what we've got is no longer an issue of race but of class, the middle class against the poor, with the Federal government standing idly by . . . the schools in Washington have deteriorated to a point almost beyond repair—if I could afford it, I'd send my own children to a private school . . . I have an opinion I hesitate to voice, because it's too close to George Wallace, but I think it's time we tried to make the schools good *where they are* . . . the integration kick is a dead issue."

White liberals are more reluctant than blacks to acknowledge that "the education kick is a dead issue." Here, for example, is James Allen, U.S. Education Commissioner: "You have to have an optimistic view, or you'd go nuts in this game . . . We thought the problem could be settled in a decade or two, but we were wrong . . . there is no good way out at any time in the immediate future, and we've just got to face that fact."

MORE REACTIONS

Here (in a tone of anguish) is Richardson Dilworth, liberal Democrat, former mayor of Philadelphia, and president of that city's Board of Education: "I've never seen the cities in such terrible shape . . . people don't listen, they just scream at us, and a lot of the whites are worse than Georgia rednecks. But I just don't think you can give up on integration. If you do, the cities are lost."

Here is Dr. Alan Westin of Columbia University, an educational expert: "We've got to make sure that we don't sell out integration where it's been successful—in Teaneck, N.J., where I live, for example. But that's admittedly an atypical situation. Where integration has failed, the answer may be some sort of biracialism . . . but if the white doesn't want to integrate, he damn well better be prepared to pay . . ."

Here is Richard Scammon, the best political statistician-analyst in the business: "The danger is that you could have a white-working-class revolt against the Federal judiciary and the whole liberal Establishment. For example, Denver votes 70–30 against busing and the courts reverse the people's decision. The up-tight white liberals think the way a soldier does—somebody else is going to get it, not me. Justice Douglas talks about a violent revolution against the Establishment. One day the working-class whites may take his advice—and hang Bill Douglas."

As these excerpts suggest, there has been very recently a sort of sea change in national opinion, both black and white, on the integration issue. Last week, for example, The New York Times, the bellwether liberal newspaper, published two devastating reports. The articles, which had a heavy impact on Capitol Hill, reported "conditions of paralyzing anarchy" in some integrated New York City schools, and "racial polarization, disruptions, and growing racial tensions . . . in virtually every part of this country where schools have substantial Negro enrollments."

Also last week, Sen. Abraham Ribicoff of Connecticut, one of the shrewdest and most perceptive politicians on Captol Hill, rose to brand the North "guilty of monumental hypocrisy" on the race issue. In the colloquy that followed, Ribicoff gave this chilling description of the American school system:

"When we have a school system ready to blow up across the nation, when teachers have to be escorted to school by police, and when students are fighting one another in the schools and classrooms, we have a civilization in disintegration."

The implication is clear—that integration threatens disintegration. But if integration is a failure, what is to be done?

REALITIES

Again, what is surprising is how often the same note is struck by those who know the realities. First, "don't sell out integration where it's been successful." The bridges between the races are too few and fragile anyway, and they must be preserved at all costs. The best way to strengthen and increase them, as Ribicoff suggests, is not to try to force middle-class whites to send their children to school in the ghettos, but to open up middle-class jobs and the middle-class suburbs to Negroes.

Second, as Julius Hobson says, "Make the schools good where they are." On this point, all those consulted by this reporter are in agreement. "We should proceed to upgrade the schools where they are now," says John Gardner, chairman of the Urban Coalition, "and not sit around waiting for integration that may never happen." Given the eroded tax base of the central cities, all agree, only the Federal government can really do the upgrading job.

Finally, both black militants and whie liberals seem to be reaching out for a new relationship—what Dan Watts calls "coexistence," and Alan Westin calls "biracialism." Both words are disturbing, for there is in them an echo of that discredited phrase, "separate but equal." And yet it is always better to proceed on the basis of a recognition of what is, rather than what ought to be. And it has become impossible to hide from view any longer the fact that school integration, although it has certainly been "an experiment noble in purpose," has tragically failed almost everywhere.

[From the Washington Post, Feb. 26, 1970]

GEORGIA SCHOOLS BOW TO U.S. JUDGE ON BUS LAW

(By Bruce Galphin)

ATLANTA, Feb. 25—The South's newest roadblock to widespread school integration—an antibusing law patterned on a New York

State statute—was put to the test in Georgia today, but a federal court order drove right through without a bump.

The showdown came in Houston County, just south of Macon.

It proved to be no contest. Local officials and citizens chose to heed U.S. District Judge W. A. Bootle's warning against contempt rather than Gov. Lester Maddox's call for defiance of the court.

Houston school officials declined to give attendance figures, but schools did reopen peacefully under Bootle's order to transfer 3,500 pupils and 130 teachers to achieve more racial balance.

In neighboring Bibb County, Macon Mayor Ronnie Thompson ended his nine-day defiance of a similar order by allowing his 12-year-old son Johnny to transfer to a new school designated by Bootle. The mayor's son had been attending his old school, though officials said he was receiving no credit.

In issuing a stern warning against interference with his court's orders, Bootle ignored the newly enacted Georgia law. He told the Houston board to implement the integration plan immediately and warned that "any activity or conduct which will serve in any way or fashion to impede" it could be punished by a year in jail, a $1,000 fine, or both.

The antibusing law has become the most popular rallying point for the hard-core South since the early 60s.

Legislatures of Louisiana, Georgia and South Carolina all have passed almost identical bills in the past couple of weeks. A similar proposal is pending in the Mississippi assembly, and the Alabama legislature, called into special session Monday, gave unanimous initial approval to the proposed law.

Taken almost verbatim from a New York statute, the legislation provides in part: "No student shall be assigned to 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 students of one or more particular races, creeds, colors or national origins . . ."

The Georgia statute includes a ban on racial transfer of teachers.

The New York statute currently is under court challenge.

Southern governors apparently varied in their assessment of the law's effectiveness. Gov. Albert P. Brewer of Alabama thought enough of it to call a special session. But Gov. John McKeithen of Louisiana indicated he thought its greatest value would be to focus national attention on the New York assembly's reasons for passing the law.

Southern civil rights lawyers apparently see the antibusing law as no particular threat.

"We don't even plan to bring suit to get it declared unconstitutional," said Peter E. Rindskopf, of the plaintiff's attorneys in the Houston County case.

The statute does not specifically mention busing, but it is aimed at busing, pairing and other plans to achieve greater racial balance in schools.

THE URGENT NEED FOR A NATIONAL MANPOWER ADVISORY COUNCIL

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. PUCINSKI) is recognized for 30 minutes.

Mr. PUCINSKI. Mr. Speaker, on October 16, 1968, President Johnson signed into law the Vocational Education Amendments of 1968 which had been passed by both bodies of the Congress without a dissenting vote. This act modernized the programs of education and training for employment conducted by the public schools of this Nation. This legislation was long overdue but, in my estimation, brought vocational and technical education into the 20th century.

Since 1917, the beginning of vocational education as a part of the public school system, the major purpose of the program has been to prepare youth and adults to advantageously enter employment and to provide opportunities for people to be upgraded in their occupational field and retrained when necessary. Never has the Federal, State, and local governments provided adequate resources for the vocational education to do the total job and as a result, in most communities, only a small percent of those who could profit from the instruction had the opportunity to do so. Even with the limited Federal, State, and local financial support approximately 8 million people benefited from the program during fiscal year 1969. Vocational education has, over the years, been the major source of manpower development and will continue to be in the years ahead.

Mr. Speaker, I want to make a point that I am firmly convinced that this Nation and this Congress is on the right track in preserving and further expanding the opportunities of all its people by making vocational education an integral part of the public school system. No other institution exists in our society that is available to all the people for this purpose. Furthermore, the efficiency with which we provide the educational component of manpower development and the effectiveness of the educational program in terms of developing attitudes; providing basic education, and related technical education will determine how well we can develop an adequate development program for this last quarter of the 20th century.

Attitudes toward work are not developed in a short period of time for adults after leaving school. It must start in early childhood and be undergirded by continuing education. Basic education is not relevant for some people unless related to a job-related activity. Related technical knowledge is a practical extension of mathematics, science, social, and communication skills taught in the schools. Unless the schools are forced to structure their education and training programs to meet the needs of all the people we are headed toward a caste system in our society that has its origin in our education system. To a certain extent, we already have moved in that direction because of the fact that we have neglected vocational education. We must reverse that trend.

Unfortunately, our schools, in the past, have failed some people causing them to "fall between the cracks" of our society and economy. We are having to pick them up again at great expense to the individual and to the taxpayer. Perhaps we will always have a number of such individuals but it is high time we stop the flow of unprepared and unmotivated into the ranks of the unemployed. Today more people are flowing into the pool of unemployed than we are able to remove with all of our special manpower programs.

The Manpower Development and Training Act of 1962 has served a very useful purpose. There is no doubt in my mind that it will be needed for years to come in order that the unemployed and underemployed can be made productive members of our society. The needs of the individual served through the MDTA program are much broader than those served only through the regular vocational education program. In fact, they have left the school because the schools were unable to provide subsistence, health, psychological, and psychiatric services. The schools have never had the resources to do the job, especially those in our major cities.

I have been in communication with many vocational educators and they wholeheartedly agree that the job of serving the disadvantaged requires the expertise that many agencies and specially trained individuals can bring to bear on the needs of these individuals. They are fully aware of the need for specialized training of the professional person who serves the disadvantaged. They are greatly concerned that this is not being done and that in many cases they are being ignored as specialists in providing the education component of the manpower development program.

Mr. Speaker, the House of Representatives will undoubtedly be giving attention to the proposed Comprehensive Manpower Act this year. I have been a great supporter of both vocational education and special manpower programs for the disadvantaged. In some way we must meld them together so that the expertise of all can be brought to bear on developing the manpower resources needed by this Nation. This is my concern and I believe is the concern of a great majority of the citizens of this Nation.

The General Education Subcommittee of the Education and Labor Committee, which I serve as chairman, has studied the role of vocational education, has learned of the capabilities of the vocational educators and has modernized the program through the Vocational Education Amendments of 1968. I would like to make the following points and ask that we, as Members of the House, give serious consideration to them:

First. This Nation does not have a comprehensive manpower program. We have bits and pieces which are carried out by many agencies at the Federal and State levels. In many cases, duplication, overlapping and inefficiency exists. We should not limit our consideration in any new legislation to only those programs conducted by the Department of Labor. We need to give serious consideration to an overall national manpower program that would be coordinated through somebody at the Federal level.

I would suggest a National Manpower Advisory Council appointed by the President that would be representative of agencies and departments involved in manpower programs and services, as well as representatives of the general public. The Council would be authorized to engage the services of a full-time professional, technical, and clerical staff to perform its duties. It would be charged with

the responsibility of preparation of a manpower report to the President and the Congress, thus, eliminating some of the self-serving aspects of a report prepared by a single Federal department. The Council would have four major responsibilities independent of those of the Federal agencies responsible for the actual operation of their programs. These would be:

To establish national manpower goals and to develop appropriate standards for programs and services designed to meet these goals;

To advise the Secretaries of the several departments of the Federal Government concerning the administration of preparation of general regulations for and operation of manpower programs and services coming under their jurisdiction;

To review the administration and operation of manpower training programs and services; and

To conduct independent evaluations of manpower programs and to publish and distribute the results of such evaluations. In order that the various manpower programs of the Federal Government could be coordinated I propose a position of special assistant for manpower to the President. This special assistant to the President would act as liaison to the National Manpower Advisory Council and to the President for matters of national manpower policy.

Second. We cannot ignore the role of the States in carrying out a national manpower policy. Many are doing a good job and others should be guided in their efforts. Many State constitutions prohibit the establishment of a comprehensive manpower agency. Therefore, I propose that there be a State manpower advisory council appointed by the Governor to develop a yearly and 5-year projected comprehensive manpower plan that would include programs, services, and other activities. This council would consist of representatives of established State agencies that are concerned with manpower programs and services and the general public. It would be the responsibility of the State advisory council to see that the State plan was carried out.

However, all federally supported education and manpower programs would be administered through the agencies in the State currently responsible for that type of program, service or activity. As in the case of the education component of manpower development, I propose that the State Board for Vocational Education have the prime responsibility. The education programs could be contracted with local public schools, private schools, or industry depending upon the capability of the institution or business to render such services. I firmly believe that any Federal manpower act must provide specific standards for such programs to insure quality and a prudent expenditure of public funds. Likewise, it is imperative that there be a provision in any Federal manpower act for any of the Federal departments to carry out manpower programs where the State has failed to submit an acceptable plan or where all or portions of the plan has been disapproved by the Federal agency administering that portion of the plan.

Third. Since vocational education is an integral part of a manpower development system, including preemployment training and upgrading for youth and adults, any provision for the educational component in manpower legislation should become a part of the State plan for vocational education and be administered in accordance with standards set up in the State plan. The Congress has expressed great concern about the duplication and overlapping of programs to train the disadvantaged unemployed and underemployed currently administered by the U.S. Department of Labor. I firmly believe it is time that we not only consolidate and coordinate these programs but put the bits and pieces from all Federal agencies together into a coordinated manpower development program.

Fourth. The education component of a manpower program has never been adequately defined in the administration of the Manpower Development and Training Act. This needs to be done.

The concept of the neighborhood youth corporation could be strengthened if administered under the part H—work-study programs for vocational education students—of Public Law 90-576. Youth who take advantage of this program should be required to enroll in education and training programs that would begin to prepare them for a continued work role in our society. It is my understanding that both the Bureau of the Budget and the Department of Labor has expressed an opinion that this should be done. I urge the U.S. Office of Education in the Department of Health, Education, and Welfare to assume leadership in seeing what could be done to effect this transfer. Work study programs provide an opportunity for youth to experience a work role in our society and also an opportunity for them to earn so that they might stay in school. Why not tie this program to a meaningful education and training program in our schools?

I am not convinced that any one department of the Federal Government has the expertise to develop and administer all the components of a comprehensive manpower program. However, I do believe that through the coordination by the National Manpower Advisory Council and the State manpower advisory councils, this Nation can have an efficient and effective manpower development program.

WAR ON THE MAFIA

The SPEAKER. Under a previous order of the House, the gentleman from Virginia (Mr. POFF) is recognized for 10 minutes.

Mr. POFF. Mr. Speaker, the March 1970 Reader's Digest contains an excellent article by Senator JOHN L. MCCLELLAN dealing with one of our society's most difficult problems—lenient sentencing of organized criminals. The article clearly establishes the scope of that serious problem by citing a number of prominent examples of over-lenient sentences given to Mafia leaders, as well as statistics from the FBI and other sources detailing the fact that our courts could be doing more to make crime less profitable for organized criminals.

Mr. Speaker, as many of us know, Senator MCCLELLAN has introduced legislation, based on recommendations of the President's Crime Commission and others, which would both provide a check on light sentencing by trial judges and allow those trial judges who are concerned with organized crime to impose special, extended sentences on members of criminal organizations preying on our society. That legislation now is found, of course, in title X of S. 30, the Organized Crime Control Act of 1969, which passed the other body by a vote of 73 to 1, and currently is pending before the House Judiciary Committee.

I know that there may be some attempts made here in the House to weaken or limit title X, just as there were in the other body. One amendment offered in the other body would have restricted the special prison terms to a list of specified offenses, supposedly typical of all organized crime activity. The Reader's Digest article, however, illustrates well the fact that La Cosa Nostra members engage in too great a variety of criminal operations to permit restriction of special sentences to a list of offenses. Among the examples in the Reader's Digest are cases in which Mafia leaders were convicted of operating a liquor business without a license, filing false statements, tax evasion, smuggling funds into jail, and assaulting a Federal officer, as well as the offenses considered more typical of organized crime. The American Bar Association, the American Law Institute's Model Penal Code, and the National Council on Crime and Delinquency's Model Sentencing Act all approve the concept of special sentencing for aggravated offenders, and none have adopted the suggestion that the concept must be limited to any list of offenses, however inclusive. Application of special prison terms, all agree, is more appropriately limited, instead, by the definitions of the factors aggravating sentences and certain key procedural provisions, as title X and the proposals of those distinguished bodies do. The Senate recognized the correctness of title X's approach to this issue, and overwhelmingly defeated the proposed amendment.

Another attack on title X in the other body would have imported the common law rules of evidence that properly apply only during the trial of guilt into the sentencing hearing, where traditionally these rules have not applied. Indeed, that amendment would have reversed the Supreme Court's holding that modern sentencing principles preclude extension of such evidentiary rules to sentencing—*Williams* v. *New York*, 337 U.S. 241 (1949). It would have also departed from the well-considered recommendations of the ABA Model Penal Code, and Model Sentencing Act, all of which have rejected the notion that special offender sentencing requires use of the trial-type rules of evidence. The other body again acted wisely by its decisive rejection of that motion.

I trust that this body, too, will reject such attempts to weaken S. 30. The act is the product of long and careful con-

sideration. It successfully accommodates the public interest with that of individual defendants, and I expect House examination of the act to lead swiftly to its enactment.

Before this body can express its will to adopt more effective and fair organized crime legislation, however, the Judiciary Committee, of course, must report the legislation. I urge most strongly that the committee proceed at the earliest date to consider and report S. 30 favorably, so that we may give the public these vital new laws for the struggle against organized crime.

The article follows:

WEAK LINK IN OUR WAR ON THE MAFIA

(As Chairman of both the Government Operations Committee and the Criminal Laws and Procedures Subcommittee, Sen. John L. McClellan (D., Ark.) has won bipartisan respect for his penetrating investigations into labor racketeering and organized crime. He presided over the televised 1963 hearing at which Mafia defector Joseph Valachi first publicly revealed the inner workings of what he called "this second government," known to its members as La Cosa Nostra.)

(By Senator JOHN L. MCCLELLAN)

Time and again, dedicated investigative work has been all but nullified by the lenient sentences meted out to notorious syndicate criminals.

In the last decade, the nation's law-enforcement agencies have mounted an increasingly vigorous assault against the estimated 500 Mafia members who dominate organized crime in America. Yet, despite some significant successess in prosecution, President Nixon told Congress last April that we "have not substantially impeded the growth and power of organized criminal syndicates. Not a single one of the 24 Cosa Nostra families has been destroyed. They are more firmly entrenched than ever before."

This disheartening failure is due in significant part to shocking judicial leniency in sentencing convicted *mafiosi*. Consider these instances:

In Chicago, Internal Revenue Service agents for two years dogged gambling kingpin Rocco Potenzo, right-hand man of local Mafia boss Sam "Momo" Giancana. They suspected him of secretly operating several honky-tonks under false licensing arrangements. Through persistent investigation, they were eventually able to prove that Potenzo feloniously operated without federal liquor licenses, under the names of "front" men. One of the small fry, whose name Potenzo fraudulently used got a three-year sentence. Potenzo himself, convicted before another judge on five counts and facing up to 15 years and a $10,000 fine, got only a $1000 fine—and no jail term. As Potenzo's lawyer rose to enter the usual appeal, Potenzo grabbed his arm. "Sit down, you — — —!" he snapped, and marched grinning to the clerk and peeled off his fine from a crisp bankroll.

In Pennsylvania, Mafia corrupter Walter Joseph Plopi plunked $300 on the desk of a state senator to persuade him to influence a newly elected Allegheny County prosecutor to ignore gambling. As a starter, Plopi promised $2000 a month to the prosecutor to allow his McKeesport numbers racket to continue, and $200,000 a year, a 50-50 share of all future profits, and money for any political campaigns "if you really want to play ball on a county-wide basis." State police, hidden by prearrangement with a tape recorder running, stepped forward and seized Plopi's $300 as evidence. For this flagrant attempt at corruption, Plopi could have received a year in jail. Yet the judge ordered a mere $250 fine, and Plopi, handed back the $300 seized as evidence, walked out of court $50 richer than when he entered.

In California, Jimmy "The Weasel" Fratianno, released after a five-year prison term for extortion, turned up with a Mafia-financed fleet of trucks hauling dirt on a federal interstate project. Could the "West Coast executioner for the Mafia" (so labeled in a California legislative report), officially credited by police intelligence with at least 16 gangland killings, suddenly "go legit"? Investigators soon found out: Fratianno, over a period of months, had swindled his drivers of $24,374 by paying them substandard wages while collecting federal highway funds for the prevailing union scale. On July 28, 1968, the U.S. Attorney won a conviction on 16 counts of conspiracy and filing false statements. But Fratianno, instead of a possible 80 years in prison, got a mere $10,000 fine and three years' probation.

Galling Experience. Since 1960, the Justice Department has convicted 129 identified Cosa Nostra members under statutes giving judges discretion in sentencing. A study by our Senate Subcommittee on Criminal Laws and Procedures shows that most of the offenders got only about half the maximum sentence. Fifteen received *no jail term whatsoever*, only fines or probation, and 85 got less than the maximum jail terms for the crimes for which they were convicted. Such lenient sentencing has so crippled the war on organized crime that the National Crime Commission in 1967 concluded: "There must be some kind of supervision over those trial judges who, because of corruption, political considerations or lack of knowledge, tend to mete out light sentences in cases involving organized-crime management personnel."

I know from galling experience what it is to assault entrenched criminal syndicates only to see years of dedicated investigation nullified. One of the worst gangsters we uncovered in my years as chairman of the Senate labor-rackets investigations was Anthony Corallo. A captain in one of New York's five Mafia "families," Corallo won his nickname of "Tony Ducks" because he always managed to duck the law. (Exception: a 1941 narcotics conviction that got him six months.) Our hearing record showed how Corallo helped Jimmy Hoffa gain control of New York City's 140,000 Teamsters by bringing in 40 hoodlums—with records of 178 arrests and 77 convictions for crimes ranging from extortion to murder—to intimidate the rank-and-file membership.

By 1962, Corallo was convicted under a federal anti-racketeering statute: he had conspired to pay a $35,000 bribe to a New York judge and a U.S. Attorney to "fix" a friend's sentence for a $100,000 bankruptcy fraud. Yet when Corallo's sentence was handed down, he drew—despite his public record as a vicious racketeer—only two years, instead of the maximum five-year prison term. (Of the two years, he actually served 18 months.) In 1968, federal investigators publicly stated, Corallo and his gangster associates were once again controlling at least seven of the 56 Teamster locals in the New York area, forcing millions of consumers to pay hidden tribute.

In June 1968, Corallo stood before the same judge, again convicted under the same federal anti-racketeering statute. This time, by loan-sharking a financially pressed New York City water commissioner, he had been able to arrange and share a $40,000 kickback on a city contract. Nevertheless, although he specifically recalled the 1962 sentence he had given Corallo, the judge gave Corallo only three years, instead of the maximum five-year sentence. Is there any doubt that Corallo's gangland flunkies will keep his criminal empire running while he takes his short leave of absence and returns soon to the very same stand?

The Worst Condoned. Tragically, this is far from an isolated case:

Louis Taglianetti, a "soldier" in the Patriarca crime family which dominates New England, was convicted of income-tax evasion, for which he could have got five years. Since Taglianetti's Mafia record was exposed at our 1963 Senate hearings, the judge could hardly have been unaware that he was dealing with a significant organized-crime figure. FBI electronic-surveillance logs, later placed on the public record, confirmed that the organization to which Taglianetti belonged dealt constantly in murder, extortion, kidnaping, bribing state police and judges, fraud, perjury, loansharking, gambling and labor racketeering. Yet the judge gave Taglianetti seven months. Ironically, for the ordinary citizen convicted that same year of tax evasion, the average sentence was *ten* months in jail.

John Lombardozzi, brother of a captain in New York's Gambino Mafia family, pleaded guilty to bankruptcy fraud and conspiracy to smuggle funds into a federal jail. The bankruptcy scheme defrauded creditors of a Brooklyn jewelry store of some $20,000. For that, Lombardozzi got a two-year suspended sentence and five years' probation—not one day in jail. For the smuggling conviction, a possible ten-year rap, he got probation, too. Convicted with three other *mafiosi* of assaulting an FBI agent whose skull they fractured, Lombardozzi went to jail for 16 months. In the theft of more than a million dollars' worth of securities from a Wall Street broker, he got four years' imprisonment. Altogether, on his four separate felony convictions, which could have got him 28 years, Lombardozzi drew just over five.

Jerry Angiulo, underboss in the Patriarca family and controller of Boston's criminal syndicate, was publicly charted in our 1963 hearings at New England's No. 2 thug, involved in gambling, shylocking, burglary, robbery and larceny. In 1966, he was convicted for assaulting a federal officer, FBI agents, electronically monitoring boss Patriarca's headquarters, recorded how Angiulo discussed his pending prosecution in detail, plotting to defeat it by procuring a blind man to perjure himself and establish an alibi, then getting a second "standup" witness to lie that he, too, saw the phantom encounter. Yet, instead of the possible three years, Angiulo got only 30 days in jail.

In 1966, after four years of effort, the FBI unraveled a complicated transaction and made an airtight case against Joey Glimco, one of the worst labor pirates ever uncovered by our Senate labor-rackets investigations. Glimco rules Chicago's Teamster Local 777, embracing 5000 taxi drivers and miscellaneous maintenance workers. Crony of Chicago's top mobsters, Glimco had a record of 36 arrests on charges including robbery and murder.

As payoffs for a bogus contract that protected a businessman from the organizing efforts of legitimate unions, Glimco had taken gifts ranging from a home sprinkler system to a sporty Jaguar. The investigation and prosecution cost the government well over $200,000, and resulted in a four-count indictment that could have got Glimco a year in jail on each count. Yet, in February 1969, he was allowed to plead guilty, pay a $40,000 fine and return to his union piracy. "It was the finest piece of investigative work I have ever seen," the young prosecutor, Assistant U.S. Attorney David Shippers, said. "When Glimco got a kiss and went free, it was devastating to us all."

Heartening Exceptions. Today the occasional defector like Joe Valachi, plus the FBI electronic-surveillance logs, has ripped the veil of secrecy from the Mafia's innermost workings. There can be little excuse any longer for ignorance about its nature. Heart-

eningly, some judges *are* dealing toughly with the Mafia criminals:

Judge Walter R. Mansfield, last December in New York, gave key Mafia monarch Anthony DiLorenzo the ten-year maximum on a conviction in a conspiracy to transport interstate more than a million dollars' worth of stolen IBM stock. Judge Julius J. Hoffman, in Chicago, sent Sam "Teetz" Battaglia, anointed heir to the Chicago syndicate throne, and his top lieutenant, "Joe Shine" Amabile, to prison with 15-year sentences on an extortion conviction in 1967. Citing testimony that witnesses had been threatened with being "beat into jelly with baseball bats" and had to be kept in jail during the trial for their own safety, Judge Hoffman denied the usual appeal bond as soon as the jury's guilty verdict was in, and locked the defendants up without further ado.

Such judicial toughness, if continued, could in time begin to hurt the crime confederation. But even the toughest judges can hardly do the full job needed, under present statutory sentencing limits. Despite long records of criminal activity, two thirds of the 328 *mafiosi* indicted by the federal government since 1960 have faced maximums of five years or less—hardly sufficient even to seriously inconvenience their continuing criminal organizations.

The National Crime Commission proposes two major reforms in sentencing organized-crime offenders:

1. Congress and the state legislatures should provide for special sentences for hardened professionals and criminal repeaters. Our present criminal-justice system, fundamentally created to cope with random felons, has been outmoded by the rise of modern criminals cartels. The Mafia's top hoods have plotted their criminal syndicate to insulate the principals against prosecution for crimes that involve severe sentences. Today, however, the public welfare demands that our judges in fixing sentence must be allowed to consider not merely the isolated felony perpetrated but the surrounding fact of a permanent criminal organization.

The National Crime Commission would like to see special-length sentences where a pre-sentence hearing shows that a felony was "committed as part of a continuing illegal business in which the convicted offender occupied a supervisory or other management position." Similarly, the Model Sentencing Act, drawn up by a distinguished National Council on Crime and Delinquency advisory panel of 52 federal and state judges, recommends a 30-year term for professional criminals convicted of a felony "committed as part of a continuing criminal activity." Says the chairman, Chief Judge Alfred P. Murrah of the U.S. Court of Appeals for the Tenth Circuit: "Prolonged incarceration is necessary for certain individuals whose behavior patterns and personality make them highly dangerous to society."

2. Prosecutors should be allowed to appeal sentences that they deem too lenient or too short to protect the public from dangerous and habitual offenders. In some cases, undoubtedly, ignorance about the nature and scope of organized crime accounts for light sentences. But we cannot escape the fact that the Mafia has demonstrated that it can corrupt judges, too. A New York judge went to jail on a two-year sentence in 1962 along with "Tony Ducks" Corallo in his sentence-fixing conviction. And New Jersey's Supreme Court was forced last December to suspend a trial judge who was charged with offering a prosecutor a $10,000 bribe to quash a case against two Mafia gambling figures.

With Senators Sam J. Ervin (D., N.C.), James B. Allen (D., Ala.) and Roman L. Hruska (R., Nebr.), I am co-sponsoring the pending Organized Crime Control Act of 1970 (S. 30), which provides for both prosecutor appeals and special sentences for habitual offenders and members of organized criminal conspiracies. Under its provisions, the trial judge would, after a conviction, hold a presentence hearing at which the offender would have the right to call witnesses, cross-examine the government's witnesses and be informed of the substance of any information the judge might rely on. Upon finding that the offender had two prior felony convictions, or had committed a felony as part of a conspiracy with three or more others to engage in a pattern of criminal conduct, the judge could order a sentence up to 30 years.

Record of Terror. The record of our decades of Mafia murder, torture and terror is plain: We cannot really rehabilitate the hard-core members of organized criminal syndicates. Leniency has no place in dealing with them. An FBI study of 386 *mafiosi* shows that, of an average 47 years of age, they have had criminal careers involving an average eight arrests stretching over 20 years, studded by repeated convictions and short prison terms. Society's only hope for real protection is prolonged imprisonment for such criminals.

This is, in fact, the cornerstone of the federal government's mounting campaign against organized crime. "Through large-scale target investigations," says President Nixon, "we believe we can obtain prosecutions that will imprison the leaders, paralyze the administrators, frighten the street workers and, eventually, paralyze the whole organized-crime syndicate in any one particular city."

This strategy *can* succeed—but only if the court record of the past ten years can be reversed.

FIFTY-THIRD ANNIVERSARY OF U.S. CITIZENSHIP TO PUERTO RICO

The SPEAKER. Under a previous order of the House, the gentleman from Puerto Rico (Mr. CÓRDOVA) is recognized for 10 minutes.

Mr. CÓRDOVA. Mr. Speaker, this day marks the anniversary of the extension of American citizenship to the citizens of Puerto Rico, 53 years ago, a memorable and proud event for us.

On March 2, 1917, a few weeks before the United States declared war on Germany, President Woodrow Wilson approved the act of the 64th Congress, since known as the Jones Act, which bore the signatures of Vice President Thomas R. Marshall as President of the Senate and Champ Clark as Speaker of this House, and which provided in substance that all citizens of Puerto Rico were declared and held to be citizens of the United States.

It had been 18 years since the Congress had been charged by the Treaty of Paris with the duty of determining the civil rights and political status of the inhabitants of Puerto Rico. In 1900, Congress established a civil government in Puerto Rico under the Foraker Act, but withheld from the inhabitants of Puerto Rico both citizenship and most of the self-governing power.

The Jones Act, while still withholding from us the right to choose our own executive and judiciary departments, did permit our community to exercise substantial legislative power. But above all, in extending collective citizenship to Puerto Rico, the 1917 legislation started the Puerto Ricans on the road to legal equality with the other citizens of the Nation.

This equality has not yet been achieved in practice by the Puerto Ricans as a group, no more than by the blacks or the Mexican-Americans. Indeed the rights of the blacks are being recognized to a greater degree than those of the Puerto Ricans on the mainland, undoubtedly because the blacks have been more militant. But we in Puerto Rico know the value of our citizenship, and therefore prize it highly. Indeed, the Constitution of the Commonwealth of Puerto Rico, adopted by the people of Puerto Rico in 1952, contains in its preamble the following language:

> We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective enjoyment of its rights and privileges.

I have said that the extension of collective citizenship in 1917 started the Puerto Rican on the road to equality with our fellow citizens. In Puerto Rico we have progressed along the road. In 1947 the Congress finally acknowledged our right to elect our own Governor, and in 1952 our right to adopt our own constitution. But we are still short of equality. Although we are truly self-governing in local matters, we are governed in matters of vital national interest by a President and a Congress in whose election we take no part. And no one in our community of American citizens is satisfied, nor should he be satisfied, that this should continue indefinitely to be so.

My own view is that Puerto Rico should become a State of the Union, and the sooner the better. I firmly believe that a definitive majority of the people of Puerto Rico favor eventual statehood, although many of these have been persuaded that economic considerations require that we postpone moving toward that goal.

This fear of the economic disaster that immediate statehood allegedly threatens must be borne in mind in considering the results of the 1967 plebiscite in Puerto Rico, which resulted in a vote of over 99 percent favoring permanent union with the United States, of which slightly more than 60 percent expressed a preference for continuing the present status, and slightly less than 39 percent voted for immediate action toward statehood.

The results of the 1967 plebiscite reaffirmed the sentiments expressed in the preamble of the 1952 constitution from which I have quoted above.

Our American citizenship is indeed the determining factor in our political life. Thus the importance of March 2, 1917, in the political history of the people of Puerto Rico cannot be exaggerated. On that day our political future was determined. On that day we became an integral part of the United States of America.

In honoring that date, and that occasion, recognition must be made of the vital role played by the elected representative of the people of Puerto Rico in Washington at the time, the late Luis Muñoz Rivera, a great leader of our people, who unfortunately died a few months before final action was taken by Congress on the measure he had long

labored to perfect. To him Puerto Rico is indebted, in the field of its political development, in a measure greater perhaps than that due any other of our leaders.

THE LATE HOWARD FITZPATRICK

Mr. McCORMACK. On February 23, 1970, the Honorable Howard W. Fitzpatrick, one of Massachusetts' most respected citizens, with a legion of friends throughout the country, died in the Holy Ghost Hospital, Cambridge, Mass.

At the time of his death, Howard Fitzpatrick was, and had been for some years, high sheriff of Middlesex County in Massachusetts. Throughout his life, he was a businessman, public official, and was universally known as a man of charity—a man of mercy.

Howard Fitzpatrick was a man of God, with an intense love of his fellow human beings, without regard to race, color, or creed. He was truly a charitable gentleman.

A little over two decades ago, upon the death of the then high sheriff, Howard Fitzpatrick was appointed for the interim term by the late Governor, Paul A. Dever. At that time, Middlesex County was the Republican stronghold of Massachusetts. Time and time again, Howard Fitzpatrick proved himself a tremendous vote-getter, winning election after election, and sweeping fellow Democrats into county office who before could never defeat the Republican candidates. Howard Fitzpatrick changed Middlesex County from a Republican stronghold into a Democratic stronghold.

Despite his popularity, and changing Middlesex County politically, he enjoyed the respect of his Republican friends, and of all others without regard to political affiliation.

In Massachusetts, he was "Mr. Democrat" and properly so. There is no question but what he could have been elected Governor of Massachusetts years ago, if he had such an ambition, but he dedicated his public life to the service of the people of Middlesex County.

Despite his friendship with Presidents, Governors, and others in public, financial, and business life, Howard Fitzpatrick was always a humble man—one of deep faith and, as I have said, with an intense love for his fellow human beings.

Howard Fitzpatrick possessed deep faith. He loved the Catholic Church of which he was a communicant, and respected all other religions and the religious conscience of all other persons.

The Catholic Church recognized his deep faith and fine, understanding mind and his broad charities, by conferring many high church honors upon him. He was one of the most highly honored Catholic laymen in the United States.

For years, Howard Fitzpatrick was a close and valued friend of His Eminence, Richard Cardinal Cushing, Archbishop of Boston, and the late Francis Cardinal Spellmen, Archbishop of New York.

For many years, Howard Fitzpatrick was my dear and valued friend. I miss him very much.

Howard Fitzpatrick made his favorable imprint upon Massachusetts politics, and more, upon the minds of the people of Massachusetts, with the wonderful life he led. The spirit of Howard Fitzpatrick, represented by his wonderful, inspiring life, will continue to live as an example for all others to follow.

To his brother, Robert Fitzpatrick and his sister, Miss Barbara Fitzpatrick, Mrs. McCormack and I extend our deep sympathy in their great loss and sorrow.

INFLATION AND RECESSION

Mr. ALBERT. Mr. Speaker, last Thursday the Commerce Department reported that the Government's index of leading economic indicators fell 1.8 percent in January, the steepest monthly drop since the 1957–58 recession. At the same time, the Labor Department reported that during February the wholesale price index had risen at a 3.6-percent annual rate. It now stands at 4.7 percent higher than a year ago. We can confidently anticipate that this rise will be reflected with a vengeance in increased consumer prices in the immediate future. These latest reports once again bear witness to the fantastic and tragic results of the economic policies being pursued by the present administration. After but 12 months in office the Republican Party has succeeded in attaining a truly Alice in Wonderland result: Full-blown inflation in tandem with an economic recession.

Now, superficially, the wholesale price index and the index of leading economic indicators may seem a bit esoteric, and appear far removed from the concerns of the average citizen. Such regrettably is not the case. The danger signals for our economy which these two reports reflect are matters of grave concern which the administration would be most unwise to ignore. Stripped of the professional jargon of the economist these reports give clear evidence that in the months ahead the average American is going to have less income with which to purchase the necessities of life, necessities which are going to carry a higher and higher price tag. More of our fellow citizens will be unemployed. More of our fellow citizens will experience temporary layoffs, more will be working reduced hours.

Overtime pay, which for many families during a period of high prices has become a necessity to maintain their standard of living, will vanish. The labor force will fail to grow in proportion to our population increase. As teenagers, wives, and others find job opportunities nonexistent, they will not enter, and in some cases will withdraw from, the labor force. While these people will not technically be classified as unemployed, they will regard themselves, and rightly so, as unemployed. Increased joblessness, official or otherwise, counted or hidden, results in less money for consumers to purchase products. Buyer resistance caused by inflation will thus be reinforced by lack of purchasing power. So, a recession feeds on itself. The unemployed carpenter or automobile production worker who does not purchase the TV that he had planned to buy this year will contribute to the economic ill health of the appliance industry. If he cannot pay his bills at the local grocery store, the owner and, yes, the employees of such a store will be adversely affected.

Mr. Speaker, for officials in the executive branch of the Government, the present deterioration of our national economy may be something which can be viewed as a dip in the business cycle, a moderate correction in an overheated economy, or a slight pause in upward growth before we resume "a more solid basis for sustainable growth in the future." To the worker who is hurt this is just so much mumbo-jumbo.

Do these gentlemen take a detached, disinterested, or "scientific" attitude toward the tragedy which is transpiring? These are not robots who are losing their jobs in Detroit. The carpenter and bricklayer, unemployed because of the administration's tight money policy, are human beings just like you and I. They must feed and shelter and clothe their families. Yet their economic well-being and even their human dignity are being trifled with in the interest of testing some economic theory of extremely doubtful validity.

Mr. Speaker, I weigh my words carefully. The economic policies being pursued by the present administration are unbelievable. They have produced both unprecedented inf ation and a recession. But of even greater importance, I find, Mr. Speaker, is the attitude of this administration toward the human consequences of its maladroit economic policies.

IN MEMORY OF THE HONORABLE JAMES B. UTT

Mr. CRAMER. Mr. Speaker, I join with my colleagues in expressing my personal and deep sorrow over the untimely death yesterday of one of our most esteemed members, the Honorable JAMES B. UTT. JIM UTT was highly respected and regarded as an able and effective legislator, a man who was extremely conscientious in fulfilling the responsibility of his duties as a Member of this body. He was a stalwart of the Ways and Means Committee and was recognized, both by his colleagues and throughout the Nation, as a true conservative. He fought valiantly for the ideals and principles in which he fervently believed. JIM UTT was, first and foremost, a truly fine person, whose impeccable integrity, strong character, and personal dedication were his hallmarks. I was privileged to have been his friend and both his friendship and his presence in this House will be sorely missed.

HON. JAMES B. UTT

Mr. ADAIR. Mr. Speaker, like my colleagues, I was shocked and saddened at the news of the death of the Honorable JAMES B. UTT.

I have known JIM ever since he came to the House and was aware of the dedication and quiet, hard work which he brought to this position. Although he sometimes remarked that he was feeling less than first rate, I was not aware of any physical condition serious enough to take his life.

As a friend, he was loyal, courteous,

and accommodating. His devotion to the United States of America was unquestioned.

There was no one, I think, who was more regular in attendance at the House of Representatives prayer breakfast than was JIM, and in that connection also he will be sadly missed.

Mr. Speaker, in expressing my own personal sorrow at his passing, I would like to extend my sympathy to his surviving family.

HON. JAMES B. UTT

Mr. MILLER of Ohio. Mr. Speaker, I join my friends and colleagues in their expression of sorrow over the passing of JIMMY UTT.

It seems strange and unreal to be joining JIMMY's devoted friends and colleagues in paying respect to his memory and expressing our sympathy to his family. Though God in His wisdom has called him to a higher purpose and physically JIMMY is not with us, somehow he has never left this Chamber and this House of Representatives which he loved and served so well.

JIMMY UTT was a deeply conscientious legislator. He was a student of the legislative process who enjoyed his work. He was a statesman first and a politician second. He consistently voted the way his conscience and intellect dictated. He maintained an expert knowledge of the complex legislative problems facing his committee, and his judgment and reasoning were respected by all.

JIMMY UTT was a good man, fine and decent. He had a bright and wholesome outlook on life. He greeted everyone with a friendly smile and pleasant salutation. We are poorer for the loss of JIMMY, but we are the richer because we knew him.

He served his Nation well.

He was my good friend.

I shall miss him.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ASPINALL for March 3, 1970, on account of official business.

Mr. FALLON (at the request of Mr. ALBERT) for today and the balance of the week on account of official business.

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. DENT, for 1 hour, tomorrow.

Mr. FUQUA, for 10 minutes, today.

Mr. WAGGONNER, for 30 minutes, today.

Mr. PUCINSKI, for 30 minutes, today; to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. WINN) and to revise and extend their remarks and include extraneous matter:)

Mr. POFF, for 10 minutes, today.

Mr. CÓRDOVA, for 10 minutes, today.

(The following Members (at the request of Mr. ALBERT) and to revise and extend their remarks and include extraneous matter:)

Mr. RARICK for 15 minutes today.

Mr. ROONEY of New York for 60 minutes today.

Mr. ADDABBO for 15 minutes today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ICHORD in two instances and to include extraneous matter.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2523. An act to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes.

S. 2809. An act to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel.

ENROLLED BILLS SIGNED

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 11651. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached.

H.R. 14733. An act 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.

BILL PRESENTED TO THE PRESIDENT

Mr. FRIEDEL, from the Committee on House Administration, reported that that committee did on February 26, 1970, present to the President, for his approval a bill of the House of the following title:

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.

THE LATE HONORABLE JAMES B. UTT

Mr. SMITH of California. Mr. Speaker, I offer a resolution and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 859

Resolved, That the House has heard with profound sorrow of the death of the Honorable James B. Utt, a Representative from the State of California.

Resolved, That a committee of forty-three Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the Houe.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

The resolutions were agreed to.

The SPEAKER. The Chair appoints as members of the funeral committee the following Members on the part of the House: Messrs. HOLIFIELD, GERALD R. FORD, MILLER of California, GUBSER, HOSMER, MAILLIARD, MOSS, BOB WILSON, SISK, TEAGUE of California, MCFALL, SMITH of California, COHELAN, JOHNSON of California, BELL of California, CORMAN, BROWN of California, EDWARDS of California, HANNA, HAWKINS, LEGGETT, ROYBAL, TALCOTT, VAN DEERLIN, CHARLES H. WILSON, DON H. CLAUSEN, DEL CLAWSON, BURTON of California, TUNNEY, REES, WALDIE, MATHIAS, PETTIS, WIGGINS, MCCLOSKEY, ANDERSON of California, GOLDWATER, BYRNES of Wisconsin, BETTS, BROYHILL of Virginia, CHAMBERLAIN, ULLMAN, and SCHNEEBELI.

The Clerk will report the remaining resolution.

The Clerk read as follows:

Resolved, That as a further mark of respect the House do now adjourn.

The resolution was agreed to.

ADJOURNMENT

Accordingly (at 12 o'clock and 31 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 3, 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:

1694. A communication from the President of the United States, transmitting a report relating to the investigation undertaken by the Tariff Commission on flat glass and tempered glass, together with a copy of a Presidential proclamation relating to the adjustment of duties on certain sheet glass, pursuant to section 351(a)(2)(A) of the Trade Expansion Act of 1962; to the Committee on Ways and Means.

1695. A letter from the Secretary of the Treasury, transmitting the 14th annual report on the financial condition and results of the operations of the highway trust fund, June 30, 1969, pursuant to section 209(e)(1) of the Highway Revenue Act of 1956, as amended (H. Doc. No. 91-265); to the Committee on Ways and Means and ordered to be printed.

1696. A letter from the Assistant Secretary of Agriculture (Export Marketing Service), transmitting annual report by the Secretary of Agriculture covering orderly liquidation of stocks of agricultural commodities held by the Commodity Credit Corporation and the expansion of markets for surplus agricultural commodities, pursuant to Section 201(b), Public Law 540, 84th Congress; to the Committee on Agriculture.

1697. A letter from the Secretary of State, transmitting a report concerning certain proposed shipments of chemical munitions, pursuant to the provisions of section 409(c)(2) of the Public Law 91-121; to the Committee on Armed Services.

1698. A letter from the Secretary of Health, Education, and Welfare, transmitting the report of actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes for the quarter ending December 31, 1969, pursuant to the provisions of subsection 201(h) of the Federal Civil Defense Act of 1950, as amended; to the Committee on Armed Services.

1699. A letter from the Secretary of the Treasury, transmitting a report giving the status of foreign credits by U.S. Government agencies and by certain international lending agencies as of June 30, 1969, pursuant to the provisions of section 634(f) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

1700. A letter from the Secretary of Health, Education, and Welfare, transmitting a report of disposal of excess property in foreign countries, for the calendar year 1969, pursuant to the provisions of the Federal Property and Administrative Services Act of 1949; to the Committee on Government Operations.

1701. A letter from the Comptroller General of the United States, transmitting a report on the questions regarding mortgage loan insurance ceilings and land appraisals for large cooperative housing communities, Department of Housing and Urban Development; to the Committee on Government Operations.

1702. A letter from the Comptroller General of the United States, transmitting a report on the opportunities for improving management of excess property transferred to the military affiliate radio system, Department of Defense; to the Committee on Government Operations.

1703. A letter from the Director, Bureau of Mines, Department of the Interior, transmitting a copy of a proposed contract with West Virginia University for research and development to determine the feasibility of underground crushing of coal and related purposes, pursuant to the provisions of subsection (a) and (d) of Public Law 89-672; to the Committee on Interior and Insular Affairs.

1704. A letter from the Secretary of Labor, transmitting a draft of proposed legislation to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Interstate and Foreign Commerce.

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. JOHNSON of California: Committee on Interior and Insular Affairs: H.R. 15689. A bill to increase the authorization for appropriation for continuing work in the Missouri River Basin by the Secretary of the Interior (Rept. No. 91-857). Referred to the Committee of the Whole House on the state of the Union.

Mr. JOHNSON of California: Committee on Interior and Insular Affairs: H.R. 15700. A bill to authorize appropriations for the saline water conversion program for fiscal year 1971, and for other purposes; with amendments (Rept. No. 91-858). Referred to the Committee of 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. BUTTON:

H.R. 16220. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DELLENBACK:

H.R. 16221. 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.

H.R. 16222. A bill to provide for study and experiment concerning the establishment of daylight saving time on a year-round basis; to the Committee on Interstate and Foreign Commerce.

By Mr. DINGELL (for himself, Mr. PELLY, Mr. CLARK, Mr. GROVER, Mr. MURPHY of New York, Mr. KEITH, Mr. KARTH, Mr. POLLOCK, Mr. ANNUNZIO, Mr. BUTTON, Mr. MCCLOSKEY, Mr. FREY, Mr. OBEY, Mr. NEDZI, Mr. MOSS, Mr. VANDER JAGT, and Mr. WILLIAM D. FORD):

H.R. 16223. A bill to provide for advance notice to the U.S. Fish and Wildlife Service and certain State agencies before the beginning of any Federal program involving the use of pesticides or other chemicals designed for mass biological controls, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FARBSTEIN:

H.R. 16224. A bill to amend title XVIII of the Social Security Act to permit payment thereunder for necessary professional services furnished by a physician to a member of his family; to the Committee on Ways and Means.

By Mr. FISH:

H.R. 16225. A bill to amend the act of March 3, 1899, relating to penalties for wrongful deposit of certain refuse, injury to harbor improvements, and obstruction of navigable waters; to the Committee on Public Works.

By Mr. GERALD R. FORD (for himself, Mr. LLOYD, Mr. STEIGER of Arizona, Mr. WINN, Mr. ESHLEMAN, and Mr. MAYNE):

H.R. 16226. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ (for himself, Mr. PELLY, Mrs. SULLIVAN, Mr. CLARK, Mr. DINGELL, Mr. LENNON, Mr. DOWNING, Mr. BYRNE of Pennsylvania, Mr. ROGERS of Florida, Mr. STUBBLEFIELD, Mr. MURPHY of New York, Mr. POLLOCK, Mr. JONES of North Carolina, Mr. FEIGHAN, Mr. HANNA, Mr. ANNUNZIO, Mr. BIAGGI, Mr. ST. ONGE, and Mr. LONG of Louisiana):

H.R. 16227. A bill to amend the Fisherman's Protective Act of 1967 to require the return of certain vessels of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLS:

H.R. 16228. A bill to amend title II of the Housing Amendments of 1955 to provide that certain cities within the area of the Arkansas River navigation project shall be eligible for community facility loans thereunder without regard to the population limits otherwise applicable; to the Committee on Banking and Currency.

By Mr. OTTINGER (for himself, Mr. MOORHEAD, Mr. MIKVA, Mr. REES, and Mr. ROE):

H.R. 16229. A bill to amend the National Environmental Policy Act of 1969 to require the Secretary of the Army to terminate certain licenses and permits relating to the disposition of waste materials in the waters of the New York Bight, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. OTTINGER:

H.R. 16230. A bill to amend title 39, United States Code, to permit certain reproductions of periodical publications to be entered and mailed as second class mail; to the Committee on Post Office and Civil Service.

By Mr. COLLIER:

H.J. Res. 1107. Joint resolution proposing an amendment to the Constitution of the United States relating to the ratification of treaties; to the Committee on the Judiciary.

By Mr. BOLAND:

H. Con. Res. 518. Concurrent resolution to express the sense of the Congress on U.S. involvement in Laos; to the Committee on Foreign Affairs.

By Mr. FARBSTEIN:

H. Con. Res. 519. Concurrent resolution expressing the sense of Congress concerning the use of certain real property in New York City for low- and moderate-income housing; to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MILLS:

H.R. 16231. A bill for the relief of the estate of Theodore Leon Mercer, deceased; to the Committee on the Judiciary.

By Mr. OTTINGER:

H.R. 16232. A bill for the relief of Mrs. Gregoria Grande Bermudes; to the Committee on the Judiciary.

By Mr. ROGERS of Colorado:

H.R. 16233. A bill for the relief of Sgt. Gary F. Scrivner, USMC; to the Committee on the Judiciary.

MEMORIALS

Under clause of rule XXII, memorials were presented and referred as follows:

316. A memorial of the Legislature of the State of Alaska, relative to protection of American personnel captured in military operations other than in a "declared war"; to the Committee on Foreign Affairs.

317. Also, a memorial of the legislature of the State of Louisiana, relative to an amendment to the Constitution dealing with attendance at public schools; to the Committee on the Judiciary.

318. Also, a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to amending the "Pledge of Allegiance to the Flag" to read "equal justice for all"; to the Committee on the Judiciary.

319. Also, a memorial of the Legislature of the State of South Carolina, relative to restraining and curbing the importation of foreign textiles; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII,

408. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to publication of a document concerning civil rights and civil powers; to the Committee on House Administration.

SENATE—*Monday, March 2, 1970*

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

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

O Lord of History, through whose power our fathers won their liberty, we thank Thee for the vision of a righteous nation, where people of many races and creeds dwell together in concord and work for the common good. If we forget Thee, do not forget us. If we forsake Thee, do not forsake us but hold us up and renew our faith. Be to us our Guide that we lose not our way or be overwhelmed by the magnitude of our tasks. Help us, O Lord, to be worthy to stand in this place, and with steadfast courage and unwavering hope complete the work which Thy will requires of us.

In Thy matchless name, we pray. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Saturday, February 28, 1970, be dispensed with.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR RECOGNITION OF SENATOR CURTIS OF NEBRASKA AFTER SENATOR FANNIN'S ADDRESS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the distinguished Senator from Arizona (Mr. FANNIN), the distinguished Senator from Nebraska (Mr. CURTIS) be recognized for not to exceed one-half hour.

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

ORDER FOR ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11:30 a.m. tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR McCLELLAN TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that at the conclusion of the prayer and approval of the Journal tomorrow, the distinguished Senator from Arkansas (Mr. McCLELLAN) be recognized for not to exceed one-half hour.

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

VOTING RIGHTS ACT AMENDMENTS OF 1969

Mr. MANSFIELD. Mr. President, at the conclusion of morning business today, what will be the pending business?

The PRESIDENT pro tempore. The clerk will state the title of the bill for the information of the Senate.

The ASSISTANT LEGISLATIVE CLERK. H.R. 4249, to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

The PRESIDENT pro tempore. That bill will be laid before the Senate at the conclusion of morning business today.

Mr. MANSFIELD. And it will be made the pending business at that time in accordance with the order of the Senate of December 16, 1969.

The PRESIDENT pro tempore. The Chair so understands.

Mr. MANSFIELD. I thank the Chair.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the order previously entered, the Senator from Arizona (Mr. FANNIN) is now recognized for 1 hour.

Mr. FANNIN. I thank the Chair.

THE LOSS OF AMERICAN JOBS THROUGH THE SO-CALLED FREE TRADE POLICY

Mr. FANNIN. Mr. President, last week, hundreds of American jobs were exported from our shores. Here at home, hundreds of Americans were thrown out of work.

These jobs went to Japan, to South Korea, to Taiwan, to West Germany, to Italy, and to other foreign nations that are building their industrial economies, to a considerable extent, at the expense of American industry and American labor.

This is not new. It has been going on for a long time. But it has been snowballing at an alarming rate in the last 6 or 7 years. Now it has reached such proportions that the very fiber of our industrial economy is being torn to shreds. The jobs of hundreds of thousands of American workers are gravely threatened.

I am referring to the drastic increase in the imports of manufactured goods and components from abroad—imports made under circumstances that at best can be characterized as unfair competition and at worst as economic murder.

Let me cite a few examples of what is happening:

First. A man's shirt made in the United States by Van Heusen retails here for $8.98. An identical shirt of the same quality made in South Korea retails here for $2.98.

Second. The Singer Corp. is the only manufacturer of sewing machines left in this country. But Singer sells in the U.S. market two sewing machines produced in its factories abroad for every one made at its Elizabethport, N.J., plant. And employment at the Elizabethport plant has dropped from 10,000 to 2,000.

Third. Forty-eight thousand jobs were lost in the manufacture of TV sets, radios, and their components in the United States between 1966 and 1968. And these were years during which sales of these same products in this country were increasing substantially.

Fourth. Almost 12 million tape machines were sold in the United States during the past year. Of these, 90 percent were imports.

Fifth. Ninety-eight percent of the domestic portable radio market has been lost to imports.

A representative of a major corporation in this country told me that a Japanese-made color TV set which sells in Tokyo for $1,300 can be bought in this country for less than a comparable American-made set which sells in this country for $600. This same American set is not allowed on the Japanese market. If it were, a Japanese citizen could buy it for about $900. And he probably would buy it rather than pay $1,300 for its Japanese counterpart.

Multiply these situations a thousandfold and we begin to get some idea of what is happening throughout the United States to our basic industries and to the people that work in them—in electronics, steel, electrical equipment, shoes, chemicals, autos, textiles, garments, machinery, and many, many more. They are being almost literally sold down the river.

Senators might ask, "How can this happen in these days of enlightened, free, and reciprocal trade?" Well, I suggest to my colleagues that if they lift the lid of today's so-called free and reciprocal trade, they will find a can of worms gnawing at the vitals of our economy and devouring American jobs.

I am speaking of a so-called free trade policy that has produced, in fact, an exchange of goods with other nations that is anything but free from our standpoint. I am speaking of a so-called reciprocal trade policy that is, in fact, a one-way street through which foreign producers enter and steal our domestic market. I am speaking of a so-called free and reciprocal foreign trade policy, aimed at expanding our exports, that has, in fact, brought us to the brink, if not already over the brink, of a disastrous imbalance of trade.

I am told that the true figures for last year—and they are mighty hard to come by—will show that during 1969, for the first time in our modern history, our imports exceeded our exports. I am told they will also show that thousands upon thousands of American jobs were lost in the process.

If this is so—and there is little reason to doubt that it is not—then it is high time that every Member of Congress sat up and took notice. The constitutional responsibility for this plight is ours, no one else's.

I, for one, am trying desperately to ascertain the truth. This is one of the purposes of these remarks today: to seek the help of my colleagues, of the leaders of organized labor, of industrialists, and of governmental departments, in developing the true facts. What industries have been affected and exactly how and to what extent? How many jobs have been lost and what are the projections for the future? What protections and remedies do our present laws afford? Are they being made available? Is the Treasury Department obeying the mandates of our countervailing duties statutes?

And this is vitally important: Are our antidumping laws being effectively enforced? These are only a few of the many questions that we must answer.

I am not urging a return to high tariffs. Nor am I advocating a protectionist program that ignores the realities of international economic life. But I am urging that Congress take a long, hard look at our foreign trade policy, as it actually operates today, to see whether it is truly in the best interests of this Nation. And I am advocating the determination by Congress of the validity or invalidity of the oft-repeated charge that under the lofty aegis of free trade and reciprocity we are, in fact, encouraging cheap subsidized imports, tolerating blatant barricades against our exports, and permitting the most successful and beneficial economy in the history of the world to be undermined and destroyed.

Section 8 of the Constitution of the United States specifically provides that—

> The Congress shall have power . . . to regulate commerce with foreign nations.

The bestowal of that power carried with it the corresponding responsibility for its execution.

And yet for 35 years the Congress of the United States has abdicated its responsibility in the field of foreign trade. During this period, commencing with the Reciprocal Trade Agreement Act of 1935, and reaching a high point in the Trade Expansion Act of 1962, the congressional power to regulate foreign commerce has been so extensively delegated to the executive branch as to place it virtually beyond any effective congressional control.

That Congress can constitutionally delegate its power to regulate foreign trade is beyond question, but there is every indication that we have gone much too far. And most certainly Congress can never constitutionally abdicate its responsibility for the proper exercise of that power. Yet we have done just that.

As a result, during these past 35 years, the formulation of our foreign trade policy and the exercise of the power to implement that policy have been gradually reduced to mere tools to be fashioned and used by the executive branch in the exercise of its authority and responsibility in the handling of foreign relations. This is not what the Constitution calls for. This is not the separation of powers contemplated by our forefathers.

Congress was given the power over foreign trade. The executive was given the power over foreign relations. To submerge the former in the latter is to destroy the separate identities of foreign trade and foreign relations that inhere in the Constitution. Likewise, it is to ignore the potential, subtle, but significant differences between the two.

During the past 35 years, our foreign trade policy has been primarily tailored to fit the seeming needs of foreign diplomacy. Economic considerations have been relegated to the background. The time has now come when that policy should be redesigned and so revitalized as to gear it to the economic needs and realities of our Nation. And the time has now come when the Congress of the United States must reassert its authority and see to it that this is accomplished.

Mr. President, this import situation presents a clear and present danger to our Nation. Everyone concerned—the public, industry, labor, agriculture, and government—must set aside selfish and partisan interests. They must face up to this menace with a common, determined front. Above all, Congress must take the lead. For it is in Congress, and in Congress alone, that the constitutional power and responsibility lie. We, the Congress, must act and act now.

I suggest to my colleagues that there is no time to be wasted. I suggest that a thorough investigation of this whole import situation be initiated at once.

Mr. President, I should also like to read from a section of the Division Digest of Consumer Electronics which indicates just what has happened over the years.

It reads:

> 1970—Year of attrition and transition. *Decade of the '60s marked tremendous changes* in consumer electronics, paced by growth of color TV and internationalization of the industry. It ended on downbeat note, due largely to economic trends beyond industry's control. Since history isn't marked off into neat 10-year cycles, it's probably more coincidence that 1970 appears to emerge as year of transition into new ages of consumer electronics.
>
> *As we see it, new year will be year of pause,* rather than true growth, but will lead into age of new products and new alignments as significant as those which occurred in the '60s. It will be difficult year for sales and profits, but year in which consumer electronics begins to regain its technological orientation, its propensity for true innovation.
>
> *It's our custom in first issue each year* to step slightly out of character and predict what we think the next 12 months hold. We try to make our forecasts as specific as possible, which, of course, increases the risk of being wrong. In this space just one year ago, we climbed out on limb with 70 specific forecasts. Of this number, 53 were borne out by events of 1969, while 9 were completely wrong and 8 were neither completely correct nor wholly erroneous. Eliminating these 8, this comes out to about 85% accuracy, an improvement over our 72.9% rating in Jan. 1968.

Mr. President, I mention this because Consumer Electronics is a reliable publication. I ask unanimous consent that the tabulation which appears on this page be printed at this point in the RECORD.

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

The tabulation, ordered to be printed in the RECORD, is as follows:

STATE OF THE INDUSTRY, SALES TO DEALERS (PRELIMINARY), FROM EIA, FOR WEEK ENDED DECEMBER 19 (50TH WEEK OF 1969)

	December 13 to 19	1968 week	Percent change	December 6 to 12	1969 to date	1968 to date	Percent change
Total TV	218,179	264,148	(17.4)	224,633	[1] 10,209,107	10,838,550	(5.8)
Color	117,000	148,100	(21.0)	121,624	[1] 5,368,829	5,512,109	(2.6)
Monochrome	101,179	116,048	(12.8)	103,009	[1] 4,840,278	5,326,441	(9.1)
Total radio	382,442	596,398	(35.9)	435,577	19,441,672	21,425,095	(9.3)
Home, portable	194,327	315,479	(38.4)	220,277	9,509,723	11,263,187	(15.6)
AM-only	109,797	212,678	(48.4)	117,301	5,755,124	7,107,223	(19.0)
FM and FM-AM	84,530	102,801	(17.8)	102,976	3,754,599	4,155,964	(9.7)
Auto	188,115	280,919	(33.0)	215,300	9,931,949	10,161,908	(2.3)
Total phono	133,827	186,174	(28.1)	143,920	4,905,266	5,150,257	(4.8)
Portable-table	95,382	136,216	(30.0)	106,149	3,601,940	3,692,952	(2.5)
Console	38,445	49,958	(23.1)	37,771	1,303,326	1,457,305	(10.6)

[1] Includes November final figures.

Mr. FANNIN. Mr. President, I continue to read:

> *Thus we see domestic-label sales basically holding* to same levels as 1969, with no major gains and with dollar volume down slightly from 1969 as a result of changes in mix and increased buying at lower end of line.

Mr. President, I ask unanimous consent to have the tabulation that is indicated here as volume 10, No. 1, on page 9 of this Digest, which indicates just what is happening in this particular market, be printed at this point in the RECORD.

There being no objection, the tabulation, ordered to be printed in the RECORD, is as follows:

Product	Total market		Total imports	
	1970	1969	1970	1969
Total TV	12,850,000	12,500,000	5,500,000	4,200,000
Color	6,100,000	6,000,000	1,500,000	900,000
Monochrome	6,750,000	6,500,000	4,000,000	3,300,000
Home radio	45,700,000	39,200,000	42,000,000	35,000,000
Total tape instruments	15,600,000	11,900,000	14,500,000	10,800,000
Recorders	8,600,000	6,700,000	8,000,000	6,000,000
Players	7,000,000	5,200,000	6,500,000	4,800,000

Mr. FANNIN. Mr. President, to give an idea of what is happening in the forecasting of the total TV market in the United States, it is estimated that 12,850,000 sets will be manufactured in 1970. 12.5 million sets were manufactured in 1969. That is an increase of 350,000 sets. However, the total imports will increase, according to the forecast, from 4.2 million to 5.5 million. That is an increase of 1.3 million as against a total increase in the market of 350,000.

That indicates that the American manufacturers will lose to that extent on sets produced in this country.

On home radios, we have just as an alarming situation, with a forecast total market of 45.7 million in 1970, with 42 million of those being produced outside of this country, as compared to 1969 when 39.2 million was the total market and 35 million of those were produced outside of this country.

With respect to total tape instruments, we have an even more alarming situation. The total market in 1969 was 11,900,000, and the total market in 1970 is expected to be 15,600,000.

In 1970, 14,500,000 of those are expected to be produced outside of this country, while in 1969 10,800,000 were produced outside of this country.

With respect to record players, the total market in 1970 is projected at 7 million, with 6,500,000 expected to be manufactured outside America. In 1969 the total market was 5,200,000 and 4,800,000 were manufactured overseas.

The total market for recorders in 1970 will be 8,600,000, as against 6,700,000 last year. The total imports of recorders in 1970 is expected to be 8 million, while it was only 6 million last year.

We can see that this is a very alarming situation. We can also be concerned over the trend that was apparent in 1969 in the first 6 months, the total exports of TV sets were approximately 65,000. Our imports of TV sets from foreign countries, sets made by American producers, were 635,000.

In the first 9 months of 1969, the total imports from Japan alone were approximately 2 million.

Mr. President, although I have referred in my remarks to the consumer electronic equipment industry, I also want Senators to realize this is happening in many other industries, and we can be very concerned as to what will happen in the future.

Many of my colleagues have spoken out about their problems in the shoe industry. For instance, in 1969 total footwear imports were about 200 million pairs of leather and vinyl shoes. For every 10 million pairs of shoes imported, 3,000 American shoe workers lost their opportunity for work. This industry employs 200,000 of these people. They have a talent calling for hand skills. Many of these older people are from disadvantaged and rural areas. Also, that industry offers jobs to many veterans returning from Vietnam.

At that rate, the president of one of our shoe industry trade organizations indicates that the rate of imports increased from 3.5 percent of U.S. shoe market in 1959 to 37.5 percent in 1969; and, in all likelihood, according to his estimate, it will equal American output for 1971. One can plainly see why workers in the industry are very much concerned.

Letters from the public are not encouraging because, in many instances, they have been willing to accept that this trend is inevitable. I cannot accept that. I have made the recommendation that we have a study and that the study get underway at the earliest opportunity.

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

Mr. FANNIN. I am pleased to yield to the distinguished Senator from Florida.

Mr. GURNEY. Mr. President, I have been listening carefully to the statement made by the distinguished Senator from Arizona. I certainly commend him for bringing this most important aspect of our economy to the attention of the Senate and the country. There is no question but that the case he makes is strong and powerful. It is a situation that should be investigated, and based on the facts shown, some remedial action taken.

There is no question but that the distinguished Senator is correct in his statement that foreign imports of manufactured goods are flooding this country and hurting American labor and our entire American economy, and putting some industries almost out of business.

The Senator mentioned, in large part, the manufacturing industry, because this problem is perhaps directed more toward that industry in Arizona.

I would like to supplement the Senator's case by stating that in agriculture we have a similar problem, and more especially in Florida, my home State. This winter we have had a serious threat to our entire tomato industry from tomatoes imported from Mexico. The irony of this particular problem is that I understand a great many of the Mexican tomato operations are financed by U.S. capital that fled from this country because of the inability to acquire labor to harvest the tomatoes in other sections of the country.

A growing danger that is somewhat imminent at our doorstep affects our citrus industry in Florida, and in Texas and California. There have been enormous plantings of citrus south of the border, particularly in Mexico; and there have also been experiments in citrus growing in Latin American countries. There is no question but that Latin America has the potential eventually of putting the entire citrus industry of the United States out of business, based on the labor differential and the cost of producing citrus here, as opposed to what it might be under a cheaper form of labor in Latin America.

This danger the distinguished Senator called to the attention of the Senate in these cheap imports from foreign countries exists not only in manufacturing but the entire field of agriculture.

I recall just a few years ago when I first came to the Congress, the House of Representatives—that was about 6 years ago—we had to pass a beef quota import bill to protect American cattle producers from being flooded in the United States with cattle and meat imports from foreign countries where their labor market is a good deal cheaper.

So this problem crosses the entire economic spectrum of America. I certainly commend the Senator for bringing this matter to the attention of the Senate and I hope Congress, as well as the executive branch, will move ahead in this matter, compile facts, and find out where we are going so we can protect our labor in the United States and our own great economy from being destroyed by foreign competition.

Mr. FANNIN. Mr. President, I express my appreciation to the distinguished Senator from Florida for his observations. I know he has been vitally interested in this and other problems of imports and that he has been working very actively on these programs. He is knowledgeable, and the information he has given is very valuable.

I want Senators to know that the problem of foreign manufacturing competition has been called to our attention many times before. I have an issue of U.S. News & World Report of February 25, 1967. An article in that issue shows the barriers against U.S. trade, stating:

> It's getting harder and harder for U.S. companies to sell things abroad. Price cuts by British, other competitors are biting in. New taxes are being levied on imports in Europe. Nontariff barriers are going up worldwide. Rougher competition for international sales looks certain everywhere.

Mr. President, we do have a serious problem that is growing each year. This problem has picked up more in the past 12 to 18 months than at any other time. The article further states:

> Take prices. Countries that cut the value of their currencies in last month's wave of

devaluations are beginning to offer lower price tags.

That was back in 1967. Our problems are even more severe now. We can go into almost any type activity, whether it is heavy equipment, requiring heavy freight bills, or light electronic equipment that does not involve much freight, but we must realize that our tariff situation is serious, especially when we recognize that a car can be bought from Japan, or other foreign countries that compete with us, on a 3-percent tariff, whereas tariffs we must pay to ship a car into their countries is 17 percent at the minimum.

This came about from the General Agreement on Trade and Tariffs, in the Kennedy round.

It is vital to all of us that we take a look at what is happening and review what can be done to correct this inequity. We certainly cannot continue with the imbalance of trade growing each year.

There are many other factors involved in this situation. I will be covering them in future statements, but I feel that now we have an immediate problem that is very serious. This problem could vitally affect the jobs of our people and the opportunities for our companies to go forward here at home. As statistics indicate, we are not going forward. We are really receding in our total manufacturing activity in the United States, as well as in world markets. This serious situation cannot continue on without immediate attention and without a hard look at just what can be done to correct it.

We have been negligent in our work in this field that we now find ourselves in an emergency position.

Mr. HANSEN. Mr. President, I would like to commend the distinguished senior Senator from Arizona for having brought to the attention of Members of the Senate a very important matter. I think he has put his finger on one of the most difficult questions that faces the Congress of the United States.

Obviously, we are all interested in the fight that is being made against inflation. Some have proposed, as the distinguished Senator from Arizona so well knows, that the way to beat it is to permit the importation of cheaply produced foreign products.

Next to the distinguished Senator's State of Arizona is the Republic of Mexico. I know the Senator has called attention from time to time to the fact that labor in our sister country of Mexico receives only a fraction of the wages paid by American industry.

What is the significance of this statement? The significance, Mr. President, is that we can lower the cost of many of the products that we use in this country, but if we do so, we do it at the risk of undermining the very strength of our own domestic economy. Our distinguished colleagues from New England from time to time have spoken out, expressing their concern over an increasing flow of imports, particularly shoes and textiles, into America from foreign countries, and they have called attention to the fact that as we import more shoes and more textiles into this country, we put American workers out of jobs.

I have agreed, as has the distinguished Senator from Arizona, with our friends from New England that the loss of American jobs is a real threat, one that should not be tolerated. It would be in the best interests of the United States to propose and to enforce meaningful quotas on the flow of goods that can come from foreign countries into this great American market.

Those in New England, while they cry out loudly for the support of all of the Members of Congress to protect their domestic industries, do not see the wisdom, or at least thus far have apparently failed to see the wisdom, in the broad application of their concern. I speak because my State of Wyoming is very keenly interested in the possible changes that could result from the recommendations that have been made by the task force to study the mandatory oil import program. The State of Wyoming receives approximately 40 percent of all of the dollars that are spent for education from kindergarten right on up through the advanced degree program at the University of Wyoming, from the petroleum industry.

As a consequence, I hope that what has been said by my distinguished colleague from Arizona will be noted and studied carefully by the Members of this body, because it does indeed pose a very real threat, not only to national security, insofar as oil is concerned, but as well to our industry, to American jobs, to tax revenues, and to the dollars that flow into our economy from the oil industry.

I recently found some figures that make comparisons between labor costs in this country and in other countries, and I think it would be well worth the time required for Members of this body to ponder the significance of these comparisons.

Compared with other countries, the cost of an average hour of labor in Japan is the lowest among the principal automobile manufacturing countries, as the following figures indicate. While Toyota's estimated labor cost of $1.40 per hour is about one-quarter the average labor cost in the United States, it is not much below the average cost in England. For instance, in the automobile industry in the United States our labor cost is $5.31 an hour. Let that cost equal 100 percent. The labor cost in Germany is $2.20 per hour, and represents only 41.4 percent of the cost of an hour's labor in America. The cost in Mexico is $2.40 per hour, and is only 38.4 percent of the cost of the labor involved in producing a car in the United States. Australia has a cost of $1.92 an hour, which is 36.2 percent of the cost in the United States.

The cost in the United Kingdom, $1.57 per hour, is only 29.6 percent of the U.S. cost. Argentina's cost, $1.19 an hour, is 22.4 percent of the cost in the United States. The cost in Italy, $1.99 an hour, represents 37.5 percent of the cost of the same type of work in the United States. And in Japan, as I said at the outset, $1.40 per hour represents only 26.4 percent of the cost that we have in this country.

Mr. President, I think it should be apparent to everyone that this is the greatest market in the world. It is the greatest market in the world because people living in the United States have the highest per capita income to be found anywhere in the world. We are going to compete, and we have competed very successfully with other countries, and I am certain that American industry can continue to compete, provided there is some protection—so we can continue to pay 3, 4, or 5 times as much per hour to our workmen as foreign countries pay.

It is this that concerns me. I am not saying and I have not said in the past that we ought to try to build a wall around America and deny any foreign country access to our markets. I do not say that. What I do say is that I think that American manufacturing, American industry, the American employer, is entitled to reasonable protection for this market that he has helped make—the great American market that it is.

By that I mean that we should offer, I believe, if we are to give the proper encouragement to the high wages we pay in America, some reasonable protection to the people who pay those wages, by seeing that the imports that come into the United States shall not exceed a certain fixed percentage of our total amount of consumption in this country. I think it makes sense, Mr. President, to say to the foreign car manufacturer, first of all, "We will permit a reasonable importation of your products into the United States if you will accord us the same privilege into your country."

Many European nations have very adroitly circumvented the fact that we are the lowest major tariff nation in the world today. They say, "We do not charge tariffs that are out of line with what you charge in America." That may be technically true, but it should not go unnoticed that what they do is impress hidden taxes in other ways, so as effectively to preclude or to exclude the sale abroad of American-made products.

On many European roads, there is a road tax that applies if you are driving an American-made car; and while they can say technically that they do not have tariffs which are out of line with our American tariffs, the imposition of such things as a road tax very effectively keeps American-made cars off the highways of many European countries.

Mr. President, I say also that I am delighted that we are able to live as well as we are living in this country. I hope that the true income of American employees can go higher and higher, so that we may all enjoy a greater measure of the fruits of this good country of ours. But if we are to do that, I think we have to have the protection that quotas would give us, whether they are applied to shoes, to textiles, to oil, to automobiles, or to whatever they may be applied.

Let us demonstrate our willingness to

be good neighbors with other countries. Let us demonstrate that in like measure with their willingness to permit the importation of our products into their country. But let us not be so foolhardy as to think that we can compete with the great differences that exist between American wages on the one hand and foreign wages on the other by saying, "Bring over all you want. We'll take every bit of it. There will not be quotas or anything else applied." Let us impose quotas so as to protect the American jobholders, so as to protect the high wages in this country today, so as to protect our American economy, that we can continue to do for all the people in this country those things that are possible only if we are able to maintain the high standard of living we have.

Only last week, President Nixon released a task force study on the oil import question but wisely deferred any action that would further open the gates to a flood of foreign oil that could soon not only wreck our domestic oil and gas industry but would also leave us at the mercy of the Middle East and North African countries that control a large part of the known world oil reserves.

Only last week, my distinguished colleague from New Hampshire, one of the States that could find itself cut off from such undependable oil sources, rose here on the Senate floor to tell the story of shoe plant closings in his State and reductions in the shoe industry work force. My good friend, Senator McINTYRE, said, and I quote:

> I urge my colleagues to note these facts with great seriousness. One of America's great industries is being sorely hurt. There are several proposals to cut back this expanding river of imports. If we do not move soon the dam will break and the shoe industry may well be drowned.

And, during the same week, my distinguished colleague from Wisconsin, Senator NELSON, was fighting for his State against mounting cheese imports which he says are coming into this country over and above agreed quotas and hurting the dairy industry in his State.

Mr. President, we produce some fine cheese in Wyoming, and I join the distinguished Senators from Wisconsin and, also, my good friends from New Hampshire in their efforts to keep jobs from being exported to those countries where labor is paid only a fraction of what our U.S. workers are paid for producing similar products.

Obviously, the American consumer cannot expect American industry—oil, shoes, automobiles, dairy, steel, textiles, electronics—to do the impossible which is to sell to him at prices that would be profitable only if industry paid wages comparable to the foreign levels I have just quoted.

American consumers have made such wages illegal and impossible through their elected representatives and the minimum-wage laws, obligatory collective bargaining, and other laws that have been enacted during the years.

Mr. President, I am a firm believer in reciprocal trade but a $7 billion balance-of-payments deficit last year and a continuing flood of cheaply produced foreign imports that are disrupting U.S. industry and displacing U.S. workers is not what I would call reciprocal. As we pursue this liberal foreign trade policy, our negotiators would do well to consider some of the facts of life, or at least, the facts of hard-nosed bargaining with some traders who are expert at this sort of thing.

Before bargaining off what little protective tariffs or quotas we have left, let them study some statistics and background of comparative U.S. wage levels and the U.S. standard of living as compared with the countries from which these imports are coming.

The U.S. consumer and those who represent them in Congress must learn to act responsibly and to forgo their inclination to eat their cake and still have it as far as imports are concerned.

And those who advocate control of domestic prices by a flood of cheaply produced competitive imports to fight inflation may well have to suffer the consequences of the massive unemployment that will surely result.

I do not believe President Nixon wants to fight inflation that way and I am happy to note that he refused to open the floodgates on cheap foreign oil and I hope he will direct whatever measures are needed to restore balance to imports that are injuring other domestic industries.

I thank the Senator from Arizona for the very worthwhile address he has delivered this morning.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Wyoming for his very erudite explanation of what is happening here and the great threat we have so far as the oil industry is concerned. He is one of the most knowledgeable men in the Senate on this subject. Certainly, in his home State he has a tremendous problem. I know that what he is doing to assure that we have at all times sufficient petroleum products in this country, is a great contribution to our Nation. I thank him for what he has said.

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

Mr. FANNIN. I yield.

Mr. BAKER. I wish, also, to commend the distinguished Senator from Arizona for an incisive, an intelligent, and a well-reasoned presentation of a delicate and complex subject. This business of export-import balances, controls, and regulation is one in which emotions run high because, as is frequently the case in other fields, the Appalachian free trader or protectionists grow up frequently without any basis in fact. In fact, the circumstances that lead to an intelligent judgment on a complex matter require far, far more analysis than some simple labeling of a person's posture or position in this field.

I am especially grateful, therefore, that the Senator has gone into some detail in trying to analyze the dilemma in which the United States finds itself today.

Let me say that I suppose I am a free trader. I hope to be but, by the same token, I have a great basic resistance to the constant exportation of American jobs. I recall that on many occasions in this Chamber and off the floor of the Senate our late, distinguished colleague from Illinois, Senator Dirksen, used to use that term and state that the greatest consequence of today's trades policy was to export the jobs of Americans.

Let me point out, too, that at this particular time in history we are undergoing evolutionary changes that may in fact someday lead us to the place where we have a fairly uniform set of trade barriers or nonbarriers, so that some element of free trading will be not only desirable, as it is patently desirable now, but also obtainable and practical.

It strikes me as being foolhardy to treat this problem on the basis of protectionism or on the basis of free trade without looking at the fact that now, today, by reason of Government subsidies, by reason of currency restrictions, by reason of credit flow restrictions, by reason of wage-hour requirements in different parts of the world, by reason of restrictions on capital investment or the transfer of capital assets, and by reason of varying regulations relating to merger and relating to the consolidation of functions here and abroad in industrial activity, it is impossible to look at a particular tariff or quota or restriction and say this is or is not in furtherance of free trade, real or mythical, and this is or is not in the best interests of everyone concerned.

There really is no such thing as theoretical academic free trade in the world today.

I was in Japan recently, and I must say that that country is one of the great industrial nations of the world, with a magnificent recovery after the devastation of World War II. Without being unfair or supercritical of our good ally, Japan professes to be a great exporting and free trading nation; but I found in Japan, in speaking to business leaders and government officials, some of the most rigid restrictions on capital investment by non-Japanese that I have ever seen. I saw greater restrictions on currency flow than I knew existed in the world. I found, in a word, that quotas and tariffs are only a very minute part of the total problem of the obstruction of free trade between the nations of the world.

The effect frequently—and I do not make this accusation as it relates to Japan—is to have a system of low trade tariffs or even quotas, but to have currency and credit restrictions that absolutely make it impossible to trade in certain commodities or certain fields of endeavor with a certain country. That is not free trade.

Therefore, I commend the distinguished Senator from Arizona for pointing out the complexities of this problem. I wish to point out that we had better get about the business of trying to do something about it, because the greatest single export of the United States is not yet American jobs; but if we are not careful, it soon may be.

CROWDING OF POPULATION INTO AREAS

Mr. MANSFIELD. Mr. President, I am becoming quite concerned about the distribution of our population as between the rural areas and the urban areas; the latter now contains approximately 75 percent of our total population. With that unbalanced shift, with the extreme congestion it has produced we find an increase in crime and all of the many problems that face our large metropolitan areas. We find an increase in drugs on the part of the young. We find hunger, poverty and the full spectrum of sociological, and other difficulties that arise because of the shift in population. That shift has created a severe population imbalance.

I have thought about this problem at length and I have reviewed recent studies of the matter. What I would like to see is a shift away from the urban areas back to the rural areas, and with it a decentralization of industry, that will first help to solve at least in part the problem of population, which is most important and which will become increasingly significant in the decades ahead. The population of our Nation alone will reach 300 million by the year 2000. It is then estimated that about 80 percent of our people will live in urban areas unless the trend is reversed.

It is a fact that 30 percent of our population occupies 98 percent of our land. It is in this enormous imbalance, in my judgment, that is found—as I indicated—the roots of the misery and squalor that have come to characterize our larger cities. Turning the human tide back from the megalopolis to the countryside must therefore be a task assigned the highest priority.

Of course, at the national level there have been study groups and hearings galore on this subject. In 1967, President Johnson's National Advisory Commission on Rural Poverty reported on "The People Left Behind." There have been many hearings here in the Congress on population problems, including that of heavy migration to the cities from rural areas. The U.S. Chamber of Commerce had a "task force" which told us all about "Rural Poverty and Regional Progress in an Urban Society." The Advisory Commission on Intergovernmental Relations has issued a report on "Urban and Rural America: Policies for Future Growth." There is even a White House Task Force to stimulate rural development. I must say as well that the Senate and just recently the House have adopted S. 2701, calling for a Commission on Population Growth and the American Future. That measure is now at the desk and will be called up for final clearance tomorrow, I am happy to say.

But while the commissions advise, the hearings hear, the savants ponder, and the task forces task, the people of this country need some action; they need a bold new program carefully conceived and designed to meet the problems of population which in the final analysis encompass all of the problems of people—the environment, employment, education, housing, and all the rest.

Any such program must include a wide measure of consideration for urban/rural imbalance of today. One approach has already been proposed in S. 15, the rural job development bill submitted by the senior Senator from Kansas (Mr. PEARSON). Under this proposal rural industrial and commercial activities would be given Federal incentives in order to create jobs in the countryside which are badly needed and needed now. I commend the able Senator from Kansas for his long-standing battle in behalf of this objective.

Those of us in public life who have always prized the small town and the countryside as a potent source of personal and national strength have found recently some further signs of encouragement for the views we hold. Not long ago, Mr. James Sundquist, a former Deputy Under Secretary of Agriculture and now a senior fellow of the Brookings Institution contributed immensely to the understanding of the rural/urban balance with his article "It's High Time for Americans To Disperse." This provocative dissertation first appeared in the winter issue of the quarterly, the Public Interest, and was reprinted by the Washington Post on Sunday, February 8.

To say the least it is a penetrating analysis. It has occasioned favorable comment in both Houses of Congress. It demonstrates clearly the cause-and-effect phenomenon that exists between our deep and growing urban crisis and the great losses suffered by our rural areas.

There is nothing essentially new about this problem of a rural/urban imbalance. Its roots go back a good many years as expressed in the lyrics of the old song, "How Ya Gonna Keep Them Down on the Farm?" The answer to that question asked about the Doughboys of some 50 years ago lies in our ability now to make attractive those less populated rural areas that, for whatever reason up to now, have only encouraged migration.

In the past, I regret to say, the matter too often was addressed to little or no avail. It is about time that we focus at length and with a deep commitment on the need for rural improvement and on a national policy for balanced living. Virtually every aspect of the urban crisis—poverty and welfare, employment and crime, housing and health—can be linked directly to the migration from rural America. To state it simply: Too many people live within too little space. That is the problem and it is an old story. Overcrowded cities have bred everything from riots to relief, from pollution to probation, from transit breakdowns to training the unemployed. The crowded and congested living areas are simply becoming uninhabitable.

The case for the town and the small city, long suppressed by the clangorous importunings of megalopolis, was persuasively stated in two important studies. The National Committee on Urban Growth Policy issued its report last May. More recently, intensive research was conducted by the Center for the Study of Local Government at St. John's University, near St. Cloud, Minn.—perhaps the only research center in the country that devotes its attention solely to cities with populations between 10,000 and 50,000.

In sum those studies call for solutions; solutions that include rural industrialization, the relocation of installations of the Federal and State governments, the development of outdoor recreational facilities, a revitalized agriculture, improved rural education, and preferred Federal loans—loans for rural water supplies, waste disposal systems, for electric power and for overall economic development.

It has been said that no city can claim that the situation tomorrow will be any better than it is today. If that is the case then the ultimate solution may lie not in the investment made in the city itself but rather in the application of our resources outside the big cities—in the towns and smaller cities and in the countryside. It is indeed time for Americans to disperse. It is high time that we make it possible.

Mr. President, I ask unanimous consent that an article by Mr. Sundquist be printed at the conclusion of my remarks. The CBS News has been examining the environmental crisis, and I also ask unanimous consent that a number of commentaries by Mr. Sevareid, Mr. Cronkite, and others who have participated and will participate in this series of television broadcasts having to do with the environment and the dangers which confront us—which, of course, includes population control—be included at this point in the RECORD.

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

IT'S HIGH TIME FOR AMERICANS TO DISPERSE

(By James L. Sundquist)

By the end of this century, 100 million people will be added to the population of the United States. That is as many people as now live in Britain and France combined. Where shall they live?

If present trends continue—if they are allowed, that is, to continue—most of the 300 million Americans of the year 2000 will be concentrated on a very small proportion of the Nation's land area. Projections of the Urban Land Institute place 60 per cent of the country's population—or 187 million persons—in just four huge urban agglomerations.

One continuous strip of cities, containing 68 million people, will extend 500 miles down the Atlantic Seaboard from north of Boston to south of Washington. Another, with 61 million, will run from Utica, N.Y. along the base of the Great Lakes as far as Green Bay, Wis. Some 44 million persons will live on a Pacific strip between the San Francisco Bay area and the Mexican border. A fourth agglomeration, with 14 million, will extend along the Florida East Coast from Jacksonville to Miami and across the peninsula to Tampa and St. Petersburg.

Most of the remaining 40 percent of Americans will live in urban concentrations, too—and big ones. In this decade, the large concentrations have been growing fastest; metropolitan areas over 150,000 grew faster than the national average of 9.8 per cent between 1960 and 1965 while the smaller areas grew more slowly.

These trends, continued for the next three decades, would place 77 percent of the com-

ing 300 million Americans on 11 per cent of the land (excluding Alaska and Hawaii). Only 12 per cent of the population would be outside urban areas of 100,000 or more population. Is this the way we want to live?

Two questions are presented. The first pertains to regional balance. Is it desirable that population be massed in a few enormous "megalopolises" along the seacoasts and lakeshores? The second relates to rural-urban balance (or, more accurately, the balance between metropolitan and nonmetropolitan areas). Is it in the best interest of the country, and its people, to continue indefinitely the depopulation of rural and small-town America and the building of ever bigger metropolitan complexes, in whatever region?

FORCED MIGRATION

In short, the 300 million can be highly concentrated in a few "megalopolises," or they can be distributed more evenly as among regions and dispersed in a more nearly balanced way among large metropolitan areas, middle-sized cities and thriving small towns and villages. Which do we want?

How each family lives is profoundly influenced, even controlled, by the size of the population cluster in which it is embedded. The degree to which population is massed determines the amenity and congeniality of the whole environment in which adults and children live and grow and work. It affects their personal efficiency, their sense of community, their feelings about the relationship between man and nature, their individual and collective outlooks on the world.

The impact of size is most emphatic on the lives of the ghetto dwellers of the great cities, of course, but no one in a megalopolis is immune. The resident of Scarsdale or Winnetka is not wholly spared the stresses of big city life; the larger the metropolitan area, the greater the strains and irritations of commuting and the more inevitable that the environmental pollution that arises from population concentration will affect the most idyllic suburbs, too.

In any case, the desirability of population concentration must be measured by its consequences for the majority of families who live at near-average or below-average levels, not upon the few who can insulate themselves in political and social enclaves.

So the question is, what kind of environment do we want to build? The nation, through its government, has established policies on matters of far less crucial import, yet the extent to which the country's population will be concentrated remains essentially laissez-faire.

That would be all right, perhaps, if by laissez-faire one meant free choice by the individuals and the families that make up the population. But it is far from that. The movement of people from smaller to larger places it, to a large extent though no one knows the exact proportions, involuntary, forced migration.

Young people going freely to the cities in search of adventure and opportunity make up part of the migrant flow, but only part; among the rest are millions of uprooted, displaced families who have little desire, and less preparation, for life in large cities and whose destination is often inevitably the city slums. These displaced families are simply forced into the migration stream by economic forces they cannot control.

The spatial distribution of population is determined, of course, by the distribution of jobs. With the exception of the limited numbers of the self-employed and the retired, people are not in reality free to live just anywhere. The vast majority are employees who must live where there are jobs, and the location of jobs is not their choice. The concentration of the country's population is the result of employer-created job patterns that the people have had to follow.

For the most part, employers have not been free to create jobs just anywhere, either. They have been bound by considerations of economic efficiency—the location of raw materials and markets, the transportation cost differentials of alternative locations, etc. As a result, the basic pattern of population distribution has been designed by the play of economic forces, not by men acting rationally as environmental architects; events have been in the saddle once again.

Even in the absence of quantified evidence, it seems reasonably clear that our laregst urban concentrations have grown well beyond the point at which diseconomies of scale begin to show. The costs of moving people and things within large metropolitan areas are demonstrably greater than the costs of moving them in smaller population centers. Commuting distances are obviously longer, the time loss greater, the costs higher. The flight of industry from central cities to the suburbs is a reflection, in part, of the cost of transportation to and within congested areas.

The cost of urban freeway construction varies directly with the population density of the areas affected, and subway systems are an enormous expense that only the larger metropolitan areas require. Such municipal functions as water supply and sewage and solid waste disposal are probably also subject to diseconomies of scale, for the simple reason that the water and the waste must be carried over longer distances. San Francisco, for example had contemplated dispatching a 70-car train daily to carry its solid waste over 300 miles into the mountains on the Nevada-California border.

COSTLY CRUELTIES

The diseconomies are ultimately measurable, at least in theory, in dollars and cents. Other disadvantages of scale are less measurable but no less real. Air pollution, for example, is a function of the dense concentration of automobiles. Similarly, water pollution is more amenable to control in areas where population is dispersed; there, given the will, the way is at least available.

One other factor that must be considered in any calculation of costs and benefits of urbanization is the social and economic cost of migration itself. To decide which new plant location is really most efficient, it is not enough to measure only the building and operating costs of the plant, although that has been the sole criterion of our laissez-faire philosophy.

There are enormous costs, as well as appalling cruelties, in the forced displacement and migration of populations, whether it be Negroes from the South, mountaineers from Appalachia or small businessmen from the declining regions of the Great Plains and the Midwest. (In the 1950s, more than half of America's counties suffered a net loss of population.)

Families lose their homes and savings and equities and property values along with their most deeply cherished associations; communities lose their tax base for public services; community institutions wither. Some of the migrants are too ill-prepared, too sick or too poor to adjust to city life successfully; many of them wind up on welfare, and they burden every kind of institution.

Yet these costs and losses are not borne by the industry locating the plant, but by people and communities, thereby entering no one's cost-benefit equation, no one's computations of efficiency. If they did so enter, then calculations of simple efficiency would no doubt show, that as a general rule, it is far more economical from the standpoint of the whole society to create new economic opportunities where the people are rather than allow existing communities to die while building other whole communities from the ground up in the name of "economic efficiency."

Moving from the physical to the social environment, hard data on disadvantages of scale are even more difficult to come by. Yet we know that as population in general is concentrated, so is poverty (large ghettos exist only in large urban concentrations) and crime, drug addiction, family breakdown and every other form of social pathology. It may be specious to argue that rural poverty is better than urban poverty when both are bad enough, yet the fact remains that the social evils associated with poverty tend to be mutually reinforcing when the poor are herded together in concentrated masses—as studies of public housing populations, for example, have clearly shown.

Racial tension and rioting are not limited to big cities, to be sure, but in their most terrifying aspects they seem to be. Perhaps most important of all, the problem of unemployment and underemployment of the urban poor appears all but insoluble in the largest urban complexes because transportation systems just cannot economically link the inner cities where the poor live with the scattered suburban sites where the new jobs are being created. In smaller places, by contrast, people can even walk to work.

For all these reasons, it is not hard to accept as a hypothesis, at least, that our largest metropolitan agglomerations are less governable, less livable and economically less sound than smaller urban centers. Moreover, what little evidence is available suggests that people do not like to live in unlivable places; they are there, in substantial proportion, against their will. A Gallup poll in 1966 showed that 56 per cent of Americans would choose a rural life, if they were free to choose, only 18 per cent a city and 25 per cent a suburb.

FRUSTRATED FREEMAN

Over the last decade, only one leading figure in public life has made it his mission to sound the alarm on the question of population distribution policy. That was the recent Secretary of Agriculture, Orville L. Freeman. For the whole of his eight years in office, he led a personal crusade for what he initially called "rural areas development" and later came to call "rural-urban balance."

Before a House subcommittee in 1967, he said, "I say it is folly to stack up three-quarters of our people in the suffocating steel and concrete storage bins of the city while a figurative handful of our fellow citizens rattle tapped resources and empty dreams." And then he got carried away: "The whiplash of economic necessity which today relentlessly drives desperate people into our huge cities must be lifted from the bleeding back of rural America."

Freeman's metaphors could be excused; no one listened to all his years of sober pleas and reasoned argument. True, President Johnson gave him moral support and himself made a speech or two on rural development and sent Congress some minor measures, but the subject remained low on the President's priority list.

As for the congressional committees on agriculture, which might have been expected to take some leadership, Freeman could not even get them to set up active subcommittees to consider rural development.

The nation's intellectual community, insofar as it was aware of the Freeman thesis, treated it with a disdain that blended into outright hostility. A composite view of the urban intelligentsia toward rural America can be portrayed, with a touch of caricature, something like this:

Culturally, the cities have a monopoly, and have had since the Age of Pericles. Urban means urbane; rural means rustic. The theater, the concert hall, the museum are exclusively urban institutions; the countryside cannot produce the higher culture, and those who insist on living there are, by definition, both culturally unrefined and, what is worse, content to remain so.

Economically, rural America is destined for decay; the economic forces that built the cities are too powerful to be reversed, even if it were desirable to do so. Freeman's "back to the farm" movement (which, for the record, is not what it was) is romantic nonsense that flies in the face of every economic reality.

Sociologically, rural America is a backwater populated by misshapen characters out of Faulkner, given to choosing as their leaders men like George Wallace and Lester Maddox and to hunting down civil rights workers and interring them on the banks of the Tallahoga River. Politically, it is time that rural America got its comeuppance; the farmers have been exploiting the cities far too long through outrageous programs that pay them enormous subsidies to cut production while the urban poor—and the rural poor as well—go hungry.

Let the land-grant colleges—the "cow colleges," that is—worry about the Podunks and the hicks and hayseeds who live there; we are an urban nation now.

INTELLECTUALS RECONSIDERING

This picture of the rural areas is not, unfortunately, wholly unrelated to reality. The fact is that the rural areas of the country are disadvantaged in many ways: they are culturally isolated (although their isolation has been drastically reduced by television and good roads); they have declined economically; their governmental and social institutions are often primitive and backward; racial exploitation is rife.

But the cities are not all that superior. There is truth, too, in Freeman's counterportrait of big cities as places of "congestion and confusion, crime and chaos, polluted air and dirty water, overcrowded schools and jobless ghettos, racial unrest . . . and riots in the streets."

But there are signs now that the intellectual world may at last be rediscovering rural and small town America and looking with fresh eyes upon the problem of rural-urban balance. Like so many other trends of current history, this one was set in motion in August, 1965—in Watts.

The analysts of that explosion, and those which followed, suddenly discovered that the problems they called urban had rural roots. "We're being overwhelmed!" cried the urbanists. "Stop the migration. Get these people off our backs!"

So the rural and the urban interest may have converged, finally, and it is out of such convergence that effective political coalitions are born and problems attain their place on the national agenda. The prospects for such a coalition are expressed most sharply in, of all places, the 1968 Republican platform.

"Success with urban problems requires acceleration of rural development in order to stem the flow of people from the countryside to the city," reads the GOP's plank. The language is not without irony for the party of small town America and the party that enacted the Homestead Act. The subject is treated under the heading "Crisis in the Cities"; rural development should be accelerated because the problems of the big cities, where the Democrats live, must be solved.

The leadership for a rural development coalition, also ironically, will have to come from those very cities. Groups with names like the Urban Coalition, the Urban Institute and the Urban League will have to assume the burden of worrying about rural America because there is no rural coalition, no rural institute, no rural league.

Nobody has ever organized to speak for rural and small town people in the nation's councils as the United States Conference of Mayors, say, and the Urban Coalition speak for city people. Farm groups exist, to be sure, but their interest is the economic interest of farmers as producers, and most rural Americans—whatever the definition of the word "rural"—are not farmers but small town and small city dwellers. And they are not organized at all.

When rural America is saved, it is clear, it will be for the wrong reasons and under the wrong leadership. But that is better than not being saved at all.

We can begin by defining one objective—to bring to a halt, as nearly as possible, all involuntary migration. The purpose of governmental policy, then, would be to permit people to live and work where they want to live and work; if they prefer to move to the big city, well and good, but if they want to remain where they are, the objective should be to bring the jobs to them.

The proposal will be confronted at once by the objection that some rural areas are too remote, too backward to be salvageable in any circumstances—that no matter how much they are subsidized, they are beyond the reach of economic opportunity. I hide behind the qualifying phrase; forced migration should be brought "as nearly as possible" to a halt, and where a rural community lies beyond the possibility of redevelopment (the Appalachian "head of the hollow" communities come to mind) then it is by definition impossible to help.

However, the number of people living in such communities is far smaller than is usually believed, if one understands that the jobs to be provided need only be *near*, not *at*, the community concerned. Commutation is a fact of life in this automobile age in rural areas as well as on Long Island, and rural people commonly travel daily to jobs within a radius of 25 to 50 miles. Circles with 25-mile radii drawn around small cities that have a proven economic potential—proven by the fact that they are growing now—cover the vast majority of the country's rural population east of the high plains, and if the circles are extended to 50-mile radii, they blanket almost the whole country but for a few sparsely settled sections of the western mountains and the plains.

A population distribution policy, then, would seek to encourage an accelerated rate of growth in the smaller natural economic centers of the country's less densely populated regions. To effectuate such a policy, the present approaches would have to be extended in both breadth and depth.

First, they would need to be expanded beyond Appalachia and the other presently recognized redevelopment areas to cover all areas that are sources of out-migration. Second, they would need to be greatly improved in potency so that they have a decisive impact upon the migration stream.

Present federal programs are limited to public investment—roads, hospitals, vocational training schools and so on—to strengthen the "infrastructure" of the nonmetropolitan areas, and loans and loan guarantees to encourage private investment. To these would have to be added the policy instrument of tax incentives that has proved so effective in stimulating and channeling investment both for war production and for peacetime economic growth. If an extra investment tax credit were available for defined types of new industry located in the places where the national population distribution policy called for it to be located, then jobs would be created where the people are rather than in places to which they have to migrate.

WRITING THE LANGUAGE

The rub will come, of course, when Congress begins to write the language defining exactly the places eligible for benefits. Growth centers that serve areas of out-migration would have to be included among the beneficiaries even though the centers themselves were areas of in-migration. But only up to a certain point. A cutoff population figure would have to be established at the point where a growth center is considered to have grown large enough, or at least to be able to attain its further growth under its own power.

But given the old-fashioned booster psychology that still conditions the thinking of the leadership of even the largest cities, Congress will find it difficult to designate any area, even the New York City area, as one that is destined—if national policy can bring it about—to stop growing. To most community influentials, bigger and bigger still mean greater and greater and richer and richer. A population distribution policy may therefore ultimately have to await a major shift in the national psychology.

CBS NEWS EXAMINES "THE ENVIRONMENT CRUSADE" FEBRUARY 24; TAKES A LOOK AT AMERICA'S GROWING AWARENESS OF DANGERS AND WHAT THE ADMINISTRATION IS DOING TO CURB POLLUTION

"The Environment Crusade," a look at the growing awareness among America's youth of the dangers of environmental pollution and an examination of what the Nixon Administration is doing to combat pollution, will be broadcast as a CBS News Special Report *Tuesday, Feb. 24* (10:00–10:30 PM, EST in some areas; 10:30–11:00 PM, EST in others) in color on the CBS Television Network.

CBS News Correspondent Walter Cronkite will anchor the broadcast. Correspondents Roger Mudd and David Culhane will be the reporters. Ernest Leiser is executive producer of "The Environment Crusade."

"There is no question but what young people today have suddenly become aware of pollution of this planet which they will inherit," says Leiser. "And President Nixon also has recently indicated his concern. That leaves two questions which the broadcast will attempt to answer: one, is this just another passing fad among young people, to be dropped next season for another 'cause'? And two, is there a discrepancy between what the Administration says about pollution and what it does?"

The broadcast will report student preparations for April 22, designated by them as "Earth Day," a day of protest and "teach-ins" against pollution. Ecologists Barry Commoner and Paul Ehrlich, author of "The Population Bomb," will comment on the future if pollution is not curbed.

Russell Train, newly appointed chairman of the President's Council on Environmental Quality, and Senators Gaylord Nelson (D., Wis.) and Edmund Muskie (D., Me.) are among those who will also be interviewed on the broadcast.

Bernard Birnbaum and Philip Scheffler are producers of "The Environment Crusade."

CBS EVENING NEWS WITH WALTER CRONKITE

CRONKITE. The symbol you see behind me—the world in our hand—will become increasingly familiar on this program in coming months. For beginning tonight, and perhaps continuing as long as we have the air to breathe, we are going to report regularly

here the greatest battle man has ever waged, a true battle for survival, the battle—to put it crudely, but accurately—to keep our heads above the rising tide of our own garbage.

The stakes in this battle are far greater than any other we have ever fought. To lose this one is to lose the planet earth, and as of this moment, we are losing—decisively.

Like all battles in progress, the action is confusing. Our hope with this series is to clear up some of the confusion. Certainly we have a right to our confusion; the scientists themselves disagree on the schedule of disaster. Each specialist counts the time to his own special catastrophe. But we found not one scientist who disagreed that some disaster portends, and generalist Lamont Cole, one of the earliest voices crying in this wilderness, drew up for producer Ron Bonn a whole range of ugly possibilities.

COLE. I would be very surprised if there is not a worldwide food crisis within the next ten to 15 years. But the sad thing here is that we could make the earth uninhabitable and not realize it for perhaps 25 or 30 years. We could have released some chemical that could poison the marine vital plankton, which would mean that we would eventually start running out of oxygen, or we could be doing so much genetic damage to the human population that a few generations hence the offspring won't be viable, and in neither case would we know that we'd done this until long after it was too late to turn back.

BONN. It could already have happened?

COLE. It could already have happened.

CRONKITE. In this first report, we will try to suggest, at least, the enormous scope of the pollution problem alone, and the still undreamed of difficulty of any significant cleanup.

Every year in America, our power plants pour into our skies more than 800 million tons—that's tons—of carbon dioxide.

In those reports you'll hear from scientists who suspect that carbon dioxide can turn the planet into a kind of greenhouse, sealing in heat so that temperatures gradually rise, until the polar icecaps melt and our pleasant lands vanish beneath a new deluge.

Yet at the same time we are pouring out ground-up solids—in other words, dust—at the rate of almost ten million tons a year. You will hear from meteorologists who fear that the dust already is filtering out too much sunlight, so that the world's temperature has already started down, toward a new ice age.

We'll see this frightening pattern again and again—a science so far behind technology that it can't even predict which of two opposite catastrophes will occur. Yet our society, obsessed with short term gains and gross national product, continues on course—all of us comfortably assuming, like Mr. Micawber, that something will turn up.

In this country alone we pour more than 22 million tons of sulfur dioxide into our skies each year. Sulfur dioxide combines in the atmosphere to form sulfuric acid. Now, a major component of living things is sugar. Here is what happens when you pour sulfuric acid on sugar.

Every year in America we add 100 million tons of carbon monoxide to the air we breathe. Carbon monoxide is deadly poison.

The grand total, the best current estimate for all the junk we Americans throw away each year into our water, our land, and our sky: two and a half billion tons of pollution.

The answer seems easy and obvious: let's clean up. But there is one central lesson in this present crisis of crises: if an answer looks obvious, and especially if it looks easy, then it is wrong. Consider the automobile. It's become almost the symbol of our triumphant technological society, and it's the number one source of air pollution in the world today. Now at last, under growing pressure, the industry has begun to clean up its own product. Every year the new cars pump out less pollution than the year before. Yet every year we Americans add almost three million more cars and trucks to the 90 million now on the road. So that sometime—estimates range between 1975 and 1990—total air pollution will start going up again, just from sheer masses of low pollution vehicles. One easy, obvious answer: switch to electric cars; they emit no pollution. But then we find that batteries are made of lead, and there isn't enough lead left in the world to power all the cars in this country alone. We know how to make batteries of other metals, but there's not enough of them either. Then we would discover that just to charge the batteries to run all the cars in America, we'd have to double our coal-burning power plants, which are already our number two air polluter, second only to the automobile.

None of this means that answers don't exist; we'll be exploring answers in this series. But it does mean that the answers are far more difficult, in some cases positively agonizing, than any of us yet dreams. And the answers are going to affect not just government, not just industry, but every one of us in some of our most cherished comforts, ideas and beliefs.

To assemble this series of reports, we have been talking with a good many people, some of the most brilliant and most troubled people this reporter has ever encountered. In coming months you will come to know them well. Perhaps we can end this report by hearing briefly some of their ideas.

ATHELSTAN SPILHAUS. I think one of the great errors that's made is in having a man who's in charge of air pollution, a man who's in charge of water pollution, a man who's in charge of solid wastes. The solid waste man will burn his stuff, put a horrible smoke into the air, and say well, that's not my business, that's the air pollution guy's business. And then the air pollution fellow will wash out the stuff in a chimney and discharge it into a river, and that's not his business, that's the water pollution man's business.

RENE DUBOS. If we continue destroying the natural environment, which is really part of human life, we will thereby destroy any chance that we can continue to express those qualities that have made human civilization. We will survive as animals, but not as human beings that have created civilization out of the splendor of the earth.

GEORGE WALD. There is no other place in the solar system for us, and I think we must be aware of that and not be fooled into thinking anything else. And, as I think my friend Louis Mumford said so well, there's nothing in the remainder of the solar system as precious as one acre of the earth. We'd better take good care of that acre.

CRONKITE. And that's the way it is, Monday, February 23rd, 1970. This is Walter Cronkite. Good night.

CBS EVENING NEWS WITH WALTER CRONKITE (EXCERPTS)

SEVAREID. At the time of that giant leap for mankind last summer, the popular reaction was that if we can so magnificently do something so complicated as reaching the moon, then we ought to be able to clean up our environment and make our small space on earth fit for human habitation. But reaching the moon is a far simpler operation, for one reason: there are no people between earth and moon.

Here on earth the problem that people face is people. Destruction of our living space is directly connected with the creation of more human lives. The greatest threat to the human race is its instinct for perpetuating itself.

When the Secretary of Health, Education and Welfare spoke to an environment meeting here the other day, he suggested that government might have to offer "distincentives" to keep families small. And today Senator Packwood of Oregon introduced, or announced, rather, a bill that would forbid a taxpayer to claim tax exemption for more than three children.

That's a distincentive. There could be direct incentives to accomplish the same end. One idea is to provide a direct payment of, say, $500 to families in low income brackets for each year they do not have a child, and to grant the same amount in tax relief to higher income families who don't have a child during the year.

A good many such proposals are on the way and will produce serious debate. Two things are beginning to dawn on many people of potential influence: one, that we can't diminish the poisoning of the earth's waters and air and the various associated malfunctionings of life unless we diminish the birth rate sharply; and two, that voluntary birth control, without the prod of direct economic incentives or disincentives is not going to diminish the rate sufficiently. Some people, looking far ahead, foresee the day of not only free and legal abortions, but compulsory sterilization as these things get truly desperate. The more immediate stage will be these financial devices.

Other peoples in the world, even those more desperately crowded, see the American problem in a different light. They see that with only six percent of the world's population, America consumes 35 percent of the raw materials produced every year on the entire globe. In terms of raw materials, food, power, living space, and general stuff, each American baby is a threat to the world's liveability some 50 times bigger than each baby born in India.

At times most of us have probably felt an impulsive wish to isolate this country from the rest of the world and its troubles, but the rest of the world can't isolate itself from us and our effects upon the world.

CBS EVENING NEWS WITH WALTER CRONKITE

CRONKITE. In our first background report on Man and His Environment, we looked at the glamour problem, the first really "in" crisis of the '70s—catastrophic pollution. CBS NEWS, in a special broadcast later tonight, will examine pollution as a political issue, and the crusade it has generated among the young.

But pollution, in fact, is a symptom. The illness itself is so basic, so wrapped in man's deepest nature and inmost beliefs, that until not too long ago, you couldn't even discuss it.

RENE DUBOS. The population cannot continue to grow. It should not; it cannot. There will be disasters.

GEORGE WALD. There is no other way out. We're not being asked to start controlling the population; we're being told. We have to. The whole human enterprise, the whole human race, is threatened as never before.

CRONKITE. For most of man's two million years on earth, our history looked like that of any other species—a high birth rate, a high death rate, combining for a very slow expansion of population. Not until about the year 1830 were there a billion people on earth. But that slight upturn, starting around the end of the 18th century, became one of the most remarkable events in the history of life—the medical revolution. As science kept more and more of us alive longer and longer,

we reached our second billion in just 100 years, our third in 30 years. Today, human population is shooting up almost at right angles, so that by the year 2,000 there will be twice as many of us on earth as there are today, seven and a half billion people, with another billion every five years.

WALD. Really, what we must try to achieve is not a condition in which we're feeding as many people as possible on the surface of the earth, but producing that population that can best fulfill, exploit, realize human potentiality. It's an optimum population we're after, and from that point of view, the point of view of the quality of human life rather than the quantity, we probably already have an overpopulated world.

DUBOS. We will not control anything at all if the population continues to increase, and if the population here, the American population, is more guilty than any other, continues to demand or to be convinced to have ways of life that are really incompatible with a decent environment.

CRONKITE. You may have wondered, as we did at first, why this continuing insistance that saving the planet is overwhelmingly an American problem. Our population growth is barely one percent a year. Some parts of the world are exploding at seven times that. Only one of every 18 people alive today is an American. And yet, with just six percent of the world's population, we consume between 35 and 50 percent of the world's resources, and we create just about one half of the world's pollution. In fact, America's very success has become a planetary menace second only, perhaps, to nuclear war.

WALD. And I think what we're forced to realize is that it's hard to tackle now any of our major problems without coupling it with population control, that unless we control population, we're defeated in everything else we try to do—the pollution, the housing, the education, the nutrition, all, all, all, all, all the problems that confront us most seriously. Each one of them depends on controlling the population.

CRONKITE. There's one further reason why ours may be the last generation that can begin to save the future. Already today, by some estimates, one half of the world is undernourished. Ten or twenty million people starve to death each year. But the danger is from those who live. It's now clear that some forms of malnutrition in the unborn child and the infant can permanently impair development of the brain. In effect, the human race is frantically producing more and more people of lower and lower intelligence when what is needed is fewer people of even keener intellect than our own. Today, some of our best minds are doing some unpleasant thinking.

WALD. The principal way in which population is being held down at present is through infant mortality. That's the principal force that's limiting population in the world today. And that infant mortality is the product of war, famine, disease, poverty. What we're doing now is turning the Four Horsemen of the Apocalypse loose on the children of the earth. I cannot look on that as an ideal condition. And what I'm asking seems to me ever so much more humane, and it's precisely for reasons of humanity that I think we have to institute universally available birth control and abortion as rapidly as we can.

CRONKITE. Then are we, with what may be the last, best generation of brain power on earth, are we now ready to begin coping with, or even thinking about, the unthinkable? The indications are not promising. The present Congress is conceded virtually no chance of any meaningful action on the population explosion. President Nixon, in his environment message, states his belief that pollution is not the "inevitable by-product" of growing population—a view we find shared by virtually no experts outside the Administration.

In preparing this report, we asked a number of those population experts, in and out of government, where in all the world we could take our cameras to study an effective, broad-scale program of population control. The answer: there is no such place.

And that's the way it is, Tuesday, February 24th, 1970. This is Walter Cronkite. Good night.

DIMENSION—WITH CBS NEWS CORRESPONDENT WALTER CRONKITE

In a moment, a look at a monsterous problem—population control—and a first attempt to legislate a solution in the United States.

Toward the start of the industrial revolution, the gloomy English economist Robert Malthus, warned us that the world resources were limited—that our growing population would eventually outstrip them—that war, famine, and disease would be the result—nature's way of regaining its balance with mankind. Later on, it became the fashion to dismiss Malthus as no more than an interesting expression of a particular pessimistic period in history. Modern technology, it was felt had infinited *expanded* the resources available to mankind—and could sustain humanity no matter how large its number. But now, the argument has taken another twist—and the weight of the authority today is that old Malthus really *had* something, after all. For one thing, the world population continues to expand—not in arithmetic but in geometric proportions. By the year 2000 it is estimated, the population of the world should be between 6 and 8 billion—and still growing, at the rate of another billion every 5 years.

As the population grows at such startling rates, we are failing to feed it. Perhaps half the world is under-nourished. 10 to 20 million people starve to death each year. Some of this is the fault of mal-distribution. The United States, for example, produces about 11,000 calories of basic food per day for each citizen while only 2,000 to 2,500 calories are needed to meet nutritional standards. But even with better distribution to sustain the world population by the year 2000, its food output probably will have to be doubled. Many authorities doubt this can be done.

Even if it *could*, it might be achieved at tremendous costs to our ecology—at best, ruining the quality of our lives; at worst, threatening our very survival.

Controlling United States population is a key question to the ecologist. The United States has less than 6% of the world's population—but it produces half the world's pollution by virtue of its prodigious consumption. New Americans make a much greater demand on the environment than, say, new Indians.

In line with such thinking, Oregon Senator Robert Packwood has introduced a new bill—providing economic incentives for smaller U.S. families. Starting with children born in 1973, a federal taxpayer could deduct $1,000 each year for his first child—$750 for the second—$500 for the third but nothing for any others.

So far as we can ascertain, the Packwood Bill has fallen on deaf ears. There appears to be absolutely no response from his fellow legislators on the bill—and no chance of any action on the bill, at least in the immediate future.

This non-response is paradoxical, given the current furor over pollution, for the pollution and population problems are inextricably mixed.

The Packwood proposal may not be the answer—but ultimately, something must be done to check the population explosion—otherwise all the massive action we're planning against pollution will inevitably come to naught.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. ALLEN in the chair). The Chair, on behalf of the Vice President, appoints Senator CHARLES H. PERCY to attend the Interparliamentary Union meeting, to be held at Monaco, March 30–April 4, 1970, in lieu of Senator CHARLES McC. MATHIAS.

ORDER TO PRINT H.R. 14465 AS PASSED BY THE SENATE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 14465, the Airport Extension Act, be printed as it passed the Senate.

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

ORDER OF BUSINESS

The PRESIDING OFFICER. At this time, in accordance with the previous order, the Chair recognizes the Senator from Nebraska (Mr. CURTIS) for not to exceed 30 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. CURTIS. I yield.

ORDER FOR RECOGNITION OF SENATOR MANSFIELD

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the completion of the address by the able Senator from Nebraska (Mr. CURTIS), the able majority leader, the Senator from Montana (Mr. MANSFIELD), be recognized for not to exceed 15 minutes, prior to the Senate's taking up the transaction of routine morning business today.

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

POPULAR ELECTION OF THE PRESIDENT OF THE UNITED STATES

Mr. CURTIS. Mr. President, the Senate of the United States may soon be called upon to make an important and far-reaching decision on how we should elect the President of the United States. Before I discuss the details of this, I should like to make two observations.

The first is that the American system has worked very well for a long time. Never in this country have we ended up settling an election contest with bullets. I might also point out that the list of Presidents from the beginning of our Republic to the present day is made up of individuals who, from the standpoint of character, honesty, knowledge, and dedication to their country, stand far above the list of rulers of any other country on

earth for any similar period of time. There is no way that by revolutionary changes and by junking what we have we can reach perfection.

The second observation I should like to make is that we can make some corrections in our electoral voting system that meet the problems of our time without throwing out our basic and historical system of choosing the President.

The electoral voting system is not difficult to understand. There are advocates of the direct election of the President who claim that the electoral system is difficult to understand. I regard that as an argument of convenience more than an argument of fact.

Under the electoral voting system, we choose a President by action through the States. This not only has a sound basis historically, but also is a sound method in our present day and in the foreseeable future. Each State is entitled to as many electoral votes as it has Congressmen and Senators. By the 23d amendment to the Constitution the District of Columbia was given three electoral votes. This makes a total of 538 electoral votes for all the States and the District of Columbia. It requires 270 electoral votes for a majority. In the last election, President Nixon received 301.

Mr. President, perhaps no American has followed presidential elections in the last four elections more than the distinguished and able writer, Theodore H. White. He recently published an article entitled "Direct Elections: an invitation to national chaos." Let us see what he has to say.

> Last September, in a triumph of noble purpose over common sense, the House passed and has sent to the Senate a proposal to abolish the Federal System.
>
> It is not called that, of course. Put forth as an amendment to the Constitution, the new scheme offers a supposedly better way of electing Presidents. Advanced with the delusive rhetoric of vox populi, vox Dei, it not only wipes ou the obsolete Electoral College but abolishes the sovereign states as voting units. In the name of The People, it proposes that a giant plebiscite pour all 70,000,000 American votes into a single pool whose winner—whether by 5,000 or 5,000,000—is hailed as National Chief.

I agree emphatically with Mr. White's assertion that the direct election of the President would wipe out the sovereign States as voting units. I would like to raise the question—If the sovereign States are wiped out as voting units, will this not tend to lessen generally the powers of responsibilities of State and local governments? What is wrong with having a government close to the people? What is wrong in having the American people live under a system where they have the maximum amount of local self-government?

We are a union of sovereign States. Human liberty and genuine self-government can thrive best when we vest the maximum amount of power and authority in State and local governments. Our States are important. The States deal with the immediate problems facing our citizens. We should continue to elect our President through State action.

When the individual is born, his birth is recorded pursuant to State law. The attending doctor is licensed by the States. The house that an individual lives in and the nearby streets and highways are located and built pursuant to State law administered by the various subdivisions of the State. The basic responsibility for the individual's education rests with the States and its subdivisions.

When an individual acquires property, the deed to his lot or to his farm is drawn in accordance with State law. It is recorded in the local courthouse, which is a subdivision of the State. An individual enters one of the professions after meeting State requirements. Protection of the citizen from fire or violence is largely a State responsibility. The States and their subdivisions deal with the peculiar problems of a given locality. Decisions made by officials of State and local governments are usually decisions made by people who have on-the-spot knowledge and information. Most citizens can get to know the individual who represents them in the State legislature. They can reach their legislator with a minimum of travel. Self-government and good government as a matter of necessity must consist of the maximum authority and responsibility resting in local government. To make States and State boundaries insignificant in the selection of a President would hinder rather than help the cause of good government.

Any theoretical arguments that I might advance in favor of reform instead of abolition of the electoral voting system may not be persuasive but there are additional facts. I doubt very much if a proposal to abolish the electoral voting system and provide for the direct election of the President of the United States can either pass the U.S. Senate or can be ratified by a sufficient number of the States. For instance, based upon the last presidential election, my own State of Nebraska had ninety-two one-hundredths of 1 percent of the electoral vote. If a change were made to the direct election of the President, based upon the 1968 figures, Nebraska would have only seventy-three one-hundredths of 1 percent of the total popular vote. This was arrived at by ascertaining the percent of the total vote for all candidates for President cast by voters in Nebraska compared with the national total of all votes cast for President. In other words, Nebraska's proportionate voting power in choosing a President would be reduced by 20 percent.

Let us take the case of New Hampshire. In 1968 New Hampshire had seventy-four one-hundredths of 1 percent of the total electoral vote, but they had only forty one-hundredths of 1 percent of the total popular vote.

In the last election the weight of the electoral vote for the District of Columbia amounted to fifty-five one-hundredths of 1 percent of the total electoral vote. But if the election had been determined by a popular election, the weight of the vote for the District of Columbia would have been only twenty-three one-hundredths of 1 percent of the total vote.

The States that would be adversely affected by the direct popular election of the President are: Alabama, Alaska, Arizona, Arkansas Colorado, Delaware, District of Columbia, Georgia, Hawaii, Idaho, Iowa, Kansas.

Kentucky, Louisiana, Maine, Maryland, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota.

Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, Wyoming.

I ask unanimous consent to have printed in the RECORD a table illustrating this, which was prepared by the Library of Congress.

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

1960 AND 1968 PRESIDENTIAL ELECTIONS

	Total electoral votes, 1960	Total electoral votes, 1968	Total percentage of electoral vote, 1960	Total percentage of electoral vote, 1968	Total percentage of total popular vote, 1960	Total percentage of total popular vote, 1968
Alabama	11	10	2.04	1.85	0.82	1.42
Alaska	3	3	.55	.55	.08	.11
Arizona	4	5	.74	.92	.57	.66
Arkansas	8	6	1.48	1.11	.62	.83
California	32	40	5.95	7.43	9.45	9.90
Colorado	6	6	1.11	1.11	1.06	1.10
Connecticut	8	8	1.48	1.48	1.77	1.71
Delaware	3	3	.55	.55	.28	.29
District of Columbia		3		.55		.23
Florida	10	14	1.86	2.60	2.24	2.98
Georgia	12	12	2.23	2.23	1.06	1.68
Hawaii	3	4	.55	.74	.26	.32
Idaho	4	4	.74	.74	.43	.39
Illinois	27	26	5.02	4.83	6.91	6.21
Indiana	13	13	2.42	2.41	3.10	2.90
Iowa	10	9	1.86	1.67	1.85	1.59
Kansas	8	7	1.48	1.30	1.34	1.19
Kentucky	10	9	1.86	1.67	1.63	1.44
Louisiana	10	10	1.86	1.85	1.77	1.49
Maine	5	4	.93	.74	.61	.53
Maryland	9	10	1.67	1.85	1.53	1.68
Massachusetts	16	14	2.97	2.60	3.58	3.18
Michigan	26	21	3.72	3.90	4.82	4.51
Minnesota	11	10	2.04	1.85	2.23	2.17
Mississipp	8	7	1.48	1.30	.43	.89
Missouri	13	12	2.42	2.23	2.81	2.47
Montana	4	4	.74	.74	.40	.37
Nebraska	6	5	1.11	.92	.89	.73
Nevada	3	3	.55	.55	.15	.21
New Hampshire	4	4	.74	.74	.42	.40
New Jersey	16	17	2.97	3.15	4.02	3.92
New Mexico	4	4	.74	.74	.45	.44
New York	45	43	8.37	7.99	10.72	9.27
North Carolina	14	13	2.60	2.41	1.98	2.16

1960 AND 1968 PRESIDENTIAL ELECTIONS—Continued

	Total electoral votes, 1960	Total electoral votes, 1968	Total percentage of electoral vote, 1960	Total percentage of electoral vote, 1968	Total percentage of total popular vote, 1960	Total percentage of total popular vote, 1968
North Dakota	4	4	0.74	0.74	0.40	0.33
Ohio	25	26	4.65	4.83	6.04	5.41
Oklahoma	8	8	1.48	1.48	1.81	1.29
Oregon	6	6	1.11	1.11	1.12	1.12
Pennsylvania	32	29	5.95	5.39	7.27	6.48
Rhode Island	4	4	.74	.74	.58	.52
South Carolina	8	8	1.48	1.40	.56	.91
South Dakota	4	4	.74	.74	.44	.38
Tennessee	11	11	2.04	2.04	1.52	1.70
Texas	24	25	4.46	4.64	3.85	4.20
Utah	4	4	0.74	0.74	0.54	0.57
Vermont	3	3	.55	+.55	.24	.22
Virginia	12	12	2.23	2.23	1.12	1.85
Washington	9	9	1.67	1.67	1.30	1.78
West Virginia	8	7	1.48	1.30	1.21	1.03
Wisconsin	12	12	2.23	2.23	2.51	2.31
Wyoming	3	3	.55	.55	.20	.17
Total	537	538				

Mr. CURTIS. Mr. President, I do not believe that the Senators from those States which would be adversely affected will vote for a direct election of the President of the United States. I do not think they should. I do not believe any of us has a mandate to partially disenfranchise our State. For the same reasons, I do not think that an amendment providing for the direct election of the President would be ratified by three-fourths of the States, neither do I think it should be.

Mr. President, I would now like to read the balance of Mr. White's article:

American elections are a naked transaction in power—a cruel, brawling year-long adventure swept by profound passion and prejudice. Quite naturally, therefore, Constitution and tradition have tried to limit the sweep of passions, packaging the raw votes within each state, weighting each state's electoral vote proportionately to population, letting each make its own rules and police its own polls.

The new theory holds that an instantaneous direct cascade of votes offers citizens a more responsible choice of leadership—and it is only when one tests high-minded theory against reality that it becomes nightmare.

Since the essence of the proposal is a change in the way votes are counted, the first test must be a hard look at vote-counting as it actually operates. Over most of the United States votes are cast and counted honestly. No one anymore can steal an election that is not close to begin with, and in the past generation vote fraud has diminished dramatically.

Still, anyone who trusts the precise count in Gary, Ind.; Cook County, Ill.; Duval County, Texas; Suffolk County, Mass.; or in half a *dozen* border and Southern states is out of touch with political reality. Under the present electoral system, however, crooks in such areas are limited to toying with the electoral vote of one state only; and then only when margins are exceptionally tight. Even then, when the dial riggers, ballot stuffers, late counters and recounters are stimulated to play election-night poker with the results, their art is balanced by crooks of the other party playing the same game.

John F. Kennedy won in 1960 by the tissue-thin margin of 118,550—less than 1/5 of one percent of the national total—in an election stained with outright fraud in at least three states. No one challenged his victory, however, because the big national decision had been made by electoral votes of honest-count states, sealed off from contamination by fraud elsewhere—and because scandal could as well be charged to Republicans as to Democrats. But if, henceforth, all the raw votes from Hawaii to Maine are funneled into one vast pool, and popular results are as close as 1960 and 1968, the pressure to cheat or call recounts must penetrate everywhere—for any vote stolen anywhere in the Union pressures politicians thousands of miles away to balance or protest it. Twice in the past decade, the new proposal would have brought America to chaos. To enforce honest vote-counting in all the nation's 170,000 precincts, national policing becomes necessary. So, too, do uniform federal laws on voter qualifications. New laws, for example, will have to forbid any state from increasing its share of the total by enfranchising youngsters of 18 (as Kentucky and Georgia do now) while most others limit voting to those over 21. Residence requirements, too, must be made uniform in all states. The centralization required breaches all American tradition.

Reality forces candidates today to plan campaigns on many levels, choosing groups and regions to which they must appeal, importantly educating themselves on local issues in states they seek to carry. "But if states are abolished as voting units, TV becomes absolutely dominant. Campaign strategy changes from delicately assembling a winning coalition of states and becomes a media effort to capture the largest share of the national "vote market." Instead of courting regional party leaders by compromise, candidates will rely on media masters. Issues will be shaped in national TV studios, and the heaviest swat will go to the candidate who raises the most money to buy the best time and most "creative" TV talent.

The most ominous domestic reality today is race confrontation. Black votes count today because blacks vote chiefly in big-city states where they make the margin of difference. No candidate seeking New York's 43 electoral votes, Pennsylvania's 29, Illinois' 26 can avoid courting the black vote that may swing those states. If states are abolished as voting units, the chief political leverage of Negroes is also abolished. Whenever a race issue has been settled by plebiscite—from California's Proposition 14 (on Open Housing) in 1964 to New York's Police Review Board in 1966—the plebiscite vote has put the blacks down. Yet a paradox of the new rhetoric is that Southern conservatives, who have most to gain by the new proposal, oppose it, while Northern liberals, who have most to lose, support it because it is hallowed in the name of The People.

What is wrong in the old system is not state-by-state voting. What is wrong is the anachronistic Electoral College and the mischief anonymous "electors" can perpetrate in the wake of a close election. Even more dangerous is the provision that lets the House, if no candidate has an electoral majority, choose the President by the undemocratic unit rule—one state, one vote. These dangers can be eliminated simply by an amendment which abolishes the Electoral College but retains the electoral vote by each state and which, next, provides that in an election where there is no electoral majority, senators and congressmen, individually voting in joint session and hearing the voices of the people in their districts, will elect a President.

What is right about the old system is the sense of identity it gives Americans. As they march to the polls, Bay Staters should feel Massachusetts is speaking, Hoosiers should feel Indiana is speaking; blacks and other minorities should feel their votes count; so, too, should Southerners from Tidewater to the Gulf. The Federal System has worked superbly for almost two centuries. It can and should be speedily improved. But to reduce Americans to faceless digits on an enormous tote board, in a plebiscite swept by demagoguery, manipulated by TV, at the mercy of crooked counters—this is an absurdity for which goodwill and noble theory are no justification.

Mr. President, I believe that Mr. White has called the attention of the American people to a very serious threat. At the same time Mr. White has made some positive suggestions for correcting our electoral voting system. I think we are all agreed that it is not the "college" that is valuable or what we want to preserve. It is the electoral system of voting. We want to preserve the method of electing Presidents by States.

As a Senator who comes from a State which has a small portion of the population, I readily admit that our present system of counting the votes in Congress in case of a tie should be corrected. At the present time if no candidate for President gets a majority of the electoral vote the choice is made by the House of Representatives and each State has one vote. It is not necessary to argue that Alaska should not have an equal voice in deciding a tie in the House of Representatives with our heavily populated States such as California or New York. I agree with Mr. White that a correction should be made so that both the House of Representatives and the Senate meet in joint session and that each Representative in Congress and each Senator have one vote in deciding the tie. This maintains the Federal system. It maintains the historic balance between States and numbers of people.

I also believe that any new constitutional amendment advanced should be such that there is no chance that the electoral vote will be counted contrary to the way the people of State vote. We should not have a system in which electors have power to substitute their own views for the expressed views of the voters.

It seems to me that we might well

change our electoral voting system so that the electoral votes in a given State, which are based on the number of Representatives in Congress that a State has, be determined by congressional districts rather than at large. The electoral votes which represent the two Senators that each State has must continue to be determined by the total vote of a State.

At the present time a candidate for President must get a majority of the vote in a populous State or lose its entire electoral vote. This might place a temptation before candidates and political parties to declare for plans and programs not in the best interests of the entire United States, but necessary in order to reach a radical swing vote deemed necessary to carry the State. If, on the other hand, a populous State elects 30 or 40 or more electors by districts, the party and the candidate can strive to carry as many districts as possible and obtain a substantial number of electoral votes even though they do not carry the entire State. Such a procedure would not place the temptation before the candidate to make unwise or unrealistic promises for fear of losing the total electoral vote in a heavily populated States.

The election of presidential electors by districts would also encourage the two-party system. A candidate or a political party could realistically make a drive to carry a few congressional districts in a State where they had little chance of carrying the entire State because of past one-party control. It could well be an incentive for the building of a real two-party system for every State in the Union.

Mr. President, Mr. White's statement that direct election of the President of the United States is an invitation to national chaos is not an exaggeration. Why should we make such a revolutionary change when our present system has worked so well and so long? Why should we not be content with correcting our electoral voting system rather than junking it?

Already some people have advocated a direct primary as a means for the parties to choose their candidates for President. If such a thing would happen, will an unlimited number of candidates be allowed to place their name on a nationwide primary ballot? Or should the number be limited to five, 50, or 100? If there is a limitation, who will decide what names go on the ballot? Will the nominations go to the candidates with the greatest amount of money who can mount the most massive high-powered advertising campaign?

It is true that the nomination of candidates for President by direct primary is not before us. It will be before us if we make the tragic step of abolishing our electoral voting system and turn to the direct election of the President. We should oppose the direct election of the President because our present system gives the greater protection to individual citizens and to their liberties and in reality gives the greater weight to their expressed desire to whom should become President.

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

Mr. CURTIS. I am happy to yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, I would like to congratulate the distinguished Senator from Nebraska on this excellent analysis of the problems having to do with possible reform of our electoral college and reform of the method of choosing the President of the United States. Certainly I agree with the distinguished Senator in his conclusion that the direct election is not the proper route to go. I am impressed very much with his statement that the route of direct election of the President would be the beginning of the destruction of our Federal system, which has worked so well for this country for almost 200 years.

Has the distinguished Senator given thought to the provision in the proposal that will soon be before the Senate that permits a President by the direct election method to be chosen by a 40-percent plurality. Does the Senator think that provision is in the public interest?

Mr. CURTIS. Mr. President, I thank the distinguished Senator for his comment about my remarks.

As to the answer to the Senator's question, I do not like that 40-percent provision. I believe, however, it tends to obscure the real danger, which is the direct election of the President. It is my hope that those who advocate direct election of the President will recall their proposal, because if they insist on that proposal there will be no reform in electoral voting. That would be unfortunate because we should make at least two reforms: First, to provide that we do not have a system under which an elector could substitute his judgment for that of the people who voted a certain way and who are entitled to have the elector vote that way; and second, the matter of deciding ties. I think at the present time this cannot be justified. We should make some corrections there, but if there is an insistence upon an amendment to provide for the direct election of the President going to the States there will be no reform whatever.

I agree with the distinguished Senator on the 40-percent minimum. I have changed some of my own thinking on that point in recent months because I felt we must concentrate on the larger problem of the direct election system.

Mr. ALLEN. Is it not true that if there be fraud or corruption in the conduct of any election in any State, under the present system that fraud or corruption would be sealed off into the particular State involved, whereas, under the direct election system any fraud or corruption would apply to the whole body or pool of votes of the entire country?

Mr. CURTIS. Counting the votes by States, any corruption is quarantined, so to speak, and its effect limited to the wrong that might come in that particular State. If it is all put into one pool there would be corruption in that pool.

Mr. ALLEN. Mr. President, the Senator has made a great contribution to the debate on this subject. The fact that the Senator is opposed to the direct system but would favor some other type of reform, I believe, foretells the defeat of the amendment providing for the direct election because I believe that fully one-half of the Members of the Senate are opposed to the direct system but they would be unable to agree on any substitute plan.

For that reason, it seems likely to the junior Senator from Alabama that there will be no reform at this point. Does the Senator feel that that is a likelihood?

Mr. CURTIS. I do. There are 34 of the 50 States that would be adversely affected if we changed to the direct election of the President. I do not believe they have any such mandate from the people back home to lessen the power of their sovereign States in choosing the President.

Mr. ALLEN. The Senator's argument is that the voter in Nebraska wants to go to the polls feeling he is going to be a part of the Nebraska vote, and when the Nebraska vote is counted it will count for something because it will be represented in the electoral vote of the State of Nebraska. It will not be commingled with 75 million other votes, and will be identified with that single State.

Mr. CURTIS. When I cast my vote in Nebraska, it will not be buried under a tombstone in Chicago.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HART in the chair). Under the previous order, the Senator from Montana is recognized for 15 minutes.

LAOS

Mr. MANSFIELD. Mr. President, I take the floor of the Senate at this time because of the serious situation in Laos. I do so not to criticize, but, if possible, to be constructive, to be helpful, and to wave a warning flag about this area which might perhaps be helpful in preventing our becoming involved too deeply and in too costly a manner. When I speak of costly, I do not mean money alone, but total cost, including manpower.

Perhaps, the Pathet Lao and their North Vietnamese allies may stop the offensive on the Plain of Jars, short of the cities of Vientiane and Luang Prabang; that would be in the pattern of previous operations. Then again, they may push forward against these two capitals and press to the border of Thailand. Only time will indicate what plans and objectives may be involved. In any event, the question of the "nonwar" or the "secret-war" or "interlude war" in Laos cannot be avoided any longer.

Notwithstanding the Geneva accord of 1962, the North Vietnamese are deeply involved in this military situation. So, too, is the United States. Press reports indicate that the Thais may also be engaged. The involvement is so transparent on both sides as to make less than useless the effort to maintain the fiction of the accord or even to exchange charge and countercharge of violations. We are both in it—North Vietnamese and Americans—and we are in it up to our necks.

What disturbs me is that it is not only that both nations are forbidden by the Geneva agreement to use forces in Laos

but that the President has also made clear that he does not desire to see U.S. forces used in Laos. May I add that I have every confidence in the President's intentions. Yet the presence of American military advisers and others in Laos cannot be camouflaged any longer, notwithstanding the situation of the Symington hearings.

The military operations about which we know so much, and yet so little, seem to depend heavily on hill people from the Lao-Vietnamese border highlands. With these tribesmen, who are not Lao but Meo, there has been a close U.S. military or paramilitary, connection which predates the Geneva Accord of 1962. According to the press, the connection is still there.

In any event, neither the Meo nor the Lao regular armies have been able to hold back the combined North Vietnamese-Pathet Lao pressure. The result is that a further "Americanization" of the war in Laos has taken place which now seems to be matching the effort to "Vietnamize" the situation in South Vietnam. It has been estimated that American bombers make 500 or more sorties daily over Laos and that the United States is spending something on the order of $200 million to $300 million for aid to Laos.

It needs to be recalled at this time, therefore, that the full-scale U.S. involvement in Vietnam evolved from much smaller beginnings. First, it was a little more aid and a few more military advisers, then it was the supply of transportation, then air support, and then GI's.

I am sure that the President does not want that sequence to be repeated. The Defense Department has been at pains to gainsay it. In that respect, this President's intentions are not unlike those of his predecessor at the beginning of the Vietnamese involvement; the protestations of this Secretary of Defense also have a not unfamiliar ring. Nevertheless, a parallel can develop in Laos. Will we hear next what became the fateful rationale of the war in Vietnam? Will we hear next that a larger war is not up to us but up to them? Will we submerge in that rationale, once again, our responsibility to decide where and when in consideration of national interests we shall risk the lives of Americans? Will we affirm that fundamental responsibility or leave it to others who have no reason to use it for this Nation's well-being?

To be sure, there is no question that the North Vietnamese have ignored the Geneva accord of 1962 to which they are signatory. Does that compel us to take it upon ourselves to do the same? There are other signatories of the accord. Have the others immersed themselves in the war? Has the Soviet Union? The United Kingdom? France? Indeed, has China? How can a deepening involvement in Laos accord with the vital interests—and I use the word advisedly—of this Nation? Does it accord with the new Nixon doctrine—which I fully support—which propounds a reduction of our military enmeshment on the Southeast Asia mainland? Does it fit with the need for resources to meet the inner needs of this Nation?

The North Vietnamese have long since moved troops into the border areas of Northeastern Laos to guard the so-called Ho Chi Minh trails. These are the routes by means of which men and supplies move down into South Vietnam. By the same token, American planes have long since been bombing the trails. The bilateral violations of the Geneva accord in this case at least have been directly related to the war in Vietnam.

Of late, however, both Americans and North Vietnamese have expanded military activities further into Laos, in the region of the Plain of Jars. There is reported to be something on the order of 45,000 to 50,000 North Vietnamese now on the northern border of Laos. According to reports, not only has manpower increased but antiaircraft missiles have been implanted. On the part of the United States the bombing in Laos is reported to be heavier than it was in North Vietnam and that there could now be as many as 20,000 sorties a month.

In short, the war seems to be pouring out of South Vietnam through the Laotian panhandle into the rest of Laos and the rest of Indochina. Even Cambodia, which has sought wisely, behind the wall of neutrality, to hold back the jungle of war has felt, of late, the intensified pressure of this flow of destruction.

As in 1965, the events in Laos caution that the threat of a continuing inconclusive involvement in Southeast Asia remains unchanged. Indeed, it may be enlarging to embrace Laos. If the military seesaw goes down in Vietnam only to rise in Laos, our situation will not have improved; it will have worsened. In my judgment, only the utmost vigilance, on the part of the responsible officials of this Government, of the President, and the Senate in particular, and of the press will counteract this inevitable tendency.

Prince Souvanna Phouma has said that he was going to ask cochairmen of the Geneva accord, the United Kingdom and the Soviet Union, to call a meeting of all the signatories to put into effect the agreement of 1962. This renewed call is to be commended, and certainly it should be supported in every possible way. It would be my hope that all signatories to the Geneva accord would meet in an effort to restore a measure of stability to the situation in Laos. Moreover, the scope of any such meeting might be enlarged to include the situation in all of Southeast Asia, with the participation of other affected nations, such as Cambodia and Thailand.

If the United Kingdom and the Soviet Union, as cochairmen, would call this conference, it might be possible to draw still useful guidance from the Geneva agreements of 1954 which involved the three Indochinese States. As for Laos, the agreement of 1962 seems to me, still, to be valid. In retrospect, this agreement was never given a full opportunity to get off the ground. Negotiations in Paris or in Geneva but, in any event, at an authoritative level, seem to me still to offer the best prospect for a settlement which would enable the United States to withdraw completely from the present military involvement on the Southeast Asia mainland.

When that has come about, it would be my hope that, as one of the signatories outside of Southeast Asia, we would join with the others in bona fide multilateral guarantees of the neutrality of that region. In that manner the small nations of that part of the world might have an opportunity to develop in an independent manner—an opportunity which they have not known for centuries.

The time is short; the time is now to face up to the implications of this worsening situation in Laos. The danger of our over-extended commitment in Southeast Asia needs to be considered frankly and without delay. The fact is that the President and the Congress have still not corralled an open-ended military involvement in a part of the world which is not directly vital to our security, in a part of the world in which the involvement was a misfortune to begin with and every day of its continuance a tragedy.

Mr. GURNEY. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. Yes, indeed.

Mr. GURNEY. All of us here in the Senate certainly understand the genuine concern of the majority leader as to this whole affair in Southeast Asia, as I think it is the concern of all of us in the Senate, as well as the President and the executive branch of the Government.

However, in making his comments on Laos, it is not the suggestion of the distinguished majority leader that we cease all bombing of the Ho Chi Minh Trail in Laos; is it?

Mr. MANSFIELD. Unfortunately, as long as the war in South Vietnam continues, there is the continuation which the Senator is alluding to, which is tied directly to the war in Vietnam and has to do with the infiltration of men and supplies down that trail into South Vietnam, where they come in contact and combat with American soldiers, among others.

Such is not the case in the area around the Plaine des Jarres, in central Laos, where, to the best of my knowledge, there are no U.S. combat troops. I believe that is a true statement of fact.

Mr. GURNEY. I am delighted to hear that, and I was sure the distinguished majority leader would reassure us on that point, because as long as the Ho Chi Minh Trail is the principal supply route, in order to protect our troops it does seem we have to hit it with our bombers.

Mr. MANSFIELD. Yes, but I am sure the Senator is aware that there have been reports, seemingly authentic, that B-52's which had been used in close combat support when the marines were entrenched at Khesanh, along the demilitarized zone, and had been used along the Ho Chi Minh Trail, have lately been used in the area of the Plaine des Jarres, a long way from the trails themselves, which is an escalation on our part.

Mr. GURNEY. I realize that. I just wanted to point out that there was a difference between the necessary bombing along the Ho Chi Minh Trail and this other involvement we have been reading about the last few days.

Mr. MANSFIELD. The Senator is correct. There is a difference between the

two. One has been long recognized and in operation; the other has been in effect only a short time.

I also am fully aware, may I say to the distinguished Senator from Florida, of the predicament in which President Nixon finds himself, because he did not start this war. He has to contend with it, though, and what I have endeavored to say this morning, as I indicated at the beginning, is that I hoped these remarks would be constructive and helpful to him in finding a solution.

Several Senators addressed the Chair.

Mr. MANSFIELD. I yield first to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I have not heard the entire address of the Senator from Montana, so I cannot comment on his total address; but, as I understand it, the Senator from Montana feels that more information should be given to the public with regard to U.S. activities in Laos.

I join the Senator from Montana in expressing the view that it would be wise, as I see it, to give the public greater information than that which has been given in the past.

This situation in Laos has been going on for a long time. There has been bombing in Laos for many years now.

At the end of 1968, 10 percent of all the bombs that were dropped during this Vietnamese war had been dropped on Laos. I have not checked the facts recently, but my guess would be, and I think it would be a rather accurate guess, that at this point there has been a greater tonnage of bombs dropped on Laos than there has been on North Vietnam.

Mr. MANSFIELD. The Senator is correct; that is my information as well.

Mr. BYRD of Virginia. Of course, the greatest tonnage of bombs has been dropped on South Vietnam, but next to South Vietnam is Laos, and third, North Vietnam.

While I cannot comment on the total statement made by the distinguished Senator because I did not hear it all, I do wish to join with him in urging that the American people be given all possible facts in regard to American activity in Laos.

Mr. MANSFIELD. Mr. President, may I say, before I yield to the distinguished Senator from Ohio, that I mentioned the status of the Symington committee only in passing, but I agree with the distinguished Senator from Virginia that it would be in the best interests of the administration, the Senate, and the American people as a whole if the State Department and the Committee on Foreign Relations could get together and would issue a sanitized version of the Symington committee hearings; otherwise the people are going to raise questions, and they are going to say, "Where there is smoke there is fire," and the net result will be a great deal more difficult than if all the issues which could possibly be set forth at this time, security being considered, were laid out for all of us to see.

I yield to the Senator from Ohio.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MANSFIELD. I ask unanimous consent for 2 additional minutes.

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

Mr. YOUNG of Ohio. Mr. President, having listened to the statement made this morning by the distinguished majority leader—and it was a very important statement indeed—I trust that the American people will have an opportunity to read that statement in detail. I wish to associate myself with the position taken by the distinguished majority leader. He has, in a way, echoed my views and what I have been thinking regarding our involvement in Laos.

In October of 1965 I spent approximately 10 days in Laos, and again in 1968 I was in every area of Laos. I went by helicopter to many places, and not only that, but, just as the distinguished majority leader has done, at a time preceding my visit I had an opportunity to meet, interview, and talk at length with Prince Souvanna Phouma.

First, I wish to say that Laos is just about the most undeveloped country that I have ever visited. That country is certainly not worth the life of one American soldier. I think the facts are that our situation and our involvement in Laos and in the fighting there have been increasing in recent weeks, and the entire prospect for early peace in Southeast Asia seems to be dwindling.

Mr. President, I know, from being there, observing the places, and recognizing the names of the areas where our B-52's have been constantly bombing in recent days, that some of the places we have bombed are about 200 miles away from the Ho Chi Minh Trail. That bombing has nothing to do with infiltration from the north.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. YOUNG of Ohio. I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. YOUNG of Ohio. The facts are that, despite what we were led to believe, that our President had a secret plan to end the war in Vietnam, our involvement there has been escalating and increasing. For example, just recently we read of three newspapermen who did on a larger scale what I tried to do in Laos and Vietnam. I tried to get away from the restrictions placed around me, and they went on their own. They walked some 8 miles, and there they saw American soldiers dressed as civilians, but armed with our weapons, whom they were not supposed to see. The CIA seems to be running things, and I say to our distinguished majority leader that from my observation of what was going on in 1968 in Laos, it seems to me that the CIA was running the show then, and that the Central Intelligency Agency, in its operations in Laos, while it may be called a watchdog, is a watchdog that badly needs a master; and by a master, I mean the U.S. Senate.

Those newspapermen observed our B-52 bombers leaving on bombing missions in Laos, at 1-minute intervals, with huge loads of bombs. I recall distinctly that when I was in Laos in 1965, our American warplanes were disguised, because we had guaranteed the neutrality of Laos.

When I was in Laos last year, we Americans were openly bombing Laos and, of course, we are doing that openly now. A civil war has been waged in Laos since shortly following World War II. Just the other day the CIA—I think this is touched upon in a front page story in the Washington Post today—forcibly removed 13,000 Laotians, moving them from the area of the Plain of Jars down closer to Vientiane because they believed they were Pathet Lao or were sympathizing with the Pathet Lao.

So this is another situation in which, unfortunately, we Americans are becoming more and more involved in another civil war in Southeast Asia, when we are still involved in a civil war in Vietnam. There can be no argument about that.

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

Mr. YOUNG of Ohio. I ask unanimous consent that I may be permitted to proceed for 2 additional minutes.

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

Mr. YOUNG of Ohio. Gen. Richard Stilwell, the chief deputy, told me that 80 percent of the people living in the Mekong Delta, south of Saigon, were sympathetic with and fighting for the National Liberation Front, on the side of the VC.

We should be aware—and I am glad that the majority leader has called attention to it—that the industrialists with huge defense contracts and the generals of our Joint Chiefs of Staff seem to be leading us into another ground and air war in Southeast Asia. At present we are waging an air war on a tremendous scale in Laos. Very soon we shall have dropped more bombs in Laos than we dropped in Germany in World War II, and perhaps we have exceeded that total right now. This is contrary to the intent of the National Commitments Resolution adopted in the Senate. It is contrary to the recent amendment to the Defense appropriation bill prohibiting the introduction of U.S. ground combat troops into Laos without receiving the authorization of Congress to conduct such warlike activities.

Of course, as we have guaranteed the neutrality of Laos, we have violated our own guarantee. Is it any wonder that there is rioting against us in Asian nations?

There is beginning to be a feeling prevalent in Asia and in the capitals of the world that Americans do not live up to their commitments. We in the Senate want to live up to our commitments. We want to maintain the neutrality of Laos which was guaranteed.

We have learned very little from the past, Mr. President. We continue to escalate our involvement in the civil wars of other countries. Yet, we hide our involvement from the American people. I am glad that the majority leader has spoken out on this matter this morning. I am

happy that he has called upon the Department of State and the President of the United States to give to the Committee on Foreign Relations a full report on our war-like activities in Laos, even though that report may demonstrate that we have violated our word to preserve the neutrality of laos. This information should be given to the Committee on Foreign Relations so that the chairman of that committee, the Senator from Arkansas (Mr. FULBRIGHT), may release it to the Senate.

Mr. MOSS. Mr. President, I should like to associate myself with remarks of the majority leader. On Friday last, in the Senate, I made some remarks about our involvement in Laos, and I think they are in accord with those expressed this morning by the majority leader.

ANNOUNCEMENT ON VOTES

Mr. MOSS. Mr. President, I would like the RECORD to show how I would have voted on the various rollcall votes taken last Saturday in the Senate. Most unfortunately, I was absent on Saturday, due to a commitment made on Thursday. By the time I learned late on Friday that the Senate would convene on Saturday, I could not change my appointment. People were already traveling from Vancouver, British Columbia, Edmonton, and Toronto, to keep the meeting to which I had agreed. I simply could not break my word to them. So I left early on Saturday to fly to Ottawa and returned on the night plane. My 15-hour absence caused me to miss nine record votes. Obviously, other Senators were in similar situations, since nearly one-third of the Senators were absent and not voting Saturday last.

While I have the floor, I wish to record my disappointment that Senators cannot rely on times of sitting of the Senate. I realize that the majority leader has issued a general warning that there may be Saturday sessions. But only a week ago I attended a meeting of Senators where the leader was asked—and I thought agreed—that Saturday sessions not be held except under very pressing circumstances. It was there recognized that all Senators have many pressing engagements which call them away on weekends. Moreover, just the Saturday before I had canceled appointments in my home State and stayed in Washington because the majority leader had responded to the inquiry of the minority whip that "there may very well be votes" on the next Saturday. With that statement in the RECORD, I stayed in Washington only to have the Senate adjourn early on Friday and convene not at all on Saturday, February 21.

The past week, I had to make an election to be gone on Friday or Saturday. Friday was represented as the big day on the HEW appropriations bill. So I stayed Friday for one record vote. Saturday, I had to leave. My votes on Saturday, February 28 would have been:

For ratifying the treaty.

For the Mathias amendment.

For the second Mathias amendment.

For the Scott amendment.

For the Spong amendment.

Against the Javits amendment.

For the motion to table the Hruska amendment.

Against the Hruska amendment.

For the HEW appropriation bill on final passage.

Since no division was so close that my vote would have been decisive, hindsight says my absence does not matter too much. But I do not view it that way. The citizens of Utah sent me to represent Utah in the Senate. That I try to do with fidelity. My people have strong views in priorities of spending and most strongly believe that aid to education and health deserves full support. I wanted to speak for their point of view and to record my vote for the full appropriation reported by the committee. I supported the first HEW appropriation bill, opposed the veto, and would have raised this appropriation bill to the same figures if I could.

DEEP SUBMERGENCE RESCUE VEHICLE—ANOTHER EXAMPLE OF DEPARTMENT OF DEFENSE COST UNDERESTIMATING

Mr. WILLIAMS of Delaware. Mr. President, today I call attention to another example wherein the Department of Defense in 1964 under Secretary McNamara grossly underestimated the cost of the development of 12 deep submergence rescue vehicles when asking for congressional authorization and then after gaining approval of the project allowed costs to escalate by over 2,000 percent.

My remarks are not a criticism of the development of this rescue vehicle—on the contrary, I support the objective and can understand some discrepancy in the estimated cost of the new weapon, but certainly there can be no justification for such a wide error in the estimate presented to Congress.

The deep submergence rescue vehicle is intended to be a small submersible vehicle designed to rescue personnel from a disabled submarine. It is expected to weigh about 35 tons and to be approximately 50 feet long. In the event of a disaster where rescue is possible the deep submergence rescue vehicle would be transported by aircraft to the port nearest the disaster. From there it would be carried to the site by either an auxiliary submarine rescue ship or a specially configured submarine, either of which could act as the supporting ship. The deep submergence rescue vehicle would then shuttle between the bottomed submarine and the supporting ship, carrying a maximum of 24 rescuees on each trip.

In February 1964 the Navy estimated that a rescue system including 12 deep submergence rescue vehicles could be developed in 4 years. The estimated cost for development and 1 year of operation was $36.5 million. Further, Congress was told that introduction of the deep submergence rescue vehicle system was to result in a savings of $37.2 million by permitting a phaseout of an existing rescue system.

This represented an average cost of $3 million per unit, and allegedly even this cost would be offset by a phaseout of an existing rescue system.

In 1969 the Navy estimated that obtaining a rescue system of six deep submergence rescue vehicles would take a total of 10 years—1964 to 1974—and would cost about $463 million. Of this cost about $125 million has already been allocated, $31 million has been requested for fiscal year 1970, and $307 million will be needed during fiscal years 1971 to 1974. Moreover, we are now told that the existing rescue system will not be phased out; and, consequently, the anticipated savings will not be realized.

Thus we find the cost, instead of being $36.5 million for 12 rescue units, or an average of $3 million each, has now been projected to $463 million for six units, or an average of $77 million each.

This is an increase of 26 times the original estimate, and even this estimate may be revised higher as the result of a reexamination of the contract as initiated last year after the General Accounting Office had intervened.

Our experience with the multibillion-dollar escalation in the cost of the F-111, or "McNamara's folly" as it has been labeled, is well known, and this is another example of manner in which Secretary McNamara misled the Congress and the American taxpayers as to the true costs of our defense programs.

The Comptroller General in his report to the Congress No. B-167325, dated February 20, 1970, reviews this program in more detail, and I ask unanimous consent that a brief summary of that report be printed in the RECORD.

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

EVALUATION NEEDED OF COST-EFFECTIVENESS OF FOUR MORE DEEP SUBMERGENCE RESCUE VEHICLES BEFORE PURCHASE BY THE NAVY B-167325

WHY THE REVIEW WAS MADE

The General Accounting Office (GAO) is reviewing the Navy's management of its Deep Submergence Rescue Vehicle (DSRV) program which has had significant cost overruns and delays in development. Two DSRVs have been purchased by the Navy. This report covers the cost of, and the estimated effectiveness to be derived from, four additional DSRVs the Navy intends to buy. Other aspects of the program are still under review.

The DSRV is a 35-ton submersible designed for rescue of personnel from a disabled submarine. When needed, the DSRV would be transported by aircraft to a seaport near the disaster and carried to the site by a supporting ship or submarine. The DSRV would then shuttle between the disabled submarine and the supporting craft, rescuing a maximum of 24 survivors each trip.

FINDINGS AND CONCLUSIONS

The estimated cost of this rescue system has grown from $36.5 million for 12 DSRVs to $463 million for six DSRVs.

In February 1964 the Navy estimated that a rescue system including 12 DSRVs could be developed in 4 years. The estimated cost for developing and 1 year of operation was $36.5 million. Further, introduction of the DSRV system was to result in a savings of $37.2 million by permitting a phaseout of an existing rescue system.

The Navy estimated in 1969 that obtaining a rescue system of six DSRVs would take a total of 10 years (1964 to 1974) and would cost about $463 million. Of this cost, about $125 million has already been allocated, $31 million has been requested for fiscal year 1970, and $307 million will be needed during fiscal years 1971 to 1974. Moreover, the

existing rescue system will not be phased out; and, consequently, the anticipated savings will not be realized.

Navy officials estimate that about $200 million of the $307 million applies to the four additional DSVRs. Annual operating cost, after fiscal year 1974, for the four is estimated at over $17 million.

GAO findings further indicate that submarine disasters where rescue is possible are rare.

Since such disasters are infrequent—there have been only two since 1928—and since two DSRVs apparently would provide sufficient rescue capability for any one disaster, the four additional DSRVs would only provide backup capability. In most cases, this backup probably could be provided by other systems currently in use or being developed by the Navy. (See p. 17.)

RECOMMENDATIONS OR SUGGESTIONS

GAO proposed that the Secretary of Defense evaluate the cost of purchasing and operating the four additional DSRVs versus their estimated usefulness. GAO also suggested that a prompt decision would be valuable since a determination that the DSRVs were not needed would halt further expenditures.

AGENCY ACTIONS AND UNRESOLVED ISSUES

The Navy replied that the Chief of Naval Operations had directed on April 29, 1969, that a study of the needed number of DSRVs begin on a priority basis. The Navy also stated that construction of the four additional DSRVs would not be undertaken until and unless their usefulness had been shown to justify their cost.

The Navy began its study on December 15, 1969—almost 8 months after it was directed. Because of the untimeliness of the Navy's action, GAO recommends that the Secretary of Defense take steps to ensure that the Navy conducts a meaningful study promptly to provide a suitable comparison of the additional DSRVs' probable usefulness to their cost.

MATTERS FOR CONSIDERATION BY THE CONGRESS

This report is being submitted to the Congress because of its expressed interest in the procurement of major systems and the reduction of unwarranted defense expenditures. The Navy currently plans to submit its requirement for additional DSRVs in its budget request for fiscal year 1971.

PRIVACY AND ARMY DATA BANKS: CONSTITUTIONAL RIGHTS AND MILITARY WRONGS

Mr. ERVIN. Mr. President, last month, as part of the Constitutional Rights Subcommittee study of privacy, we addressed inquiries to the Army Department and other agencies asking about the amount and kinds of personal information they have on people, where it comes from, whether or not it is in computers, who uses it, and if the individual has a chance to review and reply to it.

Our purpose in doing this is to determine whether or not Federal data banks are being developed in accordance with respect for constitutional standards of privacy and due process of law for the individual citizen. Another purpose is to help Congress ascertain the need for comprehensive legislation to govern all data banks the Government operates on individuals.

I have received a reply to our inquiry from the Army Department which provides a remarkable demonstration of the need not only of new laws but for a new agency to regulate data banks and protect individual privacy and constitutional rights where Government records are concerned.

In response to many complaints, we asked the Secretary of the Army particularly to explain reports of information filed at Fort Holabird on the personalities, the political, economic, and social beliefs on the lawful community activities of American citizens. We asked him also to describe in detail the collection and storage of intelligence and other investigative data on private individuals at the Investigative Records Repository and at other Army data centers. In addition, we asked for citations and copies of the statutory and administrative authority on which he relies for this data collection.

The Army Department, in a partial response to my letter, has corroborated the complaints received by Congress. According to their letter, the Army Intelligence Command maintained, and, indeed, still does maintain, information on civilians. In one location alone, the Army Investigative Records Repository, 7 million files are kept on former and present members of the Army, civilian employees, and contractor personnel. These relate principally to security, loyalty, and criminal investigations. However, beyond saying that use of these files is limited by regulation to specifically authorized executive agencies and that no computerization has occurred or is planned, no further light is shed on the overall purpose and management of these files. Nor are any statutes and regulations cited. I hope this information will be forthcoming in the final reply.

The Army Intelligence Command keeps still other files on individuals. These they justify under their missions relating to the collection of information that may be needed by civilian planners and Army commanders in the event Federal troops are directed to act by the President. These activities by the Army were increased reportedly after the Detroit disturbance in 1967.

In furtherance of this nonmilitary mission, the Army stockpiled an amazing arsenal of weapons. First, in the best tradition of military precision, efficiency, and economy, the Army Intelligence officials admittedly set up a computer data bank with information about "potential incidents and individuals involved in potential civil disturbance incidents." They confess that they thought this would be useful in "predicting trends and possible reactions."

Another weapon they developed was a list which included the names and descriptions of individuals who might be involved in civil disturbance situations.

The business of the Army in such situations is to know about the conditions of highways, bridges, and facilities. It is not to predict trends and reactions by keeping track of the thoughts and actions of Americans exercising first amendment freedoms.

If ever there were a case of military overkill, this is it.

Regardless of the imaginary military objective, the chief casualty of this overkill is the Constitution of the United States, which every military officer and every appointed official has taken an oath to defend.

It is to the lasting credit of Secretary of the Army Resor and General Counsel Robert Jordan that after the inherent dangers to constitutional liberties in this program were pointed out to them, some immediate action was initiated.

Mr. Jordan reports that the identification list has been withdrawn and destroyed, and one computer data bank has been discontinued. He states that no computer data bank is now being maintained for storing such information about civilian politics, and that directives provide that no such system can be initiated without the approval of the Chief of Staff and the Secretary of the Army.

While the Army's response is commendable, it raises more questions than it answers, and it leaves a great many of the old questions unanswered.

Since I view this as an interim response to the subcommittee's inquiry, I shall await with interest the Army's final and comprehensive reply to our questions.

We should like to know then when and how that particular computer data bank was discontinued and whether that information is duplicated in other Army files and microfilms. The essential factor here was not necessarily the computerization of the files, but the fact of the Army surveillance of citizens. We should still like to know about other files and data banks on civilian politics maintained in the Pentagon and elsewhere about the country under the authority of the Army intelligence groups.

We should like to know how many copies of the identification list were issued and how frequently? In addition, we still require copies of directives and regulations governing the current information collected and stored under the new policy for civil disturbance as well as for other purposes at Fort Holabird and elsewhere by the Army.

I have informed the Secretary of the Army of our continued interest in receiving the answers to our questions and in receiving a copy of the new directive concerning establishment of new computerized data systems. I hope this marks the beginning of a trend and that more directives will be forthcoming concerning access to review and use of the old information they already have on hand.

Mr. President, although I have little, if anything, in common with the attitudes and views of some of the persons who are probably in the Army files, the very existence of such unconstitutional surveillance by the Army is, I believe, destructive of our form of government.

The Army Department states that it "has long been pressing to have civilian governmental agencies meet needs of intelligence." Obviously, and perhaps fortunately, someone in those agencies is vetoing the idea.

If the President of the United States determines that new forms of intelligence gathering activities are necessary to enforce the laws, let him so inform the

Congress, and let Congress assign the responsibilities to an appropriate civilian agency.

I suggest the Army regroup and redefine their strategic objectives, lower their sights, and reidentify their enemy. Under our Constitution that enemy is not the American citizen.

I ask unanimous consent that the subcommittee's inquiry of January 22, 1970, the February 25, 1970, reply from the General Counsel of the Army and my letter of February 27 be printed at this point in the RECORD.

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

JANUARY 22, 1970.

Hon. STANLEY R. RESOR,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: In connection with our study of computers, privacy and constitutional rights, the Constitutional Rights Subcommittee is conducting a survey of the development and maintenance of data banks by Federal departments and agencies.

One of our purposes is to determine whether or not such data systems are being developed in accordance with constitutional standards of privacy and due process of law for the individual citizens involved. Another purpose is to help Congress ascertain the need for comprehensive legislation to govern all computerized data banks on individuals.

Our attention has been particularly directed to reports of the development and expansion of data banks at Fort Holabird, containing information on the personalities, on the political, economic, and social beliefs and on the lawful community activities of American citizens.

To assist the Subcommittee in its study, we should appreciate your explaining for us: (1) the present situation concerning collection and storage of Army intelligence and other investigative data on private individuals, particularly at the Investigative Records Repository, but also at other data centers operated by the Army; and (2) future plans for expanding and further computerizing the present system.

Specifically, we should receive responses to the following questions:

1. Under what statutory and administrative authority was the Investigative Records Repository established, and for what purpose? What is the relationship of this activity to the responsibilities of the Armed Forces? Please supply copies of pertinent statutes, regulations and memoranda.

2. Is all military intelligence data on individuals filed in this center? Is it computerized?

3. How many subject individuals are presently recorded in the system at the Records Center?

4. What categories of information about individuals are contained in this data bank? Are there any published or unpublished regulations or instructions governing the type of information appropriate for the files, how it is to be gathered, and how its accuracy is to be determined? If so, please supply copies.

5. Are there plans to expand the scope of these files in number and subject matter? If so, how would this specifically alter the existing data system?

6. Is the subject individual, or his representative, allowed to review the data on record about him, to supplement his file and to explain or rebut material he considers inaccurate?

7. What provisions are made deleting material found to be inaccurate or inappropriate, either spontaneously by the Army or on motion of the individual concerned?

8. What limitations are placed on access to the file or to information contained in it? What security procedures or devices are employed to prevent unauthorized access to the data file or improper use of the information? Who specifically has access to this data? For what reasons and on what authority is access granted?

9. What other agencies have access to these files? For what purposes? Under what restrictions?

10. Is a record maintained of the details of inspection or use of the file or data on an individual?

11. How is this information collected and by whom? Is it collected by investigators or from third parties? Is it solicited from the individual himself, or is it collected from other records?

12. Do you have published or unpublished regulations or guidelines concerning use and availability of these files? If so, please supply copies.

13. Do you have published or unpublished regulations or guidelines concerning the gathering, screening and accuracy of data in these files? If so, please supply copies.

14. To what extent are these files computerized? What are your plans for computerizing further?

15. The Subcommittee is interested in learning the truth about current reports that the Army plans to connect its intelligence teletype reporting system to a computerized data bank at the Investigative Record Repository. If so, what are your plans for safeguarding the accuracy of the data collected and its relevance to the area of your responsibility?

16. What other data banks are maintained or supported by the Department of the Army on private citizens? To the extent possible, please supply for each of these the information requested for the Fort Holabird data banks.

Enclosed is a *Congressional Record* excerpt describing the scope of the Subcommittee's interest in the government's use of data banks on individuals.

Your assistance in our study is deeply appreciated.

With all kind wishes, I am,

Sincerely yours,

SAM J. ERVIN, Jr.,
Chairman.

FEBRUARY 25, 1970.

Hon. SAM J. ERVIN, Jr.,
Chairman, Subcommittee on Constitutional Rights, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter concerning development and expansion of data banks at Fort Holabird, which we belive may be related to an article in the *Washington Monthly* entitled "CONUS Intelligence: The Army Watching Civilian Politics" by former Army Captain Christopher Pyle.

The allegations made by Mr. Pyle were viewed with great concern by both the civilian and the military leadership of the Army. Both have always, over the generations, been keenly sensitive to the longstanding American tradition separating the military from involvement in domestic politics, and both are constantly alert to ensure that Army actions as well as policies are in keeping with the traditional limitations upon our armed forces. Ever since the unfortunate necessity arose, several years ago, for military forces to be prepared for civil disturbance operations when directed by the President, there has been a special sensitivity to the immediacy of this problem.

Our continuing goal has been to maintain suitable limits to Army intelligence involvement in the civilian sector, and toward this end our policies and practices have been undergoing periodic examination. The main charge of the article, and indeed its title, hold that the Army deliberately seeks the opposite, by widespread aggressive, covert collection of intelligence about people who "might make trouble for the Army." This charge is false. The Army's domestic intelligence activity has been to a small degree in the civil sector, but only to focus upon civil disorder, and the Army has long been pressing to have civilian governmental agencies meet even these intelligence needs.

The military security functions of the Army in the United States are conducted by the U.S. Army Intelligence Command, Fort Holabird, Maryland. This Command reports directly to the Chief of Staff of the Army and is closely supervised for him by the Assistant Chief of Staff for Intelligence. The Command employs seven subordinate organizations, military intelligence groups, located throughout the United States in support of its military security functions. These groups, employing approximately 1000 agents, support the principal missions assigned to the Intelligence Command by the Department of the Army.

The principal activity of the U.S. Army Intelligence Command is to conduct security investigations to determine whether uniformed members of the Army, civilian employees and contractors' employees should be granted access to classified information. This activity and allied activity relating to security matters account for 94% of the time of Intelligence Command field personnel, and will consume a higher percentage in the future because of reduction in civil disturbance activities.

To avoid duplication of effort and to give investigators the benefit of prior work, a central filing system of Army investigations is necessary. The U.S. Army Investigative Records Repository, run by the Intelligence Command, has approximately 7 million files relating principally to security, loyalty or criminal investigations of former and present members of the Army, civilian employees and contractor personnel. When security or criminal investigations are completed the entire report is forwarded to the Records Repository at Fort Holabird for filing. The use of these files is limited by Regulation to specifically authorized Executive Branch agencies. No computer has been installed in the Investigative Records Repository; none has been or is planned to be installed since the cost in manpower and time to convert the Repository files to a computer bank would be prohibitive. The Repository does have an automatic retriever system for some of the files; these files, placed in boxes, can be mechanically retrieved on a trolley system in order to save time in searching for files.

In order that investigative efforts in the security field would not be duplicated, Secretary of Defense McNamara directed on 27 May 1965 that a central index of all security investigations conducted by Department of Defense agencies be established. Accordingly, the Defense Central Index of Investigations was established at Fort Holabird. Data included in this index is limited only to the identification of an individual, the type of investigation conducted, date of completion, and the location of the investigation (for example, Army investigations are filed in the Investigative Records Repository). The data is placed on manually key punched cards which are then alphabetically filed. A sample card is attached. At present, these cards must be manually searched. A plan to install a computer at the Central Index has been approved. Information on the key punched cards will be placed in the computer; the purpose of this computer will be to rapidly identify and indicate the location of files needed in security investigations. The computer will contain only the information

shown on the sample card, which does not reflect the existence of any personal information of any kind, derogatory or otherwise. The present system and the planned computer are not and will not be tied in with any form of computer data banks. There is no plan to use the Central Index in any other fashion.

The U.S. Army Intelligence Command also has missions relating to the collection of information that may be needed by civilian planners and Army commanders in the event Federal troops are directed to act by the President. As you know, the Army has certain obligations under the Constitution and the laws to act at the direction of the President to deal with civil disturbances beyond the capability of local and state authorities to control. Army intelligence activities in the field of civil disturbances are directed primarily at ascertaining information needed to prepare appropriate levels of alert for military forces and needed by military commanders if they are directed to act. This limited field of interest removes from legitimate concern of the Army minor forms of disturbances and lawful activities not likely to lead to major disturbance involving use of Federal resources.

Intelligence personnel obtain this limited civil disturbance-related information primarily from the FBI, it is reported usually by teletype to the U.S. Army Intelligence Command. The Director of Investigations, U.S. Army Intelligence Command, is responsible for collecting the information, storing it, and forwarding it, as necessary, to appropriate officials in the Department of Defense. The teletype is not linked to any computer, nor has there ever been a plan to do this.

The collection of civil disturbance-related information by the Army increased after the disturbance in Detroit in 1967. However, the Intelligence Command was not and has never been reinforced with additional personnel to accomplish the civil disturbance missions assigned to them at that time. Since this was a new area for the Army, an appropriate level of action necessary to accomplish the Army's mission had to be evolved. This area has been a subject of constant attention and refinement in order to narrow the Army's actions to only those which are absolutely necessary. There have been some activities which have been undertaken in the civil disturbance field which, after review, have been determined to be beyond the Army's mission requirements. For example, the Intelligence Command published from 14 May 1968 to 24 February 1969, an identification list which included the names and descriptions of individuals who might be involved in civil disturbance situations. All copies of the identification list have been ordered withdrawn and destroyed. The Army's present policy is that reporting of civil disturbance information is limited to incidents which may be beyond the capability of local and state authorities to control and may require the deployment of Federal troops.

In the past, the Director of Investigations at the Intelligence Command has operated a computer data bank for storage and retrieval of civil disturbance information. This data bank, which included information about potential incidents and individuals involved in potential civil disturbance incidents, was thought, useful in that it permitted the rapid retrieval of related information for predicting trends and possible reactions. The civil disturbance data bank was discontinued since, after the study, it was determined that the data bank was not required to support potential Army civil disturbance missions.

Thus the Army does not currently maintain, and has ordered the destruction of, the identification list referred to above. No computer data bank of civil disturbance information is being maintained, and directives provide that no such system can be initiated without the approval of the Chief of Staff and the Secretary of the Army.

I hope that the information set out above will satisfy your concerns.

Sincerely,

ROBERT E. JORDAN III,
General Counsel.

U.S. SENATE,
SUBCOMMITTEE ON
CONSTITUTIONAL RIGHTS,
Washington, D.C., February 27, 1970.

Hon. STANLEY R. RESOR,
Secretary of the Army,
The Pentagon,
Washington, D.C.

DEAR MR. SECRETARY: Thank you for your interim reply to the Subcommittee's inquiry of January 22, 1970, in connection with our study of privacy and data systems.

I wish to commend you and the General Counsel of the Army for the prompt and effective action you have taken to reduce the Army Department's involvement in domestic intelligence work. I was gratified to learn that you have discontinued the computer data bank which was maintained on "potential incidents and individuals involved in potential civil disturbance incidents." Furthermore, the fact that you have ordered the withdrawal and destruction of a list of people who might be involved in civil disturbances is also laudable, and will be reassuring to those in Congress concerned with constitutional rights.

My inquiry of January 22, as you know, was not limited to information collected for possible civil disturbances, nor was it confined to files kept at Fort Holabird.

Since Mr. Jordan's letter deals only with one Fort Holabird computer data bank, and does not refer to other similar civil disturbance data banks and data systems not necessarily computerized, which are reportedly maintained by the Army in the Pentagon and in the various Intelligence Groups, I hope that your final reply will complete your responses to our inquiry, especially to Question 16.

His letter does not, furthermore, deal with the questions raised concerning the information which he indicates is currently being maintained under the new policies. In addition, it does not answer our inquiries concerning other information kept on file about civilians.

With your final reply, I hope that you will comply with the Subcommittee's request for the pertinent regulations, statutes, directives, and other authority to which Mr. Jordan generally refers.

Since Mr. Jordan states that the Army has urged that other civilian agencies take over the task of domestic intelligence, we should be interested in knowing what specific recommendations have been made in this matter.

While the Department is to be commended for the prompt action to remedy, at least partially, tnis unjustified interference by the Army into domestic political activities, this does not explain how the Army was permitted to engage in such activities in the first place. The preservation of our civil liberties cannot depend on the lucky discovery of illegal programs. Clearly, in our government of laws, no such activity should be undertaken secretly, as was this, nor without clear statutory and constitutional authorization from Congress.

With all kind wishes, I am,

Sincerely yours,

SAM J. ERVIN, Jr.
Chairman.

LET'S TELL HEW'S BIRDS WHERE TO GO

Mr. ERVIN. Mr. President, in the Goldsboro News-Argus of Wednesday, February 25, 1970, there is published an editorial entitled "Let's Tell HEW's Birds Where To Go."

Goldsboro, N.C., has desegregated its school system until in most cases black students outnumber whites in previously all-white schools. Instead of receiving the commendation of HEW for desegregating its school in a fashion of which both races can be proud, the Goldsboro Board of Education has been notified by HEW that it has failed to desegregate its school in a manner satisfactory to HEW and that future applications for Federal funds will be deferred.

The editorial suggests in strong language that the people of Goldsboro and the South ought to stop kissing what it calls "bureaucratic backsides" and "tell HEW to take its Federal funds, its letters, its threats, and its enforcement personnel and go to hell."

In so doing, the editorial reveals the ever-expanding resentment of North Carolina and other States of the South over the discriminatory and its tyrannical actions of Federal courts and HEW in denying schoolchildren and parents of the South their freedoms, and their fair share of Federal funds.

Mr. President, I ask unanimous consent to have this editorial printed in the RECORD.

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

LET'S TELL HEW'S BIRDS WHERE TO GO

The Department of Health, Education and Welfare notified the Goldsboro Board of Education yesterday that it had failed to voluntarily desegregate the public schools, that future applications for public funds would be deferred and that "enforcement proceedings" would be followed.

In response to this arbitrary action by HEW in light of the sincere and successful effort made here to totally desegregate the schools, we offer this suggestion:

Let's tell HEW to take its federal funds, its letters, its threats and its "enforcement" personnel and go to hell.

Goldsboro not only has desegregated its school system until in most cases black students outnumber whites in previously all-white schools, but it has done so in a spirit that should have earned the commendation of HEW.

Instead, we have had to kiss their bureaucratic backsides and "yassah" and shuffle to every tune whistled by anybody with a D.C. license plate.

If the administration in Washington will permit such unfair and arrogantly arbitrary action by a bureau that CAN be controlled by the President and by Congress, then the American people should boot out every public official in the next election.

We have listened too long to the political grandstanding of officials who tell us one thing at election time and then, because they don't know how or are afraid to fight hard enough, come back with the mealymouthed apology that they "can't do anything about it".

We refuse to believe that HEW is all-powerful, that it can flaunt the law and the public interest and be answerable to neither the Congress nor the President of the United States.

We can in the best of faith stand before any reasonable judge and before history and say that we have desegregated our public school system and in a fashion of which both races can be proud.

Let us stand up to HEW in this hour and say we will have no more of its bureaucratic bullwhipping. Human dignity and our pride

as a free people will not permit us to crawl to the trough for federal funds that are legally and morally ours.

We should ignore any further bureaucratic mandates, forward all future correspondence unopened to our congressmen and the President, and refuse to accede to any "enforcement procedure" growing out of the HEW threats.

HEW "guidelines" are not laws—they are bureaucratic regulations that in some instances, as in busing, have actually required school districts to violate laws passed by Congress.

Only by standing our ground now are we going to make our elected officials in Washington face up to making a clearcut choice between serving the people of this once-free country or having the people subservient to a bureaucratic dictatorship.

Every member of Congress and the President himself should camp in the office of HEW until its paranoic racist stormtroopers are sent packing and reason and sanity have been restored.

Neither the President nor any member of Congress—regardless of party—should have the gall to face their constituents again until this has been done.

If we yield to unreason, then we simply are playing the game of the unreasonable.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT OF ACTUAL PROCUREMENT RECEIPTS FOR MEDICAL STOCKPILE OF CIVIL DEFENSE EMERGENCY SUPPLIES AND EQUIPMENT PURPOSES

A letter from the Secretary of Health, Education, and Welfare, reporting, pursuant to law actual procurement receipts for medical stockpile of civil defense emergency supplies and equipment purposes, for the quarter ended December 31, 1969; to the Committee on Armed Services.

REPORT OF SMALL BUSINESS ADMINISTRATION

A letter from the Administrator, Small Business Administration, reporting, pursuant to law, the amount and date of disbursement of funds by small business investment companies, dated February 27, 1970; to the Committee on Banking and Currency.

REPORT OF U.S. INFORMATION AGENCY

A letter from the Director, U.S. Information Agency, transmitting, pursuant to law, a report of the Agency for the period January 1 to June 30, 1969 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the examination of financial statements of the Disabled American Veterans National Headquarters for the year ended December 31, 1968, and the Life Membership Fund and Service Foundation for the year ended June 30, 1969, dated March 2, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF SECRETARY OF THE INTERIOR ON WASTE TREATMENT FACILITIES

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report listing waste treatment facilities approved for prefinancing and prefinanced projects that are actually underway or completed (with an accompanying report); to the Committee on Public Works.

PETITION

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

By the PRESIDENT pro tempore:

A concurrent resolution of the House of Representatives of the State of Louisiana, to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION No. 12

"A concurrent resolution memorializing the Congress of the United States with respect to calling of a convention for the purposes of proposing an amendment to the Constitution of the United States to provide that no person by reason of race, color, creed, or national origin be refused admission to or be excluded from any public school or be compelled to attend a designated public school

"Whereas, each and every state of this nation is presently experiencing grave problems in the administration of their public educational systems; and

"Whereas, one area of deep concern to the various school boards or districts in the various states is the present uncertainty associated with integration of the public schools and the means or methods utilized to achieve that end; and

"Whereas, there is a great need for the adoption of an amendment to the United States Constitution clarifying the above described problem area by uniformly authorizing the school boards throughout the nation to administer their school systems on the basis of "freedom of choice plans."

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring that, in conformity with Article V of the Constitution of the United States, application is hereby made by the Legislature of Louisiana to the Congress of the United States to call a convention for the purpose proposing an amendment to the Constitution of the United States which shall read substantially as follows:

"'Article —. No person shall by reason of race, color, creed or national origin be refused admission to or be excluded from any public school or be compelled to attend a designated public school.'

"Be it further resolved that if Congress shall have proposed an amendment to the Constitution to achieve substantially the same objective as provided herein prior to January 1, 1974, then application for a convention shall no longer be of any force and effect.

"Be it further resolved that duly attested copies of this Concurrent Resolution shall be transmitted immediately by the Secretary of State of Louisiana to the President and Secretary of the Senate of the Congress of the United States, to the Speaker and Clerk of the House of Representatives of the Congress of the United States, to the Secretary of State of the United States and to each member of the Congress from the State of Louisiana.

"JOHN S. GARRETT,
"Speaker of the House of Representatives.
"C. C. AYCOCK,
"Lieutenant Governor and President of the Senate.

"A true copy:

"WADE O. MARTIN, Jr.,
"Secretary of State."

REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. MCGEE, from the Committee on Post Office and Civil Service, without amendment:

S. 3396. A bill to make certain technical changes in provisions of law relating to the postal service (Rept. No. 91-711);

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 (Rept. No. 91-712); and

H.R. 13008. An act to improve position classification systems within the executive branch, and for other purposes (Rept. No. 91-713).

BILLS INTRODUCED

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

By Mr. BYRD of West Virginia:

S. 3527. A bill to prevent the reduction or loss of veterans' compensation and pension benefits as the result of increases in social security or railroad retirement benefits attributable solely to the general benefit increase provided by the Social Security Amendments of 1969; to the Committee on Finance.

By Mr. MCINTYRE:

S. 3528. A bill to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes; to the Committee on Banking and Currency.

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

S. 3528—INTRODUCTION OF A BILL TO HELP SMALL BUSINESS MEET THE CRISIS OF ENVIRONMENTAL CONTAMINATION

Mr. MCINTYRE. Mr. President, I introduce, for appropriate reference, a bill designed to aid small businesses which are forced to modify their operations to conform to new environmental standards. The bill would also aid small businesses which specialize in the development of new methods of reducing pollution or otherwise improve our environment or which voluntarily adopt such methods. It requires the Small Business Administration to consider environmental aspects in its regular loan programs.

One of the great paradoxes of our times is the fact that the scientific and technological advances which have made our lives easier and more pleasant and lifted us into a position of world leadership have created their own problems in the form of environmental contamination.

Much legislation has been enacted in recent years in a belated effort to cope with these problems, for example, the Water Pollution Control Act, the Clean Air Act, and the Solid Waste Disposal Act. Nevertheless, the deterioration of the environment continues and many experts have predicted that, if it remains unchecked, our society is doomed.

As a result of these dire predictions there has been a tremendous upsurge of interest in environmental problems on the part of Government at all levels, as well as the general public. Environmental problems and proposals accounted for a large proportion of the President's state of the Union message, and he has since sent up a special message on the subject. I commend the President for his interest and efforts.

I would also like to compliment the distinguished Senator from Maine, Senator MUSKIE, for his long and effective work in this field, and also the distinguished Senator from West Virginia, Senator RANDOLPH. They have laid the foundation for whatever else may be accomplished in the future.

In view of the the heightened interest in environmental problems there will undoubtedly be greatly expanded activity and probably new legislation in this area during the years immediately ahead. It appears that there will also be increased emphasis on enforcement in terms of requiring firms contributing to pollution to make necessary changes in plant and equipment.

I welcome and endorse these developments, which are long overdue. However, I think we should be aware of the differential impact which anti-pollution-enforcement action may have on small businesses as opposed to large corporations. Obviously the relative financial burden of plant and equipment changes required to comply with antipollution standards are much greater for small-scale manufacturers than for large-scale manufacturers.

For this reason I am afraid that many small business concerns will not have the funds available to meet new standards that will be set as new enforcement programs gain momentum. Conformance with new standards must be very strict if the desired results are to be obtained. I am certain that there will be many concerns whose very existence will be threatened if they do not have the means to meet these new standards and requirements. This bill would make loans available to help meet these needs.

Another section of this bill would require SBA in its regular loan programs to give priority to those applications which will further the development or utilization of new methods of reducing pollution. The bill also requires SBA to consider the environmental aspects of all loans made.

A vast new area requiring the utmost in ingenuity and resourcefulness lies ahead in this fight to protect and save our environment. This is the type of challenge in which small business has in the past excelled.

I think that it is very necessary that these new programs for loans to small business to meet these new demands should be set up as quickly as possible. I am confident that the President will recommend sufficient funding, and the Congress will appropriate whatever funds are necessary to accomplish this worthwhile purpose.

In conclusion, Mr. President, I would like to reemphasize the fact that my purpose in offering this bill is not to exempt small businesses from antipollution requirements, but rather to encourage and assist them in complying with such requirements. I hope that my colleagues will join me in this endeavor.

Mr. President, I ask unanimous consent at this point to have the bill to aid small businesses meet the crisis of environmental contamination printed 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. 3528) to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes, introduced by Mr. MCINTYRE, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 3528

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(a) of the Small Business Act is amended—

(1) by striking "paragraph (5)" in paragraph (4) and inserting "paragraphs (5) and (8)"; and

(2) by adding at the end thereof of a new paragraph as follows:

"(8) The Administrator shall require that any equipment, facilities, or machinery to be acquired with assistance under this subsection be so designed as to prevent, control, or minimize environmental pollution which might otherwise result therefrom in accordance with such standards as the Administrator shall prescribe after consultation with the Secretary of Health, Education, and Welfare. In the processing of applications for financial assistance under this subsection the Administrator shall give priority to those applications which he determines will further the development or utilization of new and improved methods of waste disposal or pollution control. The rate of interest for the Administration's share of any loan with respect to which such determination has been made shall not exceed the average annual interest rate on all interest-bearing obligations of the United States then forming part of the public debt as computed at the end of the fiscal year next preceding the date of the loan and adjusted to the nearest one-eight of 1 per centum, plus one-quarter of 1 per centum per annum."

SEC. 2 (a) Section 7(b) of the Small Business Act is amended—

(1) by striking the period at the end of paragraph (5) and inserting "; and"; and

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration determines to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in its plant, facilities, or methods of operation to meet requirements for the prevention or control of environmental pollution imposed by Federal or State law, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of Section 7(b) of such Act is amended by striking "or (5)" and inserting ", (5), or (6)".

(c) Section 4(c)(1) of such Act is amended by inserting "7(b)(6)," after "7(b)(5),".

THE PRESIDENT'S ENVIRONMENTAL CONTROL BILLS—ADDITIONAL COSPONSORS OF BILLS

Mr. MOSS. Mr. President, I am today joining Senator SCOTT as a cosponsor of President Nixon's seven environmental control bills.

My colleagues know that since I first arrived here, I have supported, usually as a cosponsor, every single piece of major legislation to protect and rehabilitate our environment. I am very proud to have helped lay this legislative foundation for our war on pollution. But the war has just begun and I intend to continue my support of progressive environmental control bills.

President Nixon is a welcome convert to our cause. For the President, more than anyone else, can focus national attention on the pollution crisis and he, as Chief Executive, can direct the energies of government toward solving the problem. This he has begun to do and must continue to do.

I am particularly pleased that the President's bills expand the authority of the Secretary of the Interior to set national standards for both interstate and intrastate waters; increase Federal power to enforce water pollution standards; authorize the Secretary of Health, Education, and Welfare to regulate fuel composition and additives; replace the Secretary of Health, Education, and Welfare's power simply to recommend, with power, to set national air quality standards; give the Secretary of Health, Education, and Welfare power to regulate pollution emissions if a State fails to do so; and fund completely the land and water conservation fund.

For these progressive recommendations the President is to be applauded and supported. I am glad to see that President Nixon realizes that strong Federal powers are needed if we are ever to defuse the pollution time bomb.

I was disappointed that the President did not include in his recommendation my proposal for a Department of Natural Resources and Environment. This Department would draw together all Federal programs which affect the quality of our environment. I have been advocating such a reorganization of our governmental structure for 5 years and I am still hopeful that President Nixon will endorse it.

In supporting the President's bills, I am, of course, reserving the right to push further and faster.

In his budget request, President Nixon has not matched his state of the Union rhetoric. The amounts requested for pollution control are wholly inadequate. We must spend more than the President recommends just to stay even with the pollution onslaught, and still more is needed to reverse the tide.

I will support the President and vote to enact these necessary measures. But the proposed legislation will do little good unless the funds are appropriated to carry it out. This is where the test will come.

I ask unanimous consent that, at the next printing, my name be added as a cosponsor of bills S. 3466 through S. 3472.

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

DELETION AND ADDITION OF COSPONSORS

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wisconsin (Mr. PROXMIRE) I ask unanimous consent that, at the next printing, the names of the Senator from Ohio (Mr. YOUNG) and the Senator from California (Mr. CRANSTON) be deleted as cosponsors of S. 3508, to create a Federal Mortgage Marketing Corporation, and for other purposes, and instead, to add their names as cosponsors of S. 3503, the Middle Income Mortgage Credit Act. In addition, I ask unanimous consent to add the name of the Senator from New Mexico (Mr. MONTOYA) as a cosponsor of S. 3503, the Middle Income Mortgage Credit Act.

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

SENATE RESOLUTION 362—RESOLUTION SUBMITTED AND AGREED TO RELATIVE TO THE DEATH OF REPRESENTATIVE JAMES B. UTT OF CALIFORNIA

Mr. MURPHY submitted a resolution (S. Res. 362) relative to the death of Representative JAMES B. UTT, of California, which was considered and agreed to.

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

VOTING RIGHTS ACT AMENDMENTS OF 1969—AMENDMENTS

AMENDMENTS NOS. 533 THROUGH 543

Mr. ERVIN. Mr. President, I submit 11 amendments which I intend to propose to the Scott-Hart substitute for the administration's voting rights bill—amendment No. 519—and ask unanimous consent that these amendments be printed in the RECORD, for the information of the Senate, and that they also be printed and lie on the table until called up for action.

The PRESIDING OFFICER. Without objection, the amendments will be received, and will be printed, and will lie on the table, as requested by the Senator from North Carolina, and, without objection, the amendments will be printed in the RECORD.

The texts of the 11 amendments are as follows:

AMENDMENT NO. 533

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4(a) of the Voting Rights Act of 1965 is amended by striking out 'United States District Court for the District of Columbia' and inserting in lieu thereof 'the United States District Court in which the capital of such State is located, or the United States District Court in which such political subdivision is located'.

"(b) Section 5 of such Act is amended by striking out 'United States District Court for the District of Columbia' and inserting in lieu thereof 'the United States District Court in which the capital of such State is located, or the United States District Court in which such political subdivision is located'.

AMENDMENT NO. 534

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4(b) of the Voting Rights Act of 1965 is amended by striking 'November 1, 1964' wherever it appears and substituting therefor 'November 1, 1968', and by striking 'November 1964' and substituting therefor 'November 1968'."

AMENDMENT NO. 535

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4(b) of the Voting Rights Act of 1965 is amended by striking 'November 1, 1964' wherever it appears and substituting therefor 'November 1, 1968', and by striking ', or that less than 50 per centum of such persons voted in the presidential election of November 1964'."

AMENDMENT NO. 536

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4(b) of the Voting Rights Act of 1965 is amended to read as follows:

"'(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which (1) the Attorney General determines maintained on November 1 of the year in which the last most recent presidential election was held, any test or device, and with respect to which (2) the Director of the Census determines that less the 50 per centum of the persons of voting age residing therein were registered on November 1 of such year, or that less than 50 per centum of such persons voted in the presidential election of such year.'"

AMENDMENT NO. 537

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4(b) of the Voting Rights Act of 1965 is amended to read as follows:

"'(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a State which (1) the Attorney General determines maintained on November 1 of the year in which the last most recent presidential election was held, any test or device, and with respect to which (2) the Director of the Census determines that less the 50 per centum of the persons of voting age residing therein were registered on November 1 of such year.'"

AMENDMENT NO. 538

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4 of the Voting Rights Act of 1965 is amended by adding at the end thereof the following new subsection:

"'(f) After July 1, 1969, no State or political subdivision with respect to which determinations have been made under subsection (b) of this section, shall continue to be subject to the prohibitions of subsection (a) of this section if the Director of the Census determines that at least 50 per centum of the persons of voting age residing therein were registered on November 1, 1968, and that at least 50 per centum of such persons voted in the Presidential election of November 1968.'"

AMENDMENT NO. 539

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 4(b) of the Voting Rights Act of 1965 is amended by adding at the end of the first paragraph thereof the following sentence: 'For the purposes of the determination required by this subsection the Director of the Census shall exclude the following: 1) All members of the Armed Forces on active duty stationed at a military installation who are bona fide residents of another State or political subdivision, 2) All persons confined in mental institutions who are disqualified under State law or who are bona fide residents of another State or political subdivision, 3) all persons confined in prisons who are disqualified to vote under State law or who are bona fide residents of another state or political subdivision, 4) All students who are bona fide residents of another State or political subdivision, and 5) all other persons disqualified to vote under State law, located in such State or political subdivision thereof.'"

AMENDMENT NO. 540

Add a new section, appropriately numbered, as follows:

"SEC. —. That section 5 of the Voting Rights Act of 1965 (42 U.S.C. 1973c) is amended to read as follows:

"'SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision shall submit such qualification, prerequisite, standard, practice, or procedure through the chief legal officer or other appropriate official of such State or subdivision to the Attorney General which qualification, prerequisite, standard, practice, or procedure may be enforced after 60 days from such submission. If the Attorney General believes that such qualification, prerequisite, standard, practice, or procedure has the purpose and will have the effect of denying or abridging the right to vote on account of race or color, he may institute an action in the United States District Court in which the capital of such State is located, or the United States District Court in which such political subdivision is located for a restraining order or a preliminary or permanent injunction, or such other order as he deems appropriate, and unless and until the court enters such judgment, such qualification prerequisite, standard, practice, or procedure may be enforced. Any action under this section shall be held and determined by a court of three judges in accordance with the provisions under section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.'"

AMENDMENT NO. 541

On page 3, beginning with line 7, strike out down through line 8, on page 4.

AMENDMENT NO. 542

On page 7, line 24, strike out the end quotation marks. On page 7, immediately following line 24, insert the following new subsection (f):

"(f) No person shall be required or requested to furnish any information regarding how he voted or whether he voted for any candidate or on any issue. All information which shows, or which may tend to show, how any person or group of persons voted with respect to any candidate or issue shall be kept confidential by the Bureau of the Census, and shall not be disclosed to the Commission, the Department of Justice, the Civil Rights Commission, or to any other person or agency, whether State, federal, or private. All such data, whether or not in computer usable form, shall be destroyed one year from the date upon which the Commission submits its final report."

AMENDMENT NO. 543

On page 6, line 12, strike "by race, national origin, and income groups", and insert in lieu thereof, "by age, educational level, and income".

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, March 2, 1970, he presented to the President of the United States the following enrolled bills:

S. 2523. An act to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that Act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes; and

S. 2809. An act to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel.

NOTICE OF HEARINGS ON VOTING AGE

Mr. BAYH. Mr. President, I am pleased to announce that the Subcommittee on Constitutional Amendments will be holding 2 additional days of hearings on proposed amendments to lower the voting age. The hearings will be held March 9 and March 10, beginning at 9:30 a.m. in room 318, the caucus room. The hearings will consider the general question of whether the franchise should be extended to persons 18 to 21 years of age as well as the question of whether the voting age might be lowered by statute rather than by constitutional amendment. Inquiries should be directed to the staff of the subcommittee, extension 3018.

NOTICE OF HEARING ON NOMINATION OF FRANK WILLE

Mr. SPARKMAN. Mr. President, I wish to announce that the Committee on Banking and Currency will hold a hearing on Thursday, March 5, 1970, on the nomination of Frank Wille, of New York, to be a member of the Board of Directors of the Federal Deposit Insurance Corporation.

The hearing will commence at 9:30 a.m. in room 5302, New Senate Office Building.

ADDITIONAL STATEMENTS OF SENATORS

THE ABM SYSTEM

Mr. McGEE. Mr. President, the Washington Sunday Star of March 1, in its lead editorial, has called on the Senate to make reality the basis for our forthcoming consideration of the expanded ABM system. After capsuling the major arguments for and against the plan proposed last week, the Star comes down on the side of what it obviously feels is prudence, noting that the United States "cannot afford the luxury of wishful thinking."

Certainly, Mr. President, all of us do wish that mankind could escape the madness of the arms race, and hope and pray that the SALT talks will help us achieve this goal. Then we could find more humanitarian use for the billions of dollars an effective ABM system would cost. But the affairs of men and of nations have not yet reached that point, as the Star points out in its editorial of March 1.

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

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

THE PROSPECT FOR AN EXPANDED SAFEGUARD

Last year, after a long and acrimonious debate, the Senate voted to begin deployment of an antiballistic missile system. The measure, which had the urgent backing of the Nixon administration, was spared when a move to block deployment fell short of the required majority. The vote was 50–50.

Last week, the battle was joined again when the administration proposed an expansion of the ABM system: A third Safeguard complex to protect one more Minuteman missile site, and the acquisition of land and preliminary work for five additional Safeguard locations.

When the administration gained its narrow victory last year, it was generally assumed that opposition to the ABM was at its zenith, that once the ice was broken future requests to expand the system toward its ultimate goal of 12 sites would meet with diminishing resistance. That judgment, it now appears, was premature. The administration proposal is in serious trouble.

With the advantage of hindsight, it is clear why this opposition—that apparently took the administration by surprise—has come on so strong. First, this is an election year. Second, the administrations request for site acquisition is, in effect, a request to move into the second stage of Safeguard deployment: The "area defense" stage aimed at protection of population centers against any nuclear attack other than an all-out Russian strike. It is a move that would, to some extent, commit the United States to proceed with the full, 12-site Safeguard program, now estimated to cost a total of $11.9 billion over the next seven or eight years.

Neither of these new factors should be written off as unworthy or inconsequential. Survival is the basic drive of life; political survival is the basic drive of the incumbent politician. Voluntary self-sacrifice prompted by idealism is as strikingly rare among politicians as among the rest of the human race.

It can be safely predicted that those senators who are up for re-election will be strongly pressured by their reading of the will of the voters. What is not so predictable is which way this pressure will swing the pendulum.

The first results that must logically be attributed to political realities cannot, however, be counted as happy tidings for the ABM expanders. Last year, Senators Henry M. Jackson and John O. Pastore played key roles in escorting the ABM measure safely through the legislative minefield. This time around Jackson and Pastore both face reelection—and their ardor has obviously cooled. Jackson has expressed serious reservations about moving into site acquisition. Pastore has indicated a disapproval of the entire proposal. If either of these key votes does, in fact, move into the anti column, the effect can be expected to cut much deeper into the pro-ABM total than the single vote involved.

But the political currents, strong as they are, will not show on the surface of the debate that is about to get under way. Instead, the public will be subjected to a repetition of the basic arguments that were advanced during the first round. There will also be a new debating point or two growing out of the request for the five additional sites designed to move the program into the first stages of defense against a future Chinese missile threat.

These arguments are based, for the most part, on a hopeful assessment of Russian intentions.

The Soviets, it is said, are serious about the Strategic Arms Limitation Talks due to resume in April. To plunge ahead now with an expansion of the ABM system would raise doubts about United States intentions and materially reduce the chances of productive negotiations.

Besides, the argument goes, a nuclear attack by either side is unthinkable. Both Russia and the United States are now possessed of such awesome strength that each could absorb a full-scale attack and still deliver a response that would virtually wipe the other nation off the earth.

As for the area defense, the tactic is to dismiss the Chinese threat as an insubstantial nightmare. China has the bomb—true enough. But the delivery system is non-existent. So why worry now about something that may not be possible for years to come?

Put these considerations together, and—in the eyes of the ABM opponents—you have a persuasive argument for postponing further deployment.

Why not, the opposition reasons, make that first peaceful gesture of restraint that may encourage the Soviets to respond in kind and to break the escalating spiral of the arms race? Why not, in this era of intense competition for every available dollar, find some other, more humanitarian, use for the $920 million requested for ABM expansion during the coming fiscal year?

These are substantial questions, requiring effective answers. And answers have been provided by the administration—and by the Soviets.

Russia has given the most persuasive rebuttal to the argument that an expanded Safeguard will wreck the SALT talks. This week, after three years of silence on their ABM system, the Russian defense minister, in an article in Pravda, announced that an effective, operational antimissile system is in place around Moscow. It is clear enough that the Soviets do not believe their existing system is a bar to arms talks. Why then should United States plans for a system that will not be completed until 1977 or 1978 constitute such a bar?

There is a strong appeal to the argument that both sides are capable of such massive overkill that the development of more weapons—offensive or defensive—is a waste of time and money. After all, if nothing can change the balance of terror, we can safely relax behind our present shield of second-strike capability.

The difficulty with this line of reasoning is that it is based on misreading of the facts. There is no permanent balance or assured second-strike capability. New technological developments—specifically including the development of an ABM system—constantly threaten the retaliatory capability.

The unfortunate points to a vast effort by the Soviets to destroy the credibility of the United States' second-strike capability. They have deployed their own ABM system. They have pressed ahead with the development of a multiple-warhead weapon, the SS9, capable of delivering some 10 times the megatonnage of the Minuteman. By the end of 1970, the Soviets will have surpassed the United States in numbers of ICBMs; 1,290 to our 1,054. In 1965, the Soviets had 107 missiles ready for launch aboard submarines; we had 464. Today the figure is 656 of ours to 300 of theirs—and the Russians are continuing to build missile-launching subs at a vastly greater rate than we. Furthermore, as the Soviets approach absolute nuclear parity with the United States, they show no signs

of slowing the momentum of their stockpiling.

The China threat, which is the primary reason for the expansion to an area defense, will not be diminished by belittling or ignoring it. The Chinese have the hydrogen bomb. According to the latest published intelligence, they can be expected to test an ICBM delivery system within the year.

All of this does not add up to evidence that any enemy is about to launch a nuclear strike against us. But it does mean that the United States cannot afford the luxury of wishful thinking about Soviet intentions. Nuclear arms are not limited to use in war. They can be persuasive diplomatic weapons as well. If Russia ever achieves the ability to destroy the United States' second-strike capability, if they succeed in making other nations believe that they have done it, or if they convince themselves, that they have a clearcut superiority, the world will have become a different and even more deadly place than it is today.

The yearning that all men share for an escape from the essential madness of the nuclear arms race may, in the near future, be fulfilled by substantial progress in the SALT talks. Meanwhile, reality dictates that the administration proposal to expand the Safeguard system should be approved.

PRESIDENT NIXON ATTENDS DINNER IN NEW YORK CITY HONORING THE PRESIDENT OF FRANCE

Mr. BAKER. Mr. President, I have just learned that the President of the United States, in an unprecedented gesture, has flown to New York City to attend a dinner in honor of the President of the Republic of France. I am delighted by this gesture and proud as a citizen that the President has made it.

Each of us as individuals has had differences with others. Often these differences are of the most vital importance. But I have found in my own experience that rudeness and a departure from common civility rarely advance one's cause.

I am vigorously opposed to the sale by France to Libya of jet aircraft. I feel that the sale of these aircraft will upset a precarious balance in the Middle East and mark the beginning of a major escalation of the arms buildup in that strife-torn area. It is clear that the administration of President Nixon is equally opposed to this transaction.

But opposition to a particular policy does not require street tactics and discourtesy on the part of anyone. The alliance between the people of France and the people of the United States spans more than two centuries of friendship. That President Pompidou and his lovely wife have been discourteously greeted by a very small minority of American citizens is a matter of great regret to me. I am delighted that President Nixon has gone to New York to make it entirely clear to President and Madame Pompidou that those things in common between the two nations greatly outweigh those things at issue. The action of the President will, I am confident, accurately represent the overwhelming majority of American citizens.

WATER POLLUTION

Mr. YOUNG of Ohio. Mr. President, Federal Water Pollution Control Administration officials report that during 1969 more than 15 million fish died in our Great Lakes due to water pollution. In many areas it is hazardous to health to swim in Lake Erie, and our once lovely white beaches are blackened with waste, scum, and dead fish. Industrial and municipal wastes caused nearly 90 percent of these fatalities, most of that huge total in Lake Erie. Water pollution control is urgent. I voted to increase Federal funds for clean water to $1 billion. Surely, this expenditure must be given top priority instead of squandering additional billions to the $115 billion already spent waging an undeclared, immoral war of aggression in Vietnam.

JOB OPPORTUNITIES FOR MINORITY GROUPS

Mr. SCOTT. Mr. President, I am pleased to offer for the RECORD the text of an address delivered on February 9 by the Honorable James D. Hodgson, the Under Secretary of Labor, to the National Urban League Conference in Atlanta, Ga.

It is an excellent account of the remarkable achievement of the Department of Labor, with the strongest backing from the President of the United States, in widening the job opportunities for members of hitherto disadvantaged minority groups.

The Department's approach, under the direction and personal example of Secretary George P. Shultz, Undersecretary Hodgson, and Assistant Secretary Arthur Fletcher, is characteristic of the Nixon administration's stress on performance rather than rhetoric in handling all public problems. As Mr. Hodgson expressed it in Atlanta:

> Two features mark our approach to today's problems. The first is moderation in style. No florid rhetoric, no illusory promises, no claim of heroics. The second is to point our efforts toward results. Not to accentuate and polarize differences, not to promote confrontations, but rather to get things done—useful, constructive things.

I commend the Under Secretary's address to my colleagues and to all readers of the CONGRESSIONAL RECORD.

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

REMARKS OF UNDER SECRETARY OF LABOR J. D. HODGSON

The Twentieth Century has been called a troubled and turbulent time. History and fate have not treated it with kindness. The first 50 years of the Century was marked by two unthinkable World Wars, by a lengthy economic trauma and by a demented endeavor to exterminate an entire people. It was in short, a time of great tragedy.

If indeed the first half of the Century was a time of *tragedy*, the second half has been a time of *irony*.

Irony flourishes in disequilibrium. And of disequilibrium we've had our share in the last 20 years. Our Nation moves forward on many fronts: economic, technological, sociological and spiritual. The rate of forward motion on each varies.

During these last two decades the brilliant flame of progress has burned brightly in two spheres—economy and technology. In the realm of economics the so-called developed countries have raced ahead to world record heights of living standards. The United States has led that race—led it to a point where a curious term—affluence—has become widely accepted as descriptive of our condition.

Meanwhile the domain of technology has produced equal or perhaps even greater wonders. Time and space have succumbed to the onslaught of physical science. The moon is no longer a lover's inspiration, but a scientist's laboratory.

But while economics and technology have ascended to peaks of achievement, the condition of man continues to resist similar advancement. This, then is the *irony*—the spectacle of man, seemingly able to achieve all goals save those most intimately affecting himself.

To some this irony is so baffling, so frustrating, that in the argot of the day, they "cop out." They take one of two roads. Some avidly embrace simplistic solutions—solutions long on emotional comfort but short on realization. Others retreat to some neutral and numb ground of non-involvement.

Public officials cannot take either roads if they are to remain responsible to their office. They are charged with the task of analyzing and acting to solve the Nation's problems. And today our Nation's most difficult problems are "people problems." Anyone who deals with the people problems of our time knows one thing is necessary for their solution. That thing is *"change."* So today, public administrators find themselves engaged as "engineers of change." To devise the direction and chart the course of change—that is the challenge.

In every "people problem" area today, two key questions face the public administrator. Questions of "what" and "how"—*what* needs to be done and *how* it shall be done. These questions involve decisions of both style and substance. In fact, to achieve cohesive policy, style and substance must interrelate.

Today the Administration in Washington is carving out an approach to the people problems of our time. It is framing answers to these "what" and "how" questions.

The Administration's answer to the "what" question in dealing with problems of minorities is now becoming readily apparent. A critical and urgent need is for economic advancement. It has been decided that the way to achieve such advancement is through *more* jobs for minorities, through *better* jobs for minorities and through *more and better* training for *more and better* jobs.

Now what about the answer to the "how" question—how are these things to be done. Here, too, the answer is emerging. First, new industries like construction must be opened up to minority employment. Second, concentration must be placed on those programs that provide *real* jobs, not "iffy" job promises. In manpower programs, job placement rather than social reform is stressed. Upgrading, in addition to hiring, becomes a priority goal, and training programs are specially tailored to job market needs. The thrust of it all has a clear focus—to provide minorities with *more income* through *more and better jobs.*

At the same time operating changes are made to support these objectives. Past vague references to affirmative action are converted into concrete and specific requirements. Responsibility for achievement and enforcement is clarified and fixed. Coordination of administration and enforcement is nailed down. And a quantum leap forward is provided in staff and dollars to do the job.

So much for how the problem will be attacked.

It is now appropriate to ask "under what approach or style will all this proceed?" Here is where an attempt is made to learn from past mistakes. Credibility, Federal Government credibility, as we will know, had been a king sized problem on this subject. In retrospect it is not hard to understand "why".

During the sixties a cycle kept repeating itself. *Step One* of the cycle involved a well intentioned but extravagent set of Government promises. This was followed by *Step*

Two which saw emerge an understandable but excessive expectation of results.

Then *Step Three* produced a sense of frustration and often a hostile reaction to low levels of achievement. Finally the result was *Step Four*, a disenchantment and questioning of the intentions and good will of everyone involved in the whole process.

Now in reflection it is easy to see how such an unfortunate pattern could ensue. Once the first step occurred, the cycle became practically inevitable.

In the last decade this pattern marked many spheres of our national life. As the new Administration took office, this fact was recognized. And so, when President Nixon rose to the rostrum on the steps of the National Capitol on Inauguration Day, he urged the Nation to consider a change of style. "Let's lower our voices," he counselled. He told his Cabinet, "Let *performance*, not promises be this Administration's objective." And in his press conference just a few days ago he again resisted the temptation to indulge in rhetorical flourishes, suggesting only he would be satisfied to be judged solely by results achieved.

This second half of the Twentieth Century has been a very verbal age. We are bombarded from all sides by the printed and spoken word. The media has an omnivorous and unsatiable appetite. So in some ways, particularly in contentious matters of the moment, such a muted approach as that proposed by the President can be misunderstood.

But *some* understanding is becoming evident. People have become aware that volume of rhetoric bears little relation to seriousness of commitment. Nor does passion or promise mean capacity for performance. But though the public now understands this, it is not yet equally aware of something else—that absence of promise *does not mean* absence of concern.

So perhaps here is where we are at this point in time. On one hand widespread recognition exists that the methods of the past have failed the Nation. On the other full confidence does not yet exist that the new methods will be any better.

It is in full recognition of this understandable questioning—particularly questioning by the Nation's minorities—that I talk to you here this morning.

Now let's go back to early last January. The President had just announced George Shultz as the next Secretary of Labor. Before taking office Mr. Shultz made a speech before the Industrial Relations Research Association in Chicago. Here, even before sitting in the Secretary's chair, he pinpointed the issue designated for top priority during his tenure in office. That issue—*race and employment*. What was top priority at the outset remained top priority through the year and is top priority today.

Let's review what has happened during this past year. Here I'll try to be as objective as I can. But remember, the Labor Department and its activity are our baby. And no one can really describe one's own baby objectively.

In our first days in office the Secretary laid down two guidelines for the entire Department. First our approach was to be *professional*. Second, all our activities were to be, as he put it, *"results oriented."* In other words—get things done and get them done well.

The instant a new Administration takes office there are about a thousand things to do at once. But considering the Secretary's announced priority, one of the first things we in the Labor Department turned our attention to was a Department organization bearing the name "Office of Federal Contract Compliance." I say "organization" but that is stretching the term. Examine with me what we found—a group of but twelve staff members plus a handful of clerical people. And *no* Director. In fact there had been no Director for almost a year.

The group was isolated from all other operating units of the Department, in no position to call upon other Department resources. No effective coordination existed with other related Government agencies. The group had attempted to make a start toward greater minority hiring in the construction industry in the City of Philadelphia. But they had been rebuffed and had given up. They were good people—this group—but they were lonely, leaderless and dispirited. It was obvious that the first thing needed was strong leadership.

As you know, I came to the Nation's Capitol from the West. Out there I had been hearing some impressive things about a former Los Angeles Ram tackle from the State of Washington. "In improving race relations" I was told, "Art Fletcher goes about getting things done as though he were leading Gale Sayers around end." Just the man for this job we decided. So Art became Assistant Secretary in charge of all the Department's enforcement activities. And we placed the OFCC unit under his supervision.

Now we needed a Director for the unit. Someone to carry the ball for big yardage after Art had opened the holes. To make sure we could attract a top man, we elevated the Director job to the top of the Federal pay scale. Then in San Francisco we found the man we wanted—Boston University trained John Wiks, a specialist in community relations.

Next we had to do something about staff. For the big job ahead we needed a bigger staff. So in spite of budget austerity, in spite of drastic Congressionally imposed personnel limitations, we sent to Congress, with the complete support of the President, a request to double the staff by June of this year; and to add 20 more next year, thus almost trippling the size of the group.

Now it was time to respond to Secretary Shultz admonition that we were to be "results oriented." As most of the Nation knows, results had been sparse in placing minorities in several sectors of the construction industry. Our predecessors had made a try in Philadelphia without success. But Philadelphia still had a problem. So we waded in.

The story of our Philadelphia Plan has been too well and too often told elsewhere for me to recount it here. Its critics have tried to kill the Plan with multiple attacks. They have failed.

They failed because President Nixon gave it his personal endorsement. They failed because Secretary Shultz fought a four-day battle to save it in Congress. They failed because he and Art Fletcher performed the incredible feat of getting the Senate to completely reverse itself. But you know that story.

The importance of the Philadelphia Plan lies not only in its intrinsic merit but in its demonstration of a seriousness of purpose. In its reflection of a determination to get results.

Look what has happened. In the last month two of our major cities—Chicago and Pittsburgh—have devised their own plans. Similar effort is going forward in a number of other cities.

Today in Washington the Labor Department is making an important announcement that I will share with you. Today we are announcing a nationwide program for expanding minority employment in the construction industry in 19 major American cities. Together with this announcement we are publishing a "Model Agreement" for cities to use in attempting to work out, with our help, their own plans. Thus we have now set a nationwide objective and a specific framework for achieving that objective.

But construction is only one industry. So last week the OFCC published something known as "Order Number Four."

Order Number Four covers Federal contractors in all industries except construction. It is a document of great length and weighty content. It will have great impact in filling the many gaps that still exist in equal employment opportunity among Government contractors.

For the first time the Order specifies that contractors must establish *goals and timetables* to remedy deficiencies in minority employment. Now the entire concept of such employment goals has, as you know, been the focus of stormy controversy. Some revile them as "quotas". Bitter arguments ensue as to just what they are—goals, quotas, standards, targets or what. All this controversy has obscured a fundamental point.

These goals apply to *business* establishments. In business the standard practice for achieving and measuring things is to set goals. Its simply a business-like way of assuring the job gets done. Or, if it doesn't get done, to find out why.

So Order Four merely incorporates a standard business tool to help solve a major national problem. Many businesses on their own have been doing exactly this for years. Most Plans-for-Progress companies, for instance, have found this device to be useful, reasonable and effective. So we've nailed it down in the new Order.

About here I should acknowledge that OFCC is only one unit of the Department of Labor that focuses on improving the economic position of minorities. We view our manpower unit as a major contributor to this objective. Our manpower training and service programs are heavily concentrated on helping the disadvantaged. In a time of Federal budget austerity, we increased the budget of this unit this year by fifteen percent and by another twelve percent next year. And as you can imagine, increasing Federal budgets in these times is like swimming upstream. But nonetheless this is what we're doing. In the construction industry alone this year we devoted $20,000,000 to training the disadvantaged, and the figure will rise next year. In the so-called *JOBS* program alone we have allocated the spending of more than $300 million next year. And as many of you know, nearly *90%* of the people who get jobs under this program are minorities.

Last month we made an announcement—a Nationwide program negotiated by the Department with the Plumbers Union and the National Constructors Association. This is a *journeyman* training program for minorities. It constitutes the first major National breakthrough in a high paying job area where minority participation has been exceedingly sparse.

For the last several minutes I've been talking about a lot of things we're doing or planning to do at the Department of Labor. I suppose I've sounded like I'm pleased about these things. And I am.

But don't misunderstand me. I'm not here to say that at last we've worked out some magic solution to the problems of unequal employment opportunity. Nor do I think that will automatically produce new high levels of income for all the Nation's minorities.

What I've been saying adds up to this. First, we clearly recognize the existence of a major problem area. Second, we view the problem to be of such magnitude that we have given it top priority. Third, we have committed extensive talent, resources and energy to attacking it—certainly more than ever before. And finally, we're willing to be judged by the results of our efforts.

Today I get special pleasure in discussing this subject before a meeting of the Urban League. That pleasure springs from knowledge of the special, almost unique, role of the League.

You will recall that I have dwelt on two features that mark our approach to today's problems. The first is *moderation in style*. No florid rhetoric, no illusory promises, no

claim of heroics. The second is to point our efforts *toward results*. Not to accentuate and polarize differences, not to promote confrontations but rather to get things done—useful, constructive things.

Now as I reflect on these approaches I become aware they are in marked harmony with approaches used by the League over the years. The League has always been a "doing" organization. The League maintains referral and placement units. The League provides special counselling and community services. And now the League operates dozens of training programs, many like LEAP and Outreach under the Department of Labor sponsorship. So the League itself is highly "results-oriented."

Through the years we have seen the League employ a reasoned, rather than a raucous, voice. It has been strong and firm in its views where others were merely strident. The League knows that furor and frenzy can never replace constructive action if real gains are to be won.

So I take special pleasure and extend special thanks to you for letting me discuss these critical matters with you.

This morning I have often spoken in terms of "problems." There is now occurring a switch in phrasing deserving a high favor. People increasingly refer to "problems" as "opportunities." I like this. It has a positive ring to it. A problem is something you try to get out of the way. An opportunity is something you work at with zeal and inspiration. Certainly that is how the matters I have discussed here this morning should be attacked. I believe that is the way the Urban League is attacking their opportunities. I know that is the basis for our approach to them in the Labor Department. As this concept spreads among men of good will everywhere, the end result can only be real progress. And real progress has become a tangible and achievable objective. Let's all work at it.

Thank you.

LAOS AND VIETNAM

Mr. McGEE. Mr. President, Columnist Richard Wilson, writing in today's Washington Evening Star, details what he calls "an important distinction" between U.S. military operations in Laos and in Vietnam. That difference or distinction is that in Laos, while we are training, equipping, and advising a native army, and probably giving it air support, there is no direct involvement of American ground troops in combat. Indeed, the President has assured Congress that none will be sent to fight in Laos without its consent.

This is an important distinction which does not preclude our Government's acting to protect the integrity of Laos or other threatened nations in Southeast Asia.

The point which Mr. Wilson drives home is that this policy is not news—certainly not to the critics in Washington. It is under attack, however, because, to some, it appears to be a good time to undermine the President's policy and forge a new policy of total disengagement.

I ask unanimous consent that Richard Wilson's column, entitled "Criticism Unlikely To Sway Nixon on Laos Policy," be printed in the RECORD.

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

CRITICISM UNLIKELY TO SWAY NIXON ON LAOS POLICY

(By Richard Wilson)

Another Vietnam in Laos? Well, hardly yet. There is an important distinction between the military operations of the Nixon administration in Laos and those in Vietnam.

If this distinction is not recognized then it may as well be said that the President of the United States is now and hereafter precluded from effectively supporting the nations of Southeast Asia in resisting external aggression.

This is evidently the basic objective of those in the United States Senate who now are accusing the President of escalating the war in Laos into another Vietnam.

This distinction between Vietnam and Laos, however, is a working demonstration of the kind of policy called for by the Nixon Doctrine in lieu of the massive direct intervention of U.S. forces in Vietnam. In Laos we are training, equipping and advising a clandestine native army and probably giving it air support without the direct involvement in combat of American ground troops. That pattern undoubtedly would be followed in Thailand if the northern insurgency required it. It is the developing pattern also in Vietnam, where it is called Vietnamization.

Implicit in the gathering storm over Laos is the basic question of the President's using these methods to preserve the political integrity of independent governments in Laos, Vietnam, Cambodia and Thailand.

This is well understood in Congress. The Senate Foreign Relations Committee knows what the Nixon administration is doing in Laos and why it is doing it. The present outburst arises mainly because a few newspapermen have observed first hand what the Foreign Relations Committee has known all along was being done in Laos.

A visitor to Vientiane as long ago as three years could readily see that the United States was giving military support to the government of Laos. There was no secret about it. The CIA was there. American military advisers were there. They also traveled back and forth between the American airfields in the north of Thailand to Vientiane.

Investigators for the Foreign Relations Committee have been supplied with a great deal of information by State Department personnel on the operation in Laos, so much in fact that there has been concern at the White House over the leakage of military information that would be of benefit to the North Vietnamese invaders.

Then why all the fuss? It arises because this is considered the right time to undermine and reverse President Nixon's policy in Southeast Asia. It finally is coming to be realized that Nixon meant it when he said the United States was not about to "bug out" and that he intended to preserve the independent political integrity of the nations of Southeast Asia.

That is not sufficient for the peace group in the Senate. Some of them had thought that Nixon was moving toward a total pullout, regardless of the consequences, as a political necessity. Now they see that this is not so and they observe that in both Thailand and Laos the President has committed the United States to military support of existing governments.

Nixon also is being accused of duplicity and of failing to hold the confidence of the American public by being little franker about his objectives than President Johnson.

This only means that in a brief time President Nixon will take to the air waves again to give a fuller explanation, but no fuller than is already known to the Foreign Relations Committee, about what we are doing in Laos, why it is in support of an independent government, why it protects our troops in Vietnam and making it doubly clear, as Secretary of Defense Laird already has, that he has no intention of committing ground combat forces.

If the President does not do this he will merely play into the hands of those who say he is hiding his actions in the same deceptive way as Johnson.

It is of even more substance that if the President is driven off his policy in Laos then he will have retreated from the aims and objectives he has so often stated in the Nixon Doctrine.

But there is no present prospect that Nixon will be driven off his policy, certainly as long as the North Vietnamese infiltration through Laos to Vietnam continues.

One other aspect of this matter is important. The President has assured Congress he will not send ground troops to fight in Laos without Congressional consent. If this assurance is to be taken literally the President has gone a step farther than his predecessors in recognizing congressional participation in decisions on future military interventions.

ON CRIME IN THE STREETS

Mr. SYMINGTON. Mr. President, in a recent interview, an outstanding trial lawyer, Edward Bennett Williams, addressed himself to the problem of crime and the avenues for solution.

Although his remarks were made in the context of the critical situation in the District of Columbia, they are pertinent and applicable to cities across the Nation and of interest to all those concerned with this national problem.

Mr. Williams states that our system is broken down in three places.

First, he asserts that the greatest deterrent to crime in the street is a visable policeman and calls for more and better paid policemen. For the quality and quantity needed, a massive Federal subsidy to the cities is required.

Second, if punishment is to work as a deterrent, it does not have to be severe but it does have to be swift. When those apprehended do get to court, the average lawyer can keep his clients at liberty for from 18 months to 2 years before a final decision.

The whole criminal justice system must be speeded up if it is going to work effectively. This too will take more funds.

Finally, the prisons, instead of rehabilitating, have become breeding grounds for crime.

I ask unanimous consent that the complete article appearing in the Washington Post of February 28 be printed at this point in the RECORD.

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

[From the Washington Post, Feb. 28, 1970]

AN ATTORNEY'S VIEW OF THE DISTRICT OF COLUMBIA CRIME SITUATION

(NOTE.—Trial attorney Edward Bennett Williams, one of a number of civic leaders who have recently met together in search of new solutions to the problem of crime in Washington, was asked about some of his conclusions in a recent interview with Joseph McCaffrey of WMAL–TV. Following are excerpts from the interview.)

MCCAFFREY. As an attorney and a trial attorney, are you concerned about what we all refer to rather too liberally, perhaps, as the rising crime rate?

WILLIAMS. I am terribly concerned about it. I'm terribly concerned about it at the national level, and I'm terribly concerned about it here in our city. We've been called the crime capital of the world, and I'm afraid it's with some validity. Crime has been spiraling out of control in our city . . .

There are all kinds of crimes, but the crime I think that has bestirred the alarm of our country and the alarm of our city is the kind of crime that's directed against private property, and often attendant with violence to the person. I'm talking about

robberies and muggings and yokings, larcenies and burglaries, which have been on the rise here in Washington and across the country. We have a terrible situation here in the District of Columbia. Last year there were 18,000 plus burglaries. There were 9,000 plus armed robberies, and there were 9,000 larcenies of property over $50.

And the thing that disturbs me most is that four out of five persons who committed a robbery on the streets of Washington went unapprehended . . .

McCAFFREY. All right, now let me yield to you, without any interruption, and as an attorney, tell me what you think should be done to combat current crime rates.

WILLIAMS. I think the system has broken down in all three of its divisions. First of all, I think, we desperately need in our city, and I think we should take our city as symbolic of the 30 big cities in the country, we desperately need more policemen. During the Johnson administration there was an authorization for 4,100 policemen. President Nixon said we needed 5,100. I think we need more. I think we need more than 6,000. At the moment we have fewer than 3,500 on the streets. Though they give you a figure of 3,950, but 450 of these are in training. We have lagged terribly in recruiting policemen. The greatest deterrent to crime in the street is a visible policeman. And as long as these kids who are committing these crimes, and they are kids, 75 per cent of them are being cimmitted by kids under 21, as long as the odds are five to one they won't be caught, as long as the odds are 14 to one they won't be caught when they go out and steal property worth $50 or more, as long as the odds are nine to one they won't be caught when they break into your house, they're going to keep committing these crimes.

McCAFFREY. Pretty good odds.

WILLIAMS. Well, our talks about the fact that well, their decisions out of the old Warren Court were too liberal, were too soft on the criminal, but I think that this is really not addressing one's attention to the real problem. You wouldn't find one kid who gave one fleeting thought to his constitutional rights or criminal procedures before he went out in the streets to do his crime. They go out on the premise that they aren't going to be caught. And the record shows that they're pretty much right. The odds are overwhelmingly with them that they aren't going to be caught.

So, I say we desperately need more police. The record shows that when Chief Wilson saturated the third district with police in an experiment to see whether he could curb robbery, and burglary, and larcency, he reduced it tremendously. Now we've got to spend the money and saturate the city with police. But that isn't the end of the problem. There's still, I think, an equally bad problem. And it's a problem of which I, as a lawyer, am not proud. I think there has been a terrible breakdown in the criminal justice system of this country.

Now, we've already seen that the criminal justice system, the courts, are irrelevant to a large segment of the crimes that are being committed, because these crimes never get into court. But when they do get into court, a very bad thing takes place. The average lawyer today, if he exploits all the rights of his client, can keep his client at liberty on the street for from 18 months to two years after he commits an armed robbery.

McCAFFREY. While they're working to pay him.

WILLIAMS. Well, 60 per cent of the people who are committing these crimes aren't able to pay a single dollar. They're indigent. And they're given free counsel, they're given the right to a free appeal, so naturally they all appeal; and the whole system stalks because even after the defendant is brought to trial, which may be several months after he's arrested and indicted, and even after he's convicted by a jury, it takes from six to eight to ten months before an opinion comes out of the appellate court affirming or reversing his conviction. And then there is an equal amount of time that is used up while the Supreme Court avenue is explored.

Now, if punishment really is to work, it doesn't have to be severe, but it has to be swift. You know from your experience with your own children, that if one of them deliberately spills the milk at the breakfast table, unless there is a quick meeting of his derriere with the front of your hand, there is not an understanding of the punishment. You can't wait for three days and then administer the punishment. The same thing is true at the level of society, unless punishment is administered swiftly, it does not have a deterrent effect.

So, I think we have to take a new look at our whole criminal justice system and speed it up if it is going to work effectively. We have to eliminate this delay of 18 months between the offense, and I'm giving the system the benefit of the doubt when I say 18 months because it's longer than that in many, many cases—we've got to eliminate that delay.

Third part of the system where there's been a terrible breakdown is in the prison system. Of course, the last thing that you can ever get the legislature to address itself to is the prison problem. It's the last item on national state priority. I can say this to you in all candor, in my 25 years of practicing law, I have met only one person whom I think was benefitted by a term in prison. The one person who was really rehabilitated. Unfortunately the prisons have become a breeding ground for crime. You put young boys in the prisons today and they come out hardened criminals. It's terrible, it's really terrible. The whole prison system needs a tremendous reformation. It's broken down.

So I say the system is broken down in three places. We don't have enough police, we don't pay them enough. We expect so much of them now. We expect our policemen to be professionals, we should treat them like professionals. We expect them to know the law. We expect them to know first-aid. We expect them to be family counsellors. We expect them to be sociologists. We expect them to have the wisdom of Solomon and the patience of Job, the agility of a Jim Brown, and we give them $150 a week and a gun. We've got to escalate our police force both quantitatively and qualitatively across this country. We can't do it with the money that's available to the cities because the people who can provide the funds from a tax basis are fleeing into the suburbs. The only way it can be done is from a massive subsidy from the federal government to the cities to correct this problem. I think this should be the number one priority in the cities because until we restore order in the cities, there is going to be no progress in education; there's going to be no progress in health; there's going to be no progress in job opportunities, there is going to be no progress in any of those many things that are crying out for attention. We have to restore order. And we have cities out of control. One of them is ours.

LOWERING THE VOTING AGE

Mr. BAYH. Mr. President, the New York Times this morning published an editorial endorsing the constitutional amendment, Senate Joint Resolution 147, that would lower the voting age to 18. The editorial cited the impressive testimony of Dr. S. I. Hayakawa, president of San Francisco State University, in hearings before our subcommittee last month.

I am in complete agreement with the statement of the Times that:

We have become concerned that suffrage for this group of Americans is a matter of simple justice. To grant it would give them a sense that they have indeed a stake in their society and a political voice to protect it. To continue to treat them, instead, as children—although many of them have children of their own—can only deepen an already dangerously widespread sense of alienation.

Mr. President, I ask that the entire editorial be included in the RECORD.

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

YOUTH AND SUFFRAGE

If the case for lowering the voting age rested solely on the most widely repeated argument for it, the cause would not be worth pursuing. Those who are old enough to work, pay taxes and go to war are not necessarily old enough to vote, there being certain differences in the qualifications for the four activities. But there are other reasons for taking such action, and they are cogent enough to have won the support of 68 Senators who now favor amending the Constitution to that end.

The chief one is that the young people presently in the affected age bracket are far better prepared educationally for the voting privilege than the bulk of the nation's voters throughout much of its history. Only a half-century ago fewer than 17 per cent of American youngsters were graduated from high school and fewer than 8 per cent went to college. Today close to 80 per cent are high school graduates and roughly 45 per cent get some form of higher education.

Yet the nation does seem to have qualms about lowering the voting age. The New York Legislature has made a tentative move in that direction, but recent attempts in other states have been easily defeated. Reluctance to give the vote to these young citizens rests mainly on their supposed immaturity, an argument reinforced by highly publicized accounts of students rioting, drug addiction, political lunacy and other such suggestions of instability.

On this aspect of the question, the nation should have been impressed by the testimony of Dr. S. I. Hayakawa, the president of San Francisco State University. Of the 18,000 students at his embattled institution, no more than 1,000 participated in the disorder, and of those arrested, one-half were well over the present voting age. If it is any comfort to fearful conservatives, Georgia has had 18-year-old voting since 1943, and its present Governor is Lester B. Maddox—an argument which we realize could defeat the amendment.

Contrary to our original views, we have become concerned that suffrage for this group of Americans is a matter of simple justice. To grant it would give them a sense that they have indeed a stake in their society and a political voice to protect it. To continue to treat them, instead, as children—although many of them have children of their own—can only deepen an already dangerously widespread sense of alienation.

WITHDRAW OUR ARMED FORCES FROM WEST GERMANY: GIVE TOP PRIORITY TO OUR OWN NEEDS

Mr. YOUNG of Ohio. Mr. President, more than a quarter of a century following the end of World War II, the United States continues to maintain 320,000 troops and nearly 290,000 dependents in Western Europe. The time is long past that our military commanders realize that World War II has ended.

New realities, which should have been faced in the 1960's, must certainly be recognized in 1970. There is no justification whatever for the United States to maintain in Europe any armed forces except liaison officers, some headquarters officers in Belgium and some air force and logistic support in West Germany. Our Government should bring home at least 200,000 ground troops from Europe and an equal number of dependents by September 30 of this year.

We should awaken to the fact that the nations of Western Europe no longer suffer from the economic prostration, military weakness, and political instability that characterized them when their cities and industries were lying in rubble more than a quarter of a century ago. Today, West Germany has become an economic superpower, the third wealthiest nation in the world. The West German mark is one of the world's strongiest currencies. International bankers consider it as sound, or more sound, than the American dollar.

Today, more than 220,000 American troops are stationed in West Germany alone. We are spending nearly $15 billion a year to support our NATO forces. In addition, we are paying 70,000 German nationals one-quarter of a billion dollars of American taxpayers' money each year to provide services for our troops stationed in the West Germany Republic. This does not include the vast sums spent in Germany by dependents of the American forces.

It is clear that our Secretary of Defense and the generals of our Joint Chiefs of Staff continue to view the world through spectacles of the World War 1945 period, when a weak Western Europe faced a dynamic, expansionist, cynical Soviet Union under Joseph Stalin. Following the death of dictator Stalin, the threat of invasion became more and more remote. President Nixon has emphasized the fact that the era of the "cold war" between our Nation and the Soviet Union no longer exists.

President Nixon recently placed an official seal of finality on that era in American history from 1946 to the death of Stalin when a cold war raged between the dictators of the Kremlin and the United States. At that time the two huge Communist nations on this planet were in accord with each other. During the last few years the Soviet Union has withdrawn from eastern Europe more than five divisions of its armed forces. Most of these soldiers along with other ground forces of the Soviet Union are now stationed along the 4,500-mile common border separating the Soviet Union and Communist China. There has been fighting and bloodshed and the Russians have invaded sections of Mongolia slicing off Chinese territory. The border clashes are becoming more frequent. Possibly a huge scale war is imminent between the huge Communist nations China and the Soviet Union.

President Nixon recently stated, "International Communist unity has been shattered." He said, "the Marxist dream of international communism disintegrated."

Throughout the last 24 years the United States has girded its military power against international communism. With the recognition that there is no longer even a hint of a monolithic Communist conspiracy to conquer the world, the last vestige of reason for us to maintain armed forces in Western Europe no longer exists. Furthermore, Americans have reason to feel outraged that their President is sending thousands of draftees to fight in Vietnam following basic training of 4 months when seven divisions of highly trained, largely professional career officers and enlisted men are living the good life in West Germany. The officers from captain up to the generals never had it so good. They are living high on the hog with their wives and youngsters, with servants to spare and enjoying their Mercedes automobiles, skiing in Germany and Switzerland, and traveling by air and automobile to the various spas and famed vacations areas in Italy, Spain, and elsewhere. Many of the noncommissioned officers, the backbone of our Army, are living in Western Europe—West Germany, Belgium, and elsewhere—like squawmen with their families. If there were a sudden grave emergency—a sudden invasion on the ground and in the air—one wonders if a sergeant with a wife and five or more children would consider their welfare and safety ahead of his Army duties. If we really need to maintain thousands of fighting men in Europe to protect the United States, then the term of duty should be no longer than 13 months; and no dependents.

The tremendous cost to our taxpayers in maintaining 320,000 men of our Armed Forces in Western Europe and approximately 290,000 dependents and in addition more than 90,000 civilian employees has been increasing year after year. All of this unnecessary expenditure of billions of dollars has resulted in huge balance-of-payments deficits year after year. This has threatened the stability of our dollar.

German landlords, apartment, and homeowners have profiteered at our expense. German authorities have been guilty of outrageous burdensome charges against Americans and against the U.S. Government for maintaining these forces stationed in Germany to protect that tremendously strong and opulent nation from an invasion from the Soviet Union. The likelihood of this is as chimerical as the alleged claim emanating from the Pentagon of the likelihood of Chinese, dropping atomic war heads on the United States. Yet, Defense Secretary Laird is advocating deployment of ABM missiles against that "threat" at a cost of billions of dollars. For example, in our airlifts and the landing of our Nation's planes with military men and materiel, it is the West German practice to extort a $20 landing fee, sometimes more, for every American plane landing men of our Armed Forces or supplies for our Armed Forces. We pay tribute to the Germans for protecting a now powerful Nation, the West German Republic.

The nations of Western Europe can certainly provide the necessary troops and air forces to defend themselves. It is ridiculous to believe that the 280 million people of Western Europe, with tremendous industrial resources and long military experience, are incapable of defending themselves against 240 million Russians. This at a time when the Russians are engaged in sporadic warfare with 800 million Chinese along a 4,500-mile common border separating the Soviet Union from Communist China.

There is no reason for Europe to depend on us. Since the death of Stalin, the Soviet Union is no longer an aggressive threat to our NATO allies. The leaders of the Kremlin during the past 10 years have been intent on raising the standard of living of their our people. The Soviet Union, now a "have" nation, no longer a "have not" nation, is veering toward capitalism. President Nixon recently stated that the cold war between the United States and the Soviet Union had ended.

It may well be that the overwhelming presence of American military power in the past quarter century has foreclosed promising avenues of European development. It has prevented West European countries from developing their own military defense system to the extent they probably would have done otherwise. It has encouraged them to remain encased in the cradle of dependency.

That "monolithic Communist conspiracy," which has served as the excuse for so many of our foreign policy blunders, no longer exists. The Russian-Chinese disputes threaten to explode into full-fledged war. It is well known that Rumania, Yugoslavia, and other Communist nations in eastern Europe are considerably further from Soviet domination than they were 10 or 15 years ago. Very definitely, Hungary, Yugoslavia, and Rumania are not dependent on the Soviet Union nor are they, in fact, satellites of the Soviet Union. They are nationalist Communist countries.

The United States should leave only a strategic reserve in Western Europe. Our massive military presence in Western Europe has become merely foreign aid to the European countries—needless foreign aid costing taxpayers billions of dollars. The nations of Western Europe can unquestionably provide the necessary troops to defend themselves. There is no reason for them to depend on us.

The United States has 656 missiles in Polaris submarines, more than 1,200 ICBM's and some 650 intercontinental bombers. It is this nuclear umbrella that provides the real protection for Europe, not excessive numbers of ground troops.

We must emerge from the dark shadows of the 1940's to the reality of the 1970's, close down our unnecessary military installations and make a sincere effort to solve the challenging crises facing us here at home. This would be a major step toward creating an international climate conducive to peace. At the same time it would offer a new potential for giving top priority to solving the grave problems besetting us in our own country.

SAVE YOUR VISION WEEK

Mr. SPARKMAN. Mr. President, this week of March 1–7 has been proclaimed

by President Nixon as Save Your Vision Week, an observance designed to call public attention to the importance of good vision and proper eye care.

Save Your Vision Week has special significance for Alabama this year. The new school of optometry at the University of Alabama in Birmingham has accepted its first call of students, who will undergo the normal 4 years of graduate school work to earn the doctor of optometry—O.D. degree.

We are very proud of this new facility, which is under the guidance of Henry B. Peters, O.D., Ph. D., Dean, who assumed his duties following several years on the faculty of the University of California at Berkeley in its school of optometry.

With a full complement of students in the next few years, the University of Alabama at Birmingham will be graduating some 40 doctors of optometry a year, to help overcome the serious shortage of these health-care professionals in the Southeastern section of the United States.

Those of us who have been so interested in the development of our scientific and health care complex at the Birmingham campus consider this new school of optometry an excellent addition to the educational program of the university. We are confident that it will rapidly gain a reputation of being one of the best of its kind.

THE CONCENTRATED EMPLOYMENT PROGRAM AND NATIONAL MANPOWER POLICY

Mr. BAYH. Mr. President, hearings on the concentrated employment program were conducted on Friday, February 27, 1970 by the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare. I submitted a statement to the subcommittee because of my concern that reassessment of our national man power policy result in delivery systems that are effective and clearly responsive to the special needs of the hard core unemployed. 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:

STATEMENT OF SENATOR BAYH

I wish to express my interest in the Concentrated Employment Program and my concern for its signficance in relation to national manpower policy. I have studied documents related to CEP and reviewed reports written by responsible and concerned people, who have worked long with CEP programs. While I have great hope for the genuine potential of this program, as evidenced by the work and plans of the CEP in my own state—(we have a Concentrated Employment Program in Gary)—I am puzzled and concerned by a dichotomy which I seem to see between what CEP was intended to be and what CEP has actually become. I am convinced that the *CEP must not be considered apart from the total national effort to deal with poverty and the urban crisis.*

CEP is intended to strike at the heart of the problems of poverty through employment of the hard core individual; thus, this program is a *microcosm* of the full scale struggle to solve our nation's poverty crisis. *The questions we must ask about the CEP are the questions we must ask about manpower policy nationally and, indeed, about our whole approach to the poor and their problems.*

CEP was created in April 1967, when the Secretary of Labor and the Director of the Office of Economic Opportunity set aside $100 million of fiscal 1967 funds to finance concentrated manpower program efforts in certain urban and rural target areas with particularly heavy unemployment and underemployment. At the end of June 1967, contracts had been entered into for programs in 19 urban slum ares and in two rural areas. By July of 1968, the number of CEPs had increased to 76, of which 13 were located in rural areas. The CEP is a coordinating program, intended to serve as an "*umbrella,*" combining the individual manpower programs on a specified target area into a single united effort, under a single contract with a single sponsor. CEP aims to eliminate duplication of services, and: "provides training and supportive services to disadvantaged persons so that they can obtain steady, decently paid employment. It attempts to achieve a balance of training opportunities and services of various types, in order to meet the specific needs of individuals, and to insure that the maximum results in terms of their preparation for a stable, worthwhile environment" (*Manpower Report of the President*, 1969, p. 132).

The intended emphasis of the program is clear in its title—it is an employment program, therefore, all the services offered by the program were intended to be subordinate to the basic issue of employing the hard core. This employment, however, was intended to be meaningful employment, in which, if necessary, concessions might be granted on the part of the employer, who would allow someone he might not ordinarily hire, because of lack of experience or disadvantaged background, to work for him. The CEP was to provide supportive services to the hard core employee both before and after placement.

Reports which I have read on CEP in various cities, in both its first and second years of operation, show that generally these programs were weakest and accomplished least, precisely in the area of employment of the hard core. The programs had little trouble meeting or surpassing their enrollment goals, and generally developed good orientation and basic education units. However, while the CEP study often reported 100 percent enrollment achieved, this accomplishment was in great contrast to a 16 or 17 percent achievement of job placement goals. The picture is even more disheartening when placement statistics are studied in the light of a job retention percentage. Not only was CEP to place people on jobs, these jobs were to be meaningful and people were to stay on them. In one CEP, figures showed that only 11 percent of those referred to jobs remained on the job thirty days or more. In this particular CEP, this meant that of the total intake, only 5.9 percent of the participants who had entered the CEP had been successfully served (defining success in terms of job placement for more than 30 days). Another CEP showed a 46.5 percent post-placement drop-out rate. This was a CEP that at a point close to the end of the program year had achieved only 17 percent of its job placement goals to begin with.

In addition, the studies I read questioned the character of the jobs obtained by CEP. It was determined that the salary most frequently earned *before* CEP was $1.60 an hour, and the salary most frequently earned by CEP placements was *also* $1.60 an hour. The jobs were not exactly career opportunities. Characteristically, they were fry cook, laborer, porter, groundkeeper type jobs. In addition, there were some high percentages of placement referrals, which were "rejected by employer". Such rejection notes seemed particularly significant since CEP's purpose was precisely to circumvent, through training, counselling and proper supportive services, frustrating rejections.

The CEP as I observed it in reading and discussion then, has to a very great extent been *an exercise in unfulfilled promises.* I am convinced that the promises are unfulfilled, not because CEP operators are men of ill-will or because CEP workers are not dedicated and hardworking. Rather, they are *unfulfilled first because of the basic fact of conscious and unconscious discrimination in hiring, and secondly because the CEP has not attacked this central reality of the employment situation.*

With regard to that first point—the reality of a discriminatory employment market—studies showed that so-called hard core individuals, with one or two years of college were as unable to get into the job market at something higher than $1.60 an hour as were their under-educated CEP-trained brothers. Three volumes of powerful statistics issued by the U.S. Equal Employment Opportunity Commission: *Equal Employment Opportunity Report No. 1: Job Patterns for Minorities and Women in Private Industry, 1966* support these findings of the CEP studies. According to the EEOC report:

"Discrimination in employment is widespread and takes many forms; it can be found in almost every area, occupational group and industry and it has a crushing impact. In short, it is a profound condition, national in scope, and it constitutes a continuing violation of the American idea of fair play in the private enterprise system." (EEOC Report, July, 1968, p. 1).

The EEOC Report is a statement that cannot be ignored. It is an official substantiation of what any ghetto dweller can tell us:

"Job discrimination is a profound and pervasive condition in the American economy; it is a root cause of minority group problems, because the lack of meaningful and purposeful employment that provides adequate earnings is one of the basic reasons for the tragic plight of minority groups in America." (p. 20)

Thus, if the CEP does indeed have as its mandate to provide employment and supportative services around such employment, for the unemployed and underemployed poor, then the *CEP has, by that very fact, a mandate to attack the basic cause of unemployment and underemployment of minorities, job discrimination. But the emphasis in the CEP as it developed in its first and second years has been on remediation of the individual rather than on remediation of the employing system.* The assumption underlying this emphasis seems to be that if the individual is cleaned up and trained and learns some manners he will then be acceptable to the employer. In most CEPs studied, the effort has focused on changing the prospective employee to meet the standards of the employer, rather than enabling the employer to change or modify specifications to meet a hard core individual half way. It is interesting to pursue job orders and discover that an employer demanded that a person washing cars be: "conventional in dress, have an acceptable hair style, must be able to pass a math test and must be bondable." The pay for this job was $1.60 an hour. There was often little evidence of willingness on the part of employers to change hiring specifications, create career ladders, or in any way to break the existing pattern of employment of minorities in unskilled or semi-skilled jobs.

There seems to be more basic assumption at work here, and that is that the onus for his situation lies totally on the hard core individual. The presumption is that the defects are totally his, and not at least partially, with the system. The emphasis is on a "you can pull yourself up by your own bootstraps" idea, the perpetuation of a sort of "American Dream". But *for many minority group Ameri-*

cans the *American Dream has been a nightmare.* The minority unemployed or underemployed individual is at once told that he is a failure, that it is all his own fault and he can succeed if he wants to. The only thing lacking is the will to succeed, according to most orientation and basic education programs. Yet the minority group individual has faced the hard facts of a system that will not accept him, no matter how much he wants to succeed. *This is a system that in many respects breaks a man's leg and then blames him for being a cripple.*

Not only do carefully documented scientific studies attest to the truth of what I am saying, but voices speak from the black and other minority communities to remind us with more and more force of the realities of American life. Further, violence in our cities which we cannot ignore, and which inspires national fear and misgiving is still another sign that we cannot go on ignoring the fact of discrimination in our lives.

The CEP, as I see it, although it was intended to tackle one of the most crucial results of discrimination—unemployment and under-employment—actually has too often avoided the real issue of discrimination. To say this is to say that CEP rarely did what I would consider to be job development, or job creation. Rather, the job unit of CEP most generally pursued a placement activity through the use of job orders. Characteristically, this unit was sub-contracted to the State Employment Service, and proceeded according to traditional Employment Service methods. This meant that CEP job units were characterized by a *"slot"* mentality. The emphasis was on fitting an individual into a slot by changing the individual.

What is demanded in CEP, as set forth by an excellent University of Michigan-Wayne State University report, entitled *Job Development for the Hard to Employ,* is genuine job development, and even job creation. Such job development may involve the CEP in actual economic development activities as well. *Basically, the job development unit in the CEP must become an active, aggressive confrontative force, which is highly sophisticated in its analysis of the national, state and local employment situation, and which is willing to challenge or confront the realities of employment discrimination by every possible method.*

That the CEP *can* indeed become such a force, and *can* actually realize successful activity in confronting and solving the genuine problems of unemployment—the recalcitrant discrimination system—has become evident to me in my study of the Indiana CEP program in Gary. The Gary CEP defined the CEP mandate in terms of *job creation*—restructuring of existing jobs so that hard core people could perform tasks not presently open to them; development of the economic base of the community—create jobs through techniques of bringing new industry into the community where necessary and economic through expansion of existing businesses and generating new business which would be black-operated and which would eventually become self-sufficient. The far-reaching activities stemming from realistic job development and economic development policy of the Gary CEP resulted in a highly successful job placement unit in that CEP. While the original contract called for 750 placements, according to the CEP Director, Gary has placed 2077 people on jobs with a retention rate of 67 percent.

The aforementioned facts cause me to be highly concerned about recent guidelines issued for CEP by the Department of Labor. These guidelines assign the major portion of CEP activities to the Employment Service, although the studies I have referred to have constantly indicated the weakness of the Employment Service in facing the real problems of unemployment. *The Employment Service has not evidenced the necessary determination to pursue the type of negotiation necessary to produce genuine job development or job creation.* Rather, the Employment Service has settled for slot-filling placement activity, which has little if any impact on the employment situation in the community.

In view of the crucial nature of the problem of discrimination and unemployment of minority groups in our country, I must question whether the Employment Service is in fact prepared to engage in actual job creating, job developing activity across the nation. Yet, if CEP is to realize its promises, this is the activity which must be at its heart. All the orientation, education and skill training in the world will not make up for the fact that there is no *meaningful job* at the end of the program—and this is a Concentrated Employment Program.

At the beginning of this statement, I referred to the fact that CEP must be considered as a microcosm of the implications of National Manpower Policy. The direction evidenced in the CEP guidelines is one that entrenches CEP in the system, and effectively prevents the program from changing the system to benefit the hard core individual. *National policy shows this continuing trend toward reinforcement of the system,* to the detriment of the needy individual who for so many years has suffered beneath this system.

The tension in the CEP between the system and the non-system is evident in the tension between the Community Action Agency the usual prime sponsor for CEP, and the State Employment Services, a usual major sub-contractor. The Employment Service is employer-oriented, the Community Action Agency is community-oriented, designed to mobilize community resources and develop programs to meet actual needs. The *basic direction of present manpower policy seems to be away from community innovation and community involvement in programs.* Such a direction, if pursued, will be the death not only of CEP, but also of effective confrontation with the real issues behind the poverty and frustration which plague our cities.

The Congress and the country must realize the short-comings in the present structure of the programs and resolve to do a better, more meaningful job in the future.

FRENCH-AMERICAN RELATIONS

Mr. DOLE. Mr. President, I have just learned from the distinguished junior Senator from Tennessee (Mr. BAKER) that this afternoon the President of the United States flew to New York City to reaffirm the positive nature of French-American relations.

I am gratified that President Nixon has personally indicated that the hostile greeting received by President Pompidou represents the actions of only a few Americans. While it is proper to question the advisability of the French sale of 110 Mirage jets to Libya, this issue must not overshadow the global importance of closer French-American relations. As President Pompidou said before the joint session of Congress last Wednesday:

> It is a friendship which reaches both into a distant and a recent past, into the struggles waged together, the invaluable services rendered, whether long ago for your independence or 25 years ago—as no Frenchman has forgotten—for our liberation. But it is a living and active friendship because over and above interests which sometimes are bound to differ, there are common ideals which unite us and command our action.

President Nixon's affirmation of this friendship is to be commended by all Americans. A New York Times editorial described very well the importance of this alliance. I ask unanimous consent that the editorial, published in today's New York Times, be printed in the RECORD.

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

MR. POMPIDOU IN NEW YORK

President Georges Pompidou's effort to repair French-American relations after the strains of the de Gaulle era has been hampered at every stage of his American tour by the disagreement over Mideast policy, and especially, the unwise French sale of 110 Mirage jets to Libya. The issue tended to overshadow others of great importance in the official discussions in Washington last week. The protest demonstrations have obscured further the positive aspects of this visit.

President Pompidou was reportedly so upset by his reception in Chicago and by the prospect of an even more hostile greeting in New York City today that he considered canceling the visit here. We hope that New Yorkers, whatever their reservations about French Mideast policy, will respect Mayor Lindsay's request that the French President be treated courteously during his stay in this city.

In the long view of history, the French-American differences over the Mideast are unlikely to prove as significant as the increasing area of agreement between the two governments. As long as General de Gaulle is looking over Mr. Pompidou's shoulder, French re-entry into NATO's integrated military structure cannot be expected, but, short of that, the presence of United States troops in Europe is welcomed and more French cooperation with the North Atlantic Alliance is on the way. The French attack on the American dollar is a thing of the past. American investment in Europe, within limits, is no longer opposed. France no longer proclaims a world mission of opposition to the United States. Attempts to dominate Western Europe alone or through a Paris-Bonn axis are ended. Most important, France no longer opposes either the entrance of Britain into the Common Market or other moves designed to advance Western European unity.

New Yorkers who are determined to express publicly today their disagreement with France's Mideast policy would do well to keep this larger picture in mind.

HUMAN RIGHTS TALLY

Mr. PROXMIRE. Mr. President, as of January 1, 1970, 19 human rights conventions and covenants designed to implement the Declaration on Human Rights have been adopted either by the U.N. General Assembly or by one of the specialized agencies, and many have been ratified by member nations. Many interested citizens and civic organizations are pressing for Senate ratification of these human rights documents which they believe, in essence, affirm the basic principles to which Americans are committed.

However, it is hard to tell this commitment by the record of the United States on these conventions. The U.S. record is a poor one.

Of a total of seven human rights documents submitted by the President to the Senate only three have been ratified to date. These are the Slavery Convention ratified in 1956, the Supplementary Slavery Convention ratified in December

of 1967, and the Protocol in the Status of Refugees ratified in October of 1968.

There still remain four human rights conventions submitted to the U.S. Senate—the Genocide Convention, Freedom of Association, Political Rights of Women, and Forced Labor.

What is our record?

Since 1948, 77 other nations have ratified the Freedom of Association Convention and 75 have ratified the Genocide Convention. The Political Rights of Women Convention was adopted by the U.N. General Assembly in 1952 and since then 64 nations have ratified this convention. Since 1957, 84 nations have ratified the Forced Labor Convention.

It is tragic that the United States still remains outside the world community in failing to ratify any of these important human rights convention.

DISTRICT OF COLUMBIA CRIME REPORT

Mr. MATHIAS. Mr. President, I ask unanimous consent to have printed in the RECORD the report of the crimes committed this weekend in the District of Columbia, as detailed in the Washington Post.

As I stated last week, my purpose is to call to the attention of this body the number of crimes occurring every day within the District. While we all realize that this city is not unique in its crime problem, it is unique in that the responsibility of halting this problem lies in the hands of Congress, which alone has jurisdiction in the governing of the District.

As the following incidents testify, it is past time for the hands which hold this city to begin moving more quickly toward the eradication of crime and, perhaps most important, those conditions that foster crime.

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

SOUTHEAST WOMAN, 22, RAPED AT GUNPOINT

A 22-year-old Washington woman was raped at gunpoint early yesterday in the 1900 block of Mississippi Avenue SE.

Police said the woman, who is employed as a clerk, was walking home from a party about 1 a.m. when a man wearing a black trenchcoat and a fur hat approached her. He produced a gray handgun and forced her into a nearby wooded area where he attacked her police said.

Other serious crimes reported by area police by 6 p.m. yesterday include:

Michael R. Blake, of Washington, was beaten over the head with a bottle by a man with whom he had been arguing inside a bar in the 1900 block of 4th Street NE at about 1 a.m. Blake was treated at the Washington Hospital Center.

ASSAULTED

Dock Dukes Jr., of Washington, was reported in satisfactory condition at Children's Hospital after being shot in the right leg at 3:45 a.m. while standing on the corner of 17th and U Streets NW with several friends. Dukes told police they were fired upon by a man driving by in an auto.

Ira Seales, of Washington, was reported in satisfactory condition at the Washington Hospital Center after being shot in the left hip and left knee about 1 a.m. in his home. Seales told police that he became involved in a dispute with three other men, one of whom pulled out a revolver and shot him.

James Murphy, of Washington, told police he was standing at the door of 1409 5th St. NW when he was approached by three men who began to beat him on the head and shoulders with large clubs. The three fled when Murphy's son opened the door.

Lawrence Dillard, of Washington, was struck above the eye with a handgun at about midnight as he was walking in the 1700 block of Montana Avenue NE. Three men approached him and one of the men struck him. All three then fled.

Charles F. Harper, of Washington was treated at Veterans Hospital for lacerations of the face. He told police he was on the corner of 14th Street and Rhode Island Avenue about 2:30 p.m. Friday when a man slashed him with a knife.

Herbert L. Guy, of Washington, told police he was jumped and beaten by four men about 8 p.m. Friday at Fort Davis and R Streets SE. Guy's glasses were broken but he was not injured seriously, according to police.

Fredericka Milton, of Washington, was treated and released at Cafritz Hospital for injuries received after stepping off a bus at Park and Branch Avenues SE. She told police she was attacked by two men, one of whom grabbed her and said "Come here." The second man then came over, she said, and they both beat her.

James Lloyd, of 724 11th St., SE., was treated and released at Freedmen's Hospital for cuts on the left buttock and the left hand. Lloyd told police he was at 5th and Q Streets NW about 1:25 a.m. when he was approached by about six men who began to beat him. Lloyd told police one of the men pulled a knife and stabbed him.

ROBBED

Tharwat Hassen Fahmy and Mohammed El-Dawi, both of Washington, were robbed Friday about 4 p.m. while walking in the 1400 block of Meridian Place NW. Two thieves brandished a dark revolver and demanded the victims' money.

Kathlyne Woof Olsen, of Washington, had her purse snatched in front of her house Friday at 7:55 p.m. When her husband attempted to aid her, she was shot in the left leg and right buttock by one of the three assailants wearing a cowboy hat. Mrs. Olsen was taken to Cafritz Hospital.

Sherman Robinson, of Washington, was robbed Friday at 1:30 p.m. in the 1500 block of Levis Street NE by two men, each displaying guns. One said, "This is it. Give it all up."

Debra Weder, of Washington, was robbed Friday about 7 p.m. in the 1400 block of Massachusetts Ave. NW.

Jet Cleaners, 3507 Wheeler Rd. SE., was held up Friday at 1 p.m. by two men. One, carrying a long-barreled .32-caliber black revolver, ordered the cashier, "Open the cash register." The other man then emptied its contents.

Arthur L. Scott, of Washington, was held up by five men Friday about 6:15 p.m. in the 1600 block of Kenilworth Avenue NE. The robbers grabbed him from behind, knocked him to the ground and took his wallet.

Rosemary Chamberlin, of Washington, was held up Friday at 6 p.m. while walking in the 100 block of Barnaby Ter. SE. Four men approached her from behind. One grabbed her around the neck and threw her to the ground while another snatched her black leather pocketbook.

Mary Frye and Gloria Childs, both of Washington, stopped for a stop sign at 6th Street and Southern Avenue SE, at about 12:40 a.m. and their car was bumped from behind by a second auto. The two women left their car, checked for damages and were about to return to their car when the driver of the second vehicle pointed a gun at Miss Frye and robbed her.

Isaac D. Beatty, of Washington, answered a knock on the door of his home in the 1400 block of Newton Street NW, at about 1:20 a.m. Six men entered and said "Be quiet and do what we say." The six, armed with four revolvers and two sawed-off shotguns, then forced Beatty, James Willoughby, Herbert Houshel, Wade Sowers, James Ray and Frederick Murdock to lie on the dining room floor where their hands were tied with neckties and they were robbed. The thieves took various items from the house before fleeing.

Oliver D. Jones of Washington, was robbed at about 9:30 p.m. Friday by three men who accosted him while he was walking in the 2000 block of Rhode Island Avenue NE. The men knocked him to the ground and took his wallet, eyeglasses and wristwatch.

STOLEN

A standard typewriter and an electric typewriter with a total value of $900 were stolen from the office of John Thompson at 1330 Massachusetts Ave. NW when it was burglarized Friday.

BANDIT ROBS DRIVER OF $160, FLEES

Rollin Gardner, an employee of the Wonder Bread Co., reported to police that he was robbed about 12:55 p.m. Saturday of $160 in cash as he was getting into his truck at 711 S St. NW.

Gardner said that as he approached the truck, a man was standing beside it with his hand in his pocket as if he had a gun. The man said, "This is a holdup. Give me your money."

After taking Gardner's money, the holdup man was joined by another man. The pair fled east on S Street.

ROBBED

Barbara A. Lewis, of Washington, was robbed at 9:15 p.m. Saturday by four men, one armed with a revolver, at 22d and I Streets NE. Two of the men asked directions to Baltimore before the other two joined them and demanded money.

Richard L. Stewart, of Washington, while at the corner of 3d and P Streets NW at 7:15 Friday, was approached by two men, one armed with a revolver and the other with a sawed-off shotgun, who demanded money. The victim gave them his money and also money belonging to his employer. The men then ran north on 3d Street.

Claudell A. Bailey, of Washington, was approached at 11th and Clifton Streets NW by a man who asked for a ride. When in Bailey's auto, the man drew a revolver and demanded money. After taking the victim's money, the man fled north on 11th Street.

Mary Lee Medlin, of Washington, was standing in front of her home in the 2100 block of Ft. Davis Street SE at about 9:30 p.m. Saturday when she was approached by two men, one of whom said, "Give me your handbag or I'll shoot you." Miss Medlin did as she was told and escaped unharmed.

Bertha L. Ellis, of Washington, was standing in front of 606 Somerset Pl. NW at about 1:50 a.m. when she was approached by two men. The first man walked up to her and said, "Hi, baby!" and then pointed a gun at her and said, Don't scream." The second man then took some change from Miss Ellis' pockets and the pair fled.

E. Francis, of Washington, was in the 1600 block of Harvard Street NW at 11:30 a.m. Saturday when he was robbed by a man with a revolver.

McDonald's restaurant, 6100 Baltimore Ave., Riverdale was robbed at 8:45 p.m. Saturday by a man armed with a pistol.

ASSAULTED

Gladys Salazar, of Washington, was walking in the vicinity of Connecticut Avenue and Rodman Street NW at about 10:30 a.m. Saturday when she was approached by a man who struck her in the eye with his fist.

Miss Salazar was treated at George Washington University Hospital and released.

John Davis, of Washington, was stabbed in the chest during a fight in his apartment at 10:45 p.m. Saturday. He was treated at Cafritz Hospital and released.

Mitchell J Pastula, of Washington, was approached about 8 p.m. Friday by four men, who asked directions to the bottom of the hill in the area of 36th Street and Pennsylvania Avenue NE. When he told them there was a path, one of the men struck him in the mouth with his fist, and all four men ran.

BLIND STUDENTS AT THE UNIVERSITY OF KANSAS

Mr. DOLE. Mr. President, the handicapped often face severe difficulties in securing an adequate and fulfilling education. Perhaps no other handicapped group is presented with more profound educational obstacles than the blind.

Denied the fundamental faculty for absorbing knowledge, the visually handicapped must employ extraordinary techniques to acquire knowledge and communicate their understanding. In addition to problems of the classroom and study, ordinary matters of getting about campus are complex and hazardous.

I was pleased to note an article in the Kansas Alumni magazine of February 1970 which detailed some of the efforts being made at the University of Kansas to aid the educational endeavors of blind students.

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:

STUDENTS

How do the half-dozen blind students at KU manage to move around campus alone, study, take notes, read assignments, take tests? It's not easy, of course, and not until this year were any special provisions made for helping them with their studies. At the instigation of Gerry Hansen, a graduate student in business with only 10 percent vision, a group of volunteers have been organized to act as readers on a regular basis for the blind. A room with a tape recorder has been set up in Watson Library where blind students bring in whatever assignments need to be read and volunteers read into the tape for later use. Volunteers also are on hand to help blind students find other material they need in the library. As for getting around the campus, Susan Haller, freshman who has been blind since birth, says she doesn't have any more difficulty getting around the campus than a sighted student as "It all up hill from my dorm and we all have that climb." She takes notes in class in Braille with the aid of a plastic guide on her regular notebook paper.

I.R. & D.—A BILLION-DOLLAR BOONDOGGLE

Mr. PROXMIRE. Mr. President, today before the Armed Services Ad Hoc Subcommittee on Research and Development I testified as to why I thought Congress should develop more effective control over independent research and development—I.R. & D.—expenditures which now amount to almost a billion dollars a year. Last year the Department of Defense and the National Aeronautics and Space Agency alone spent over $816 million of the taxpayers' money on so-called independent research and development which was almost entirely controlled by the contractors and from which the Government often derived very little, if any, tangible benefits.

I favor encouraging research and development. But R. & D. is quite a different thing than Government expenditures for independent research and development, which has little or no clear relationship to existing or contemplated Government projects. Independent research and development is paid for by the Government in addition to direct research and development costs specified in a contract. I.R. & D. is a tenuous overhead cost often used by contractors as a catchall to pay for engineering and technical employees salaries which may be completely unrelated to any contract the company has with the Government.

The amount of a firm's overhead expenses directly related to a defense contract should be paid for by the Government. If possible, it should be paid for as a direct research and development cost specifically contemplated in the contract.

Those research and development costs which now come under the category of I.R. & D. and which cannot be directly or indirectly related to a specific contract should not be funded by the DOD. If, by chance, they involve basic research, they should be funded by the National Science Foundation.

Because of the large number of requests I have had for copies of this testimony, I ask unanimous consent that my remarks before the subcommittee be printed in the RECORD.

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

STATEMENT OF SENATOR WILLIAM PROXMIRE BEFORE ARMED SERVICES AD HOC SUBCOMMITTEE ON RESEARCH AND DEVELOPMENT

I appreciate very much the opportunity to testify on the subject of Independent Research and Development (I.R.&D.) and I want to congratulate the Senator from New Hampshire, Mr. McIntyre, and the Chairman of the Armed Services Committee, Mr. Stennis, for holding these hearings. Until now, Independent Research and Development has been a little known and mysterious subject.

Independent Research and Development is a new subject and a new issue to almost everyone in Congress. I was flabbergasted when in a conference with the Comptroller General last summer I found out that the Defense Department was picking up the tab of $685 million and NASA $131 million a year in private defense contractors research and development costs which were (1) not the subject of a contract or grant or other specific arrangement for research and development between the government and a company, which (2) need not bear any direct or even indirect relationship to any military or space need of the government and (3) over which the government had no control. That is why I have introduced S. 3003 which is the subject of these hearings today.

I.R.&D. is unlike a procurement contract where the Government agrees to buy a tank, and gets a tank.

It is unlike regular R. and D. contracts where the government works out the specific research it needs done and then support that research.

It is unlike a "basic" research contract where, even though the Government does not know what specific scientific or technological information it may receive, it nonetheless funds the research under formal authorization procedures for the advancement in human knowledge which may take place. Under I.R.&D., such a result would occur by accident at best.

I.R. & D. is unlike any of these in another aspect as well. The Government not only receives no direct or specific product or benefit related to its needs—a plane, a tank, a new prototype, etc.—but under DOD and NASA regulations receives no license, patent, royalty, or right whatsoever for the money it expends.

The Government pays companies for work which is designed to benefit the company. And in addition to reaping the benefits on the I.R. & D. work itself, the Company also retains the right to all future benefits from licenses and royalties.

Even though it is one of the biggest single items of expense, I.R. & D. has never been directly authorized by the Congress. To my knowledge, it is the subject of no legislative authority. There is no item in the annual procurement bill which authorizes it. Nor is there any item in the appropriations bill which legitimatizes it.

It is a back door boondoggle now amounting to just short of a billion dollars a year over which Congress has had no control and whose benefits to the Government and the taxpayers of the United States are, at best, indirect, transitory and evanescent and, at worse, nonexistent.

From time to time in the past, Congress has been accused of providing a blank check for the so-called military-industrial complex. I have made that charge myself. But here is a case where the military-industrial complex has not received a blank check from Congress. They have printed the checks and filled in the blanks themselves.

What is so-called Independent Research and Development? Basically, it is the amount of money which Defense and NASA military contractors expend to pay the salaries of engineers and other technical employees for work unrelated to any contract they have with the Government. And incidentally, it is limited to those firms who already have negotiated contracts with the Government. It is not an item which industry as a whole receives.

I.R. & D. is an item in addition to the sums directly expended for the procurement of weapons. I.R. & D. is an item paid for by the Government in addition to any direct research and development contract which a firm has with the Defense Department. It is an amount paid to firms in addition to the amount paid for the R. & D. portion of a major weapons proceurement contract.

For example, when the Air Force bought the C-5A from Lockheed, it paid or pays for the planes it receives under the production contract. It also pays for the huge R. & D. work associated with the development of the plane, which in this case amounted to $1,002,700,000. That is a part of its contract. But, the Air Force also picks up, as an overhead cost, Lockheed's expenditures for engineers, who do no work whatsoever on the C-5A or other military contracts. The Air Force picks up the tab for a part of the company's commercial work, and even for a part of the expense the company has in making proposals and bids for its nonmilitary work.

I say this practice—whether at Lockheed or elsewhere—is improper, unauthorized, and, under the provisions of Section 203 of the 1969 Authorization bill, is not only wrong but actually illegal. It is now contrary to a specific provision of the law.

Section 203 states, "None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation."

Nothing could be clearer or more explicit than that.

One of the shortcomings in the debate over I.R. & D. has been the absence of examples. $685 million a year is spent, but we have no celar idea of what is it spent on. In fact, when I asked the General Accounting Office for examples, they told me that companies had vigorously objected to making public the kinds of items developed by them on the grounds that the research and its results was proprietary data. Think of that! The Defense Department pays out $685 million for work which not only benefits but which they refuse to make public on grounds that the public has no right even to know about it. I think a great service could be performed if this Committee would require the DOD and NASA to give the specific items and research for which IRandD was paid. Nevertheless, I was able to get some examples both from the GAO records and from the Army Audit Report. Let me give some.

One U.S. major defense contractor prepared an analysis and commentary on a proposal prepared by a private, non-profit European organization called Eurospace. Eurospace was set up to promote space activities in Europe. The American contractor charged the costs of commenting on this proposal by a private European group to "Bid and Proposal" expense and allocated them to its U.S. Government contracts.

One company incurred I.R. and D. costs of 8.3 million in 1968 and 1969 to develop commercial programs in underwater exploration systems for oil and for a comprehensive information handling system for use in hospitals—both entirely unrelated to its defense contracts. In this case the Government accounted for 98 percent of the company's sales. In 1969, the Government agreed to pick up $14.8 million in total I.R. and D. costs including these items and others without any sharing requirement on the part of the company. These are clearly examples of entirely commercially oriented programs for which the Government picks up the tab and, in the case of one item, where the Government may not receive any benefits at all. I would think that other commercial and non-defense offshore petroleum mining companies would be outraged that the Government should pick up the commercial research costs of their competitors.

In 1969, one contractor spent $86,000 to study control problems related to the electric power industry. The project clearly was largely beneficial to the contractor's future business with private utility companies, although some minor and very general benefit might accrue to the Government. The funds went to provide tutorial training for the company's personnel in power systems, and to monitor and review the progress of the division's personnel as computer programs were developed. The Government paid for this obvious commercial work.

$160,000 was paid out during 1969 for an IR & D project to develop a systems approach to industrial control fields such as water resource control, water pollution, waste control, etc. These were being performed by a Defense contractor and paid for through IR and D by the DOD. While they may be worthy items, they obviously give the contractor a leg up on his competitor, and should be performed under regular R. and D. contracts if some other Government Department needs the work done.

A major DOD and NASA contractor, working in space and satellite matters, and communication and ground systems, wrote off $186,000 in 1968 and $90,000 in 1969 for research "to provide systems and equipment for rapid transit train controls and to improve highway utilization."

Again, his competitors suffer a distinct disadvantage when the Government picks up this research cost unrelated to his defense contracts. And, if the Government wants the work done, it should be funded under the R. and D. funds of the Department of Transportation. This is backdoor commercial, financing at its worst.

Any bonanza which is as lucrative and as unpoliced as this one soon attracts its supporters and apologists. Reasons for the practices are soon devised. In my judgment, the reasons are without merit. But the skies are black with the planes carrying the representatives of defense contractors flying into Washington to protect their bonanza. I can think of no redeeming argument in favor of the present method by which DOD and NASA pay for I.R. & D.

Let me be specific.

First. It is said that I.R. & D. is a legitimate overhead cost which should be paid for by the Government just as it would pay for any other overhead cost on a contract—rent, heat, light, maintenance, etc.

This is not true. When plant space is charged as overhead to a contract, the Government pays for the use of space which is "allocable" to the contract. This is a definite, measurable item. If in carrying out a Government contract, 5,000 square feet of floor space are used for the work, then the overhead charge for the space is a specific, proper charge, allocable to the contract which the Government should pay for as a part of the contract.

But, in the case of I.R. & D., the item is paid even when it is not allocable to the contract. Unless it is, it should not be paid.

Second, it is argued, as it was argued by the Defense Science Board Task Group, made up incidentally of six major Defense contractors, one research firm and one university (hardly an unbiased group) in justifying I.R. & D. in its Report of February, 1967, that "I.R. & D. provides a way to develop and demonstrate complete prototypes of technologically advanced hardware before a formally recognized military requirement exists." (p. 10 GAO report).

That argument is precisely why this subject must be brought under control.

If we want the development of complete prototypes—and we often do prior to the production phase of a weapons system—that should be done under a specific R. & D. contract which is authorized by Congress in its annual procurement and R. & D. authorization.

The Task Group argues in favor of non-authorized weapons systems. In fact, this is precisely what we should avoid. If we want a weapon, it should be authorized and funded under a regular research and development contract.

Third, the Task Force also argued for I.R. & D. on grounds that "It permits Defense contractors to develop the requisite technology for a known forthcoming military requirement."

That, too, is a redundant argument. A "known forthcoming military requirement" should be authorized and funded under regular R. & D. and procurement procedures. I.R. & D. is not needed for that.

The Constitution gives Congress the power to raise and support armies and to provide and maintain a Navy. How the taxpayers' money is spent, what weapons systems we need, and what priorities we make, both military and civilian are subjects for Congress to decide. It is Constitutionally vital that these procurement decisions be made deliberately by the Congress and not usurped by the Pentagon and its allies. For the Pentagon and and its contractors to spend large funds prior to authorization for a "forthcoming military requirement" is to usurp the proper authority of this Committee and the Congress of the United States to develop, authorize and fund its weapons systems. This should be done by authorization. It should be through regular R. & D.

I am frankly outraged at the fact that the Pentagon and its contractors have taken over this proper Congressional function.

In previous testimony and in articles supporting I.R. & D., its apologists cite a number of weapons systems, they claim were developed under the funds spent for I.R. & D. Among them are the Sikorsky S-64A Flying Crane, the missile site radar for the Nike Zeus, the technology for the shift from Polaris to Poseidon, and the integrated circuits for the Minuteman Guidance System. These are the key examples of technology said to have been developed under I.R. & D. and under the benefits summarized by the Defense Science Board Task Group.

But these are examples against, not for, I.R. & D.

(1) Each of them should have been and could have been developed under a regular R. & D. contract. Each should have been developed under a regular authorization, if they were not.

(2) The Minuteman Guidance System and the shift from Polaris to Poseidon are both examples of systems where there are a very grave technical difficulties and where there are huge cost overruns. If anything, our experience with these programs argues strongly against the system under which it is said they were developed.

(3) Whether they should be developed and when they should be developed is clearly the responsibility of Congress and not of the Pentagon and its industrial allies.

If in fact, the examples really are weapons which were developed under I.R. & D. they point up one of the major abuses of I.R. & D.; namely, the usurpation by the military-industrial complex of Congressional Constitutional authority.

We can draw two general principles from this. To the degree that any specific weapons system or technology grows out of I.R. & D.—and the claims in this respect have either been grossly exaggerated or they are terribly costly—they should have been developed under regular R. & D. programs, properly authorized by Congress.

On the other hand, I.R. & D. expenses which are taken and which bear no relationship to specific systems needed or desired by the Government, are an improper expenditure and should not be made at all.

In fact, if we continue on the present course, or if this situation becomes universal, we could actually reach a condition in which weapons systems turned down by Congress are developed through the back door by I.R. & D. expenditures.

One other point should be made here. I doubt very much if the research and development for these systems was done through I.R. & D. in any case. If that is true, why did we later spend such huge amounts on R. & D. in the contracts for these systems?

For example, the R. & D. element in the contract for the Flying Crane (the S-64-A) was $20,299,000 according to information given to me by the Army. The R. & D. element in the contract for transforming 31 Polaris submarines into the Poseidon system was $1.5 billion as of June 30, 1969, according to information supplied to me by the General Accounting Office. If I. R. & D. was so important in the development of this system, why did we have to spend another $1.5 billion on RDT & E? And incidentally, we have been having big delays and big overruns on this system.

The Missile site radar for the Safeguard is also given by some as a benefit from I.R. & D. But as we all know, one of the most vulnerable items in Safeguard and one of the main reasons for such heavy opposition to it, is the fact that the missile site radar doesn't function adequately.

In addition, the R.D.T. & E. amounts for Safeguard are estimated at $2.072 billion of which about $181 million is for the missile site radar. Why do we need such huge additional R. & D. amounts in the procurement itself if the funds spent for I.R. & D. were responsible for the Safeguard development? The answer is that they were not responsible

and that these are largely specious and irrelevant examples put forward at a late hour by the proponents of a system which is otherwise quite impossible to defend.

And, of course, the overwhelming proportion of I.R. & D. was paid out for overhead costs which proponents of the system do not even claim had any precise or specific military benefit to the country.

Let me turn now to two other arguments used in support of I.R. & D. These are that I.R. & D. is necessary to keep an up-to-date and modern industrial technology base in place, and that it is important as a means of maintaining the profitability of business enterprises.

Both of these arguments are specious. If it is argued that I.R. & D. is necessary to keep a modern and up-to-date, or advanced industrial technology in place, there are at least two major questions or replies.

At the present time, and I hope for the future as well, I.R. & D. goes only to those defense contractors who are given negotiated contracts. Those industries which do not sell to the Pentagon, or do not sell under negotiated contracts, get no I.R. & D.

Surely one does not argue that the way to keep a military-industrial base in place is by giving additional funds to those who already receive the big benefits. Let us take Company X, which builds a tank or a plane or a ship.

In addition to a billion dollars for R. & D. for the weapon, and $3 to $4 billion for the production models of the weapon, the supporters of I.R. & D. argue that Company X should be paid for the R. & D. it does for its commercial business. This is for funds spent by the Company unrelated to defense needs or the R. & D. needs of this weapon. It is justified on the grounds that it is necessary in order to keep an industrial capability in place. The mere statement of that argument is enough to indicate its absurdity.

In the first place, a sizeable amount of negotiated contracts, are given on the grounds that we need to keep intact a strong industrial capability. The negotiated contract itself is often given on this basis. Then the amount of I.R. & D. is paid for on the same basis. We are being asked to pay twice for this benefit. This should be called "All This and Heaven Too." In F.Y. 1969, for example, $4.8 billion in negotiated defense contracts or 11.7% of the total amount of negotiated procurement was awarded on this basis.

And another $4.8 billion and 11.7% of all Defense Department negotiated contracts was given on the grounds that it was necessary for experimental, developmental, test or research purposes. Thus, 23.4 percent, or almost one quarter of all negotiated contracts by the Pentagon, is already granted for the same or closely associated purposes for which additional payments for I.R. & D. are given.

Second, it would be a much stronger argument to argue that if anyone is to be subsidized it is those companies who do not receive military contracts. But these are precisely the firms who are left out.

I do not advocate that the funds be shifted. I merely point out how absurd the argument is. We would be far stronger to take the I.R. & D. funds, determine precisely what R. & D. we needed, convert them into regular R. & D. contracts, and have them performed by companies not now doing defense business. That might indeed increase our industrial capability.

The argument that we should willy-nilly pay I.R. & D. amounts in order to maintain the "profitability" of business enterprises, of course goes against every principle on which the businesses of this country are supposedly founded. There is no more reason to keep an uneconomic and inefficient defense contractor in business than to provide a subsidy to keep an inefficient and uneconomic civilian industry in business. In fact, this country would be far stronger, and a good deal of the fat and waste in the Defense Department would be cut out, if we let a few of the uneconomic companies with huge cost overruns go down the drain. Uneconomic and inefficient defense contractors weaken the country. They drain off resources which could be used much more efficiently elsewhere. We should not be required to pay them a subsidy to make them profitable.

What then should be done?

The present system should end.

Necessary and direct research and development now given under I.R. & D. should be converted to R. & D. contracts. Companies should be paid for "allocable" expenses directly connected with their specific Defense contract. They should be paid for research and development on weapons systems which Congress specifically authorizes and funds.

This is important not only to bring some measure of accountability into the system but to return to Congress its Constitutional prerogatives and to end the usurpation of its powers by the Pentagon and its industrial allies.

Not only is this necessary and desirable, but it is now the law of the land and should be obeyed.

The worst possible thing that could happen, and I want to warn against it, would be to have a single, Government-wide R. & D. system modeled on the Defense Department-NASA system. The effect of that would be merely to universalize sin.

We should no longer continue to spend hundreds of millions of taxpayers' money for overhead costs unconnected with direct military or Pentagon needs. We already spend billions on procurement. These contracts include large generous sums for R.D.T. & E. for the weapons systems. In addition, we spend other large sums for a variety of research and development projects. To do more is unnecessary. To continue paying for I.R. & D. for a firm's commercial, and indirect, and general research is illegal.

ADMINISTRATION'S VOTING RIGHTS BILL

Mr. HRUSKA. Mr. President, last July the Subcommittee on Constitutional Rights had hearings on a number of Senate proposals to amend and to extend the Voting Rights Act of 1965. Those hearings were extensive and balanced, and were supplemented by additional testimony before the subcommittee during recent weeks. We heard from many witnesses, including Attorney General John Mitchell who testified in support of S. 2507.

Since our hearings a House bill, H.R. 4249, has been considered and passed by the House. That bill had been introduced in the House at the same time that S. 2507 was introduced in the Senate. They were identical bills, and were introduced on behalf of the Nixon administration.

H.R. 4249 was made the pending business of the Senate today. Therefore, in order to aid in the consideration and analysis of this bill, I ask unanimous consent to have portions of the Attorney General's statement before the Constitutional Rights Subcommittee on July 11, 1969, printed in the RECORD at the end of my remarks.

The Attorney General's remarks deserve to be read and considered by all Senators. The thrust of those remarks is that it is time to enact a voting rights bill that is nationwide and that returns us to our courts of law. The Attorney General's reasons are strong and compelling and supported with sound evidence.

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

STATEMENT OF ATTORNEY GENERAL JOHN N. MITCHELL BEFORE SUBCOMMITTEE ON CONSTITUTIONAL RIGHTS OF THE SENATE JUDICIARY COMMITTEE ON S. 2507

1. INTRODUCTION

Mr. Chairman, and members of the Subcommittee, I want to thank you for the opportunity to testify today. I appreciate the courtesy you have shown in scheduling the date of this hearing.

The right of each citizen to participate in the electoral process is fundamental to our system of government. If that system is to function honestly, there must be no arbitrary or discriminatory denial of the voting franchise. The President has committed this Administration to the view that it will countenance no abridgment of the right to vote because of race or color or other arbitrary restrictions.

Furthermore, the President is committed to the policy that it is in the national interest to encourage as many citizens as possible to vote and to discourage the application of unreasonable legal requirements.

In the last several months, we have made a thorough review of the possible consequences arising from the expiration of the 1965 Voting Rights Act. We have also examined the general theories and facts underlying voting practices in the nation and the need for federal legislation.

We have come to the firm conclusion that voting rights is no longer a regional issue. It is a national concern for every American which must be treated on a nationwide basis.

Our commitment must be to offer as many of our citizens as possible the opportunity to express their views at the polls on the issues and candidates of the day.

Therefore, we propose the following amendments to the 1965 Voting Rights Act designed to greatly strengthen and extend existing coverage in order to protect voting rights in all parts of the nation.

First: A nationwide ban on literacy tests until at least January 1, 1974.

Second: A nationwide ban on state residency requirements for Presidential elections.

Third: The Attorney General is to have nationwide authority to dispatch voting examiners and observers.

Fourth: The Attorney General is to have nationwide authority to start voting rights law suits and to ask for a freeze on discriminatory voting laws.

Fifth: The President is to appoint a national voting advisory commission to study voting discrimination and other corrupt practices.

Before describing our proposals in detail, I would like to review the situation at this time.

2. THE VOTING RIGHTS ACT OF 1965

A. *Background.* The Fifteenth Amendment to the Constitution was adopted in 1870. It provides that:

"The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color or previous condition of servitude."

Since the passage of the Fifteenth Amendment, the Congress has been repeatedly told that Negro citizens were subjected to racial discrimination in many areas of the nation, particularly in the South. As a result, Congress enacted the Civil Rights Act of 1957, followed by the Civil Rights Act of 1960 and the Civil Rights Act of 1964.

Each of these three Acts provided addi-

tional procedures to assure equality in voting. In 1965, the situation was this:

The Department of Justice was pursuing case-by-case, county-by-county remedies under the Voting Rights Acts. The Congress believed that more progress could be made by the passage of additional legislation.

B. Because the six states which had the lowest voter turnout in the 1964 election also had literacy tests—and because these states also had the nation's highest ratios of Negro population and the lowest ratios of Negro voter registration—certain corrections were legislated by the Congress. These corrective measures were contained by the Voting Rights Act of 1965.

3. THE 1965 VOTING RIGHTS ACT TODAY

A. *Provisions of the 1965 Act.* The Act provided for suspension of literacy and similar tests and devices in states and counties where such tests were utilized; and where less than 50 percent of the total voting-age population was registered to vote or voted in the November 1964 election. This suspension could be removed if the state or county could show that it had not used such tests with a discriminatory purpose or effect. (Section 4)

Other provisions of the Act authorize the Attorney General to direct the assignment of federal examiners, who list persons qualified to vote, and election observers to counties covered by the Act. (Sections 6 and 8) Also, covered states and counties are prohibited from adopting new voting laws or procedures unless they have received the approval of the Attorney General or the United States District Court for the District of Columbia. (Section 5)

B. *Coverage.* Areas now subject to the coverage of the Act are the States of Alabama, Georgia, Louisiana, Mississippi, South Carolina and Virginia, 39 counties in North Carolina, one county in Arizona, and one county in Hawaii. These jurisdictions have not applied to federal courts asking for removal of the ban, except for Gaston County, North Carolina, which I will discuss later.

The State of Alaska and some isolated counties elsewhere were within the formula, but sought and obtained judgments indicating that their tests had not been used discriminatorily.

C. *Results.* The results of the 1965 Act are impressive. Since 1965, more than 800,000 Negro voters have been registered in the seven states covered by the Act.

Moreover, according to the figures of the voter education project of the Southern Regional Council, more than 50 percent of the eligible Negroes are registered in every Southern state.

D. *Termination of Coverage.* The Voting Rights Act also provides another means by which a state or county within its coverage may seek termination of such coverage. Section 4(a) provides that the suspension of tests will end if the jurisdiction obtains from the United States District Court for the District of Columbia a declaratory judgment that there has been no discriminatory use of a test or device during the preceding five years.

The statute directs the Attorney General to consent to such a judgment if no such test or device was so used. Because no covered jurisdiction will have employed a literacy test since August 1965, under the present terms of the Act, the awarding of the declaratory judgments after August 1970 will be virtually automatic for six states and 39 counties in the South.

However, Section 4(a) provides that the district court is to retain jurisdiction of the action for five years after judgment and is to reopen the matter upon motion of the Attorney General alleging discriminatory use of a test or device.

Highly relevant to this provision is the recent decision of the Supreme Court in *Gaston County* v. *United States.*

4. THE GASTON COUNTY DECISION

Gaston County, North Carolina, filed an action for a judgment to end the suspension of its literacy test under the 1965 Act. The county sought to prove that, when the literacy test was in effect, it had been administered on a non-discriminatory basis.

The United States introduced evidence showing that, in Gaston County, the adult Negro population had attended segregated schools and that these schools were in fact inferior to the white schools. Relying on such evidence, the District Court ruled that literacy tests had the "effect of denying the right to vote on account of race or color" because the county had deprived its Negro citizens of equal educational opportunities in the past and therefore had deprived them of an equal chance to pass the literacy test.

On June 2, 1969, the Supreme Court affirmed the decision of the District Court.

The Supreme Court ruled that offering today's Negro youth equal educational opportunities "will doubtless prepare them to meet future literacy tests on an equal basis." The Court added that equal education today "does nothing for their parents." It ruled that Gaston County had systematically denied its black citizens equal educational opportunity; and that " 'Impartial' administration of the literacy test today would serve only to perpetuate those inequities in a different form." Accordingly, the Court held such tests unlawful under the Voting Rights Act.

Under the *Gaston County* decision, any literacy test has a discriminatory effect if the state or county has offered not only education which is separate in law, but education which is inferior in fact to its Negro citizens. Evidence in our possession indicates that almost all of the jursdictions in which literacy tests are presently suspended did offer educational opportunities which were inferior.

Therefore, it is my view that, in regard to most of the jurisdictions presently covered by the 1965 Act, I would be obliged to move, shortly after reintroduction of the literacy test, to have the test suspension reimposed in the seven covered states. I believe that the lower courts, under the *Gaston County* ruling, would suspend the literacy test and would continue to do so until the adult population was composed of persons who had had equal educational opportunities. In short, in my opinion, the ban on literacy tests would continue for the foreseeable future in the states presently covered by the Act, even if no new legislation were to be enacted by the Congress.

Furthermore, I believe that the *Gaston County* decision would continue to suspend existing literacy tests or would ban the imposition of new literacy tests in those areas outside of the seven states covered by the 1965 Act where publicly proclaimed school segregation was prevalent prior to 1954. This would include all or part of Florida, Arkansas, Texas, Kansas, Missouri, Maryland, the District of Columbia, Kentucky and Tennessee.

5. LEGISLATIVE PROPOSAL

To protect against future denials of the right to vote and to encourage fuller utilization of the franchise, I propose the following amendments to the 1965 Voting Rights Act.

First: No state or political subdivision may require any person to pass a literacy test or other tests or devices as a condition for exercising the fundamental right to vote, until January 1, 1974.

The reasoning behind this suggestion is as follows—and this reasoning not only strongly supports our proposal but shows the inadequacy of a mere simple 5 year extension of the 1965 Act.

A. My personal view is that all adult citizens who are of sound mind and who have not been convicted of a felony should be free to and encouraged to participate in the electoral process. The widespread and increasing reliance on television and radio brings candidates and issues into the homes of almost all Americans. Under certain conditions, an understanding of the English language, and no more, is our national requirement for American citizenship.

Perhaps more importantly, the rights of citizenship, in this day and age, should be freely offered to those for whom the danger of alienation from society is most severe—because they have been discriminated against in the past, because they are poor, and because they are undereducated. As responsible citizenship does not necessarily imply literacy, so responsible voting does not necessarily imply an education. Thus, it would appear that the literacy test is, at best, an artificial and unnecessary restriction on the right to vote.

B. Literacy Test Background. The history of the literacy test in this country shows quite clearly that it was originally designed to limit voting by "foreign" born and other minority groups.[1] Available information today shows that present enforcement of literacy requirements in states not covered by the 1965 Act indicates considerable variance in procedures.

In some states literacy requirements are no longer enforced or are enforced only sporadically. In other states the literacy test is not applied uniformly but is applied at the discretion of local election officials.[2]

C. Today, a total of 19 states have statutes prescribing literacy as a pre-condition for voting. This number includes the seven Southern states, where as a result of the 1965 Act, the literacy test is suspended in all or part of the state. Also, there are 12 states outside the South which have constitutional or statutory provisions for literacy tests.[3]

D. The Supreme Court appeared to tell us in the Gaston County case that any literacy test would probably discriminate against Negroes in those states which have, in the past, failed to provide equal educational opportunities for all races.

Many Negroes, who have received inferior educations in these states, have moved all over the nation.

The Bureau of the Census estimates that, between 1940 and 1968, net migration of non-whites from the South totaled more than four million persons.[4] Certainly, it may be assumed that part of that migration was to those Northern and Western states which employ literacy tests now or could impose them in the future; and that, as was true in Gaston County, the effect of these tests is to further penalize persons for the inferior education they received previously. For ex-

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[1] Bromage, *Literacy and the Electorate,* XXIV Amer. Pol. Sci. Review 946, 951 (1930); Porter, *A History of Suffrage in the United States,* p. 118 (1918). See, *e.g., Katzenbach* v. *Morgan,* 384 U.S. 641 (1966).

[2] Letters to Congressman F. Thompson from Deputy Attorney General of Delaware, CONGRESSIONAL RECORD, vol. 115, pt. 10, p. 12736, and from Assistant Secretary of State of Oregon, CONGRESSIONAL RECORD, vol. 115, pt. 10, p. 12739. E.g., Letter to Congressman Thompson from the Attorney General of California, CONGRESSIONAL RECORD, vol. 115, pt. 10, p. 12740.

[3] These states are Alaska, Arizona, California, Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New York, Oregon, Washington and Wyoming. Idaho has a good character requirement which is a "test or device" within the meaning of section 4(c) of the 1965 Act.

[4] Bureau of the Census, Current Population Reports, Series P-23 No. 26, *Social and Economic Conditions of Negroes in the United States* (July 1968), p. 2.

ample, in the South, 8.5% of the white males over 25 have only a fourth grade education as opposed to 30% for Negro males.[5]

Thus, following the Supreme Court's reasoning, it would appear inequitable for a state to administer a literacy test to such a person because he would still be under the educational disadvantage offered in a state which had legal segregation.

E. Furthermore, the Office of Education studies and Department of Justice law suits have alleged that areas outside of the South have provided inferior education to minority groups. Following the general reasoning of the Supreme Court in the Gaston County case, I believe that any literacy test given to a person who has received an inferior public education would be just as unfair in a state not covered by the 1965 Act.

Unfortunately, the statistics appear to support this argument. In the Western states, 3.5% of the white males have only a fourth grade education as opposed to 10.6% of the Negro males over 25 years of age; in the North Central states, 3.1% of the white males have only a fourth grade education as opposed to 14.6% of the Negro males; and in the Northeast, 4.2% of the white males have only a fourth grade education as opposed to 8% of the Negro males. Thus, inferior education for minority groups is not limited to any one section of the country.

F. The proposal for a simple five-year extension of the 1965 Voting Rights Act leaves the undereducated ghetto Negro as today's forgotten man in voting rights legislation.

He would be forgotten both in the 12 states outside the South which have literacy tests now and in the 31 other states which have the ability, at any time, to impose them.

It is not enough to continue to protect Negro voters in seven states. That consideration may have been the justification for the 1965 Act. But it is unrealistic today.

I believe the literacy test is an unreasonable physical obstruction to voting even if it is administered in an even handed manner. It unrealistically denies the franchise to those who have no schooling. It unfairly denies the franchise to those who have been denied an equal educational opportunity because of inferior schooling in the North and the South.

But perhaps, most importantly, it is a psychological obstruction in the minds of many of our minority citizens. I don't have all the answers. But I suggest to this Sub-Committee that it is the psychological barrier of the literacy test that may be responsible for much of the low Negro voter registration in some of our major cities.

Because records on voter registration and voting are not kept on a racial basis in the North, it is difficult to determine conclusively the level of Negro voting participation.

In most Deep South Counties subjected to literacy test suspension, between 50 and 75% of the Negroes of voting age are now registered to vote. It is clear that this level is *higher* than Negro voter participation in the ghettos of the two largest cities outside the South—New York and Los Angeles—where literacy tests are still in use. Furthermore, in non-literacy test Northern jurisdictions like Chicago, Cleveland and Philadelphia, Negro registration and voting ratios are higher than in Los Angeles and New York.

Consider, for example, the 1968 voter turnout in New York City. In the core ghetto areas of Harlem, Bedford-Stuyvesant, the South Bronx and Brownsville-Ocean Hill, six nearly all-Negro Assembly districts (55th, 56th, 70th, 72nd, 77th, and 78th) cast an average of only 18,000 votes in 1968 despite 1960 Census eligible voter population of 45,000–55,000. On average, less than 25,000 voters were registered in these districts.

[5] Bureau of the Census, Current Population Reports, Series P-20, No. 182 (1969), *Educational Attainment: March 1968*, table 3.

In addition since Congressional districts are roughly equal in population, voting statistics from such districts may be used to compare New York and California Negro voter turnouts with those of other states.

In the nine Northern big city states—Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Michigan, Illinois, Missouri and California—there were only ten congressional districts where fewer than 100,000 votes were cast for Congress in 1968.[6] Of the ten, one was in California; and eight were in New York. Each of the nine districts—the 21st California; the 11th, 12, 14th, 18th, 19th, 20th, 21st and 22nd New York—consists largely or partly of Negro ghetto areas.

These statistics illustrate a prima facie relationship between Northern literacy tests and low participation by Negroes.

G. We clearly believe this amendment to suspend literacy tests and the other amendments we propose are within the jurisdiction of the Congress under its ability to implement the 14th and 15th Amendments, in view of the United States Supreme Court opinions in *United States* v. *Guest*,[7] *Katzenbach* v. *Morgan*,[8] *South Carolina* v. *Katzenbach*,[9] *and Gaston County* v. *United States*.[10]

H. Mr. Chairman, I urge this Committee not to permit the Negro citizens outside of the South to be forgotten. I urge this Committee to grant them the encouragement to vote and the protections for voting that are now granted to Negro citizens in the South. This encouragement has proved so successful that there have been 800,000 Negro voters registered since the passage of the 1965 Act.

Second: No person should be denied the right to vote for President or Vice President if he has resided in a state or county since September 1 of the election year. Persons moving after September 1 who cannot satisfy the residency requirement of the new state or county should be permitted to vote in the Presidential election, in person or by absentee ballot, in the former state or county.

This proposal would authorize the Attorney General to seek judicial relief against any abridgment of these residency rights.

The reasoning behind this suggestion is as follows:

Our society is mobile and transient. Our citizens move freely within states and from one state to another. According to the Bureau of the Census, in reference to the 1968 Presidential election, more than 5.5 million persons were unable to vote because they could not meet local residency requirements.

A residency requirement may be reasonable for local elections to insure that the new resident has sufficient time to familiarize himself with local issues. But such requirements have no relevance to Presidential elections because the issues tend to be nationwide in scope and receive nationwide dissemination by the communications media. The President is the representative of all the people and all the people should have a reasonable opportunity to vote for him.

Third: The Attorney General is to be empowered to send federal examiners and election observers into any county in the nation if he determines that their presence is necessary to protect the rights of citizens to vote.

The reasoning behind this suggestion is as follows:

Our proposal would grant to the Department of Justice the right to send voting examiners and observers to any county in the nation where such action is warranted because of reported violations of the Fifteenth Amendment. Our use of voting observers in the South has provided information to the Department of Justice which has enabled us frequently to ward off infractions of the Fifteenth Amendment. Similarly, in some counties, use of federal examiners to list persons as eligible to vote has been necessary because local officials have refused to register them.

[6] Congressional Directory for the 91st Congress, pp. 359–366.

[7] 383 U.S. 745 (1966).

[8] 384 U.S. 641 (1966).

[9] 383 U.S. 301 (1966).

[10] 37 Law Week 4478 (1969).

Under the 1965 Act, the Attorney General is required to go to court to request voting examiners and observers in non-Southern states. Under our bill, he has the authority to send the observers and examiners any place without first applying to a court.

Fourth: The courts, on application of the Attorney General, would be permitted to temporarily enjoin discriminatory voting laws and to freeze any new voting laws passed by the state or county against whom the lawsuit is filed.

The reasoning behind this suggestion is as follows:

Because of the nature of elections and the fact that it is difficult at a much later date to correct the result of any illegal inequities, I believe that the Attorney General should have the discretion, in cases which appear to have serious consequences, to ask the court to temporarily freeze the situation in a particular county.

This was basically the philosophy adopted by the 1965 Voting Rights Act which provided that no election laws passed by states covered by the Act could be changed without approval of either the courts or the Attorney General. In contrast to the 1965 Act, our proposal leaves the decision to the court, where it belongs; and properly places the burden of proof on the government and not the states.

The pre-clearance requirements of Section 5 of the 1965 Act have been difficult to administer effectively. To date there have been some 345 submissions to the Department of Justice. We have sixty days to determine if a law has a discriminatory purpose or effect. Unless we are extremely familiar with the political structure of a given jurisdiction or are capable of detailing investigators to make appropriate inquiry or receive complaints from local sources—it is virtually impossible to know if changes in the rules of a state election board, relocation of a polling place, consolidation of an election district, or some technical change in the election laws has such a discriminatory purpose or effect.

Despite the terms of the 1965 Act, when local officials have passed discriminatory laws they have usually not been submitted to the Attorney General for approval. Rather, the Department of Justice has had to seek federal court assistance to void them. Since 1965 only ten laws submitted to the Department for approval have been disapproved, six of them this year.

Areas which passed discriminatory voting laws are likely to quickly pass substitutes. Our new proposal would eliminate this practice by giving the courts the authority to issue blanket orders against voting law changes.

The penalty for this violation of the court order would be contempt.

Under the present laws outside of the seven covered states, the Attorney General is limited in voting rights cases to a claim of Constitutional violation. Under our proposal, he could institute a lawsuit any place in the country based on the broader statutory protection of a discriminatory "purpose or effect" of a particular voting law or set of voting laws.

This would make it clear to the courts that it is unnecessary to prove that the intent of the local or state officials was racially motivated.

For all of these additional safeguards, we have only modified one section of the Act. States and counties would no longer be required to automatically submit all changes in their voting laws.

With the entire nation covered, it would be impossible for the Civil Rights Division of the Department of Justice to screen every voting change in every county in the nation. Furthermore, the evidence indicates that even in the seven covered states officials who wish to pass discriminatory laws do not submit them in advance to the Department of Justice. They put them into effect and require the Justice Department to discover them and bring suit.

To justify this single modification of Section 5, I would like to point out that the incidence of reported racial discrimination in voting has substantially decreased.

For example, since August 1965, we have received a total of 312 complaints of voter discrimination—231 from the covered states and 81 from the non-covered states.

In fiscal 1966, there were 157 complaints; in fiscal 1967, there were 92 complaints, in fiscal 1968, there were 45 complaints and through April of fiscal 1969, there were 18 complaints.

This sharp decrease would seem to indicate that the dangers to voting rights, which existed prior to the passage of the 1965 Act, appear to have substantially decreased in the seven covered states—decreased to the point where we no longer think it is necessary for these states to automatically present their voting law changes to the Department after August 1970.

Fifth: A Presidential advisory commission would be established to study the effects which literacy tests have upon minority groups, to study the problem of election frauds, and to report to Congress its findings and recommendations for any new legislation protecting the right to vote.

The reasoning behind this suggestion is as follows:

In order to determine whether additional legislation will be necessary or appropriate, a Presidential advisory commission would study the effects which literacy and similar requirements for voting have upon minorities and upon low-income persons.

The Bureau of the Census would be directed to conduct special surveys regarding voting and voter registration and to make the data available to the commission. The commission would also study election frauds. It would be required to submit to Congress, not later than January 15, 1973, a report containing the results of its study and recommendations for any new federal voting laws.

Our recommendation to study voting fraud stems from our strong interest in insuring that each citizen's vote will count equally with the vote of his fellow citizen. For too long, we have failed to take as aggressive action as we might in view of frequent evidence of false registration, illegal vote purchasing and the misreporting of ballots cast.

My previous testimony concerned encouragement of protection for and the exercise of the franchise prior to entering a voting booth. This fraud study, a logical extension, may help to guarantee the sanctity of the ballot once it is cast. Certainly, if we have a federal interest in encouraging persons to vote, we have a federal interest in insuring that their ballot be correctly processed.

6. OPPOSITION TO 5-YEAR EXTENSION

Finally, there has been a suggestion that our proposal is merely a delaying tactic to tie up any attempt to extend the 1965 Voting Rights Act. I must disagree with this assessment.

First: As I said in my previous testimony, the *Gaston County* case extends the literacy test ban for the foreseeable future in those states which previously maintained segregated and inferior school systems. Second: It would appear that any proposed amendment to this bill—no matter how well motivated and how comprehensive—would be open to criticism as a delaying tactic. Under these circumstances, it is difficult for me to see how I can extend the coverage to those citizens who need it in any way. Third: We do not want to see the Act lapse in August 1970. We favor its extensions both in time and in its geographical coverage. I believe there should be sufficient time for the necessary hearings and debate on our proposal prior to the termination of parts of the 1965 Act in August of 1970. I believe that it is worth the extra effort to extend the Act to the entire nation. I would hope that this Committee would support S. 2507, introduced by Senator Dirksen.

We will cooperate with this Committee and with the Congress to assure a strong and timely bill.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, communicated to the Senate the intelligence of the death of Hon. JAMES B. UTT, late a Representative from the State of California, and transmitted the resolutions of the House thereon.

ENROLLED BILLS SIGNED

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

S. 2523. An act to amend the Community Mental Health Centers Act to extend and improve the program of assistance under that act for community mental health centers and facilities for the treatment of alcoholics and narcotic addicts, to establish programs for mental health of children, and for other purposes;

S. 2809. An act to amend the Public Health Service Act so as to extend for an additional period the authority to make formula grants to schools of public health, project grants for graduate training in public health and traineeships for professional public health personnel;

H.R. 11651. An act to amend the National School Lunch Act, as amended, to provide funds and authorities to the Department of Agriculture for the purpose of providing free or reduced-price meals to needy children not now being reached; and

H.R. 14733. An act to amend the Public Health Service Act to extend the programs of assistance for health services for domestic migrant agricultural workers and for other purposes.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The PRESIDING OFFICER. Under the order of December 16, 1969, the Chair lays before the Senate the bill which now becomes the pending business. It will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and other devices.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

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

Mr. SCOTT. I yield.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. 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.

Mr. SCOTT. Mr. President, I understand the pending business is H.R. 4249.

The PRESIDING OFFICER. The Senator is correct.

Mr. SCOTT. Mr. President, before making some remarks on that subject, I ask unanimous consent to speak on another matter.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, is the subject on which the able minority leader is about to speak one which is germane to the pending business?

Mr. SCOTT. It is. It refers to the disadvantaged minority groups.

Mr. BYRD of West Virginia. Mr. President, that does not answer the question. Is it germane to the pending business?

The able minority leader must know the intention on the part of the majority and minority leaders to enforce the Pastore rule.

Does the able minority leader feel that the subject on which he is about to speak is germane to the pending business?

Mr. SCOTT. Mr. President, I will withdraw my unanimous-consent request and address myself to the subject later.

I must say that I do not mind being the victim of my own rule now and then. It serves to make the point.

Mr. President, I call up at this time amendment No. 519 offered by me with the cosponsorship of the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Kentucky (Mr. COOK), the Senator from Connecticut (Mr. DODD), the Senator from Hawaii (Mr. FONG), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Mr. MATHIAS), and the Senator from Maryland (Mr. TYDINGS), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

Strike out all after the enacting clause, and insert in lieu thereof the following:

"That this Act may be cited as the 'Voting Rights Act Amendments of 1970'.

"SEC. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by inserting therein, immediately after the first section thereof, the following title caption:

" 'TITLE I—VOTING RIGHTS

"SEC. 3. Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by striking out the words 'five years' wherever they appear in the first and third paragraphs thereof, and inserting in lieu thereof the words 'ten years'.

"SEC. 4. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by adding at the end thereof the following new title:

" 'TITLE II—SUPPLEMENTAL PROVISIONS

" 'APPLICATION OF PROHIBITION TO OTHER STATES

" 'SEC. 201. (a) Prior to August 6, 1975, no citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State, or local election conducted in any State or political subdivision of a State as to which the provisions of section 4(a) of this Act are not in effect by reason of determinations made under section 4(b) of this Act.

" '(b) As used in this section, the term "test or device" means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

" 'RESIDENCE REQUIREMENTS FOR VOTING

" 'SEC. 202. (a) No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in any such election for failure to comply with a residence or registration requirement if he has resided in that State or political subdivision since the 1st day of September next preceding the election and has complied with the requirements of registration to the extent that they provide for registration after that date.

" '(b) If such citizen has begun residence in a State or political subdivision after the 1st day of September next preceding an election for President and Vice President of the United States and does not satisfy the residence requirements of that State or political subdivision, he shall be allowed to vote in such election (1) in person in the State or political subdivision in which he resided on the last day of August of that year if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision; or (2) by absentee ballot in the State or political subdivision in which he resided on the last day of August of that year if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

" '(c) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in such election because of any requirement of registration that does not include a provision for absentee registration.

" '(d) As used in this section, the term "State" includes the District of Columbia.

" 'JUDICIAL RELIEF

" 'SEC. 203. Whenever the Attorney General has reason to believe that a State or political subdivision (a) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the prohibition contained in section 201, or (b) undertakes to deny the right to vote in any election in violation of section 202, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

" 'PENALTY

" 'SEC. 204. Whoever shall deprive or attempt to deprive any person of any right secured by section 201 or 202 of this title shall be fined not more than $5,000, or imprisoned not more than five years, or both.

" 'SEPARABILITY

" 'SEC. 205. If any provision of this title or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination.'.

"Amend the title so as to read: 'An Act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests, and for other purposes.' "

Mr. SCOTT. Mr. President, the joint views of 10 members of the Senate Judiciary Committee have been prepared and are on the desk of each Senator.

I ask unanimous consent that the joint views of 10 members of the Judiciary Committee on extending the Voting Rights Act be printed at this point in the RECORD.

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

JOINT VIEW OF 10 MEMBERS OF THE JUDICIARY COMMITTEE RELATING TO EXTENSION OF THE VOTING RIGHTS ACT OF 1965

The undersigned ten members of the committee submit the following views in support of an amendment, Amdt. No. 519, in the nature of a substitute, to H.R. 4249. The amendment would extend the Voting Rights Act of 1965 in its present form for five years. It would also add a separate title incorporating the two new features of H.R. 4249: suspension of literacy tests throughout the remainder of the country; and limitations on residence requirements in presidential elections.

INTRODUCTION

An amendment in the nature of a substitute to H.R. 4249 and cosponsored by each of the undersigned was introduced in the Senate, referred to the Judiciary Committee for consideration and placed before the Subcommittee on Constitutional Rights. No vote was had on this amendment, and therefore, no formal recommendation of the amendment was reported by the committee. Accordingly, by order of the Senate, agreed to December 16, 1969, the committee reported H.R. 4249, as referred, *without recommendation*. (As used hereinafter, unless otherwise noted, "H.R. 4249" refers to the bill passed by the House of Representatives and reported by this committee.)

However, in the hope and expectation that a joint statement of the views of a majority of the committee will be helpful, the undersigned submit this statement to express our recognition of the need for continuation of the Voting Rights Act of 1965 in a form which ensures that its safeguards remain intact and unemasculated.

These joint views include an analysis of the provisions of the amendment we have proposed and a statement of the fact which warrant its substitution for H.R. 4249, as reported by the committee.

The primary purpose of our proposal is to continue in full force and effect all the provisions of the Voting Rights Act of 1965 for an additional five years. We have also proposed new provisions similar to those in H.R. 4249, which will further enlarge protection of the franchise.

However, it is essential to avoid any question about the principal purpose now before us: the extension for an additional five years of the provisions of the 1965 Act which have proven so effective. Absolutely nothing must be allowed to confuse that point—or to lay the groundwork for attempts to relitigate the critical provisions of the 1965 Act which the United States Supreme Court has already passed upon and approved.

If either the extension of the literacy test suspension nationwide or restrictions on residence requirements are woven into the present provisions of the Act as is the case with H.R. 4249, the courts would be faced with a completely new statute. This would risk litigation which might tie up the critical provisions of the present Act and, until reviewed by the Supreme Court, conceivably permit the reintroduction of literacy tests in those areas where they are presently suspended. We separate the provisions in order to ensure against this risk in every possible way.

Therefore, the amendment simply extends the 1965 Act, intact, for an additional five years, and then adds in a separate title the literacy test suspension in the remainder of the Nation as well as the restrictions on residence requirements for presidential elections. In this way, we accomplish uniform suspension of literacy tests nationwide, but do so in a manner which assures that no court test of the extension of the ban beyond the states and counties covered under section 4(a) of the 1965 Act could invalidate or even temporarily stay the effectiveness of the 1965 suspension. Enactment of a nationwide ban on the literacy tests and devices in place of the present section 4(a) of the Act runs this risk.

The Voting Rights Act of 1965 is a comprehensive measure designed to eradicate, at long last, widespread disenfranchisement on the basis of race in direct violation of the 15th Amendment. The Act has proved historically effective in making the command of the 15th Amendment a reality. But the task remains unfinished. It will not be completed, and hard won progress will be undone if essential safeguards of the Act are lost in August 1970, as would be the case under H.R. 4249. To change the terms of its successful operation—either by failing to extend it or by weakening it in any way—would be a serious blow in the continuing efforts to implement the promise of our Constitution.

COMMITTEE ACTION

On January 31, 1969, Senators Mathias, Fong and Scott introduced S. 818 which called for a simple five-year extension of the present Voting Rights Act. On April 29, 1969, Senator Hart and a bipartisan group of 33 other Senators introduced an omnibus civil rights bill, S. 2029, Title IV of which also provided for a five-year extension of the present Act. On June 19, 1969, a bipartisan group of 38 Senators introduced a bill, S. 2456, identical to S. 818. On June 30, 1969, the late Senator Dirksen offered S. 2507, whose provisions are identical to H.R. 4249, discussed below. All four measures were referred to the Judiciary Committee, and the Subcommittee on Constitutional Rights held joint hearings on them on July 9, 10, 11 and 30, 1969 ("Amendments to the Voting Rights Act of 1965," hearings before the Subcommittee on Constitutional Rights, Senate Committee on the Judiciary, 91st Cong., First Sess.).

On Wednesday, July 9, 1969, testimony and statements were received from Senators Scott and Mathias and from Commissioner Freeman of the Civil Rights Commission. All testified to the need for continuation of the 1965 Act as enacted. On July 10, 1969, Senator Schweiker submitted a statement urging extension of the Act, and Mr. Clarence Mitchell and Mr. Joseph L. Rauh appeared on behalf of the Leadership Conference on Civil Rights, representing over 125 organizations interested in civil rights. Commissioner Freeman, Mr. Mitchell and Mr. Rauh pre-

sented at length facts demonstrating the need for retention of the Act. They each also testified as to the manner in which the provisions of S. 2507—provisions identical to those in H.R. 4249 as reported by this committee—would weaken the federal government's ability to ensure in the covered areas that all persons are able to register and vote and have their votes counted without discrimination on account of race.

Further testimony was given by Mr. Warren Richardson, General Counsel to the Liberty Lobby.

On July 11, 1969, the subcommittee heard testimony from Mr. Lawrence Speiser on behalf of the American Civil Liberties Union also in favor of extending the provisions of the 1965 Act as enacted. The last witness, Attorney General John Mitchell, accompanied by Assistant Attorney General Jerris Leonard, testified on July 11 and July 30, 1969, in support of S. 2507.

On December 11, 1969, the House of Representatives passed H.R. 4249.* The bill was received in the Senate on December 12, 1969, and referred to the committee on December 16, 1969, with instructions under the following order:

"MR. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 4249 be referred to the Committee on the Judiciary with instructions to report back not later than March 1, 1970, and that at the conclusion of morning business on March 1, 1970, or the first legislative day thereafter, H.R. 4249 be made the pending business." (CONGRESSIONAL RECORD, vol. 115, pt. 29, p. 39335.)

The Subcommittee on Constitutional Rights then held further hearings on H.R. 4249 on February 18, 19, 24, 25 and 26, 1970. Senator Tydings and Mr. Clarence Mitchell both testified in favor of extending the 1965 Act on February 18. On February 19, Senator Goldwater testified in favor of abolishing residence requirements in presidential elections and submitted an analysis of its constitutionality. Mr. Edward T. Anderson of the Friends Committee on National Legislation and Reverend John M. Wells of the Joint Washington Office for Social Concern of the American Humanist Association, American Ethical Union, and Unitarian Universalist Association also testified.

On February 24 Professor Archibald Cox of Harvard Law School and Mr. Howard A. Glickstein, Staff Director of the Commission on Civil Rights, testified in favor of extension of the Act. Professor Cox also testified as to the consitutionality of restrictions on residence requirements in presidential elections and of nationwide suspension of literacy tests. Governor Lester G. Maddox of Georgia and Attorney General A. F. Summer of Mississippi testified in opposition to continuing the Act.

On February 25, Mr. Edward T. Anderson testified further. Mr. Vernon E. Jordan, Jr., Director, Voter Education Project, Southern Regional Council, Inc. and Dr. Aaron Henry, Board of Christian Social Concerns of the United Methodist Church, described in vivid detail the efforts of Negroes to register under the Voting Rights Act and the tactics employed to thwart them. Sheldon H. Elsen, Esq., Chairman of the Committee on Federal legislation of the Association of the Bar of the City of New York, and John D. Feerick, Esq., Chairman of the Subcommittee on the Election Laws, Committee on Federal Legislation of the Association of the Bar of the City of New York, also testified.

*It also should be noted that on May 14 and 15, June 19 and 26, and July 1, 1969, the House Committee on the Judiciary held extensive hearing on continuation of the Voting Rights Act and on related proposals. ("Voting Rights Act Extension," hearings before Subcommittee No. 5, House Committee on the Judiciary, 91st Cong., First Sess., serial No. 3.) (Hereinafter cited "House Hearings.")

Finally, on February 26, 1970, Mr. David Norman, Deputy Assistant Attorney General of the Civil Rights Division, Department of Justice, testified. Mr. Norman testified in favor of extending the suspension of literacy tests nationwide and removing residence restrictions on voting in presidential elections. He also discussed the effectiveness of section 5 of the Voting Rights Act of 1965.

On February 26, the subcommittee failed to report any bill for lack of a quorum. The Committee on the Judiciary, as noted above, failed to vote on the amendment offered by the undersigned and, therefore, has reported H.R. 4249 without recommendation.

HISTORICAL REVIEW

The 1965 Voting Rights Act

The main provisions of the Voting Rights Act of 1965 were carefully designed to prevent certain states of political subdivisions from continuing their well-documented practices of systematically denying the right to vote on the basis of race. (The full text of the 1965 Voting Rights Act is annexed as Appendix A.) If a state or subdivision is determined to be subject to the automatic or "trigger" provisions of sections 4, 5 and 6 of the Act, four basic consequences follow:

First, it may not use any test or device to limit voting eligibility.

Second, the Attorney General may, under specified circumstances, send in federal examiners to list eligible but non-registered voters, who are then fully qualified to vote.

Third, the Attorney General may send federal observers to any county designated for examiners to observe the polling places and the counting of the votes.

Fourth, the Act prohibits the state or political subdivision from applying new voting qualification or procedure without obtaining either the acquiescence of the Attorney General or a declaratory judgment from the United States District Court for the District of Columbia that the new practice does not have a discriminatory purpose and will not have a discriminatory effect. The burden of proving the nondiscriminatory purpose and effect is on the governmental body seeking exemption.

The Act contains an escape clause. By section 4(a) a state or political subdivision can obtain a declaratory judgment removing itself from coverage by showing that for the preceding five years it has not used a literacy test or other device to deny the right to vote on account of race.

The Civil Rights Commission has described the operation and effect of these provisions which apply automatically to these states as follows:

"VOTER REQUIREMENTS OUTLAWED BY THE ACT

"No State or political subdivision (counties, municipalities and parishes) covered by the Voting Rights Act may require the use of any test or device as a prerequisite for registration or voting.

"Tests or devices included in this Act are those which require:

"1. A demonstration of the ability to read, write, understand or interpret any given material.

"2. A demonstration of any educational achievement or knowledge of any particular subject.

"3. Proof of good moral character.

"4. Proof of qualifications through a procedure in which another person (such as an individual already registered) must vouch for the prospective voter.

"Coverage

"The Voting Rights Act of 1965 states that no person shall be denied the right to vote in any Federal, State or local election (including primaries) for failure to pass a test if he lives in a State or political subdivision which:

"1. Maintained a test or device as a prerequisite to registration or voting as of November 1, 1964—and

"2. Had a total voting age population of which less than 50 percent were registered or actually voted in the 1964 Presidential election.

"If the above two factors are present, the States or political subdivision is automatically covered by the 1965 Act. If an entire State meets these qualifications, all of its counties come under the provisions of the Act. If only one county in a State meets them, the single county is subject to the requirements of the law.

"States covered by the Act include Alabama, Alaska, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and approximately 26 counties in North Carolina.

"*Cessation of Coverage.* A State or political subdivision may be removed from coverage by filing a suit in a three-judge District Court for the District of Columbia. The State or political subdivision must convince the court that no test or device has been used for the purpose or with the effect of denying the right to vote because of race or color during the five years preceding the filing of the suit.

"However, if there has been a previous court judgment against a State or political subdivision determining that tests or devices have been used to deny the right to vote, the State or political subdivision must wait five years before it can obtain an order from the District Court for the District of Columbia removing it from the coverage of the Act.

"A judgment may be obtained more quickly if the Attorney General advises the court that he believes that the tests have not been used to discriminate on the basis of race or color during the five years preceding the filing of the action. He may also ask the court to reconsider its decision any time within five years after judgment.

"*Changes in Voting Laws.* When a State or political subdivision covered by the Act seeks to change its voting qualifications or procedures from those in effect on November 1, 1964, it must either obtain the approval of the U.S. Attorney General or initiate a Federal Court suit. If the Attorney General objects to these changes, or if they have not been submitted to him for his approval, the new laws may not be enforced until the District Court for the District of Columbia rules that the changes will not have the purpose or the effect of denying the right to vote because of the race or color of any person.

"Federal examiners

"Once it is determined that a political subdivision is covered by the Act, the U.S. Attorney General may direct the U.S. Civil Service Commission to appoint Federal examiners to list voters if:

"1. He has received twenty meritorious written complaints alleging voter discrimination, or

"2. He believes that the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment.

"The times, places and procedures for listing will be established by the Civil Service Commission.

"*Authority of the Examiners.* The Federal examiners will list (that is, declare eligible and entitled to vote) those who satisfy State qualifications that have not been suspended by the Voting Rights Act. Examples of valid qualifications would be those of age and residence.

"The examiners will prepare a list of qualified voters and send the list each month to State authorities who must register them—that is, place their names in the official voting records. This list must be available for public inspection. Each person on the examiner's list will be issued a certificate by the examiners as evidence of eligibility to vote in any Federal, State or local election.

"No person listed by the examiner will be

entitled to vote in any election unless his name has been sent to local election officials at least 45 days before that election thereby allowing the State election machinery to run without complication.

"Enforcement of Action by Federal Examiners. At the request of the Attorney General the Civil Service Commission may appoint poll watchers in counties where Federal Examiners are already serving to observe whether all eligible persons are allowed to vote and whether all ballots are accurately tabulated.

"If anyone who is properly listed or registered is not permitted to vote in any political subdivision where examiners are serving, a complaint may be made to the examiners of this denial within 48 hours after the polls close. If the examiner believes that the complaint has merit, he must inform the Attorney General immediately. The Attorney General may seek a district court order that provides for the casting of the ballot and suspends the election results until the vote is included in the final count.

"Challenge of Listed Persons. A formal objection challenging the qualifications of a person listed by the Federal examiner may be filed (at a place to be designated by the Civil Service Commission) within ten days after the list of qualified voters has been made public and must be supported by at least two affidavits. The validity of the challenge will be determined within fifteen days after filing by a hearing officer appointed by the Civil Service Commission. The U.S. Court of Appeals may review decisions of the hearing officer.

"Until the final court review is completed, any person listed by the examiner is still eligible and must be permitted to vote. If a challenge is successful, the name of the registrant will be removed from the examiner's list.

"Withdrawal of Federal Examiners. Examiners may be withdrawn from a political subdivision when the names of all persons listed by the examiners have been placed in the official records and when there is no reason to believe that persons in the subdivision will be prevented from voting.

"The removal may be accomplished by action of:

"1. The Civil Service Commission after it receives notification from the U.S. Attorney General, or

"2. The District Court for the District of Columbia in a suit brought by a political subdivision after the Director of the Census has determined that more than 50 percent of the nonwhite voting age population in the subdivision is registered to vote.

"A political subdivision may petition the U.S. Attorney General to end listing procedures and to request that the Director of the Census conduct a survey to determine whether more than 50 percent of the nonwhite voting age population is registered.

"Poll taxes

"The Act contains a Congressional finding that the right to vote has been denied or abridged by the requirement of the payment of a poll tax as a condition to voting.

"The U.S. Attorney General is directed to institute suits against Alabama, Mississippi, Texas and Virginia which require the payment of poll taxes in order to determine if such taxes violate the Constitution. While a suit is pending, or upon a finding that the poll tax is constitutional, persons registered or listed for the first time in areas covered by the Act need only pay the tax for the current year. The poll tax may be paid up to 45 days prior to an election regardless of the timeliness of the payment under State law.

"Voting suits

"The Voting Rights Act of 1965 gives new enforcement powers to the courts in voting cases. When the court finds that there has been a denial of the right to vote in a suit brought by the U.S. Attorney General, the court must:

"1. Authorize the appointment of examiners by the Civil Service Commission unless denials of the right to vote have been few in number, they have been corrected by State or local action, and there is no probability that they will reoccur.

"2. Suspend the use of tests or devices in an area where it has been proved that at least one such requirement has been utilized to deny the right to vote because of race or color.

"When examiners have been authorized by court order, they may be removed by an order of the authorizing court.

"Language literacy

"If a person residing in a State where tests or devices have not been suspended has completed at least six grades in an 'American-flag' school (a school in the United States or its territories), his inability to speak the English language shall not be the basis for denying him the right to vote. For example, a person who completed six grades of school in the Commonwealth of Puerto Rico but who now resides on the mainland of the United States would satisfy literacy requirements.

"Criminal and civil penalties

"Public officials or private individuals who deny persons the right to vote guaranteed by the Voting Rights Act of 1965 or anyone who attempts to or intimidates, threatens, or coerces a person from voting are subject to criminal penalties. It is also made a crime to attempt to or to intimidate, threaten or coerce anyone who urges or aids any person to vote. Criminal penalties are provided for applicants who give false information about their eligibility to vote or who accept payment to register or vote in a Federal election. The U.S. Attorney General is also authorized to bring action for injunctive relief to restrain violations of the Act."

An understanding of the "preclearance" safeguards in section 5 is particularly important for the present efforts to extend the Act. Under section 5, if a state or a political subdivision of a state covered by section 4 of the Act enacts or seeks to administer any voting qualifications, standards, practices or procedures not in effect in November 1964, such a change may not be enforced unless it has been submitted to the Attorney General and the latter has failed to object to it within 60 days or unless the United States District Court for the District of Columbia declares that the change does not have the purpose and effect of denying or abridging the right of vote on account of race or color. If the enacting or administering state (or subdivision) submits a change to the Attorney General and he disapproves of it, his decision may be challenged by a lawsuit in the District of Columbia District Court. A state or subdivision may also choose to test a statute directly in that court, without first submitting it to the Attorney General. A change covered by section 5, however, may not be enforced unless it has been tested by one of the above methods.

This section, in effect, freezes election procedures in the covered areas unless the changes can be shown to be nondiscriminatory.

It is equally important to emphasize that the remaining areas of the country *are also precluded under the existing Act* from using literacy tests or devices or any other practices and procedures in a discriminatory manner.

Section 3 of the Voting Rights Act provides that, in any action brought by the Attorney General to enforce the 15th Amendment, he may seek judicial relief which includes suspension of literacy tests, use of federal examiners, and determination of the validity of any new voting law or procedure. If the court finds that 15th Amendment violations justifying equitable relief have occurred, it may authorize appointment of federal voting examiners. Section 3 also directs the court to suspend the use of tests and devices where they have been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color. The court retains jurisdiction of such case for as long as it deems necessary and during such period prohibits the use of any new voting qualification or prerequisite to voting or any standard, practice or procedure different from that in force at the time suit was commenced, unless the court finds that it does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color or unless the state or subdivision has submitted it to the United States Attorney General and he has interposed no objection to the new requirement within sixty days.

Thus, the same remedies made available by sections 4, 5 and 6 in those areas of the country subject to the trigger provisions of section 4 of the 1965 Act—suspension of tests, appointment of federal examiners to list qualified voters, and the prohibition of new voting requirements, practices or procedures unless approved—are also available, if needed, in the remaining portions of the country.

Constitutionality

The Voting Rights Act of 1965 is constitutional. This issue is now settled. The Supreme Court has had occasion to review each of the major provisions of the Act, and in each instance the constitutionality of the legislation was sustained. See *South Caroline* v. *Katzenbach*, 383 U.S. 301 (1966); *Katzenbach* v. *Morgan* 384 U.S. 641 (1966) and *Allen* v. *Board of Election*, 393 U.S. 544 (1969).

The *Allen* decision on March 3, 1969, involved four cases in which the court upheld the critical preclearance provisions required by section 5 for new voting qualifications or procedures.

WHY THE 1965 ACT WAS NECESSARY

When it enacted the 1965 Voting Rights Act, Congress was confronted by a long-standing and pervasive evil, which had been perpetuated in the South for almost one hundred years by constant and ingenious defiance of the Constitution. Three earlier enactments in 1957, 1960 and 1964 had failed to alleviate blatant discrimination in the electoral process in certain areas, primarily in the South. The 1960 and 1964 acts modified and attempted to strengthen the 1957 Act which empowered the Attorney General of the United States to institute lawsuits to protect the right to vote.

But this case-by-case approach was met by massive state and local resistance. Certain States initiated evasive tactics and new procedures designed to block gains in this area. Most common among these procedures was the racially discriminatory use of literacy tests. This State and local residence, coupled with the sluggish judicial process permitted only meager gains in Negro voter registration. For example, in Mississippi registration increased from 4.4 percent in 1954 to only 6.7 percent by 1964. Seventy percent of Mississippi's white voting age population was registered as compared to this 6.7 percent figure for non-whites. Voting suits brought by the Department of Justice between 1957 and 1965 added only slightly more than 36,000 Negro registrants throughout the South.

The failure of piecemeal litigation to cure the problem necessitated enactment of a law aimed specifically at these delinquent jurisdictions.

The long record of discriminatory statutes, discriminatory enforcement, and intimidation which necessitated the enactment of the 1965 Voting Rights Act is all too familiar. It was told many times during the long legislative history of the 1965 Voting Rights Act.

See *South Carolina* v. *Katzenbach*, 383 U.S., 309–315 (1965) (summarizing "the majority reports of the House and Senate Committees, which document in considerable detail the factual basis for these reactions by Congress. See H.R. Rep. No. 439, 89th Cong., 1st Sess., 8–16 (hereinafter cited as House Report); S. Rep. No. 162, pt. 3, 89th Cong., 1st Sess., 3–16 (hereinafter cited as Senate Report)").

NECESSITY OF EXTENDING THE 1965 ACT INTACT

During the hearings on the Voting Rights Act before the Senate Judiciary Committee last July and in February of this year, as well as the hearings before the House Committee on the Judiciary during May, June and July of last year, extensive facts were presented which compel the conclusion that the Voting Rights Act of 1965 must be extended for an additional five years. The Voting Rights Act of 1965 has been the most effective civil rights legislation ever enacted by the Congress. It is the only federal legislation that has proven effective in implementing the 15th Amendment and making real the rights to register and vote which that Amendment secures on paper. The success of the 1965 Act is directly traceable to its distinguishing feature in comparison to prior civil rights legislation: its immediate and automatic application, without the need for lengthy and repeated litigation in jurisdictions which fall within the formula provided in section 4 of the Act. The automatic application of sections 4 and 5 works. Negroes have registered and voted in record numbers in areas where before 1965 they had been systematically denied the franchise. Discriminatory devices to deny the franchise have been struck down or deferred.

The following percentages compiled by the U.S. Civil Rights Commission and the Southern Regional Council were accumulated during the late summer of 1968 in the five states where federal examiners have been used. They do not represent the final registration figures for the November 1968 elections, but the difference was not expected to be large.

In Alabama, the nonwhite population registered to vote increased from 19.3 percent in 1964 to 56.7 percent in the late summer of 1968; in Georgia, from 27.4 to 56.1 percent; in Louisiana, from 31.6 to 59.3 percent; in Mississippi, from 6.7 to 59.9 percent; in South Carolina, from 37.3 to 50.8 percent.

In addition to the large numbers of black citizens registering and voting, many are now running for office in Southern states to help assure adequate representation of all interests.

While progress has been significant, it should not obscure the pressing needs which remain. Negro registration is still well below that of whites in any areas covered by the Act—and less than one-half in many counties. The continuing resistance to equal voting rights and risk of back-sliding should the protections of the Act be weakened are amply demonstrated in the instances in which the Attorney General has found it necessary to send in observers to assure that all persons were able to vote and have their votes counted regardless of race and to initiate legal actions to set aside elections and voting changes infected by racial discrimination.

If the 1965 Act is not extended, states and counties presently covered by the Act will be able to petition the court for their removal in August 1970—five years after the statute's enactment. To obtain such a judgment, the state or subdivision must demonstrate that such tests have not been used for the previous five years. Where section 4(a) of the Act has been obeyed, no tests have been used for the past five years, so that these jurisdictions could then escape the controls of sections 4 and 5 of the Act. That means that sections 4 and 5, which have made the Voting Rights Act of 1965 so successful, will cease to be effective this year and we would again be relegated to piecemeal judicial remedies which proved so unsuccessful in the past in keeping up with a rapid succession of ingenious roadblocks.

When Congress originally considered the bill which became the Voting Rights Act of 1965, sections 4 and 5 were to remain in effect for a period of ten years. Although majority support for the measure was ultimately obtained in both houses by reducing this period to five years, no evidence was presented at that time that the five-year period would prove sufficient to eradicate 350 years of systematic discrimination. We, too, had hoped that a five-year period might be sufficient, but that time is now running out and the fact remains that large numbers of black people are still not registered and voting in the South because of present discriminatory practices or the aftereffect of past ones. The last five years has provided ample evidence that if these key provisions of the Act are permitted to expire, the procedural protection for voter registration will stop, thereby freeing—indeed, inviting—the resurgence of the discriminatory forces which operated so effectively prior to enactment of the law. Although we have progressed, more time is needed to accomplish what finally must be done to implement the 15th Amendment, by preserving the only voting rights law that has really worked.

Need to continue section 4

Section 4(a) suspends voting tests and devices in the areas to which it is applicable. These laws, which were systematically abused to deny the rights of Negro voters, are still on the books in most of these jurisdictions. They can be reinstated, or passed again if they were rescinded. They could then be used to prevent the further registration of other Negro citizens. By requiring re-registration, these laws could even be abused to disenfranchise those who have already become registered voters under the Act.

While a great many citizens in the South have shown a commendable effort to comply with and help implement the Voting Rights Act of 1965, the intent and desire shown by others to circumvent the Act indicates that the dangers which necessitated the statute in the first place have not been eliminated. A wide range of obstructionist weapons have been experienced. Decided court cases demonstrate that booundary lines have been gerrymandered, elections have been switched to an at-large basis, counties have been consolidated, elective offices have been abolished where Negroes had a chance of winning, the appointment process has been substituted for the elective process, election officials have withheld the necessary information for voting and running for office, and both physical and economic intimidation have been employed.

Need to continue section 5

The omission of the present section 5 of the Voting Rights Act from any extension of that Act would be fatal. It was for this omission that Father Hesburgh, Chairman of the Commission on Civil Rights, criticized H.R. 4249 as being "much weaker" than a simple extension of the Voting Rights Act of 1965.

Father Hesburgh has said that repeal of section 5 in its present form ". . . is in no sense an advance in protection of the voting rights of American citizens. It is a distinct retreat. It is an open invitation to those states which denied the vote to minority ctizens in the past to resume doing so in the future through insertion of disingenious technicalities and changes in their election laws. "[It] would turn back the clock to 1957. . . . Now is not the time to gut one of the act's key provisions." (House Hearings at 299)

This also was the position: of the House Judiciary Committee; of a bipartisan group of 38 Senators who sponsored legislation to extend the 1965 Act for five additional years; of the Leadership Conference on Civil Rights; and of all other civil rights organizations. *All agree that, to have a complete and effective guarantee of the 15th Amendment, it is essential that section 5 and its triggering provisions be extended for another five years.*

Mr. Howard A. Glickstein, the Staff Director of the United States Commission on Civil Rights, has described concretely why the record of the last five years requires retention of the preclearance provisions of section 5:

"In our earlier testimony, we briefly explained why Section 5 of the Act should be retained in its present form. This time, we would like to explain more fully why that section is so crucial—partly because there seems to be some confusion concerning what that section does and partly because the threat of it being repealed has been made more serious by passage of H.R. 4249.

* * * * *

"The Supreme Court in *South Carolina* v. *Katzenbach* concluded:

"Congress knew that some of the States covered by 4(b) of the Act had resorted to the extraordinary strategem of contriving new rules of various kinds for the sole purpose of perpetuating voting discrimination in the face of adverse federal decrees. Congress had reason to suppose that these States might try similar maneuvers in the future, in order to evade the remedies for voting discrimination contained in the Act itself.[4]'

"The Voting Rights Act of 1965 was designed to end for once and all those practices which have for decades deprived Negro citizens of their vote. The pre-enforcement submission requirement of Section 5 was compelled by their tendency to change forms without changing purpose.

"Since its enactment, Section 5 has been interpreted by the Supreme Court to cover any State enactment which alters election laws in even a minor way.[5] Based on the Statute's legislative history, the Court concluded that 'the Voting Rights Act was aimed at the subtle, as well as the obvious State regulations which have the effect of denying citizens their right to vote because of race.'[6] Thus, the statute was held to cover changes in election laws which permit the election of county officers at large instead of on a district basis, which provide for the appointment of a previously elective official, which change the requirements for independent candidates running in elections, and which modify rules on assisting disabled voters.

"A few illustrations of how the changes just described can be used to impair Negro voting strength will shed light on the need for a remedy such as Section 5. For example, in 1968 Louisiana passed a law permitting elections for police juries to be conducted on an at large basis in each Louisiana parish. Before that enactment, police juries were selected by subdivisions of parishes called wards. In 109 wards, Negroes were in the majority, according to the 1960 Census, while Negroes only constituted the majority of voters in five parishes. Thus, a change from ward to at large voting would have the effect of diluting the actual or potential voting power of the Negro inhabitants. The Attorney General, in objecting to the change in September 1969, referred to the decision of the Supreme Court in *Allen*, in which the Court stated:

"'The right to vote can be affected by a dilution of voting power as well as by an absolute prohibition on casting a ballot.'[7]

"A statute which gives election officials undue discretion can also open the door to discrimination. A 1968 Georgia law was dis-

Footnotes at end of article.

approved by the Attorney General because it required persons who hold election and registration offices to be 'judicious, intelligent and upright electors.' The Attorney General characterized this standard as 'vague and subjective.'[8]

"Another example of misuse of election laws occurred in 1966 when the Mississippi legislature passed a resolution submitting to the voters a constitutional amendment to permit the legislature by two-thirds vote to consolidate adjoining counties. Opponents of the resolution charged that it was designed to permit consolidation of counties heavily populated by Negroes with predominantly white counties: 'All they're trying to do is avoid a few Negro votes' charged Senator E. K. Collins of predominantly white Jones County.[9] Senator Ben Hilburn of predominantly white Oktibehah County, who also opposed the measure, commented: 'We get so concerned because some Negroes are voting in a few counties, we are going to disrupt our entire institutions of government.'[10] The constitutional amendment approved on the basis of this resolution has not yet been implemented and therefore a suit to enjoin its enforcement failed. A three judge court held, however, that it came within the purview of Section 5.[11]

"There is nothing to indicate that the above discriminatory practices are lessening. There is evidence that similar practices are continuing in the South. In July 1968, Anniston, Alabama (the population of which is about 27 percent black) changed its municipal elections from election by wards to election at large. The city was divided into five wards, each to be represented by one councilman. Although each councilman must be a resident of his ward, he is elected by the city at large. Since the population of two of the five wards is predominantly black, Negroes believe that the requirement of at-large elections was designed to prevent them from electing their own councilman.[12]

"Another recent Alabama enactment objected to by the Attorney General required a voter to sign a poll list at the voting machine before he would be allowed to enter the machine to vote. This law, passed in 1969, would have the same effect as reinstatement of a literacy test and clearly violated the Voting Rights Act of 1965.[13]

"To give another example, a bill was recently introduced before the General Assembly of Mississippi which would change the qualifications of candidates for school boards. The change would require that only high school graduates could run for these offices.[14] Since in Mississippi a higher percentage of whites than blacks are high school graduates, this law could keep blacks from controlling school boards in areas in which they outnumber whites in registered voters."

This record of continuing desire and effort to nullify the gains in Negro registration by adopting election laws and procedures that would render Negro votes ineffective is reported in fuller detail by the U.S. Commission on Civil Rights in their Study, "Political Participation," published in May of 1968. If it had not been for section 5 of the present Act, there is no telling to what extent the states and communities covered might have legislated and manipulated to continue their historical practice of excluding Negroes from the Southern political process.

We also take note of the recent decision of the Supreme Court in *Allen* v. *Board of Elections*, in which the Court discussed the history of the enforcement of section 5 and clarified its scope. The decision underscores the advantage section 5 produces in placing the burden of proof on a covered jurisdiction to show that a new voting law or procedure does not have the purpose and will not have the effect of discriminating on the basis of race or color. *Also, the Court's decision makes clear that private persons have authority to challenge the enforcement of changed voting practices or procedures pursuant to section 5 on the grounds that such changes have not been submitted in accordance with the procedures of the Act.*

If, as we have urged, it is imperative that the protection of the present section 4 and 5 of the Act be retained, then it necessarily follows that the reference to statistics of the 1964 election must also be retained. The 50 percent level, measured as of November 1, 1964, was deemed a valid test for determining that abusive practices necessitated the automatic powers of sections 4, 5 and 6. It was not intended as a measure of an adequate level of political enfranchisement, but as a reasonable basis for the presumption of the existence of official actions to deny or abridge the right to vote on account of race or color. Nor did Congress find, that, in the first few years following enactment of the statute, this same percentage would also adequately serve as a criterion for determining when the discriminatory efforts had been sufficiently eradicated to warrant removing the safeguards which made the improvement possible. The 1968 election turnout reflects the success and impact of the federal presence in the covered states where tests were suspended. Federal examiners and observers had been appointed and election law changes were subject to federal review. The numerous efforts to circumvent sections 4 and 5 noted above offer little basis for confidence that this progress will not be undone if the 1968 voting statistics are employed, let alone that the momentum in these areas will continue.

Upon the record developed in the subcommittee's hearings and in the hearings in the House of Representatives, the history of litigation over the past four years and reports of the U.S. Commission on Civil Rights, we conclude that it is essential to continue for an additional five years all the foregoing provisions of the Act in full force and effect in order to safeguard the gains in Negro voter registration thus far achieved, and to prevent future infringements of voting rights based on race or color.

NEW PROVISIONS OF TITLE II

For the reasons just noted, our main concern is to extend undiminished the Voting Rights Act of 1965. In addition, however, our amendment incorporates the two important new steps of H.R. 4249. First, the amendment would extend the suspension of literacy tests and of other tests and devices to all states of the Nation.

Even though these other areas have no recent history of discriminatory abuses like that which prompted enactment of the 1965 Act, this extension is justified for two reasons: (1) because of the discriminatory impact which the requirement of literacy as a precondition to voting may have on minority groups and the poor; and (2) because there is insufficient relationship between literacy and responsible, interested voting to justify such a broad restriction of the franchise.

In the subcommittee hearings, the Commission on Civil Rights submitted a memorandum based on a study made by the Bureau of the Census, which suggests that the suspension of literacy tests in all States will result in significant increases in registration of educationally disadvantaged blacks and whites, Mexican Americans, Puerto Ricans, Cuban Americans and other members of the Spanish-speaking and Spanish-surname community in America, and American Indians. The report of the Commission on Civil Rights also suggests that literacy tests in all states deprive a greater proportion of minority citizens of the right to vote than of whites.

Professed state interests which are advanced to support restrictions on the franchise require close scrutiny. And, as Father Hesburgh, Chairman of the Civil Rights Commission, stated in his letter of March 28, 1969, to the President: "the lives and fortunes of illiterates are no less affected by the actions of local, State and Federal governments than those of their more fortunate brethren. . . . Today, with television so widely available," he continued, "it is possible for one with little formal education to be a well-informed and intelligent member of the electorate." Thus, literacy tests not only abridge the right to suffrage on account of race or color, but also constitute an unreasonable classification against educationally disadvantaged persons in violation of the equal protection clause of the 14th Amendment.

Second, we propose to limit residence requirements in presidential elections in precisely the same manner as that provided for in H.R. 4249. The amendment, like H.R. 4249, would establish uniform maximum residence requirements for such elections.

The main rationale for a residence requirement in statewide or local elections—to ensure that the new resident has sufficient time to familiarize himself with state or local issues—has little relevance to presidential elections because the issues tend to be nationwide in scope and receive nationwide dissemination by the communications media.

In our highly mobile and transient society, no person should be denied the right to vote for President if he has resided in a state or county since September 1 of the election year. Under the amendment, persons moving after September 1, who cannot satisfy the residence requirement of the new state or county, would be permitted to vote in the presidential election, in person or by absentee ballot.

This proposal would also authorize the Attorney General to seek judicial relief against any abridgment of these residence rights.

ANALYSIS OF THE BILL

The amendment cosponsored by the undersigned is designed to be a complete substitute for H.R. 4249, the bill reported by the committee. Set out below is the complete text of this amendment, in the nature of a substitute, followed by a section by section analysis.

H.R. 4249

AMENDMENTS (IN THE NATURE OF A SUBSTITUTE)

Intended to be proposed by Mr. Scott (for himself, Mr. Hart, Mr. Bayh, Mr. Burdick, Mr. Cook, Mr. Dodd, Mr. Fong, Mr. Kennedy, Mr. Mathias, and Mr. Tydings) to H.R. 4249, an Act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, viz: Strike out all after the enacting clause, and insert in lieu thereof the following:

"That this Act may be cited as the 'Voting Rights Act Amendments of 1970.'

"SEC. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by inserting therein, immediately after the first section thereof, the following title caption:

" 'TITLE I—VOTING RIGHTS'

"SEC. 3. Section 4(a) of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973b) is amended by striking out the words 'five years' wherever they appear in the first and third paragraphs thereof, and inserting in lieu thereof the words 'ten years.'

"SEC. 4. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq.) is amended by adding at the end thereof the following new title:

Footnotes at end of article.

" 'TITLE II—SUPPLEMENTAL PROVISIONS

" 'APPLICATION OF PROHIBITION TO OTHER STATES

" 'SEC. 201. (a) Prior to August 6, 1975, no citizen shall be denied, because of his failure to comply with any test or device, the right to vote in any Federal, State or local election conducted in any State or political subdivision of a State as to which the provisions of section 4 (a) of this Act are not in effect by reason of determinations made under section 4 (b) of this Act.

" '(b) As used in this section, the term 'test or device' means any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

" 'RESIDENCE REQUIREMENTS FOR VOTING

" 'SEC. 202 (a) No citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in any such election for failure to comply with a residence or registration requirement if he has resided in that State or political subdivision since the 1st day of September next preceding the election and has complied with the requirements of registration to the extent that they provide for registration after that date.

" '(b) If such citizen has begun residence in a State or political subdivision after the 1st day of September next preceding an election for President and Vice President of the United States and does not satisfy the residence requirements of that State or political subdivision, he shall be allowed to vote in such election: (1) in person in the State or political subdivision in which he resided on the last day of August of that year if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision; or (2) by absentee ballot in the State or political subdivision in which he resided on the last day of August of that year if he satisfies, but for his nonresident status and the reason for his absence, the requirements for absentee voting in that State or political subdivision.

" '(c) No citizen of the United States who is otherwise qualified to vote by absentee ballot in any State or political subdivision in any election for President and Vice President of the United States shall be denied the right to vote in such election because of any requirement of registration that does not include a provision for absentee registration.

" '(d) As used in this section, the term "State" includes the District of Columbia.

" 'JUDICIAL RELIEF

" 'Sec. 203. Whenever the Attorney General has reason to believe that a State or political subdivision (a) has enacted or is seeking to administer any test or device as a prerequisite to voting in violation of the prohibition contained in section 201, or (b) undertakes to deny the right to vote in any election in violation of section 202, he may institute for the United States, or in the name of the United States, an action in a district court of the United States, in accordance with sections 1391 through 1393 of title 28, United States Code, for a restraining order, a preliminary or permanent injunction, or such other order as he deems appropriate. An action under this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2282 of title 28 of the United States Code and any appeal shall be to the Supreme Court.

" 'PENALTY

" 'Sec. 204. Whoever shall deprive or attempt to deprive any person of any right secured by section 201 or 202 of this title shall be fined no more than $5,000, or imprisoned not more than five years, or both.

" 'SEPARABILITY

" 'Sec. 205. If any provision of this title or the application of any provision thereof to any person or circumstance is judicially determined to be invalid, the remainder of this Act or the application of such provision to other persons or circumstances shall not be affected by such determination.'

"Amend the title so as to read: 'An Act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and for other purposes.' "

The following analysis refers to the sections of this amendment, in the nature of a substitute:

SECTION 1

The first section states that the title of the statute is the "Voting Rights Act Amendments of 1970."

SECTION 2

This section indicates that the original nineteen sections of the Voting Rights Act of 1965 are to be grouped as the first title of the 1965 Act as amended.

SECTION 3

This section is designed to extend for an additional five years the period for which a "4(b) State" or "4(b) political subdivision" must show that no test or device has been used "for the purpose or with the effect of denying or abridging the right to vote on account of race or color" if such State or political subdivision is to remove itself from the coverage of section 4(a).

A "4(b) State" or "4(b) political subdivision" is one which (1) the Attorney General determined maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 percent of the voting age residents were registered on November 1, 1964, or that less than 50 percent of such persons voted in the November 1964 presidential election.

Under section 3 of the amendment, such State or political subdivision is empowered to remove itself from the coverage of Section 4(a) by obtaining a declaratory judgment from the United States District Court for the District of Columbia that no test or device has been used during the ten years preceding the filing of the action.

SECTION 4

This section would add to the Voting Rights Act of 1965 a second title containing four new provisions. These provisions would be numbered sections 201 through 205 in the Voting Rights Act as amended and would provide for the following:

SECTION 201—PROHIBITION OF TESTS OR DEVICES IN OTHER STATES

Subsection 201(a)—This subsection would suspend until August 6, 1975, in all states or political subdivisions to which the provisions of section 4(a) are *not applicable*, the use of any test or device as a prerequisite for voting in any federal, state or local election.

Subsection 201(a) applies to any state or political subdivision which was originally covered by section (4)(a) by virtue of determinations made under section (4)(b) of the Act but which was subsequently removed from the coverage of section (4)(a) by virtue of a declaratory judgment, as provided for in that section. The provision would also cover any other state or political subdivision not subject to section (4)(a) but which may hereafter remove itself from the coverage of section (4)(a).

In effect, subsection 201(a) carries out the intent of H.R. 4249 by extending the ban on tests or devices to all states and political subdivisions throughout the Nation.

Subsection 201(b)—This subsection sets forth the same definition of "test or device" as that provided in section 4 of the Voting Rights Act of 1965. This definition comprehends broadly defined literacy tests, educational attainment requirements, requirements of "good moral character," and vouching by registered voters or other classes.

SECTION 202 RESIDENCE REQUIREMENTS

This section in its entirety is identical to the limitation upon state residence requirements in H.R. 4249, as reported by the committee.

Subsection 202(a)—This subsection permits an otherwise qualified citizen to vote in presidential elections in his state or county if he has resided therein since the first day of September immediately preceding the election and has registered in that state or county. However, the requirement of registration is only imposed *if there is provision for registration in that state or county after September 1.*

Subsection 202(b)—Under this subsection, if a citizen begins residence after September 1 of the election year in a state or county which requires residence prior to September 1, he may vote in the state or county of his prior residence. He may elect to vote in that state or county either in person or by absentee ballot.

Subsection 202(c)—This subsection requires states to afford the right of absentee registration to those otherwise qualified to vote by absentee ballot in that state. Such citizens would include those who have elected to so vote under subsection 202(b).

Subsection 202(d)—This subsection includes the District of Columbia in the provisions of section 202.

SECTION 203—JUDICIAL RELIEF

This section authorizes the Attorney General to bring a civil action to enforce the suspension of literacy tests or devices imposed by section 201. Section 203 also authorizes the Attorney General to bring an action to enforce the rights of persons to vote in the state of their new residence under subsection 202(a) or to enforce the rights of persons to vote in the state of their prior residence, in person or by absentee ballot, under subsection 202(b) and rights of absentee registration secured by subsection 202(c).

SECTION 204—PENALTY

This section provides criminal penalties for depriving or attempting to deprive other persons of any rights secured by section 201 and section 202. Section 204 parallels section 12(a) of the original Voting Rights Act of 1965, which provides penalties for the violation or attempted violation of the rights secured by sections 2, 3, 4, 5, 7, and 10 of the Act.

SECTION 205—SEPARABILITY

This section is a general separability clause intended to make each section of this title separable from every other section and also separable from the original Voting Rights Act, which forms the first title of the Act as amended. It provides that the invalidity of any portion of this title shall not affect the validity of the remainder of this title or the validity of Title I and that the invalidity of its application to any persons or circumstances shall not affect its applicability to other persons or circumstances. The amendment thus continues in full force for all provisions of the Act, as amended, the separability provided in Section 19 of the Act.

DEFICIENCIES IN H.R. 4249

The committee has reported H.R. 4249. That bill contains three distinct elements.

First, H.R. 4249 limits residence requirements in presidential elections. This provision is desirable. The proposed substitute

amendment also includes it, in the same form as H.R. 4249, but as a separate section of the new title to the Voting Rights Act.

Second, H.R. 4249 would suspend literacy tests and similar devices in all portions of the country where they are not now suspended under the Voting Rights Act. The proposed amendment would also accomplish a nationwide suspension of tests and devices. However, extension of this suspension to the remainder of the nation would be accomplished in the amendment by the addition of a new title in order to preserve intact sections 4 and 5 of the Voting Rights Act. As explained above, this would avoid the risk of losing what we have gained under the 1965 Act. Moreover, under H.R. 4249, section 3 would become the sole source of remedial relief if the test suspension were violated since that bill eliminates section 4's automatic enforcement scheme.

Third and most important, H.R. 4249 would completely eliminate the crucial protection now afforded by section 5 of the Voting Rights Act and would substitute in its place a weaker provision which would undermine the efficacy of the Act where its protection is most needed. The effect of this deletion would be adverse in at least five respects: (1) Discriminatory changes in the practices or procedures for voting would become effective immediately, burdening Negroes until such time as they are the Attorney General secured a court order enjoining the operation of the changes; (2) The presently covered states and counties would not be obligated to report proposed changes in voting practices or proceduers to the Attorney General. He would have to learn of them himself; (3) The Attorney General would have to commence a multiplicity of suits to enjoin new practices or procedures, regardless of how localized the abuse was or how many changes were sought by the same jurisdiction; (4) H.R. 4249 would shift the all important burden of proof which now rests on the jurisdiction seeking to implement the new practice or procedure to the Attorney General; and (5) The Attorney General would have to bring action in each jurisdiction throughout the South, rather than in the single forum of the District of Columbia, where the states presently have to bring suit.*

In testimony given before the Subcommittee on Constitutional Rights of the committee on July 9, 1969, the Civil Rights Commission presented an extensive and very helpful memorandum detailing the shortcomings of H.R. 4249. (The Commission memorandum addressed itself to S. 2507, *which, however, is identical in all respect to H.R. 4249.*

The Commission memorandum, annexed in pertinent part as Appendix B, indicates why the changes which H.R. 4249 makes in the Voting Rights Act would destroy the effectiveness of sections 4, 5 and 6 of the Act and why other provisions of H.R. 4249 are unwarranted. Having reviewed the memorandum as well as the extensive hearing testimony which confirms it, we endorse the annexed portions as our views.

CONCLUSION

Mr. Vernon E. Jordan, Jr., Director of the Voter Education Project of the Southern Regional Council, who is intimately familiar with the efforts to register Negro voters under the 1965 Voting Rights Act has vividly summarized the essential question before us—the danger of failing to extend that Act in full force:

"I know—as well as any man in this room that Canton and Grenada and Selma and Sandersville and hundreds of other Southern communities stand poised and ready to eliminate the burgeoning black vote in their jurisdictions. The slightest flicker of a green light from Washington is all these white-dominated communities need. When they receive the signal, they will act."

For all the reasons discussed in these joint views, the undersigned have proposed and recommend the amendment in the nature of a substitute to H.R. 4249.

Signed by Mr. Bayh, Mr. Burdick, Mr. Cook, Mr. Dodd, Mr. Fong, Mr. Hart, Mr. Kennedy, Mr. Mathias, Mr. Scott, Mr. Tydings.

FOOTNOTES

* According to Congressman McCulloch, "it was determined that the District Court of the District of Columbia was the place to lodge jurisdiction which would reasonably, quickly, and uniformly give relief to people who wanted the relief when, if the remedy was delayed, it was a remedy denied." (Hearing before the Committee on Rules, House of Representatives, on H.R. 4249, Nov. 18, 1969, pp. 31–32).

[4] *South Carolina* v. *Katzenbach*, 383 U.S. 301, 335 (1966).

[5] *Allen* v. *State Board of Elections*, 393 U.S. 544 (1969).

[6] *Allen*, at 565.

[7] Letter of September 10, 1969 from Jerris Leonard, Assistant Attorney General, Civil Rights Division, Department of Justice, to Jack P. I. Gremillion, Attorney General of Louisiana, quoting the Supreme Court at 393 U.S. 569.

[8] Letter of July 11, 1968, from Stephen J. Pollak, then Assistant Attorney General, Civil Rights Division, Department of Justice, to Arthur K. Bolton, Attorney General of Louisiana.

[9] U.S. Commission on Civil Rights, *Political Participation* (1968) at 26.

[10] Id.

[11] On April 30, 1969 injunctive relief was denied to challengers of the amendment on the basis of the failure of the legislature to take steps to implement it. *Mississippi Freedom Democratic Party* v. *Johnson*, civil No. 4082, S. D. Miss. filed Jan. 24, 1967.

[12] Brief for plaintiffs in *Oden* v. *Brittain*, Civil No. 69–433, N.D. Ala., filed July 9, 1969.

[13] Letter of December 16, 1969, from Jerris Leonard, Assistant Attorney General, Civil Rights Division, Department of Justice, to McDonald Gallion, Attorney General of Alabama.

[14] H. Bill No. 61, to amend Section 6328–24, Mississippi Code of 1942.

APPENDIX A

Public Law 89–110, 89th Congress, S. 1564, August 6, 1965

AN ACT TO ENFORCE THE FIFTEENTH AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES, AND FOR OTHER PURPOSES

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled, That this Act Shall be known as the "Voting Rights Act of 1965".

SEC. 2. No voting qualifications or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantee of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforced the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided*, That the court need not authorize the appointment of examiners if any incidents of denial or abridgement of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the court's finding nor the Attorney General's failure to object shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.

SEC. 4. (a) To assure that the right of citizens of the United States to vote is not denied or abridged on account of race or color, no citizen shall be denied the right to vote in any Federal, State, or local election because of his failure to comply with any test or device in any State with respect to which the determinations have been made under subsection (b) or in any political subdivision with respect to which such determinations have been made as a separate unit, unless the United States District Court for the District of Columbia in an action for a declaratory judgment brought by such State or subdivision against the United States has determined that no such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color: *Provided*, That no such declaratory judgment shall issue with respect to any plaintiff for a period of five years after the entry of a final judgment of any court of the United States, other than the denial of a declaratory judgment under this section, whether entered prior to or after the enactment of this Act, determining that denials or abridgments of the right to vote on account of race or color through the use of such tests or devices have occurred anywhere in the territory of such plaintiff.

An action pursuant to this subsection shall

be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. The court shall retain jurisdiction of any action pursuant to this subsection for five years after judgment and shall reopen the action upon motion of the Attorney General alleging that a test or device has been used for the purpose or with the effect of denying or abridging the right to vote on account of race or color.

If the Attorney General determines that he has no reason to believe that any such test or device has been used during the five years preceding the filing of the action for the purpose or with the effect of denying or abridging the right to vote on account of race or color, he shall consent to the entry of such judgment.

(b) The provisions of subsection (a) shall apply in any State or in any political subdivision of a state which (1) the Attorney General determines maintained on November 1, 1964, any test or device, and with respect to which (2) the Director of the Census determines that less than 50 per centum of the persons of voting age residing therein were registered on November 1, 1964, or that less than 50 per centum of such persons voted in the presidential election of November 1964.

A determination or certification of the Attorney General or of the Director of the Census under this section or under section 6 or section 13 shall not be reviewable in any court and shall be effective upon publication in the Federal Register.

(c) The phrase "test or device" shall mean any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class.

(d) For purposes of this section no State or political subdivision shall be determined to have engaged in the use of tests or devices for the purpose or with the effect of denying or abridging the right to vote on account of race or color if (1) incidents of such use have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(e)(1) Congress hereby declares that to secure the rights under the fourteenth amendment of persons educated in American-flag schools in which the predominant classroom language was other than English, it is necessary to prohibit the States from conditioning the right to vote of such persons on ability to read, write, understand, or interpret any matter in the English language.

(2) No person who demonstrates that he has successfully completed the sixth primary grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English, shall be denied the right to vote in any Federal, State, or local election because of his inability to read, write, understand, or interpret any matter in the English language, except that in States in which State law provides that a different level of education in presumptive of literacy, he shall demonstrate that he has successfully completed an equivalent level of education in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English.

SEC. 5. Whenever a State or political subdivision with respect to which the prohibitions set forth in section 4(a) are in effect shall enact or seek to administer any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on November 1, 1964, such State or subdivision may institute an action in the United States District Court for the District of Columbia for a declaratory judgment that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, and unless and until the court enters such judgment no person shall be denied the right to vote for failure to comply with such qualification, prerequisite, standard, practice, or procedure: *Provided*, That such qualification, prerequisite, standard, practice, or procedure, may be enforced without such proceeding if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such submission, except that neither the Attorney General's failure to object nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure. Any action under this section shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court.

SEC. 6. Whenever (a) a court has authorized the appointment of examiners pursuant to the provisions of section 3 (a), or (b) unless a declaratory judgment has been rendered under section 4(a), the Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 1181), prohibiting partisan political activity: *Provided*, That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.

(b) Any person whom the examiner finds, in accordance with instructions received under section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and in any event not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): *Provided*, That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to each person whose name appears on such a list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

SEC. 8. Whenever an examiner is serving under this Act in any political subdivision, the Civil Service Commission may assign, at the request of the Attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Such persons so assigned shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

SEC. 9. (a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge, and (2) a certification that a copy of

the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the applicant or the challenger or on its own motion the Civil Service Commission shall have the power to require by subpena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

SEC. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

(b) In the exercise of the powers of Congress under section 5 of the fourteenth amendment and section 2 of the fifteenth amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(d) During the pendency of such actions, and thereafter if the courts, notwithstanding this action by the Congress, should declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listing by an examiner, shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner or to the appropriate State or local official at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

SEC. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than $10,000 or imprisoned not more than five years, or both; *Provided, however,* That this provision shall be applicable only to general, special, or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

SEC. 12. (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10 or shall violate section 11(a) or (b), shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than $5,000 or imprisoned not more than five years, or both.

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3, 4, 5, 7, 10, or 11 (a) or (b) shall be fined not more than $5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

SEC. 13. Listing procedures shall be terminated in any political subdivision of any State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision, and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the

authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section, and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable.

SEC. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1995).

(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 9 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

(c)(1) The terms "vote" or "voting" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(2) The term "political subdivision" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(d) In any action for a declaratory judgment brought pursuant to section 4 or section 5 this Act, subpenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States: *Provided*, That no writ of subpena shall issue for witnesses without the District of Columbia at a greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

SEC. 15. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

(a) Delete the word "Federal" wherever it appears in subsections (a) and (c);

(b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.

SEC. 16. The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such officials shall, jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting against citizens serving in the Armed Forces of the United States.

SEC. 17. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

SEC. 18. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Approved August 6, 1965.

LEGISLATIVE HISTORY

House Reports: No. 439 accompanying H.R. 6400 (Comm. on the Judiciary) and No. 711 (Comm. of Conference).

Senate Reports: No. 162, 162 pt. 2, 162 pt. 3 (Comm. on the Judiciary).

Congressional Record, Vol. 111 (1965):

Apr. 13, 22, 23, 26–30, May 3–7, 10–14, 17–21, 24, 25: Considered in Senate.

May 26: Considered and passed Senate.

July 6–8: Considered in House.

July 9: Considered and passed House, amended, in lieu of H.R. 6400.

Aug. 3: House agreed to conference report.

Aug. 4: Senate agreed to conference report.

APPENDIX B

CIVIL RIGHTS COMMISSION STAFF MEMORANDUM—ANALYSIS OF S. 2507, A BILL TO AMEND THE VOTING RIGHTS ACT OF 1965

JULY 8, 1969.

On August 6, 1970, the States and counties now covered by the Voting Rights Act of 1965, 79 Stat. 437, 42 U.S.C. §§ 1973–1973p (Supp. III 1965–67), will have been subject to its provisions for five years, and so by terms of the Act will be able to escape from its coverage. The United States Commission on Civil Rights in a letter from the Chairman to the President dated March 28, 1969, expressed its support for extension of the coverage period of the existing Act, and documented the need with a staff memorandum, a copy of which is attached. The Commission's concern was further expressed in testimony before Subcommittee Number 5 of the Committee on the Judiciary, House of Representatives, by the Acting Staff Director on May 14, 1969.

In testimony before the Subcommittee on June 26 and July 1, 1969, Attorney General John N. Mitchell indicated his opposition to H.R. 4249,[1] a bill to extend coverage of the Voting Rights Act for five years beyond its 1970 expiration. He proposed as an alternative a bill which was subsequently introduced in the Senate as S. 2507. That bill would diminish the protection of the existing Act in a number of respects, while adding other provisions dealing with matters not within the 1965 Act's coverage. This memorandum analyzes the principal provisions of S. 2507, and comments upon their utility and their effect on the protections which voters now enjoy under the 1965 Act.

I. ELIMINATION OF REQUIREMENT FOR PRIOR APPROVAL OF VOTING LAW CHANGES

A. Present law

Under Section 5 of the Voting Rights Act of 1965, when a State or political subdivision covered by the Act seeks to change its voting qualifications or procedures, it must either obtain the approval of the Attorney General of the United States or initiate a suit in the U.S. District Court for the District of Columbia. If the Attorney General objects to the changes, they may not be enforced until the court rules that they do not have the purpose and will not have the effect of denying to any person the right to vote because of his race or color. If the Attorney General does not object, the new qualifications or procedures may be enforced 60 days after their submission.[2] States and subdivisions covered by the standards of the 1965 Act are those which in 1964 had a combination of literacy or other requirements for voting, and voting registration of participation by less than half the adult population. They are Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, 39 counties of North Carolina, one county of Arizona, and one county of Hawaii.[3]

B. S. 2507 proposed change

Section 3 of S. 2507 would repeal this provision of the existing law. Instead it would authorize the Attorney General to seek an injunction in a three-judge Federal district court against the enforcement of any voting qualification or procedure which has the purpose or effect of abridging the right to vote on account of race. Unlike Section 5 of the Voting Rights Act, this section would not be restricted to States covered by the 1965 Act.

C. Analysis of proposed change

Repeal of Section 5 and substitution of the new provision would have several disadvantages:

1. *Tedious and Time-Consuming Litigation.*—The proposal flies in the face of the experience Congress had in mind when it enacted Section 5 in 1965. Until the Voting Rights Act of 1965, private citizens (and, after 1957, the Attorney General) could sue to set aside laws and practices which denied the right to vote on the basis of race. Past studies have shown the inadequacy of civil litigation as a means of protecting Negro voting rights from officially sanctioned destruction.[4] The most eloquent testimony of the ineffectiveness of prior methods of protection is the fact that in 1964 in the seven States covered by the Act, only 29 percent of the adult Negro population was registered to vote, compared with 73 percent of adult whites.[5]

In *South Carolina* v. *Katzenbach*, 383 U.S. 301 (1966), the Supreme Court discussed why the case-by-case method of litigation against voting discrimination had proved ineffective. The Court stated:

"Voting suits are unusually onerous to prepare, sometimes requiring as many as 6,000 man-hours spent combing through registration records in preparation for trial. Litigation has been exceedingly slow. . . . Even where favorable decisions have finally been obtained, some of the States affected have merely switched to discriminatory devices not covered by the federal decrees or have enacted difficult new tests designed to prolong the existing disparity between white and Negro registration." *Id.* at 314 (footnote omitted).

To prevent such disingenuous changes in voting laws, Congress enacted Section 5. Under it individuals and the Government no longer need initiate time-consuming litigation to stop discriminatory practices, and then if ultimately successful find that the victory is meaningless because the State can simply adopt new discriminatory laws, in an endless cycle. The Voting Rights Act assures

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[1] S. 818, S. 2456, H.R. 5181, and H.R. 5538 are in substance identical with H.R. 4249.

[2] Since the passage of the Voting Rights Act of 1965 approximately 225 voting laws have been submitted to the Attorney General for approval, according to the Department of Justice. The Attorney General has objected to only four of the laws submitted. Three of the four objections involved the statutes before the Supreme Court in the *Allen* case, discussed below.

[3] The State of Alaska and some isolated counties elsewhere have removed themselves from coverage under the Act according to the procedures of Section 4.

[4] See *e.g.*, 1961 Report of the U.S. Commission on Civil Rights, Vol. 1, *Voting*.

[5] See U.S. Commission on Civil Rights, *Political Participation* 222 (1968).

that the validity, of voting laws will be tested before, not after, they are put into effect. As the Supreme Court said, "Not underestimating the ingenuity of those bent on preventing Negroes from voting. Congress therefore enacted § 5. . . ." *Allen* v. *State Board of Elections*, 37 U.S. Law Week 4168 (1969).

2. *Misplaced Burden of Proof.*—Under the proposed legislation the Attorney General or a private litigant would bear the burden and have to devote considerable resources to proving that a particular change in State law is discriminatory. Under the present Section 5, the burden of proof that a practice or procedure is not discriminatory is on the State or political subdivision. Given the history in some States of repression of any attempts by black people to gain political power, and the greater familiarity of the State with the purpose and effect of its legislation, this is where the burden should remain. As the Supreme Court observed: "After enduring nearly a century of systematic resistance to the Fifteenth Amendment, Congress might well decide to shift the advantage of time and inertia from the perpetrators of the evil to its victims." *South Carolina* v. *Katzenbach*, 383 U.S. 301, 328 (1966). Under S. 2507 the shift would be undone.

3. *Increasing Difficulties for Private Litigants.*—An important gain in voter protection under the 1965 Act was the right of individuals to sue to enforce Section 5, regardless of inaction by the Department of Justice. This right was clarified recently when the Supreme Court interpreted Section 5 in *Allen* v. *State Board of Elections, supra*. In such suits the private litigants need establish only that a State has not complied with Section 5, in order to block changes in legislation. With their vigilance, Section 5 will be even more effective if retained, since enforcement will no longer depend entirely on the resources, knowledge and priorities of the Department of Justice.

4. *Past Violations Must Not Be Condoned.*—The Attorney General in his statement observed at page 5 that: "Where local officials have passed discriminatory laws, generally they have not been submitted to the Department of justice." He suggested in testimony before the Subcommittee that this was one reason why the section should be repealed.

It should be remembered above all that most States have obeyed Section 5, and sought approval of changes in their voting laws. Like most laws, Section 5 achieves its purpose because people obey it. As for the instances in which there have been violations, there are two reasons that instances of noncompliance would not support the section's elimination.

First, until the *Allen* decision, referred to previously, it had been unclear whether Section 5 applied to all election law changes in the covered States, or only to those changes which dealt with voting and registration. Thus neither Mississippi nor Virginia, the States involved in the *Allen* case, had submitted to the Attorney General or sought approval from the District Court of the District of Columbia for statutes altering such matters as whether elective offices are to be appointive, requirements for filing by candidates, and procedures concerning assistance to voters unable to mark ballots. Because the Court has now made clear that Section 5 has a very wide scope, States can now be expected to submit more statutes for approval.

Second, if a State continues to ignore Section 5, the remedy under the existing law is simple. Either the Attorney General or a private litigant can sue in any Federal district court to enjoin the State's change in law for failure to follow the dictates of Section 5. Such a lawsuit is very expeditious. The only proof required is that the new State provision relates to voting, that it has modified the law in effect as of November 1, 1964, and that it has not been submitted to the Attorney General or the District Court of the District of Columbia. No proof is required that the change has a discriminatory effect. On this showing, injunction follows as a matter of course. A recent example of the effectiveness of this procedure occurred in Mississippi, where a Federal district court enjoined a municipal primary election in Mississippi because the city expanded its corporate limits—allegedly to dilute the back vote by adding white areas to the town—without submitting the changes to the Attorney General or the District Court in the District of Columbia.

The burden of such litigation is slight, the proof simple, the likelihood of obtaining immediate relief great. Prevention of such flagrant noncompliance with the law would not overburden the Department of Justice. Normally the cure for cases of outright defiance of the law is not repeal of the law, but rather more vigorous enforcement.

5. *Attorney General's Power to Sue Adds Nothing of Substance.*—S. 2507, after eliminating the simple enforcement procedure described above, would substitute a section authorizing the Attorney General to sue in Federal court whenever he believes a State has enacted or is administering any voting procedure with the purpose or effect of denying the franchise on grounds of race. But the Attorney General already has the authority to bring such suits. Section 2 of the Voting Rights Act of 1965 provides that:

"No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed on or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color."

And Section 12(d) of the same Act provides that:

"Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2 . . . the Attorney General may institute . . . an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order. . . ."

Similar powers were included in the Civil Rights Act of 1957, 71 Stat. 634.

Thus the new section would give the Attorney General no powers in addition to those granted by the Voting Rights Act and its predecessors. His access to a three-judge forum and the right of direct appeal to the Supreme Court were granted in the Civil Rights Act of 1964. Most importantly, under the present law, lawsuits with or without direct appeal are unnecessary since Section 5 preserves the status quo until legality is decided without need to resort to litigation.

II. EXPANDED POWER TO SEND EXAMINERS AND OBSERVERS

A. Present law

Under Section 6 of the present Voting Rights Act, the Attorney General may direct that Federal examiners be sent to any State or county covered by the Act if he has received 20 meritorious complaints from that jurisdiction alleging voter discrimination, or if he believes that appointment of examiners is necessary to enforce the right to vote. Examiners prepare lists of applicants eligible to vote, whom State officials are required to register.

In addition, the present Act in Section 8 provides for appointment of Federal observers to watch for irregularities in polling places and in the tabulation of votes. Observers may be sent only to jurisdictions which have been designated for appointment of examiners.

B. S. 2507 proposed change

S. 2507 in its Section 4 would allow the Attorney General to send Federal examiners to register voters in any State, county or city in the United States, again subject to either receipt of 20 complaints or his belief that examiners are needed to prevent voting discrimination. He would not be confined to the States and counties covered by the Act.

In addition S. 2507 in its Section 5 would authorize the Attorney General to send Federal observers to any political subdivision in the United States in which he believed their presence was necessary or appropriate to prevent voted discrimination. He would not be limited to subdivisions covered by the Act and designated for appointment of examiners.

C. Analysis of proposed change

The expanded authority to send examiners and observers is in no way objectionable; the Attorney General should have power to send examiners and observers wherever they may be needed. However, no evidence has been presented to show that examiners and observers are not needed more vitally in the seven States to which they can now be sent. In addition, under Section 3 of the Act, the Attorney General may obtain appointment of examiners in other jurisdictions as part of interlocutory relief in suits to enforce voting rights under the Fifteenth Amendment.

The power to send examiners has been used sparingly—too sparingly—even under the 1965 Act. Two of the seven States covered by the Act have never had a county designated for the appointment of examiners, and two others have had only five between them. If the Attorney General has made so little use of the power to appoint examiners in the areas covered by the Act, where the need has been great, it seems unlikely he will have cause to use the proposed authority outside those areas where no need has yet been shown.

The same comments apply to the expanded power to send observers. The present requirement that observers be sent only to jurisdiction designated for examiners has not restricted them to places where examiners actually are present, since the Attorney General has found it sufficient simply to designate counties for appointment of examiners in order to send observers, without actually having examiners dispatched. Authority to dispatch observers throughout the Nation adds little to the power to deal with voter discrimination in the States where it has been known to exist. Thus the proposed change is unobjectionable, but its practical usefulness is at best speculative.

IV. NEW VOTING RIGHTS STUDY COMMISSION

A. Present law

The United States Commission on Civil Rights is authorized by Congress to investigate complaints that citizens are being denied the right to vote by reason of their race, color, religion or national origin. It is also authorized to investigate complaints that because of fraudulent practices or discrimination citizens are being denied the right to vote or have their votes properly counted in Federal elections. The Commission from its inception in 1957 has devoted a large part of its resources to investigating voting rights denials and reporting to the President and Congress on changes on the laws and their administration which are necessary to protect the right to vote. The Commission's publications which deal especially with voting include its 1959 Report, *Voting* (1961), *Voting in Mississippi* (1965), *The Voting Rights Act . . . The First Months* (1965), and *Political Participation* (1968). As Senator Dirksen recently observed in speaking of voting protection and literacy tests:

"It was in 1957, when a new conscience made itself felt in the United States, resulting in the creation of a Civil Rights Commission to explore the whole question. . . .

"The Commission on Civil Rights consisted of outstanding talent and it made a thor-

ough examination of the matter." *Congressional Record*, volume 115, part 13, page 17700.

B. S. 2507 proposed change

Section 7 of the proposed legislation would add to the Federal government a new temporary commission to be called the National Advisory Commission on Voting Rights. It would have a chairman and eight members, all appointed by the President, an Executive Director also a Presidential appointee, and a staff and budget of presently undisclosed dimensions. No provision would be made for bipartisan representation, nor would there be any requirement that the Senate advise and consent to nominations. The new Commission would be charged to make a study of the effects of laws restricting the right to vote and of fraudulent and corrupt practices upon voting rights, reporting with recommendations by January 15, 1973.

C. Analysis of proposed change

The new commission as proposed would duplicate the tasks which have been and are currently being performed by the Commission on Civil Rights. It would lack the staff and expertise in the voting field which the Commission on Civil Rights has acquired, and would terminate in 1973 within two weeks of the date presently set for the final report of the existing Commission. In addition, the proposed additional commission would lack the legislative mandate to study the broad problems of political participation, and would instead be limited to a narrow focus on legislative barriers and fraudulent practices. The experience of the Commission on Civil Rights has shown that the issues of voting rights are more complex, and cannot be understood apart from a consideration of the educational, economic, historical and social context in which those rights are exercised.

In other ways the proposed commission, besides being duplicative would not be as effective as the present Commission on Civil Rights. It would lack the present Commission's power to subpoena witnesses and documents. Its members and staff would probably lack the years of familiarity with voting laws and problems on which the present Commission draws. And unlike the present Commission it would not be required to be bipartisan with members subject to Senate confirmation. As former Attorney General Brownell observed in 1956, urging the establishment of the bipartisan Commission on Civil Rights:

"When there are charges that by one means or another the vote is being denied, we must find out all of the facts—the extent, the methods, the results. . . . The study should be objective and free from partisanship." H.R. Rep. 291, 85th Cong., 1st Sess. (1957).

Finally, there has already been one investigation of voting by an independent commission, carried on in 1963 by the President's Commission on Registration and Voting Participation at a time when the jurisdiction of the Commission on Civil Rights in the voting area was narrower than its present statutory mandate. The 1963 Commission was charged with investigating the reasons for low voter participation and recommending solutions for this problem, except that it was not to consider "matters placed under the jurisdiction of the Commission on Civil Rights." During its investigation the 1963 Commission:

"made a detailed analysis of the election laws and practices of the 50 states and . . . studied the electoral systems of other democracies. It . . . solicited the opinions of many hundreds of citizens in the fields of national, state and local government, politics, civic and social work and political science. Staff members of the Commission . . . interviewed a number of officials directly concerned with election administration at the state, county, and municipal levels."[9]

The 1963 Commission recommended the adoption of 21 detailed standards, including a nationwide ban on literacy tests. Many of the subjects on which the 1963 Commission made recommendations would be restudied by the new Federal commission proposed in S. 2507.

V. ELIMINATION OF RESIDENCY REQUIREMENTS IN PRESIDENTIAL ELECTIONS

A. Present law

In our mobile society, it has been estimated that as many as one-third of all households move each year, many of them across jurisdictional lines. At present the residence requirements to vote in elections for electors for President and Vice-President are the same as those for voting in elections in the jurisdiction of residence. Since many jurisdictions require as much as a full year of residence for eligibility to vote, many millions of recently arrived voters are unable to vote in Presidential elections. The Census Bureau has estimated that as many as 5.5 million persons were disfranchised in this way in 1968.

B. S. 2507 proposed change

In its Section 2, S. 2507 would provide that if a newly arrived resident may vote in an election for President or Vice President (by which presumably is meant in election for electors for President or Vice-President) in his new State or political subdivision of residence if he moved there before September 1 of the election year, or in his former state if he moved after September 1 and was qualified to vote at the former residence.

C. Analysis of proposed change

The constitutionality of existing state laws which disfranchise new residents in Presidential elections is uncertain, and probably will be decided by the Supreme Court next term.[10] Whatever the Court's ruling, such restrictions serve no rational policy as applied to election of officials whose constituency is national in scope, and should be abolished. Such was one of the recommendations of the 1963 special commission. The Commission on Civil Rights through the Chairman's March 28, 1969, letter to the President stated:

"Other barriers to the free exercise of the right to vote should also be examined to determine whether they infringe rights under the Fourteenth or Fifteenth Amendments and therefore should be eliminated by Congress. For example, residency requirements seem unreasonable when applied to presidential elections, for which familiarity with local issues and personalities is irrelevant. The Commission is especially concerned because the burden of such requirements falls heavily on migrant workers, mainly Mexican Americans from the Southwest, who are often unable to vote either in their home State or in the State in which they are working. In addition, long residency requirements disfranchise a large number of well educated young adults, who tend to be more mobile than the population generally."

Elimination of residency requirements in Presidential elections would correct a long-standing injustice.

VI. SPECIAL SURVEYS OF VOTER PARTICIPATION

A. Present law

Title VIII of the Civil Rights Act of 1964, 78 Stat. 266, provides for a survey of voting and voter registration by the Secretary of Commerce in areas recommended by the Commission on Civil Rights. The survey, and the 1970 Census, shall compile voting data by race and national origin.[11]

B. S. 2507 proposed change

In its Section 17(c) the bill proposes that the Secretary of Commerce make special surveys to collect data regarding voting by race, national origin, and income groups, and transmit the data with the results of the 1970 Census to the proposed new advisory commission on voting rights.

C. Analysis of proposed change

The proposed Section 17(c) adds nothing new to existing authority for a voting survey except the provision that the data would be collected by income group as well as by national origin. While this added information would be welcome, it also would be provided through a simple amendment to Title VIII.

Title VIII, however, has never been implemented. It directed an immediate survey as well as one "in connection with" the 1970 Census. For reasons of economy, it was decided in 1966 that the immediate survey would not be done. Funds for the latter survey have not been requested by the President or appropriated by Congress.

Since the enactment of Title VIII the Commission on Civil Rights has fulfilled its statutory duty of specifying the areas to be covered by the survey. This designation has been updated and will be updated again whenever there is indication that the survey will be carried out.

In addition, the Commission on Civil Rights has continually urged that Title VIII be implemented. On February 17, 1969, the Commission sent a letter to Secretary of Commerce Maurice Stans asking him to request Bureau of Budget approval for funds for the Title VIII survey. On February 18, 1969, the Commission wrote to Attorney General John N. Mitchell enclosing a copy of the letter to Mr. Stans and indicating that if funds are not to be made available for the Title VIII survey, then Title VIII should be repealed, since there would be "no useful purpose" in having Title VIII continue to remain a dead letter on the books.

On March 6, 1969, the Secretary of Commerce replied to the Commission that he had resubmitted the request for funds to the Bureau of the Budget. However, the Commission subsequently learned that this request had been denied.

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[9] Report of the President's Commission on Registration and Voting Participation, iii (1963).

[10] See *Hall* v. *Beals, prob. jur. noted*, 37 U.S. Law Week 3298 (1969) (No. 950, O.T. 1968).

[11] Sec. 801. The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, only include a count of persons of voting age, by race, color, and national origin, and determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe. The provisions of Section 9 and Chapter 7 of Title 13, United States Code, shall apply to any survey, collection, or compilation of registration and voting statistics carried out under this title: *Provided, however*, that no person shall be compelled to disclose his race, color, national origin, or questioned about his political party affiliation, how he voted, or the reasons therefor, nor shall any penalty be imposed for his failure or refusal to make such disclosure. Every person interrogated orally, by written survey or questionnaire or by any other means with respect to such information shall be fully advised with respect to his right to fail or refuse to furnish such information, 78 Stat. 268 (1964).

On April 3, 1969, Assistant Attorney General Jerris Leonard responded to the Commission's February 18 letter to the Attorney General. Mr. Leonard stated:

"We recognize that it would be useful to have the results of a survey of the scope recommended by the Commission. However, because of the expense involved, we are unable to share your view that such a project should be undertaken. Assuming that the cost of the survey would amount to several million dollars, we do not feel that an expenditure of this magnitude can be justified."

Copies of these four letters are attached.

The Attorney General, by proposing in S. 2507 surveys as called for in Title VIII, apparently now considers the type of survey called for by Title VIII a valuable one and will cooperate in its implementation. It is to be hoped that this change of position by the Department of Justice will encourage Congress to appropriate the funds for this important project which it authorized in 1964, and that the Department of Justice will propose the funding legislation called for.

VII. CONCLUSION

In his testimony the Attorney General indicated his willingness that the Congress, if it desires, deal first with extending the existing protections of the Voting Rights Act, and then consider as a separate matter the several substantive changes proposed in S. 2507. That would be a wise course. Some provisions of S. 2507, particularly the proposed repeal of existing safeguards against biased changes in voting laws, would drastically reduce existing voting rights protection. Others, such as the proposed new commission to study voting rights and the proposed surveys, duplicate matters covered under existing laws and are unnecessary. And still others, such as the elimination of residency requirements in Presidential elections, should be adopted.

The assortment of provisions in S. 2507 should be considered on their individual merits, and those which would weaken voting rights protection should be eliminated. Existing voting rights protection should be continued in full force.

Mr. SCOTT. Mr. President, these are the views of a majority of the committee and, therefore, in that sense represent what would have been the committee bill had a vote been possible within the Senate Judiciary Committee. However, the committee being under instructions to report by the 1st of March or the first legislative day thereafter, it did so report without a vote in the committee. The joint views of the members of the committee, available to us, express the minority views of the committee members.

The amendment has been printed in full and reported. And the joint views contain a supply of the Scott-Hart compromise with reference to the new provisions thereof, a section-by-section analysis, a discussion of the deficiencies in H.R. 4249, which was the bill passed in the House, the inclusion of the signatories of the joint views, and the 1965 Voting Rights Act is printed in full in appendix A. Appendix B is the Civil Rights Commission staff memorandum outlining the shortcomings of H.R. 4249.

The memorandum addresses itself to S. 2507, which is identical in all respects to H.R. 4249.

I read from the joint views:

The undersigned 10 members of the committee submit the following views in support of an amendment, amendment No. 519, in the nature of a substitute, to H.R. 4249.

The names of the 10 members appear on page 28 of the joint views and are as follows: Senators BAYH, BURDICK, COOK, DODD, FONG, HART, KENNEDY, MATHIAS, SCOTT, and TYDINGS.

The amendment will extend the Voting Rights Act of 1965 in its present form for 5 years.

It would also add a separate title incorporating the two new features of H.R. 4249; Suspension of literary tests throughout the remainder of the country; and limitations on residence requirements in presidential elections.

I might add that the suspension of literacy tests, in my view, meets the argument we had here a short time ago on the equal application of the law.

I submit that those who wish to see the law equally applied should bear in mind that the abolition of the literacy tests is nationwide and accomplishes that purpose.

I would also like to look to the time the House voted on H.R. 4249. A letter was received from the President of the United States, which letter appears in the CONGRESSIONAL RECORD, in which the President states that there are two features with reference to voting rights in which he has a particular concern and which he would like to see adopted. They are the two to which I have referred—the national suspension of literacy tests throughout the country, and the opportunity to establish new limitations on the residence requirements in Presidential elections, so that anyone moving, and thereby residing in a different State from his former residence for a period of 60 days or more before elections, shall be protected under his right either to vote in his new State or in the State from which he has moved under the limitation set forth in the amendment.

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

Mr. SCOTT. I yield.

Mr. HRUSKA. Does the Senator from Pennsylvania construe the letter from the President to mean that the President has repudiated and abandoned and no longer desires the balance of the so-called administration bill?

Mr. SCOTT. It is my judgment that the President's letter speaks for itself. I would not go beyond the four corners of the letter. But the letter is in the RECORD and, of course, the President expressed in the letter particular concern over the two features of the House bill.

Mr. HRUSKA. It is the observation of the Senator from Nebraska that the Senator from Pennsylvania undertook to quote and interpret the letter. That is the reason I raised the question. I simply did not want the RECORD to indicate, by implication or otherwise, that the letter would be construed as being a repudiation or abandonment on the part of the President of the bill which he caused to be sent to Congress as the administration bill.

Mr. SCOTT. I am not attempting to read into the letter anything beyond what is to be found within the four corners of it. But I think it is significant that the President found it important to stress that it was a matter of some concern to him. I suppose we shall have more debate on the point later.

An amendment in the nature of a substitute to H.R. 4249 and cosponsored by each of the undersigned was introduced in the Senate, referred to the Judiciary Committee for consideration and placed before the Subcommittee on Constitutional Rights. No vote was had on this amendment, and therefore, no formal recommendation of the amendment was reported by the committee. Accordingly, by order of the Senate, agreed to December 16, 1969, the committee reported H.R. 4249, as referred, without recommendation.

However, in the hope and expectation that a joint statement of the views of a majority of the committee will be helpful, the undersigned submit this statement to express our recognition of the need for continuation of the Voting Rights Act of 1965 in a form which insures that its safeguards remain intact and unemasculated.

These joint views include an analysis of the provisions of the amendment we have proposed and a statement of the facts which warrant its substitution for H.R. 4249, as reported by the committee.

The primary purpose of our proposal is to continue in full force and effect all the provisions of the Voting Rights Act of 1965 for an additional 5 years. We have also proposed new provisions similar to those in H.R. 4249, which will further enlarge protection of the franchise.

However, it is essential to avoid any question about the principal purpose now before us: the extension for an additional 5 years of the provisions of the 1965 act which have proven so effective. Absolutely nothing must be allowed to confuse that point—or to lay the groundwork for attempts to relitigate the critical provisions of the 1965 act which the U.S. Supreme Court has already passed upon and approved.

If either the extension of the literacy test suspension nationwide or restrictions on residence requirements are woven into the present provisions of the act as is the case with H.R. 4249, the courts would be faced with a completely new statute. This would risk litigation which might tie up the critical provisions of the present act and, until reviewed by the Supreme Court, conceivably permit the reintroduction of literacy tests in those areas where they are presently suspended. We separate the provisions in order to insure against this risk in every possible way.

Therefore, the amendment simply extends the 1965 act, intact, for an additional 5 years, and then adds in a separate title the literacy test suspension in the remainder of the Nation as well as the restrictions on residence requirements for presidential elections. In this way, we accomplish uniform suspension of literacy tests nationwide, but do so in a manner which assures that no court test of the extension of the ban beyond the States and counties covered under section 4(a) of the 1965 act could invalidate or even temporarily stay the effectiveness of the 1965 suspension. Enactment of a nationwide ban on the literacy tests and devices in place of the present section 4(a) of the act runs this risk.

The Voting Rights Act of 1965 is a comprehensive measure designed to eradicate, at long last, widespread disenfranchisement on the basis of race in direct violation of the 15th amendment. The act has proved historically effective in making the command of the 15th amendment a reality. But the task remains unfinished. It will not be completed, and hard won progress will be undone if essential safeguards of the act are lost in August 1970, as would be the case under H.R. 4249. To change the terms of its successful operation—either by failing to extend it or by weakening it in any way—would be a serious blow in the continuing efforts to implement the promise of our Constitution.

These joint views then proceed to summarize numerous proposals, beginning with the proposal of the Senator from Maryland (Mr. MATHIAS), the Senator from Hawaii (Mr. FONG), and me on January 31, 1969, with the introduction of S. 818. On April 29, 1969, the Senator from Michigan (Mr. HART) and a bipartisan group of 33 other Senators introduced an omnibus civil rights bill, S. 2029, title IV of which also provided for a 5-year extension of the present act. On June 19, 1969, a bipartisan group of 38 Senators introduced a bill, S. 2456, identical to S. 818. On June 30, 1969, the late Senator Dirksen offered S. 2507, whose provisions are identical to H.R. 4249, discussed below. All four measures were referred to the Judiciary Committee, and the Subcommittee on Constitutional Rights held joint hearings on them on July 9, 10, 11, and 30, 1969.

On Wednesday, July 9, 1969, testimony and statements were received from Senators SCOTT and MATHIAS and from Commissioner Freeman of the Civil Rights Commission. All testified to the need for continuation of the 1965 act as enacted. On July 10, 1969, Senator SCHWEIKER submitted a statement urging extension of the act, and Mr. Clarence Mitchell and Mr. Joseph L. Rauh appeared on behalf of the Leadership Conference on Civil Rights, representing over 125 organizations interested in civil rights. Commissioner Freeman, Mr. Mitchell, and Mr. Rauh presented at length facts demonstrating the need for retention of the act. They each also testified as to the manner in which the provisions of S. 2507—provisions identical to those in H.R. 4249 as reported by this committee—would weaken the Federal Government's ability to ensure in the covered areas that all persons are able to register and vote and have their votes counted without discrimination on account of race.

Further testimony was given by Mr. Warren Richardson, general counsel to the Liberty Lobby.

On July 11, 1969, the subcommittee heard testimony from Mr. Lawrence Speiser on behalf of the American Civil Liberties Union also in favor of extending the provisions of the 1965 act as enacted. The last witness, Attorney General John Mitchell, accompanied by Assistant Attorney General Jerris Leonard, testified on July 11 and July 30, 1969, in support of S. 2507.

On December 11, 1969, the House of Representatives passed H.R. 4249.[1] The bill was received in the Senate on December 12, 1969, and referred to the committee on December 16, 1969, with instructions under the following order:

> Mr. MANSFIELD. Mr. President, I ask unanimous consent that H.R. 4249 be referred to the Committee on the Judiciary with instructions to report back not later than March 1, 1970, and that at the conclusion of morning business on March 1, 1970, or the first legislative day thereafter, H.R. 4249 be made the pending business." (Congressional Record, volume 115, part 13, page 39335)

The Subcommittee on Constitutional Rights then held further hearings on H.R. 5249 on February 18, 19, 24, 25 and 26, 1970. Senator TYDINGS and Mr. Clarence Mitchell both testified in favor of extending the 1965 act on February 18. On February 19, Senator GOLDWATER testified in favor of abolishing residence requirements in presidential elections and submitted an analysis of its constitutionality. Mr. Edward T. Anderson of the Friends Committee on National Legislation and Rev. John M. Wells of the Joint Washington Office for Social Concern of the American Humanist Association, American Ethical Union, and Unitarian Universalist Association also testified.

On February 24, Prof. Archibald Cox of Harvard Law School and Mr. Howard A. Glickstein, staff director of the Commission on Civil Rights, testified in favor of extension of the act. Professor Cox also testified as to the constitutionality of restrictions on residence requirements in presidential elections and of nationwide suspension of literacy tests. Gov. Lester G. Maddox of Georgia and Attorney General R. F. Summer of Mississippi testified in opposition to continuing the act.

On February 25, Mr. Edward T. Anderson testified further. Mr. Vernon E. Jordan, Jr., director, Voter Education Project, Southern Regional Council, Inc., and Dr. Aaron Henry, Board of Christian Social Concerns of the United Methodist Church, described in vivid detail the efforts of Negroes to register under the Voting Rights Act and the tactics employed to thwart them. Sheldon H. Elsen Esq., chairman of the Committee on Federal Legislation of the Association of the Bar of the City of New York, and John D. Feerick, Esq., chairman of the Subcommittee on the Election Laws, Committee on Federal Legislation of the Association of the Bar of the City of New York, also testified.

Finally, on February 26, 1970, Mr. David Norman, Deputy Assistant Attorney General of the Civil Rights Division, Department of Justice, testified. Mr. Norman testified in favor of extending the suspension of literacy tests nationwide and removing residence restrictions on voting in presidential elections. He also discussed the effectiveness of section 5 of the Voting Rights Act of 1965.

On February 26, the subcommittee failed to report any bill for lack of a quorum. The Committee on the Judiciary, as noted above, failed to vote on the amendment offered by the undersigned majority of the committee and, therefore, has reported H.R. 4249 without recommendation.

The joint views then include an historical review of the legislation, and conclusions, which I will summarize.

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

Mr. SCOTT. I am very near the end of this presentation. After I have read the conclusions I will be glad to yield to the Senator from Alabama.

The conclusion states:

> Mr. Vernon E. Jordan, Jr., director of the Voter Education Project of the Southern Regional Council, who is intimately familiar with the efforts to register Negro voters under the 1965 Voting Rights Act has vividly summarized the essential question before us—the danger of failing to extend that act in full force:
>
> "I know—as well as any man in this room that Canton and Grenada and Selma and Sandersville and hundreds of other Southern communities stand poised and ready to eliminate the burgeoning black vote in their jurisdictions. The slightest flicker of a green light from Washington is all these white-dominated communities need. When they receive the signal, they will act."
>
> For all the reasons discussed in these joint views, the undersigned have proposed and recommend the amendment in the nature of substitute to H.R. 4249.

Mr. ALLEN. I thank the distinguished Senator from Pennsylvania.

Mr. President, I would like to ask the distinguished Senator from Pennsylvania if the substitute which he has offered does anything more with respect to the ban on literacy tests than to extend that ban to States not now covered by the act? And does it subject the States not now covered by the act to the provisions of the statute applying at present which would allow the Federal Government to send vote registrars into those States, to send election observers into those States, and to require our State authorities to submit to the Attorney General of the United States or the District Court here in the District of Columbia any change in registration or election laws?

Mr. SCOTT. Title 2 simply provides that during the extension period "no citizen—shall be denied the right to vote in any such election" because of his failure to comply with any State or political subdivision test the right to participate in any Federal, State or local election in which the provisions of section 4(a) are not in effect by reason of determinations made under section 4(b) of the act.

Mr. ALLEN. Yes. All that does is extend the ban on literacy tests throughout the Nation.

Mr. SCOTT. That is substantially what is being done; to apply equally the effect of the law.

Mr. ALLEN. But it does not extend to States not now covered by those provisions providing for Federal registrars, Federal election observers, and the re-

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[1] It also should be noted that on May 14 and 15, June 19 and 26, and July 1, 1969, the House Committee on the Judiciary held extensive hearings on continuation of the Voting Rights Act and on related proposals. ("Voting Rights Act Extension," hearings before Subcommittee No. 5, House Committee on the Judiciary, 91st Cong., First Sess., serial No. 3.) (Hereinafter cited "House Hearings.")

quirement that a State must obtain the approval of the Attorney General before it makes any change in its registration or election laws.

Mr. SCOTT. It would, however, apply to any place where, under the determination made in accordance with the 1965 act, situations exist where there is found an unequality of status as to the right to vote.

Mr. ALLEN. Yes; but it does not extend the particular provisions to which I alluded to States not now covered by the act?

Mr. SCOTT. Section 3 of the existing act, I may say to the distinguished Senator, does in fact make such a provision, but I believe that the implementation of it is not automatic. Section 3 provides that whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the 15th amendment in any State or political subdivision, the court shall authorize the appointment of examiners, and the rest of the procedures follow.

Mr. ALLEN. Then, the distinguished Senator would have no objection to applying the provisions to which I have referred to States not now covered by the act?

Mr. SCOTT. I would be glad to see the wording by which that is undertaken to be done and to look at it very carefully.

Mr. ALLEN. Yes. In effect, then, the provision with respect to literacy tests in States not now covered by the act is to provide for a less literate electorate. Is that not correct?

Mr. SCOTT. That, of course, assumes that by not demanding literacy tests, we have a less literate electorate, and that overlooks the fact that every year that goes by we have a more literate electorate, because we have more education, more funds for schools, more people in schools, more graduates, more higher educational facilities available. I would think that the electorate is more literate.

I recall that during the debate on the 1965 act, it was argued that some provisions of that act were not needed because we already had a literate electorate.

I do not think the intent of the act could justly be construed to be a move toward a less literate electorate, but toward the abandonment of State restrictions which are deemed to be unfair or unjust to the electorate.

Mr. ALLEN. Returning again to the original question, the punitive provisions of the act as now in effect would not be applied to the remaining States?

Mr. SCOTT. Well, again we have a question which carries with it some freight that I do not want to assume—that is, punitive provisions of the act. The act of 1965 does provide for implementation of the 15th amendment, and if States or counties are not implementing the 15th amendment, in my judgment they ought to be required to do so no matter what part of the country we find them in.

Mr. ALLEN. If the State of Pennsylvania wanted to make changes in its election laws or voter registration laws, would it have to go to the Attorney General of the United States to get approval of that change, as is the case in Alabama?

Mr. SCOTT. It would not, because it made, many years ago—nearly 100 years ago—the changes that are sought to be made more uniform throughout the country. It would not have to because 100 years ago we did what we had to do.

Mr. ALLEN. It still would not have to do it?

Mr. SCOTT. That is right, because we have already done it.

Mr. ALLEN. The Senator thinks we would get a more literate electorate by abolition of the literacy tests?

Mr. SCOTT. I think we are getting a more literate electorate every year that goes by, not by abolishing literacy tests, but by making educational facilities more available to all.

Mr. ALLEN. I thank the Senator.

Mr. SCOTT. I thank the Senator.

At this point, 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. ALLEN. 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. ALLEN. Mr. President, I would like to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. Is the amendment in the nature of a substitute which is pending subject to amendment, or must amendments be perfecting amendments to the House bill?

The PRESIDING OFFICER. As the Chair understands the situation, the amendment offered by the Senator from Pennsylvania and other Senators is in the nature of a substitute for the bill and will be treated as original text for the purpose of further amendment.

Mr. ALLEN. That is the ruling of the Chair?

The PRESIDING OFFICER. That is the Chair's opinion.

Mr. ALLEN. The amendment offered by the Senator from Pennsylvania is subject to amendment?

The PRESIDING OFFICER. Yes.

Mr. SCOTT. Mr. President, if the Chair will permit a further parliamentary inquiry, is it not correct that amendments may be offered to the substitute amendment, or amendments may be offered to proposed perfecting amendments to the substitute? Is that correct?

The PRESIDING OFFICER. That is the opinion of the Chair.

Mr. SCOTT. I thank the Chair.

The PRESIDING OFFICER (Mr. TALMADGE in the chair) subsequently said: The Scott substitute is a complete substitute for the bill. Therefore, that amendment, under the precedents of the Senate, is treated as original text for the purpose of amendment, just as the bill is treated as original text.

Thus, both the bill and the substitute amendment are open to amendments in two degrees, with any amendment to the text taking precedence over amendments to the substitute.

Mr. HART. Mr. President, I hope that with the explanation that is now available by the introduction into the RECORD of the memorandum reflecting the position of the 10 members of the Judiciary Committee, our colleagues will have ample opportunity to appraise the approach that the majority of the committee is suggesting. I think the Senator from Pennsylvania has, in very brief compass, effectively described the motive the memorandum expands in its explanation.

As we start this discussion, I think the one point that should be made is that history will dispute the effectiveness of some of the civil rights laws we have passed in this country. Either the goal they sought to achieve has not been achieved or, in retrospect, the goal, though achieved, was not of great significance. But I do not think we have to await history's verdict to describe the 1965 Voting Rights Act as the most effective legislative action to deliver on the promises of the 15th amendment in history. The 1965 act works. Its abandonment, its repeal, would be in effect throwing away success.

We do not have enough successes around here to be wasteful of them. The condition of this country argues very strongly that when we manage to develop an instrument effective to enable us to deliver on promises of longstanding, we had better not dilute it, we had better not abandon it; we had better retain it. This, then, underlies the conviction that persuaded the majority of the Judiciary Committee to make the recommendation that is in the form of the Scott-Hart substitute which is now before us.

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. HRUSKA. 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. HRUSKA. Mr. President, on June 30 of last year, the late Senator from Illinois, Mr. Dirksen, introduced, on behalf of the Nixon administration, a voting rights bill, S. 2507. On the same day an identical bill was introduced in the House of Representatives. Since the Voting Rights Act of 1965 expires this August, the administration sought to introduce appropriate legislation early in the 91st Congress to permit enactment before the existing law expired. This was a laudable goal, and the prompt introduction of these bills permitted Congress to move ahead.

The House Judiciary Committee had hearings on the many proposals made regarding future voting rights legislation. In December, after the extensive debate and thorough examination of the facts and issues, the House passed H.R. 4249, the Nixon administration bill. The bill as passed by the House of Represent-

atives is now before this body. Only Senate action is now required.

It should be noted, Mr. President, that the House Judiciary Committee did not report the Nixon administration bill, but reported a measure of its own, which was a simple extension of the present voting rights act for another 5-year period.

There followed a rare, spectacular, and rather dramatic legislative action on the floor of the other body. The bill recommended by the committee was laid to one side and the administration bill, virtually as introduced in the House of Representatives, was approved by that body and is now before us.

When the House bill was sent to the Senate, it was referred to the Senate Judiciary Committee, and consideration of the bill was made the responsibility of the Constitutional Rights Subcommittee, on which I am ranking Republican member. The Senator from North Carolina (Mr. ERVIN) is chairman of the Subcommittee, and I wish to commend him for the excellent and complete hearings that were conducted by the subcommittee. In July of 1969, the subcommittee heard from many witnesses, including the Attorney General of the United States. Following referral of H.R. 4249, Senator ERVIN sought diligently to hold additional meetings. Regrettably, due to full committee considerations, those hearings could not be completed until last week.

The bills before the subcommittee, and those considered by the House, fall into two basic categories: those that seek merely to extend the 1965 act, and those that seek to amend as well as extend the 1965 act. H.R. 4249 seeks to amend as well as to extend. The difference, in my opinion, is primarily that of approach rather than of objective. They share the same fundamental purpose—that is, to enforce the guarantee of the 15th amendment of the U.S. Constitution that the right to vote shall not be denied on account of race or color.

Both approaches are committed to the need to make more effective the voting rights of our citizens who are being denied the vote due to racial discrimination. However, H.R. 4249 goes further. It seeks, in addition, to make more effective both the rights of persons nationwide who are denied the opportunity to vote because they are undereducated and the rights of those who are denied the opportunity to vote in presidential elections because they cannot meet local residency requirements.

Both approaches provide procedures for the appointment of Federal voting observers and examiners. The 1965 act, however, applied this procedure only to six States and parts of three others. The pending bill, however, would go beyond that. It would extend this procedure to every State in the Union.

Both approaches provide procedures for challenging the laws of States or political subdivisions which are allegedly discriminating against the right of citizens to vote due to race or color. Again, basic remedies of the 1965 act apply only to six States and parts of three others. H.R. 4249, however, would apply to all States equally.

I believe these differences are strong arguments for H.R. 4249, as approved by the other body. The Nixon administration unqualifiedly supports this proposal, and the House, by a majority vote, has adopted this proposal.

I ask unanimous consent to have printed at this point in the RECORD the letter of December 10, 1969, from the White House, signed by the President, addressed to GERALD R. FORD, minority leader of the U.S. House of Representatives.

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

THE WHITE HOUSE,
Washington, December 10, 1969.

HON. GERALD R. FORD,
Minority Leader of the U.S. House of Representatives, Washington, D.C.

DEAR JERRY: I am aware that the House is considering a five-year extension of the Voting Rights Act of 1965, and alternatively, as an amendment, the Administration-proposed nationwide voting rights bill, H.R. 12695.

I strongly believe that the nationwide bill is superior because it is more comprehensive and equitable. Therefore, I believe every effort must be made to see that its essence, at least, prevails.

I would stress two critical points:

1. Instead of simply extending until 1975 the present Voting Rights Act, which bans literacy tests in only seven states, as the Committee bill would do, the nationwide bill would apply to all states until January 1, 1974. It would extend protection to millions of citizens not now covered and not covered under the Committee bill.

2. H.R. 12695 assures that otherwise qualified voters would not be denied the right to vote for President merely because they changed their state of residence shortly before a national election.

In short, the nationwide bill would go a long way toward insuring a vote for all our citizens in every state. Under it those millions who have been voteless in the past and thus voiceless in our government would have the legal tools they need to obtain and secure the franchise. Justice requires no less.

For certainly an enlightened national legislature must admit that justice is diminished for any citizen who does not have the right to vote for those who govern him. There is no way for the disenfranchised to consider themselves equal partners in our society.

This is true regardless of state or geographical location.

I urge that this message be brought to your colleagues, and I hope they will join in our efforts to grant equal voting rights to all citizens of the United States.

Sincerely,

RICHARD NIXON.

Mr. HRUSKA. This letter will be the subject of a good deal of discussion. Comment has already been made on it on the floor this afternoon. I should like to point out that the plain purport of this letter is contained in the paragraphs that I shall read:

> I strongly believe that the nationwide bill is superior because it is more comprehensive and equitable. Therefore, I believe every effort must be made to see that its essence at least prevails. I would stress two critical points.

At that point, Mr. President, the letter goes on to refer, in paragraphs 1 and 2, to the matter of the suspension of all literacy tests, and the second point is the assurance that otherwise qualified voters not be denied the right to vote for President merely because they changed their State of residence shortly before a national election.

Mr. President, this nationwide voting rights bill can be summarized, briefly, in this way:

First. It would suspend, nationwide, all literacy tests in all 50 States until January 1, 1974.

Second. It would provide, nationwide, a uniform residence requirement for all Americans who want to vote in presidential elections.

Third. It would grant, nationwide, statutory authority to the Attorney General to station voting examiners and observers in any jurisdiction in all 50 States if he chooses and if the facts warrant, in order to enforce the right to register and to vote.

Fourth. It would provide, nationwide, statutory authority for the Attorney General to start voting rights lawsuits in Federal courts to prevent discriminatory practices and to suspend discriminatory voting laws in all 50 States.

Fifth. It would launch a nationwide study of the use of literacy tests or devices and other corrupt practices which may abridge voting rights in all 50 States. A national voting advisory commission would be created to report its findings prior to the expiration of the nationwide literacy test suspension in 1974.

Mr. President, I am highly gratified, as most people are, that 800,000 black Americans have been registered to vote in the six States that have been covered under the formula of the 1965 Voting Rights Act. The 1965 act was directed at the discrimination against Negroes in Southern States resulting primarily from the use of literacy tests. However, it is becoming a well-known fact that literacy tests have the effect of discriminating against all educationally disadvantaged citizens of all races and colors and residents in many of the 50 States.

As Attorney General John Mitchell said during the hearings of the Constitutional Rights Subcommittee last July:

> The widespread and increasing reliance on television and radio brings candidates and issues into the homes of almost all Americans. Under certain conditions, an understanding of the English language, and no more, is our national requirement for American citizenship.
>
> Perhaps, more importantly, the rights of citizenship, in this day and age, should be freely offered to those for whom the danger of alienation from society is most severe—because they have been discriminated against in the past, because they are poor, and because they are under-educated. As responsible citizenship does not necessarily imply literacy, so responsible voting does not necessarily imply an education. Thus, it would appear that the literacy test is, at best, an artificial and unnecessary restriction on the right to vote.

A study by the U.S. Civil Rights Commission shows that, in general, States of the North and the West which have literacy tests have lower registration and turnout rates than those States without literacy tests. It can be little doubted that literacy tests in all States that have them inhibit voting by minority group persons and educationally disadvantaged

persons. A nationwide ban on literacy tests as proposed in H.R. 4249 would add numbers of blacks and whites, Mexican Americans, Puerto Ricans, and American Indians, as well as others, to the voting rolls.

Mr. President, I now read further from the statement of the testimony of Attorney General Mr. John Mitchell:

The proposal for a simple 5-year extension of the 1965 Voting Rights Act leaves the undereducated ghetto Negro as today's forgotten man in voting rights legislation.

He would be forgotten both in the 12 States outside the South which have literacy tests now and in the 31 other States which have the ability, at any time, to impose them.

It is not enough to continue to protect Negro voters in seven States. That consideration may have been the justification for the 1965 act. But it is unrealistic as of today.

I believe the literacy test is an unreasonable physical obstruction to voting even if it is administered in an evenhanded manner. It unrealistically denies the franchise to those who have no schooling. It unfairly denies the franchise to those who have been denied an equal educational opportunity because of inferior schooling in the North and the South.

But perhaps, most importantly, it is a psychological obstruction in the minds of many of our minority citizens. I don't have all the answers to this problem. But I suggest to this subcommittee that it is the psychological barrier of the literacy test that may be responsible for much of the low Negro voter registration in some of our major cities.

Because records on voter registration and voting are not kept on a racial basis in the North, it is difficult to determine conclusively the level of Negro voting participation.

In most Deep South counties subjected to literacy test suspension, between 50 and 75 percent of the Negroes of voting age are now registered to vote. It is clear that this level is higher than Negro voter participation in the ghettos of the two largest cities outside the South—New York and Los Angeles—where literacy tests are still in use. Furthermore, in nonliteracy test northern jurisdictions like Chicago, Cleveland, and Philadelphia, Negro registration and voting ratios are higher than in Los Angeles and New York.

Consider, for example, the 1968—

And here I pause and depart from the quotation long enough to say, Mr. President, not 1964 but 1968—

voter turnout in New York City. In the core ghetto areas of Harlem, Bedford-Stuyvesant, the South Bronx and Brownsville-Ocean Hill, six nearly all-Negro assembly districts (55th, 56th, 70th, 72d, 77th, and 78th) cast an average of only 18,000 votes in 1968 despite 1960 census eligible voter population of 45,500 to 55,000. On average, fewer than 25,000 voters were registered in these districts.

In addition since congressional districts are roughly equal in population, voting statistics from such districts may be used for the purpose of comparing New York and California Negro vote turnouts with those of other States.

In the nine northern big city States—Massachusetts, New York, New Jersey, Pennsylvania, Ohio, Michigan, Illinois, Missouri, and California—there were only 10 congressional districts where fewer than 100,000 votes were cast for Congress in 1968. Of the 10, one was in California; and eight were in New York. Each of the nine districts—the 21st California; the 11th, 12th, 14th, 19th, 20th, 21st, and 22d New York—consists, largely or partly of Negro ghetto areas.

These statistics illustrate a prima facie relationship between northern literacy tests and low voter participation by Negroes.

The U.S. Supreme Court told us in the Gaston County case which was decided in 1969, that any literacy test would probably discriminate against Negroes in those States which have, in the past, failed to provide equal educational opportunities for all races.

Many Negroes, who have received inferior educations in these States, have moved all over the Nation. The Bureau of the Census estimates that between 1940 and 1968, net migration of nonwhites from the South totaled more than 4 million persons. Certainly, it may be assumed that part of the migration was to those Northern and Western States which employ literacy tests now or could impose them in the future; and the effect of such tests, as in the Gaston County decision, would be to further penalize persons for the inferior education they received previously.

Thus, it would seem to be highly inequitable to permit Northern and Western States to administer a literacy test to such persons because they would still be under the educational disadvantage offered in a State which had legal segregation.

Let me mention that the National Association for the Advancement of Colored People, the American Civil Liberties Union, and the U.S. Civil Rights Commission, among others, have all urged the elimination of literacy tests as a precondition to voting. They have urged this ban nationwide.

Perhaps the most significant change which H.R. 4249 would effect in comparison with the 1965 act is in the spirit of the law. Under the formula of the coverage under the 1965 act, any State or political subdivision falling within coverage cannot make any change in its election laws without coming to Washington for permission. Under the 1965 act, it is assumed that any such change is intended to cheat the people of their rights under the 15th amendment of the Constitution.

The fundamental presumption of innocence is denied these six States and parts of three others, under an arbitrary and outmoded registration and voting turnout formula. That is based solely on the 1964 election, almost 6 years ago. Mr. David Norman, testifying before the Constitutional Rights Subcommittee for the Department of Justice, pointed out that not only would a change in filing fee for an elective office from $5 to $6 have to be approved by the Attorney General of the United States, or by a Federal court in the District of Columbia, but also that for any change from $5 to $3, there would be required that same preliminary permission from either the Attorney General or the Federal district court in the District of Columbia.

These States and subdivisions covered by the 1965 act are presumed guilty and prevented from managing their own electoral affairs until they prove themselves innocent in Federal court—not their own Federal district courts but in the Federal court of the District of Columbia.

Let us examine the broad merits of the administration bill, from the points of view that I have just been discussing.

First, it abandons the onus of regional legislation that exists with the 1965 act. That act was passed, as I will recall, for the purpose of bringing extraordinary remedies to bear on a few States of the Union where voting discrimination seemed most prevalent. This judgment concerning coverage or noncoverage, as the case may be, was based on the registration and voting records of these States in the 1964 presidential election. The act's formula was a departure from the general rules of good legislation, and, I feel, was a troublesome precedent for the future of our Federal-State relations. The Congress, however, considered the problem to be critical and the formula contained in the 1965 act was considered to be the only solution. I want the RECORD clear at this point that I voted for that act, and am satisfied that the remedies applied had salutary results. We were told at our hearings last year that over 800,000 Negroes have been registered in the covered States since passage of the act.

Mr. President, times and circumstances change. Problems, while once critical and demanding of extraordinary remedies, over time evolve toward solutions. Registration in these covered States is now as good or better than in many other States in the Union. Extraordinary remedies, in my opinion, should be necessary only to restore a situation to circumstances that can be dealt with by traditional and proven procedures. That time has now come.

Second, H.R. 4249 extends the scope of the Attorney General's power to correct abuses of the 15th amendment rights anywhere in the country. This bill grants him direct authority to send Federal voting observers and examiners to any of our 50 States. Up until now, under the 1965 act, the Attorney General could not, as to States other than the covered States, send an examiner or a registrar into any voting precinct or voting jurisdiction without first receiving permission from a Federal court. The act which we are considering today also clarifies the Attorney General's power to bring lawsuits and obtain injunctions against discriminatory laws in any State or political subdivision in the Nation. It extends his power, once a particular case of discrimination has been proven in a court of law, to suspend future laws or practices in the appropriate States or subdivisions as long as the Federal court having jurisdiction considers it necessary. Thus, while H.R. 4249 would relieve the six presently covered States from the burden of regional legislation, it would not weaken the Attorney General's ability promptly to correct voting abuses anywhere in the Nation, including those States.

I think that it is obvious that discrimination does not exist in just one part of the country. Unfortunately, discrimination occurs in different places, in differing degrees, all over the country. The administration's recommended bill would extend coverage of the Voting Rights Act to all of those instances of discrimination.

A third change from the present act is that the administration's bill would re-

turn the thrust of enforcement back to the judicial processes and away from the administrative procedures which now exist. This is important. Our system of government is based on checks and balances, and the judiciary has been the most consistently reasonable and fair arbiter in this system. Administrative procedures, in place of judicial procedures and remedies, might be necessary under extraordinary conditions, but should not be extended once the basic conditions improve. The unreviewable suspension power of the Attorney General over State and local laws contained in the 1965 act is such an administrative power; it has served its function. Registration and turnout of voters in the covered States has greatly increased. It is time now to return to our courts of law.

Furthermore, as I previously discussed, H.R. 4249 prohibits the use of literacy tests in any State in the Nation.

Finally, Mr. President, the administration bill will limit the application of State residency requirements in presidential elections. It may be reasonable to require a period of residency for local elections, but such a requirement has no relevance to presidential elections. Presidential elections receive nationwide coverage, and the issues are nationwide in scope. The Bureau of the Census indicates that 5.5 million persons were unable to vote in the 1968 presidential election due to local residency requirements. In an increasingly mobile society, this problem must be resolved.

Mr. President, I urge my colleagues to give fair and reasonable consideration to the objectives of H.R. 4249. Let me say again that those who support this bill, and those who support substitute proposals, share the same goal. That goal is to guarantee the right of each citizen to vote, recognizing in this guarantee that voting is the most fundamental right in a democratic society. The prominence of this right to the durability of our system, and the dedication that we share to the enforcement of that right, should enable us to enact the necessary legislation.

Mr. President, it would be well to remind ourselves at this time that the constitutional safeguards in regard to voting are not addressed to a single group of citizens within the United States. They are addressed to and they seek to embrace all citizens of this Nation—the people are not just any particular group of people or just within a few States, but all the people everywhere in the Nation.

The administration bill, H.R. 4249, as approved by the House of Representatives and now pending before us, seeks to put it on that basis.

It would not, either by way of substance or procedure, be directed at just a few States on a regional basis. Any State or political subdivision anywhere in the Nation would be subject to the enforcement procedures of this bill if they are derelict in their constitutional duties of registering their citizens and allowing them to vote. In this sense, few can deny that bill would be a highly superior law on a nationwide basis as opposed to a bill which is regional in its approach.

Mr. President. I yield the floor.

Mr. HANSEN. Mr. President, the facts about voting in the cold light of March 1970 are very different from those of the hot summer of 1965 when voting rights was last considered here. The gains have been impressive. Pursuant to the 1965 act the Department of Justice had sent examiners and observers into 64 counties in the South. Since August 6, 1965, when literacy tests were suspended, over 800,000 Negro voters have been registered in the seven States covered by the act. More than 50 percent of eligible Negro citizens are now registered in every Southern State. More than 375 voting laws have been submitted to the Attorney General for approval. Four hundred blacks have been elected to State and local offices throughout the South.

These are all real gains for minority citizens who before 1965 had never had the opportunity to vote or hold elective office. The 1965 act works; more than 4 years of experience with it proves that. But it is not perfect. That is why I resist the effort to simply extend its life until 1975. Why not expand its coverage, strengthen its enforcement machinery, cure its defects? I say there is no reason why not. And that is why I support the bill, H.R. 4249, now under consideration. It is a carefully considered package which would do all the things I have suggested.

Primarily, it will blanket the Nation with the same protection the present act reserves for one region. Why should minority citizens in Harlem and Watts or Roxbury or Hartford be denied the same protection as blacks in Alabama or Georgia? They should not. No one can argue the opposite. This bill will see that they are not. Literacy tests will be banned nationwide, voting observers and examiners will be able to function in all 50 States, voting rights suits will be able to be brought in any Federal district court. These are all constructive and desirable reforms that H.R. 4249 will accomplish which an extension of the present act would not.

Now is the time to make these reforms, not 5 years or 10 years from now. The 1965 act has started the momentum for action which this bill will carry out. We are not scrapping the tested provisions of the old law as some have suggested, we are adding to them new ones which will guarantee to all the rights set forth in the 15th amendment.

H.R. 4249 proposes useful, workable reforms which this Nation needs. The President and the Attorney General have suggested a sound approach to voting rights reform. Those proposals, embodied in the bill now under consideration, deserve the support of everyone in this body. They have mine.

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

The PRESIDING OFFICER (Mr. SYMINGTON in the chair). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HART. 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. HART. Mr. President, earlier I indicated the feeling on the part of the majority of the committee as reflected in this informal memorandum report, that omission of present section 5 of the Voting Rights Act from any extension would be a fatal failure.

I wish to call particular attention to the point that was made by the Chairman of the Commission on Civil Rights, a very distinguished educator, the president of Notre Dame University, Father Hesburgh. He was commenting on the bill that we received from the House, H.R. 4249, the bill to which the Scott-Hart amendment is filed as a substitute. Father Hesburgh criticized H.R. 4249 as being much weaker than a simple extension of the Voting Rights Act of 1965.

Father Hesburgh has said that repeal of section 5 in its present form, is in no sense an advance in protection of the voting rights of American citizens.

He said further:

> It is a distinct retreat. It is an open invitation to those states which denied the vote to minority citizens in the past to resume doing so in the future through insertion of disingenious technicalities and changes in their election laws.
>
> [It] would turn back the clock to 1957. . . . Now is not the time to gut one of the act's key provisions. (House Hearings at 299.)

Father Hesburgh stated it very forcefully. The position he takes is the position that the House Judiciary Committee took; it is the position that 10 of us on the Committee on the Judiciary of the Senate are taking. To have a complete and effective guarantee of the 15th amendment we believe it is essential that section 5 be extended for another 5 years.

A brief review of some of the events that have occurred in the intervening 5 years since the adoption of the 1965 act points up the reasons that persuaded us to urge extension of section 5.

The staff director of the U.S. Commission on Civil Rights, Mr. Howard A. Glickstein, has described some of those incidents. I think he makes a record that is solid in support of the proposition that these events of the intervening 5 years require retention of the preclearance provisions of section 5. This is the section which requires that before any adjustment is made to implement a new voting practice or anything affecting the outcome of elections, holding office, conduct of elections, or the like, such change must be approved by either the Attorney General or a three-judge Federal court.

Mr. Glickstein put the matter this way:

> In our earlier testimony, we briefly explained why Section 5 of the Act should be retained in its present form. This time, we would like to explain more fully why that section is so crucial—partly because there seems to be some confusion concerning what that section does and partly because the threat of it being repealed has been made more serious by passage of H.R. 4249.

Noting the Supreme Court decision in the case of South Carolina against Katzenbach, Mr. Glickstein observed that:

The Voting Rights Act of 1965 was designed to end for once and all those practices which have for decades deprived Negro citizens of their vote. The pre-enforcement submission requirement of Section 5 was compelled by their tendency to change forms without changing purpose.

Since its enactment, Section 5 has been interpreted by the Supreme Court to cover any State enactment which alters election laws in even a minor way. Based on the Statute's legislative history, the Court concluded that "the Voting Rights Act was aimed at the subtle, as well as the obvious State regulations which have the effect of denying citizens their right to vote because of race." Thus, the statute was held to cover changes in election laws which permit the election of county officers at large instead of on a district basis, which provide for the appointment of a previously elective official, which change the requirements for individual candidates running in elections, and which modify rules on assisting disabled voters.

Here are some of the instances that Mr. Glickstein cites which have occurred since the adoption of the 1965 act, and which make it very clear the danger we run if we fail to extend section 5 with its preclearance obligation.

In 1968 Louisiana passed a law permitting elections for police juries to be conducted on an at large basis in each Louisiana parish. Before that enactment, police juries were selected by subdivisions of parishes called wards. In 109 wards, Negroes were in the majority, according to the 1960 census, while Negroes only constituted the majority of voters in five parishes. Thus, a change from ward to at large voting would have the effect of diluting the actual or potential voting power of the Negro inhabitants.

This, happily, because of the preclearance requirement which is involved, was rejected.

Another example of the misuse of election laws which occurred in the intervening 5 years since the adoption of the 1965 act occurred in Mississippi. There the legislature passed a resolution submitting to the voters a constitutional amendment to permit the legislature by two-thirds vote to consolidate adjoining counties. Opponents of the resolution charged that it was designed to permit consolidation of counties heavily populated by Negroes with predominantly white counties: "All they're trying to do is avoid a few Negro votes," charged Senator E. K. Collins of predominantly white Jones County. Senator Ben Hilburn of predominantly white Oktibbeha County, who also opposed the measure, commented: "We get so concerned because some Negroes are voting in a few counties, we are going to disrupt our entire institutions of government."

There is another example of the continuing tendency to seek, even under the 1965 act, ways to discriminate against one who seeks to vote.

In July 1968, Anniston, Ala.—the population of which is about 27 percent black—changed its municipal elections by wards to election at large. The city was divided into five wards, each to be represented by one councilman. Although each councilman must be a resident of his ward, he is elected by the city at large. Since the population of two of the five wards is predominantly black, Negroes believe that the requirement of at-large elections was designed to prevent them from electing their own councilmen.

Another recent enactment required a voter to sign a poll list at the voting machine before he would be allowed to enter the machine to vote. This law, passed in 1969, would have the same effect as reinstatement of a literacy test and clearly violated the Voting Rights Act of 1965.

Here is another example: a bill is pending in Mississippi which would change the qualifications of candidates for school boards. The change would require that only high school graduates could run for these offices. Since in Mississippi a higher percentage of whites than blacks are high school graduates, this law could keep blacks from controlling school boards in areas in which they outnumber whites in registered voters.

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

Mr. HART. Surely.

Mr. SPONG. I was not here this morning when the Senator from Pennsylvania (Mr. SCOTT) made his presentation, but the Senator has talked about violations in the past 3 or 4 years. One of the States under the present Voting Rights Act is the State of Virginia. First, I would like to ask whether, in the information that the Senator or the Judiciary Committee has received, they have had any knowledge of violations of this act that have occurred in any political subdivision in the Commonwealth of Virginia?

Mr. HART. I would have to acknowledge that I am reluctant to be stuck with my answer. I have no recollection, and would ask leave of my colleague from Virginia, if my answer is not correct, after I advise him first, to correct my answer in the RECORD.

Mr. SPONG. That is all right. I asked the question only because of the Senator's review of the matter and because he has been citing instances.

I understand, from reading what there is in the Scott-Hart amendment or substitute as introduced, that the literacy test would be national in application.

Mr. HART. The suspension would be national in application.

Mr. SPONG. The suspension; yes. I would like to ask if any of the other features of the present Voting Rights Act would be national in application?

Mr. HART. The present Voting Rights Act—and it would not be changed, merely extended—already authorizes, in those States where the triggering device is not automatic, applications by the Attorney General for the same remedies available in the "trigger areas." And, upon a finding of discriminatory practices, the court can institute test suspension, preclearance registrars, examiners, and so on. But the Scott-Hart substitute does not extend the formulation of the automatic triggering of the 1965 act. There is simply no evidence of the need for automatic coverage in the North.

Mr. SPONG. I wonder if the Senator from Michigan is aware that the State of Virginia could have avoided this requirement. I shall not take the Senator's time nor the time of the Senate to go into it this afternoon, but they were eligible to have removed themselves from this requirement perhaps 2 years ago, and for reasons I shall not go into, that was not done. Now they find themselves, if this provision is adopted, still subject to the triggering device under a law from which they could have been excluded, and a law which will not be national in its application.

I ask the Senator if he is aware that Virginia could have removed itself?

Mr. HART. I was not aware of that, and I think that perhaps at a time more convenient for the Senator from Virginia, we would all like to know why Virginia did not elect to withdraw itself and join the other 40 or 45 States excluded.

Mr. SPONG. Regardless of whether Virginia removed itself or not, I think the people of Virginia, if they had met all the other qualifications for being removed in terms of voter participation, and in the absence of any complaint about the practices in the State, would have a right, under the equal protection of the laws, to expect that they would be treated no differently than the people of Michigan, the people of Pennsylvania, or the people of any other State.

I wanted to apprise the Senator from Michigan of that fact, because I have sympathy for voting rights. I think there is a great deal of good in the bill and in the substitute that should be enacted. But the Senator from Virginia cannot acquiesce in seeing his constituents treated differently—I shall not use any other word at this time—from the people of Michigan, in the absence of any complaints, and I wanted to make that position known.

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

Mr. HART. Surely.

Mr. HOLLAND. As I recall, in the case in the Supreme Court, and its decision which dealt with the poll tax law of the State of Virginia, the specific statement is made in the majority opinion that no complaint has been made to the effect that Negroes are being discriminated against within the Commonwealth of Virginia. Does the Senator from Michigan remember that, or the Senator from Virginia, either of them?

Mr. SPONG. I am aware of that, and I assure both the Senator from Michigan and the Senator from Florida, who has added this fact to the colloquy, that I want to see all the citizens of Virginia protected as to their voting rights, but I want to see them treated just the same as everyone else in the United States.

Mr. HART. I thank the Senator from Virginia.

Mr. HOLLAND. If the Senator will yield further, there is such a recital in either the majority opinion or in both or all the opinions. I am not sure whether it is also in the minority opinion, but I think it is.

But I was particularly struck by the fact that it appeared in the majority opinion, written by Mr. Justice Douglas,

who made it very clear that there was no statement at all of any discrimination, but that nevertheless, in his opinion, the State should not be allowed to prescribe the poll tax as a qualification for voting.

The minority opinion, very vigorously written, is the one that I agreed with, of course; but I did think that Mr. Justice Douglas at least was frank in his recital of the decision of the Court, which he wrote.

Mr. SPONG. I thank the Senator from Florida and the Senator from Michigan.

Mr. HART. I thank the Senator from Florida, and I think it appropriate, once again, to note for the record that there was no Member of this body more forceful nor effective in lifting the poll tax as an impediment to the exercise of the franchise whatever the motive, than was the Senator from Florida.

Mr. HOLLAND. I thank my distinguished friend, and I hope he will be generous enough to say that the motive of the Senator from Florida was good; but whether he does or not, the Senator from Florida says so.

Mr. HART. No, no; I was not questioning whatever the motive of the Senator from Florida. I was speaking of the motive for the poll tax.

Mr. HOLLAND. Oh. I understand now better what the Senator said.

Mr. SPONG. I would like to say to the Senator from Michigan that I believe I have a 12-year record in the Virginia General Assembly of advocating the removal of the poll tax.

Mr. HART. I must clarify my comment, if it was obscure. I remember in our earlier debates here, the long arguments as to who thought up the poll tax, and for what reason. I guess the history is a little mixed on that; and I suppose it was with reference to that that I made the statement as to the motive.

Mr. HOLLAND. I accept the generous statement of the Senator from Michigan, and, as matter of fact, the Senator from Florida was indulging in a little pleasantry, because he knew that the Senator from Michigan had not attacked his motives.

Mr. ERVIN. Mr. President, will the Senator from Michigan, without relinquishing his right to the floor, permit the Senator from North Carolina to indulge in the effrontery of describing the history of the poll tax? If so, the Senator from North Carolina will be glad to do so.

Mr. HART. Mr. President, we are always glad to have the Senator from North Carolina discuss matters in this field.

Mr. ERVIN. Originally, in the colonies and in the States of the Union after the colonies became a free and independent country, men were required to work on the public roads a certain number of days each year. The poll tax was originally adopted as a substitute for their personal labor. Then, instead of having to work so many days in keeping the roads they traveled in repair, they were excused from doing that work on conditions that they pay a poll tax. That is one of the origins of the poll tax.

The poll tax also had another origin. It was proposed, in some of the States, as a means of raising revenue. It was proposed at that time that no man could vote unless he had paid not only his poll tax, but all his property taxes.

So the poll tax has been in existence in the United States a long time. It did not originate in any desire to keep persons of any race from voting, because persons of the black race at the time of the origin of the poll tax were largely in slavery, and were not permitted to vote for that reason. The poll tax is a tax of great antiquity in this country.

Mr. HART. I wonder if the Senator from North Carolina would agree that as time passed, as the slave was made free, as he became eligible to vote, the retention of the poll tax was motivated, in part, at least, by a desire to add that as an additional hurdle before he could actually land inside the voting booth.

Mr. ERVIN. A poll tax was never abolished as a revenue-raising tax. As the Senator from Michigan knows, we had a fratracidal war, after which Congress passed what are known as the Reconstruction acts. Under the Reconstruction acts, Congress undertook to do indirectly just what the Voting Rights Act of 1965 did directly. Congress undertook to deny to the States the right to prescribe qualifications for voting. It provided that the States which had attempted to secede from the Union should not be permitted to have representation in the U.S. Senate or House of Representatives until they adopted State constitutions which secured to every person 21 years of age and upward the right to vote, subject to certain exceptions, such as length of residence, and the like. As a consequence, the South was compelled to adopt State constitutions which extended the right to vote to persons 21 years of age and over, subject to certain requirements of residence, and the like.

As a result of this, the former slaves, who were largely illiterate and without any understanding of government, were admitted to the ballot box. The Southern States were allowed to have representation in the U.S. Senate and House of Representatives again.

I add with great reluctance that Senators from the Southern States are not yet entitled to be full-fledged Members of this body, because whenever the Senate has before it bills in which they are particularly interested, such as the present bill, they are denied the right to develop adequately, their opposition to the bills, because they are required to yield back time under time limitations, as happened in this case.

As a result of this influx of new voters, we had in many of the Southern States, as in North Carolina, legislatures which were controlled in large part by carpetbaggers—men who came to the South with nothing in the world but a carpetbag and a pair of socks, and who ultimately went away with great wealth, which they had extorted from the poverty-striken people of the South. We did not have the veneration for people in poverty in those days that we now have. The way the carpetbaggers largely got the money was by controlling legislative bodies and obtaining the passage of laws by corruption, and the like, which resulted in the issuance of State bonds, and which in large measure they embezzled.

It became apparent to the people of North Carolina that we could not have sound State government in North Carolina until we excluded from the power to control the government of the State people who were so illiterate that they were incapable of participating wisely in government. Then we extended our poll tax not only to be a revenue-raising measure but also to be a qualification for voting, and provided that persons who failed to pay a poll tax could not participate in State elections.

I have never had any feeling that a man who did not care enough about the government which provided an education for his children, provided for the roads to travel over, and provided for the police protection to save his life or to prevent him from suffering great bodily harm and to enable him to enjoy his occupation and his habitation in peace, should not be excluded from voting, if he did not have enough interest in that government to contribute a dollar or a dollar and a half a year to the support of that government. I have never shed any real or crocodile or political tears over the use of a poll tax as a prerequisite for voting.

Mr. HART. The Senator from North Carolina would agree, however—would he not—that if there were examples where, notwithstanding the requirement of the payment of the poll tax as a condition for voting, it was made applicable in effect only to the black citizen, that was wrong?

Mr. ERVIN. I know of no case where that occurred.

Mr. HART. It was with that in mind that I asked the question, because I recall that several years ago, when this was a matter of full debate——

Mr. ERVIN. I believe this is what the Senator from Michigan is referring to. Congress passed a statute that authorized the Attorney General to attack the validity of the poll tax where it was used for discriminatory purposes. I do not know whether that is the statute to which the Senator refers.

Mr. HART. I recall testimony in the hearing record of the virtual acknowledgment by some State authority that carelessness had crept in with respect to the collection of the poll tax, and one was reminded to collect it only when the black citizen arrived, or there was a question as to, "Where is your ticket?" only when that fellow arrived. But, happily—and again I salute the senior Senator from Florida—this problem, real or imagined, is behind us; and I think we are all the better off.

Mr. ERVIN. That is true except in the question of Federal voting. Of course, it was outlawed in a most remarkable decision handed down by a judge of the Federal district court in the State of Texas. The opinion was written by a former Member of Congress, Homer Thornberry, who was appointed Federal district court judge and subsequently a Federal circuit court judge by former President Lyndon B. Johnson, who, like Homer Thornberry, is a Texan.

Judge Thornberry wrote one of the most remarkable judicial opinions in the annals of time, in which he held that the poll tax in Texas was unconstitutional under the due process clause of the 14th amendment because the Supreme Court of the United States had held that a statute of Connecticut which prohibited the use of contraceptives by a husband and wife was unconstitutional, under the same clause of the same amendment.

Since that time, and since the very grotesque opinion of Associate Justice Douglas of the Supreme Court of the United States, in the case of Harper against Virginia State Board of Elections, the poll tax has been outlawed in Federal voting, by the constitutional amendment sponsored by the distinguished Senator from Florida (Mr. HOLLAND), by the decision of Judge Thornberry, and by the decision of Justice Douglas.

Mr. HART. Did Justice Douglas do it singlehandedly, all alone, or was that the decision of the Supreme Court of the United States?

Mr. ERVIN. There were one or two other culprits associated with it.

Mr. HART. More than half?

Mr. ERVIN. Yes, more than half. And they invalidated the Federal poll tax as a prerequisite for voting, on the ground that it was oppressive as applied to poor men. Under that law, poor men were required to pay a dollar and a half per year to the support of the State of Virginia, to be used to assist in the education of their children and the protection of themselves and their habitations from criminals, and for other State services. Justice Douglas said that that was an invidious discrimination against poor men, because poor men are not as able to pay a dollar and a half to the support of the State of Virginia as are affluent men. These are not his words, but he said this, in substance: "But I am not going to extend this very illogical reasoning any further than necessary to outlaw the State poll tax in Virginia as a prerequisite for voting, because it will invalidate every tax levied by every State, because it is more difficult for a poor man to pay any kind of tax."

Mr. HART. On occasions over the years I have wondered as to the wisdom of the actions of the Supreme Court. But, happily, I have not had to bear that cross as frequently as has the Senator from North Carolina. I realize now that he is describing one in a long series of decisions by the Supreme Court which, in his book, are unwise. Happily, only a minority of us yet in this country are moving to do other than give vocal expression to the disagreement.

Mr. ERVIN. I forgot to say that in handing down the decision of the Supreme Court, Justice Douglas disregarded the plain words of the English language employed in four places in the Constitution and threw into the judicial garbage pail two sound previous decisions of the Supreme Court; namely, Breedlove against Suttle, and United States against Butler, in which the Supreme Court had held exactly the opposite of what it held in the Virginia Board of Elections case.

Mr. HART. Perhaps I am anticipating later today in this debate, but I am sure that the Senator from North Carolina is equally outraged over the fact that the Supreme Court did sustain the constitutionality of the U.S. Voting Rights Act.

Mr. ERVIN. I will say, on that, that they engaged in the most unusual exercise of intellectual gymnastics ever performed by any like number of men, anywhere on the face of the earth, anytime in human history. [Laughter.]

Mr. HART. But the Senator does agree that while a majority may not be always right, the majority was right in the case of the 1965 Civil Rights Act?

Mr. ERVIN. I would like to say that the Senator from North Carolina takes encouragement from the fact that it has been judicially held by one of the appellate courts in the West that there is no evidence of lack of testamentary incapacity for a lawyer to disagree with the decisions of the court; and also I take comfort from the fact that my veneration for the Supreme Court is apparently much higher than the veneration of the Justices of the Supreme Court for that institution, because their dissenting opinions show that they disagree on far more decisions of the Supreme Court than the Senator from North Carolina disagrees with.

Mr. HART. If I could just conclude on that, the Senator from North Carolina disagrees more frequently with the Supreme Court in its review of congressional actions since 1957, in the field of Civil rights, than members of the Supreme Court do with themselves.

Mr. ERVIN. That is very doubtful.

Mr. HART. Specifically, the Senator from North Carolina said everything we have done heretofore has been unconstitutional.

Mr. ERVIN. Oh, no. Oh, no. I say that most things the Supreme Court did, prior to the time Chief Justice Warren became Chief Justice, were sound decisions. Very few were erroneous decisions prior to that time. But the Senator from North Carolina frequently finds, when he disagrees with a Supreme Court decision, that he has four out of the nine members of the Supreme Court in complete agreement with him. They say far more violent things about the unwisdom or the unconstitutionality of decisions than the Senator from North Carolina, being a mild-mannered man, has ever thought of saying.

Mr. HART. Let me make my question a lot more explicit.

The first Civil Rights Act that Congress adopted, during the period of Chief Justice Warren's membership on the court, was the 1957 act. Then we passed the 1960 act, the 1964 act, and the 1965 act.

Now the Senator from North Carolina disagrees in each of those debates with our contention that what we were proposing would be constitutional. The Supreme Court, so far as I know, without dissent, sustained our position.

Now my question is: Does the Senator from North Carolina find himself in sharper disagreement with the Supreme Court in arriving at civil rights legislation since 1957 than members of the Court do with themselves?

Mr. ERVIN. Well, I doubt that seriously, in the long run, because of the effect of the Civil Rights Act of 1965. Justice Black wrote two dissenting opinions, in which he pointed out his disagreement with the provisions of the act. The act requires the Southern States in the United States, to leave their homes and come up to Washington and tip their hats to the Attorney General and say, "Mr. Attorney General, please let this law which we passed in the exercise of the legislative powers according to the Constitution become effective."

I might state that I disagree with a number of decisions of the Supreme Court. I think that in the writing of the decisions of the Supreme Court on civil rights they mummicked up the Constitution.

I told a story here the other day about John Watts, a bricklayer, around the year 1900, who was skilled at laying brick but was not so very well versed in theology. John went out to the church one day and was preaching, as he did whenever he could find a vacant church to let him preach. But Jobe Hicks, another resident of the county, came staggering by, after having had a few drinks of Burke County liquor which was alleged to be a potent beverage, and after John Watts had preached, Jobe came staggering up the aisle and dragged him through the door and threw him out.

Jobe was later duly convicted of disturbing a religious worship in violation of the North Carolina statute for that kind of conduct and Judge Robinson, the presiding judge, who apparently had no great confidence in John Watt's theology, was seeking some way to get him off in a merciful manner.

He said, "When are you going to stop this unseemingly conduct on the Sabbath and coming before me so intoxicated as not to realize what you were doing?"

Hicks said, "I had had several drinks of Burke County liquor but did not think I could stand by and see the word of the Lord being mummicked up by John Watts without doing something about it."

That was the reason I opposed the civil rights bill to which the Senator from Michigan referred.

These bills were subject to these vices, although the Supreme Court of the United States held them constitutional. The situation at the time I opposed them was that they were irreconcilable with the plain words of the Constitution. Furthermore, they were irreconcilable with many previous decisions of the Supreme Court of the United States. Furthermore, they ignored the warning of James Madison that where all the powers of government are concentrated in one persons or one government, there is tyranny by whatever name that government may be called. They were concentrating in the central government at Washington, powers reserved to the States by the Constitution, powers which should have been exercised at the local level, or powers which rightly belonged to individuals.

As I say, I never made a statement that any one of these acts or bills, I would say,

as they were called at that time, were unconstitutional, unless I could be able to cite the verse from the Constitution which was in harmony with any statement or decision of the Supreme Court of the United States which supported my position.

I never predicted that any of these provisions would be held unconstitutional except where I had authority either from the Constitution itself or the decision of the Supreme Court itself to sustain my point. It just turned out that I had entirely too much confidence in the judicial stability of the Supreme Court of the United States on a majority of its members.

Mr. HART. I thank the Senator from North Carolina.

Mr. ERVIN. I thank the Senator from Michigan.

Mr. HART. Just on the off chance that anyone will read this RECORD and might be curious as to what the Supreme Court said, wisely, I think—unwisely, as the Senator from North Carolina would say, let me cite for the record, as I conclude, the cases in which the Supreme Court has sustained the constitutionality of the Voting Rights Act of 1965: *South Carolina* v. *Katzenbach*, 383 U.S. 301; *Katzenbach* v. *Morgan*, 301 U.S. 641; and *Allen* v. *Board of Election*, 339 U.S. 594.

The most recent decision, the Allen decision, would deal with the section 5 requirement that the Senator from North Carolina speaks of, a preclearance petition.

Mr. ERVIN. Mr. President, I should like to refer to the opinions.

Mr. HART. Surely.

Mr. ERVIN. Mr. President, at the time the Supreme Court of the United States handed down the decision in South Carolina against Katzenbach, the Constitution of the United States declared in section 2, article 1, section 1, article 2, the 10th amendment, and the 17th amendment, that the States had a right to prescribe the qualifications for voting, subject to the limitation that they could not prescribe either race or sex as a qualification, or deny equal protection.

They also had a provision that Congress could not pass a bill of attainder—a bill of attainder meaning one that condemns individuals or persons of being guilty of violation of the law without judicial law and punish them on that basis.

All decisions up to that time, such as ex parte Milligan, declared in substance that no notion more pernicious in its consequences was ever invented by man than the notion that any provision of the Constitution could be suspended under any circumstances.

In the South Carolina case, the Supreme Court did uphold the 1965 Voting Rights Act. And in so doing, it reached the strange conclusion that Congress had the power to pass a bill of attainder, condemning the States, their election officials, and their people for having violated the 15th amendment. They condemned by a legislative declaration, without a judicial trial, and on that basis suspended the constitutional power of a State to prescribe a literacy test.

It also held that the triggering device of the bill was perfectly rational in providing that where less than 50 percent of the population of voting age in a State or county failed to vote for a presidential candidate in the election of 1964, it was automatically guilty of violating the 15th amendment.

The decision of the Supreme Court to the contrary notwithstanding, that is a most irrational deduction because a State can admit any person within its borders to the registration booths, but it has no way to compel him to vote. And up to that time, it was always held that where a fact was not controllable by the party against whom the presumption was raised the fact created a presumption that was irrational.

In Katzenbach against Morgan, the Court invalidated a literacy test in New York which required a particular person, as a condition precedent to being able to vote, to be able to read and write in the English language. That policy had been upheld by a unanimous decision of the Supreme Court in decisions such as in Lassiter against the Northampton Board of Elections.

Under the ruling in Katzenbach against Morgan, Congress has the power to deprive all of the States of the power to make, enforce, and interpret laws. I say that because the Court in that opinion said that the section 5 of the 14th amendment empowered Congress to nullify the State voting requirement in perfect harmony with the provisions of the equal-protection clause of the 14th amendment; and not only that but to also substitute in its stead Federal voting requirements, notwithstanding the fact that Congress was forbidden to substitute a voting requirement by four different sections of the Constitution.

It also said that when Congress invalidated the State voting requirement, the Supreme Court of the United States would not even inquire into the question whether the State voting requirement was in harmony with the equal-protection clause and other provisions of the Constitution.

The Supreme Court held that notwithstanding the constitutionality of the State law, Congress could strike down any State law if the Supreme Court could see that it would have a tendency to keep a State from violating the equal protection clause. All the equal protection clause means is that no State shall treat people similarly situated in a different manner.

So, the New York literacy test law was clearly constitutional and had been so adjudged by the New York Court of Appeals and by a three-judge court of appeals sitting in the State of New York. If that opinion be law, then Congress has the power under the section 5 of the 14th amendment to deprive the States of the power to make laws, enforce laws, and to interpret laws. For if States cannot make laws, enforce laws, or interpret laws, they certainly cannot violate the equal protection clause.

I thank the Senator from Michigan for yielding so much time from me and for his very genial manner in so doing.

I have only one regret about the Senator from Michigan, and that is a fact which I assume to be so—but hope will not be so—that he is not willing to allow the law to provide that the people who will be condemned by the extension of the Voting Rights Act of 1965 will be condemned on the basis of their evil conduct alone in 1968, rather than on the basis of their evil conduct back in 1964.

I want to have that amendment agreed to, because it will say to those who are condemned that they will be unlike Esau. The Bible story was that Esau sought for repentance and found none.

I hope that the Senator will provide a method of repentance for the people who happen to be in a few States of the Union.

Mr. HART. Mr. President, I appreciate the comments made by the Senator from North Carolina, and I will certainly give attention to the amendment when it is offered.

I find in my notes an anticipatory answer, however, to the amendment.

It states on page 18 of the memorandum that it was the opinion of 10 of us on the Judiciary Committee filing the memorandum, that we suggest that the participation level of 1964 was a valid test for determining that practices existed which necessitated the automatic features of the act. It was not intended as a measure of an adequate level of political enfranchisement, but as a reasonable basis for the presumption of the existence of official actions to deny or abridge the right to vote on account of race or color and not necessarily a test by which we would say that the sins from decades of prior practice had been removed.

Mr. ERVIN. That includes my amendment. The Senators are not willing to extend to us any repentance for our former sins, but we will be condemned throughout the unforeseeable future, despite our pleas for repentance and for forgiveness because of the sins we are supposed to have committed in times past.

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

Mr. HART. I yield.

Mr. HOLLAND. Mr. President, first, I want to say that I am not going to join either of my distinguished friends either at the mourner's bench or in argument before the Supreme Court; but since some reference has been made to the history of the poll tax I wish to put in one fact at this time which may be of interest.

The poll tax originated before the Constitution was framed. It existed in New Hampshire—$1 a year—and was held to be a qualification for voting. However, it had been put in there as the most liberal requirement for voting to be found in any of the original States and it was so regarded. In every other State—and the Senator from Florida had some occasion to research this matter in times past, when the poll tax was active—the requirements to qualify for voting were much more rigid than those in the way of taxpaying requirements or property owning requirements or even other requirements which we would not want to see voiced at this time. It was a liberal requirement at that time. I wanted that

statement to appear in the RECORD at this point.

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

Mr. HART. I yield.

Mr. GURNEY. Mr. President, in looking through the report which accompanied H.R. 4249 in the House of Representatives, I was interested in reading the registration statistics contained therein on page 4. The table there gives the registration statistics of present white registration and nonwhite registration in the spring and summer of 1968 in the States we have been talking about, the seven States of the South, as well as the percentage of nonwhite registration prior to the Voting Rights Act of 1965.

I must say I was taken with the progress that has been made there. I would think this represented a little more than 2 years' work. The act went into effect in August of 1965, as I recall. I suppose it took a while to get teams cranked up to put voters on the books and I suppose that represents a little more than 2 years' work. The progress has been dramatic. Probably these statistics today, 2 years later, would show further progress in nonwhite new registration.

I wish to ask the Senator this question. What would the Senator from Michigan feel would be an adequate registration on the black side in order to remove this symbol of degradation and onus cast on these seven States by the Voting Rights Act of 1965?

Mr. HART. I think it is not so much a question of percentage in the future as it is the passage of some time. The old laws will recur if we abandon the automatic feature of the 1965 act.

As the Senator from Florida says, the increase has been dramatic, and I agree with him; but it has been under the spur of legislation and the absolute suspension of laws which, prior to 1965, produced the dramatic low participation.

I think we are talking about a patient who was in a state of extremes and then was taken to the hospital, and now is doing very well. But it does not follow that because the hospital care has produced improvement you can now throw away the oxygen tent and throw him out on the street again, as the weather on the street is the same as that which caused him to go to the hospital.

I prefer not to talk about percentages but those kinds of facts which I mentioned earlier.

Mr. GURNEY. I still prefer my question, and I think it is a fair question for those on the other side to ask. Where there is dramatic evidence of this sort, is it not fair to ask at what point the Senator thinks he will be satisfied with evidence of new registration? We think it is a fair question. Obviously, the Senator is not impressed by this progress.

Mr. HART. I am convinced by it. I do not want to get rid of supervision. Five years ago we suggested 10 years was an appropriate period. That was the recommendation of the Civil Rights Commission. Given the existence of the need to obtain a majority here, but sometimes two-thirds of those present and voting being required, it was trimmed back to 5 years.

We are running out of time in that 5-year period. We are delighted to see the progress but, I say, the patient should be protected for a brief additional period. We are suggesting another 5 years; resuming the position we took 5 years ago.

Mr. GURNEY. I did not expect the Senator from Michigan would actually answer the question in a factual fashion although I do make this observation. Even though his point might be valid that further time might be needed—I do not admit it does, but let us say that is a valid point—it does not appear to me—and, of course, I am not representing one of these States involved but I am next to some of them—it does not seem to me to be a very fair attitude, with this very dramatic progress, to reenact the Voting Rights Act, which is prejudicial and leveled against a very small section of the country for another 5 years. It seems to me that in fair play it might be well to try for a year or 2 years across the country.

I think in all the fuss and fight in the civil rights field we have made enough progress that all of us had better stop pointing a finger at the other fellow and holding that he is all wrong and that we are right. That is the point I make because this sort of legislation, tackled the way it is tackled, is no healing device for anyone in the country and I think it is the wrong approach.

Even though the point the Senator from Michigan makes may be valid, I do not think the idea of a meat ax approach for another 5 years, in just the same fashion, treating the people just the same as they were treated 5 years ago, in the face of amazing progress, is a very fair way to legislate.

Mr. HART. I did cite some instances which have occurred in some of those States in the 5 years immediately past to suggest that while there has been this very substantial progress, there have been incidents documented of efforts to develop new stratagems, new practices, even where the tests had been automatically suspended. So I think there is a basis for suggesting, as we do, a further extension of the tests. Again, it is a question of when the patient is wholly well. One national election has intervened. The progress is good.

Mr. GURNEY. I would simply make this further observation. Admitted, there probably are people who are trying to dodge, who still adhere to the old ways. I think probably this is a part of human nature. It is hard, sometimes, to revise character overnight.

As I see what is going on in our part of the country—and certainly the part of the State of Florida in which I live is just as much in the Deep South, if I may refer to it in that term, as Alabama and Georgia—in all those areas, as we saw in the school debate we had 2 weeks ago, there is a completely changed feeling. In that part of the country there is good feeling both with regard to school enrollment and voting rights.

The point I make is that I wish people from the Northern States, who are not intimately acquainted with our problems in our part of the country, would take as truth some of the remarks some of us are making—that there is a change of attitude.

We would hope that this change of attitude might be recognized in some of the pieces of legislation like this one coming before the Senate, rather than, 5 years later, being treated just exactly like the same culprit we were made out to be 5 years ago. This does not make sense at all, and I do not think it furthers good relations in the country, or makes any contribution in the field of voting rights. That is the only point I make.

Mr. HART. I understand the position, and we are not now in the same position we were 5 years ago, able to cite a century long list of rather dramatic reasons for suspension. But there have been many examples. The Senator has said that perhaps it is only a few of them who were reluctant to abandon old tendencies. But so long as they are there, I think it is unfair to suggest the desirability of removing the suspensions.

I do acknowledge the marked increase in participation, and I am sure that just those raw figures themselves account in part for some of the change in attitude. They represent voters now, not just theoretical voters, but actual participants at the ballot box, and that has brought about a change in attitude of citizens, North and South alike.

Mr. ERVIN. Mr. President, will the Senator yield to me so I may give him an assurance that ought to encourage him and also to tell him how the law has operated in four of the 39 counties of my State, in the hope that my recitation of these things may soften his heart a little bit——

Mr. HART. I am disappointed in the Senator's suggestion of the condition of my heart.

Mr. ERVIN. No; I am trying to get the Senator's conscience and heart to operate in concert with each other. Let me point out that no Federal registrars have been appointed in North Carolina.

Mr. HART. That I do know.

Mr. ERVIN. Everybody who has been registered in North Carolina has been registered by what some people choose to think of as sinful southerners.

Further, may I say to the Senator from Michigan, I live in North Carolina and I do not know of a single person who has been denied the right to register and vote in North Carolina on account of his race in the last 30 years. I heard some charges made that some were denied that right in three precincts back in 1956, but when I investigated those charges, I found that the State board of elections had corrected the matter by administrative process and everyone concerned had been allowed to register in time to vote in the May 1956 primary.

Here is the way it is operating in Onslow County, in Cumberland County, in Wake County, and in Guilford County.

Onslow County is the site of Camp Lejeune, the greatest Marine base, I believe, on the face of the earth. When the Census Bureau questioned the people in Onslow County to determine whether 50 percent of the people in Onslow County had voted in 1964, they counted all of the marines who were stationed there and all the wives of the married marines

stationed there. Only by doing so were they able to show that less than 50 percent of the people of Onslow County voted in the 1964 election, as required. Most of those marines and their wives were not residents of North Carolina and could not have voted in North Carolina under the law of North Carolina constitutionally applicable to them.

Cumberland County is the site of Fort Bragg, which I understand is the greatest military installation, in numbers of persons, anywhere in the United States. It is a county where they have had blacks in some areas as registrars and assistant registrars for years. Cumberland County was denied the right to exercise constitutional powers belonging to it as a subdivision of North Carolina because the nonresident soldiers and their families there were counted to determine whether 50 percent of the population of Cumberland County had voted in the 1964 presidential election.

One of the most remarkable applications of this act was to Guilford County, N.C., which is the site of the University of North Carolina, which is the site of one of the great North Carolina land-grant colleges, North Carolina Agricultural and Technical University, which is the site of one of the famous colleges maintained by the Quakers, Guilford College, which is the site of a black institution, Bennett College, which is the site of a fine Methodist institution, Greensboro College.

This county would be, in the opinion of the Senator from Michigan, one of the most liberal-minded counties in the United States of America.

They counted all of these college students—thousands of them—in order to determine whether 50 percent of the citizens in that county who were of voting age had voted in the 1964 presidential election. By reason of counting the college students, they fell a little short of that, and they have since been denied, and would be denied under the pending proposal, for 5 years more, the right to exercise the constitutional powers given to them by the Constitution of the United States in four sections, and on the assumed basis, under the triggering device, that they discriminated against blacks in registration and voting.

This county, in the last Legislature of North Carolina, was represented by a black man who introduced a resolution to abolish the literacy test. When this black man from Guilford County introduced the proposal to abolish the literacy test in the legislature, the Legislature of North Carolina, which consisted of 50 senators, all of the other 49 being white, and 119 other representatives, all of whom were white, adopted the resolution, and it is to be voted on at the next general election this fall.

Although the Senator from North Carolina thinks that people ought to be able to read and write in order to vote, in order to have an enlightened electorate, he is tempted to vote for the repeal to keep North Carolina from being included among the culprits simply because it has a literacy test.

But the most striking illustration of this was in Wake County, N.C., the seat of the North Carolina State government, and also the seat of many institutions of higher learning, and also the seat of one of the great hospitals for the mentally ill, and also the site of Central State Prison, where persons convicted of felonies are confined.

When the Census Bureau started counting up the people of Wake County, it found it not only had to count the students in educational institutions who resided in other parts of the State and other States, but it also had to count all of the unfortunate people who were confined in the hospital for the mentally ill on account of their mental illness, and also all the felons confined in the State prison, in order to determine whether 50 percent of the people of Wake County had participated in the presidential election of 1964.

By counting the mentally ill persons, most of whom were not residents of Wake County, and who were disqualified to vote under North Carolina law, and by counting the felons confined in the State's prison, most of whom did not live in Wake County, and who could not have voted anywhere in North Carolina because of their convictions for felonies, they managed to bring Wake County within the coverage of this triggering device.

That was too much for even the hard-hearted Department of Justice, and that hard-hearted Department decided that it would release Wake County from the coverage of the act by a consent judgment, up here in the district court. But in order to get that consent judgment, Wake County had to come up to Washington, D.C. It had to come up to Washington, D.C., because under this Voting Rights Act of 1965, all of the Federal judges residing in North Carolina are deemed unfit to exercise their judicial powers in a case where a county in North Carolina which is condemned by this act seeks to be exonerated from its very illogical conviction.

Mr. HART. The Senator from Michigan remembers very clearly the sharp criticism of the Senator from North Carolina 5 years ago on this particular aspect of the 1965 act.

Mr. ERVIN. I am sorry it did not penetrate the consciences of a majority of the U.S. Senate, since if it had, this calumny on North Carolina Federal judges would never have been perpetrated.

Mr. GURNEY. Mr. President, will the Senator yield briefly for an observation?

Mr. ERVIN. I yield.

Mr. GURNEY. In view of the recitation of the able Senator from North Carolina of some of the voting rights statistics, my observation is that though there were sins on both sides, the most recent sins appear to have been committed by the proponents of this voting rights legislation, instead of the opponents.

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

Mr. HART. I yield.

Mr. HOLLAND. First, I ask unanimous consent that the compilation of States at the top of page 4 in the House of Representatives committee report be printed in the RECORD at this point, because I wish to refer to it.

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

	Voter registration in the South, spring-summer, 1968		Percent nonwhite registration prior to Voting Rights Act of 1965
	Percent, white registration	Percent, nonwhite registration	
Alabama	82.5	56.7	19.3
Georgia	84.7	56.1	27.4
Louisiana	87.9	59.3	31.6
Mississippi	92.4	59.4	6.7
North Carolina	78.7	55.3	46.8
South Carolina	65.6	50.8	37.3
Virginia	67.0	58.4	38.3

Source: Voter education project, voter registration in the South, summer 1968, U.S. Commission on Civil Rights, report entitled "Political Participation" (1968) at pp. 12–13.

Mr. HOLLAND. This compilation covers the seven Southern States. Two of those States did not have supervisors appointed, and did not have Federal officials go into them to seek to improve the figures of voting registration. Those two States were North Carolina and Virginia. I am sure the Senator knows this to be the case.

The reason I refer to the compilation is this: Those two States, as well as the other five, show a material increase in the registration of nonwhite citizens. In North Carolina, the registration went up from 46.8 percent of the nonwhite citizens to 55.3 percent of the nonwhite citizens. In Virginia, it went up from 38.3 percent to 58.4 percent, or an increase of a little more than 20 percent. There were no voting registrars appointed in either of those States.

The reason I bring out this fact is that we had a similar increase in the registration of Negro citizens to vote in the State which I represent in part, the State of Florida. In spite of the fact that the poll tax requirement had been canceled in our State as a requisite for voting in 1937, the inertia which prevailed among the colored citizens when it came to registering to vote proved to be very great; and while we had about 300,000 who had registered prior to the time of passage of the Voting Rights Act of 1965, we have had a substantial addition to that number since that time, due not at all to the appointing of any supervisors of registration or any other Federal employess to come down there, but due to the fact, first, that there were civilian groups who were active in trying to get more of them to register, and second to the fact that time had passed since 1937, and with every additional year or 2 years, because our elections are customarily held every 2 years, we were finding an increase in voting registrations.

There was no ban, there was no discouragement, and there was no interference with the voting rights of the Negroes in our State. Even in the debate at the time of the passage of the Voting Rights Act of 1965 on this Senate floor, it was stated freely by the proponents of that bill that the bill should

not apply to the State of Florida, and it was not designed to apply to our State.

But nevertheless there has been—and that is my point—a material increase of will to participate. There has been a material increase of education. There has been a material increase in efforts by various groups to get the minority residents of voting age to register.

The point I am bringing out here is that in Virginia, the increase in registration was even greater than it was in some of the States where an army of Federal voting supervisors went in. In that State, the increase of Negro participants was from 38.3 percent to 58.4 percent participation in registration. I do not mean in voting, because I have no information on that.

The point I am making, therefore, is that there is abundant evidence in this list itself of the fact that the effort to get the Negro citizen to register for voting greatly enlarged and was greatly more successful, as shown by the figures, in North Carolina and Virginia, where there were no supervisors appointed; and in the State of Florida, though their figures are not here, I have stated very freely for the RECORD that the number of Negro registrants has increased. I cannot give the exact figures. I did give, in the debate of 1965, the exact figures on registrants then. My recollection is that it was about 300,000. Perhaps my able and distinguished colleague who has participated in an election at a later date than I have, can give a later figure on the Negro registrants in Florida. I am unable to do so, but I do know that even in my own county, which has never had any objection to the registration of Negroes, at least not for many, many years—certainly not since 1937, when the poll tax requirement was knocked out—there was a substantial increase in the number of Negro registrants.

I suspect that the same was true in Orange County, where my distinguished colleague lives. I know that it was true in the State at large, because I saw the figures quoted repeatedly in the press.

There has been this urge for greater participation, and if that is in part due to the passage of this act, that has been at least one good result. I hesitate to admit that there has been any good result from the passage of the act, because I think an act which requires a State or a county within a State to come up here and submit to the jurisdiction of the courts in the District of Columbia to get corrected what has been a patent error, as in the cases listed by our distinguished colleague from North Carolina, is just as wrong as it can be. I think it is an unnecessary insult to the United States district judges who sit down there, and to the people of the several States.

I think that it is time—and my own feeling is it is long past time—when we all know that the public consciousness and the public conscience in this field have been greatly aroused, and when every effort is being made to get all citizens to register. Some of them never will register, and we do not know what that number may be. But the fact is that we know that that feeling now persists.

I see no justification at all for the continuance of this law for an additional 5 years. It seems to me that it is an added insult to the Southern States. It does not happen to apply to my own State, but I do not like to see it apply to our two neighboring States of Georgia and Alabama or to any other of the Southern States and not apply to all States. So far as the Senator from Florida is concerned, he would rather have it apply to his State along with the others and to all the States in the Union than to have it apply only to 5 or 6 selected Southern States where the improvement in participation in registration—and I suspect also in exercising the voting right—has been so great in these last years.

In some instances supervisors have been named, and in other instances no supervisor has come, none has been ordered, and yet immense improvement in participation has occurred, as in Virginia, where, I repeat, the registration of Negro voters has gone up from 38.3 percent prior to 1965 to 58.4 percent in 1968.

I think that is a fact that the Senator from Michigan could well consider and that I hope will impel him to the conclusion that this act ought to be either canceled—and that is what I would prefer—or made to apply to all States throughout the Nation. After all, we are part of this Nation. Those of us who are here from the Southern States have fought for our country. There is hardly an exception in the rule here. Our sons have fought for our country. In some instances even our grandsons have fought for our country. We think we are just as good Americans as there are anywhere, and we do not like to be singled out for this kind of treatment.

At a time when we are talking about discrimination, I hope that my distinguished friend will realize what kind of discrimination he is suggesting by the effort to continue this law for an additional 5 years.

I thank the Senator for yielding.

Mr. HART. I understand the reasons that cause the senior Senator from Florida to speak as he does and to reach the conclusion he draws. I, perhaps operating from a different set of premises, find myself not in agreement.

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

Mr. HART. I yield.

Mr. GURNEY. My able senior colleague from Florida raised the question of whether I had later registration statistics on our Negro voters. I do not have those in mind.

I will say, however, that my senior colleague is correct when he says there has been an increase in Negro voter registration in Florida in recent years.

As a matter of fact, in that connection, it is very interesting to note that the most dramatic increase in black voter registration in Florida in recent years occurred in the election of 1964, 1 year prior to the voting rights bill. I recall that very dramatically, because in my home county of Orange, about 10,000 new Negro voters went on the rolls, almost all Democrat, and I had won the previous election by only 3,000 votes. So it concerned me greatly, and I recall the figure quite dramatically.

But we have not had any problem that I can recall in putting Negro registrants on the books, and we have had a constant increase in recent times, and even before the 1965 act.

Mr. HART. Mr. President, I appreciate the willingness of my friends to engage in this give and take. We do see the responsibility of the Senate with respect to the extension of the 1965 act and its essential features in different light. I am glad that the senior Senator from Florida placed in the RECORD the figures he did, which do indeed show a very substantial increase in the nonwhite voting registration in the several States, two of which, as the Senator from Florida accurately reported, never were the object of examiners.

However, the question here is that of the chicken and the egg. I think a little of the persuasion of the 1965 act is reflected at least in some of those improved figures.

Again, I have cited specific examples of intervening action by public authority which would have been effective had it not been for the 1965 act and which could undo some of the progress. It is progress that was made possible at least in part by the 1965 act.

Our position is as our substitute indicates: a belief that the improvement is to be encouraged, the progress acknowledged, and the safeguards maintained.

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

Mr. HART. I yield.

Mr. ELLENDER. I read from the second paragraph of the report:

> The purpose of H.R. 4249 is to continue in full force and effect all the provisions of the Voting Rights Act of 1965 for an additional five years.

As I understand, the only change made, in effect, is that the act will apply to all States. Is my understanding correct?

Mr. HART. The 1965 act—let us be honest about it—applies to all States equally. If Michigan had happened to have had an inadequate percentage of registration of nonwhites, it would have applied.

Mr. ELLENDER. Does the Senator mean under that formula?

Mr. HART. Indeed. It applied, without naming any States, to any State that met the formula.

In addition, the authority is granted in the 1965 act, and extended in the substitute, for courts to impose the same restraints on any State notwithstanding its failure to fall under the triggering formula, if in fact there is proof of practice which constitutes discrimination which inhibits the realization of the 14th and 15th amendment promises.

Mr. ELLENDER. By extending the act for 5 years, what makes the Senator believe that the same effort will not be made to continue the program as in the past?

Mr. HART. Is the point of the Senator's question that if we continue it for another 5 years, will be back here in 1975 asking for still another 5 years? Is that the question?

Mr. ELLENDER. I just cannot understand the position.

Mr. HART. Very briefly, the act of 1965 sought to correct a problem that

was, I think, grievous, which was the cumulative result of decades of unequal treatment. I think we would all agree that there have been instances where the judgment as to the eligibility of a person to vote was made when he was 50 feet away—if it was daylight. The cumulative effect of those habits caused us in 1965 to say, "We are going to suspend some of those tests. If need be, we are going to put registrars in there to get people on the rolls, and to see to it that they are counted when they are on the rolls." That has produced some substantial improvement in participation, as is reflected in one national election.

But, as I said before the Senator from Louisiana arrived—well, I will not use the same example. I had suggested that the patient was in a hospital. He had had one crisis. He is now breathing easily, but the oxygen machine should not be taken away.

I could put it in another way: If a parent begins to crack down on having his child straighten his room before he leaves in the morning or making certain that his shirt is clean each day, while there is such a parental drive on, the child will act properly. His room is clean, his laundry is in order, and he wears a clean shirt.

But it does not follow that if the parent stops that supervision for a week, the child's basic habits will have been adequately adjusted to insure a straightened room and a clean shirt. That is the reason that persuades us to suggest an extension for another 5 years.

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

Mr. HART. I yield.

Mr. ERVIN. I suggest that the Senator's simile is somewhat wrong. I think that the doctor, instead of trying to cure the patient, is strangling him. Instead of taking the oxygen tank away, I think the doctor has kind of hit him in the head so that he cannot recover on his own.

This law was recommended in 1965 by a President who came from Texas and was drawn under the auspices of an Attorney General who came from Texas. They were careful to get advice which would condemn South Carolina, Georgia, Alabama, Mississippi, Louisiana, and parts of North Carolina and Virginia, which had voting tests. They were doing that, I charge, because they thought it would be politically appropriate for them. They were not trying to select the States having the lowest voting record, because the State which had the lowest record, according to my recollection of the 1965 hearings, was Texas, which had no literacy test, and Texas was where the Attorney General and President lived.

If they had been interested in getting people to vote in States where the voting records were low, they would have taken Texas, a State whose record was far inferior to that of North Carolina, which was condemned. Out of the 240 counties in Texas, they would have condemned about 125 or 150, where the voting records were far lower than in the 39 North Carolina counties that were condemned by the act. This was discriminatory—I am not charging this to the Senator from Michigan but am charging it to the 1965 Civil Rights Act—which was considered in discrimination against seven States and was brought forth in discrimination against seven States because it would deprive them of the rights which would be allowed to the other 43 States to exercise their constitutional powers.

I thank the distingiushed Senator from Michigan. I should like to say that anything I may have said during my colloquy with him is not to be interpreted to mean that I do not have a very deep affection for the Senator from Michigan and a very high admiration of him.

My only regret is that the distinguished Senator from Michigan does not share my sound views on this question. [Laughter].

Mr. HART. I am very grateful to the Senator from North Carolina and I am also grateful to others who have participated in this colloquy.

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

The PRESIDING OFFICER. (Mr. GURNEY 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.

The Senator from North Carolina is recognized.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

ORDER FOR ROUTINE MORNING BUSINESS TOMORROW AND THE FURTHER CONSIDERATION OF UNFINISHED BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, following the speech by the able Senator from Arkansas (Mr. MCCLELLAN), there be a period for the transaction of routine morning business, that Senators be permitted during that period for the transaction of routine morning business to make speeches, that those speeches be not to exceed 3 minutes, and that at the conclusion of the morning business on tomorrow, the Chair lay before the Senate the unfinished business.

The PRESIDING OFFICER (Mr. DOLE in the chair). Is there objection? The Chair hears none, and it is so ordered.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (House Resolution 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. ERVIN. Mr. President, the Scott substitute for the administration bill reminds me of the man who was absent from home and received a telegram from his family's undertaker.

The telegram stated:

> Your mother-in-law died today. Shall we cremate or bury her?

The man sent the following reply to the undertaker:

> Take no chances. Cremate and bury.

That is precisely what the Scott substitute proposes to do in five Southern States and to parts of two other Southern States. It does this by a triggering device which will make certain that the other 43 States of the Union will be permitted to remain full-fledged States of the Union and be permitted to exercise all of their constitutional rights and that the Southern States affected shall be reduced to the status of conquered provinces.

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

Mr. ERVIN. I yield.

Mr. TALMADGE. Mr. President, if an act of Congress is beneficial for any State or any group of States or any region of the country, should it not be equally beneficial for all?

Mr. ERVIN. That would be my view, if the country is going to be regarded as a unified country, containing States of equal dignity and power.

This is a proposal, however, to reduce seven States to a position of inferiority in the sisterhood of States. And in view of the fact that the administration bill would deprive the same States and parts of States of the power to use a literacy test, I do not see why anyone wants to pass the Scott substitute unless he feels in his heart that it would be politically advisable to insult the seven Southern States.

Mr. President, that great political thinker and leader during the founding of our Republic, James Madison, authored words which bear directly upon the legislation now before the Senate. He wrote:

> The right of suffrage is certainly one of the fundamental articles of republican government, and ought not to be left to be regulated by the (national) legislature.

Madison's wise caution against granting Congress power over the franchise was incorporated in the Federal Constitution. And I might state at this point, Mr. President, that the Constitution of the United States now enjoys almost the same low repute in the Nation as do the seven Southern States against which the Scott substitute is pointed.

For nearly 200 years the Supreme Court and the Congress agreed with the wisdom of the Constitution and abided by the plain language which gave the States power to establish voter qualifications. The fact that the Supreme Court and the Congress have suddenly turned their backs on two centuries of American constitutional history has given me great concern.

It is within the context of this constitutional history that I want to offer my thoughts concerning the 1965 Voting Rights Act and various proposed amendments to it.

Before the Senate for consideration are the administration's proposal—incorporated in H.R. 4249—which would improve in several ways the Voting Rights Act of 1965, the proposal to extend the act for 5 years in its present form, and the so-called Hart-Scott com-

promise, which extends all the iniquities of the 1965 act for 5 years and adds to it the most clearly unconstitutional features of the administration's bill. In addition, I have introduced several amendments to the 1965 act which I shall call up if the Senate should be so unwise as to move toward extension of the act.

THE MARCH 1 DEADLINE

The March 1, 1970, deadline imposed by supporters of an extension of the 1965 act on committee consideration of these proposals has made it impossible for the Judiciary Committee to deliberate and discuss the important constitutional and practical issues involved with this type of legislation. The time limit serves the interests of those who want no real discussion of the issues, who have already made up their minds, and who have decided to ignore completely viewpoints different from their own. As a result the bill will have to be written on the Senate floor instead of in committee. The time "saved" by the gag rule will be more than lost because of the extended debate that now must be conducted on the Senate floor.

Those who imposed the December gag rule said it was necessary in order to avoid delay and obstructionism. I respectfully submit that there is nothing in the past record of the Subcommittee on Constitutional Rights, to which the bill was referred, which could possibly suggest delay or obstruction, either as to this legislation or any other so-called civil rights legislation. The fact is that as chairman of this subcommittee I have always guaranteed due process, equal rights, and fairness for all—even to those who profess to believe in these rights, but who choose to ignore them to a small minority on the committee.

In order to set the record straight, I think it would be well to review the chronology of subcommittee action on the particular proposals now before the Senate.

S. 2456, a bill extending the act 5 years, was introduced on June 19, 1969, by Senator HART on behalf of a number of other Senators. On June 30, 1969, the administration bill, S. 2507, was introduced. The next day I announced subcommittee hearings, to begin 8 days later. These hearings were held as scheduled and all who asked to testify were allowed to do so. The hearings were then recessed to await action by the House as is common practice with respect to civil rights bills.

In the period before the House acted I received no request, either formal or informal, written or oral, for the subcommittee to act on the bills. Not even one representative of that highly astute legislative team of civil rights lobbyists suggested that the subcommittee consider the bill before the House acted.

Having passed the House on December 8, H.R. 4249 was referred to committee on December 16. Hearings were called on December 19 to begin on January 27, 1970, right after the start of the new session. The record since then is as follows:

The hearings of January 27 were canceled because of hearings by the full committee on the nomination of Judge Carswell.

Hearings were scheduled for January 28. They were canceled because of hearings by the full committee on the nomination of Judge Carswell.

Hearings were scheduled for January 29. They were canceled because of hearings by the full committee on the nomination of Judge Carswell.

Hearings were scheduled for February 3. They were canceled because of hearings by the full committee on the nomination of Judge Carswell.

Hearings were scheduled for February 4. They were canceled because of a Rules Committee meeting on appropriations for 1970 work of subcommittees.

Hearings were scheduled for February 5. They were canceled because of an executive meeting of the committee on the nomination of Judge Carswell.

Hearings were scheduled for February 17. They were canceled because of an announced executive meeting of the full committee, which was itself later canceled.

Finally on February 18, 1970, with only 8 legislative days remaining until the March 1 deadline, the subcommittee was able to begin its hearings.

We held hearings on that day, and on February 19, 24, 25, and 26. All in all, we heard from 15 witnesses, and no doubt would have heard from many more had we been given the time to act properly on this bill.

Mr. President, I believe that an examination of the witness list for these hearings will show without doubt that all viewpoints were represented. Our witnesses included the Governor of one State affected by the 1965 act, the attorney general of another State affected by the act, representatives of the Leadership Conference on Civil Rights, the Southern Regional Council, the U.S. Commission on Civil Rights, and the Justice Department. We also heard from representatives of private groups interested in the legislation. Within the limits granted us by the deadline, all who asked to testify were accorded an opportunity to do so.

When the hearings were completed, one legislative day remained for us to act, and for the full committee thence to act, before the deadline.

Immediately following the close of our hearings we attempted to convene an executive meeting. Because of the necessarily short notice we had to give the subcommittee members, they did not have time to readjust their schedules. Quite naturally and expectedly, it proved impossible to obtain a quorum though we tried all day. While we had barely sufficient time to hear all witnesses who requested to testify, there was clearly no time left for Senators to discuss the proposals in subcommittee and committee.

Despite the history of fairness by the subcommittee on all legislation committed to it for consideration, the Senate saw fit to impose a gag rule on its operations. Therefore, I must now take advantage of the freedom of speech guaranteed to Senators on the Senate floor to present more fully my objections to the proposals now before the Senate.

OBJECTIONS TO 1965 ACT

When the Voting Rights Act was first proposed in Congress, I stated my belief that all qualified citizens of all races should have the right to register and vote. I also said that any person who attempts to deny or abridge another's right to vote on account of race should be prosecuted to the full extent of the law. I have continually urged the Department of Justice to enforce vigorously the laws already on the books respecting voting rights. If they had done so before 1965, or if they did so now, there would be no call for additional legislation.

During the years I have been in the Senate I have had cause to interrogate four U.S. Attorneys General with respect to what courses of action they have taken under acts of Congress passed about 100 years ago making it a crime for any State official to deny to any qualified citizen on account of his race his right to register and vote. Four Attorneys General preceding the present incumbent of that office have testified in my presence that they have never made any real effort to have any State official prosecuted under these 100-year-old statutes for denying any qualified voter his right to vote on the basis of his race. On one occasion when the Attorney General appeared before the Committee on the Judiciary and asked for increased powers in the voting rights field, he was interrogated by me with respect to what he had done with the laws on the books. He said he had not used them; he just wanted some more laws.

I told him he reminded me of a story they tell down in my country about John and Mary who were courting each other, in the common parlance of North Carolina. One night they were sitting on a bench together in the moonlight with the fragrance of roses filling the air, and when all the attending circumstances were such as to inspire romantic feelings, John said to Mary, "Mary, if you wasn't what you is, what would you like to be?" Mary said, "John, if I wasn't what I is, I would like to be an American Beauty rose." Then Mary turned the question on John and said, "John, if you wasn't what you is, what would you like to be?" And John said, "Mary, if I wasn't what I is, I would like to be an octopus." Mary said, "What is an octopus?" John said, "An octopus is some kind of a fish or something that has a thousand arms." And Mary said, "John, if you was an octopus and had a thousand arms, what would you do with all those arms?" John said, "Mary, I would put every one around you." Mary said, "Go away, John. You ain't used the two you already got."

So we have all these attorneys in the Justice Department. They will not use all the laws they already have, and they come down here asking for more laws and more laws, until the books are cluttered with laws on voting rights.

So here we have a proposal in one of the bills—namely, the Scott substitute—that seven States of the South, whose principal offense is that they lie south of the Mason-Dixon line and are politically helpless, be denied their right to use lit-

eracy tests by two separate provisions, both operating at the same time.

Frankly, it sort of hurts my feelings to have proposals made in the U.S. Senate in a single bill which indicate that in the minds of the sponsors of that bill some of my constituents are so bad that they have to have two separate laws in the same bill to keep them from doing the selfsame act.

I have expressed my support for any Federal legislation designed to protect voting rights which is constitutionally sound and which is applied uniformly to all the States. I reaffirm those statements now. All my life I have sought to insure that every qualified citizen is permitted to register, granted the right to vote, and encouraged to vote. That is the essence of democracy, and the only true guarantee that constitutional government will survive in this country.

However, constitutional government cannot survive if, in the guise of protecting the right to vote, we run roughshod over the Constitution. I believed in 1965 that the Voting Rights Act was an unconstitutional method by which to accomplish a worthy end—the protection of every citizen's right to vote. I believed the Voting Rights Act was also regional and vindictive legislation. It stands condemned on these grounds as an affront to the Constitution, and to the reputation of the body which enacted it.

For these reason, I opposed the Voting Rights Act in 1965. For these same reasons I oppose the extension of the act for another 5 years.

This iniquitous law—doubly iniquitous because it seeks good in an evil manner—should be allowed to expire quietly.

STATE AUTHORITY TO SET VOTING QUALIFICATIONS

I have searched in vain for the constitutional justification for the 1965 act. Any person who can read and understand the English language can see that the Federal Constitution grants to the States the power to prescribe voter qualifications. Section 2 of article I, section 1 of article II, the 10th amendment and the 17th amendment clearly set forth this power of the States. Until very recently neither the Congress nor the Federal courts has had difficulty understanding this plain language in the Constitution.

For the benefit of the Senate, I read these excerpts from the Constitution.

Article I, section 2, reads as follows:

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

Article II, section 1, reads:

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The 17th amendment reads:

The electors in each State (for the election of Senators) shall have the qualifications requisite for electors of the most numerous branch of the State legislature.

The 10th amendment reads:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This power of the State to set voting qualifications is subject only to the limitations of the two amendments, respecting abridgment based on race or sex, and of the 14th amendment, respecting denial of equal application of the laws. Subject only to prohibiting legislation to enforce these three limitations, Congress has no authority over voting.

Whenever Congress has wanted to affect voter qualifications, it has used the process of constitutional amendment. The 19th amendment granting women the right to vote is an example. Even now, those who support lowering the voting age to 18 so far appear to be honoring constitutional principles in proposing that this change be brought about by constitutional amendment.

The Supreme Court in the 1959 decision of *Lassiter* v. *Northampton*, 360 U.S. 45 (1959), upholding the constitutional validity of North Carolina's literacy test, recognized the power of the States over voter qualifications. Some of the language of that opinion makes direct reference to several of the proposals before the Senate. I quote from pages 50 through 52 of the case:

The States have long been held to have broad powers to determine the conditions under which the right of suffrage may be exercised, *Pope* v. *Williams*, 193 U.S. 621, 633; *Mason* v. *Missouri*, 179 U.S. 328, 335, absent of course the discrimination which the Constitution condemns. Article I, section 2 of the Constitution in its provision for the election of Members of the House of Representatives and the 17th amendment in its provision for the election of Senators provide that officials will be chosen "by the People." Each provision goes on to state that "the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature." So while the right of suffrage is established and guaranteed by the Constitution—*Ex parte Yarbrough*, 110 U.S. 651, 663–665; *Smith* v. *Allwright*, 321 U.S. 649, 661–662—it is subject to the imposition of State standards which are not discriminatory and which do not contravene any restriction that Congress acting pursuant to its constitutional powers, has imposed. See *United States* v. *Classic*, 313 U.S. 299, 315. While section 2 of the 14th amendment, which provides for apportionment of Representatives among the States according to their respective numbers counting the whole number of persons in each State—except Indians not taxed—speaks of "the right to vote," the right protected "refers to the right to vote as established by the laws and constitution of the State." *McPherson* v. *Blacker*, 146 U.S. 1, 39.

We do not suggest that any standards which a State desires to adopt may be required of voters. But there is wide scope for exercise of its jurisdiction. Residence requirements, age, previous criminal record—*Davis* v. *Beason*, 133 U.S. 333, 345–347—are obvious examples indicating factors which a State may take into consideration in determining the qualifications of voters. The ability to read and write likewise has some relation to standards designed to promote intelligent use of the ballot. Literacy and illiteracy are neutral on race, creed, color, and sex, as reports around the world show.

Thus, Mr. President, until recently both the Congress and the Supreme Court have respected the plain language of the Constitution which grants to the States the power to set voter qualifications.

THE DANGEROUS CONSTITUTIONAL DOCTRINE OF SOUTH CAROLINA AGAINST KATZENBACH AND KATZENBACH AGAINST MORGAN

Several recent Supreme Court decisions upholding the constitutional validity of the 1965 Voting Rights Act have radically departed from the clear meaning of this plain language. These are *South Carolina* v. *Katzenbach*, 385 U.S. 301 (1966); *Katzenbach* v. *Morgan*, 385 U.S. 641 (1966); and *Gaston County* v. *United States*, 395 U.S. 285 (1969). I respectfully submit that the constitutional theory set forth in these decisions as a justification for the Voting Rights Act of 1965 is a strange and dangerous view of the Federal Constitution.

The constitutional power of the States to establish voter qualifications, including literacy tests and residency requirements, is of course subject to the limitation, prescribed in the 15th amendment, that no State may deny or abridge the right of a citizen to vote on account of race, color, or previous condition of servitude. Section 2 of the 15th amendment gives to Congress the power to enforce this prohibition by "appropriate legislation."

Supporters of the 1965 act have relied on section 2 of the 15th amendment as the constitutional basis for the act. The Supreme Court in *South Carolina* v. *Katzenbach*, 383 U.S. 307 (1966) supported this view, holding that all the provisions of the 1965 act there brought in issue represented a proper exercise of Congress' authority under section 2 of the 15th amendment. Notwithstanding that decision. I believe that what the Court described as "an inventive manner" of exercising congressional power under the 15th amendment actually constituted a serious rejection of the constitutional primacy of the States over voter qualifications and an assault on several other fundamental constitutional principles.

Section 2 of the 15th amendment has been, until very recently, generally regarded as a "negative" grant of power to the Congress. Under this interpretation, the States retain their exclusive power to prescribe voter qualifications unless such power is used to deny or abridge the right to vote on account of race. This interpretation respects the vitality of section 2 of article I, section 1 of article II, the 10th amendment and the 17th amendment. The Supreme Court itself in *Lassister* v. *Northampton County Board of Elections* (360 U.S. 45 (1959)), continued its long tradition of interpreting section 2 of the 15th amendment as granting to Congress an essential "negative" power.

This is the traditional and logical interpretation of the 15th amendment. Moreover, this interpretation preserves the dignity and the meaning of the other constitutional provisions respecting voting. Under this doctrine, the Constitu-

tion consists of provisions of equal dignity, and is interpreted to give meaning to every part.

Regretfully, the Supreme Court in South Carolina against Katzenbach departed from this old and wise view of the 15th amendment. According to this expansive view of congressional power under the 15th amendment, Congress can and has nullified State power to set voter qualifications without any judicial or reasonable determination that such qualifications violate the 15th amendment.

If literacy tests, constitutional on their face and as applied, can be prohibited by Congress as in the 1965 act, then what is left of State power over voter qualifications?

If a State or county must submit every proposed change in its election laws to the U.S. Attorney General for approval, as is required by the 1965 act, what remains of State power to establish any laws governing the electoral process?

As much as I disagree with the interpretation of section 2 of the 15th amendment which was invented to validate the Voting Rights Act of 1965, I am even more concerned by the Supreme Court's new interpretation of section 5 of the 14th amendment for the same purpose.

The Supreme Court in *Katzenbach* v. *Morgan*, 384 U.S. 641 (1966), asserted that section 5 of the 14th amendment in effect grants Congress the power to define the equal protection clause. This new theory of congressional power to enact "appropriate legislation" to secure equal protection of the law is a theory which can be employed to eliminate all State legislative and judicial power over any matter. The constitutional theory set forth in Katzenbach against Morgan could quite literally establish the basis for dismantling completely the federal system provided for in the Constitution.

In Katzenbach against Morgan, the Supreme Court held that section 4(e) of the Voting Rights Act was constitutional. That section prohibits a State from establishing an English literacy test as a prerequisite to voting and declares that persons who have obtained a sixth grade education in an American-flag school where the predominant language is other than English are qualified to vote.

Thus the Court in the Morgan case ruled that Congress under section 5 of the 14th amendment could nullify a State statute which the Court admitted was in perfect harmony with the Constitution and which we passed pursuant to power given the States under the four articles of the Constitution I have quoted. In place of this valid statute, Congress passed its own voter qualification statute in violation of grants of power withheld from it by four provisions of the Constitution.

In effect, the Court decided that the Constitution is a set of mutually repugnant provisions of unequal dignity; that section 5 of the 14th amendment can swallow up the rest of the Constitution; that through it, Congress can set at nought all other restrictions on its power found in the Constitution.

Already some witnesses have broached the idea that the voting age could be lowered nationally to 18 by means of congressional statute rather than constitutional amendment. And I think I saw a gleam in the eyes of some of my brethren when they heard this suggestion. I only hope their good sense prevails, and they restrain themselves from such temptation.

For I confess I agree that if the very illogical theory of Justice Brennan in the Morgan case is carried to its logical conclusion, such an age limitation could be established by statute. And, I might add, if this very illogical theory is carried to its logical conclusion, Congress could set the voting age limitation at 15 years, 16 years, or 30 years.

Mr. Justice Brennan wrote the majority opinion in Morgan. In it, he said:

> Correctly viewed, Section 5 is a positive grant of legislative power authorizing Congress to exercise its discretion in determining whether and what legislation is needed to secure the guarantees of the Fourteenth Amendment. 384 U.S. 641.

Thus, if Congress determines in its own boundless wisdom that a certain State action violates or threatens to violate or might conceivably violate equal protection of the law, it can, in effect, render meaningless the constitutional source of power for that particular State action. The power to set voting qualifications is only one of the State powers which Congress could eliminate under the guise of enforcing the equal protection clause.

Congress could do anything else it wished to nullify State law and State power if, in doing so, it claimed it was sheeking to make certain no State ever violated equal protection. In fact, the best way to insure that no State ever violates the equal protection clause, or the due process clause, or the privileges and immunities clause of the 14th amendment, would be to replace all the State laws by Federal laws.

In the view of Justice Brennan, Congress' power under section 5, with respect to equal protection and due process, is as broad as its power under the commerce clause. Justice Brennan further said that the Court's function to review congressional action under section 5 was as limited as its power under the commerce clause. He quoted John Marshall in McCulloch against Maryland:

> Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional. 384 U.S. 641 (1966).

Mr. President, I submit that in making that statement, Justice Brennan totally misapplied the words of Chief Justice John Marshall. An act of Congress nullifying a State statute or State constitutional principle establishing a voting qualification is not within the scope of the Constitution. Indeed, it is contrary to the Constitution. It is not consistent with the Constitution. Indeed, it is prohibited by four different provisions of the Constitution.

Notwithstanding these things, Mr. Justice Brennan necessarily held that something which the Constitution four times prohibits is legitimate, and thus reaches the queer conclusion that the fifth section of the 14th amendment gives Congress the power to nullify a State law which is in perfect harmony with the 14th amendment and which Congress is prohibited from passing by four provisions of the Constitution.

In the words of one of our witnesses, the only restraint upon Congress' authority under section 5 is the collective wisdom of the members of this body.

Mr. President, the Constitution was written to put restraints on government. The Founders rejected the theory that the liberty of a free people should depend on the self-restraint of the Governors. Yet, under Justice Brennan's theory, Congress can legislate on all matters from before the cradle to after the grave. And the only protection we now have for the preservation of our liberties is the hope that Congress will exercise self-restraint.

Such are the logical consequences of the illogical theory of the Morgan case.

THE PROVISIONS OF THE 1965 ACT

The 1965 act contains provisions which are contrary to some of the most basic principles of the Constitution, and to elementary notions of fair legislative play. Despite the fact that it is unconstitutional, unfair, and vindictively regional legislation, the 88th Congress enacted it in 1965. I only hope that the 91st Congress will be more disposed to listen to reason and not extend it.

THE TRIGGER DEVICE

An examination of the act demonstrates that even under the expansive "Supreme Court-Morgan" theory, it can hardly be deemed "appropriate" legislation to secure voting rights.

The formula used to bring six Southern States and 39 counties of North Carolina under the provisions of the act contains no reference whatever to a denial or abridgment of the right to vote on account of race, color, or previous condition of servitude. It arbitrarily and illogically assumes a violation of the 15th amendment whenever but only when States and counties with literacy tests had less than 50 percent of their voting-age population registered or actually voting in the 1964 presidential election.

Under this theory, a State could register all of its citizens, of every race, and yet if 51 percent chose not to cast their votes in an election year, the State would be condemned of a discriminatory use of its literacy test. How this can be logical, I do not know. For 5 years no one has explained its logic to me.

Let me give another illustration of this illogical trigger. Assume that a county has 25 percent of its population of the Negro race, and 75 percent of the Caucasion race. Assume all of the blacks register but less than one-third of the whites do. Under this law, that county stands condemned of discriminating against blacks by a literacy test. And if all the blacks vote and less than one-third the whites vote, then the county

has discriminated again against blacks by requiring a literacy test.

The practical absurdity of this formula can be documented by comparative voting statistics of North Carolina and New York, both of which had literacy tests in 1964, as they still do. Fifty-two percent of all North Carolinians of voting age voted in the 1964 presidential election. Nevertheless, 39 of North Carolina's 100 counties were presumed by the Voting Rights Act of 1965 to have violated the 15th amendment merely because they voted less than 50 percent and the State had a literacy test declared by the Supreme Court in 1959 to be consistent with the 14th and 15th amendments.

New York County, N.Y., voted only 51.3 percent in the 1964 election, yet it is untouched by the 1965 act. Hyde County, N.C., which voted 49.7 percent, is presumed to have violated the 15th amendment. How can it seriously and reasonably be asserted that a presumption of voting discrimination on account of race can depend upon a failure to achieve 50 percent voter participation by three-tenths of 1 percent, but no presumption exisits because of a margin of 1.3 percent.

If "political subdivisions" in the 1965 act had included present congressional districts, the New York district represented in Congress by Congressman ADAM CLAYTON POWELL would now be condemned under the act because in that district less than 50 percent of the voting age population voted in the 1964 presidential election. Is it reasonable to assume, from the existence of the New York State literacy test and the 1964 voter turnout, a violation of the 15th amendment in Mr. POWELL's district?

Mr. President, it was no accident that the formula incorporated in the 1965 act resulted in exclusive application of that statute to Southern States. Only a cynical determination to punish a particular region of the country can explain why 39 counties of North Carolina were condemned as having violated the 15th amendment when there has been not one bit of evidence that any person has been denied the right to vote on account of race in North Carolina.

THE 1968 ELECTION RESULTS

If there is no logic in the formula of the 1965 act to show a violation of the 15th amendment, there is even less logic and no justification in continuing to rely on 1964 statistics in the face of a subsequent presidential election.

North Carolina met the 50-percent requirement again in 1968. Of the 39 North Carolina counties covered by the 1965 act, every county registered more than 50 percent of their respective voting age populations in 1968.

Only eight counties appear to have voted less than 50 percent in 1968, and it is instructive to note that in one of these counties the black voter registration exceeds the total registration of voters.

A number of North Carolina counties are subject to the act only because their large, predominantly nonresident military populations are included in the computation of the trigger. If we use 1968 figures, and exclude nonresidents and disqualified persons, and if we eliminate the incomprehensible 50-percent voting standard as proof of discrimination in registration, then North Carolina would be completely free of this act which has unjustifiably condemned it of violating the Constitution.

By way of contrast, in at least four counties in New York State, a State with a literacy test, less than 50 percent of the estimated voting age population voted in 1968. Yet, these counties will not be condemned under the proposed extension of the Voting Rights Act because only 1964 election figures are now relevant to a violation of the 15th amendment.

While I would prefer, of course, to see this discriminatory legislation suffer its long overdue demise, I canont ignore the inclination of the Congress to enact any legislation tagged as "civil rights" legislation. Therefore, in order to provide some sense of reasonableness and fairness in the trigger device, I have submitted amendments to the 1965 act substituting 1968 election voting figures for the 1964 figures as the basis for bringing States and counties under the operation of the act. I also propose that nonresident military personnel, nonresident students, convicted felons, and inmates of mental institutions—all of whom are disqualified from voting—be excluded from the computation of the trigger mechanism.

Despite the fact there have been no allegations of racial discrimination in voting in North Carolina between 1965 and 1970, 39 of North Carolina's counties continue to be condemned as having violated the 15th amendment. The fact that, as one witness before the subcommittee reported, only 19,000 more black voters have registered in North Carolina since the enactment of the 1965 act would appear to suggest, according to reasoning of those who support an extension of the act, that presumed violations of the 15th amendment in North Carolina, remedied by the 1965 act, did not and do not account for the level of black voter participation in North Carolina. And yet, North Carolina stands condemned.

Mr. President, proponents of extending the 1965 act insist on using 1964 voting statistics as the exclusive test in determining a violation of the 15th amendment. They do this with the knowledge that this insistence means that only Southern States and counties will continue to be affected by the provisions of the act. This frankly cynical argument confirms completely my original suspicions that the 1965 act was designed specifically to condemn one region of this country and thereby to deny to States of that region their constitutional power to set voter qualifications as enjoyed by every other State in the Union. This is as much admitted by them. The only argument I have heard is the frank reason—and cynically frank reason—that if we use 1968 results, some of the States now covered would no longer be covered.

SECTION 5

One of the particularly onerous forms of discriminatory treatment is incorporated in section 5 of the 1965 act. Under that section a State or political subdivision condemned under the trigger device of the act must submit any changes in its election laws to the Attorney General or the three-judge district court for the District of Columbia. The State of North Carolina, which, in this century, has never been proven guilty of denying a single person the right to vote on account of race, must, hat-in-hand, take every change in its election laws to Washington for approval by persons who have no constitutional authority whatsoever over voter qualifications.

The scope of authority of section 5 has been vastly increased by a recent Supreme Court decision, *Allen* v. *State Board of Elections*, 393 U.S. 544, (1969). In that case the Supreme Court defined the act's language—"any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting"—to include "any State enactment which altered the election law of a covered State in even a minor way." (393 U.S. 544). The Court determined that, among other changes, a change in the method of selecting a county official, from election to appointment, had to be submitted to the Attorney General. Changes in city limits, candidate filing fees, times during which polling places are open for voting, and any other State or county law or rule in any way connected with voting must be approved by a Federal court in the District of Columbia or an officer of the U.S. Government who has traditionally been the President's "chief political advisor." The 1965 act substitutes the Attorney General for George III, who "has refused his assent to laws, the most wholesome and necessary for the public good." That is a quotation from the Declaration of Independence.

(At this point Mr. EAGLETON took the chair as Presiding Officer.)

Mr. ERVIN. Mr. President, though the indignity and unconstitutionality of this provision are alone sufficient reasons to oppose section 5, the testimony of a Justice Department lawyer who helped write the 1965 act is conclusive proof that there is no basis for continuing this usurpation of State power. He testified before the Subcommittee on Constitutional Rights that section 5 had been of minimal, if any, assistance in securing the right to vote against racial discrimination. As he told the subcommittee:

> What we conclude, then, from more than four years' experience with Section 5, is that while it may have some benefits, they are outweighed by the burdens incident to its enforcement and the possible abuses inherent in it.

It has been over 100 years since Gen. Robert E. Lee surrendered at Appomattox. I am still waiting for the day to arrive when a Southern State will be entitled to full recognition as a member of this great United States. Until the Congress ceases from enacting discriminatory and undignifying legislation of the nature of section 5 of the 1965 act,

the reality of a true union remains merely a hope for the distant future.

EFFECTIVENESS OF THE 1965 ACT

While my fundamental objectives to the 1965 act are on constitutional grounds, I must question also the reasonableness of extending this act on the grounds of its effectiveness in securing the right to vote. There are those who casually assert that the large increase in black registration figures in the covered States between 1965 and 1970 is a direct result of the 1965 act. And yet, Mr. President, there are at least two important pieces of evidence which seriously challenge that assertion.

In North Carolina, before the enactment of the 1965 act, there were approximately 260,000 blacks registered to vote. By 1970, that number had increased to approximately 279,000. This represents about a 7 percent increase over 5 years. Considering only the factor of those blacks reaching 21 years old during this 5-year period, it is unlikely that any of this increase could be reasonably attributed to the 1965 act.

While admittedly more difficult to evaluate, the existence of widespread, well-financed black voter-registration drives throughout the South in the 1960's, and particularly since 1964, has been of great importance in increasing black voter registration. The director of one of these efforts reported to the subcommittee that since 1962 his organization has distributed nearly 500 grants and expended about $3 million to register black citizens in the 11 States of the South. He said that he believes his organization, through its programs of research and publicity, has been responsible for the registration of about 11 million blacks throughout the South since 1962.

Mr. President, if these figures are even reasonably accurate, it has been the voter registration drives in the South, not the 1965 act, which have resulted in the increases in black voter registration in the 1960's. This fact again confirms my suspicion that the attempt to continue the 1965 act is a cynical and sad effort by some to browbeat the Southland in hopes of political gain in their own States.

EXCLUSIVE VENUE IN THE U.S. DISTRICT COURT IN WASHINGTON

The act also does violence to common notions of fair judicial process. For instance, the law provides that a State or county covered by the formula may escape the disabilities imposed only by obtaining, from a three-judge district court convened in the District of Columbia, a declaratory judgment to the effect that neither the State nor the county nor any person acting under color of law has during the preceding 5 years denied or abridged anyone's right to vote because of race or color.

The law slams shut the doors of every court in the United States to States covered by the formula, except the district court of the District of Columbia. There is no valid reason why a case cannot be disposed of with the same intelligence and integrity and the same dispatch by a three-judge court sitting in Charlotte, N.C., or Richmond, Va. A law compelling State officials to travel hundreds, or even thousands of miles at great expense to seek justice is not a fair law.

I believe I should quote a little more of the Declaration of Independence for the benefit of those who profess to see in this act a vindication of the principles it contains. One of the reasons Thomas Jefferson gave for the colonies severing their bonds with the mother country England was "for transporting us beyond seas to be tried for pretended offenses." Yet, 190 years later, Congress requires the same thing.

This is an extraordinary provision of the law, one which has little actual precedent behind it—and no worthy precedent. What this is, in effect, is a statement that Federal judicial officers so unfortunate as to have been born in the South, or to hold court in the South, must be presumed to violate their oath of office when voting rights cases come before them. It is an insult to the dignity and honor of those judges, and it is sorry commentary on the good sense of the Congress. For everyone knows that there is no more liberal court sitting in this country on civil rights cases—the Supreme Court itself not excepted—than the judges in the Fifth Circuit U.S. Court of Appeals, which covers most of the States subject to the law.

THE GASTON COUNTY CASE

I must say that, in view of the Supreme Court's decision in Gaston County against United States, it would appear that under no conceivable circumstances would the expense of traveling to the District of Columbia district court be justified. Despite the assurances of those who supported the 1965 act, even a jurisdiction found to be completely innocent of any voter discrimination over the past 5 years, cannot escape the net of the magic formula, under this decision.

The Gaston County case, decided on June 2, 1969, is another example of the regrettable habit of the Supreme Court of altering the work of Congress to conform with its own notions of desirable legislation.

In March of 1966, the Attorney General determined that Gaston County, N.C., fell under the ban of the Voting Rights Act because less than 50 percent of the eligible voters had registered and voted in the 1964 election. This automatically suspended the literacy test—a determination from which there is no appeal. In August of 1966, pursuant to the provisions of the act, Gaston County brought an action in the Federal district court in Washington, D.C., seeking to reinstate the literacy test by showing that it had not been used during the last 5 years for the purpose or with the effect of denying to any person the right to vote on account of race or color.

In a 2-to-1 decision the three-judge district court held that since Gaston County had maintained segregated schools for many years prior to passage of the act, Negroes presently of voting age had attended schools of inferior quality. Therefore, it followed that the literacy tests operated to discriminate against them. The Supreme Court in a 7-to-1 decision affirmed the district court's determination and its reasoning.

The Court quickly brushed over Gaston County's contention that any person subjected to the slightest amount of education could pass the simple literacy test established by North Carolina. The North Carolina constitution provides that "any person presenting himself for registration shall be able to read and write any section of the Constitution in the English language." In practice, officials in Gaston County made this process even simpler. The only thing a person had to do was copy any sentence from the constitution, and he was allowed as much time as he needed. In Gaston County this was more a test of penmanship than of literacy.

Uncontested testimony was presented at the trial by a Negro school principal to the effect that all of the schools in Gaston County "would have been able to teach any Negro child to read and write so that he could read a newspaper, so that he could read any simple material." Obviously, any person with a third-grade education could pass the simple North Carolina test of copying one sentence from the State constitution. Furthermore, Judge Skelly Wright, who wrote the district court decision, stated that the test had not been deliberately used for the purpose of discrimination.

The Voting Rights Act makes it clear that Congress did not intend to abolish all literacy tests. Furthermore, Congress did not intend to suspend literacy tests irrevocably even where the trigger-device operated. Congress set forth detailed provisions—stringent as they may be—to permit States and counties to escape from the provisions of the act if they could show that the tests had not been discriminately used during the previous 5-year period.

The Court, however, has added a new provision to the act by keeping under its provisions all States and countries which, prior to 1954, maintained a separate school system. The Court ignores the fact that the "separate but equal" doctrine was the law of the land until 1954. And it should be remembered that Plessy against Ferguson, which established the "separate but equal" doctrine, was not a product of Congress or the Southern States—it was the work of the Supreme Court.

To eliminate the exclusive venue of the district court for the District of Columbia, I have submitted an amendment to the 1964 act which would open the doors of the district courts for the States or counties which might be affected by the act.

EXAMINERS AND REGISTRARS

Section 4(a) provides that if 20 or more residents of a State or political subdivision allege that "they have been denied the right to vote under color of law by reason of race or color, and that the Attorney General believes such complaints to be meritorious, or that in his judgment the appointment of examiners is otherwise necessary to enforce the guarantees of the 15th amendment, the

Civil Service Commission shall appoint as many examiners in such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections."

This section gives the Attorney General complete discretion as to whether voting examiners should be appointed in the areas covered by the bill. The Attorney General is not even required to offer reasonable grounds for his action or for his belief that the right to vote has been denied by reason of race or color and that the appointment of examiners is necessary. It is an unconstitutional delegation of authority to the Attorney General to let the constitutional rights of the States to regulate elections and to set reasonable and nondiscriminatory voter qualifications depend merely upon his belief that the appointment of examiners by the Federal Government would facilitate enforcement of the 15th amendment.

Once again we might look to the Declaration of Independence for wisdom on this power of the Attorney General—"He has erected a multitude of new offices to harass our people and eat out their substances."

THE 1965 ACT AMOUNTS TO A BILL OF ATTAINDER

The legislative condemnation of the 1965 act of Southern States and election officials constitutes a bill of attainder expressly forbidden by the U.S. Constitution. The people of seven States and parts of other States, and more particularly the State election officials in those areas, are convicted under the formula of the 1965 act of violating the 15th amendment without any semblance of judicial trial. Chief Justice Warren in South Carolina against Katzenbach did not deny that this condemnation constituted a bill of attainder but dismissed the contention on the basis that the constitutional prohibition against the bill of attainder does not protect States.

This is a most peculiar opinion, which must have caused Mr. Warren much difficulty to write. States are not metaphysical concepts, like incorporeal hereditaments, which exist in the minds of lawyers. They are composed of people, acting through other people who are their agents as State officials. The condemnation of a State is the condemnation of State officials and the citizens who selected them. To say that the bill of attainder does not protect the States is to say that it does not protect State officials. Yet the Supreme Court in *U.S.* v. *Lovett*, 328 U.S. 303 (1946) ruled quite rightly that the prohibition against bills of attainder operates to protect Federal officials.

EQUALITY OF THE STATES

The 1965 act violates another one of the most fundamental doctrines of our federal system of government, the equality of the States. The act operates to deny to certain Southern States the constitutional authority given all States to prescribe voting qualifications. While I believe that in the absence of proof of racial discrimination, any restriction by Congress on the States power to set voting qualifications violates the Constitution, certainly a restriction on the power of only certain States constitutes an even greater disregard of constitutional principles.

The Supreme Court overcame this hurdle in a most unusual way. In South Carolina against Katzenbach it said that the doctrine of equality of the States applies only to the moment of entry into the Union. Before entry, they are not equal as territories. After entry, one micromillisecond after admission, they are again no longer equal. In effect, the Court has said that there can be as many varieties of States as there are Heinz' pickles—although I do not believe you can make kosher pickles out of such an unkosher doctrine.

In concluding, Mr. President, I reiterate my belief that every American regardless of race, color, or creed should have the right to vote. With others, I share the view that the right to participate in the American political process underlies all other rights. But I also believe it my duty as a U.S. Senator to uphold the Constitution of the United States. It is, after all, this instrument which secures for all Americans those rights which have made this country or theoretically have made this country a land of "liberty and justice for all."

In my judgment, the Voting Rights Act of 1965 is clearly contrary to the plain language and the sacred principles of the Constitution. Because of this, I vigorously opposed the enactment of the 1965 act. On these same grounds, I oppose its extension. Not only does the act violate the language of the Constitution, but it treats six Southern States and 39 counties of my own State as "conquered provinces." I hope that the time will soon arrive when American citizens living south of the Mason-Dixon line can be accorded full faith and credit for being as determined to honor the principles of the Constitution as citizens living anywhere else. Until that time, I must continue to speak out against the kind of unconstitutional and discriminatory legislation which is presently before this body.

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

Mr. ERVIN. I am delighted to yield to the distinguished junior Senator from Alabama.

Mr. ALLEN. Mr. President, I wish to commend the able and distinguished Senator from North Carolina on this very learned, erudite, and scholarly speech. I just wish that this speech, which in itself, rises to the quality and far exceeds that of an opinion of the Supreme Court, could be substituted for the Supreme Court decisions upholding the constitutionality of the 1965 Voting Rights Act.

Mr. ERVIN. I thank the distinguished Senator from Alabama for his compliment to me. I also would like to assert that if this speech were substituted for the decision on the 1965 act, certainly it would be more in harmony with the letter, and spirit, and purpose of the Constitution than the decisions handed down by the Supreme Court on this subject.

Mr. ALLEN. I certainly agree with the distinguished Senator from North Carolina. I invite the attention of the Senator to the fact that the 1965 Voting Rights Act contains 19 sections, and that 17 of those sections are permanent legislation. Only two of the sections, sections 4 and 5, will expire on August 7, 1970, unless renewed by action of Congress.

I should like to ask the Senator from North Carolina if it is not true that the 17 sections that would continue as permanent law of the land are applicable to all of the 50 States, and if they themselves constitute an ample method, a satisfactory method, a full and complete method, of protecting any citizen of this country against discrimination in voting because of race or color?

Mr. ERVIN. There is no doubt of the truth of the statement implied in the question of the Senator from Alabama.

Mr. ALLEN. So actually we do have a Voting Rights Act applicable to all 50 States?

Mr. ERVIN. Yes, and there are more voting rights laws in the United States Code than can be found on any other subject.

Mr. ALLEN. So, if any citizen feels he is deprived of any right given to him by the 15th amendment of the Constitution, there would be no difficulty in getting redress even if the temporary sections of the Voting Rights Act were allowed to expire?

Mr. ERVIN. There is no question about that, because under existing laws one can bring civilian actions to compel election officials to let him register and vote. He can bring a suit against those who deny him that right. He can then invoke the equity powers of the court against them and others for that purpose. If he does not wish to bring a suit himself, he can go to the Attorney General of the United States and secure the services of the Department of Justice.

Moreover, if he feels he has been denied the right to vote, he can go to the district attorney and have a criminal prosecution instituted against the offending official.

Mr. ALLEN. I read from a summary of the 17 sections that are a permanent part of the law:

(1) When the Attorney General brings a suit under the 15th Amendment to protect voting rights against racial discrimination, the court is empowered to enter either an interlocutory order or a final judgment requiring the Civil Service Commission to appoint Federal examiners to register voters;

(2) In such suit, the court is empowered to suspend the use of literacy tests "for such period as it deems necessary";

(3) In such suit, the court retains jurisdiction "for such period as it may deem appropriate" and during that period, the State cannot implement any change in its voting laws until the court determines that the new law will not have the purpose or effect of racial discrimination or until the Attorney General of the United States has failed, within 60 days after submission, to object to the new law;

(4) When Federal examiners have been appointed under such suit, the Attorney General may require the Civil Service Commission to send Federal observers to the local voting precinct to oversee the process of voting and the tabulation of votes;

(5) No State may enforce a literacy test with respect to a registrant who has completed the 6th grade in a non-English-speaking school;

(6) Criminal penalties of 5 years in jail or a $5,000 fine, or both, can be imposed upon anyone convicted of depriving, attempting to deprive, or conspiring to deprive any person of his voting rights on account of race or for destroying, defacing, mutilating, or altering ballots or official records; and

(7) The Attorney General is empowered to bring a suit for an injunction when he has reasonable grounds to believe that any person is about to engage in any act prohibited by the Voting Rights Act.

Do not the remaining 17 sections of the act, not counting sections 4 and 5, give adequate redress to any citizen?

Mr. ERVIN. They certainly do, in an overwhelming manner. The brethren who advocate sections 4 and 5, however, do not think that people who reside in Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana should be accorded a judicial trial before they are condemned by law, so they want Congress to do the condemning and deny them any adequate way to ever recover from the condemnation insofar as obtaining a right to exercise their constitutional authority again is concerned.

Mr. ALLEN. I thank the Senator.

Is it not true that the provisions of sections 4 and 5 provide an automatic triggering device aimed at certain States?

Mr. ERVIN. Aimed at certain States which were carefully selected first, and then the triggering device was carefully devised so as to condemn those States and no others.

Mr. ALLEN. The target was arrived at first, and then the means of hitting that target devised?

Mr. ERVIN. I said in a colloquy with the Senator from Michigan that President Johnson, who was from the State of Texas, suggested this law, and that the law was administered, under the supervision of President Johnson, by Mr. Ramsey Clark, another Texan. The law was so phrased as to condemn Louisiana although the record of the State of Louisiana was far superior with respect to voter registration and voting than the record of Texas. It was also designed to condemn 39 counties in the State of North Carolina, when the record of registration and voting in those 39 counties was far higher than it was in the counties of Texas. The President and the Attorney General did not want to condemn Texas.

Mr. ALLEN. They did that by coupling with the 50-percent requirement the fact that a State must also have a test or device which allegedly abridged or denied the right to vote.

Mr. ERVIN. That is true. That was done because Texas has no such literacy test. I guess they figured all Texans were smart enough to vote even though they were not able to read or write. I have heard a lot of wonderful things about Texans.

Mr. ALLEN. I ask the Senator whether it is fair and equitable to provide that in States with more than 50 percent registered or voting in the 1964 election, the counties with fewer than 50 percent would be subject to the provisions of the law; whereas if a State had less than 50 percent voting and some of the counties had more than 50 percent, yet the law applied to those counties that had the 50 percent of qualified voters?

Mr. ERVIN. I think the opinion of the Senator from Alabama coincides exactly with that of the Senator from North Carolina on that question.

Mr. ALLEN. On the 50-percent requirement, was any basis established that had a bearing on whether there was any discrimination against minority races? Would it have been possible for a State to remain outside the provisions of the law if all 50 percent of the participating voters were white and not a single colored person was registered in the State?

Mr. ERVIN. There is no question about that. To reverse the answer to the question, if a State had a population of 40 percent black and 60 percent white, and all 40 percent of the blacks were registered and all 40 percent of the blacks went out and voted and only 9 percent of the whites voted, that would show that that State was discriminating against black people.

Mr. ALLEN. In other words, if all of the voting-age population who were colored were registered and did vote, if it fell below the 50 percent then the act would apply?

Mr. ERVIN. That is right. To show how foolish the act is, applying it to Guilford County, N.C., under the triggering device, Guilford County has been held to have discriminated in registering and voting notwithstanding the fact that it is represented by a black man in the State legislature, notwithstanding that the courts are presided over by a black woman judge, and not withstanding the fact that at least two members of the city council of the county seat of that county are black men.

Mr. ALLEN. I should like to ask the distinguished Senator from North Carolina, also, if he thinks it is fair in the year 1970 to apply as a criterion for action at this time, conditions which existed in respect to States in November 1964.

Mr. ERVIN. That question answers itself. In my judgment, that requirement is an affront, an insult, to justice.

Mr. ALLEN. I certainly agree with the distinguished Senator. I thank him for the information he has given.

Mr. ERVIN. I thank the distinguished Senator from Alabama.

Mr. President, I yield the floor.

ORDER FOR RECOGNITION OF SENATOR EAGLETON TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, following the address of the able Senator from Arkansas (Mr. McCLELLAN) tomorrow, and prior to the period for the transaction of routine morning business, the distinguished Senator from Missouri (Mr. EAGLETON) who now so graciously, ably, and skillfully presides over the Senate, be recognized for not to exceed 15 minutes.

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

APPEARANCE OF SENATORS RIBICOFF, TALMADGE, AND MONDALE ON NBC'S "MEET THE PRESS"

Mr. BYRD of West Virginia. Mr. President, yesterday there appeared as guests on NBC's "Meet the Press" the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. TALMADGE), and the Senator from Minnesota (Mr. MONDALE). The moderator was Lawrence E. Spivak, and the panel consisted of Haynes Johnson of the Washington Post, Claude Sitton of the Raleigh News & Observer, Jonathan Spivak of the Wall Street Journal, and Ron Nessen of NBC News.

The three Senators presented varying views on the problem of school integration. It was a very enlightening and interesting program. Therefore, I ask unanimous consent to have printed in the RECORD the transcript of NBC's radio and television program entitled "Meet the Press" of yesterday, March 1, 1970.

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

MEET THE PRESS

Produced by Lawrence E. Spivak, Sunday, March 1, 1970.

Guests: Senator Abraham A. Ribicoff, Democrat, of Connecticut; Senator Herman E. Talmadge, Democrat, of Georgia; Senator Walter F. Mondale, Democrat, of Minnesota.

Moderator: Lawrence E. Spivak.

Panel: Haynes Johnson, Washington Post; Claude Sitton, Raleigh News and Observer; Jonathan Spivak, Wall Street Journal; Ron Nasson, NBC News.

Mr. SPIVAK. Our guests today on "Meet the Press" are three Senators who represent varying views on the problem of school segregation: Senator Abraham A. Ribicoff of Connecticut, Senator Herman E. Talmadge of Georgia, and Senator Walter F. Mondale of Minnesota.

Senator Ribicoff's support of the Stennis Amendment has stirred up a new nationwide controversy on segregation in our schools. The amendment calls upon the Federal Government to deal uniformly with public school segregation in all regions of the country regardless of the origin or cause of such segregation.

I'd like to start the questioning now with Senator Ribicoff. Senator Ribicoff, there has been considerable confusion over what the Stennis Amendment would accomplish. Now, in the light of yesterday's Senate vote, what do you think it will accomplish? What does it really mean?

Senator RIBICOFF. Well, it means that in estabilshing guidelines under Title 6, that HEW will treat both the North and the South the same way under de jure and de facto segregation:

Mr. SPIVAK. Do you expect that is going to be voted finally.

Senator RIBICOFF. I hope so, Larry.

Mr. SPIVAK. Senator Talmadge, you voted for the Stennis Amendment and I assume you are enthusiasically for it.

What do you think it means now? Would it speed school integration in the north or will it slow it down in the south?

Senator TALMADGE. That remains to be seen. I think largely it is psychological. It is the first time the Senate has, by affirmative vote, since I have been a member of the body, some

13 years, agreed that the south ought to be readmitted to the Union and that all laws ought to apply the same throughout the nation.

Mr. SPIVAK. Do you expect it will speed desegregation in the South?

Senator TALMADGE. I don't know what action they will take in the Department of HEW and in the federal courts, but I do know that all laws, whatever they are, all rules, all regulations, whatever they are, ought to be applied uniformly in all fifty states.

Mr. SPIVAK. Senator Mondale, you voted against the Stennis Amendment. What do you think it has accomplished? What do you think it means?

Senator MONDALE. I don't believe the Senate Amendment does a thing about race isolation, so-called de facto isolation. I think it is designed solely to slow down and impair the activities of the HEW and other governmental agencies to require school districts to obey the law of the land which prohibits official discrimination. Also, I believe symbolically along with other recent actions, it raises serious doubts as to whether this nation any longer truly believes in an integrated society, is truly committed to a society in which race is irrelevant. If that is its true significance, if that is the direction in which we are going, I think we are going to be a very sick society indeed.

Mr. NESSEN. Senator Ribicoff, ten days ago the Senate approved the Stennis amendment. You voted for it and a lot of people said this meant the end of 16 years of trying to integrate Southern schools. Then yesterday the Senate turned around and in effect nullified any bussing and freedom of choice amendments and you voted to nullify them.

What happened in 10 days? Why did the Senate turn around in ten days?

Senator RIBICOFF. They haven't turned around at all, sir. It shows how consistent the Senate really is. The Senate, by its vote yesterday, indicated that it supports the Supreme Court and is for desegregation. This was the significance of the vote yesterday, and I am for that, too, and always have been. But ten days ago when we voted for the Stennis amendment, the Senate in its wisdom—and I think it was wise—said as a policy "If you are going to have desegregation, it should be equal desegregation, North and South, all over the nation, to treat all the states the same, irrespective if the segregation was due to de facto or de jure causes.

Mr. NESSEN. Well, Senator Talmadge says the effect of the Stennis amendment is psychological. Isn't that true, isn't it encouraging the South to resist? Some judges in fact have already thrown out integration plans since the Stennis amendment was passed.

Senator RIBICOFF. I am not aware of what you say, and I don't think that is the reason at all. The purpose of the Stennis amendment as I personally see it, in my motive is to make sure that we have a national policy consistant with the national problem, and we will never solve the national problem and have the national policy until Northern whites realize that they have to move away from their hypocracy and recognize that they just can't sock it to the South, because they must take action themselves in the North to eliminate de facto segregation which in many instances is worse than it is in the South.

Mr. SITTON. Senator Talmadge, specifically what steps would you advocate that the federal government take to implement the Stennis policy of desegregation North and South?

Senator TALMADGE. I think ultimately we are going to have to resolve the situation in accordance with the Constitution and the Act of Congress, the Civil Rights Act of 1964. The 14th Amendment and the Brown decision so held in 1954 that we can no longer classify children by race in our school system.

Now, the 1964 Civil Rights Act also implemented that, and they held that you cannot assign or bus students back and forth to achieve a racial balance. I think the court is going to have to say and this country is going to have to say that schools shall be open to all, regardless of race, creed or color, that anyone can go to any school he sees fit. In effect have freedom of choice just as the same as we have in our living conditions, our working conditions and every other area of human activity.

Mr. SITTON. Then would you vote money for a national effort to eliminate all segregation, North and South?

Senator TALMADGE. Well, we have eliminated all segregation North and South, first by the Brown decision in 1954 and also by the Civil Rights Act of 1964. But when you eliminate segregation then where are you? Are you going to run out and run down people and drag them into schools where they don't want to attend and do the same for teachers, and if you are going to adopt that policy, are you going to make it universal about neighborhoods, working conditions and otherwise? I don't think you can have a police state, and that is what would be required to achieve it.

Mr. J. SPIVAK. You proposed establishing a committee to examine the problems of segregation in the North and in the West.

What would we learn as another study of this that we don't know now?

Senator MONDALE. This committee which has now been established and which I will chair, is the first serious study perhaps in the history of the Congress. We don't really know what to do with what is called de facto segregation. This was segregation which does not arise from official policy, school board discrimination and the rest, but because of residential living patterns. What is racial imbalance? What should be done to deal with it? Busing, fair housing enforcement, the construction of new schools and their location. The redesign of school boundaries and the whole question of quality compensatory education as it collides with the issue of racial isolation.

I think this host of issues comprises the most important and the most explosive issue affecting the health of our nation and it is one which I hope the Senate and the Congress can grapple with.

Mr. J. SPIVAK. What steps at this point seem most fruitful to you to deal with the problems in the North and the West?

Senator MONDALE. Let me say there, one thing we should not do is to delay the enforcement of the orders of the Supreme Court and that is why I opposed the Stennis Amendment. There are nearly two million black children as of the fall of 1968 attending all black schools in the 17 southern and border states. De jure segregation is very much a fact of life in the South and in some other areas in the North as well, and I strenuously object to abandoning this objective of a uniform national policy of elimination of de jure segregation.

Secondly, we must sort out the facts on de facto segregation, which is not illegal, but undesirable, and find out how we might best achieve an integrated society, how we might best achieve good education because at the same time these children are being separated they are being desperately denied in terms of a decent education and these are the kinds of issues I hope we can grapple with.

Mr. JOHNSON. Senator Ribicoff, given the attitudes in this country both black and white, separatism, decreasing polarization, there are some who say that really integration really isn't realistic any more. Do you believe that? As a goal.

Senator RIBICOFF. As a goal, it is realistic, but you have to take every community by itself. It is not realistic in the city of Washington where 94 per cent of the students are black. No matter what you do, you can't take 94 and 6 and make it fifty-fifty.

In the City of Chicago, where you have 30 square miles of blacks, it isn't realistic in Chicago, but it is realistic in many sections of the country and that is what we have to address ourselves to. Where it isn't realistic, we must make sure that we have quality education for black schools as well as white.

Mr. JOHNSON. When you say "quality education," you don't mean the separate but equal system we had under segregation?

Senator RIBICOFF. I don't mean that, but I want as good a school as I can find every place, whether they are segregated or desegregated, and we have a society, unfortunately, that is segregated and as long as you have a segregated society, you are going to have segregated schools and I think the most unfortunate thing in America is to try to solve all our problems on the backs of children.

Mr. NESSEN. Senator Talmadge, there is a lot of confusion about President Nixon's position in this debate over busing, freedom of choice, integration.

As a Southerner, what do you think his position is? Is he for you or "agin" you?

Senator TALMADGE. I don't know. I wish I did know. Once he makes up his mind, I hope he and Secretary Finch will be on the same side.

Mr. SITTON. Senator Mondale, let's go back to this question of origin. Why is origin so important? Shouldn't the goal be to eliminate these inequities wherever they exist, North and South; de facto, de jure; what-have-you?

Senator MONDALE. Yes, I agree with that, but as a matter of fact, the United States Supreme Court, for 16 years has declared it to be a violation of the Constitution of the United States to officially sort children out. That is a matter of school board policy, and send the black children to one school and the white children to another. This is still very much a fact of life in any number of school districts and affects nearly two million black children in this country.

That must be eliminated, in my opinion, and the distinction between de jure segregation, which is a violation of the law of the United States, and de facto segregation, which is perfectly legal, but in my opinion undesirable, is one that must be kept in mind because it affects the enforcement policies of our courts and of the administration and it affects the way in which we will deal with de facto segregation as well.

Mr. SITTON. All right, specifically what should the Federal Government do to eliminate de facto segregation in the North and in the South? De facto exists in the South too.

Senator MONDALE. Absolutely, and I am glad you made that point because I think if we can eliminate official discrimination we will still be left with a national pattern, an increasing pattern of racial isolation. I will be frank to admit I don't know the answers. I will be frank to admit that I think the Congress and the North and the Executive have been very negligent in this field.

I have indicated, in response to an earlier question, some of the types of answers that might be applied.

I think they will vary district by district and it is the hope of this equal-educational committee to focus on this in the most searching terms, not only with hearings in Washington, but with field trips to see if we can't come up with a national policy which will deal with the disgrace of racial isolation in the North and elsewhere, as well as the problems of official discrimination found principally in the South.

Mr. J. SPIVAK. Senator Ribicoff, in your speech in which you supported the Stennis amendment, you suggested the solution to the problem of segregation in the central cities lay in the suburbs.

Senator RIBICOFF. That is correct.

Mr. J. SPIVAK. What steps can realistically be taken in the North and in the West to integrate city and suburban schools?

Senator RIBICOFF. First, there is an obligation of private industry that when it moves into the suburbs it assures that housing is available for its black employees. Eighty per cent of the jobs created in the last two decades have been in the suburbs.

Secondly, no federal installation should be built in any section of our country unless there is an assurance that black employees have housing.

Thirdly, the Federal Government should give special aid and assistance to those suburbs who are willing and make it possible for blacks to live in these particular areas. This is very important; to give them assistance for additional schools, additional recreational facilities, and additional health facilities. This becomes very important.

Mr. J. SPIVAK. Would you favor the Federal Government or the states taking steps to combine metropolitan school districts merging city districts and suburban districts?

Senator RIBICOFF. No, I think physically that is almost impossible to do because I don't think the Federal Government has authority to tell the states how to combine their communities. But it becomes absolutely essential for the Federal Government to encourage, and private industry to encourage, the suburbs to open up its doors for blacks.

Mr. JOHNSON. Senator Talmadge, as a southerner and as a Democrat, how would you assess President Nixon's political prospects in the South today, given the strategy that some say he is employing to get the South on his side, by placating conservatives and the rest?

Senator TALMADGE. I think it is too early to tell. I think by and large most southerners think to date the President has done a fair job, but he doesn't seek re-election now for two years. No one can foretell what will happen at that time.

Mr. JOHNSON. How about Governor Wallace?

Senator TALMADGE. Well, Governor Wallace carried five southern states two years ago and my judgment is he probably would carry that many or more today.

Mr. NESSEN. Senator Mondale, are the parents of your state of Minnesota willing to have their children bused to achieve racial balance, and, if not, then why do you ask the South to do that?

Senator MONDALE. Well, first of all, the busing issue in official segregated schools is a red herring in my opinion. They are the granddaddy busers of all. There is more busing going on earlier in order to sort children out and distribute them to colored schools and to white schools than would be the case if they did it on the basis of geography.

The citizens of my community of Minneapolis and St. Paul have proven time and time again that they are willing to accept a series of changes to deal with racial imbalance in our schools. I am proud to report that we don't have a single all-black school. Most of our black children in Minnesota go to schools which are predominantly white and I am proud to say that Minnesota is one of those states that still believes that we can't have a healthy America unless we live together.

Mr. NESSEN. But more generally speaking, hasn't the experience of the past 16 years with whites fleeing to the suburbs basically been that most white parents do not want their children to go to school with black children all over, North, South and West?

Senator MONDALE. If I were to say that integration doesn't have problems, I would obviously be misleading you. I will say that there has been far more success in integrated schools than has been reported. Hundreds of thousands of black children are going to school with white children and it is working out very successfully. The whites are doing as well as ever and the blacks are doing far better, and they are learning to get along with each other.

There are still problems with integration, but if you want to have real problems, abandon this objective of a united society. Start separating us out on race, and then you will really start having problems in this country.

Mr. SITTON. Senator Ribicoff, just one question: President Nixon's counsel, Pat Moynihan, says that the time has come when the racial issue would benefit from the benign neglect. Do you agree with that?

Senator RIBICOFF. I don't know what benign neglect means, but I would say Pat Moynihan is one of the most knowledgeable, sophisticated and realistic men in this country when it comes to the problem of dealing with our cities and race and everything that Pat Moynihan has to say I listen to with great interest.

Mr. J. SPIVAK. Senator Talmadge, in response to an earlier question, you said the job of ending segregation in the South and in the North is over, yet the most recent statistics from the Federal Government for the 1968 school year indicate that over eighty percent of the Negro school children in the south will go to all-Negro—predominantly Negro—schools.

Is that enough to say that the job is over at this point?

Senator TALMADGE. It is true all over the United States. The most segregated school system in America here is in Washington, D.C., where it is less than one percent.

In Los Angeles, California, 60.7 percent of all schools are racially segregated. Chicago, Illinois, 64.3 percent. Gary, Indiana, 55.6. Baltimore, Maryland, 53.9. Cleveland, Ohio, 63.9. Dayton, Ohio, 50.7. Philadelphia, Pennsylvania, 31.3. Milwaukee, Wisconsin, 50.3.

Mr. J. SPIVAK. Do those figures indicate the job is completed though in this country of ending segregation?

Senator TALMADGE. Well, I don't know how you can ever get a mathematically perfect ratio in your school system. I don't think you can, any more than you can get a mathematically perfect ratio in jobs, housing patterns, living conditions, cocktail parties, social functions. I don't think it is feasible.

What the 14th Amendment prohibits is discrimination, and once you outlaw discrimination, then the citizens generally can work out their arrangements to suit themselves and I think they will, but I think it would be wrong to send out the Army or the National Guard or the Police Department to reassign students in living areas and school conditions according to some mathematical ratio.

Mr. L. SPIVAK. Gentlemen, we have only four minutes.

Mr. JOHNSON. Senator Mondale, President Nixon pronounced his theme of bringing this country together and it is obvious, even from what we have been hearing on this program, we are not together racially in this country yet. What do you think the President should do that he hasn't done?

Senator MONDALE. Well, first of all I think the President should reaffirm this nation's cherished objective of an integrated society and of support of the 14th Amendment. His record in the field of human rights I think has been one of political expediency, which has sacrificed the cause of human rights.

We have seen the head of the Department enforcing civil rights fired for only enforcing the law. We have now had two nominees to the Supreme Court who are distinguished by their disinterest in human rights. The President is trying to gut the Voting Rights Act. In a series of other efforts it is quite clear that he wants to call a retreat, if not abandon our effort to achieve a society truly committed to human rights. I think it is a tragedy. I think he is tearing us apart, and to add to that, Mr. Agnew, who seems to be able to think of somebody new every night to attack, I think he is doing great damage to this country.

Mr. NESSEN. Senator Ribicoff, let me ask you the same question I asked Senator Mondale. These figures that Senator Talmadge read, and the flight of the whites to the suburbs, doesn't that mean that most white parents all over the country don't want their children to go to school with blacks?

Senator RIBICOFF. That is correct. The pattern in this country is, when the blacks move in, the white move out.

Mr. NESSEN. Can't government do anything about that?

Senator RIBICOFF. No, the government can't do anything, but the government can assist in opening up the suburbs where the jobs are and where the housing, and assist in jobs and housing to allow the blacks to come into the suburbs in proportion of what they are in the population.

Mr. SITTON. Senator Talmadge, in view of the Senate's action yesterday on bussing, it appears now that some bussing is going to be inevitable. Now here with the South's opposition to bussing, are there other workable means of desegregation you think the South should use?

Senator TALMADGE. I would like to call your attention first to the Civil Rights Act of 1964, two sections, 401(b) and 407(a), that specifically prohibit bussing and assignment to achieve racial balance.

Mr. SITTON. That is on de facto but not on de jure, Senator.

Senator TALMADGE. We have no such thing as de jure segregation now. We haven't had since 1954. The Supreme Court decision and the Act of Congress in 1964.

Mr. L. SPIVAK. Senator Talmadge, do you think the South could solve its school problem if left alone by the federal government?

Senator TALMADGE. Well, I think in the final analysis all citizens are going to have to solve their problems on the local level. You can outlaw and you can prohibit discrimination, and we have done that. And I think that is as far as you can go without getting into police state tactics, and have an artificial ratio of some kind——

Mr. L. SPIVAK. Senator, do you think you could solve your school problem if left alone?

Senator TALMADGE. I think we are making great progress in that direction at the present time. We are having difficulty with many acts of our federal government. Here is a letter from a woman in La Grange, Georgia. She has six children from seven to 15. They have assigned them to five different schools. That won't solve any school problem.

Mr. J. SPIVAK. Senator Mondale, in your judgment what is the single most important step the Administration could take in the field of civil rights at this juncture?

Senator MONDALE. Well, first of all it seems to me they should start nominating judges to the Supreme Court who are committed to human rights. If the court backs off, the enforcement of human rights laws of this country—and they have often saved us from ourselves—then I think the cause of human rights could easily be lost.

Secondly, it seems to me they must, much more stronger than they have, support a strong Voting Rights Act, a strong series of appropriations and other efforts to bring quality education to the poor, quality housing, quality nutrition and the rest, to the poor of this country.

Mr. L. SPIVAK. I am sorry to interrupt, but our time is up. Thank you, gentlemen, for being with us today on "Meet the Press."

THE RECORD OF THE SENATE FOR 1970

Mr. BYRD of West Virginia. Mr. President, the Senate convened on January 19, 1970, commencing the second session of the 91st Congress.

Through February 28, 1970, the Senate was in session 29 days, including two Saturday sessions, and conducted business as well on Washington's Birthday.

During this period the Senate was doing business for 183 hours, 27 minutes.

During this period the Senate has had 72 record votes on legislation; by comparison it was September 12, 1969, when the 72d record vote was obtained last year.

During this period—that is, thus far during the second session of the 91st Congress—the Senate has passed a total of 88 measures including the following major legislative items:

Controlled Dangerous Substances Act.

Organized Crime Control Act.

Dairy products donation.

Egg Products Inspection Act.

Tomato promotion through paid advertising.

Continuing appropriations through February 28, 1970.

Foreign aid appropriations, 1970.

Labor-HEW appropriations, 1970, conference report.

Savings deposit program for certain uniform services members.

Credit unions—independent agency status.

Federal National Mortgage Association.

Air pollution interstate compact between Ohio and West Virginia.

Newspaper Preservation Act.

Railroad retirement.

Prevent discriminatory State taxation of interstate carriers.

Accessibility of public facilities to physically handicapped.

Urban Mass Transportation Assistance Act.

Foreign service retirement system adjustments.

Legislation to implement the Convention on recognition and enforcement of Foreign Arbitral Awards.

American prisoners of war in Southeast Asia.

Elementary and Secondary Education Amendments.

Temporary emergency assistance to provide nutritious meals to needy children.

Executive Protective Service.

School lunch and Child Nutrition Act Amendments.

Conference report on Medical Libraries Assistance Extension Act.

Conference report on health services for domestic agricultural workers.

Airport and Airways Development Act.

Conference report on Community Mental Health Centers Amendments.

Conference report on public health training.

Intellectual and Industrial Property Conventions.

Labor-HEW appropriations, 1970.

Mr. President, this is a remarkable record, and I think it is indicative of a bipartisan effort on both sides of the aisle to get on with the people's business. I have served in the Senate for 12 years, and I do not recall a year in which the Senate has conducted as much business, proceeded with as many rollcalls, and accomplished as much good as it has in the first two months of the present session. I think this record reflects indeed highly upon the majority leader, the minority leader, the chairman and members of committees and members of both parties who are working together in this body; and it augurs well for the public good. The Senate has been diligent in its business.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. BYRD of West Virginia. For the information of the Senate, what is the pending question, Mr. President?

The PRESIDING OFFICER. The pending question is on the amendment (No. 519) of the Senator from Pennsylvania (Mr. SCOTT) to H.R. 4249.

Mr. BYRD of West Virginia. I thank the distinguished presiding officer.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, by way of recapitulation of earlier orders, when the Senate completes its business today it will adjourn until 11:30 tomorrow morning. Following the prayer and the disposition of the reading of the Journal tomorrow, there will be a period wherein the able Senator from Arkansas (Mr. MCCLELLAN) will be recognized for not to exceed 30 minutes, following which the able Senator from Missouri (Mr. EAGLETON) will be recognized for not to exceed 15 minutes, following which a period for transaction of morning business will ensue, with statements limited to 3 minutes, at the close of which the unfinished business will be laid before the Senate, at which time paragraph 3, on germaneness of rule VIII of the Standing Rules of the Senate, will become operational for the 3 hours subsequent thereto.

DEATH OF REPRESENTATIVE JAMES B. UTT

Mr. MURPHY. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on House Resolution 859.

The PRESIDING OFFICER laid before the Senate a resolution (H. Res. 859) which was read as follows:

H. RES. 859

Resolved, That the House has heard with profound sorrow of the death of the Honorable James B. Utt, a Representative from the State of California.

Resolved, That a committee of forty-three Members of the House, with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant at Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of the contingent fund of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That as a further mark of respect the House do now adjourn.

Mr. MURPHY. Mr. President, I offer a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. The resolution offered by the Senator from California will be read.

The resolution (S. Res. 362) was read, considered by unanimous consent, and unanimously agreed to, as follows:

S. RES. 362

Resolved, That the Senate has heard with profound sorrow the announcement of the death of Hon. James B. Utt, late a Representative from the State of California.

Resolved, That a committee of two Senators be appointed by the Presiding Officer to join the committee appointed on the part of the House of Representatives to attend the funeral of the deceased Representative.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That, as a further mark of respect to the memory of the deceased, the Senate do now adjourn.

The PRESIDING OFFICER. Under the second resolving clause, the Chair appoints the two Senators from California (Mr. MURPHY and Mr. CRANSTON) as members of the committee to attend the funeral.

Mr. MURPHY. I thank the Chair.

ADJOURNMENT TO 11:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, pursuant to the provisions of Senate Resolution 362, as a further mark of respect to the memory of the deceased Hon. JAMES B. UTT, late a Representative from the State of California, and in accordance with the previous order, that the Senate stand in adjournment until 11:30 a.m. tomorrow.

The motion was agreed to; and (at 5:50 p.m.) the Senate adjourned until tomorrow, March 3, 1970, at 11:30 a.m.

EXTENSIONS OF REMARKS

FREEDOM'S CHALLENGE

HON. JACK EDWARDS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. EDWARDS of Alabama. Mr. Speaker, too often the bad guys get the headlines and the good guys seem to be nonexistent. This is particularly true insofar as our young people are concerned. And so it is a real joy to call to the attention of my colleagues the speech of Stephen Flynn, the winner of the Voice of Democracy contest in Alabama.

It is reassuring to know that there are young men like Stephen Flynn in our high schools preparing themselves to handle the great problems of this Nation. He is a genuine credit to the First District of Alabama.

Stephen will now compete with contest winners from other States for one of five scholarship prizes to be awarded to the national winners. The Veterans' of Foreign Wars, who sponsor this contest, are to be congratulated for their efforts to seek out and reward those fine young Americans who still seek to preserve rather than destroy our heritage of freedom and liberty for all.

I highly commend to all my colleagues this fine essay entitled "Freedom's Challenge":

FREEDOM'S CHALLENGE

(By Stephen Flynn)

Sable Island lies in the Northern Atlantic some 100 miles off the shore of Nova Scotia. In the winter months this area is the brunt of fierce Nor'easters, storms which raise the sea into waves as high as 30 feet and have the capability of breaking a destroyer in half. Fishing boats must pass near the island to reach harbor. The waters are treacherous in fair weather. During the constant storms of winter navigating is nearly impossible. More than 5,000 people lost their lives to Sable's shores before the installation of the Sable lighthouse and radio beacon. With the lighthouse, the death toll has greatly decreased. The lighthouse must have a keeper who is deposited on the island at the close of the calm summer and must remain, in solitude, until the end of the turbulent winter. Such a man, on whom so many depend for their lives, must be exceptionally stable mentally and physically.

The United States is a beacon in which the flame of freedom burns bright. The rays of light which beam forth from this flame guide billions of people through the constantly raging storm of slavery, tyranny, and despotism. We, the citizens of the United States, are the guardians of this freedom. It is our privilege, our responsibility, our duty to keep it brightly enkindled.

Freedom issues us a challenge; that challenge being the very existence of freedom. If we are to fulfill our responsibility this challenge must be met. There are two basic tasks which must be achieved before freedom's flame is completely safe. First, freedom must be assured for all. Secondly, liberty must not degenerate into license.

Lord Acton tells us that, "The most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities." The United States has come far in assuring the liberties of its minority groups. Yet there are those who would mentally shackle others to one opinion through terror and violence. Others continue to discriminate against humans of a different skin color, a factor over which none of us have control. How can the beacon of freedom burn bright if the qualities of freedom of speech and the right to pursue happiness are not enjoyed by all? Voltaire said, "Prejudice is the reason of fools." Let us never fall into this pit of ignorance. Let us enlighten those who have. In this way freedom will be assured for all, and the first part of our battle will be won.

The second segment of this battle to ascertain freedom's existence is the fact that liberty must not degenerate into license. Each man's liberty extends to the point of hindering the freedom of others. Once beyond that point, one man's freedom impedes the freedom of his fellowman, and liberty becomes tyranny or anarchy, which is the tyranny of the strong. Every American is endowed with the right to peaceful assembly and the right to express dissent. These rights do not represent, and cannot be construed to represent a license to destroy and threaten the lives and property of others. This destroys the freedom of others to pursue happiness. Mme. Roland states, "O Liberty! What crimes have been committed in thy name!" It is criminal to abuse our freedoms, thus destroying the freedom of others. It is criminal to attempt to justify this abuse of liberty with the Constitution of the United States. We must convince those who do so of the criminality of their actions. If mere words are too weak, then the law must be called upon to protect the freedom of all and prevent liberty from degenerating into license.

This, then, is the very essence of freedom. These two principles, the assuring of freedom for all and the prevention of liberty's degeneration into license, are weapons for the answering of freedom's challenge; the existence of freedom itself. If not carried out, they are weapons for freedom's demise.

Tonight a solitary watchman will brave the cannon roar of a North Atlantic storm in order to protect the lives entrusted to him. He will remain faithful to his task. Will we, the citizens of the United States, remain faithful to ours? We have been given two means by which we can assure the existence of freedom. Will we use them? Will we be faithful to the task?

HUNTING HOT SPOTS IN UTAH

HON. WALLACE F. BENNETT

OF UTAH

IN THE SENATE OF THE UNITED STATES

Monday, March 2, 1970

Mr. BENNETT. Mr. President, Although large scale atmospheric testing stopped in 1963, the occasional megaton tests by the Chinese and French have continued to place strontium, cesium, and other fission products into the stratosphere from whence they slowly settle back to earth. A variety of factors operating synergestically in Utah have caused radioactive hot spots to form in certain areas. These spots are known and are under surveillance by competent groups.

A new research project has been launched to search for new hot spots and to determine what effect, if any, this radioactive fallout will have on people, livestock, and wildlife. The Atomic Energy Commission is funding this study on a 3-year basis. Nuclear News in an article in the February 1970 issue, "Hunting Hot Spots in Utah," states this study "may develop into the most detailed and thorough radiation-ecology investigation in the world."

I would like to lay to rest a rumor before it gets started:

The cesium raining down on Utah is not from any nuclear power reactor nor is it from any recent U.S. weapons or Plowshare nuclear test.

Mr. President, I ask that a copy of this article I referred to be included in the Extensions of Remarks at this point.

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

HUNTING "HOT SPOTS" IN UTAH: THREE-WAY RESEARCH PROJECT IS DESIGNED TO PINPOINT FALLOUT; UNIVERSITY OF UTAH RESEARCHER FINDS THAT SOME AREAS HAVE BECOME "HOTTER" IN SPITE OF TEST-BAN TREATY

A comprehensive new research project has been launched in Utah to detect radioactive fallout in the environment and to determine its potential effects on people, livestock, and wildlife. The University of Utah, the U.S. Atomic Energy Commission, and the University of California's Lawrence Radiation Laboratory have joined forces in the new, unprecedented study, which some scientists believe may develop into the most detailed and thorough radiation-ecology investigation in the world.

Principal investigator and director of the project is Robert C. Pendleton, associate professor of biology at the University of Utah and director of radiological health on that Salt Lake City campus. Dr. Pendleton is also a long-time researcher on the accumulation of radioactivity on dairy farms and in the high mountains of Utah.

"By combining the competence of all three agencies, a far more complete study can be made," says Pendleton, who for years has been pushing for an open exchange of fallout data among scientists. "I believe the whole future of scientific investigation in radiation ecology throughout the world lies in such cooperation among groups of scientists in various disciplines."

FUNDED BY AEC

Under the three-way research in Utah, the AEC is providing the funds—$107,000 the first year and $75,000 to $80,000 for two successive years—and the University of Utah and Lawrence Radiation Lab are setting up a network of 16 air-monitoring stations throughout Utah, stretching from the Idaho border on the north to the city of St. George on the south. The AEC will also provide some instrumentation for the study and technical assistance in weather forecasting.

Most of the stations are located on dairy farms that have already been studied in previous University research on radioactive buildup in the state's milk supplies. This will give the researchers background information on the known radiation ecology of the various areas.

The stations are placed to give a broad base of coverage in the event of a release of fallout from testing in Nevada or elsewhere around the world. They allow scientists to measure fallout on both the lee and windward sides of mountains and to take into consideration the weather effects on fallout

trajectories. The stations include three types of air samplers, two for continuous and one for sequential sampling. The stations are being maintained by persons living on or near the dairy farms, in close cooperation with Pendleton and his staff.

The network is designed to give useful information about fallout clouds from nuclear blasts around the world, especially about the way radioactive particles travel, disperse, and accumulate in the environment. Such information, says Pendleton, will be useful in setting federal standards and assessing potential hazards to people who breathe the particles.

"Under the new monitoring system, any particular radiation problem that might develop can be pinpointed in a matter of minutes," Pendleton added. "Corrective measures can be started in time to greatly reduce hazards to people if levels of radioactive particles threaten via food chains or inhalation."

Data will be provided, too, that will help scientists understand the cumulative effects of nuclear testing around the world and relate them to progressive increases in radioactivity, which Pendleton has observed in Utah soils.

The aerosol monitoring system is actually only part of the research. Pendleton's staff has already started collecting water, soil, plant, and animal samples from the areas surrounding each station. Results of this sampling will eventually provide a background or base level for assessing the nuclear testing and provide a realistic base for determining hazards to living organisms at sites distant from the detonation.

Reseachers working with Pendleton in Salt Lake City have perfected a method of measuring radioactive cesium in streams flowing from the high mountains down to the lower valleys. They have traced this isotope and others from watersheds to dairy farms, some of which are showing high accumulations in soils. The method utilizes a small, portable "water treatment plant" that allows the scientists to remove the radioactive particles from samples in the field without the necessity of carrying heavy casks back to their laboratories. The method combines flocculants, filters, and ion exchange columns. The filters, water cask liner, and ion exchange tubes can be carried back in a light plastic bag for accurate counting.

"HOT SPOTS" GETTING "HOTTER"

Because of peculiar drainage, soils, and terrain, the "hot spot farms," as they are called, seem to trap and hold radioactive materials. And the cesium level in the milk from cows that graze on these farms is higher because of the animal uptake of the isotopes through the plant food chain.

Pendleton says these "hot spot farms" have been getting "hotter" over the years, in spite of the atmospheric Test-Ban Treaty, which has been in effect since 1963. For example, one farm east of Salt Lake City had a field with readings for cesium-137 of 32 millicuries per square mile. The same field today yields 12 times that amount, or 374 millicuries per square mile. Pendleton says levels in the soils of Utah now average between five and seven times higher than the samples taken in 1962.

He emphasizes that current levels of radiation in foods from these farms are not high and should not cause alarm, but, on the other hand, he points out that soils in the higher altitudes, which have heavy precipitation, are getting quite hot. Some "hot spots" in the headwaters of certain streams in the High Uinta Mountains, for example, are at least 20 times hotter than they were eight years ago.

Erosion on the top four centimeters of soil is causing the radiation to be washed down to the lower, populated valleys, where it is accumulating in the "hot spots" on irrigated farms and in reservoirs. Bodies of water with inflowing streams act like huge sinks to collect radioactivity, Pendleton says.

The researchers are also studying "secondary aerosols"—that is, the dusts that are carried by winds and deposited in other areas. These radioactive particles can also be taken into animals' bodies through plants and can be breathed by both animals and people.

LOCATION OF STATIONS

Stations now in operation under the comprehensive research program are located in or near the following Utah cities and towns: Cornish, Mendon, Grouse Creek, Wendover, Draper, Magna, Snyderville, Bridgeland, Bluebelle (near Altamount), Ephraim, Wellington, Monroe, Delta, Milford, Cedar City, and St. George.

University scientists are taking samples of pasture grasses, hay bales, animal lungs, flesh, bones, and other animal organs in these areas to add to the baseline levels already taken at the 16 stations. The air monitoring apparatus is on an around-the-clock operation.

"If we do get fallout," Pendleton adds, "we will now be able to pinpoint it, quantitate it, define the gamma emitters in it, and give the data to those agencies responsible for taking corrective measures if necessary."

FREEDOM'S CHALLENGE

HON. MARK ANDREWS

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ANDREWS of North Dakota. Mr. Speaker, North Dakota's winner in the Voice of Democracy contest this year is Steven J. Frank, 1840 15th Avenue South, Fargo, N. Dak., in the First Congressional District which I have the privilege to represent.

Over 400,000 school students participated in the annual contest this year which is conducted by the Veterans of Foreign Wars and its ladies' auxiliary. I insert Mr. Frank's winning speech on "Freedom's Challenge" in the RECORD:

FREEDOM'S CHALLENGE

(By Steven Frank)

Theodore Roosevelt once wrote: "Far better is it to dare mighty things, to win glorious triumphs, even though checkered by failure, than to take rank with those poor spirits who neither enjoy much, nor suffer much, because they live in the gray twilight that knows not victory nor defeat." That dare to do mighty things rings on today as freedom's challenge.

Nearly two hundred years ago, a group of men representing the British Colonies in the New World met in Philadelphia. What they created in one daring step has grown to the United States of America that we know today. Without that step, that first action, we might still be living in gray twilight. These men, however, took three basic steps to meet their challenge, steps that are applicable to Americans entering the seventies: to be concerned, to be informed, and to be involved. Each step leads to the next.

How can I meet these steps? First I develop a concern for my fellow man and the elements of my environment. I think beyond my own everyday needs to those of others and the tasks they must face. After I have developed this basic concern and appreciation of the situation elsewhere I must move to informed concern. I read, I study, and I hypothesize about the problems, actions, and circumstances within the local, national, and world communities. Being aware not only includes reading and studying, but also being cognizant of the ideas of others. If I can take the time to analyse what others say and how those same people react to yet another group of people, I can take a big step towards awareness. If I can take those two preliminary steps, concern and awareness, I can move on to involvement, which in actuality meets that dare to do mighty things. Involvement can also be multi-faceted. I can take action through membership in church, community, and school organizations. Membership in an organization is little, however, until it is coupled with active participation.

Through organizations I may make some progress toward the achievement of my goals, but more important is the contact I make with people who obviously also want to take a stand through involvement. With this contact my challenge really begins to work. As a concerned and informed citizen I am able to influence others of my convictions. This is vital because convictions really have very little meaning until they have been exposed and tried. Through open expression of opinions and convictions that have been backed by concern and information I can find added information and conflicting views. Through headon confrontations with conflicting viewpoints my stance is strengthened and I am bettered because I am motivated to recall my primary concern and information that led me to my involvement. Without any motivation to renewed recollection I could find my desire to meet my challenge stagnating. I must be willing to speak out if the opinions of others conflict from my own, for again convictions have little meaning if they aren't backed up.

If I can be concerned, informed, and involved I can help keep America out of gray twilight, I can dare mighty things, do mighty things, and meet freedom's challenge.

THE INTERSTATE HIGHWAY SYSTEM IN THE DISTRICT OF COLUMBIA

HON. GEORGE H. FALLON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. FALLON. Mr. Speaker, the Federal Aid Highway Act of 1968 required under section 23(c) the submission to the Congress of certain reports regarding the Interstate System in the District of Columbia.

The two reports submitted to the Congress this week, one from the District of Columbia government and one from the Secretary of Transportation have presented a confusing set of recommendations.

The intent of the 1968 Highway Act was to clarify the confusion which had reigned for so many years in the District of Columbia regarding the Interstate Highway System. The act directed that certain projects be completed and that others be studied further to enable the District to adjust the projects to whatever changing conditions had occurred during the long period of controversy.

The two reports submitted to the Congress are for the greater part in disagreement with each other, despite stories to the contrary in the press. In addition both contain wide variances from what is contained in the 1968 High-

way Act. In other words the two have confused the picture to the same, if not worse, extent as that which existed when the 1968 Highway Act was passed.

While these positions have been developing, the District of Columbia highway program has again showed signs of bogging down and for the same old reasons.

The east leg which was to be under construction above Barney Circle has yet to see the award of a contract. The portion of this project which was directed to be under design between Benning Road and Bladensburg Road has yet to be started.

The Congress cannot sit idly by and allow millions of dollars of taxpayers' money to be wasted in an unending series of studies the results of which there seems to be no intention of implementing or in which there is apparently no hope of agreement among the public bodies involved. Nor can they permit projects to proceed which have only had superficial examinations, and little, if any, factual basis.

Even the rapid transit system which required such painstaking effort on the part of so many to get underway is subject to delays by the various recommendations.

As reluctant as we are to inject ourselves into the local picture, it is imperative that the Congress act to insure the Nation's Capital a proper transportation system.

THE SDS AND THE HIGH SCHOOLS

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ICHORD. Mr. Speaker, for the information of the membership of the House, and in order that it might be even more widely available, I am inserting in the RECORD a copy of an article written by the able and distinguished FBI Director, Mr. John Edgar Hoover, analyzing activities of the Students for a Democratic Society—SDS—directed at America's high schools. The article, which appeared in two parts in the January and February 1970 issues of the PTA magazine captioned "The SDS and the High Schools," is a thoughtful review by Mr. Hoover of student extremism. The article vividly portrays the tactics used by the SDS to reach high school students and to build a disruptive force within schools. Mr. Hoover recommends several very well-considered prescriptions to remedy a deeply disturbing situation.

The article depicts two teenagers and a juvenile officer from Columbus, Ohio, who, it is noted, testified before the House Committee on Internal Security "about attempts by SDS members to incite students to disruptive action, including burning local schools, and a draft center." Appearing before the committee in October 1969, these witnesses told also of SDS members urging them to kill police, burn a department store, and rob suburban homes. They testified to an intolerable set of circumstances. No nation can be regarded as a guarantor of liberty for all its citizens if such a tawdry few can find fertile conditions for unlimited license. In a special report on "SDS Plans for America's High Schools" released by the House Committee on Internal Security in December 1969, I cautioned that those who rally to the support of SDS can be under no illusions; the isues are clear. Long ago the protest methods of SDS exceeded the bounds of legitimate and orderly dissent.

SDS now appears to be on the decline on the college campuses throughout the Nation and it is my personal opinion that SDS no longer has the capacity to foment the great number of disturbances it has brought about in the past. My assessment is based upon the following developments in 1969: First, SDS is seriously split into three factions; second, school administrators have learned to more effectively deal with SDS challenges; third, the true nature of SDS is now widely known and the nonradical student is less likely to join SDS on the issues around which it seeks to rally students, and fourth, the treatment of SDS by the news media has materially changed. However, the potential of SDS for causing trouble still exists and there is some evidence to indicate that SDS may prove more successful in its planned penetration of high schools than originally thought possible. In any event, we can count on other organizations, if not SDS, to utilize the same tactics in causing unrest and disturbances; therefore, I highly recommend Mr. Hoover's article to the attention of my colleagues.

THE SDS AND THE HIGH SCHOOLS: A STUDY IN STUDENT EXTREMISM

(By John Edgar Hoover)

PART I

Three shocking incidents happened recently in different cities of the United States. The episodes, though separate in themselves, are part of a national patttern.

Incident number 1.

Jake, a high school student, age eighteen, knocks on the door of a small house. Another student, David, age seventeen, answers.

"I've come for the class," Jake says.

"Yes, come right in," says David.

David escorts Jake into the front room. Some fifteen to twenty young people are present. They have started the class. Jake takes a seat.

What is the class?

David, as leader, defines the purpose: to discuss how high school students can disrupt their schools, organize trouble, harass the administrative staff, and even, as David emphasizes, "take over the school" if the opportunity should present itself.

It is a group of student extremists from various local schools learning the techniques of disruption!

Incident number 2.

Three young men stand on the sidewalk at the entrance of the grounds of a high school. It is morning and pupils are arriving.

Who are these young men?

They are members of the Students for a Democratic Society (SDS), a militant New Left group.

The young men offer the approaching students a leaflet. Some accept; others don't.

What does the SDS leaflet state?

In essence, that the high school is a prison and the students are being exploited.

It asserts that there are a "lack of student power," "rudeness from teachers," "ridiculous dress codes," "no say in course content," "too many irrelevant tests," "unfair grades," "no opportunity to evaluate teachers."

Do students want to do something about "these deplorable conditions"? If so, the leaflet urges them to come to a certain center sponsored by a local college SDS chapter. There they can have discussions, read books, view films, and receive help in mimeographing papers and leaflets.

You, the student, are welcome to attend!

Incident number 3.

A student walks into his high school library. There on the table he finds an odd-looking paper with a provocative or unusual name such as *The Rat, The Radish, The Spark, The Free Press.*

He's never seen a paper like this before. It's poorly printed. The editing is sloppy. Obscene words and cartoons are frequent. There are articles attacking the high school, the government, the military.

Schools, he reads in one article, are a "twelve-year course in how to be slaves." There is an announcement of some student workshops: "Classroom 'Guerrilla Tactics'—how students can effectively teach in the classroom"; Radical Teachers and Radical Students—how they can work together." Another item talks about student actions: "Others tore up bathrooms and desks and broke windows to tell them how we see the schools." In still another article, he sees, the cartoon of a guerrilla fighter and these words:

"In the final analysis, Revolutionary Culture is only a step towards R-E-V-O-L-U-T-I-O-N!!! It analyzes, seeks, and deals with the enemy. It points to the enemy as not being only an obviously discernible person, but possibly YOUR OWN MOTHER!! AND REVOLUTIONARY CULTURE TEACHES YOU TO DEAL WITH THE ENEMY!!"

What is this publication? It is a high school "free press," or "underground," paper, one of many in the nation.

How did it get into the school library?

It was smuggled in by a sympathetic student or faculty member and left there purposely.

A class in how to foment disruption in high schools, the leafleting of a high school by a radical group for the purpose of encouraging student discontent, the smuggling into high schools of obscene, filthy papers advocating revolution—a few years ago these episodes would have been unthinkable.

But no longer.

High schools are today being specifically targeted for New Left attack, the downward thrust from the college level of student turbulence.

Not that high schools are currently being disrupted like colleges. But every indication points to increased student extremism on the secondary school level in 1970.

What is at stake here could well be nothing less than the integrity of our whole educational process as well as the institutions and values of our society.

For that reason, let's take a closer look at SDS's strategy toward high schools.

What is SDS? Why is it trying to disrupt high schools? What is it trying to inculcate into youthful minds? And most important, what can we, as parents and teachers and responsible citizens, do about the problem?

(Let's remember, when we talk about student extremism, that it exists in many forms. In addition to SDS extremism, we have black extremism—a growing problem—as well as extremism from Old Left groups. Perhaps never before have our schools on all levels been so subjected to extremist pressures of all types, white and black, left and right.)

SDS AND ITS MENTALITY OF EXTREMISM

Just a short time ago SDS was virtually unknown to Americans. Today it is almost a household expression, meaning revolutionary and extremist students bent on destruction and riots both on and off campus.

The key emphasis of SDS is extremism, violence, and revolution.

Founded in 1962 by a small group of students at Port Huron, Michigan, what we call SDS moved quickly from a rather mild protest group into a grotesque, destructive genie that last October staged a violent "bust" in Chicago, proudly hailed by its own press as a "war" against the nation:

"Five hundred of us moved through the richest sections of Chicago, with VC flags in front, smashing luxury apartment windows and store fronts, ripping apart the Loop, and injuring scores of pigs [extremist term for police]. It was war—we knew it and the pigs knew it."

Though small in numbers (a claimed membership of some 40,000 in 200 to 250 chapters) and beset by factionalism, SDS has been a key instigator in numerous campus riots. With the group increasingly under Marxist influence, SDS hatred is directed against all facets of our society (called the Establishment). It seeks not reform but blind destruction, with little if any thought of what is to take the place of the system that is to be destroyed.

In carrying out its aims, SDS has developed the activist tactics of the guerrilla fighter. Who are SDS's heroes? Fidel Castro, Mao Tse-tung, Che Guevara, Ho Chi Minh. Why? Because in SDS eyes these men are rebels, guerrilla fighters who have attacked the Establishment in their own countries.

This is what SDS leaders believe they are doing: attacking a society whose democratic principles, morality, and values they not only detest but seek to eradicate. They possess, in their minds, a duty, an impelling destiny or mission to destroy the society in which they live—not tomorrow or next year, but now.

THE COLLEGE SDS AND HIGH SCHOOLS

This guerrilla approach of SDS is directed against high schools. In SDS eyes, they are part of the hated Establishment. In SDS's opinion, the entire educational system (college, secondary, and elementary) is a vast factory and prison where students are molded into robots to staff, operate, and perpetuate the Establishment.

"This function of the schools under capitalism," says one SDS document, "is the preparation of an ideological army for imperialism."

Therefore, SDS-ers feel that it is their job as "guerrillas" to subvert the high schools. Here are thousands of young people, impressionable and at a point in life where they are making critical judgments about the values of life and society. ("Activity in the high schools is probably the most significant new tactic on the left today," writes one New Leftist.) These students should be influenced, or, to use, a favorite SDS term, "liberated." Still another SDS term is "jailbreak."

"Jailbreak," says an SDS paper. "We move on the high schools of Chicago. The schools are prisons and the prisoners must be liberated." In some isolated instances, SDS-ers have physically stormed high schools.)

Now let's examine just how SDS, primarily a college group and small in numbers, is able to reach into high schools.

Experience shows that SDS attacks are largely (though not exclusively) instigated by college SDS members (or chapters), especially if the school is near an institution of higher learning where SDS is active.

Actually only in rare instances has SDS been able to organize a chapter inside a high school. The very nature of high schools, with their scheduling of classes, absence of dormitories, close supervision, makes the establishment of a chapter most difficult. SDS, therefore, operates in high schools primarily by creating a nucleus of a few SDS-motivated students (usually not members but sympathizers) to work inside the school as catalysts for radical action. If a student's older brother or sister is a college SDS member, or a faculty member is sympathetic, the infiltration process is accelerated.

Just how do college SRS-ers reach high school students and attract their interest?

1. *By leafleting high schools.* This is a fairly common occurrence, with college SDS-ers standing near a high school and handing out literature about the SDS or inviting students to support them in some project.

2. *By holding seminars, conferences, and workshops.* In an eastern state, high school students participated in SDS-sponsored anti-Establishment classes during the summer. In a western city, some eighty high school students attended an SDS conference, where the SDS line on imperialism, capitalism, and the "power structure" was set forth. SDS and communist literature (writings of Marx, Lenin, and Che Guevara) was available.

3. *By assisting in the publication of an underground paper.* College SDS-ers can aid in the publication of a high school underground paper (which may be in the form of a leaflet or brochure) by furnishing editorial direction, printing equipment, and money. Often these high school papers are so obscene, vitriolic, and intellectually shallow that they soon disappear. If there is no high school underground paper, the college SDS may invite high school students to write an article for the SDS college underground paper.

4. *By encouraging high school students to observe and/or participate in college SDS-sponsored demonstrations.* The key objective here is not so much the physical presence of these students to support an SDS project (though this can help), but their exposure to the rough-and-tumble tactics of on-the-street confrontations. In one instance, some fifty high school students participated with SDS students in seizing a college building.

5. *By trying to secure speaking invitations in high schools.* In one instance, an SDS-er spoke to a school assembly at the invitation of an international relations club; in another case, under the auspices of the student government. Nothing pleases SDS better than to have official (or unofficial) invitations to address students.

6. *By working through faculty members who previously were either members of or sympathizers with SDS (usually as students in college).*

SDS AGITATION INSIDE THE HIGH SCHOOL

The college SDS has attracted and developed some student sympathizers in high school. How is agitation carried on in these schools?

SDS's approach here is to stir up as much dissatisfaction as possible in the student body on *within-the-school issues.* SDS, though a revolution Marxist group, realizes that these young people are not yet proper revolutionary material. The vast majority couldn't care less for slogans about fighting "imperialism" and "warmongers." Many, it is true, are concerned about national issues such as the war in Vietnam and the draft, but in reality it is the immediate, at-hand student issues inside the school that, as one young lady told me, "turn the kids on"—issues such as dress regulations (how short a skirt a girl is allowed to wear or how long a boy's hair should be), cafeteria service and/or food, disciplinary rules.

These are the issues that SDS seeks to exploit.

If a student is suspended, let's say, for wearing his hair too long or using drugs or abusing a teacher, how is this handled by SDS?

It simply shows, says SDS, that *you,* the student, really mean nothing in this high school. The school is part of a wicked, corrupt Establishment that is trying to turn you into a robot. You have no freedom, no rights, no opportunity for creative expression. These rules are simply designed to make you part of the "system."

"Both student and teacher are tool *and* product of administrative totalitarianism."

The school administrator (usually the principal) is what might be called, in SDS eyes, *the resident dictator.* That is, he is the on-the-spot symbol of the hated Establishment:

"The administrator, whose real function is nothing more than the maintenance of the campus (a task which could be easily performed by a simple-minded computer), has become the lord and master of our schools, commanding unbounded fealty."

Before an incident is staged, SDS (in its printed literature) makes clear that careful advance preparation must be made:

1. Is this the best possible issue on which to harass the administration?

2. Gain support by talking about the issue with other students.

3. Contact minority groups in the school to solicit their support.

4. Consider the possibility of an underground paper.

5. Try to secure as much nonstudent support as possible: teachers, parents, religious groups, unions. This includes PTA's.

THE SDS AND THE HIGH SCHOOLS

PART 2

1. *Is this the best possible issue on which to harass the administration?* Unless a highly volatile issue is chosen, about which many students are concerned, the incident can backfire.

2. *Gain support by talking about the issue with other students.* "Show the students that we *are* on their side and have many of the same concerns they do." A good time to talk about these issues, says an SDS pamphlet on high schools, is during physical education classes.

3. *Contact minority groups in the school to solicit their support.*

4. *Consider the possibility of an underground paper.* When the first issue is printed, mail a copy to as many student cliques as possible ("so that the paper is IN"). Why mail it? "Mailing is emphasized because any attempt to distribute such a paper on campus would result in those responsible for it being crushed by the administration."

5. *Try to secure as much nonstudent support as possible: teachers, parents, religious groups, unions.* This includes PTA's. "We should get our parents active in PTA *and* make *a concerted effort to get PTA support.* In all our dealings with these groups, our position should be polite but firm. We are asking them for support because we feel that in many areas our interests are mutual, but [we impress on them] that this is a student movement and we have no intention whatsoever of giving up any of our power to adults."

The SDS has no illusions about its ability, even with careful preparation, to carry off permanently effective protests. But it cites what can be done:

At one school, thirty students destroyed their student activity cards and "sat in" for the first ten minutes of the fifth period in protest against an assembly's being called off for the third time.

At another school there was "a storm of protest over the suspension of a student for wearing his hair too long. . . ."

Actually, SDS says, "even such seemingly destructive actions as starting trash can fires and pulling fire alarms are forms of protest directed at the school as it is now constituted."

SDS GOALS

SDS goals in high school agitation are both immediate and long range.

The immediate goal, of course, is to foment student unrest and turbulence for the specific purpose of harassment. The SDS is an activist group more interested in confrontation and conflict than in study and ideology.

The long-range goals are several:

To radicalize, as much as possible selected students who might upon entering college, be recruited into SDS and extremist activism. SDS realizes that only a small minority will either agree or be sympathetic. "The job of radicals is not to lead the youth," says one New Left writer. "It is to find young leaders and help make them radical."

To build, if possible, *a radical consciousness* among the students as a whole; that is, to inculcate in even unsympathetic students a feeling that there is an "evil" Establishment, that their education is "irrelevant," and that society is corrupt; to undermine respect for the law; to try to tear down our national heroes and look for everything bad in our country; to urge students to be cynical about our values; and to discourage genuine cooperation between adults and young people.

To develop *a link with the future working class.* Many high school students will not go to college but will obtain jobs instead. If, while in high school, they can be radicalized to a certain extent, they may be catalysts of future radical action; for instance, in labor unions. "If they can be socialized into a new ideology, the making of a radical industrial working class is both theoretically and practically possible."

The ultimate long-range goal, of course, is "liberation" or "jailbreak"—that is, *the complete disruption of the educational process.*

WHAT OF THE FUTURE?

SDS is badly split, and its organizational future is uncertain. The present factions are *Weatherman* (the most militant group, so called from the words of Bob Dylan, "You don't need a weatherman to know which way the wind blows"); *Revolutionary Youth Movement II* (which recently declared itself a separate "anti-imperialist" youth group); and the *Worker-Student Alliance* (controlled by the Old Left pro-Red Chinese Progressive Labor Party).

But regardless of what happened to SDS as an organization, the extremist mentality remains. In America today we have a minority of young people, many of them well trained academically, who have become disaffected from the fundamental values of the nation. These radicals, regardless of how they may quarrel among themselves, agree in their critical analysis of our society; that it is rotten and should not be reformed but destroyed. Speaking more and more in Marxist terms, this minority works for a revolution.

WHAT CAN WE DO?

1. Be appreciative of the majority of our current generation of poised and intelligent young people. The extremist minority, though influential, represents only a numerical few of our young people. Let's not condemn a whole generation for the extremist tactics of a few.

2. Recognize that student dissent is not necessarily identified with extremism. Legitimate dissent is part of our tradition. We want young people to think for themselves; this is the very heart of our educational process. On our campuses we have students with a vast variety of viewpoints—sincere idealists, with deep and honest convictions of protest, as well as extremists. We must be careful of our facts. Let's not sweepingly categorize all dissent under the label of extremism.

3. Distinguish between peaceful change through democratic processes on the one hand and destructive violence on the other. Our system is based on the inevitability and desirability of change. But this change must be within the law, not carried out by violence.

4. Remember that any educational or school decision made under the threat or actuality of violence, blackmail, and coercion sets a dangerous precedent.

The growing infatuation with violence is one of our nation's most pressing problems. Education can function only in an atmosphere of mutual trust, a desire to search for the truth, and a willingness both to speak and to listen. Schools simply cannot function under the fury of the mob, the shadow of the barricade, or the fist of the disrupter.

5. As adults we need continous and sincere communication with our young people. All too often adults "tune out" the young. Yet many of them have important messages. Let's talk to them—and maybe they in turn will listen to us. I'm sure the most effective school administrators, teachers, and parents are those who communicate with young people, are responsive to their legitimate needs and aspirations, and provide meaningful counsel.

6. Adults, especially teachers and parents, should set good personal examples for young people. Here is one of youth's major complaints—that adults talk in one way and act in another. The power of personal example, reinforced by personal conviction and courage, can be contagious for the good.

Let's admit that we have weaknesses in our society. Let's also assert that our society is working through legitimate processes of government to correct those weaknesses. We want young people to know what good will, hard work, and commitment to the positive can accomplish in a democratic society.

7. Keep faith with America. This means that in our pluralistic society we may have disagreements and conflicts, separate groups and interests, but that we all work for the best interests of our country. America needs a reaffirmation by its people of the heritage of freedom which gave it birth.

The very presence of an extremist minority of young people—as in SDS, which rejects our democratic values—should give all Americans concern. I know that you, as readers of *The PTA Magazine,* will do your share in meeting this challenge.

MADRIGAL SINGERS OF FREED-HARDEMAN COLLEGE PRESENT EXCELLENT RELIGIOUS AND PATRIOTIC CONCERT

HON. ED JONES

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. JONES of Tennessee. Mr. Speaker, on January 18, I had the pleasure of a unique experience. The meeting house of the Lemalsamac Church of Christ, located between Yorkville and Newbern, Tenn., was the scene of an excellent religious and patriotic concert which Mrs. Jones and I attended.

The program was presented by the Madrigal Singers of Freed-Hardeman College, Henderson, Tenn. This group, under the direction of John Bob Hall, was organized in 1966. Concerts are presented each school year in many communities throughout the United States. The January 18 concert included such great hymns as "When I Survey the Wondrous Cross" and "Prince of Peace." A number of spirituals were given, including "Ninety and Nine," as well as the patriotic "My Country Tis of Thee." An excellent audience was present in spite of the inclement weather which featured West Tennessee snow, ice, rain, and sleet.

Lemalsamac is a rural church in Dyer County with a long and useful history dating back to 1847. This was the year that Neill S. Brown defeated Aaron V. Brown for the governorship of Tennessee. James K. Polk was President of the United States, the Mexican War was in progress, and the Mormons were making their historic trek to Utah. It was the era of "manifest destiny" in the United States of America.

The nine charter members of the Lemalsamac Church were: Jehiel and Elizabeth McCorkle, R. A. H. and Tirzah Scott McCorkle and their daughter, Mrs. Algea, J. T. Algea, Jane Maxwell McCorkle, Margaret Dickey, and Lemuel Scott.

The first building was erected in 1857 with all the lumber being dressed by hand. After moving into this building—from a nearby schoolhouse where services had been conducted—the name Lemalsamac was coined by R. A. H. McCorkle. The names of the charter members were used in the following manner: Lem—from Lemuel Scott, Al—from J. T. Algea, Sa—from Sarah McCorkle, Mac—from McCorkle.

The original building was torn down in 1917 and replaced by the present structure. At that time a Bible, along with the names of the officers of the church, was placed under the cornerstone. New oak pews were installed in 1951, air conditioning was added in 1963, and five classrooms, and a baptistry were built in 1964. The building is maintained in an excellent state of repair; the present attendance is in the eighties with a contribution each Sunday of nearly $200.

Norman Hogan, professor of Bible and History at Freed-Hardeman College, is currently preaching for the Lemalsamac Church. Each of the five presidents of Freed-Hardeman—N. B. Hardeman, A. G. Freed, W. Claude Hall, H. A. Dixon, and E. Claude Gardner—has preached at Lemalsamac or in nearby communities. C. P. Roland, the first dean of Freed-Hardeman as well as many faculty members through the years have preached at Lemalsamac.

The Lemalsamac Church has been active in the proclamation of the Gospel, support for children's homes and homes for the elderly, radio evangelism, and personal support for missionaries for over a century.

The January 18, 1970, concert of the Madrigal Singers was another in a long line of events which has led to a close relationship between Lemalsamac and Freed-Hardeman College since the founding of the college in 1908.

HON. HAMMOND FOWLER, TENNESSEE PUBLIC SERVICE COMMISSIONER, DELIVERS EXCELLENT SPEECH ON CURRENT PROBLEMS IN OUR NATION

HON. JOE L. EVINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. EVINS of Tennessee. Mr. Speaker, the Honorable Hammond Fowler, Tennessee public service commissioner, recently delivered a timely address before the John Sevier Chapter of the Tennessee Society of the Sons of the American Revolution in Chattanooga, Tenn., in

which he pinpointed some of the problems of our Nation today and recalled the great heritage of our country.

Commissioner Fowler is an able, eloquent, dynamic speaker, and his remarks were most appropriate and included a discussion of the problems of crime and violence continuing in this Nation.

Because of the interest of my colleagues and the American people in the problems of our Nation, I herewith place Commissioner Fowler's remarks in the RECORD.

The speech follows:

Tonight we would not be here in the heartland of prosperous, powerful, freedom-loving America to commemorate the 238th birthday of a great Virginian except for the courage, the wisdom and the dedication of George Washington. His military genius in the face of heart-breakingly long odds attained our national independence by the fearful arbitrament of armed conflict. His statesmanship, first as presiding officer of the Constitutional Convention which gave the newly-liberated colonies a viable national government in lieu of the ambiguous and impractical Articles of Confederation, and thereafter as the first president of our Republic in the critical days of its infancy preserved and implemented the national existence which his generalship had won for the Thirteen Colonies on the battlefield.

The life and accomplishments of George Washington in war and in peace constitute the cornerstone upon which our nation was built and are a priceless heritage held in common by all Americans—whether their ancestors came, as some of mine did, to the shores of Britain's North American Colonies a third of a thousand years ago in search of religious freedom and economic opportunity, or whether they themselves are newly-arrived fugitives from some police state tyranny of the fascist right or the communist left, drawn hither by the same "Western Star" which lured the Pilgrims to New England and the Cavaliers to Virginia three centuries ago.

But in a very special sense of the word we compatriots of the Society of the Sons of the American Revolution—direct descendants of men who risked—and some of whom lost—their lives in combat under the supreme command of General Washington, are entitled to claim such an honorable heritage. And it is today by no means a merely ceremonial, insignificant or empty honor. May I illustrate by telling you that on the reverse side of a gold medal awarded to my late, great mother for academic excellence on the occasion of her graduation from the University of Tennessee in 1898 are engraved the words "honor adds obligation".

So we Sons of the American Revolution, as inheritors from our forebears of the honor of their services have the obligation, by every means within our ability, to preserve, to strengthen and to upbuild the nation which their gallantry and their sacrifices brought into being.

It would be a pleasant and relatively easy way to carry out my assignment this evening if I should here launch forth into a detailed and documented review of the life and times of George Washington and thereupon conclude with some fine rhetoric about how our nation as it enters the decade of the 'seventies justifies the hopes and is worthy of the sufferings of our ancestors.

Candor and realism impel me to say instead that never since the Liberty Bell proclaimed the signing of the Declaration of Independence on a July day in 1776 has our United States of America stood in greater peril, nor have the wisdom, courage, dedication and unselfishness exemplified by George Washington been so urgently needed as they are on this the 238th anniversary of his birth.

Moral decay and a weakening and abandonment of long-accepted standards of personal conduct and business and professional ethics are all too evident on every hand. One can scarcely pick up a book or magazine today without encountering disgustingly filthy language of a type rarely heard even in the back room of a second-rate saloon not so many years ago. "Dirt for dirt's sake" seems to have replaced the now apparently outmoded slogan of "art for art's sake".

On the stage, crudely indecent conduct together with obscenely indecent speech which within the recent memory of the youngest of us would have brought the police van to the theater and assured the producer a jail sentence now bring favorable reviews from the dramatic critics and guarantee a long run and a lucrative box office.

Our radio and television programs are increasingly devoted to a glorification of vice, crime, violence and perversion. The television screen offers to young Americans a "do it yourself" home study course in rape, robbery, murder, seduction and all manner of lesser offenses against the criminal laws of our state and the precepts of religion.

Our newspapers, filled though they necessarily are with news stories about crime and delinquency and immorality and featuring interviews with celebrities advocating such things as drug addiction, illegitimacy, infidelity and in some instances conduct which is little, if any, short of treason against the United States, are about the only form of current literature today not constantly employing short, ugly and explicit words to connote human sewage, sexual activity and various manifestations of human depravity and perversion.

The alarming increase of crime in our nation threatens our individual liberties and our material possessions far more than did the arbitrary and oppressive policies of the British crown which brought about the American Revolution. This fast-spreading cancer encompasses a whole repulsive spectrum from the petty purse-snatchers and car thieves operating on their own to the far-flung well organized syndicates which by bribery, extortion, and outright murder have amassed billions of untaxed dollars, infiltrated their slimy way into labor organizations and legitimate business enterprises, corrupted or intimidated public officials and in some instances have gone so far as to attain a measure of control over state and local governments—not, thank God, in Tennessee, I am proud to add.

Contempt for law and order, for the police officers who enforce our laws and the courts which administer such laws is growing at a frightening pace. The recently concluded trial of the so-called "Chicago seven" for conspiracy to incite riot and for incitement to riot—of which latter offense five were found guilty and have been sentenced—is a typical and terrifying example of such a tendency. As a lawyer I am aware that it is not generally advisable to pass judgment on a criminal case without the benefit of the entire record but from what I have read it is my opinion that the presiding judge in the Chicago case acted with ample justification and in the best interest of justice and good order when he imposed long sentences for contempt of court upon the defendants and their attorneys who had sought to make a propaganda show out of the trial and a mockery of the orderly administration of justice.

Closely associated with the growth of crime and the prevalence of disrespect for law is the so-called "youth revolt" which poses a deadly threat to our continued life as a nation. Too many of our young men and women today, it would seem, do not go to college to obtain an education, but to participate in riots, to seize and occupy college buildings, kidnap college deans and presidents and resort to all manner of violent and lawless tactics calculated to terrorize and intimidate the administration and the board of trustees into granting such "demands" as they see fit to make. Two or three years ago, any of you might think to himself—"That may be happening in New York and California but it can't happen here." But it has happened here! Fortunately lacking the destructive violence manifested in those distant states, we have experienced so-called "student demonstrations" at my alma mater, the University of Tennessee at Knoxville and on a small scale here at the University of Tennessee at Chattanooga, within recent months.

The use of narcotic and hallucinatory drugs by our college and even high school-age young people has grown to the point where it is a major problem and a major threat. Spurred on by some disreputable rock and roll entertainers who glorify and promote drug addiction—and who incidentally should be driven from the entertainment field for this disservice they do to our nation by corrupting our youth—and supplied by the crime syndicates who are growing rich out of human degredation and who ought to be in the penitentiary, too many of our youth are experimenting with "pot" or "acid", with deadly peril to themselves and to their nation.

I am sure you have read of the recent tragic death of the daughter of that radio and television personality, Art Linkletter, who jumped from a window while under the influence of drugs, and of the arrest of the teen-age son of the Governor of New Jersey in a narcotics raid.

It will doubtless shock and dismay you, as it did me, to learn that the February issue of the Tennessee Press, the official publication of the newspaper profession in Tennessee, carried a news story which quoted the County Judge of Monroe County, a typical rural East Tennessee county populated by fine, Anglo-Saxon citizens, to the effect that juvenile delinquency in that county during 1969 was three hundred percent greater than for any prior year in the century and a half of its existence.

To an audience such as the one which I am honored to address tonight I need not present detailed documentation of the fact that patriotism has undergone a shocking decline. Reverence for our flag and the things it represents is a laughingstock in too many quarters and on the part of too many citizens. People who love their country and want to serve it in war or peace are far too widely regarded as "squares", anachronisms and hopelessly old-fashioned. Efforts—far too successful—are being made to abolish, downgrade or de-emphasize the Reserve Officer Training Corps program in our colleges and high schools. Cynical jokes are being circulated about our sister organization, the Daughters of the American Revolution, and if we were as well known and as numerous as the DAR's, the SAR's would doubtless be the target of similar abuse.

Let me make it plain that I am not here tonight to bring you a jeremiad of defeatism, despair and surrender but to point out that the perils, the problems and the difficulties which we face as a nation entering upon the seventh decade of the twentieth century present not merely a threat but an opportunity—an opporunity to display the same high order of courage, dedication and devotion as Washington and our Revolutionary ancestors displayed during the seventh decade of the eighteenth century, and to achieve the same success in our day and generation as they did in theirs. I can assure you that it will not be quick, easy or pleasant but I verily believe that the goal can be achieved and that with faith in God and ourselves and each other it will be achieved.

It would be highly presumptuous on my part to undertake to hand you a complete blueprint of how to go about the building

of a better America or to furnish you with a battle plan, with all appendices and supporting data attached, for a successful campaign against those forces which would destroy America, but may I briefly give you some of my own thoughts as to how we may best accomplish the mission to which the obligation inherent in the honor of our heritage has assigned us.

First, we cannot, we must not adopt an attitude of negativism as we face the complex and complicated problems of the fast-changing, jet-atomic space-navigational age in which we live. To be against change for the mere sake of avoiding change is as unrealistic and self-defeating as to embrace any and all change for the mere sake of discarding all existing ideals, principles and institutions in favor of others which are new, untried and without demonstrable merit. Solutions to the urgent problems of today are not to be found in blind adherence to the over-simplified dogmas of the "radical right". As the sons of rebels, we should guard against any course of action which might lead us down the sunset trail of reaction to a dead end of frustration and stagnation.

To my mind, social justice and economic justice under progressive legislation designed to serve the interest of the majority while respecting the rights of the minority constitute the one and only alternative to the rise of leftist marxism, Russian style communism and outright anarchy in our beloved country. Police, and if necessary armed soldiers, should put down rioting and disorders in the slum areas of our cities, but at the same time our affluent nation should and in my opinion must bring the healing sunshine of better schools, more decent and adequate housing, sufficient medical care and employment opportunities into these breeding grounds of crime, delinquency, ignorance and idleness.

One essential for every Son of the American Revolution who would discharge the obligation incident to the honor of his Revolutionary heritage through the building of a better America is to rededicate himself, seven days a week, twenty-four hours a day to being the very best American of which he is capable. Let us each ask ourselves, as we enter into every business, professional or social activity, not "What's there in it for me?" but "What is best for my country?"

Christ, as he walked beside the Sea of Galilee in what is now the gallant, war-torn little Republic of Israel, admonished His disciples to "let your light so shine among men that they may see your good works and glorify your Father who is in Heaven". So may we, by virtue of our heritage, let our Americanism so shine that the cynics, the scoffers and the indifferent Americans of the turbulent seventies, may see our sincerity, our dedication, our patriotism and along with us glorify, cleanse, strengthen and upbuild our common country.

One of the causes advanced for the so-called "generation gap" and the "youth revolt" is the alleged hypocrisy of the senior generation and the injustices in our society—the failure of the "establishment" to live up in practice to the principles which it professes. More sincerity, more dedication, more letting the light of genuine patriotism shine, will help to close this gap and to bring the strength and vigor of more young people to our side as we labor to cure the ills and correct the evils which beset the America for which our ancestors fought.

On the occasion of the signing of the Declaration of Independence on July 4th, 1776, wise and witty old Benjamin Franklin, dean of the Pennsylvania delegation, noting that the signatures had made each signer a traitor to the British crown and liable to be hanged for treason to the crown if the Revolution failed, remarked: "Gentlemen, we must all hang together or we will all hang separately". So as Americans, especially as Americans possessed of the particular heritage mentioned earlier, we must seek out other Americans of all ages and both sexes, of all races and creeds and of all political persuasions other than the brainwashed puppets of Moscow, Havana, Hanoi, and Peking, and work together with them for the greatness, the good and the glory of America, or we will all fail separately. Success in such an endeavor will heal our sick society, solve our social, racial and economic problems, and build from the Atlantic to the Pacific, from our unfortified border with Canada to the banks of the Rio Grande, from the frozen tundra of Alaska to the orchid-clad islands of Hawaii a veritable "Washington Monument" more durable, more impressive and more meaningful than the lofty structure of stone which stands upon the banks of the Potomac at our national capital.

A MEETING OF FRIENDS

HON. JOHN DELLENBACK

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. DELLENBACK. Mr. Speaker, that the United States and Great Britain are old and trusted friends is pointed out in a recent Seattle, Wash., Post-Intelligencer editorial.

The editorial describes the meeting between Prime Minister Wilson and President Nixon which produced "nonnews in a globe full of tension, friction, and great danger." It discusses the bonds between these two nations and makes the point that "England remains our firmest link with the rest of West Europe."

As a participant in a recent Ditchley Foundation Conference in England of American and British legislators and businessmen, I was personally once again reminded of the close ties we share with England.

The editorial follows:

A MEETING OF FRIENDS

Because no major headlines were produced, the two days of talks in Washington last week between President Nixon and British Prime Minister Wilson received scant attention from commentators. The general atmosphere of non-news was further strengthened by omission of the usual final joint communique on what had been decided.

There can be only one reason why no tempest of speculation was stirred up by the summit meeting. It is simply that everybody assumed the parties had no basic differences to resolve in the first place. Here, we think, is an almost classical case of no news being good news.

Despite the absence of headlines, it is enormously heartening that traditional Anglo-American ties of understanding and cooperation remain so demonstrably close. Permitting Mr. Wilson to attend a session of our National Security Council was an extraordinary demonstration of that mutual trust and good will.

There are those, of course, who think the "special relationship" defined by Winston Churchill in 1946 is no longer of real importance. Since World War II, they emphasize, Great Britain has surrendered much of its greatness; from a world superpower it has shrunk to an island whose future primarily is dependent on relations with its European neighbors.

This is true enough. But what truly needs emphasis is that Britain still is the world's second most important monetary power; that the moral, intellectual and political prestige it exercises with the U.S. in the non-communist world is indispensable, and that England remains our firmest link with the rest of West Europe.

Our old friend is having to make many adjustments in a changing world. No longer a giant, some of its economic and political interests inevitably are diverging from our own. But, as the Nixon-Wilson talks showed, our general course continues in the same general direction.

We are fortunate that top-level talks with such an ally produce non-news in a globe full of tension, friction and great danger.

EMERGENCY LABOR DISPUTES

HON. JOHN B. ANDERSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ANDERSON of Illinois. Mr. Speaker, I wish to commend President Nixon on taking the initiative in the area of emergency labor disputes by proposing the Emergency Public Interest Protection Act of 1970. In his message to Congress last Friday, February 27, the President described the inadequacy of existing laws to protect the public interest when work stoppages occur in the transportation industry. The President has therefore asked for new authority and new options under the Taft-Hartley Act, as it applies to the transportation industry. Under this plan, the President would have three additional options at the end of the 80-day cooling-off period if no settlement has been reached.

First, the President would have the option of extending the cooling-off period for an additional 30 days. His second option would be to require partial operation of the troubled industry for up to 6 months in order to minimize dangers to the national health and safety. The precise level of partial operation would be determined by an impartial three-man board appointed by the President.

Finally, the President would have the option of invoking the procedure of "final offer selection." Under this procedure, both labor and management would submit one or two final offers to the Secretary of Labor, and the parties would be given another 5 days to bargain over these final proposals for settlement. Should no agreement be reached in that time, a neutral selector group would choose one of the final offers as the final and binding settlement.

This third option is likely to be the most controversial, but as Secretary of Labor Shultz has pointed out, it would not constitute compulsory arbitration.

It would, however, provide a new incentive for the parties to reach an agreement at an earlier stage. Such an incentive does not exist under current procedures. In the President's words:

Rather than pulling apart, the disputants would be encouraged to come together. Neither could afford to remain in an intransigent or extreme position. In short, while the present prospect of Government arbitration tends to widen the gap between bargaining positions and thus invites intervention, the possibility of final offer selection would

work to narrow the gap and make the need for intervention less likely.

Mr. Speaker, the need for labor law reform geared to deal with emergency situations is something which has been talked about for many years. But in the past there has been little or no Executive leadership or guidance along these lines for obvious reasons: Reform is not something which will go down well with either labor or management no matter how apparent the need. President Nixon has done a courageous thing in bringing this proposal to us. It is now up to us in the Congress to bear our fair share of leadership responsibility and explore the full ramifications of this legislation and hopefully reach some consensus on a reform package designed to protect the national health and safety while promoting collective bargaining as free as possible from Government interference. Let us recognize that nearly everyone is dissatisfied with existing procedures and is now looking to the Congress for leadership in the area of labor law reform. We cannot shrink from this responsibility.

AGRICULTURE HAS BIG STAKE IN CRACKDOWN ON PESTICIDES

HON. BILL NICHOLS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. NICHOLS. Mr. Speaker, there has been a great deal written and said recently about the use of pesticides and the effect these chemicals might have on our environment. Many good arguments could be made both for and against the use of these pesticides.

As one who comes from a predominately rural district, many of my people are concerned about efforts to ban the use of these chemicals. The February issue of Progressive Farmer contains a thought-provoking editorial on this important matter. I would like to share this editorial with my colleagues by inserting it in the RECORD at this point:

AGRICULTURE HAS BIG STAKE IN CRACKDOWN ON PESTICIDES

All over the nation there is mounting concern over the pollution of our environment. Farm people share this concern. They recognize environmental pollution as an undisputed fact. That it stems primarily from the agricultural use of pesticides and plant nutrients, they deny with great vigor—and they have the facts to back their contention.

Farm people have a great deal at stake in the Federal Government's recent crackdown on DDT and its promised ban on other persistent pesticides such as aldrin, dieldrin, endrin, chlordane, heptachlor, toxaphene, benezene hexachloride, and lindane. They recognize the attack on DDT as the opening skirmish in a war against many other pesticides, and they fear what it will lead to.

In the United States, there are 10,000 species of insects, 600 species of weeds, and 1,500 plant diseases. If we suddenly stopped the use of pesticides in agriculture, U.S. production of crops and livestock would drop 30% or more.

After spending many hours reading a big pile of printed material dealing both pro and con with the subject, we believe DDT and its chemically related pesticides are being condemned on very flimsy circumstantial evidence. Here are some reasons for this conclusion:

1. American Medical Association says there is no evidence to date that humans are appreciably affected by the continued ingestion of minute traces of pesticides in raw and processed foods.

2. Present levels of pesticide residues in food and environment pose no adverse effect on man's health, according to National Academy of Sciences National Research Council (June 1969).

3. "To my knowledge, not one death (excluding accidental deaths) or serious illness has been caused among people exposed to the insecticide (DDT) in connection with the control of insects."—E. F. Knipling, U.S. Department of Agriculture.

4. "During years of investigation, it has been impossible to confirm the allegation that insecticides, when properly used, are the cause of any disease of man or animals."—Dr. Wayland Hayes, Jr., U.S. Public Health Service.

5. While conservationists call for a ban on DDT, the medical profession is studying it as a deterrent to cancer. Researchers at Johns Hopkins are studying workers at Montrose, Calif., because the incidence of cancer among men who have been exposed to a high level of DDT for over 20 years is far below normal.

6. Present controls are providing adequate protection of our food supply. Available evidence does not indicate that present levels of pesticide residues in man's food and environment are producing an adverse effect on his health.

7. Stories of fish kills due to pesticides should be taken with a grain of salt. A few years ago, major fish kills in the Mississippi River were attributed to water runoff from fields in which endrin had been used. Later a team of scientists presented convincing evidence that these fish kills were not related to pesticides used on agricultural lands.

8. Southern cultivated fields where DDT has been used for 10 years seldom show residue equal to one year's application.

It is indeed ironic that DDT, of all pesticides, should be singled out for attack. It is one of the most useful chemicals ever discovered. We know that DDT and other persistent pesticides build up in some forms of animal life such as fish and fish-eating birds. But it has not been established that the risk of environmental pollution outweighs their value in the production of food and fiber. Through its reduction of insect-borne diseases throughout the world, malaria in particular, DDT has perhaps saved as many human lives as all other drugs combined. Millions of people now living in good health would be dead or anemic cripples if it were not for DDT. In 1948, Dr. Paul Muller won a Nobel Prize as a result of his discovery of DDT's powers as an insect killer.

While the U.S. production and use of DDT is less than half what it was five or six years ago, it is still of great value to American farmers and consumers in controlling insects, especially on cotton, fruits, and vegetables. Three-fourths of U.S. production is now exported, in large measure for malaria control.

Aldrin, which is used on 40% of the corn acreage treated for soil insects, is another insecticide threatened by the recent USDA promise to move against persistent insecticides. Yet, in the judgment of most scientists, its contribution to environmental pollution is very small.

Still other pesticides under fire are 2,4-D and 2,4,5-T. To the ranch people of the Southwest, 2,4,5-T is of vital importance. It is their standby in fighting mesquite and other brushy plants that have taken over 8 million acres of ranch and pasture lands in Texas since World War II. According to John A. Matthews, chairman, Texas Brush Control & Range Improvement Committee, the banning of 2,4,5-T "would cost us 50,000 marketable head of beef a year in only five years' time in Texas alone." Also, 2,4,5-T is widely used for weed control in the rice areas of Texas, Arkansas, Louisiana, and Mississippi.

The decision to restrict the use of 2,4,5-T apparently was made after a test indicated a higher than normal degree of deformities in the offsprings of rats and mice which were given relatively heavy doses of 2,4,5-T orally during early pregnancy. "It's hard to see how anyone can expect the material will have the same effect on livestock or people," said Matthews, "when we have 20 years' actual experience to the contrary."

DDT and other chemically related hydrocarbon insecticides are being outlawed because they are persistent. Farmers need insecticides of some persistence because many insects are persistent. The more persistent an insecticide, the less often it must be applied and, other things being equal, the less expensive its use. Many of the less persistent insecticides are more dangerous to apply and are more costly.

The time may come when new methods of biological control (including the so-called bug-fight-bug technique) will make the use of insecticides much less urgent. But the time is not ripe for it yet. We have already spent $100 million to find new methods of nonchemical pest control, but we are still years away from their widespread use.

No one of good will wishes to continue the use of a pesticide that is actually dangerous to human or animal life, or that gives reasonable promise that it is likely to become so. The decision for or against a pesticide should be made on the principle of its benefit in producing food and fiber needs versus its risk of environmental pollution. Apparently decisions are being made to outlaw pesticides that are of vital importance to the production of food and fiber on unsubstantial evidence that they are significant factors in environmental pollution.

In recent months, USDA seems more inclined to accept the judgment of those who would place a slight potential risk of environmental pollution ahead of the very present benefit of pesticides to U.S. agriculture. In registering pesticides, decisions by USDA on their effect on human health are to be based on conclusions reached by HEW (Department of Health, Education, and Welfare). This could be dangerous to agriculture. Secretary Hardin should make HEW prove its case with substantial evidence. He should be a real fighting friend of U.S. agriculture and not allow HEW to influence the outlawing of pesticides on flimsy evidence such as that given in the case of 2,4,5-T. *What we need is the regulation of the use of chemicals both by USDA and proper state authorities. In any case, regulation should be based on the separate consideration of each individual pesticide and on each use to which it is put. Widespread banning of pesticides can be disastrous to U.S. agriculture. It shouldn't be accepted without a fight by farmer representatives and their friends.*

THE SILENT MAJORITY SPEAKS OUT

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. McFALL. Mr. Speaker, each year the Veterans of Foreign Wars of the United States and its Ladies' Auxiliary conducts a Voice of Democracy contest. This year over 400,000 school students

participated in the contest, competing for five scholarships which are awarded as the top prizes. This year's theme is "Freedom's Challenge." The winning contestant from each State is brought to Washington, D.C., for the final judgment as guests of the Veterans of Foreign Wars.

Mr. Speaker, it was with a great deal of pleasure that I received the news that one of my constituents was judged as the winner in the State of California. Mr. Randy E. Thomas, of the Amos Alonzo Stagg Senior High School in Stockton, Calif., will compete here in Washington next week. Meantime, I believe it would be in order to share with you and my colleagues the contents of this young man's speech:

FREEDOM'S CHALLENGE

President Richard Nixon often refers to the silent majority. It is that silence which challenges our freedoms. One of the basic principles of American democracy is a right of the minority to be heard. Indeed, that minority is being heard, that minority is creating a loud tremor throughout the United States.

The tremor varies from protest of the Vietnam war, to mere protest of the American establishment. With the minority so vocal and so devoted to their beliefs, the American image is often that of the minority. A minority may often become the ruling agent in a society when the majority becomes silent. To commend that silent majority is to only allow it to remain silent.

In order to reduce the impact that the minority carries, it is necessary for the majority to protest, to become visible, to create a contrast. The word "protest" carries a great impact these days, an impact that carries with it ideas of degradation of moral and society oriented principles. A vision of long haired students, an anti-American sign comes to mind. That image must be destroyed and be re-created into one of voice in favor of American goals, in favor of American foreign policy, and pro-American establishment.

This nation was born by protest and our guarantee of success depends on our nature of improvement. Aristotle, Plato, Washington all recognized that a society must improve in order to maintain the constituent freedoms. In the element of achieving improvement, protest does become necessary. There are, however, certain criteria that are necessary before those improvements can be achieved, by peaceful protest and peaceful demonstration.

The criticisms must be constructive. They must be valid. The challenge to freedom becomes apparent when a minority can destroy the creditability of future American foreign policy. A prime example is the effect that minority dissent has had in the case of the Vietnam war. Hanoi will not seriously negotiate any peace terms in Paris or anywhere else when the American position is so successfully protested by the minority. That it may possibly force a change in American foreign position.

President Nixon has attempted to put Hanoi in a dilemma by giving them two choices, to maintain current objectives and the United States troops will continue to prevent further aggression or to decrease objectives and the United States troops will be gradually withdrawn.

Why should Hanoi declare its position when American position is so insecure because of minority protest? The point is that we should not halt protest but that the majority should try to maintain some stability behind American foreign policy by creating a contrast. To give American foreign policy a chance. To give our President a chance. The silent majority must be heard.

If American creditability and freedom are to be maintained, the challenges to be heard must be met. If we are to solve the Vietnamese conflict with honor, peace and still maintain stability in South Vietnam, it is necessary for the American majority to support American foreign goals, to support our President, to give him a chance. The challenge to freedom needs decisive action. The silent majority must be heard.

WHY DON'T THEY STOP INFLATION?

HON. CHARLES S. GUBSER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. GUBSER. Mr. Speaker, one of my most distinguished constituents, the Honorable Roger A. Freeman, formerly with the Hoover Institution on War, Revolution, and Peace at Stanford University, and now a special assistant to President Nixon, recently delivered an address before the Eastern Regional Conference of the Associated Credit Bureaus in New York City. I believe Mr. Freeman's remarks are worthy of being brought to the attention of my colleagues, and I am therefore submitting them for inclusion in the RECORD.

WHY DON'T THEY STOP INFLATION?

(Remarks by Roger A. Freeman)

If we conducted an opinion poll among a representative cross section of the American people, asking what their leading grievance is in the domestic policy area, we would today in most places get the answer: soaring prices.

In letters to editors, in radio and TV interviews and on many other occasions, people keep asking, "Why don't they stop inflation?" "They" of course meaning the government. In a rare display of consensus, members of Congress of both political parties have been condemning inflation in vivid tones and demanding that it be ended forthwith. With everybody seemingly opposed to it, we may well wonder "Why don't they stop inflation?" Is there a sinister and clandestine lobby at work which keeps frustrating the will of the people?

It remainds me somewhat of the psychiatrist who when examining his patient inquired: "Are you troubled by improper thoughts?" to which the patient cheerfully replied: "No, I am not. Frankly speaking doctor, I rather enjoy them."

The fact is that most people enjoy *their* share of inflation, that is their individual slice of the expanded money supply in the form of an income, whether from wages or from independent activity, that grows faster than their productivity. What they don't like is the *consequences* of inflation, which is higher prices. It is not the overeating or drinking that we dislike—it is the hangover, the indigestion, the obesity we fear, but too often fear not enough to abstain from drinking or overeating. This looks like a case of being able to resist everything save temptation.

It is a natural and understandable tendency for people to try to offset the impact of higher prices by boosting their income and, albeit grudgingly, spending more money instead of reducing their demands. It is as if at a football game we were not seeing well enough over the heads of the people in front of us and decided to stand up. We'll see better—temporarily. When the other people also stand up, as most likely they will, we and everybody else will see no better than we did before. More likely, we'll see less. If we then sit down, we'll see nothing. But how do we persuade the other people to sit down, too, so that we all can see at least something, in comfort? As so often it is much easier to get into trouble, then to get out of it, because few are eager to make the sacrifice of being the first to give in. How can we, in a free society, get concerted action by having all sit down at the same time? In this case Ben Franklin's famous observation holds true:

"We must all hang together or, most decidedly, we shall all hang separately."

Opinions differ on what causes inflation and how it can best be cured. Keynesians and Neo-Keynesians who believe that fiscal policy is the key to stable economic growth and a firm lever for steering between the Scylla of inflation and the Charybdis of recession, had it largely to themselves for most of the time since World War II. Though they still count the majority of economists among their disciples, they have been losing ground in recent years to the monetarists who believe that the quantity of money is the only thing that matters. There are different shades of monetarists—from Friedmanites to Friedmanesques—but they all hold more or less that changes in money supply control the course of inflation.

When neither of these two factions were as successful as they promised to be if given a free hand, another view gained adherents. Noneconomists—or, as economists would regard them, less sophisticated persons—find the amorphous abstractions of fiscal and monetary policy hard to comprehend or absorb. They prefer to think in antropomorphous terms—a crime must have a villain and a victim. The victim of inflation is, of course, always the person speaking and the economic group to which he belongs. The villain, depending on which side of the fence the speaker happens to be on, is either a union leader raising extravagant wage demands or a corporate manager or business tycoon boosting prices to reap exorbitant profits.

Is arguing over the relative roles in generating inflation like arguing which is the most important leg of a three-legged stool? Not quite. All three are important, but the shaping of anti-inflationary policy depends on where we want to place our main emphasis.

FISCAL POLICY

That a succession of huge budgetary deficits in the 1960s bears a major responsibility for the inflationary trend of recent years is now widely, if not universally, recognized. The imposition of a 10 percent income surtax in the summer of 1968 was expected to help end the budgetary deficits, which it did. Many economists feared that the changeover from a $25 billion deficit in FY–1968 to a $3 billion surplus in FY–1969 amounted to an overkill and might lead to a depression.

As happened in other instances, overkill was only in the mind of the beholder. Prices kept rising at an undiminished pace right through FY–1969 and into FY–1970. Does this mean that a tight fiscal policy is not anti-inflationary? Of course not. But why do we expect a $3 billion surplus to be followed, hopefully, by $1 to $2 billion surpluses in the two succeeding fiscal years to end an inflationary trend caused by a $57 billion deficit in the preceding 8 years? In those 8 years an inflationary psychology ingrained itself deeply on the minds of producers and consumers alike and cannot be easily eradicated by a couple of slim surpluses, particularly when the firmness of congressional determination to end inflation has not yet been convincingly demonstrated.

The Committee for Economic Development recommended in its recent statement "A Stabilizing Fiscal and Monetary Policy for 1970" that the target for the current and successive fiscal years should be a $6 to $9 billion surplus until inflationary tendencies are well under control.

Why did the President not recommend a surplus of that magnitude in his budget? You may remember how much difficulty the President encountered in persuading Congress to extend the 10 percent surtax through the second half of 1969 and even greater resistance to obtaining, at the last moment, a 5 percent extension for the first half of 1970. No greater tax increase could have passed Congress at that time.

To be sure, the overall tax burden of the American people has become too heavy and needs to be lightened. But should this be done at the cost of adding to inflation?

There is, of course, another way of producing a greater budgetary surplus: tighter expenditure control. But, strange as it seems, it was the same forces in Congress that pushed for tax cuts which also drove the hardest for larger expenditures than the President had recommended. If the President had not vetoed a major appropriation bill—as he had long warned Congress he would—the planned surplus would have disappeared, proving to those who doubt the determination or ability of the U.S. government to end inflation that they were correct right along. Pressures for enlarged spending on and in Congress continue undiminished and that battle has been particularly fierce in the past few days.

No doubt, you have heard the claim that the budgetary situation is tight only because defense spending has tremendously increased and swallows the major part of our tax payments. If defense were cut substantially, it is said, below the amounts recommended by the President, there would be ample money available to lower tax rates, augment funds for education and other social purposes and still wind up with a healthy surplus.

Now for the current 3-year period, between FY–1968 and FY–1971, as proposed by the President, as you may know, defense spending was cut 10 percent, outlays for Human Resources (education, health, social security, labor, etc.) raised by 41 percent, for all other purposes increased by 14 percent.

While this shows a dramatic shift of federal funds from military to social purposes, our critics contend, that such comparisons should be made over a longer period than 3 years. The big boost in defense came before that time. This is a valid point. So, let me give you the changes in the rates of expenditures in the two preceding 8-year periods:

Increase or decrease in Federal spending[1]

	Percent
Defense:	
Between 1952 and 1960	−2
Between 1960 and 1968	+75
Between 1968 and 1971	−10
Human resources (education, health, social security, labor, etc.):	
Between 1952 and 1960	+227
Between 1960 and 1968	+165
Between 1968 and 1971	+41
All other purposes:	
Between 1952 and 1960	+49
Between 1960 and 1968	+78
Between 1968 and 1971	+14

These figures indicate trends which differ decisively from widely believed myths. But those are the facts.

Now let us look at the expenditure increases over the entire period from 1952 to 1971:

	Percent
Defense (increase)	57
Human resources (education, health, social security, etc.)	1,170
All other (increase)	147

Defense accounted for 66% of the Budget in 1952 (=13.5% of GNP).

Defense accounted for 49% of the Budget in 1960 (=9.1% in GNP).

Defense accounted for 44% of the Budget in 1968 (=9.3% of GNP).

Defense accounted for 37% of the Budget in 1971 (=7.1% of GNP (estimate).

I cannot discuss with you in this context the grave implications for our national security of cutting defense funds below the amounts which the President recommended. But there is a good chance that unless the international situation deteriorates in the next few years—which nobody can predict at this time nor rule out as a possibility—defense may well account for a smaller percentage of the budget and of GNP a few years hence than it does now.

Tighter control may, however, well be applied to other outlays as a result of studies in depth that are being or will be undertaken.

In some public programs the benefits of increased spending are evident. We find, for example, that the fatality rate is less than half as high on interstate highways (freeways) as on other rural roads. This is not a minor matter as long as more than 55,000 persons are being killed in traffic accidents each year. The potential reduction in loss of life and human suffering, aside from lowered economic losses as a result of modernized roads, is truly tremendous.

Protection, conservation and development of natural resources and of our environment generally have been greatly advanced by well planned public programs and will demand increased attention in years to come. Social insurance programs enable American families to look with greater confidence toward their old age and are helping many millions against other vicissitudes of life.

Public assistance programs, on the other hand, have proven to be counterproductive and need to be replaced by an approach that aims to preserve human dignity and make as many dependent persons as possible wholly or partially self-supporting. The results of urban renewal programs also have been spotty and need re-evalution.

It is a matter of pride that outlays for education have multiplied more rapidly than for almost any other purpose so that we in the United States now spend almost as much for education as all the other countries of the world combined. The results are in many respects excellent—but in other respects less than persuasive. Certain major programs activated within the past 10 years have failed to deliver what their sponsors promised and will need to be studied closely before the amounts are substantially increased. To be sure: funds for education will have to keep increasing at a rapid pace. But the methods of their application will need to be more thoroughly considered and funds concentrated on programs which demonstrably can and do produce tangible educational improvements.

While there is no doubt that federal expenditures will continue to go up as our population and economy expand, there is an urgent need to keep the increase at lower rates than those which prevailed in the past. Only in this way can the tendency of taxes to grow faster than national or personnel income be reversed.

Until inflationary trends are well under control and have subsided, a tight fiscal policy must continue with its main emphasis on the expenditure side of the budget. Fiscal policy has not failed—but time and circumstances have so far not permitted a budgetary surplus of the size which to all appearances would have been necessary to reverse the inflationary tide that has engulfed us for the past four to five years. Congress will have to convince the American people as well as foreign observers that it means business in its aim to end inflation by taking firm action. Last year Congress adopted an expenditure ceiling but then disregarded it when authorizing larger appropriations and mandating certain outlays. Such a performance is not apt to inspire confidence among the public that the lawmakers will resist the pleas of special interest lobbies and exercise the discipline necessary to overcome inflationary pressures.

MONETARY POLICY

Monetary policy fluctuated during the 1960s, tightened temporarily in 1966, but on the whole was not effective in stemming inflationary trends. It has been only about one year since the Federal Reserve Board embarked on a truly restrictive policy. Money supply increased a mere 2½ percent between December 1968 and December 1969, and has remained almost static since the spring of 1969. This has had a distinct effect in reducing inflationary pressures, as most economic indicators have shown for several months. To be sure, prices kept going up—but there is little doubt that if money were kept as tight for an extended period, the price curve would eventually yield. The questions is: are the American people willing to pay the price for such a policy?

To cut off the money supply completely is like tying up an artery to stop the flow of blood from a wound: it may be necessary to keep the patient from bleeding to death. But if the blood is cut off for too long, gangrene may set in and the limb may be lost. Money is the economy's life blood. The potentially serious impact of a complete freezing of the money supply for a period that will soon exceed a year makes it likely that a slight easing of the restraints could be forthcoming before too long.

I said "slight" lest anybody gets up his hopes too high.

The Federal Reserve Board's dilemma and its extreme caution before acting is not hard to understand. If the Board lowers reserve requirements and purchases federal securities in the open market and prices continue to soar, it is certain to be blamed. But if it continues money as tight as it has been and a recession develops, the Board will be regarded as the main culprit. This is not an enviable position to be in—but the Board will, I trust, resolve it judiciously.

It has been widely asserted that high interest rates are a cause of inflation and the demand has been raised that the rates should be lowered, by government edict or otherwise. Now, let us think about that and look what has been happening.

Over the past five years personal income increased 42 percent, personal savings only 32 percent. Personal installment loans meanwhile grew 47 percent, all consumer credit 35 percent. The flow of funds into commercial banks, mutual savings banks, savings and loan associations and insurance companies dwindled from $50 billion in 1967 to a mere $5.5 billion in 1969.

Obviously, money is a commodity that is high in demand, short in supply. What would happen if government forced lower interest rates in such a situation? Probably the same thing that would happen if the price of any other commodity with inadequate supply were reduced. Lower interest rates would cause savers and investors at home and abroad to channel their funds elsewhere while additional borrowers who were deterred by high rates would be attracted.

[1] Data for 1952, 1960 and 1968 are for calendar years. For the 1968–71 comparison only fiscal year data are available. Figures shown for fiscal year 1971 are based on the President's budget recommendations.

Where would the added money to meet the demand come from, if savers and investors do not supply it? From the government? What impact would the creation of large amounts of new money have on the rate of inflation?

If interest rates were *artificially* lowered, a rationing of all credits would probably become inevitable, a step which this Administration wants to avoid. Experience in many countries has shown that political pressures being what they are, government does not allocate funds as efficiently as the market does through the pricing system. That does not mean that the market cannot occasionally be nudged into some types of particularly needed investment. But the long-range implications for economic growth of comprehensive credit controls are grave and must be carefully considered before such a step is taken.

The bond market has begun to show unmistakable signs of strength in the last few weeks and some of the interest rates on new bond issues have been coming down. This may, but does not necessarily, mean that we have reached the long-awaited reversal of the uptrend.

An interest rate of 8½ percent or 9 percent may appear high in historical terms. But if prices rise between 5 percent and 6 percent per annum, as they did in 1969, this equals a net return of only 3 percent to 3.5 percent to the investor. It also means that the borrower will repay the principal in cheaper dollars and, therefore, does not truly bear a 8½ percent or 9 percent burden. I, therefore, doubt that interest rates will come down substantially until the rate of price increases has materially slowed.

It has been an interesting phenomenon that the dollar has gained remarkable strength in international markets in the past two years and is now again the leading international reserve currency—at a time when our merchandise export balance has all but vanished and the balance of payments recorded its greatest deficit ever (on a liquidity basis). One of the reasons for the dollar's improved stature, despite our poor trade performance, is the willingness of banks to pay 10 percent to 12 percent for Eurodollars. I wonder what the impact would be on the status of the dollar if interest rates were artificially lowered by government edict?

To sum this up: lower interest rates and an easier money policy are of course highly desirable—if they come in conjunction with developments in the market and with an appropriate fiscal policy. To clamor for easy money at lower rates, for enlarged public spending and lower taxes while complaining about runaway prices may to some seem politically profitable. But I believe that the American people are too intelligent and too well educated to fall for such self-contradictory appeals.

WAGE, PRICE AND PROFITS POLICY

Balanced fiscal and monetary policies have now been in effect for at least a year and, to some extent, well over a year. Most economic indicators disclose a general slowdown throughout the economy, as was expected. But prices keep going up and many people are becoming impatient and dissatisfied with the results of fiscal-monetary policies. They feel that we may be faced with cost-push rather than demand-pull inflation and that only direct action will stop it within a reasonable time.

Some have suggested the issuance of guidelines on wage and price changes. Such guidelines worked not too badly in the early 1960s when inflationary pressures were very low. But when pressures started to mount in the mid-1960s, guidelines did not prove strong enough a weapon and were finally discarded. This does not necessarily prove that under certain circumstances they could not be of some help in conjunction with appropriate noninflationary fiscal and monetary policies.

One problem: What do you use for a guideline when the productivity increase is down to zero or close to zero?

Some want the President to do more "jawboning." I am not certain whether jawboning means moving one's jawbone—in other words trying to persuade business and labor to refrain from demanding or imposing disproportionate increases—or whether it refers to the kind of jawboning that Samson did when he fought the Philistines. There is nothing wrong with jawboning of the former type and the President has, in fact, been exerting leadership along that line, admonishing major economic groups not to press selfish claims that would work to the disadvantage of all. Jawboning of the latter type, however, occasionally used by some Presidents in years past, actually amounts to an attempt at governmental control, with haphazard or even capricious enforcement.

Some have gone a step farther and suggested the imposition of general wage and price controls, usually in the form of a general freeze.

Would a wage and price freeze accomplish what fiscal and monetary policy have so far not been able to bring about? During World War II, price control succeeded in slowing down the price movement. But there were then tight restrictions on materials and production, many items were rationed, a 77 percent excess profits tax and a 91 percent maximum income tax were in effect. Moreover, the patriotic spirit helped to make restrictions acceptable as a necessary sacrifice for winning the war.

Even so, price and wage control was only a delaying action with many leakages, as those of you who were then active in business may well remember. I was a shoe buyer for the Macy concern in those years and recall that manufacturers and retailers, as well as unions, used numerous subterfuges as a means of getting around the price and wage freeze.

Even if an enormous enforcement apparatus were created to control and supervise the over 10 million single proprietorships and partnerships and 1.5 million corporations, it might be no more effectve than the XVIII Amendment was—and it could generate many ills including black markets. A freeze at any particular time would be unfair to those who have not had recent adjustments. It could be circumvented by slight changes, sufficient to justify a new price in millions of items, by fake overtime and promotions. It would generally favor the corrupt over the conscientious. There are circumstances under which controls may have to be considered—but they do not exist today nor are they likely to occur in the discernible future, barring a major international emergency.

Can other action be taken to end the wage-price spiral? Two months ago Walter Reuther objected to the term wage-price spiral. It should be called a price-wage spiral, he said, because prices are raised to maximize profits and this in turn causes workers to demand higher wages. It is correct that in several instances prices went up in advance of rising *unit* labor costs, though not necessarily in advance of wage rates. Prices start rising while demand is high, when facilities and manpower are fully employed and when labor productivity is increasing. But as the cycle continues, productivity declines, wages and unit costs rise faster and prices aim even higher.

What has actually happened in the past four years? Have higher prices lead to higher profits or have they resulted in labor getting a bigger slice of the pie?

Let us see:

Changes in income shares between 1965 and 1969—IV quarter (seasonal adjustment)

[Increase or decrease in percentage points]

Shares of National Income:	
Employee compensation increased from 69.8% to 73.6%	+3.8
Pre-tax profits declined from 13.8% to 11.6%	−2.2
After-tax profits declined from 8.2% to 6.4%	−1.8
Shares of Personal Income:	
Labor income increased from 70.1% to 72.0%	+1.9
Dividends, business & professional income declined from 11.5% to 9.8%	−1.7
Shares of Corporate Income: [1]	
Employee compensation increased from 77.6% to 80.3%	+2.7
Pre-tax profits declined from 21.0% to 20.2%	−.8
After-tax profits declined from 11.9% to 10.4%	−.5

[1] From 1965 to 1969—III Quarter seasonal adjustment.

Regardless of the chicken v. egg question of who started it, the crucial point is: how can the spiral be stopped?

This is an important question because contracts negotiated in 1969 provide on the average a first-year hourly wage increase of 8.2 percent, compared with 7.2 percent for the full year of 1968. With productivity increases virtually absent, the implications for future price movements are obvious.

In the construction industry, first-year wage increases negotiated in 1969 averaged 14.0 percent which seems to offer a gloomy outlook for housing.[1]

Bargaining negotiations are scheduled in 1970 for about 5 million workers (teamsters, autoworkers, rubberworkers, etc.), compared with 2½ million in 1969, with union demands for wage boosts certain not to be lower than they were last year. Nor is management likely to be more compliant, in view of the current profit squeeze that seems to be tightening.

Does this suggest government intervention in wage negotiations to thwart labor's aims? Not at all. To put pressure on labor union leaders might serve little purpose. If workers are dissatisfied, they will veto bargaining agreements between union and management representatives and may replace union officials who settle for less than the rank and file are willing to settle for.

Business response to the severe profit squeeze and sharply rising labor costs is predictable: cost paring. In many industries, attempts are under way at cost savings by reducing payrolls and will unquestionably continue. Coming at a time when cutbacks in the defense procurement programs and in the size of the Armed Forces and supporting personnel will affect well over a million Americans within the next 18 months, we are likely to experience an increase in unemployment. By how much the unemployment rate which stood at 3.9 percent of the civilian labor force in January 1970 will rise is impossible to tell. Should it go up too steeply, appropriate government action will be taken to alleviate the situation.

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[1] Actually, more housing units were completed in 1969 than in any year on record, with the possible exception of 1950. Conventional housing starts were down—not surprising when we consider that residential construction costs increased 34 percent in the past 5 years while the Consumers Price Index grew only 20 percent. But about 400,000 factory produced so-called mobile homes were turned out—about twice as many as in 1966, over four times as many as in 1961.

But a few facts on the composition of the unemployed group may help toward a better understanding of the nature of the problem we are facing:

More than one-half of the 2.6 million persons unemployed in December 1969 had been jobless for less than 5 weeks, with most of them on the lookout and between jobs. Only one person in every 228 persons in the civilian labor force had been unemployed for 15 or more weeks.

Fewer than one-half of all unemployed had actually lost their last job. A larger number than were dismissed had never before been employed or had just reentered the labor force; 14 percent quit their last job.

The unemployment rate among men living with their families was only 1.7 percent—or one in sixty. It was much higher among single men and among women.

This does not aim to detract from the seriousness of employment as such nor from the necessity of being ready to cope with a substantial increase, should it occur. It aims to put the situation in the right perspective.

Even the mere discussion of a pending wage and price freeze would cause labor unions and companies to hasten to get their adjustment in before controls are imposed. It would, therefore, accelerate and intensify the pressure of the upward movement.

In summary: Wage and price controls offer no feasible solution to the problem of rising prices. Nor can jawboning serve as a *substitute* for proper economic directions. There simply is no reasonable alternative to a continued and judicious pursuit of sound fiscal and monetary policies, by planning for sizable budgetary surpluses, by keeping public expenditures from expanding too rapidly, by encouraging saving over consumption, by keeping money tight with only a gradual easing as the condition of the economy and inflationary pressures permit or demand, and by letting interest rates find their own level which, more likely than not, will follow the movement of prices.

Any other course is likely to be more costly in the long run and lead to greater dissatisfaction and internal conflict.

BAN DDT AND SIMILAR INSECTICIDES

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. KOCH. Mr. Speaker, the Department of Agriculture is considering regulations restricting the use of DDT. Eight years have gone by since Rachel Carson's "Silent Spring" appeared in 1962 warning us against the use of DDT. The experts, bureaucrats, and technocrats of the commercial companies and the U.S. Government all viciously attacked her and sought to label her as an alarmist.

We now know that she was accurate in her predictions and that it was the "experts" who were in error. Let us now attempt to undo as much as we can of the damage that has been wrought through the use of DDT and surely preclude by law through the banning of DDT further damage from that insecticide. In support of the most restrictive regulations to effect such a ban, I have sent the letter which follows to the U.S. Department of Agriculture. I have also requested of that Department that it consider regulating in the most stringent way not only DDT but all other insecticides similar to DDT which adversely affect the ecology.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 20, 1970.

HARRY W. HAYS,
Director, Pesticides Regulation Division, Agricultural Research Service, U.S. Department of Agriculture, Washington, D.C.

DEAR MR. HAYS: I wish to register my support for the regulation filed by the Department of Agriculture regarding proposed cancellation of all uses of DDT (F.R. Doc. 69-14024; Filed Nov. 24, 1969). I stand in strong opposition to continuation of present permitted uses of DDT. The implications of DDT for human health and environmental safety necessitate a complete ban on its use with the well-defined exception that in potential catastrophic insect infestation that would pose an imminent threat of human health disaster, widespread destruction of agricultural areas or extensive damage to a natural resource DDT could be used for short periods of time in the event that no other less persistent insecticide was available in sufficient quantities. In stating this exception I do not mean regularized usage, but a potential outbreak of an insect-carried disease or some phenomenon such as a locust plague. I would hope that the use of DDT in such imminent disasters would be at most a few days.

The hazards posed by DDT are well documented and require immediate action. Overwhelming scientific evidence clearly shows that DDT is a menace to the environment and wildlife, and current data indicate a definite danger to man.

Available scientific findings have established that DDT is a potential cancer-producing agent. Some of these findings include the following:

1. As far back as 1947 the Food and Drug Administration found increased incidences of liver tumors in rats which were fed DDT.

2. On May 1, 1969, the National Cancer Institute reported that DDT added to the diet of mice quadrupled the frequency of tumors of the liver, lungs, and lymphoid organs.

3. Hungarian scientists reported similar findings concerning the relationship of DDT and the development of tumors and leukemia. A recent University of Miami Medical School study revealed that the bodies of persons who died of cancer contained more than twice the DDT concentration as persons who died of accidental causes.

4. We know that the DDT concentration in mothers' milk has been found to be more than twice as great as the concentration permitted in cow's milk sold for public consumption.

DDT has polluted our waterways, contaminating fish which are later consumed as food. Persistent chemicals have been carried down rivers and streams into the lakes and oceans of the world. DDT has even been found in the fatty tissues of birds and fish in the Arctic and Antarctic. The cost of DDT use has been deathly high for various animal species. It has had a disastrous effect on the fertility of some bird species, indeed among them has been our national symbol, the bald eagle. The direct threat of extinction to certain species of birds and wildlife should serve as a warning to us, a bellwether of potential biological havoc wrought by the continued use of DDT.

I have been very impressed by recent studies which have shown that with an increased use of DDT and other insecticides crop production yields in several parts of the world have actually *decreased*, in addition to having a detrimental effect on human welfare. This would indicate that the exclusive reliance on chemicals alone to increase food production in our already underfed world is unwise, as well as ecologically unsound.

Effective and economical alternatives for pest control have been developed. The U.S.D.A. presently lists effective alternatives for DDT for virtually every crop of which this most persistent pesticide is presently used. In addition, a host of nonchemical means of pest control have been applied with great success in many parts of the country, including the development of crop varieties that resist insect attack, the introduction of natural enemies into the pest's environment, insect sterilization, and integrated procedures which combine chemical and biological control measures. It is reasonable to surmise that a ban on DDT may well act as a stimulus for the development of more sophisticated biolgocial and integrated control mechanisms for dealing with pests.

The proposed regulations, to my knowledge, pertain to DDT usage alone. There are other insecticides chemically similar to DDT—such as Dieldrin, Endrin, and other chlorinated hydrocarbons—which have similar ecological and physical effects. I would like to take this opportunity to urge the Department to closely consider these substances and subject them to equally stringent regulations.

We must not postpone action to prevent further abuse to our environment and human life brought about by DDT use. The existing degradation of our environment as well as foreseeable damage to ecology and man dictate an immediate suspension of the use of this man-made menace in our environment.

Sincerely,

EDWARD I. KOCH.

SCOUTS ALERT COMMUNITY TO DANGERS OF POLLUTION

HON. ROBERT N. GIAIMO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. GIAIMO. Mr. Speaker, in a recent statement, I applauded the increasing concern of this Nation's youth about the dangers of environmental pollution. I am pleased to note that two Boy Scouts representing troop 8 in Hamden, Conn., have exemplified this concern in a manner highly beneficial to their community.

As part of an Eagle Scout project, these two dedicated young men have started a campaign "to get the citizens of our community actively interested in the serious problems of pollution." They have urged citizens to write their elected officials about the need for antipollution measures and have distributed a flyer which graphically illustrates the need for prompt action in the community, State, and Nation. They have asked me and other officials what they can do, as Boy Scouts and citizens, to contribute to the antipollution effort.

Mr. Speaker, I am proud to acknowledge the resourcefulness, dedication, and idealism of these two young men, and I am confident that the citizens of Hamden will heed their call to action. I hope

that their initiative will serve as an example to other concerned citizens throughout the country.

I wish to insert at this point in the RECORD the text of the flyer which is being distributed by these scouts:

POLLUTION IS CAUSED BY PEOPLE. IT MUST BE CURED BY PEOPLE—POLLUTION? YES IT IS BAD, BUT IT DOES NOT AFFECT ME IN THE COMMUNITY OF HAMDEN—NO? READ THIS—POLLUTION IN OUR COMMUNITY

Many of us have remained unaware of the urgency of the pollution problem facing us today. According to Time magazine, "Every year, Americans junk 7 million cars, 100 million tires, 20 million tons of paper, 48 billion cans, and 28 billion bottles. Garbage collection annually costs $2.8 billion. Every year, U.S. plants discard 165 million tons of solid waste and gush 172 millions of tons of smoke and fumes into the air."

A local member of the Connecticut Commission on Air Pollution, Mr. Herbert H. Etter, says, "There is now 17 times more of a problem with the incidence of Emphysema than we had 10 short years ago." Air pollution causes the equivalent of $65 worth of damage per person in the U.S. today, for a total of over $12 billion a year.

In short, the problem is great!

As our population continues to increase by incredible numbers, so continues the pollution of lakes, rivers and oceans. People use vast amounts of water every day in the U.S. and if it's not taken care of—We're going to run out of it!

Concerning how much each individual in the U.S. uses today as compared to 1900, we now use four times as much water. Industries in the U.S. now use thirteen times as much and farmers use seven times as much water as they did in 1900. This amounts to 387 billion gallons of water being used in some way by the industrialist, the farmer and the common people of America every day.

As water is continually being used more and more each day, we should try to keep it cleaner instead of allowing it to become polluted. Since 1900, water pollution has gone up six times and *unless you act now* will stay on this ever-rising scale.

The experts all say the cost of combatting this threat to our very survival will run into the billions. Yet it is clear that the cost of not fighting pollution is a price that we cannot afford to pay: the extermination of the human race.

"But there is no clear danger to me here in Hamden," you may say. Look around you at the polluted streams, the air pollution hanging in the valley that makes you choke. We're polluting ourselves out of existence and drowing in our own filth. The time for action is now! Unless you act now your children will not blame you for your failure—they may not even be alive.

Please, for their sakes, write to the people listed below, and do it today:

President Richard M. Nixon, Washington, D.C.;

Senator Abraham Ribicoff, Washington, D.C.;

Senator Thomas J. Dodd, Washington, D.C.;

Congressman Robert N. Giaimo, Washington, D.C.;

State Senator Patrick Barbato, Hartford, Connecticut;

State Representative Milton Caplan, Hartford, Connecticut;

State Representative John Chagnon, Hartford, Connecticut;

Mayor William M. Adams, Hamden, Connecticut.

Thank you.

Your children's lives are in danger! Act!

An Eagle project by S.S. and P.K.—Troop 8—Hamden, Connecticut.

THE SOCIAL JUSTICE OF A CAROLINA TOWN

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. CONYERS. Mr. Speaker, the following letter from the Barnwell, S.C., branch of the NAACP speaks for itself. It indicates the deplorable extent to which racial abuse is still accepted as the official way of life in parts of this country. The letter details the policies of outright injustice, humiliation, and neglect practiced by the local government of Barnwell toward the black citizens of that town. That the black population of Barnwell makes up more than one-third of the town citizenry amplifies the disgracefulness and illegality of such conditions. I urge all my colleagues, those who are trying to end racism in this country and those who are trying to deny it exists, to take careful note of the contents of this letter. It follows:

FEBRUARY 10, 1970.

To: The Mayor, City Councilmen, The County Delegation, Chamber of Commerce, County Commissioners, and other Concerned Persons and Organizations.

From: Barnwell Branch, National Association for the Advancement of Colored People. Mrs. O'Bertha Barfield, President, 2337 Calhoun Street, Barnwell, South Carolina 29812.

Subject: Proposals for Favorable Action to Improve Barnwell, South Carolina.

October, 1969 marked two years of patient waiting for a reply to proposals made to the Mayor of the City of Barnwell by some Black citizens representing the Barnwell Branch, National Association for the Advancement of Colored People. This was followed by a copy of the proposals sent to Mayor Mazurska and members of the City Council for action and a reply. Until this date, February 10, 1970, we have not been granted the common courtesy of an acknowledgment of ever receiving the Special Delivery Letter. You will readily agree that numerous unanswered questions have penetrated our minds since that time.

Is this a routine of your office procedure for handling requests from registered, taxpaying citizens of Barnwell, South Carolina?

Because we received no communication, neither have we observed any solution to problems that confronted us then; we are forced to make these proposals now, this Tenth Day of February in the year of Our Lord, Nineteen Hundred and Seventy (1970).

PROPOSALS

1. That all persons on Welfare receive the full amount due them as any other person or family under similar conditions.

2. That free Food Stamps be issued to all needy persons.

3. That immediate steps be taken to improve housing, and provide sewage facilities in Black Communities.

4. Employ Black workers in Welfare Offices.

5. Influence Banks to train Black Tellers and other workers.

6. Employ Black persons in FHA office, Employment office, Post Office, and all other Federal establishments within the vicinity of Barnwell, South Carolina including Business Office at the Hospital.

7. Hire Blacks as Cashiers, Secretaries, Clerks, etc., in Every business and office in City Hall and Courthouse where Black people spend money.

8. Employ Black Workgang (Chaingang) Guard.

9. Influence and support the appointment of six Black Deputy Registrars for Barnwell County. Williston—2, Blackville—2, and Barnwell—2.

10. Remove "Colored" and "White" signs from Courthouse downstairs. "White" is still over the drinking fountain in 1970.

11. Pave streets, build sidewalks, and properly light all Black communities.

12. Employ at least three full-time Black Policemen.

13. Encourage use of courtesy titles preceding names of Black Adult citizens.

14. Provide recreational facilities for all citizens.

15. Influence Doctors to eliminate double waiting rooms.

16. Chairs and seating places at Barnwell Hospital should be moved from room formerly labeled "Colored Entrance".

17. Employ Teachers of Barnwell for positions before Teachers are brought in from beyond the borders of Barnwell County.

18. Employ a Black Deputy Sheriff.

19. Influence Plant Managers to promote Black workers to positions of "Supervisor".

20. Move Voter Registration Office from back of building near Magistrate's office to front of building using proper title, VOTER REGISTRATION OFFICE, and open office on Saturdays all day instead of being closed.

21. Execute Compulsory School Attendance Law beginning with the 1970–71 school session.

22. Employ a Black Game Warden.

23. Express desire to organize a Human Relations Council that would be affiliated with the South Carolina Council on Human Relations.

24. Appoint at least two (2) Black persons to School Board of Education.

25. Appoint at least two (2) Black persons to City Council.

26. Appoint at least three (3) Black persons to the County Commission.

27. Employ a Black Clerk in the Voter Registration Office.

28. Post "Children Playing" signs to protect children on streets where Black citizens reside.

We are expecting a reply on, or before March 4, 1970.

O'BERTHA J. BARFIELD,
President, Barnwell Branch, NAACP.

COURT DECISION ON FOOD-AID PROGRAMS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. FINDLEY. Mr. Speaker, subsequent to my request of the Department of Agriculture on January 28, 1970, to withdraw its opposition to a court order requiring that Federal food-aid programs for poor families be established in 88 Texas counties, the U.S. district court denied the Government's motion for a stay of the order, meaning that food-aid programs soon will be made available in these Texas counties.

It was reported at the recent National Agriculture Outlook Conference, I am pleased to say, the Department of Agri-

culture has adopted a goal of getting food-aid programs underway in all counties of the Nation by June 30, 1970. Currently there are 258 counties in the Nation which do not offer food programs to the poor which will hopefully soon be providing these poor families with the benefits of this program.

The Department of Agriculture deserves applause for its goal and I sincerely hope it can complete even sooner the task of bringing these needed programs to the counties currently without them.

Although the court order was in regard to the 88 Texas counties not at that time sponsoring a food-aid program, many counties outside the State of Texas were so classified. The fact that 258 counties were reported at the Agriculture Outlook Conference as not having food-aid programs is shameful. Here is a list of the counties by State which were reported to not have food-aid programs underway:

Colorado: Douglas, Jackson, Pitkin.

Florida: Charlotte, Citrus, Flagler, Indian River, Marion, Martin, Nassau, Osceola, Putnam, St. Johns.

Kansas: Barber, Brown, Butler, Chase, Cheyenne, Clay, Cloud, Coffey, Comanche, Doniphan, Edwards, Ellis, Finney, Geary, Gove, Gray, Greeley, Harvey, Haskell, Jewell, Kiowa, Lane, Logan, Marion, Marshall, Mitchell, Morton, Nemaha, Ness, Norton, Osage, Osborne, Ottawa, Pawnee, Pottawatomie, Pratt, Rawlins, Republic, Rice, Riley, Rooks, Rush, Russell, Scott, Seward, Sheridan, Smith, Stafford, Stanton, Stevens, Sumner, Thomas, Trego, Wabaunsee, Wallace, Washington, Wichita.

Louisiana: Bossier, Plaquemines, Terrebonne.

Massachusetts: Barnstable, Dukes, Nantucket.

Minnesota: Clay, Dodge, Fillmore, Martin, Olmsted, Watonwan, Wilkin, Winona.

Missouri: Andrew, Atchison, Audrain, Barton, Bates, Boone, Callaway, Camden, Carroll, Cass, Cedar, Chariton, Cole, Cooper, Crawford, Franklin, Gasconade, Henry, Holt, Howard, Jasper, Johnson, Laclede, Lafayette, Macon, Miller, Montieau, Morgan, Pettis, Phelps, Platte, Pulaski, Ray.

Montana: Carbon, Golden Valley, Madison, Stillwater.

Nebraska: Grant, Red Willow, Saline, Kimball, Polk, Sioux.

Nevada: Esmeralda, Storey.

North Carolina: Randolph.

North Dakota: Bowman, Renville, Slope.

Ohio: Fairfield, Hancock, Putnam.

Oklahoma: Beaver, Harmon, Major, Woods.

Texas: Andrews, Aransas, Archer, Armstrong, Bailey, Bandera, Baylor, Bell, Blanco, Borden, Bosque, Bowie, Briscoe, Castro, Clay, Coleman, Collin, Collingsworth, Colorado, Concho, Coryell, Crane, Crockett, Deaf Smith, Denton, Donley, Ector, Edwards, Ellis, Erath, Fort Bend, Garza, Gillespie, Glasscock, Gray, Gregg, Hall, Hansford, Harrison, Hartley, Hood, Hopkins, Jack, Johnson, Kaufman, Kendall, Kenedy, Kerr, Lamar, Lampasas, Llano, Loving, McCulloch, McMullen, Mason, Menard, Mills, Navarro, Ochiltree, Oldham, Palo Pinto, Parmer, Presidio, Randall, Reagan, Reeves, Refugio, Roberts, Rockwell, Runnels, Rusk, San Saba, Shackelford, Sherman, Somervell, Stephens, Sterling, Sutton, Throckmorton, Uvalde, Van Zandt, Wheeler, Winkler, Wise, Wood, Yoakum, Young.

Virginia: Alleghany, Augusta, Bedford, Botetourt, Campbell, Chesterfield, Clarke, Culpepper, Fauquier, Frederick, Hanover, Henrico, James City, King George, King William, Lancaster, Loudoun, Mathews, New Kent, Orange, Prince George, Pulaski, Rockingham, Shenandoah, Spotsylvania, Stafford.

Wisconsin: Green Lake, Jefferson, Walworth.

Below is my correspondence with the Department of Agriculture in which I suggested that it withdraw its opposition to the court order and the subsequent reply by the Department of Agriculture:

JANUARY 27, 1970.

Hon. CLIFFORD M. HARDIN,
Secretary of Agriculture,
Department of Agriculture,
Washington, D.C.

DEAR MR. SECRETARY: On December 30, 1969, the District Court for the Northern District of Texas in Dallas added its weight to the growing concern of those who would, to use President Nixon's phrase, "put an end to hunger in America for all time."

The court ordered that the Commodity Distribution Program should "immediately" be put into effect, "in the shortest time feasible and at Federal expense" in 88 Texas counties which have no federal food-aid program. The court further stated that "as an outside limit, the Federal defendants, in every Texas area that has no Food Stamp Program, must put into effect the Commodity Distribution Program within sixty (60) days from January 5, 1970."

The Department of Agriculture has requested the Justice Department to ask the court for a stay in executing its order. The justification given has been the laudable desire by the Department of Agriculture to place federal food-aid programs in cooperating counties willing to administer and finance the programs locally. This emphasis on the preservation of federalism is important, but in this case I suggest it be set aside in the interest of the hungry and malnourished people in the 88 counties.

My suggestion has urgency because this Friday, January 30, a hearing has been scheduled in Texas on the motion to postpone the court order.

In my view, local officials in Texas, like others elsewhere, have richly deserved pressures aimed at persuading them at long last to recognize minimal basic necessities for people in their jurisdictions by implementing federal food-aid programs for poor families.

Even before the Federal Court order, the Department had adequate justification to bring every possible pressure against these county governments. I am gratified by reports showing that during the past year your Department has actively been encouraging the missing counties to participate. It is to your credit that in fiscal 1969, for the first time in over a decade, every penny of the section 32 funds available for implementing surplus distribution programs has been spent by the Department of Agriculture, and none was returned to the treasury. As recently as 1968, well over $200 million available for this food-aid program was unspent by Washington.

After a year's renewed effort, however, 88 Texas counties still have neither the food stamp nor the surplus distribution program. From this I would conclude that the cooperative spirit of the new federalism so admirably displayed by President Nixon and by the Department you head has been frustrated and bankrupted by local county officials, not by officials in Washington.

Accordingly, I strongly urge that you withdraw opposition to the court order. In making this recommendation, I am aware that this will enable the county governments to escape the cost of administration. Conceivably, causing the court to withdraw the order might mean that one or more of these counties will voluntarily initiate food-aid programs and thus pay the cost of administration.

This probability must be evaluated in light of the long-standing, callous indifference of these officials to local poverty. They have resisted all pressures up to now, and are unlikely to acquire a social sensitivity in the next few months. Meanwhile, hunger and malnutrition continue. A few months may be but a speck of time for government budgetmakers, but it can seem like an eternity for those without enough food on the table.

I make this suggestion for another reason too.

You are of course aware that some aspects of the farm programs are in wide disrepute in the public mind and on Capitol Hill. Resentment against programs which permit large payments to individual farmers has grown over the years. This resentment is intensified by disclosure of payments totaling millions of dollars in the very counties which refuse to feed the hungry through participation in a federal food-aid program. Congressmen, urban and rural alike, find it difficult to justify large payments to wealthy farmers for not growing food while many of their constituents go hungry.

Attached to this letter is a list of the 88 Texas counties which still refuse to institute a food-aid program, together with data on the level of local poverty, as well as payments to farmers. These statistics show convincingly the need for a realignment of priorities and justify the concern and resentment of Congressmen dissatisfied with farm programs inherited from previous administrations.

When I placed similar information in the Congressional Record in May of 1969—now almost one year ago—98 Texas counties were without any type of food-aid program, yet wealthy farmers in those counties were receiving huge farm payments. Lynn County, Texas, had the dubious distinction of having no program to feed 2,282 hard-core poor—about 25 percent of the county's population—while at the same time another 25 percent of the population constituted families which received $8,903,000 in federal farm payments.

The next morning after I revealed these facts, "The Dallas Morning News" headlined the story "Texas Food-Aid Situation Decried." Today, I am very glad to report Lynn County has a federal food-aid program. Thanks to the publicity and the persistent efforts of USDA since last May, Lynn County and nine other Texas counties have initiated food-aid programs.

Some progress has been made, but not enough. There are still many "Lynn Counties" in Texas. In the case of Hartley County, which still has no food-aid program, if annual payments to individual farmers in excess of $5,000 were divided equally among the hard-core poor, each man, woman, and child would receive over $18,000. In two other counties, Armstrong and Sherman, each poor individual would receive over $14,000.

It has been 35 years since Congress first enacted a program to help feed the hungry in this country. It has been almost a year since the specific counties without food-aid programs received widespread publicity. Despite the passage of a third-century, and despite all the publicity, many counties obstinately refuse to help feed their poor, hungry, and malnourished citizens. Federal policies which permit hunger to exist alongside big federal payments to keep wealthy farmers from growing food are bound to create resentment.

Therefore, I urge you to reconsider the Department's position requesting a stay of execution of the court order so that the Department can move immediately to begin implementing federal food-aid programs in each Texas county which presently does not have one. I applaud you for your goal to lodge at the local level primary responsibility for financing and control of the food-aid program,

but involved here are die-hard political combines which obviously are sensitive neither to embarrassing publicity nor to the hunger of their needy constituents. The hungry should not have to wait for the resolution of differences between local, state, and federal officials. They have waited long enough, as the Commodity Distribution Program has been universally available since 1935.

Sincerely yours,

PAUL FINDLEY,
Representative in Congress.

DEPARTMENT OF AGRICULTURE,
OFFICE OF ASSISTANT SECRETARY,
Washington, D.C., February 12, 1970.

HON. PAUL FINDLEY,
House of Representatives.

DEAR MR. FINDLEY: Secretary Hardin has asked me to reply to your recent letter regarding the bringing of a Food Program to all of the counties in Texas.

By this time you are aware of the fact that on January 30 U.S. District Court Judge W. H. Taylor, Jr., after argument, denied the Government's motion for a stay of his order of December 30, 1969.

The Department of Agriculture is making every effort to comply with the order, working closely with State officials. We are happy to note progress. We are informed that 10 additional counties have just recently agreed to operate a Food Program in their area and indications are that additional counties will be coming in shortly.

Our program for having all counties with a program by June 30, 1970 still remains as our attainable goal.

We appreciate yor interest and solicit your help.

Sincerely,

RICHARD LYNG,
Assistant Secretary.

THE INTERIOR DEPARTMENT SURE MISSED A "NATURAL"

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. DINGELL. Mr. Speaker, my good friend, JOHN SAYLOR, the distinguished Congressman from Pennsylvania does not mind a little ribbing from his Democratic colleagues from time to time and today I think I have found the perfect vehicle.

I want to bring to our colleagues' attention an article by Edith Kermit Roosevelt which mentions Congressman SAYLOR in glowing terms. The subject of the article is Secretary Hickel's incredible decision regarding grazing fees on our public lands and how Congressman SAYLOR justifiably read the riot act to the Secretary. Just to make my own position clear, I wholeheartedly agree with the Roosevelt and Saylor statements on the Secretary's decision.

But that is not the end of the story. Above and beyond the fact of the article is another vignette which points up an interesting lesson about Republicans and government or more specifically, Republicans and the Department of Interior.

On relatively good authority, I have learned that Miss Roosevelt sought a position with the Nixon administration in the Department of the Interior. To think that the lifelong registered Republican granddaughter of President Theodore Roosevelt could not get a job with a Republican administration is almost too hard to believe. Considering that Miss Roosevelt could not get a job with a Republican—her article proves that—but has an impressive professional and technical background in conservation and environmental matters that is the envy of conservationists everywhere, it is laughable that such a talent was refused a position in the Department that the Secretary claims will lead the fight to clean up the Nation's environment. I guess we can say that the administration's loss is the public's gain for her incisive comments on conservation matters are now read by thousands through her syndicated column.

Since I am sure the public will tire of its flirtation with the "conservationists" in this administration, I want to express to Miss Roosevelt my pledge to do everything in my power to assure her of a responsible position in the Interior Department after the 1972 elections. One has to admit that she has the perfect name for the next Democratic administration.

I know my friend from Pennsylvania will not mind this dig at his party's newfound conservation concern. I know from a long and fruitful association with him that he has been years ahead of his party on matters affecting the natural environment, and as a member of the majority party, I can only add that I am glad he has been.

Miss Roosevelt's article from the Shreveport Journal follows:

ANTIPUBLIC DECISION—GRAZING FEES

(By Edith Kermit Roosevelt)

WASHINGTON.—If the President's goal of improving the environment is to be more than a slogan, policy must serve the long-range needs of all our people. Decisions must not cater to special economic interests for their own short-range benefits.

This is especially the case in dealing with the public lands of the West which can serve multiple recreation, conservation and development uses. These scenic and scientifically valuable millions of acres in Arizona, Utah, Idaho, or any Western state are no less a natural resource than the Everglades, Yellowstone, the Redwoods or any other truly national responsibility.

The Western public lands are the habitat of three-fourths of our major big-game animals and most of the cold water species of fish. They provide more than 112,000,000 visitor days of outdoor recreation annually and the volume of recreation use is increasing yearly. In addition, these federally owned lands have a clearly recognized potential for watershed production and soil conservation as well as for renewable resources, such as timber.

Under Democratic and Republican Administrations alike, the Western lands in the public domain have been shamefully neglected and exploited because government decisions concerning them have served mining, grazing and other special economic interests instead of the public as a whole. We have created a regulatory and policy-making monstrosity where the fox guards the chicken coop.

As an example, we have the recent decision by the Department of the Interior not to raise grazing fees this year in the national forests in the 11 Western states and on the public domain lands that it administers. Under a 10-year schedule announced in January of 1969, grazing fees were to be increased from 44 cents a month per animal to 55 cents. A Department of Agriculture study shows this was justified. As is well known, the income received by our public agencies from the grazing resources on the nation's public lands is far short of the revenue received by state and private owners of similar lands.

Had the moratorium on grazing fees for 1970 not been put into effect, existing policy would have enabled the Interior Department to return one-third of the 13 cents per animal increase in grazing fees to the public lands for conservation. This would have served not only to protect and develop these acres but also provided for more grazing.

Who stands to gain from the Interior Department's anti-public decision?

According to Sen. Clinton P. Anderson (D-N. Mex.), a member of the Senate Interior and Insular Affairs Committee, just a little over 3 per cent of those using Bureau of Land Management grazing permits will receive about 45 per cent or nearly half of the benefits in savings arising from Interior Secretary Walter J. Hickle's decision to abandon the scheduled increase in grazers' fees. On Feb. 3 of this month, Anderson flatly declared on the Senate floor:

"Only a handful of the richest rangers will benefit from this decision."

Rep. John P. Saylor, the conservationist minded Republican from Pennsylvania, charged in a strongly worded telegram to Hickel that the Administration had broken its pledge to the American people and surrendered to profit and political pressures. He went on to say:

"These public lands are not the private domain of the grazers but belong to all the American people. Your decision is unworthy of the Interior Department's responsibility to the people."

Saylor's indignation is understandable in view of the fact that the federal government stands to lose $1,476,000 in fiscal 1971 on account of Hickel's decision. This means that the U.S. Treasury will be that much poorer at a time when we are being told that every dollar counts and that the government must make every effort to have its income equal or exceed its outgo.

There are specific losses to the already eroded Western range land. As a result of failure to increase the grazing fees, the Range Improvement Fund will lose $877,000 in 1971, according to data furnished by the Interior Department. Therefore, ranchers will be denied a chance to put an additional 41,414 head of livestock on reseeded acreage on the public range.

Ranchers and those concerned with watershed conservation and wildlife programs have long supported programs of range improvement. In this case, conservation is best for the ranchers who rent the public land as well as every family downstream. They recognize that a well-managed rangeland with a good cover of grass is a basic investment in controlling erosion and water pollution.

Figures furnished by the Department of the Interior on rangeland conditions reveal the consequences of the lack of a progressive land-use and management policy. A total of 49,600,000 acres or 31 per cent of acres of public range, is in poor or bad condition while 22,400,000 acres, or 14 per cent, is still declining. As Representative Saylor has pointed out:

"Declarations, plans, program and other bureaucratic mumbo-jumbo about protecting the environment are cheap. However, actions such as the grazing fee for moratorium decision is immediately chargable against the public's account.

A BASIS FOR DRAFT REFORM

HON. AL ULLMAN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ULLMAN. Mr. Speaker, the report of the President's Commission on an All-Volunteer Armed Force issued recently is required reading as Congress prepares to debate reform of the military draft system. In my judgment, the Commission proposes several sound recommendations that should be incorporated in draft reform legislation:

First. The draft should be ended, and reliance for national defense in peacetime be placed on an all-volunteer Armed Forces.

Second. A standby draft system should be established, but only activated by consent of the Congress.

Third. Improvement in military service condition and recruiting efforts should be implemented to increase the attraction of the Armed Forces to volunteers.

Many of the Commission's recommendations are embodied in legislation I have proposed to the Congress in H.R. 14529.

The Commission, ably chaired by former Defense Secretary Thomas S. Gates, Jr., has marshaled an impressive array of arguments and statistical material to support its recommendations.

At the outset of its report, the Commission states its working philosophy:

> The United States has relied throughout its history on a voluntary armed force except during major wars and since 1948. A return to an all-volunteer force will strengthen our freedoms, remove an inequity now imposed on the expression of the patriotism that has never been lacking among our youth, promote the efficiency of the armed forces, and enhance their dignity. It is the system for maintaining standing forces that minimizes government interference with the freedom of the individual to determine his own life in accord with his values.
>
> The Commission bases its judgments on long-range considerations of what method of recruiting manpower will strengthen our society's foundations. The Commission's members have reached agreement on their recommendations only as the result of prolonged study and searching debate, and in spite of initial division. We are, of course, fully aware of the current and frequently emotional public debate on national priorities, foreign policy, and the military, but are agreed that such issues stand apart from the question of when and how to end conscription.

One of the Commission's most important findings is that to maintain an all-volunteer armed force of 2.5 million men—about the size before the Vietnam war began—would require inducing an additional 75,000 men each year to enlist in the military service. This expansion would supplement the 250,000 volunteers now joining annually.

Reasonable improvements in pay and benefits for the early years of service should expand the enlistment ranks by this number without difficulty. As the Commission observes, such improvements are called for in any case on grounds of equity alone. Pay for officers and men in the early years of service is disproportionately low and the gap between their pay and comparable civilian salaries is inordinately wide.

In a particularly commendable chapter of the report, the commission tackles the job of answering most of the arguments raised by opponents of an all-volunteer armed force, and succeeds admirably. I offer this important section of the report for my colleagues' consideration:

THE DEBATE

"We have lived with the draft so long," President Nixon has pointed out, "that too many of us accept it as normal and necessary." Over the past generation, social, political, and economic arrangements have grown up around conscription that touch our lives in a great many ways. The elimination of the draft will inevitably disrupt these arrangements and may be disturbing to some. But beyond these narrow, often overlooked interests lie broader considerations which have prompted defenders of conscription to argue that an all-volunteer armed force will have a variety of undesirable political, social, and military effects.

In our meetings we have discussed the opposing arguments extensively. As our recommendations disclose, we have unanimously concluded that the arguments for an all-volunteer force are much the stronger. Yet, there can be no question of the sincerity and earnest conviction of those who hold the views we have rejected. In fairness to them, and to acquaint the Nation with both sides of the issues, this chapter summarizes the main arguments raised against the volunteer force and offers answers to them. In succeeding chapters (noted in parentheses) these arguments are taken up in detail.

A general point should be made here. The elimination of conscription admittedy is a major social change, but it will not produce a major change in the personnel of our armed forces. The majority of men serving today are volunteers. And many who are now conscripted would volunteer once improvements were made in pay and other conditions of service. Therefore, the difference between an all-volunteer force and a mixed force of conscripts and volunteers is limited to that minority who would not serve unless conscripted and who would not volunteer in the absence of conscription. An all-volunteer force will attract men who are not now conscripted and who do not now volunteer but who will do so when military service imposes less of a financial penalty than it currently does.

Contrary to much dramatic argument, the reality is that an all-volunteer force will be manned largely by the same kind of individuals as today's armed forces. The men who serve will be quite similar in patriotism, political attitudes, effectiveness, and susceptibility to civilian control. The draft does not guarantee the quality of our armed forces, and neither will voluntarism. There are no simple solutions or shortcuts in dealing with the complex problems that must always concern us as a free people.

Arguments against an all-volunteer force fall into fairly distinct, though sometimes overlapping categories, one of which is feasibility. Summarized below are some of the main objections under this heading.

Objection 1: An all-volunteer force will be very costly—so costly the Nation cannot afford it.

Answer: The question of how much the armed forces cost is confused with the question of who bears those costs. It is true that the budget for a voluntary force will generally be higher than for an equally effective force of conscripts and volunteers; but the cost of the voluntary force will be less than the cost of the mixed force. This apparent paradox arises because some of the costs of a mixed force are hidden and never appear in the budget.

Under the present system, first-term servicemen must bear a disproportionately large share of the defense burden. Draftees and draft-induced volunteers are paid less than they would require to volunteer. The loss they suffer is a tax-in-kind which for budget purposes is never recorded as a receipt or an expenditure. We estimate that for draftees and draft-induced volunteers the total tax amounts to $2 billion per year; an average of $3,600 per man. If Government accounts reflected as income this financial penalty imposed on first-term servicemen, it would become clear that a voluntary force costs less than a mixed force. One example of real cost savings that will accrue is the reduction in training costs as a result of the lower personnel turnover of a voluntary force.

Conscription also imposes social and human costs by distorting the personal life and career plans of the young and by forcing society to deal with such difficult problems as conscientious objection (chapter 3).

Objection 2: The all-volunteer force will lack the flexibility to expand rapidly in times of sudden crises.

Answer: Military preparedness depends on forces in being, not on the ability to draft untrained men. Reserve forces provide immediate support to active forces, while the draft provides only inexperienced civilians who must be organized, trained, and equipped before they can become effective soldiers and sailors—a process which takes many months. The Commission has recommended a standby draft which can be put into effect promptly if circumstances require mobilization of large numbers of men. History shows that Congress has quickly granted the authority to draft when needed (chapter 10).

Others contend that an all-volunteer force will have undesirable political and social effects. Some of these objections are given below.

Objection 3: An all-volunteer force will undermine patriotism by weakening the traditional belief that each citizen has a moral responsibility to serve his country.

Answer: Compelling service through a draft undermines respect for government by forcing an individual to serve when and in the manner the government decides, regardless of his own values and talents. Clearly, not all persons are equally suited for military service—some are simply not qualified. When not all our citizens can serve, and only a small minority are needed, a voluntary decision to serve is the best answer, morally and practically, to the question of who should serve (chapters 3 and 12).

Objection 4: The presence of draftees in a mixed force guards against the growth of a separate military ethos, which could pose a threat to civilian authority, our freedom, and our democratic institutions.

Answer: Historically, voluntary service and freedom have gone hand in hand. In the United States and England, where voluntarism has been used most consistently, there is also the strongest tradition of civilian control of the military. There are responsibilities to be met in maintaining civilian control, but they must be exercised from above rather than at the lowest level of the enlisted ranks. They reside in the Halls of Congress, and in the White House as well as in the military hierarchy.

In either a mixed or volunteer force, the attitudes of the officer corps are the preponderant factor in the psychology of the military; and with or without the draft, professional officers are recruited voluntarily from a variety of regional and socioeconomic backgrounds. It is hard to believe that substituting a true volunteer for a draftee or a draft-induced volunteer in one of every six positions will so alter the military as to threaten the tradition of civilian control, which is embodied in the Constitution and deeply felt by the public. It is even less credible when one considers that

this substitution will occur at the lowest level of the military ladder, among first-term enlisted men and officers, and that turnover of these first-term personnel in an all-volunteer force will be approximately three-fourths of that in a comparable mixed force.

The truth is, we already have a large professional armed force amounting to over 2 million men. The existing loyalties and political influence of that force cannot be materially changed by eliminating conscription in the lowest ranks (chapter 12).

Objection 5: The higher pay required for a voluntary force will be especially appealing to blacks who have relatively poorer civilian opportunities. This, combined with higher reenlistment rates for blacks, will mean that a disproportionate number of blacks will be in military service. White enlistments and re-enlistments might decline, thus leading to an all-black enlisted force. Racial tensions would grow because of white apprehension at this development and black resentment at bearing an undue share of the burden of defense. At the same time, some of the most qualified young blacks would be in the military—not in the community where their talents are needed.

Answer: The frequently heard claim that a volunteer force will be all black or all this or all that, simply has no basis in fact. Our research indicates that the composition of the armed forces will not be fundamentally changed by ending conscription. Negroes presently make up 10.6 percent of the armed forces, slightly less than the proportion of blacks in the Nation. Our best projections for the future are that blacks will be about 14 percent of the enlisted men in a conscripted force totalling 2.5 million officers and men, and 15 percent in an all-volunteer force of equal capability. For the Army, we estimate that the proportion of blacks will be 17 percent for the mixed force and 18 percent for the voluntary force as compared to 12.8 percent in the Army today. To be sure, these are estimates, but even extreme assumptions would not change the figures drastically.

If higher pay does make opportunities in an all-volunteer force more attractive to some particular group than those in civilian life, then the appropriate course is to correct the discriminations in civilian life—*not* introduce additional discriminations against such a group.

The argument that blacks would bear an unfair share of the burden of an all-volunteer force confounds service by free choice with compulsory service. With conscription, some blacks are compelled to serve at earnings below what they would earn in the civilian economy. Blacks who join a voluntary force presumably have decided for themselves that military service is preferable to the other alternatives available to them. They regard military service as a more rewarding opportunity, not as a burden. Denial of this opportunity would reflect either bias or a paternalistic belief that blacks are not capable of making the "right" decisions concerning their lives (chapter 12).

Objection 6: Those joining an all-volunteer force will be men from the lowest economic classes, motivated primarily by monetary rewards rather than patriotism. An all-volunteer force will be manned, in effect, by mercenaries.

Answer: Again, our research indicates that an all-volunteer force will not differ significantly from the current force of conscripts and volunteers. Maintenance of current mental, physical, and moral standards for enlistment will ensure that a better paid, volunteer force will not recruit an undue proportion of youths, from disadvantaged socioeconomic backgrounds. A disproportionate fraction of the 30 percent presently unable to meet these standards come from such backgrounds, and these men would also be ineligible for service in an all-volunteer force. Increasing military pay in the first term of service will increase the attractiveness of military service more to those who have higher civilian earnings potential than to those who have lower civilian potential. Military pay is already relatively attractive to those who have very poor civilian alternatives. If eligible, such individuals are now free to enlist and, moreover, are free to remain beyond their first term of service when military pay is even more attractive.

Finally, how will "mercenaries" suddenly emerge in the armed forces as a result of better pay and other conditions of service? The term "mercenary" applies to men who enlist for pay alone, usually in the service of a foreign power, and precludes all other motives for serving. Those who volunteer to serve in the armed forces do so for a variety of reasons, including a sense of duty. Eliminating the financial penalty first-term servicemen presently suffer, and improving other conditions of service, will not suddenly change the motives and basic attitudes of new recruits. Also, can we regard as mercenaries the career commissioned and non-commissioned officers now serving beyond their first term? (chapter 12).

Objection 7: An all-volunteer force would stimulate foreign military adventures, foster an irresponsible foreign policy, and lessen civilian concern about the use of military forces.

Answer: Decisions by a government to use force or to threaten the use of force during crises are extremely difficult. The high cost of military resources, the moral burden of risking human lives, political costs at home and overseas, and the overshadowing risk of nuclear confrontation—these and other factors enter into such decisions. It is absurd to argue that issues of such importance would be ignored and the decision for war made on the basis of whether our forces were entirely voluntary or mixed.

To the extent that there is pressure to seek military solutions to foreign policy problems, such pressure already exists and will not be affected by ending conscription. The volunteer force will have the same professional leadership as the present mixed force. Changes in the lower ranks will not alter the character of this leadership or the degree of civilian control.

A decision to use the all-volunteer force will be made according to the same criteria as the decision to use a mixed force of conscripts and volunteers because the size and readiness of the two forces will be quite similar. These military factors are key determinants in any decision to commit forces. Beyond initial commitment, the policy choice between expanding our forces by conscription or by voluntary enlistment is the same for both the all-volunteer force and a mixed force of conscripts and volunteers. The important difference between the two forces lies in the necessity for political debate before returning to conscription. With the all-volunteer force, the President can seek authorization to activate the standby draft, but Congress must give its consent. With the mixed system, draft calls can be increased by the President. The difference between the two alternatives is crucial. The former will generate public discussion of the use of the draft to fight a war; the latter can be done without such public discussion. If the need for conscription is not clear, such discussion will clarify the issue, and the draft will be used only if public support is widespread (chapter 12).

Other critics of an all-volunteer force argue that it will gradually erode the military's effectiveness. Some of their main concerns are taken up below.

Objection 8: A voluntary force will be less effective because not enough highly qualified youths will be likely to enlist and pursue military careers. As the quality of servicemen declines, the prestige and dignity of the services will also decline and further intensify recruiting problems.

Answer: The Commission has been impressed by the number and quality of the individuals who, despite conscription, now choose a career in the military. The fact that we must resort in part to coercion to man the armed services must be a serious deterrent to potential volunteers. A force made up of men freely choosing to serve should enhance the dignity and prestige of the military. Every man in uniform will be serving as a matter of choice rather than coercion.

The Commission recognizes the importance of recruiting and retaining qualified individuals. It has recommended improved basic compensation and conditions of service, proficiency pay and accelerated promotions for the highly skilled to make military career opportunities more attractive. These improvements, combined with an intensive recruiting effort, should enable the military not only to maintain a high quality force but also to have one that is more experienced, better motivated, and has higher morale (chapters 4, 5, 7, and 12).

Objection 9: The defense budget will not be increased to provide for an all-volunteer force, and the Department of Defense will have to cut back expenditures in other areas. Even if additional funds are provided initially, competing demands will, over the long term, force the Department of Defense to absorb the added budgetary expense of an all-volunteer force. The result could be a potentially serious deterioration of the nation's overall military posture.

Answer: Ultimately, the size of the military budget and the strength of our armed forces depend upon public attitudes toward national defense. Since World War II, our peacetime armed forces have been consistently supported at high levels. The public has supported large forces because it has felt them essential to national security. The change from a mixed force of volunteers and conscripts to an all-volunteer force cannot significantly change that feeling.

The contention that an all-volunteer force is undesirable because it would result in smaller defense forces raises a serious issue regarding the conduct of government in a democracy. Conscription obscures a part of the cost of providing manpower for defense. When that cost is made explicit, taxpayers may decide they prefer a smaller defense force. If so, the issue has been resolved openly, in accord with the Constitution, and in the best tradition of the democratic process. Those who then argue that too little is being devoted to national defense are saying that they are unwilling to trust the open democratic process; that, if necessary, a hidden tax should be imposed to support the forces they believe are necessary (chapters 3 and 12).

Finally, Mr. Speaker, there is the matter of ending the draft and providing for future emergencies. My bill calls for a 3-year phaseout of the draft by the end of 1972 and provides that Congress, not the executive, must control the mechanism for activating a standby draft system if required in time of national emergency or war.

The Commission's plan for a standby draft and its arguments for congressional reactivation of the system closely parallel mine. In my judgment, this section of the report is another that deserves to be especially highlighted and I herewith submit it for insertion in the RECORD:

Heeding its directive, the Commission has considered "what standby machinery for the draft will be required in the event of a national emergency." The Commission recom-

mends that legislation be enacted to provide, once an all-volunteer force is in effect:

1. A register of all males who might be conscripted when essential for national security.

2. A system for selection of inductees.

3. Specific procedures for the notification, examination and induction of those to be conscripted..

4. An organization to maintain the register and administer the procedures for induction.

5. That a standby draft system can be invoked only by resolution of Congress at the request of the President.

Because there have been several recent studies of the operation of the Selective Service System, we have not undertaken a re-examination of that subject. Instead, we have formulated our recommendations for standby draft machinery in fairly general terms, which would be consistent with a wide range of specific systems.

Clearly the task of creating and maintaining a state of military preparedness capable of dealing with threats to the nation's security is a vital one. The nation's military readiness is both actual and potential: active duty personnel are prepared to act instaneously; able-bodied but untrained and unorganized civilian males are potential servicemen. This spectrum of manpower can be divided into three groups in descending order of their state of readiness: (1) active duty personnel, (2) reserves, and (3) civilians. In planning standby draft machinery, it is important to recognize that conscription is relevant only to the civilian population.

The rationale for providing a standby draft is the possible urgent need for the nation to act quickly. It is clear, however, that a standby draft will not supply effective military forces in being. All it can provide is a basis for acquiring eligible manpower who must be trained, organized and equipped. Effective forces can be available only to the extent that men are organized, trained and equipped prior to an emergency. Under current military policy, should a crisis arise, it is the function of the Reserves to provide the first stage in the expansion of effective forces. They are organized and at least partly trained and equipped; hence they can be operationally ready in a shorter time than new forces. The function of a standby draft is to provide manpower resources for the second stage of expansion in effective forces.

Much thought lies behind the recommendation that Congressional approval be required to invoke conscription. An important issue of national policy is obviously involved. The alternative is to endow the Office of the President with the independent power to call for activation of the standby machinery. This has been rejected for several reasons.

Conscription should be used only when the size of forces required for the security of the nation cannot be supplied by the existing system. If Congressional approval is made a prerequisite to the use of conscription, the necessity for legislative action will guarantee public discussion of the propriety of whatever action is under consideration. If discussion yields a reasonable consensus, the nation's resolve will be clearly demonstrated and made less vulnerable to subsequent erosion. If a consensus sufficient to induce Congress to activate the draft cannot be mustered, the President would see the depth of national division *before*, rather than after, committing U.S. military power.

A standby system which authorizes the President to invoke the draft at his discretion would capture the worst of two worlds. On the one hand, it would make it possible for the President to become involved in military actions with a minimum of public debate and popular support. On the other hand, once the nation was involved, especially in a prolonged limited conflict, the inequities of the draft would provide a convenient rallying point for opposition to the policy being pursued.

It is important to emphasize that Congress has not been reluctant to enact a draft when the President has requested it. In the first World War, the United States declared war on April 1, 1917, the draft law was requested by President Wilson on April 7, and it was signed into law on May 18. Prior to World War II a draft bill was introduced into Congress on June 20, 1940, endorsed by the President on August 2, passed on September 14, and signed into law September 16. When the Korean War broke out on June 24, 1950, debate on extension of the selective service law had been underway for some months. Congress promptly discontinued debate and extended the law for one year on July 9.

Because of the loss of personal freedom and the inequities inherent in conscription, the draft should be resorted to only in extreme situations. If the Office of the President has the power to use the draft, there will be pressures to do so when circumstances do not warrant it. The viability of an all-volunteer force ultimately depends upon the willingness of Congress, the President, the Department of Defense and the military services to maintain (1) competitive levels of military compensation, (2) reasonable qualification standards, and (3) attractive conditions of military service. Under forseeable circumstances, such as serious budget constraints, there is a danger that inaction by one or another of these parties might force the President to resort to conscription when it is not really necessary. If Congressional approval is made a prerequisite to use of the draft, the danger of using it unnecessarily or by default will be much reduced.

One of the fundamental principles embodied in the Constitution is that taxes are to be levied only by Congress. Since conscription is a form of taxation, the power to conscript is the power to tax. Therefore, it is in keeping with the intent of the Constitution to require Congressional approval for the activation of the standby draft.

Finally, requiring Congressional approval for activation of a standby draft will have little or no effect on the time required for the nation to bring effective military power to bear when needed. To repeat: conscription does not provide the nation with military forces in being. Effective flexibility in response to crisis can be achieved only to the extent that forces are already partly or wholly organized, trained and equipped. The draft is a vehicle for supplying men for gradual expansion, not for meeting sudden challenges. This has been true, for example, in Vietnam. Under our standby proposal, the delay introduced in expanding the forces with conscripts cannot exceed the time it takes for Congress to act. In practice the time lost will be even less: preparations for organizing, training and equipping recruits can proceed simultaneously with Congressional action.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 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?

DOING WHAT IS POSSIBLE AS WHITE MEN

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. JACOBS. Mr. Speaker, the Reverend Richard Hamilton of Evansville, Ind., is old fashioned. He still believes Christ meant what Christ said.

He even still believes what "America the Beautiful" says, "To crown our good with brotherhood."

Shelley wrote:

The great secret of morals is love. A man to be greatly good must imagine deeply and comprehensively, he must put himself in the place of another—of many others. The pleasures and pains of his specie must become his own.

The following sermon delivered by Rev. Richard E. Hamilton makes clear his knowledge of the great secret of morals:

DOING WHAT IS POSSIBLE AS WHITE MEN

(Sermon delivered at the Methodist Temple, Feb. 8, 1970, by Richard E. Hamilton)

"I appeal to you, my brothers. . . . bring a living offering to God. Put yourself wholly in his service. . . . Do not allow yourself to be governed by the norms of the world, but let yourself be transformed by God your mind and heart be fundamentally changed by him." (Romans 12)

The world has many ways of testing our faith. There is little question but that the middle decades of the 20th century have been and are presenting to the American churches a clear test of faith in the matter of racial change.

I am well aware that *many of us are tired of being reminded* that this is so. As a matter of fact both blacks and whites are tired of such talk. The black man is tired in the sense of impatient. He is saying, Get on with the action, or get out of the way. The time for talk has passed. The white man is often tired in the sense of fed-up, saying, We have heard too much about race. Let's drop it a while. Give us all a rest.

Who cannot understand that feeling? I can understand it. It is no easier to speak about the racial testing of our faith than it is to listen to it, and I have been speaking about it for 15 years. I have also been listening. I read the symptoms of fatigue of the conscience in many of us white men.

But to those who feel this way I can offer no solace and no respite. The testing of the church is not imaginary, not temporary, not superficial. It is real, it is deep, it cuts close to the heart of our commitment and it will remain a part of our Christian experience in the foreseeable future. It is a part of the duty and the burden of the church in our time. For the white Christian to say that he does not wish to hear more about it, is for the surgeon to say he is tired while the patient is still on the table, the policeman to punch out at the station time clock while the riot is still on, the athlete to relax in the third quarter or the mother to say, I'm tired, in the midst of childbirth.

Of course people are tired. Of course it is painful to continue. But some things cannot be suspended. Racial change is one such thing in our day. There is a dangerous mood in America and in the church today. It says, Let's let up; let's slow down. It is very attractive, very beguiling, and it is malignant. To ask to be excused is to deny our faith. We must say it kindly but we must say it firmly.

Many of you join me, I know, in the conviction that our responsibility in the name of Christ is great here. If we did not learn that from the New Testament, perhaps we have learned it from the newspaper. Together the two have convinced us.

But *conviction and effective contribution are two different things*. And the best intentioned persons are often frustrated or confused today. The disillusioned white man of good will who shakes his head at the last fifteen years of racial movement and says, Things were a lot more peaceful before all this started is right in his description if by peace you mean a situation without open conflict and in which everyone knows the rules. The problem is that now the rules have changed. But the reluctant white being dragged into the new world by his heels and the sympathetic white, wanting to help, are confused. Both sense that the rules have changed, but no one seems to have the new handbook.

As a result even those who want to help, sometimes do not know what is possible.

Perhaps we need to begin by reminding ourselves of what is not possible for us white men anymore.

It is not possible for us to decide unilaterally where and when and how changes in *the racial patterns of our society will come about*. For a long time we have done that. That all began to change on a hot day in 1956 in Montgomery when one tired black woman decided she would decide from then on where to sit on the bus. Ten years ago as Essie Lincoln writes this week in a religious sociologist viewpoint, the number of blacks who had ever voted in Mississippi could have been seated in a good sized camp meeting with nobody on the ground. Today nearly 100 blacks hold public office in Mississippi. So in a dozen different ways the black man is less and less ready to allow the white man to call the shots.

Second, it is no longer possible for the white man to relate to his black neighbor as benevolent uncle or kind boss man. The black will no longer tolerate that, nor will he allow us to fool ourselves about such relationships in the past. Dick Gregory, the black comedian and rebel, said several years ago that he thought the racial troubles in this country would soon be over because, he said, every white man he met said that some of his best friends were Negroes. There are still whites who do not hear the bitter irony in those words. Any white who understands at all what has happened in the past ten years will avoid referring to the "colored people" and will never again say, Some of my best friends are. . . . Few ever had the right to say that. I grew up in the South. Mary was in our home often. She sometimes walked to the river with me to feed the ducks. She washed our clothes, cooked some of our food, soothed our skinned knees. She loved us and we loved her. But if I ever did, I could not now say with a clear conscience, Mary was my friend. A friend is a person you invite to sit in on your bridge club, one whose children are often in your home, one you go on a family camping trip with, one you drop in on unannounced.

Today's black is often saying, at least for the time being, Keep your friendship until we can meet as equals.

Nor can the white man assume any longer that the black man wants to be like him. The arrogance of that assumption is monumental. The black man wants many of the things I want; he shares the elemental human concerns I have for food and security. But the black man knows today that he does not have to be white to be a man. As a white man I have to accept that.

But if we have to begin by knowing there are some things which are not possible for the white man today, we have to continue by *searching for the things that are possible*. There are many. I mention six quickly.

1. *We can acknowledge our guilt*. Why is this so difficult? Why do we hedge so? Next to the Bible which talks about lack of brotherhood as sin, I suppose the Kerner Report is the least favorite reading of white Christians. This high-level citizens report says that our two societies are the direct result of white racism. No one likes to feel guilty. But guilt acknowledged is the first step for the white man in doing what is possible. We are after all, responsible. This is our society. We made it what it is. If it is divided, we sowed the seeds. If it is violent, we failed to be makers of peace. If it is sick, we allowed wounds to fester. Christians ought to know that it is possible to do something about guilt. We might begin there, with confession.

Next, *we can take risks in personal relationships*. Let's acknowledge that we do not have "best friends," at least few of us do. But we can try to build a few bonds of real acquaintance and respect. This road is hazardous today. One may easily meet rebuke. But it can be done. Of course it will be a bit artificial at first, a bit forced. What new friendship isn't? Don't you remember your first blind date, or first meeting with the new business associate, or golfing partner at the club tournament? But personal relationships on real basis of equality of respect are crucial, and they are possible—not the condescending forms of being good to the unfortunates but genuine meeting of person to person, for the benefit of both.

Third, we as individuals, or groups of Christians, can continue *to press for change where we are*. The word is not *wish* for, but *press* for. You sell used cars? Is there a black salesman on your team? Your bank handles trust properties. Couldn't you do a bit more about housing integration? You're looking for an investment with social benefits? The University needs scholarship funds, particularly for blacks. You are a teacher, a PTA officer, a legislator, a service club member, a listener at the beauty shop. No, you cannot do it all. But you could do something.

It is not enough to wish the Negro well. He still needs the muscle and resources and commitment of white men who will stand with him. The Christian white man is called to *press* for change with all skill, with all understanding, but with full energy and muscle. If this is not so then I do not understand the New Testament. When my children read the history of the 1960s and 1970s in America and ask, Dad, what did you do back when the black Americans were struggling upward, I do not want to have to answer, I stood on the sideline and *wished* them well.

Fourth, it is possilbe for the white man to work to *undertand and to support the movement toward black identity and power*. It surely goes without saying that not every voice from the black community is mature, not every voice is responsible. Was it Carl Stokes the black mayor of Cleveland or Richard Hatcher of Gary who said, "We must be given the right to make our own mistakes"? Blacks are no more consistent or unified or constantly tempered and wise than whites. But the dread and very deep stream of black self-consciousness are elemental human currents.

In fall of 1969, 14 black members of I.U. football team quit in mid season. Four returned after one week; ten left permanently. Newspaper article quoting many of them contained these words from one of the starters, ". . . all we want is for people to respect us for what we are doing. No one seems to understand . . . even some of the white players don't understand We were born black. We were not born football players. We can stop being football players, but we'll always be black."

"There comes a time when you have to ask yourself: Am I a man?! Black pride is more than a figure of speech.

"Sure, this whole thing turned out to be more than we thought it would be. And we've found out this 'Hoosier Hospitality' stuff doesn't last after you're through playing football. As long as you're performing for them, you're okay. But they're through with you when you leave the field.

"Some people have been real nasty about it. I feel sorry for them."

They can be listened to. It is probably true that no white man can really know what it is like to be black, but we can listen. We can stop alibiing for the harsh statistics, which in spite of some gains, are appalling, a devastating indictment of all of us, at the point of death rate, disease rate, unemployment rate, salary scales even for equal education and all the rest.

Fifth, the concerned white man can make his own peace with the fact that the required change for the black *man will probably cost him something*. This is the fallacy of many persons of good will and genuine desire to help. A little more education, a little more time, a little more good will and everyone will be happy and no one will be hurt. The history of social change is not reassuring here. What we want in racial change may not come without some suffering on our part. That should not surprise the Christian. He ought to remember that truth and life and love and the brotherhood of man as he understands them now became clear only at very high cost.

The county of my birth has been much in the news recently. Down in Daytona Beach there is a difficult process going on. Today's schoolchildren are being asked to pay some cost in inconvenience and perhaps in quality of education because of the sins of those of us who have lived in Volusia County for all the past decades. It's a painful thing. Why should children have to bear the burden? I remember something in the Bible about the sins of the fathers coming to fruit in their children.

It is astonishing how quickly we dismiss any suggestion of responsibility on our part. excuse ourselves, if there is a price tag attached. Yes, there might have been in the past; there might be today, temporary drops in housing values (it would be caused of course by white psychology, not black money) if housing were really open. Yes, school curricula might have to be adjusted for the children of illiterates. Yes, there may be some extra spoilage on the production line when men who are third generation garbage haulers try to read micrometers; yes, job loyalty might be a problem with people who have felt little stake in productivity or in society as a whole. But we are the ones who determine real estate prices; we are the ones who allowed illiteracy to continue; we are the ones who closed the doors to personnel offices or union ranks for so long, so long. Why should it surprise us if now we have to pay part of the price of catching up? It is no secret as to who has borne the cost so long.

The white man can come to terms with his own past, not with view to any delight in feeling guilty, but in accepting responsibility, and with the realities of today, and with the judgments of his own faith and know that it is his burden and perhaps, in the deepest religious sense, his high privilege to live in a time when he must bear some of the suffering of those around him. Such a

white man will know instinctively that he will have to go a little more than half way, bear a little more than half the load. Whenever I hear someone complain about having to hire men not quite qualified, and all honor to the business world where this is being done, or admit students not quite bright enough, or meet demands not quite fair with an outraged conscience and a holy appeal to equality and justice, I winch a little. We who have winked at equality so long can scarcely make it serve us now.

It's as if we had been at the three-quarter point, we pause and, looking back from our 400 yard (or 400 year advantage) we say, All right, take off the leg irons. From here on we run as equals. Ready, Set, Go.

Whatever those rules might be, they would not be justice, nor equality.

So it is. The white man lives today in a time requiring patience and pressure. Patience to listen and to bear a bit more of the load than he would like. And pressure, pressure to keep the momentum moving in a direction that is surely to the best in our national heritage. But beyond this the white Christian cannot forget that he is under a mandate not option for extra credit as a Christian, a mandate not of grudging acceptance of what must be taken from him to serve another; nor of reluctant acquiescence to the bare bones of justice. But he is under a mandate of generous, sacrificial love.

The white man who remembers this today cannot do everything. But he can do something. And what he can do he must do.

In 1963 a United States Commission came to Indianapolis to inquire as to progress in civil rights. At one point in the hearings a member asked, What are the churches here doing? There was an awkward laughter in the room.

That was not entirely fair. But there will be echoes of that laughter, bitter laughter, *until we do what is possible.*

THE UGLY 4 PERCENT

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. DERWINSKI. Mr. Speaker, a very fascinating and objective commentary on the subject of anonymous and explosive calls to publications appeared in the February 18 edition of the Suburbanite Economist of Chicago, Ill.

In noting the article, I must observe that many Members have undoubtedly had the same basic reaction to similar letters and calls which we often receive and know how frustrating it can be not to have an opportunity to provide clarifying information to an irate individual.

The article follows:

THE UGLY 4 PERCENT

Every time a controversial article appears in the paper (and almost anything is controversial to somebody) people call the editor.

Ninety-nine percent are polite and reasonable and their viewpoints are welcome, although those viewpoints would reach more people if put in writing to appear in the Public Forum.

Every now and then, though, a real live large-mouth get on the horn. Some nasty trait in him cuts loose, and he gets a real charge out of cussing out an editor.

This type always knows everything. Never mind the facts—he knows better. He "knows who planted that story," or he "knows who paid money to get that printed."

Sometimes he also "knows" that the editor is (1) Jewish, (2) Catholic, (3) atheist or (4) a Bible-thumper. He "knows" other things about the editor's ancestry, too, and expresses these in gutter terms.

This type never gives his name. Oh no. He's only brave when he's anonymous. Generally, he starts his abuse with the switchboard operator and continues as long as anybody will listen to him. Nobody can talk to him; he didn't call to listen, he called to holler and he does.

Sooner or later, depending on the individual's tolerance, somebody hangs up on him. Then his day is made. This confirms it; he was right; the newspaper had no answer.

Well, here's your answer, Bub. You're wrong, wronger, wrongest. Nobody is going to listen to your profanity, so next time save your dime. You're going to need it for bail money some day.

Now, if you want to respond to this, do it in writing. If you can write. The people on this newspaper's staff don't have to put up with abuse from the likes of you on the telephone.

DECLARATION OF SUPPORT OF PEACE IN THE MIDDLE EAST

HON. W. S. (BILL) STUCKEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. STUCKEY. Mr. Speaker, on January 29 of this year there were 227 Members of the House of Representatives, both Republicans and Democrats, who joined the Honorable EMANUEL CELLER in signing his declaration in support of peace in the Middle East. Due to an oversight on the part of a member of my staff my name was not transmitted to Mr. CELLER's office in time to be included as a supporter of this declaration. I would like to take this opportunity to join in expressing my support for Mr. CELLER's declaration, the text of which follows:

DECLARATION IN SUPPORT OF PEACE IN THE MIDDLE EAST

We, the undersigned Members of the United States Congress, declare: A just and lasting peace in the Middle East is essential to world peace.

The parties to the conflict must be parties to the peace achieved by means of direct, unhampered negotiations. We emphasize these significant points of policy to reaffirm our support for the democratic State of Israel which has unremittingly appealed for peace for the past 21 years. Our declaration of friendship for the State of Israel is consistent with the uninterrupted support given by every American President and the Congress of the United States since the establishment of the State of Israel.

It is not in the interest of the United States or in the service of world peace to create the impression that Israel will be left defenseless in face of continuing flow of sophisticated offensive armaments to the Arab nations supplied by the Soviet Union and other sources. We thus adhere to the principle that the deterrent strength of Israel must not be impaired. This is essential to prevent full-scale war in the Middle East.

All the people of the Middle East have a common goal in striving to wipe out the scourges of disease, poverty, illiteracy and to meet together in good faith to achieve peace and turn their swords into ploughshares.

CENTENNIAL MEDAL TO EDNA KELLY

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mrs. SULLIVAN. Mr. Speaker, we are always delighted when word reaches us that something nice has happened to one of our former colleagues and "one of the family," so to speak. This is particularly true when an honor is bestowed upon that former colleague by an institution of which they have been a part and for service rendered while a part of this great body.

I was particularly pleased to learn of the high honor recently given to the Honorable Edna F. Kelly by her alma mater, Hunter College—the President's Centennial Award.

Those Members who worked with Edna Kelly during her 19 years in the House, and particularly on the Foreign Affairs Committee, were deeply impressed with her keen intellect, her quick mind and tremendous capacity and store of knowledge. Perhaps few who have been Members of this body have had the intimate, detailed knowledge of the various treaties entered into by our Government over the years and their effect upon our dealings with other nations of the world. The Members who are aware of her tremendous capabilities would agree that this wealth of information and know-how should not go untapped in these days when expertise in these areas is so desperately needed.

During her 19 years as a Member of this House of Representatives, she represented the first, 10th, and 12th Congressional Districts in Brooklyn. In 1963, she was appointed to the U.S. delegation to the United Nations by the late President John F. Kennedy. As stated before, while in the Congress, she served on the House Committee on Foreign Affairs and was chairman of the Subcommittee on Europe. In addition, she was a ranking member of the Subcommittee on State Department Organization and Foreign Operations. Her dedication to service was an inspiration to all of us who served with her.

At the ceremony on Friday, February 13, 1970, the citation to her was as follows:

Because you have established significantly the role of Women in law making, because you have sought to introduce through methods of international cooperation the peaceful diminution of world tensions, because you have moved the economically disadvantaged people of this country toward a significantly better life, Hunter College bestows upon you, its highest honor, the Centennial Medal.

I know you will want to join with me in congratulating Hunter College for having recognized the talents and contributions of one of its alumni, and to extend to Edna our warm regards and the wish that her latent talents in so many fields will be utilized in this decade of the seventies.

Along with Edna F. Kelly, several other alumni were given this honor, including the well-known Sylvia Porter.

ATOMIC ENERGY AND THE ENVIRONMENT

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. WOLFF. Mr. Speaker, I wish to continue placing in the RECORD statements received at a hearing on atomic energy and the environment which my colleague from New York (Mr. REID) and I held in New York.

Today I am including statements from Jacqueline Binnian, of the Action for the Preservation and Conservation of the North Shore of Long Island, and Per Moberg, a distinguished constituent of mine who spoke on behalf of the Sierra Club.

The statements follow:

ATOMIC ENERGY PLANTS AND THEIR EFFECTS ON THE ENVIRONMENT

At the past hearings in New York State on atomic energy the utility companies have been asked why they continue to commit all their efforts in attempting to build atomic power installations to supply additional electric power to the consumer. Their answer is that they feel this is the best and cheapest way to supply the demand! We are sure your committee is aware of other methods, i.e. fossil fuel and hydro electric power which should be considered in an unbiased effort to meet the projected future needs.

ACTION takes the position that a master plan for electric power generation and distribution for the whole U.S.A. must be in effect and until additional information has been developed with regard to the overall effects of nuclear power plants on their environments, no large scale construction programs should be permitted.

ACTION is concerned with future studies of: (1) The long range results of large amounts of heat which must be dissipated either in the atmosphere or in the surrounding waters. (2) Possible radioactive pollution due either to long-term buildup in minute increments, or by accident. (3) Preservation of natural resources through location of atomic plants in areas which might be improved thereby, rather than sites dictated by the utility companies' preference for economic factors.

ACTION strongly endorses the position taken in the Electric Power Plant Siting Act of 1968 as presented to Congress by Senator Edward Kennedy and Representative Richard Ottinger. Governmental agencies should control sites based upon a master plan for nuclear power plant installations throughout the country, and with full consideration of local conditions. ACTION feels it is essential that any committee established on siting of power plants should include members representing environmental understanding and know-how.

Respectively submitted: William S. Smoot, President.

Presented by: Jacqueline C. Binnian.

ATOMIC ENERGY PLANTS ENVIRONMENTAL EFFECT

(Statement of Per Moberg on behalf of Sierra Club Atlantic Chapter and Adirondack Mountain Club L. I. Chapter)

Congressmen Addabbo, Reid and Wolff: My name is Per Moberg, a resident of Port Washington, Nassau County, Long Island. I have been asked to appear on behalf of the Sierra Club and the Adirondack Mountain Club members who reside in the Long Island Sound region.

We are not nuclear physicists or ecologists. We are not speaking with scientific knowledge or producing unquestionable evidence one way or the other. As a matter of fact, the very absence of reliable data is the reason why we are here today.

We cannot accept the fact that atomic energy plants are to be built along the shores of Long Island Sound without the guarantee that such installations would not alter either us or our environment.

It does not take scientific "know-how" to be aware of the pollution in Long Island Sound and its Bays. The prohibition of shell fishing, the closing of the beaches for swimming are not the result of nature, but caused by man-made activities from a society that has refused to look ahead and consider the long range effect of its "doings." We are now at the point where hundreds of millions, perhaps billions, of dollars will have to be spent in the Long Island Sound region alone to restore and prevent what a thoughtless society with a runaway technology has created.

Are we to permit continued experimentation with our lives and our environment by an industry which cannot tell us if they are going to create a tropical paradise or an active cesspool?

Now is the time to stop and think, to make sure that we know what we are doing. Let's give ourselves a chance to restore the Sound and the Bays to the beautiful waters they once were. This is not the time to embark on ventures out in the unknown with captive passengers. At this time, we need a moratorium on all activities of questionable nature. We are not opposed to progress—only to blind progress.

FREEDOM'S CHALLENGE

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ASHBROOK. Mr. Speaker, this year over 400,000 students participated in the Voice of Democracy contest which is annually sponsored by the Veterans of Foreign Wars of the United States and its ladies' auxiliary. The VFW is certainly to be commended for this encouragement to good citizenship and Americanism, the theme of which this year was "Freedom's Challenge."

I was indeed happy to learn that the winning speech for the State of Ohio was delivered by Miss Katherine Elizabeth Euga, a resident of Pleasant City in the 17th District, and a student at Meadowbrook High School at Byesville, Ohio. Very wisely, Miss Euga stressed the vital importance of individual responsibility and personal involvement in perpetuating our freedoms, virtues which she has evidently practiced in her school activities. As president of both the Thespian Club and the Mixed Chorus, along with serving as class secretary and secretary of the student body, Miss Euga personified the interest and concern which she recommends to all citizens of our Nation. In addition, her achievements include the National Honor Society in 1969, Girl's State in 1969, and the All Ohio Youth Choir in 1968.

In an age of easy generalizations when some shirk the burdens of individual responsibility by excoriating the "Establishment" or the "System" for ills both real and imagined, it is refreshing to see emphasized that individual initiative and responsibility which propelled this Nation forward to its present position among the governments of mankind.

I wish to commend Miss Katherine Marie Euga for her timely message and include the text of her speech in the RECORD at this point:

FREEDOM'S CHALLENGE

(By Katharine Elizabeth Euga)

Have you ever observed the activity around and within an anthill? If you have, you will have found that each ant, regardless of whether it is a worker, an egg tender, or the queen, must carry out its distinct role in order to maintain the stability and strength of the colony. If just one of the ants fails to do so, the colony in some way will suffer a loss. You will observe also that when a stick is suddenly thrust into the hill, it becomes quite obvious that every ant is willing to rush to the defense of the structure.

Try to compare for a moment the anthill to the United States of America, a country composed of millions of people each having his distinct role in our society. Regardless of whether a person is a doctor, a lawyer, a mechanic, a minister, or the President, his role is a vital one to our society. Does the responsibility of maintaining the strength of our anthill rest with a few queen ants at the head of our government, or does it ultimately belong to every person in the country? To expand our analogy, wouldn't the country in a sense suffer a loss if a few people were to misuse or not use their freedom? Finally, should a stick be thrust into our anthill, the United States, would only the leaders of our nation be responsible for maintaining our freedom? No, every person should be more than willing to come to the defense of his or her homeland should it be threatened by some destructive outside force or corrosive inside force.

This, I feel is the heart of freedom's challenge to every citizen of the United States, the challenge of using (not neglecting or misusing) yes, not abusing the right to have a say in our government affairs and to live life as an individual with unique ideals and opinions. At these times when pleasure is plentiful and material wealth is abundant, people tend to form a lax attitude and not concern themselves with the pressure of deciding what is right or wrong in our society. In this world with its electric appliances, one or two automobiles per family, self-cleaning ranges, and automatic dishwashers, it's very easy to shrink from making these decisions and retreat to our Ivory Towers. In my opinion, freedom, like a door hinge, becomes rusty and loses its shine with lack of use. With abuse, it becomes bent out of proportion and no longer serves its purpose.

In order for each citizen to play a healthy, active part in our democracy, he must first keep in mind and exercise his rights guaranteed him by the United States Constitution. These rights are: freedom of speech, freedom of the press, freedom of worship, the right to assemble, and the right to file a petition. Let me bring this down to a personal level—how I as a high school student may partake of these freedoms. I may attend any church service of my choice without fear of persecution. If I so wish, I can speak out for or against an issue such as the failure to lower the voting age to nineteen. My local newspaper welcomes any articles concerning such issues. Only recently, two students from my high school expressed their feelings about lowering the voting age by means of a letter to the editor. This was printed with no fear of punishment. If I am against a certain policy in my school, I

may call an assembly of my schoolmates after school hours and draw up a petition protesting the policy and signed by the students. You see, in everyday life, any person who is fulfilling his role as a citizen should surely use his freedoms and not hasten their death through lack of use.

Secondly, should not each person be prepared to defend the system which guarantees these basic rights if the time should come when it will be endangered? If man expects to have a voice in the structure that governs him, he should be willing to defend it with every ounce of strength in him. How else is it to withstand the forces which would tear it apart both from the outside and from within?

Yes, I feel that the real challenge of freedom faces each citizen in his daily living. Will he keep liberty alive by using and nurturing it, or hasten its death from dormancy? Will he take the first opportunity to help defeat any threat to our democratic system, even if it requires his life, or will he quiver in his shoes and submit to the opposition? I've made my choice and am preparing myself to take a stand as a conscientious citizen of our great nation. Which choice have you made?

ESTONIA AND THE OTHER BALTIC COUNTRIES ARE NOT FORGOTTEN

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. FRIEDEL. Mr. Speaker, among the great principles to which we in the United States adhere to, believe in, and are willing to fight for is the right of the self-determination of nations. This was clearly enunciated by President Woodrow Wilson in 1917, and has been reaffirmed by us many times.

Fifty-two years ago, Estonia declared its independence, thus manifesting the aspirations of the brave Estonian people for freedom from alien domination. Unfortunately, however, its independence was of short duration because of a curious secret agreement of August 1939 entered into by Nazi Germany and Communist Soviet Russia. As a result, the forces of the U.S.S.R. invaded and occupied Estonia and on August 6, 1940, Estonia was forcibly incorporated into the Soviet Union.

It is needless, I am sure, to again recount the great tragedy, the stark terror, the needless slaughter of thousands of innocent people, and the suffering and misery caused by the Russians. This sad story has been told and retold numerous times here in this historic Chamber. To say that we commiserate with the Estonian and other Baltic peoples, is an understatement. To them we emphatically say "You are not forgotten."

Our late President Kennedy stated:

> We must never . . . at any summit, in any treaty declaration, in our words, or even in our minds . . . recognize Soviet domination of Eastern Europe.

It was during the 89th Congress, after extensive hearings, we adopted unanimously House Concurrent Resolution 416, where it is stated:

> The Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of the right to self-determination by the Government of the Soviet Union—
>
> And urged the President of the United States—
>
> (a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the people of Estonia, Latvia, and Lithuania, and
>
> (b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

Here is undisputable proof that the Estonians and other people of the Baltic countries are, indeed, not forgotten by us. To note the anniversary of the Estonian declaration of independence is to serve notice to the world that we, in the United States, give our full moral support to the rightful aspirations of the brave Estonian people to again achieve freedom and independence in the not too distant future.

AMERICA IN 1980: 15 MILLION HOMES SHORT?

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. FLOWERS. Mr. Speaker, some experts are saying that the economy is in a "period of technical adjustment." Others are saying that we are now bordering on a "mild recession." All these high sounding phrases aside, there is only one way to describe the situation now facing America's homebuilding industry—it is in a state of absolute depression.

This is tragic for during the decade of the 1970's, we will need to build an additional 30 million homes in order to stay even with demand. At the present rate of construction, only 15 million homes will be built by 1980 and the problems which will be created by substandard and inadequate housing will blight the quality of life throughout America. This crisis is not only hurting those families needing housing now, but it is seriously affecting those who depend on the building trades for their livelihood and income. The bricklayers, carpenters, glaziers, and others, are caught in the very middle of this "crunch," while homebuilders are being forced out of business at an alarming rate.

There are several factors which have contributed to this depression—increased cost of materials, labor, and so forth—but the principal underlying cause is the all-time high interest rate being charged on home mortgages.

A specific example can be found by considering a young couple who began married life 8 years ago in an apartment. Since then, three children have been born and they have moved twice from one rental to another to get extra room. During this time, the husband established a good credit rating and managed to save $6,000 for what he thought would be a nice downpayment on their own home. The couple recently selected just the home they wanted for $25,000—it would have cost approximately $22,500 2 years ago. Local financial institutions informed them that even with a prime loan, their payments would run approximately $147 per month, considerably more than they had anticipated and their budget will allow. Two years ago—because interest rates were lower and before inflation ran the price up—they could have bought substantially the same house with a similar amount down and payments of approximately $112 per month. Over a 25-year period, this amounts to about $10,500 more for the same home, the increase being attributable to inflation and higher interest.

The real responsibility for this rests with the Federal Reserve Board controlling the "supply" of money available in our economy to banks and other financial institutions. Money supply is just like any other commodity. For instance, when there is plenty of coffee available, the price goes down and the same is true with the "price" of money as reflected in interest rates.

We are living in a time of inflation making it necessary for us as a nation to collectively "tighten our belts." Last year, Congress tightened the Federal Government's belt by insisting on a balanced budget. I feel certain that this same responsible course will be followed during this session. This is the best way to fight inflation—making certain that the Federal Government "lives within its means." The Federal Reserve Board is an independent agency not subject to the dictates of Congress or the President. If the legislative branch of Government continued deficit spending as was prevalent throughout the 1960's, then there would be some justification for the Federal Reserve to keep a firm hand on the money supply. However, this is not the case and it is my judgment that the Federal Reserve Board should reexamine its policies with a view toward easing the supply of money so that interest rates can return to a normal level.

REPUBLIC OF ESTONIA

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ROBISON. Mr. Speaker, last week, Americans of Estonian descent celebrated the 52d anniversary of the Declaration of Independence of the Republic of Estonia. It is heartening, in this sometimes grey world, to see their spirit so bold and unflagging as they look forward to the day when Estonia once again will take her place among the proud, free nations of the world.

It is a sad thing to see such enthusiasm dampened by the awful truth that the Soviet Union has visited upon this gallant people. Since the end of World War II, the Soviet Union has occupied Estonia and done violence to its national needs and aspirations in the most brutal and insensitive of ways. The occupation

and forced rule has not only resulted in fortunes lost, families broken, and progress stifled, but it has also been a heartbreaking experience for those of Estonian descent who must witness this infamy to their homeland. It is my fervent hope that the day will come when the celebration of the Estonian Declaration of Independence can take place, in all its glorification of freedom and hope, in Estonia itself. And until that time and until the time the Soviet Union quits this reign of terror, we shall raise our voices again and again against this infamous reign.

THE CHICAGO BOARD OF TRADE LOOKS AT STOCK FUTURES

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. PUCINSKI. Mr. Speaker, the Chicago Board of Trade is currently engaged in a series of new dimensions for vitalizing its activities.

I should like to call to the attention of my colleagues three articles which appeared recently to show the new vigor that is taking hold at the Chicago Board of Trade, the world's largest commodities future exchange.

The articles follow:

[From Newsweek, Mar. 3, 1969]

STOCK FUTURES

Despite its power and influence as the world's largest commodity exchange, the Chicago Board of Trade lumbered along for years like a creaky old threshing machine. It was content to do whatever business happened to come its way. Its management was old and tired—attuned to the glories of the past when it was legal to do such things as corner the wheat market. Above all, the board was an insular institution, and its voice was seldom heard outside the grain industry. "The only time we ever crawled out from under our rock," a veteran official once admitted, "was when someone poked a stick at us."

But during the last two years, the venerable board has begun taking on a new vitality. Much of it has been due to necessity: the grain market dropped from its record level of $81.4 billion in 1966 to $36 billion last year. But the biggest reason has been Henry Hall Wilson, 46, a lanky (6 feet 5) North Carolinian and former White House aide to Presidents Kennedy and Johnson, who became the board's $100,000-a-year president twenty months ago. Together with William Mallers, at 40 the board's youngest chairman, Wilson has moved to tighten trading rules, reorganize operating methods, increase the number of paid staff members and give the 120-year-old board a better national image than ever.

Last week, Wilson made his biggest move to date. He announced that the board was thinking about taking a major plunge into the securities business. Although registered with the government to trade in securities since 1934, the board has never done so on a widespread basis, and its last trade was in 1953. Yet to many veteran observers, trading in securities has been just what the board has needed all along to break away from total dependence on agriculture and increase its muscle in top financial circles.

What Wilson proposed to do was set up a national exchange in the so-called option market—or puts and calls. A call gives a buyer the right to purchase stock at a set price within a specified time—usually six months. Call buyers expect that the stock will go up. A put is just the opposite; it allows the buyer to sell stock within a time limit. Put buyers hope stocks will go down. In either case, the option holder's profit is the difference between the price of the option (5 to 20 per cent of the stock's price) and the rise or fall of the security within the time limit. If the stock doesn't perform as desired, the option holder's only loss is the price of the option. In general, if an investor is bullish about the market, he will buy calls. If he is bearish, he will buy puts. In 1968, options were written on about 30 million shares, up from 23 million in 1967. The bulk of the business was handled by only a score of securities dealers in much the manner of over-the-counter dealings—lots of people doing lots of screaming on lots of telephones. There is no central market, such as the New York Stock Exchange, for options.

LOGIC

In seeking to establish such a market, Wilson thinks the Board of Trade is extending its time-honored grain-futures concept to the securities field. Before coming up with the option-market idea, in fact, the board had considered the far-out plan of establishing a futures market in the stocks that make up the Dow Jones industrial average, as well as other individual stocks. That line of reasoning led to puts and calls, which involve betting on the future as surely as trading on next year's wheat crop.

Wilson believes that such a market would be important to the financial community in general. He told NEWSWEEK's Don Holt: "The major feature of the Board of Trade is the hedging activity we provide for the big grain holders. In stocks you have the same kind of inventory holders in the great funds. They don't use puts and calls now because the market is so small. But I think they might if we had a well-organized market."

A functioning option market is, Wilson concedes, a year or more away. But on the board's floor there is unbridled enthusiasm for the plan—complete with wild tales that option dealings could double the value of a seat (now $21,000) in two years. In any case, it is likely that the old board will never be quite the same again. As chairman Bill Mallers put it: "The lines are drawn. People here want to go forward."

[From the Wall Street Journal, Feb. 19, 1969]

CHICAGO BOARD OF TRADE PLANS TO SET UP MARKET IN PUT AND CALL STOCK OPTIONS

(By Jonathan R. Laing)

CHICAGO.—The Board of Trade, the world's largest commodity futures market, is considering a bold diversification move into the securities field. At the exchange's annual membership meeting, Henry H. Wilson, president, said in a speech that the board is studying the possibility of starting an exchange market in stock put and call options.

Accoring to Mr. Wilson, officials of the Securities and Exchange Commission and the Federal Reserve Board have been advised of the board's proposal. The Board of Trade enjoys the advantage over other commodity exchanges of already having been certified by the SEC as a registered stock exchange. It was certified in 1934, just after the Securities Exchange Act was passed. But little stock trading occurred thereafter.

SEC officials confirmed that officials of the Board of Trade had contacted the SEC about plans for an organized market for put and call options. The officials declined to say whether they favored such an operation, but one noted that "we've indicated to them that we have some questions we want to explore further with them." The official declined to elaborate.

Observers of the board weren't surprised at the exchange's renewed interest in securities trading to augment its commodity markets. Over the years, trading interest in the board's primary commodities, wheat, corn, soybeans, and soybean oil and meal has been brisk. But in 1968, volume, for the second year in a row, sagged to 4.7 million contracts, valued at $36 billion, from the record 1966 total of 7.6 million contracts, valued at $81 billion. Since 1967 large grain surpluses have driven cash grain prices down to near Government support levels, with the result that hedging and speculation have languished in the absence of wide price swings.

SEEN A YEAR AWAY

Board officials declined to estimate when the new market might open but observers say it's at least a year away.

The exact specifications of a put and call option market at the Board of Trade have yet to be worked out but, as presently envisioned, the contract unit would be 100 shares of stock of a given issuer. A minimum of 13 contracts, or option months, would be open for trading at all times.

Currently, puts and calls are sold by some 20 securities concerns such as Thomas, Haab & Botts and Filer & Schmidt who deal exclusively in options. Also, such New York Stock Exchange members as Walston & Co., Goodbody & Co., and H. Hentz & Co., have options departments.

A call option, the most common type, gives its holder the right to buy 100 shares of a specified stock at a specified "striking price" (usually at, or near, the market price at the time of the option purchase) during a specific time period. A put option gives its holder the right to sell 100 shares of a stock at a specified price during a specific period. For these rights, option buyers pay a price, or "premium," which can vary from 5% to 20% of the value of the underlying stock, depending on the length of the option period and the volatility of the stock.

INCENTIVE EXPLAINED

Of course, the holder of a call hopes that the price of the stock underlying his option will rise to a higher level than the premium during the term of the option so that he can recover the option purchase price and still profit.

Correspondingly, the holder of a put hopes the price of the shares underlying his option will fall more than the premium he initially paid. A significant percentage of puts and calls are never exercised because the price of the stock involved doesn't move enough to allow the option holder to recover his premium.

The sellers or "writers" of options own the stock upon which the options are contracted. Their incentive in selling options is the net return through premiums on the value of their stock. Such returns can run as high as 40% annually if a number of unexercised options are written successively on the same shares.

The board's proposed market has particular appeal among many professional stock portfolio managers who make scant use of the current options market because of its small size, and inflexibility. Writing options on stocks held in portfolios is just one more way for today's performance-conscious managers of pension funds, foundations, endowments, mutual funds, and insurance company investment portfolios to wring better gains from stock investments.

The current puts and calls market's annual volume has averaged slightly more than 1% of the New York Stock Exchange's annual volume over the past two years. In 1968, puts and calls were written on more than 30

million shares, up from options on 23 million shares in 1967, according to the Put and Call Association, the option dealers' trade groups. However, the bulk of options trading is in small volume units, clearly unsuitable for the institutional investor.

ADVANTAGES CITED

Board officials believe that their proposed options market would correct several weaknesses of the present options market. First, Mr. Wilson said in the speech, the board's options market "could generate enough liquidity in the marketplace to sustain large volume transactions." Secondly, according to Mr. Wilson, option holders in the new market wouldn't be required to directly, or indirectly, take or confer ownership of the underlying stock in order to realize a gain.

The new market would permit them to liquidate their positions on the exchange floor. (This eliminates stock commission costs.) Also, option writers or sellers, who presently have no way to terminate their obligations during the life of an option, would be able to liquidate their position and withdraw from the market at any time.

Most institutional investors surveyed on the board's proposed market favored the creation of a centralized put and call market because of the present option market's lack of a secondary market and its inability to accommodate large transactions.

Paul Haake, chief of investments for the trust department of the Continental Illinois National Bank & Trust Co. commented: "This market the board is proposing is an intriguing proposition and has substantial potential for us in writing options on stocks in pension funds we manage."

INVESTOR INTEREST GROWS

Officials of other banks, and a portfolio manager of a large Midwestern casualty insurance company professed to be quite interested in the proposal. Said one bank official who declined to be identified: "We would use the board's options market for our trust department stocks portfolios during bear markets when we normally switch funds into fixed-income debt securities."

Since early 1968, investor interests in put and call options has grown because the Federal Reserve extended its stock-margin rules to previously unregulated lenders and established new margin rules for dealings in convertible bonds. The result is that options offer the only stock-investment avenue for investors who want to purchase stocks on a small cash outlay.

Also, a recently released market study by Princeton University economists Burton Malkiel and Richard Quandt has spurred interest in the securities-options market among investors and professional money managers.

In the study, the professors contend that an investment strategy involving option writing is the optimal course 53% of the time, while option buying optimizes return 39% of the time.

Among the present transaction costs the board's options market would reduce, or eliminate, are dealer spreads between premiums paid option writers and premiums option buyers pay, written contracts, and stock-certificate transfer work.

In December 1967, the New York Produce Exchange, where such commodities as soybeans, soybean oil, and fishmeal are traded, announced plans to inaugurate futures trading in common stock. The plan was presented to the SEC for consideration but no action has been taken on it.

Several put and call dealers rate the Board of Trade's chances of success in setting up an options market as quite good. They warn, however, that current SEC regulations appear to require that all options traded on an exchange first be registered as securities. This requirement would have to be changed before a workable central market in security options could be established, they contend.

[From the Journal of Commerce, July 7, 1969]

CHICAGO BOARD OF TRADE LOOKING TO NEW IMAGE

(By Donald E. L. Johnson)

CHICAGO, July 6.—The Chicago Board of Trade, the world's largest commodities futures exchange, appears to be moving toward a new image and new prosperity.

CBOT President Henry H. Wilson said in an interview with The Journal of Commerce that as a result of a two-year reorganization program, the 121-year-old exchange is set to become more than a grain exchange in the eyes of the general and investing public.

Although the corn market seems to be benefiting from the uncertainties of good demand and a weather market, wheat and soybeans, long the market's volume leaders, are not likely to generate much trading interest without unexpected incentives.

BROILER CONTRACT

But interest in the 10-month-old broiler contract has mounted so quickly in the last few weeks that Mr. Wilson is confident that it can become as active as the Chicago Mercantile Exchange's pork bellies (frozen, unsliced bacon) and live cattle futures markets.

All three markets, he noted, have three things in common: no government price support or controls, rising prices and good commercial hedging.

The absence of government price supports allows prices to move freely. Rising prices almost always attract more speculative interest than declining prices, although prices tend to fall faster than they rise. And hedging by growers and processors seeking price protection provides market liquidity for speculators.

The problem with wheat and beans is that government price supports tend to put floors under prices, while heavy supplies prevent price advances. The result: steady prices and inactive futures markets.

Thus, Mr. Wilson, noting that last week was the best in the broiler market's short history, with an open interest of nearly 2,000 contracts, predicted that the advent of the broiler market as a major trading medium could result in increased identification of the CBOT as a meat exchange. This could help the exchange in its efforts to woo speculators away from the Chicago Merc's hugely successful live cattle market.

LIVE CATTLE REVISIONS

Proposed revisions in the CBOT's live cattle market, which went on the boards about two years after the Merc's unprecedented success with its live cattle market, will be submitted to the exchange's board of directors on July 15, he said. The board will be asked to approve multiple delivery points, which are already offered by the Merc's cattle contract. If approved multiple delivery points, which are already offered by the Merc's cattle contract. If approved by the board, the proposal will be voted on by the exchange membership.

Mr. Wilson, who joined the exchange on June 1, 1967, after serving six years as a White House legislative aide to President Kennedy and Johnson, said his most important accomplishment in the last two years has involved hiring a talented staff.

This spring he hired two new vice presidents.

E. William Sevetson, 40, was named vice president in charge of futures market surveillance, and data processing, and Frank S. Johnson, 38, became vice president of public relations.

At the same time, Joseph W. Sullivan, who joined the exchange as assistant to Mr. Wilson, was made the head of the new department of market development.

The next step, Mr. Wilson, said, is to find an agricultural economist for the exchange.

Staff building, of course, costs money. For example, Mr. Sevetson's office of investigations and audits had a $143,670 budget in 1968 and has a $191,303 budget this year. As he builds his own staff, Mr. Sevetson's budget will increase, Mr. Wilson predicted.

BETTER JOB THAN CEA

The exchange has always maintained that it can do a better job of regulating and policing its markets than the Commodity Exchange Authority, which also has been strengthend by Congress in the last two years. Mr. Wilson proudly noted that the CEA recently excepted the CBOT from newly-issued regulations related to member firm finances, "because ours were tougher than theirs."

CBOT members will vote Monday on a proposal that would raise the maximum fines that can be levied by the board of directors from only $5 per infraction to between $1,000 and $10,000. A majority vote of the directors will be required for a $1,000 fine and a two-thirds vote for a $10,000 fine. Now, the only alternatives to a $5 fine are suspension of trading privileges or expulsion from the exchange.

Another area that can stand improvement is exchange public relations, Mr. Wilson said. Although a prominent public relations firm has been working for the CBOT for almost three years, the exchange has not had a professional PR man to direct its efforts.

Mr. Johnson wants not only to improve the exchange's rapport with the grain, cattle and poultry industries, but also to show commission houses and their account executives that they can make money handling commodities accounts.

At the same time, Mr. Johnson will ask the board to "radically" increase its advertising budget, which is set at only $30,000 for 1969, up a bit from last year. The smaller Merc, which would like to overtake the CBOT in trading volume, has a 1969 advertising budget of over $300,000, up from only $16,000 a few years ago. Merc members feel they are getting their money's worth.

AN 88 PERCENT RISE IN VOLUME

Last week the Merc reported an 88 per cent increase in first half volume to a record 1.7 million contracts, while the Board of Trade this week will report a 7.6 improvement to 2.2 million contracts for the first half and a 13 per cent improvement for the second quarter. The Merc also reported a seat sale at a record $70,000, up from $32,250 a year ago. A CBOT membership sold for $22,000 on June 20, up from $18,000 a year ago. There are 500 seats on the Merc and 1,402 on the CBOT.

Much of the recent success of the Merc can be attributed to market development, especially in live cattle and pork bellies.

Therefore, it is not surprising that Mr. Wilson appears most enthusiastic about the Board of Trade's new planning and development department. It will be primarily responsible for finding commodities that can be successfully traded on a regulated commodities futures exchange, he said.

Three new markets have already been announced, but they appear to be months away from actual trading.

Most radical is the exchange's proposal to start futures trading in put and call options on corporate securities. Announced last February, the put and call market needs another six to 12 months of work, Mr. Wilson said.

The Securities and Exchange Commission still has a lot of questions about the project. And the exchange itself must decide where to put the market (probably in a small hall now

used as a television and refreshment center just off the main trading floor) and whether to create new memberships for those trading the securities options, informed sources said.

PRICE VOLATILITY

A more conventional futures market in plywood is scheduled to open this summer. While price volatility has been dramatic for more than a year in this Commodity, Mr. Wilson said, the exchange has found that commercial interests in the Pacific Northwest are not familiar with futures markets or used to the idea of having their products traded on a futures market. The Merc is scheduled to open a lumber market Oct. 1.

Most controversial of the proposed markets, so far as the exchange members are concerned, is the silver futures market.

Mr. Wilson said that some members feel that the CBOT is better equipped to handle the volume generated by the silver futures market than the Commodity Exchange, Inc. in New York and that such a market could be "better conducted" on the Chicago exchange.

Opponents, he said, include "certain commission houses" that think a silver futures market would over extend the resources of the CBOT.

They contend that, "time needed by members for learning a new market could be more fruitfully applied to learning about those commodities not now traded," he said.

In any case, Mr. Wilson expressed confidence that the Board of Trade will do better in 1969 than in 1968.

Last year volume declined another 19 per cent to 4.7 million contracts worth $35.9 billion from 5.8 million contracts worth $50 billion in 1967.

The exchange had its best year in 1966, when 7.6 million contracts valued at $81 billion changed hands.

IN MEMORY OF CONGRESSMAN JAMES B. UTT

HON. WILLIAM S. MAILLIARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. MAILLIARD. Mr. Speaker, there is a certain blend of courage, integrity, character, and principle. Our colleague, Congressman JAMES B. UTT, possessed that rare blend.

As a citrus grower in southern California, Congressman UTT added to the development of that important industry. As a practicing attorney in Santa Ana, he contributed to the growth of that community.

Congressman UTT's death comes as a particular blow to the people in his district whom he served as an assemblyman and as a nine-term Representative in the U.S. Congress.

In life, Congressman UTT was a patriot of the first order. In death, he bequeaths to his countrymen a legacy of outstanding civic achievement.

Apart from his distinguished political career, JIMMY UTT was my longtime personal friend.

Mr. Speaker, coming so soon after the passing of Glen Lipscomb, the death of Congressman UTT is a double loss to the California delegation.

My heartfelt condolences go out to his wife, Charlena, and to his family.

ESEA TITLE I—EDUCATION OF THE DISADVANTAGED—PROGRAM GUIDE NO. 57

HON. ALBERT H. QUIE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. QUIE. Mr. Speaker, the education of America's disadvantaged young people must continue to be a high priority in the years ahead if the United States is to avoid a serious division in its midst. For years, many of my colleagues and I have stressed that effective education of the disadvantaged can come about only through sound educational administration and a firm commitment to equality of opportunity for all of our young people. For too long, we have seen more than a billion dollars a year scattered through the compensatory education programs of title I of the Elementary and Secondary Education Act without sufficient safeguards to assure that the children who most need quality education will, in fact, achieve it.

That is why my colleagues and I were pleased with the initiative shown by Secretary of Health, Education, and Welfare Finch and Commissioner of Education Allen last November when they set up a special task force to study and to effectuate prudent changes in the administration of title I, the Nation's single largest educational program. This task force, long overdue, has worked diligently with all of the interests concerned and has, we believe, come forth with program recommendations which are fully consistent with the 1965 act and the congressional intentions in enacting it. More important, these recommendations which are embodied in a memorandum from Commissioner Allen to the chief State school officers give great promise of assuring that scarce Federal funds will not be scattered frivolously but will be concentrated so as to deliver effective educational programs to our most disadvantaged youngsters.

It is this type of sound educational administration—a partnership between the Federal Government and the States—which can alone assure that the taxpayers' money makes a difference in the lives of children. We are delighted with this first step and we look forward to working with the Department of Health, Education and Welfare and the States on other administrative or, if necessary, legislative changes which might be necessary to erase any trace of educational deprivation from our land.

I submit ESEA title I program guide No. 57, which was issued February 26, 1970, for printing at this point in the RECORD:

ESEA TITLE I PROGRAM GUIDE NO. 57

Memorandum to Chief State School Officers:

The Office of Education continues to receive a number of questions about the comparability requirements outlined in ESEA Title I Program Guides 44, 45, and 45A, especially the opening paragraph of Section 7.1 in Program Guide 44:

"The Title I program and the regular school program have been planned and budgeted to assure that Federal funds will supplement and not supplant State or local funds and that State and local funds will be used to provide services in the project areas that are comparable to the services provided in non-project areas."

In his letter of July 31, 1969, Associate Commissioner Lessinger made clear what is expected of the States with respect to assuring comparability of services provided from State and local funds in Title I schools and in non-Title I schools.

Despite these statements, reports of lack of comparability continue to come to our attention. It is necessary, therefore, to clarify further the requirements for assurance of comparability. This communication revises previous program guides, and will serve as the basis for evaluating all Title I applications for the 1970–71 school year.

WHAT COMPARABILITY MEANS

Title I funds must not be used to supplant State and local funds which are already being expended in the project areas or which would be expended in those areas if the services in those areas were comparable to those for non-project areas. Within a district instructional and auxiliary services and current pupil instructional expenditures provided with State and local funds[1] for children in project areas must be comparable to those services and expenditures provided for children in non-project areas. These services and expenditures must be provided to all attendance areas and to all children without discrimination. Services that are already available or that will be made available to children in the non-project areas must be provided on at least an equal basis in the project areas with State and local funds rather than with Title I funds.

ASSURANCES OF COMPARABILITY

The State educational agency shall require each local educational agency either (a) affirmatively to demonstrate to the State educational agency in the project application that a comparability of services and expenditures provided with State and local funds currently exists in the school district between project and non-project areas, or (b) to submit a plan to achieve such comparability by the opening of school in the Fall of 1970. This responsibility includes the preparation and submission by the local educational agency (with the project application or before the project is approved) of factual information that fully supports assurances of current or forthcoming comparability in the application or in the plan.

CRITERIA FOR DEMONSTRATING COMPARABILITY

The State educational agency shall prescribe criteria by which local educational agencies are to demonstrate their adherence to the requirements of comparability, and shall submit these criteria to the Commissioner for approval by April 1, 1970. Where the data submitted by the local educational agency suggests a lack of comparability the State educational agency must require the local educational agency to submit a plan to overcome inequities in the basic programs provided in Title I schools and determine whether the plan submitted by an applicant is adequate to achieve comparability.

As noted above, the State educational agency is to decide upon whatever criteria it deems necessary to insure adherence to the requirements of comparability. However, the criteria so prescribed by the State educational agency shall, as a minimum, include Criterion A below, *and* either Criterion B *or* Criterion C below:

Criterion A (Includes two indicators): As part of its criterion, the State educational agency shall require the submission by the local educational agency of information con-

[1] For the purpose of this policy statement, funds provided under P.L. 874 will be considered the same as State and local funds in determining local expenditure.

cerning both groups of comparability indicators outlined below:

1. Comparability of distribution of staff:

Each School Included in Project Application:

(a) Public/Teacher Ratio.

(b) Pupil/Non-Teaching Professional Staff Ratio.

(c) Pupil/Instructional Non-Professional Staff Ratio.

Average Non-Project Area Schools:

(a) Public/Teacher Ratio.

(b) Pupil/Non-Teaching Professional Staff Ratio.

(c) Pupil/Instructional Non-Professional Staff Ratio.

In computing pupil/teacher, pupil/non-teaching professional staff and pupil/instructional non-professional staff ratios, the full-time equivalent of part-time personnel or personnel whose time is divided among at least two of the three ratio areas shall be entered in each respective area. In computing pupil/teacher, pupil/non-teaching professional staff and pupil/instructional non-professional staff ratios, if a person is paid in part with Federal funds and in part with State and local funds, only the full-time equivalent of the proportion of his time paid for with State and local funds shall be entered in each respective area.

For the purposes of this criterion, a "teacher" is a professional person employed to instruct pupils or students in a situation where the teacher and the pupils or students are in the presence of each other. Teachers who are assigned administrative and other non-teaching duties are not to be counted in computing the pupil/teacher ratio. Principals, librarians, guidance counselors, psychologists, social workers, etc., are to be considered as non-teaching professionals.

2. Comparability of specific service prior to addition of title I funds:

For services to be provided through a title I project grant, the local educational agency shall certify that the specific title I funded service does not simply match services already being provided in non-project schools. In so doing the local educational agency shall describe the services (of the type applied for) already provided by State and local funds in project and non-project schools. For example, if a local educational agency requests title I funds to finance a food service program in a project area school, it shall povide comparative data on the provision of food services to that school and to non-project area schools before the addition of title I funds to the project area school.

Criterion B (Includes one indicator): The average per pupil instructional expenditure in each project area school is equal to or greater than the average per pupil instructional expenditure in non-project area schools.

"Average per pupil instructional expenditure" is defined as the aggregate of "current pupil instructional expenditures" (in turn defined as expenditures from State and local funds for salaries of principals, teachers, consultants or supervisors, other instructional staff, secretarial and clerical assistants; other salaries for intruction; expenditures for textbooks, materials and teaching supplies, school libraries, and audio-visual equipment, all as set forth in the 200 Series of Expenditure Accounts in *Financial Accounting for Local and State School System*—OE22017) divided by the aggregate number of children in average daily membership in each school.

Criterion C (Includes one indicator): Comparability of total instructional personnel expenditure per pupil:

Each School Included in Project Application:

Total Instructional Personnel Expenditure Per Pupil.

Average Non-Project Area Schools:

Total Instructional Personnel Expenditure Per Pupil.

The local educational agency shall provide data comparing the total instructional personnel expenditure per pupil in project area and non-project area schools. This figure should include the salary expenditures for teachers and non-teaching professionals; and should include non-professional staff serving in an instructional capacity. The salaries of part-time employees shall be included on the basis of their full-time equivalent and the State and local portion of salaries paid to persons who are paid in part with Federal funds and in part with State and local funds shall be included on the basis of their full-time equivalent.

POINTS OF CLARIFICATION AND DEFINITION FOR CRITERION A, CRITERION B AND CRITERION C

1. "Project Area Schools" is defined as those schools within the school district participating in a Title I project. "Non-Project Area Schools" is defined as those schools within the district not eligible for Title I assistance.

2. Data submitted by the local educational agency to the State educational agency shall be based on information derived from the most recent school year for which complete data is available.

3. The State educational agency shall request the local educational agency to specify the standard accounting procedures employed.

4. Data shall reflect expenditures and services during the academic year (excluding summer session) and should be presented on the basis of schools servicing similar grade levels. Schools with 12-month Title I programs should be able to demonstrate equivalence to comparability for the regular school year.

5. The State educational agency may wish to consider in its criteria the differences between small and large schools within a district. In particular, the information requested under Criterion B or Criterion C may vary significantly from schools of 200 to schools of 500 to schools of 1000 students; if this is the case in a district, the State's criteria might reflect these differences.

6. To be eligible for Title I funding of summer sessions, the local educational agency must demonstrate that its project area schools were comparable to those in non-project areas during the previous school year.

7. The cost of determining comparability may be allowed as part of Title I administrative costs.

8. For the purposes of examination, the State agency shall require local educational agencies to submit comparability information on separate sheets attached to the main body of the application.

This memorandum constitutes basic criteria, issued pursuant to Section 105(a) of the Elementary and Secondary Education Act (20 U.S.C. 241e). It supersedes Section 7.1 of Program Guide No. 44 (March 18, 1969), all of Program Guide No. 45 (June 14, 1968), and that portion of Program Guide No. 45A (July 31, 1969) which refers to comparability.

The Office is prepared to provide technical assistance to you in developing the criteria for your State. Please let me know if you have any questions.

JAMES E. ALLEN, Jr.,
Assistant Secretary for Education and U.S. Commissioner of Education.

R.I.P., CALIFORNIA ZEPHYR

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. MILLER of California. Mr. Speaker, the California Zephyr was a great train and I enjoyed riding it. I hate to think that it must now go the way of most passenger trains and be abandoned. The Washington Post editorial quoted below is sound and I think we should all heed it.

We do need passenger trains in this country.

The editorial follows:

R.I.P., CALIFORNIA ZEPHYR

Now that the California Zephyr is about to become a fond memory, perhaps the administration and Congress will get down to work on the problem of what to do about passenger trains. There is not much life left in long-distance passenger service and perhaps that service ought to die on the ground it is no longer needed and is an uneconomic use of resources. But it ought not to be allowed to die by default; there should be a national policy—one way or the other, a policy either of abolishing non-commuter passenger trains except in one or two heavily populated corridors or of saving this means of transportation as one of the alternatives to the automobile.

The death warrant for the California Zephyr, signed last week by the Interstate Commerce Commission, is symbolic of what has happened to the passenger trains. The Zephyr went on the rails in 1949 to compete with the City of San Francisco for traffic between Chicago and San Francisco. The Zephyr had the scenic route, the City of San Francisco, which had gone into service in 1936 and switched from a three day a week to a daily schedule in 1947, had the faster route. They were joined in 1954 on the long run to the Coast by the Santa Fe's Chief. Now, the Zephyr has been killed west of Salt Lake City and cut to three days a week west of Denver. The City of San Franfrancisco is going back to a three-day-a-week schedule west of Salt Lake City and the Santa Fe hopes to abolish the Chief soon.

The direct cause of the deaths of these trains, and dozens of others around the nation, is economic; they lost money heavily. The indirect causes are, perhaps in this order: automobiles, airplanes, bad management, and outdated labor rules. Unless the federal government acts, those causes are going to lead to the end of non-commuter passenger service, except in the East Coast corridor and perhaps in a similar Midwestern corridor, within a few years. We think that this should not be allowed to happen until after a substantial effort has been made to save the trains; it makes no sense for the country to be discarding a basic means of transportation because of its current love of automobiles and airplanes at a time when substantial overcrowding of both highways and skyways is easily foreseeable.

What is needed are revoluntionary changes in the railroad passenger business—changes that provide a mechanism through which new equipment, better schedules, new management, new labor contracts, and new reservation systems can be injected into one of the most old-fashioned businesses in existence. The Railpax plan put forward by the Department of Transportation has run into heavy criticism at the ICC largely because it isn't revoluntionary enough. If inter-city passenger trains are to survive, more will be required than just $100 million of federal money and a device that lets current railroad management largely determine the fate of the trains.

Maybe this administration and this Congress aren't bold enough to take the drastic steps that are needed. Or maybe they think these steps will cost more than saving the passenger trains will be worth. Nevertheless, the railroads and the public are entitled to know what national policy is going to be. The death of each crack train, like the California Zephyr, speeds the day when the next one will die and before long there will be

nothing to save. We were saddened to see the Zephyr go under, although we cannot blame the railroads for asking that it be discontinued or the ICC for granting their requests. But we do hope that its death will spur the kind of action that the deaths of other great trains leading up to it—the Twentieth Century Limited and the Royal Blue, for example—never did.

THE EQUALITARIAN THEORISTS—UNITED STATES AS OTHERS SEE US

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. RARICK. Mr. Speaker, when advocates of some form of conduct which cannot be justified by any form of logic present their arguments for its adoption, the false and emotional issue of a so-called world opinion is flaunted.

Opinion is the cheapest commodity on earth. The more ignorant of the facts, the quicker and less inhibited the opinion. The more wisdom, the less sweeping and cocksure the opinion.

It was said so long ago that the word "halter" was known by everyone to refer to the hangman's noose, that:

No man e'er felt the halter draw,
With good opinion of the law.

Our domestic racial problems, which are merely symptoms of a more significant underlying problem, have evoked opinions by the score on the subject, both within and without the Nation. One of the more important opinions was that manufactured by the left for the signature of Swedish Gunnar Myrdal—an instant expert on racial matters although he comes from a nation not noted for its Negro population. Until the advent of American deserters, whoever heard of a black Swede?

As our artificially created racial crisis comes to a head with warmer weather, more suitable to the incitement to riot and loot, it is the responsibility of all Members to honestly try to understand the real causes of the problem, so that we can then exercise our responsibility to make possible its solution.

For this purpose, the paper delivered by an eminent Australian before a seminar of the Canadian League of Rights, reflecting a careful and thorough study of the American race problem, as seen by a disinterested foreign observer, is essential reading, and I include it in my remarks:

[From the Canadian Intelligence Service, January 1969]

THE CREATION AND EXPLOITATION OF RACE MYTHS

(EDITOR'S NOTE.—As a special service to our readers, we are publishing this paper delivered by Eric D. Butler, the Australian Authority on Marxism, at the Canadian League of Rights Toronto Seminar on Race and Revolution, last August 10.)

Benjamin Disraeli, the British Prime Minister who used his novels to divulge deep insight into many matters, wrote in Endymion:

"No one must lightly dismiss the question of Race. It is the key to World History and it is precisely for this reason that written history so often lacks clarity. It is written by people who do not understand the race question and what belongs to it."

But if Disraeli were alive today and expressed these views on race and history, he would be violently denounced as a "racist."

The term "racist" is today one of the most deadly of the many smear words used by the totalitarians of all types. The term is never defined so that the victim of the charge of "racism" may disagree and defend himself. It presumes automatic condemnation without any argument or trial. The comparatively successful use of the term is a tribute to the effectiveness of a form of psychological warfare which discourages a realistic examination of one of the central dogmas of Communism; that not only all individuals, but also all races are inherently equal. There are large numbers of people who term themselves anti-Communists but who on this subject, as with many others, unconsciously accept the Communist view. To these people the African, for example, is the same as a European—except that he has stayed out in the sun a little longer. All that is necessary is to provide the African with a Cambridge University education, dress him the same, and he will be exactly the same as a European. It is simply a matter of adjusting environment to produce the same type of human being who can be readily fitted into the centrally planned state, and ultimately, into the one centrally planned world.

The equalitarian dogma is the very essence of Communism. If we accept Communist propaganda, they visualize a perfect society in which, by controlling environment and the educational system, all individuals, being basically the same, will have such perfectly adjusted personalities that they will live in everlasting peace and harmony. The equalitarian dogma insists that any differences between men are primarily the result of environment, not the result of heredity.

If the Communist view of man were true, then, of course, it would be immoral and irrational to oppose it. But although, as we shall see, it is not true, the collectivists have so successfully presented propaganda on this subject under the guise of science, that those who oppose the equalitarian dogma are termed immoral. Those who stress the vital importance of hereditary factors, governing, for example, intelligence, are smeared as fanatics allegedly advocating that human beings be bred like stud cattle.

But in reality it is the collectivists who downgrade the human being by claiming that by centralized control of his environment, he can be turned out in a common mould like peas from a pod. It is only in a genuinely free society of responsible individuals that excellence and quality are possible. Equality really means *no* quality.

The free society is also necessary for the preservation of the elite of a civilization, without which civilization cannot be maintained. But to the collectivist, those who have succeeded under freedom are "oppressors," while men, races or nations which have not succeeded are allegedly "underprivileged." The logical consequence of a philosophy which denies any natural superiority to those who have succeeded under freedom, is central government control to change the social and economic system so that there is no quality, only equality. Without the dogma of equalitarianism, the Communists and other collectivists would stand openly condemned of being blatant conspirators determined to punish all excellence and to prevent mankind from developing its highest potential. It is much easier to sell slogans about the "equality" and "brotherhood" of man.

In *The Great Deceit*, by Zygmund Dobbs, the following appears:

"The bending and twisting of academic subjects to fit socialist purposes is the prime purpose of all convinced socialists. This has been the case particularly in Social Anthropology, History, Economics, Jurisprudence and Sociology. The socialist dogma requires that all scholastic categories be made to serve socialism and not the cause of scientific truth."

This paper is primarily concerned with the twisting which has been done in the field of Anthropology.

Back in 1922, the eminent American sociologist, Lothrop Stoddard, observed in his great classic, *Revolt Against Civilization*, that *"The ideal of Natural Equality is one of the most pernicious delusions that has ever afflicted mankind. It is a figment of the human imagination. Nature knows no equality. The most cursory examination of natural phenomena reveals the presence of a Law of Inequality as universal and inflexible as the Law of Gravitation."*

Stoddard was speaking as an objective scientist, not as a political propagandist. But in recent years political propagandists, masquerading as objective scientists, have sought to further their political objectives by perverting science. This is a serious accusation, but it is supported by an enormous amount of irrefutable evidence. Nathaniel Weyl and Stefan Possony made the accusation as follows in their work, *The Geography of Intellect:*

"American psychologists and sociologists have accepted the dogma of equality and proclaimed, not merely that members of different races should all have the same 'rights' (an entirely separate question), but that they are innately equal in all forms of mental capacity as well. Having placed themselves in the vanguard of an ideological movement proclaiming absolute equality, a very large group of American psychologists and sociologists chose to sacrifice scientific objectivity to their political and propaganda purposes."

FRANZ BOAS' RED BACKGROUND

The story of the perversion of the sciences concerning race, starts late last century, primarily with one Franz Boas, mentioned briefly in my *Fabian Socialist Contribution to the Communist Advance* (p. 27). Born of Jewish parents, Boas was a product of the influential German Socialist movement of that period. His parents were Socialists and strong supporters of the Communist rebels of the German revolution in 1848. One of his aunts married Dr. Abraham Jacobi, a member of Karl Marx's Communist League. After serving a sentence in gaol for armed revolutionary violence, Jacobi, a medical doctor, migrated to the U.S.A. and lost no time in actively promoting Marxism.

Karl Marx himself had personally prepared the way for Jacobi in the U.S. with letters to his American agent, Joseph Wedmeyer. Marx used Jacobi to test the loyalty of German migrants to Socialism and their ability as revolutionaries. Boas therefore had many contacts in the U.S. to assist him carry on the family Socialist tradition. His career was a remarkable one. He arrived in New York in 1877, and the next year was installed as Doctor of Anthropology at Clarke University. It was Boas who issued the first Ph.D. in Anthropology in the U.S.A., in spite of the fact that there was no evidence whatever that from a formal academic point of view Boas was entitled to describe himself as an anthropologist.

Boas started to make his big impact in the U.S. when in 1899 he was appointed to the chair of Anthropology at Columbia University, New York, a position he held until 1936. At Columbia, he immediately joined forces with the Socialist sociologist, Franklin

Giddings, a man termed as a sociologist, anthropologist and political scientist. Columbia was a hot-bed of Socialism. Boas' biographer, Melville Herskovits (1953) wrote of him as follows: "The tenure of his professorship at Columbia gave a continuity to his teaching that permitted him to develop students who made up the significant core of American anthropologists, and who came to man and direct most of the major departments an anthropology in the United States." From his base at Columbia University, Boas not only perverted the science of anthropology to serve his Marxist objectives like the National Association for the Advancement of Colored People.

"FRONT" ORGANIZATION TECHNIQUE

Many people believe that the "front" organization technique originated with Lenin, but in fact it was an old Marxist technique. the National Association for the Advancement of Colored People was created by a number of Socialists in 1909. Two of the most prominent of these Socialists were Mary White Ovington and William English Walling. Franz Boas readily agreed to assist the NAACP by providing anthropological support, the line being taken by this Socialist-inspired organization. Boas was not without his difficulties in attempting to prove his teaching that cultural environment is the dominating factor in developing mankind. He was forced to admit that "the anthropologist recognizes that the Negro and the white represent the two most divergent types of mankind." He also had to admit that "It is true that the average size of the Negro brain is slightly smaller than the average size of the brain of the white child." However, Boas insisted that these differences could be overcome by race-mixing.

As the Boas strategy developed, a series of Socialist fronts were established for the purpose of fostering the concept of environment being basically responsible for any differences between races. One example of this type of activity was a Greenwich House Committee on social investigation which sponsored a book by the Socialist Mary White Ovington of the NAACP with a foreword by Boas. There were the Du Bois Clubs, formed to offset the work of the great Negro leader, Booker T. Washington, who attempted to show his fellow Negroes that instead of permitting themselves to be led by political agitators into blaming the whites for their lot, they should set about developing themselves in accordance with their own innate abilities and characteristics.

During the early days of the Great Depression, the Boas cult had developed to the stage where it was becoming dominant in many American Universities and Schools. No doubt influenced by the thought that the "capitalist" system was on the point of collapse, the Socialists and Communists in the Boas movement openly revealed their real purpose: the use of social anthropology to create the coming Socialist State. An example of this is to be found in V. F. Calverton's popular anthology, *The Making of Man*, published in 1931, subsequently widely read throughout the English-speaking world.

Calverton said that "anthropology for anthropology's sake is even more absurd than art for art's sake." It is a familiar tactic of the Communists to describe science that opposes their purposes as "capitalist science." As a good Marxist, Calverton attacked physical anthropology—which insists that there are inherent mental and psychological differences, as well as physical differences, between races—with being a prop for "nationalism," "imperialism," "private property" and the "monogamous family." Calverton candidly admitted that he and his fellow Socialists used certain anthropological data "because they fitted in so well with their own doctrine of social evolution . . . and lent themselves so excellently to the Marxian interpretation of culture as an economic unit. They supplied a historic illustration of the Marxian dialectic."

Franz Boas and the Communist, Bernhard J. Stern, helped to put the Calverton anthropology together. It became widely used as a text book in the Schools and Universities, and was popularized by the Socialist movements throughout the world.

Perhaps we should observe, in passing, that while the equalitarian cult has resulted in a disparagement of the importance of heredity in human beings, supporters of horse racing still feel it important to study the pedigrees of their favorites!

The tactics of Boas and his supporters were so successful that under the auspices of so-called science they were able to spread Socialist influence throughout the U.S.A., and eventually throughout the world. The publications of the United Nations Cultural and Educational Organization (UNESCO) further the Boas line on race and, of course, naturally meet with the enthusiastic support of the Communists. Like all Socialists, supporters of Boas' teachings have used typical totalitarian methods to destroy and to silence those scientists who insist that there are basic differences between races and that these should be studied in a genuine scientific spirit.

ANTI-EQUALITARIAN SCIENTISTS TYRANNIZED

The eminent American Publisher, Mr. Carleton Putnam, records in his book, *Race and Reason*, how, after thoroughly investigating the manner in which the Socialists had twisted anthropology to serve their equalitarian dogma, he had approached a number of professional scientists. Putnam records that he found plenty of these scientists who agreed with him. "And I discovered something else. One prize-winning northern scientist whom I visited at his home in a northern city asked me, after I had been seated a few minutes in his living room, whether I was sure I had not been followed. Another disclosed in the privacy of his study he had evidence he was being checked by mulattoes at his lectures. All, when first approached, were hesitant, withdrawn and fearful, and the reason was not far to seek. Their employers, on whom their livelihood depended—the universities, the museums, the foundations—were either controlled by equalitarians or were intimidated by the race taboo. The scientists whom these institutions employed, if they ever were to hint at the truth, must do so deviously, under wraps over wraps, half seeming to say the opposite. But as they grew to know me they gave me facts without varnish. In long conversations and letters they provided the confirmation I needed. Many were internationally known. Some had received the highest prizes."

One prominent American psychiatrist wrote to Putnam as follows: "Where in the U.S. could a psychologist, sociologist, or anthropologist, find employment if he openly and unreservedly espoused the theory of the racial inequality of man?" A Professor of Anthropology from the American South wrote: "It can be documented ad infinitum that the social and biological sciences in Anglo-American countries, for the past half century or so, especially since the 'twenties, have strenuously and studiously avoided any research that could have thrown light on genetic differences between races and ethnic groups. That this avoidance and suppression, this discouragement of graduate students who might have been curious and interested in such research, was done in the names of egalitarian ideology, in full knowledge that it was unscholarly conduct, has been admitted, in print, among themselves, by some of our most prominent social scientists."

Communists and Socialists were openly delighted when the American Supreme Court made its historic decision in 1954 that the American public school system must be desegregated. And so were all the dupes of the Boas equalitarian doctrine on race. The Supreme Court decision was both incredible and explosive. Incredible because it accepted uncritically the work *An American Dilemma*, by the well-known Swedish Socialist, Gunnar Myrdal, as the main foundation for its decision, and explosive because it set in motion moves resulting in American troops being used in America in an attempt to force the desegregation of schools and universities, and provided the Communist-backed Civil Rights movement with the basis from which to launch a series of revolutionary activities; the major battle cry being that as the Supreme Court has ruled that all races are equal, it was only "white discrimination" against the black which was preventing the American Negro from enjoying what was rightfully his.

Nineteen-Fifty-Four was a great watershed in American history, and the disastrous results flowing from the Supreme Court decision are still convulsing America internally and influencing its policies abroad.

An American Dilemma was nothing more than a propaganda work for the Boas thesis concerning race. But no authorities were called to provide evidence to test the validity of the so-called scientific claims. It was not until nine years later, in a Trial Court action in Savannah, Georgia, that the Boas hoax in a Court of Law was exposed by the evidence of scientific witnesses. The legal representative for the National Association for the Advancement of Colored People (NAACP) collapses in face of the scientific evidence presented and relied upon a successful appeal to a Court of Appeals and, if necessary, to the Supreme Court itself. The Trial Court found that "All the evidence before the Court was to the effect that the difference in test results between the white and negro students is attributable in large part to hereditary factors, predictably resulting from a difference in the races . . . no evidence whatsoever was offered to this Court to show that racial integration of the schools could reduce these differences."

The Court observed that integration in the classroom between two groups of children of different backgrounds "and varying abilities would lead to conflict impairing the educational process. It is essential for an individual to identify himself with a reference group for healthy personality development." The following gave evidence in the case: Dr. W. C. George, Professor of Histology and Embryology, School of Medicine, University of North California, and a member of the American Association of Anatomists, Zoologists and Human Genetics; Dr. R. T. Osborne, Professor of Psychology and Director of the Student Guidance Centre at the University of Georgia; Dr. Clairette Armstrong, Professional Chief Psychologist at Bellevue Hospital, New York City, who testified that in various truancy tests in New York schools, she had found that one-third of the Negro truants said they ran away from school because they could not maintain the standard in integrated classes; Dr. Ernest van den Haag, Professor of Social Philosophy at New York University, an expert on race relations; and Dr. Henry E. Garrett, former President of the American Psychological Association, former member of the National Research Council, and for 16 years head of the Department of Psychology at the University of Columbia. Dr. Garrett had the opportunity to study the work of Boas personally while at Columbia University, and has said in a note to Carleton Putnam (P. 41, *Race and Reality*, 1967):

"I was also able to observe the increasing degree of control exercised by the (Boas) cult over students and younger professors until fear of loss of jobs or status became

common in the field of anthropology unless conformity to the racial equality dogmas was maintained. . . . I can testify from repeated personal observation to the intimidation and to the pall of suppression which has fallen upon the academic world in the area in which I speak. It encompasses not only anthropology but certain related sciences."

Unlike the massive publicity given to the Supreme Court decision of 1954, the Savannah Court judgment was given practically no national publicity whatever in the U.S.; and outside of the U.S. this important case never took place, providing further evidence that the mass media of today serves the cause of the collectivists and equalitarians.

On June 9, 1964, in Atlanta, the Fifth Circuit Court of Appeals reversed the decision of the County Court. The evidence was completely ignored, and the dictatorship of the Supreme Court asserted with the statement that "*. . . no inferior federal court may refrain from acting as required by that decision (1954 decision) even if such a court should conclude that the Supreme Court erred either as to its facts or as to the law.*" The final act in this exercise came with a petition to the Supreme Court against the ruling of the Appeals Court. The vital question was what would the Supreme Court do in the face of the mass of scientific evidence presented, evidence the Court did not have before it when the 1954 decision was made.

Before the Supreme Court issued its decision, another Trial Court, in the Evers case, had, after considering even more scientific evidence than that presented in the case referred to above, concluded that "*the facts in this case point up a most serious situation, and indeed, 'cry out' for a re-appraisal and complete reconsideration of the findings and conclusions of the United States Supreme Court. . . . Accordingly, this Court respectfully urges a complete reconsideration of the decision. . . .*" But then came the news from the Supreme Court: There would be no further hearings, no further proceedings. No explanations were offered. Having endorsed the Boas racial equalitarian dogma as truth, the Supreme Court was not prepared to permit any discussion of scientific evidence refuting this dogma. Silence was the answer to those seeking the truth. No wonder it has been said that the ghost of Boas sits on the American Supreme Court!

"AN AMERICAN DILEMMA"

The capture of the American Supreme Court by the Boas devotees was the culmination of a long and careful campaign. For years there had been a steady barrage of articles in law journals and sociological reviews. The legal department of the NAACP played a major role in the campaign through the law journals. The Boas equalitarian dogma was consistently presented with charges that those who insisted that the facts showed fundamental differences between races were "racists," "fascists" with sympathy for Nazi Germany's master-race theories. But it was Gunnar Myrdal's book, *An American Dilemma,* which was regarded as the bible of the Boas campaigners, and which was obviously accepted as such by the American Supreme Court. It is therefore essential to grasp the tremendous significance of how *An American Dilemma* was produced.

Myrdal was not responsible for the conclusions put forward in his book; these had all been put forward by a Socialist-Communist group operating under the Boas banner. As an economist from Sweden, which has no racial problems, he had no special qualifications for investigating racial questions in the United States. Obviously, he was chosen to give prestige to the project. The American leaders of the Boas school of social anthropology in the Thirties were all known for their Socialist and pro-Communist views. But Myrdal came from a country of "moderate" Socialism which Americans need not fear. He was selected to do an ambitious public relations job, and his own statements leave no doubt that he knew what he was about and what was required of him. He is on record as having agreed that no study should be made concerning possible inborn trait differences between Negroes and Europeans. He agreed completely in advance with the racial equality dogma of Boas. And in his book he attacks the physical scientists as supporters of "conservative . . . reactionary ideologies."

It was in 1937 that Frederick P. Keppel, head of the Carnegie Foundation, invited Myrdal "to become the director of a comprehensive study of the Negro in the United States. . . ." Keppel had a long Socialist background, going back to the First World War when he shared living quarters with the notorious Fabian Socialist, Felix Frankfurter, who later sent many Socialists from the Harvard Law School into key positions at Washington. One of the most notorious of his pupils was the top Communist agent, Alger Hiss.

It seems most appropriate that Mr. Justice Frankfurter should be a member of the Supreme Court which in 1954 endorsed Franz Boas' contribution to Socialist strategy. With Frankfurter's influence, Keppel was in 1918 made Third Assistant Secretary of War, a special Act of Congress being passed to make this post for him. In 1923 he became President of the Carnegie Foundation in New York. It was mainly from the organization known as the Social Science Research Council that Keppel recruited the staff which did the actual organizing of the Myrdal project.

The tremendous power and influence of the Social Science Research Council was dealt with in the Congressional investigation of American Foundations, "Report of the Special Committee to Investigate Tax-Exempt Foundations and Comparable Organizations," House Report, No. 2681, 1954. This Report stated that the Social Science Research Council was financed by the Carnegie, Rockefeller, Ford, Russell Sage and thirty other foundations, that it "is now probably the greatest power in the social science research field," and that this power "seems to be used to effect control in the field of social sciences." The Social Science Research Council was brought into existence by Socialists and Communists in the academic institutions as a type of strategic body to direct and influence all social thinking in the U.S. Control resides in a board comprised of self-appointed and self-perpetuating directors.

Keppel also enlisted the assistance of Mr. Donald R. Young, President of the Russell Sage Foundation, to assist with the Myrdal project. Young was also the secretary for grants and fellowships of the Social Research Council and later became the Council's Research Secretary, and he actually wrote the broad outlines of the Myrdal study. An examination of the assistants listed by Myrdal in the preface to *An American Dilemma,* shows 57 with extensive records in Communist and Socialist front organizations. Needless to say, the NAACP helped Myrdal with his project. Carnegie Foundation funds were paid to James E. Jackson, Jr., later President of the Communist Party, and Doxie Wilkerson, a member of the National Committee of the Party, to make their contribution.

Listed amongst those social anthropologists who sought to stamp the imprimatur of academic approval upon Myrdal's work were: Franz Boas, Ruth Benedict, Otto Klineberg, Melville J. Herskovits, M. F. Ashley-Montagu and Gene Weltfish. These were some of the prominent hard-core members of the Boas cult. It is instructive to look briefly at their political affiliations.

Ruth Benedict, authoress of the best-seller, *Patterns of Culture,* a work used widely as a textbook. Still a housewife at 34, she got a remarkable start as an "authority" on anthropology under Boas. She began her studies at the new school for Social Research, an extremely radical Socialist institution.

Margaret Mead, another writer whose works have been popularized; also was a member of the Boas school and wrote the preface to *Patterns of Culture.*

Gene Weltfish, co-authored with Ruth Benedict *Races of Mankind.* This book was used for American troops in World War II in spite of Weltfish's Communist background, but was subsequently banned as Red propaganda. The Communist *Daily Worker* on March 15, 1961, listed her as a sponsor of the subversive American Peace Crusade. Other Red connections could be listed. Her scientific integrity may be judged by the fact that she had evidence that the Americans had used germ warfare in Korea!

An examination of Mr. Ashley-Montagu's background also brings out some significant facts. For some unexplained reason he felt it necessary to change his name from Israel Ehrenberg to Montague Francis Ashley-Montagu when he came to the U.S. in 1927, and to abbreviate his mother's name from Mary Plotnick to Mary Plot for his *Who's Who* biography. He taught at the New School for Social Research in 1931, and in 1942 was teaching at the Communist School for Democracy, later known as the Jefferson School for Democracy. He is listed as having been associated with a number of other Communist organizations.

Melville J. Herskovits became interested in social anthropology while studying at the New School for Social Research. In his book, *The Myth of the Negro Past,* Herskovits suggests that if it could be shown that the Negro has had a reputable past, and that this idea were taken over "into the canons of general thought . . . Would this not, as a practical measure, tend to undermine the assumptions that bolster racial prejudice?" Whatever may be said about this suggestion, it hardly encourages confidence in the author's scientific objectiveness.

Otto Klineberg was a student under Boas. Klineberg provided a typical example of the blatant dishonesty of the devotees of the equalitarian dogma when, during World War I, he attempted to support the Boas school of social anthropology by comparing tests given to soldiers from the four Southern States where White averages were lower with those given in the four Northern States where the Negro averages were the highest.

And so with the endorsement of the above "authorities," Myrdal's work, produced by Socialists and Communists, became the basis of the Supreme Court's fateful decision of 1954. The long and carefully prepared campaign in the race equalizations had achieved a major breakthrough. Not one of the many eminent scientists like Dr. Carleton S. Coon, Past-President of the American Association of Physical Anthropolists, author of the great classic, *The Origin of Races* (1962), and internationally recognized as an outstanding expert, was invited to present evidence. Apart from the composite Communist-Socialist project bearing Gunnar Myrdal's name, the Supreme Court judges turned to other "authorities" like Theodore Brameld, a driving force behind "progressive education." There was no concern that Brameld had been cited as having been associated with at least 10 Communist-front organizations. Still another "authority" quoted by the Court was E. Franklin Frazier, described as a sociologist. He had 18 Red-front citations to his credit.

Ever since President Franklin Roosevelt started packing the U.S. Supreme Court to ensure that his Socialist "New Deal" legislation was not declared unconstitutional, the Court has lost its traditional character and started to make decisions of growing concern to responsible Americans. Bodies like The

American Bar Association have publicly criticized decisions which give aid and comfort to the Communist conspiracy and to the criminal.

Eminent constitutional lawyers have drawn attention to the alarming manner in which the Supreme Court judges have started to make sociological pronouncements and to invade the sphere of the Legislative. The 1954 decision on segregation in schools was such an example, because it was in effect an order to the Federal Government that it had to use its power to ensure that integration of the school system took place. This led to the horror of Little Rock and Mississippi.

Incredible though it must appear to many, the truth is that a Supreme Court presided over by Justice Warren, a man without any real judicial experience, who only became Chief Justice by insisting that President Eisenhower honour a promise made to him in exchange for his political support as Governor of California, endorsed a scientific hoax planned by a Communist-Socialist group when it made its 1954 decision on schools. It is generally believed that Justices Felix Frankfurter and William Douglas, both long-time political leftists, played a prominent role in obtaining a unanimous decision. Mr. Justice Douglas' reliability may be judged by the fact that he has helped further the myth that Lincoln would have supported integration because he believed in racial equality. Even history is perverted by the equalitarians in an attempt to bolster their dogma. In a number of statements Lincoln completely rejected what is attributed to him. When Lincoln signed the Emancipation Proclamation, he said: "I can conceive of no greater calamity than the assimilation of the Negro into our social and political life as our equal. . . ."

But Lincoln was sincerely concerned about the future of the Negroes and worked hard to foster the idea of Negro colonization, either back in Africa from which they originally came, or in other areas more suited to their racial make-up. Lincoln believed in separate development. It should be noted that Karl Marx was a violent critic of Lincoln.

Every attempt to force integration in the United States has produced increasing friction and worsened race relations. This suits the revolutionaries, but it is against the best interests of both the Negro and the European. It is criminal dishonesty to continue any further with the myth that there is such a thing as racial equality. History and genuine science show that it is not going to help the Negro, or any other race, by destroying the identity of the European through the type of race-mixing advocated by the equalitarians.

WHAT ABOUT CHRISTIANITY?

All of what has been said here, of course, will be most annoying to two main groups: the Communists and Socialists, who have for so long been comparatively successful in advancing their strategy under the guise of science; and those Christians who emotionally reject any suggestion that all men and all races are not equal. It is difficult to argue with Socialist totalitarians who believe that man can be successfully planned, but it should be possible to point out to Christians that the basic Christian teaching stresses the uniqueness of each separate individual.

However, it is much more difficult to discuss the separate development of races, because immediately the effects of mind-conditioning display themselves with references to the "anti-Christian apartheid policy of South Africa." Or, Rhodesia is mentioned. It is taken for granted that "all Christians are opposed to South Africa's racial policies." This is not so. Large numbers of Christian clergy of all denominations in South Africa support the general policy, even though they may criticize some aspects of its administration. Roman Catholic Archbishop Whelan has been very clear on this in a statement he issued on February 18, 1964.

Archbishop Whelan said that it was essential to distinguish clearly between any policy like apartheid and the actual laws and regulations which might be used to implement this policy. "The question to be asked is whether or not injustice is *inherently* involved in the policy of separate development as it is being currently pursued. The Archbishop answered this question by observing that *"there is no teaching of the Church in opposition to the idea of a state composed of a number of national or racial groups maintained in their separate and distinct identity by the state of which they form a part."*

Replying to the question of whether a denial of the "one-man one-vote" principle is also a denial of Christianity, Archbishop Whelan first pointed out that Pope John had said that "in determining the structure and operation of government which a state is to have, great weight has to be given to the historical background and circumstances of given political communities, circumstances which will vary at different times and in different places."

The Archbishop continued: "We know, for instance, how restricted the electorate was in ancient Athens, the home of democracy; an even today it is not considered a grave injustice that the women in Switzerland have no vote. In recent times we have seen too many cases of the "one-man one-vote" slogan being used as a pretext by demagogues to seize power which they exploit for their own ends. A democracy based on a wide electorate seems to secure the common good only in highly developed and homogeneous societies."

The lessons of history teach that stable political systems are only possible in homogeneous communities with a dominant philosophical background. Irrespective of whether we believe that God created separate races, or that these races evolved from three major stocks or species—Black, White and Yellow—and irrespective of whether we believe that these three major stocks evolved from common ancestors or were created as separate groups—the truth is that diversity, not uniformity, has been a major feature of the development of mankind. What is anti-Christian about accepting the total truth concerning God's world? We do not serve any moral purpose by falsely claiming that all races are equal, even if we attempt to smother the falsehood under the slogan that "all men are brothers," a cliche so often used by Christians. The great Dr. Albert Schweitzer, who served the African for most of his life, exposed the misleading inference of this slogan with his reply that while, as a Christian, he certainly accepted the African as his brother, he also believed him to be his very junior brother by thousands of years. In his private correspondence, Dr. Schweitzer spoke kindly but objectively about the African. He did not believe that either truth, or the African, was served by pretending that the African had qualities and capacities he did not in fact possess.

True progress is endangered by the equalitarian dogma and the modern collectivists. True progress is only possible through differentiation between both races and individuals. The flowering of human personality requires the opportunity for self-development through genuine *freedom of choice*. It also requires stimulus provided by the excellence of others.

But also essential is social stability, which requires, amongst other factors, race stability. It is natural for every human being to have a sense of belonging to a racial group through which he can develop himself. The *race* might be regarded as a wider concept of *family;* and, generally, well-adjusted people only become so within the confines of their own family and people. Integration between basically different races inevitably produces tensions of varying types. Policies of attempted forced integration are, therefore, a type of cosmic lie which, if persisted with, can only assist the eroding of the very foundations of Civilization. Proper pride in one's own race is no more immortal than proper pride in one's self.

The history of Civilization is of a comparatively small elite pioneering, instructing and leading by example. Civilization is a complex thing, and can only be sustained by conscious effort from generation to generation. It requires *quality* far more than quantity. The Golden Age of Greece was produced by a mere handful. These few lacked the social experience which Boas and his followers claim is one of the major essentials for the Negro to demonstrate that he is the equal of the European, but they did produce Plato, Socrates, Aristotle, Archimedes, and many others.

Rome, Venice, Spain, Holland and England all set the fashion in Civilization with small populations compared to others. There have been enormous environmental changes, and modern man is heir to a wealth of social experience, but where is that greater flowering of genius and creativity which, according to the environmentalists, we should be seeing? No Shakespeares, Bacons or Newtons seem to be flooding out of our modern, highly centralized schools and large universities.

The collectivist and equalitarian philosophy strikes at the very heart and mainspring of Civilization. Buttressed by collectivist financial and economic policies, it produces a levelling-down in society, and encourages the envy of those who lack the ability of others. The concept of preserving one's own race and traditions is derided as "unscientific" and "wicked discrimination." Both at home and abroad I have heard Australia's restrictive immigration policy, designed to preserve a homogeneous European population, attacked as being "anti-Christian." Those who support the policy are asked if they have not heard of the great Christian commandment to love one another. But the statement of this or any other similar law, or teaching, does not tell us how to apply the law to all conditions, which can vary enormously. Just as every family has the natural right to protect itself, so does a nation have the right to protect its identity. Many non-European nations exercise this right much more strictly than does Australia. But who, for example, has ever heard of Liberia in West Africa (which, in spite of over 120 years of independence, has made no real progress towards Civilization) being criticized because of its anti-European citizenship laws?

Australia's immigration policy has kept Australia free of the racial friction bedevilling the U.S. and now the United Kingdom. We have no developing Black Power movements similar to that now starting to develop in Canada. And this is why the Communists and their spiritual allies, the equalitarians of all types, attack the Australian immigration policy. In the meantime, they attempt to exploit in various ways the primitive aboriginals, extolling the qualities of "aboriginal leader" Mr. Charles Perkins, who received some education with the Civil Rights movement in the U.S., and who is publicized as the first Australian aboriginal to take a university degree. Here is another example of the dishonesty of the equalitarians. At the most, Mr. Perkins is only 50 percent aboriginal, and much of his undoubted ability must be attributed to his part-European background. And in the U.S. many, like Dr. Ralph Bunche, have been described dishonestly as "Negro leaders." Large numbers of American "Negroes" today are in fact part European.

Australians can best apply the Christian law of love towards Asians and Africans, not by bringing them into the country to eventually swamp the European, but by providing

them with educational and other assistance in their own countries. Only those who are true to themselves, as Shakespeare said, can assist others. By importing race problems, Australia would find her foreign policies inhibited in the same way that American foreign policy has been influenced by its race problem. American politicians have been quoted as saying that their attitude towards South Africa has been governed, not by truth and the importance of South Africa to the West in the struggle against International Communism, but by Negro votes at home.

Racial tensions are not confined to Europeans and non-Europeans, but exist also between the non-European peoples. In Ceylon the Tamil-speaking Hindus have conflicted with the rest of the community; the Africans dislike the Indians intensely; Indian and Negro have been at loggerheads in former British Guiana, with both assisting to eliminate the native Carib Indians; the Chinese are distrusted and disliked by the Malays, this being one of the major reasons why Singapore with its large Chinese population broke from the Malaysian Federation in 1965; the Japanese dislike the Koreans; tribal conflict is a feature of "liberated" Africa; and the indigenous people in Fiji bitterly resent the rapidly expanding Indian population.

Giving evidence before the international Court of Justice at The Hague on June 23, 1965, Professor Ernest van den Haag of New York University, a recognized expert on race relations, stressed that one of the inevitable results of unregulated contact between different ethnic groups is an increased rate of delinquency and a higher rate of suicide. He said that studies in the U.S.A. had shown that delinquency reaches its maximum when a community is half White and half Negro.

Professor C. D. Darlington observes in his book, *Genetics and Man* (1964) that "it is absurd to pretend that water and vinegar are equal. Water is better for some purposes, vinegar for others. Vinegar is harder to get but easier to do without. So it is with people. For 200 generations the advance of mankind has depended on those genetically diverse groups (races) which have been able to practise mutual help and show mutual respect. The future of mankind will depend on the continuance of such abilities and habits; a happy aim which cannot be assisted in the long run by make-believe, certainly not by a make-believe of equality in the physical, intellectual and cultural capacity of such groups."

Despite the elaborate technology with which modern man has surrounded himself, he ignores at his peril the truth about the evolution of man through racial diversity. One of the really great authorities—a true scientist—on race, Sir Arthur Keith, has warned that continued development depends upon the races remaining separate. He has warned that mixing them will eliminate those more highly specialized traits and differences, not only physical but mental and psychological, which have not only been the products of past evolution but necessary stepping-stones for further progress. Genetic realities must be faced and acted upon.

True unity, order and progress in the world will not come by pretending that all men are equal and can be mixed together to produce the World Citizen for the World State. Every step to impose more uniformity, more centralization, will produce more friction, leading towards what has been termed "the drab equality of chars."

It is time for the European peoples, particularly the English-speaking, to rid themselves of the guilt complex concerning other races, injected into them through the propaganda of the equalitarians. With all their faults, the English-speaking nations of the world have an excellent record in the maintenance of free, stable societies. They should be thankful for the genetic and cultural heritage which has made this possible. And they can manifest a genuine humanitarian attitude towards primitive peoples and under-developed countries without becoming victims of the propaganda of the equalitarians. By rejecting the dogma that all races are inherently equal, they strike a massive blow against International Communism—depriving the Red conspiracy of one of its main ideological weapons.

GRIFFIN BILL WOULD INCREASE THE NUMBER OF FAMILY DOCTORS

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. GRIFFIN. Mr. Speaker, available health care to Americans has reached crisis proportions. Hospital costs have soared and the number of available hospital beds has not kept pace with population growth.

The trend toward specialized medicine has created another problem which we must meet. The practice of family medicine has suffered a decline. In 1931, three-fourths of all physicians in private practice in this country were general practitioners. As a result of the trend in the medical profession toward specialization and public need for certain specialized medical services, today only one-fifth of all physicians are general practitioners. Between 1963 and 1967 alone, general practitioners decreased by 7.3 percent while the increase in the number of specialists was almost 20 percent.

In February 1969, the American Medical Association approved an American Board of Family Practice, with powers to conduct examinations and grant certification to family physicians. Few medical schools are now offering or planning courses leading to certification in this field.

To encourage expansion of the field of family medicine, I have introduced H.R. 16209, which would provide grants to medical schools and hospitals to assist them in establising special departments and programs in the field of family practice and to otherwise encourage and promote the training of medical and paramedical personnel in the field of family medicine. The bill would authorize the appropriation of $50 million for fiscal year 1971, $75 million for the fiscal year ending June 30, 1972, and $100 million for each of the following 3 fiscal years.

As a part of my remarks, Mr. Speaker, I include an editorial which appeared in the Jackson, Miss., Clarion Ledger, February 26, 1970, endorsing the objectives of my bill. I commend it to the attention of the House:

MORE FAMILY DOCTORS NEEDED

Congress and various state legislators reportedly seek to help medical schools and hospitals educate larger numbers of doctors to practice family medicine. Surveys indicate there is a big need in this field.

Forty years ago, three-fourths of all this nation's practicing physicians were general practitioners, according to quoteworthy analysis of this situation in the Congressional Record.

Today, only one in five—just 20 per cent—are general practitioners. The rest are specialists in surgery, pathology, radiology, internal medicine, psychiatry, pediatrics and so on.

Today's sophisticated and rapidly growing field of medicine does require a wide variety of specialists. Even so, this need is not greater than the need for family doctors—physicians who can provide general medical care for the entire family, from childhood to old age.

The family doctor needs to be trained in particular in preventive medicine. A second important function is to advise families on whom to consult when it is apparent that the trouble requires the attention of a specialist. The average family does not understand the medical specialist fully and needs the advice of a close friend, the family doctor.

It is true some medical schools are beginning to recognize the importance of training more family doctors, but the supply is only a drop in the bucket as compared with ever-growing needs.

State and federal efforts are needed to encourage more doctors to enter the field of family medicine.

PRODUCTS FROM POLLUTANTS

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. BURTON of Utah. Mr. Speaker, because of the great interest in environmental problems these days, I believe the enclosed editorial from the February 23 issue of the Provo, Utah, Daily Herald will be of interest to my colleagues who are also concerned about these problems:

PRODUCTS FROM POLLUTANTS

A lot of people are talking about pollution and the preservation of environment these days—and many are beginning to do something about these problems. For example:

Waste from the processing of citrus fruits (peel, rag and seeds) comprises 45 to 66 per cent of the total fruit. Food Engineering magazine reports that a new conversion process is turning this waste into cattle feed selling for $18 or more a ton.

Researchers at General Electric's Research and Development Center in Schenectady are experimenting with special strains of bacteria which hold the promise of converting trash into a new animal food source.

The bacteria can digest cellulose which, in various forms, accounts for up to two-thirds of the solid wastes deposited in municipal refuse dumps.

Engineers at the Franklin Institute Research Laboratories in Philadelphia are developing a solid waste separator that will make possible other reuse of household discards. Shredded trash is fed into the device and a series of vibrating screens, baffles, paddle wheels and gravity separators sort it by classes—paper, soft plastics, glass, metal and hard plastics.

Also in the field of solid wastes, International Patents & Development Corp. in Kings Point, N.Y., has developed a garbage compactor already in use in a number of Manhattan apartment buildings.

The fully automated unit, which ejects 80-pound chunks of compacted trash, eliminates

fire hazards and air pollution and lowers time and labor costs involved in handling of waste material.

As for liquid waste, an advanced wastewater treatment process is in the final stages of testing at the University of Michigan. It can consistently remove 95 to 97 per cent of organic waste matter, compared with 80–90 per cent by conventional sewage treatment.

Most significant, the process removes most of the phosphate and much of the nitrogen in waste water. These contaminants, little affected by conventional methods, are largely responsible for excessive algae growth and the consequent rapid decay and aging of lakes.

Everybody is jumping on the pollution control bandwagon, so much so that it is being called the newest "glamor industry."

According to a survey of 248 companies by the National Industrial Conference Board, expenditures for pollution control equipment rose 23 per cent in 1969 to a total of $256 million. The petroleum industry claims that it alone spent more than $1 billion between 1966 and 1969 on air and water pollution control efforts.

It's one thing to trap pollutants, but this in turn can cause a problem. Take the tons of fly ash—unburned carbon—being collected daily in factory smoke stacks.

One company in Springfield, Ore., does take it, by the truckload, and converts it into charcoal briquets. What was once a nuisance and a literal eyesore is transformed into a marketable product.

Yes, many are talking about pollution, and because they are, the country is being motivated to action.

THE 18-YEAR-OLD VOTE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. HOWARD. Mr. Speaker, I was very pleased to note the support of WABC–TV, in New York City, for legislation to lower the voting age to 18. As the sponsor of this legislation, House Joint Resolution 18, I agree with their stand on this issue, and would like to call their editorial on the subject to the attention of my colleagues, as follows:

18 YEAR OLDS MUST BE ALLOWED TO VOTE

We are glad to see so much support growing for our long-standing position that 18 year olds should be allowed to vote. At no time in history have people of this age been so well educated and trained. Never before have they been so involved in such constructive work. We don't take our stand on the old slogan . . . if they're old enough to fight, they're old enough to vote. Young people know what's going on in the world today. In fact most of them are better informed about politics than their parents. Don't form an opinion of young people by what you see happening in wild demonstrations. Think of all the quiet protests that never get into the news. Remember that the one or two per cent of young people who cause violent disruptions do not represent all young adults. On January first of this year . . . 18 became the legal age in England, and the Government has not been toppled. However, the voters did not decide this issue . . . Parliament made the change. Channel Seven would like to see Congress do the same thing here.

THE FARM BILL

HON. WILLIAM L. SPRINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. SPRINGER. Mr. Speaker, Many of us know that the House Committee on Agriculture is working hard to bring forth a farm bill.

I know of no more difficult task in this Congress than getting a farm bill in 1970. However, the committee has shown a determination that we will get a bill and pass it in plenty of time for the President to sign it before June 30 of this year. The chairman, the gentleman from Texas (Mr. POAGE) has worked on this with the gentleman from Oklahoma (Mr. BELCHER) the ranking Republican. From my observations of the committee, there has been very little politics. The committee on both sides of the aisle is desparately trying to come up with a bill in the public interest that can pass the Congress and be signed by the President.

David R. Francis, business and financial correspondent of the Christian Science Monitor, has written an article on the uphill fight which the farm forces face in getting a bill. This article by Mr. Francis is in the Friday, February 27, issue of the Christian Science Monitor. I append it herewith so that all others in the House who are interested in the farm bill may read it:

FARM BLOC FACES UPHILL FIGHT: BILL EMERGES IN CONGRESS

(By David R. Francis)

WASHINGTON.—Rep. W. R. Poage, chairman of the House Agriculture Committee, candidly confesses his committee's relative weakness.

"The only farm bill that can possibly pass is that which we work out between the committee and the administration, the Republicans and Democrats. There isn't one group alone that can pass a farm bill today," the Texas Democrat says.

That wasn't the case a few years back. What the congressional agricultural committees proposed, Congress accepted. The farm bloc was powerful.

It will be a different story this spring when the House and Senate vote on new farm legislation. Important amendments from the floor are certain to be made. They may well pass. Urban congressmen are in revolt over the farm program, and they have the voting muscle needed to make changes.

COMPROMISE SOUGHT

In recent days, Mr. Poage and his fellow conservatives on the Agriculture Committee have been negotiating with top officials of the Department of Agriculture to work out a compromise farm bill. They hope such legislation will have a better chance of coming out of Congress relatively unscathed.

"We are still trying to get together," says Mr. Poage, who likes to wear fancy cowboy boots with his business suit.

Earlier this month, the Department of Agriculture sent a proposed farm bill to Mr. Poage. It was termed a "consensus bill," a phrase that causes Mr. Poage to chuckle.

The draft bill was supposed to be the product of numerous weekly meetings between Mr. Poage's group and Agriculture Department officials. The White House has refused to stamp the proposed legislation as an administration bill.

FURTHER CHANGES SEEN

"I am not condemning their bill," says Mr. Poage. "But that bill they brought up has not been agreed to by the members of the committee. It has a lot in it that resulted from our discussions. However, it is going to be modified considerably further."

Comments Don C. Paarlberg, top economist at the Department of Agriculture, "The signs are good for some reconciliation of differences."

Mr. Poage has represented his Texas constituency for 33 years. Since he won't be opposed for the Democratic nomination, he is expected to be reelected next fall. In 1968 he encountered no Republican opposition and was sent back to Washington with more than 95 percent of the vote against an independent candidate.

With a replacement or extension of the Food and Agriculture Act of 1965 necessary this year, Mr. Poage is glad to have his time free from campaigning to work out a farm bill.

NEW PROGRAM NOTED

What his committee is expected to report to the House floor will likely not be too different from the old farm bill.

One probable change will be the partial adoption of the so-called "set aside" program offered in the Department of Agriculture bill.

"It doesn't appeal to me at all," states Mr. Poage bluntly. "It is rather foolish. You are using a shotgun where you ought to use a rifle. It is not a very accurate way of achieving supply management.

"But it is something we can live with. This administration has got to put its brand on a new program. They cuss Freeman just as we cussed Benson," he added, referring to former Secretaries of Agriculture Orville L. Freeman and Ezra Taft Benson.

Farmers, as in present farm legislation, would divert a portion of their land from crop production because of the superproductivity of American farmers. This would match supply more closely to demand for farm products.

However, the farmer would have slightly more freedom to plant whatever crop he wished on the remaining land.

Details of the Department of Agriculture proposal are likely to be altered. As offered, the "set aside" would be unfair to farmers in some states because of varying historical changes in what is called the "conservation base." So this base may be adjusted.

PARITY-FLOOR BATTLE SHAPES

In addition, Mr. Poage says it will be harder to apply "set aside" to cotton than to feed grains or wheat. Cotton is of major importance to the Texas congressman's constituents. Cotton growers get a major hunk of government-subsidy money—perhaps $900 million this year.

The Department of Agriculture bill also would remove the current floors on loans and purchase prices. These floors are set in terms of parity—a comparison of prices farmers receive for their products with the prices they pay for their supplies and based on the years 1910–14. Most economists view it as a nonsensical concept. But it is still regarded highly by farmers.

Removal of the floor, the Agriculture Department argues, would facilitate exports of farm products. Prices could be lowered to world levels.

But the House committee wants a floor. As a compromise Department of Agriculture officials have been talking of a transitional arrangement for 1971, after which the parity-price floors would disappear.

Another feature of the Department of Agriculture bill is a limit on government subsidies to individual farmers.

Because the subsidy system is based largely on commodity production, the biggest farmers who need help least get the great bulk of government payments. The small farmers get little subsidy money.

Speaking of the Department of Agriculture's proposed limit, Rep. Silvio O. Conte (R) of Massachusetts termed it "ridiculously high." The proposal is a scaled one that would allow payments up to $110,000 to a single producer for each crop, or as much as $330,000 for all three programs.

Mr. Conte said he was convinced that the House "will not countenance such a transparently feeble attempt to give the appearance of reform without the substance."

The Pittsfield, Mass., representative proposes a $5,000 limit per crop on government subsidies to a single farmer. This limitation, he maintains, could trim as much as $500 million from the cost of the farm program. Another source estimated $400 million.

SAVINGS COMPARED

The Agriculture Department limitation, officials reckon, would save only $20 million to $50 million, depending on how it is administered. That compares with government farm subsidies totaling $3.7 billion last year.

Mr. Poage doubts that a farm bill will pass without some limitation on payments. What it will be, though, is an unknown factor at this stage of the legislative process.

Another feature of the Department of Agriculture bill is an effort to tighten budgetary control.

This is unlikely to come out of the agricultural committees. Most farm groups oppose it.

"We will fight that agricultural-appropriation thing right down to the last ditch," warns Robert Frederick, legislative representative for the National Grange and the spokesman for a coalition of 27 farm groups.

He argued that farmers would not sign up for the various crop-diversion programs if they could not be guaranteed a level of government payments. At present, the Deparment of Agriculture and Congress establish a level of payments, and the money is appropriated later.

The proposed system would require the program to be shaped to money appropriated in advance.

If rejected by the committees, Agriculture Department officials expect the budget-control measures to be introduced on the floor of the House and Senate. The system has less prospect of passing than a limit on payments, most observers say.

The Senate Agriculture Committee began hearings on the farm program last week. It is expected to report out a bill within a few weeks and before the House committee. It will be even closer to the old bill than the House version, observers expect. Since all Senators have at least some farmers in their states, they have more reason to please farmers than the vast majority of representatives with their largely urban constituents.

JAMES B. UTT—AMERICAN

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. LANDGREBE. Mr. Speaker, I was deeply shocked and saddened by the sudden passing of our friend and colleague, the Honorable JAMES B. UTT, of California. We are all a little poorer with the loss of such a great American.

JAMES UTT was well known for his zeal against the menace of communism. Undaunted by the abuse and scorn of those who see no real danger in communism and those willing to tolerate it, he carried on his crusade, often alone but never swayed from his determination to preserve America's sovereignty and the liberty that makes the free world free.

For 18 years, he served well and faithfully and has left behind a record of dedicated patriotism, unsullied integrity, unflagging courage, and distinguished statesmanship that can make each of us a little more proud to be a Member of this House.

Mr. Speaker, I am proud to pay tribute to this great American and regret that such tribute comes on so sad an occasion. I know I am joined by all my colleagues in extending deepest sympathies to JAMES UTT's widow and family.

PLANE BOMBING CALLED OUTRAGE

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. DADDARIO. Mr. Speaker, we have been repelled by the continuous acts of terrorism aimed at civilians in transit, at airfields, in travel offices, and in the aircraft as they travel. On many occasions we, who have been members of our delegation to the Interparliamentary Union meetings, have supported resolutions to the effect that this wanton practice cease. But the tragic consequences do not strike with ultimate sorrow until they hit close to home.

Last week, Connecticut residents Dr. and Mrs. Richard Weinerman and Mel Meyerson became victims of one such senseless act of violence when they were riding as innocent passengers aboard a plane which was destroyed by a terrorist bomb over Switzerland.

Our own past experience with the hijacking of American airliners clearly indicates the ease of access to these craft. The liability of an aircraft to be hijacked has caused considerable concern. The liability of such an aircraft to be bombed is a cause of immediate worldwide alarm. If airline bombing is not eliminated now, the threat of repetition of the tragedy in Zurich will haunt air travelers, not just in the Middle East, but throughout the world on a daily basis.

The death of the Weinermans was a great loss to the country for they were productive people as shown by his work at Yale University and their combined efforts as authors in the fields of medicine and hospital care.

The repetition of this tragedy for lack of some form of concerted action to prevent it would be unconscionable. We all hope that the future can record this loss as the last such instance of the mad bombing of aircraft.

A news story which gives an account of this tragedy follows:

STATE RESIDENTS KILLED: PLANE-BOMBING CALLED OUTRAGE

(By John Landry)

The Jewish community of Greater Hartford Sunday expressed sorrow and outrage over the bomb-sparked crash of a Swissair jetliner Saturday killing 47 persons.

Three Connecticut residents died in the crash including a Yale University professor of medicine and his wife on their way to Israel to complete part of a study commissioned by the World Health Organization and Harvard University Press.

Dr. Edwin Richard Weinerman, M.D. 52, and his wife Shirley, 51, of Hamden had boarded the jetliner on the first leg of a trip taking them to Israel, Japan and New Zealand. They were working together on a study of medical care in those countries to complete a second book on the subject.

They previously had studied medical practices in Poland, Hungary and Czechoslovakia under World Health Organization sponsorship and published "Social Medicine in Eastern Europe," a book stemming from the study in 1968.

Dr. Weinerman was a professor of medicine and medical care at Yale and director of ambulatory services for Yale-New Haven Hospital.

Also among 11 Americans killed in the crash was Melville Meyerson of Stamford.

The jetliner, a four-engine Convair Coronado, screamed to earth and crashed at Wurelingen, about 20 miles north of Kloten Airport, Zurich, shortly after takeoff for Tel-Aviv.

BOMB EXPLODED

The pilot of the airliner had radioed Kloten that a bomb had exploded in the baggage compartment and he was flying back to Kloten when it crashed.

A Jordan-based Arab guerrilla organization claimed "credit" for the crash, its leaders saying the bomb had been planted on the plane.

A similar bomb explosion aboard an Austrian aircraft bound for Israel earlier Saturday caused no personal injuries as that airliner rerouted safely to Frankfurt, Germany.

PUBLIC STATEMENT

The Jewish Community of Greater Hartford issued a public statement Sunday on the tragedy signed by Charles Rubenstein, president of the Hartford Jewish Federation; Jerry Wagner, chairman of the Hartford Jewish Community Relations Council and the Rev. James M. Webb, general secretary of the Connecticut Council of Churches.

STATEMENT

"We believe that all Americans join the Greater Hartford Jewish community in expressing shock and sorrow at the wanton mid-air destruction of a Swissair plane this weekend," read the statement.

"We in the Hartford area felt loss keenly because the victims were the son and daughter-in-law of David Weinerman, a long time community leader."

FRUSTRATION AND OUTRAGE

"Even as we express our condolences to the Weinerman family and to all relatives of the victims we cannot help voicing our frustration and outrage at the brutality and senselessness of this criminal act.

"How can the civilized world permit terrorist groups, obsessed with the desire to destroy Israel to wreak this kind of havoc? How long can Arab governments continue to furnish haven and comfort to perpetrators of such murderous deeds? We call upon the entire international community to denounce the continuing onslaught on air traffic and to demand that Arab states eliminate all terrorist bases within their borders."

A memorial service for Dr. and Mrs. Weinerman will be held Tuesday at 7 p.m. at the Emanuel Synagogue, 160 Mohegan Drive, West Hartford.

Both Dr. and Mrs. Weinerman were Hartford natives, who attended local schools and were "teen-age sweethearts" according to Dr. Weinerman's brother, Robert A. Weinerman of 76 Westerly Terrace.

"My brother was a war victim. That's the only thing I can say about this horrible thing," said Robert Sunday.

"The irony of it all is that he and Shirley were on a mission of help for all people in the world. They were doing a study of medical practices."

Robert Weinerman is the president of the Southern New England Contracting Co.

Dr. Weinerman graduated from Hartford Public High School in 1934; his wife, the former Shirley Basch, from Weaver High School in 1935.

Dr. Weinerman graduated Phi Beta Kappa from Yale in 1938; from Georgetown Medical College in 1942. He had the highest marks in the country when he took his medical board examinations and was cited for the achievement by the federal government.

He was a former director of the Herrick Memorial Hospital clinic and was in private practice at El Cerito, Calif. He joined the Yale University medical school as assistant professor of public health in 1962 when he was also appointed director of ambulatory services at Grace-New Haven Community Hospital.

Dr. Weinerman also had a masters degree from Harvard School of Public Health.

During World War II, he served as a captain in the Army Medical Corps, then went to the University of California at Berkeley as visiting associate professor of medical economics. While on the West Coast he also served as medical director of the Permanent Health Plan, Oakland, Calif.

Mrs. Weinerman graduated from Smith College in 1939. She collaborated with her husband in his academic writings and was assisting him on his most recent project.

The Weinermans have two children, Jeffrey Alan Weinerman, a teacher who lives in San Francisco and Diane Weinerman, a senior at Oberlin College.

Dr. Weinerman's survivors also include his parents, Mr. and Mrs. David T. Weinerman of 779 Prospect Ave., West Hartford and his brother, Robert.

Mrs. Weinerman's survivors include her parents, Mr. and Mrs. Charles Basch of 10 Pinecrest Rd., West Hartford, and a sister, Mrs. Clifford Barger of Brookline, Mass.

DEAD END STREET

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. GROSS. Mr. Speaker, without the benefit of poverty or other recreational funds, and without the persuasion of any of the numerous "uplift" organizations, a veteran congressional page, Phil Tannebaum, has provided recreation for some of the children in his neighborhood.

The following brief newspaper item of recent date tells the story:

DEAD END STREET

What's the best thing to do with the end of a street? Phil Tannenbaum spent $11.50, put up a pole, a backboard and a hoop and turned the one in front of his house into a basketball court for neighborhood children who didn't have a nearby place to play.

Phil, only 17 himself, is a page in the House of Representatives and is to graduate from the Capitol Page School in June. He lives with his parents, Mr. and Mrs. Sam Tannenbaum, at 2219 Richland St., Silver Spring.

His father is a lawyer but Phil plans to attend the University of Maryland and major in business administration. He started as a Senate page when he was in the ninth grade and now has Potomac Fever; he hopes to keep working on the Hill in some capacity while attending college.

WE MUST MOVE FORWARD

HON. JEFFERY COHELAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. COHELAN. Mr. Speaker, the rights of millions of black Americans hang in balance as the result of the faltering and backsliding of the present administration. This is a time for ever-increasing effort to provide justice for all Americans. Yet, the actions of the past few months, incredible as it may seem, are slowing and even reversing the forward motion so painfully sought over the years.

Witness the forced resignation of Leon Panetta from the Civil Rights Division of the Department of Health, Education, and Welfare. Witness the renewed fight for segregated schools under the guise of that celebrated misnomer "freedom of choice."

Witness the contradictory statements of administration officials—this southern strategy subterfuge. This is the time for a clear stand and a clean delineation of the issues by the executive department. We cannot at this point in our history afford vacillating appeals to sectional interests.

The record of obstructionism and indifference is striking.

I insert the following articles which testify to this distressing state of affairs:

ROBERT KENNEDY'S '67 IDEA RECALLED ON PRESIDENTIAL ACTION FOR EQUALITY

(By Frank Mankiewicz and Tom Braden)

In February of 1970, the racial problem reached a crisis. As in the past, the question was whether to have one society or two, but the immediate issue was whether to abandon the effort to send black and white children to the same schools.

President Nixon stood mute, but statements were issued in his name, so confusing and so vague as to permit both sides to claim his support.

On the night of July 27, 1967, Sen. Robert Kennedy sat in his office talking with friends. President Johnson had just addressed the nation in the aftermath of the Detroit riots. "It's over," said Sen. Kennedy, "he's not going to do anything."

"What would you do, if you were President?" challenged a friend. Kennedy thought for a moment.

"If I were President," he began, "I'd take advantage of the power of the office. I'd call the heads of the three television networks and ask them to be here tomorrow morning.

"I'd tell them it's their duty to their country to produce a two-hour documentary, to be run as soon as possible—in prime time—which would show what it's like to live in a ghetto. Let them show the sound, the feel, the hopelessness, and what it's like to think you'll never get out.

"Show a black teenager, told by some radio jingle to stay in school, looking at his older brother—who stayed in school—and who's out of a job. Show the Mafia pushing narcotics; put a Candid Camera team in a ghetto school and watch what a rotten system of education it really is. Film a mother staying up all night to keep the rats from her baby.

"The President is the only man who could get them to produce that show. Then I'd ask people to watch it—and experience what it means to live in the most affluent society in history—without hope. Government can't cure all the problems, but the President isn't a prisoner of events—he can act. And he's the only man who can.

"Then," Kennedy continued, "I'd collect data on what this means to every major city. In New York, ghetto children lose between 10 and 20 points on their IQ between the fourth and eighth grades—those statistics should be available for every city.

"Then I'd call meetings one a day, if necessary—of people from every major city. Maybe there are fifty such cities—maybe more. I'd find out who has the real power, and I'd ask them to the White House. The mayor, ministers, bankers, real estate men, contractors, union officials—everybody knows who really has power in a city—not just elected politicians.

"I'd talk to those groups, I'd show them the facts—in their city. And I'd say, 'Gentlemen, this is your problem, and only you can solve it. If you don't solve it, your city will fall apart in a few years, and it will be your fault—and I'd say it was your fault.'

"They could figure out their own solution. If the problem was schools, let them raise the money for schools, or modernize, or bus the kids, or change the zones. I wouldn't care—just do it. If it was unemployment, make new jobs. They could do it by cutting profits, or by tax incentives, or by using government programs. But I'd make it clear that this can only be solved in the community—and that they had no time to spare."

Kennedy sat back. "It's no use my saying these things—when I do, it's a political speech. The President of the United States is the only man who has the pulpit—he is the only leader we all have. If he leads—if he shows that he cares—people will give him time. In a crisis—and this is the worst one since the Civil War—his leadership is all we have."

THE WHITTEN AMENDMENT

Yesterday the House reattached the fabled Whitten amendment to the compromise Labor-HEW appropriation bill. The Whitten amendment is the name given to one or more amendments (their form changes slightly from year to year) which Mississippi Congressman Jamie Whitten appends annually to Labor-HEW appropriations bills. There is a vast gulf between the Whitten amendment's noble-sounding language and its actual intent. On its face, the Whitten amendment would merely prohibit the Department of HEW from using its funds in such a way as to force school children to attend schools which are against the choice of their parents or to be bused to schools not of their choice; and it also would prohibit HEW from using its funds to abolish particular schools. The busing part was put in as sort of come-on by Mr. Whitten who knows that "forced busing" is a specter which Northerners profoundly fear, and who also knows that school desegregation in the South often tends to require *less busing* than does the maintenance of the illegal dual school system.

So the busing proviso is there to gain Northern support—never mind that the federal government is already forbidden by statute to compel busing to overcome de facto segregation. The important part of the Whitten amendment is that which would prevent HEW from carrying out the provisions of the Civil Rights Act of 1964 or following the directives contained in several Supreme Court decisions in relation to the dismantling of the South's dual school system. It would give a reprieve to districts like those Mr. Whitten represents which have been flouting the law for 16 years and which are

now complaining, via their representative in Congress, that the Supreme Court on Oct. 29 acted summarily and in indecent haste. Mr. Whitten's amendment, in short, is designed to maintain the validity of officially imposed school segregation in the South. This fact is one of the worst kept secrets on Capitol Hill—or any place where school desegregation is the subject of even remotely serious discussion.

Mr. Nixon has been aware of the importance of the Whitten amendment for some time, and he has taken a very interesting position on it. In the autumn of 1968, when he was a candidate for President, and when the Whitten amendment was a hot item in the House, Mr. Nixon authorized Melvin Laird to tell House Republicans that he—Mr. Nixon—*opposed* the Whitten amendment and hoped they would vote against it. That got a nice splash in the press and—rather more important—provided the narrow margin that defeated the Whitten amendment.

In 1969, Mr. Whitten was to come back with his amendment on the new Labor-HEW appropriations bill. That summer, the Attorney General informed the relevant members of the House that the Nixon administration in fact did not oppose the Whitten amendment; so the Whitten amendment was passed by a narrow margin in the House.

Then at the end of summer, Secretary Finch told the Senate that the Nixon administration did oppose the Whitten amendment; things were a bit far gone by then, however, so it took a king-sized battle mounted by Secretary Finch and Minority Leader Scott to keep the thing off the Senate version of the appropriation bill. And Secretary Finch did some very intense lobbying to get the House to accept the Senate's language. As recently as Feb. 6, Mr. Nixon's commissioner of education, James E. Allen Jr., informed a Senate subcommittee of the reasoning behind the administration's continuing opposition to the Whitten maneuver:

"The Department continues to oppose such proposals because they not only conflict with the decisions of the Supreme Court but further would seriously restrict the enforcement efforts under Title VI to eliminate discrimination."

A short while after the commissioner made his statement, Mr. Ziegler, the President's spokesman, let it be known that Commissioner Allen did not speak for the administration. Then, Monday, emerging from the White House, Minority Leader Ford disclosed that the President favored the "thrust" of the Whitten amendment. In thrust, perhaps, but not, as you might say, in drift. Or in substance, but not in form. Or—who knows?—in form but not in substance. By afternoon, Secretary Finch informed the House Rules committee that he opposed the Whitten amendment and believed himself to be speaking for the administration.

There—as of the moment of writing—you have the position on the Whitten amendment that Mr. Nixon has evolved. The good Lord knows it is subject to change before the ink is dry, but we think that, over all, it has certain interesting permanent features. One is that it is highly mobile, and the other is that it is rarely if ever enunciated by Mr. Nixon himself—only by those who speak for him on all sides. It will be interesting to see whether Secretary Finch's word is the last word when the bill goes to the Senate.

[From the Washington Post, Feb. 24, 1970]

OBITUARIES FOR DESEGREGATION WRITTEN BY LEFT, RIGHT, CENTER

(By David S. Broder)

CAMBRIDGE, MASS.—It was a great ecumenical funeral they arranged last week for the 15-year-old policy called school desegregation. They said the kid never accomplished much when he was alive, but he sure drew a crowd for his burial.

The President and Vice President of the United States came, and so did most of the Republicans and Democrats in the House and Senate, and they all threw a handful of dirt into the grave.

The obituaries had been written by the best commentators of the left, the right and the center, the New Republic's Alexander Bickel, the National Review's William Buckley and Newsweek's Stewart Alsop. They agreed it was a darn shame it happened; but the fool kid had been warned time and again to stay off buses and to quit messing around neighborhood schools. He just wouldn't listen.

They listed all the trouble the kid had caused in his short lifetime. He'd made race relations worse, they said, and helped pile up a vote for George Wallace. He'd caused violence in the schools. He'd scared the whites out into the suburbs and made the cities more segregated than before.

Even those who had been the kid's friends and had tried to help him had to admit that the effort was costly when measured against the pitifully little genuine integration that had been achieved since the Supreme Court delivered the unwanted infant on the nation's doorstep that May Monday in 1954.

There was no call for an inquest into the cause of death. Maybe it could have been shown that what really killed integration was the unwillingness of the white majority to stick the cost and inconvenience of desegregating the schools. But everyone knew the cost—in dollars and in disruption of familiar patterns—was bound to go up, and most agreed it was better the kid was dead, with no questions asked.

One of the new "realists" was Sen. Abraham Ribicoff (D-Conn.), who has progressed in only 10 years from being John Kennedy's favorite governor to being John Stennis's favorite senator. He came pretty close to telling the truth at the funeral when he said, "We are talking about a segregated society . . . It is not the kids who are racists; it is the adults who are racists. I do not want to make the children innocent pawns."

But even Ribicoff, the supreme realist, could not quite bring himself to admit what it was that had been killed—or even that a death had occurred. He kept talking about opening the suburbs to Negroes and making big improvements in ghetto schools—trying to comfort the bereaved.

However, the kid's friends know now that desegregation is probably finished, except in those rare communities where local conditions and attitudes are so favorable that the federal courts can enforce their orders with the minimal help likely to be available from federal, state or local authorities. No politicians—and few judges—will work very hard at propping up a corpse.

Most of the country will now revert to the reservation policy, as Sen. Clifford Hansen (R-Wyo.) suggested, when he compared the "mistake" of integration to the "mistake" of sending Indian children off the reservations to school.

It is, of course, a somewhat chancier proposition to adopt a reservation policy for 22,000,000 blacks, whose reservations are the centers of our cities, than it is to impose that policy on 5,000 Indians in Wyoming.

But even if every Negro parent passively accepted reservation status for his children, which will not happen, one would still have to ask how much of the soul of America was in the casket that was buried last week. This was the question Leon Panetta, the ousted administration civil rights official, Sen. Walter F. Mondale (D-Minn.) and a few others tried unavailingly to raise at last week's state funeral.

School desegregation was a last, desperate effort to erase the ugly heritage of slavery. It was an effort to vindicate in the next generation the founders' faith that this could be one nation of many peoples, a free society based on the equality of all men.

History may judge that vision was foreordained to failure by the tragic fact that slavery preceded independence on our continent.

But that is a judgment only history can make, and the test of statesmanship today surely must be resistance to that fateful admission of failure.

It is tragic that a President who only a month ago spoke of giving this country "the lift of a driving dream" should have acquiesced, with nary a protest, in the death of the American dream.

DESEGREGATION: PIERCING A FEW VEILS

It was not just the public that found itself completely baffled by the end of the week as to what was going on in the Senate on the subject of school desegregation. Rarely has there been more confusion—*de jure* and *de facto*, as it were, or deliberate and inadvertent—than that which marked the Senate debate over John Stennis's amendment calling for equal application of desegregation law in the North and South. What, after all, could be wrong with that? Was not the North, in Senator Ribicoff's phrase, guilty of "monumental hypocrisy" in its attitude toward the racial concentration in its own schools?

The answer to the second question is, Yes—but not in a way that has much, if anything, to do with what was going on in the Senate. For in relation to the pitch the Southerners were making, and as the term "monumental" goes, it was to compare Grant's Tomb with the Mausoleum at Halicarnassus. Consider only Senator Talmadge's observation that there has been no officially-imposed racial segregation in the South since the Supreme Court outlawed the practice sixteen years ago. It could get you to wondering on what grounds, then, Attorney General Mitchell, who is not exactly in the vanguard of the civil rights movement, had brought suit against the state of Georgia to desegregate its schools in the fall of 1969.

To untangle some of the mysteries attending this question of equal application of the law, it might be well to consider, first, what Federal law currently is; second, the way in which it already applies to the North; and, third, what the Stennis amendment (passed in the Senate) could or could not do to affect the situation. Elsewhere on this page, an excerpt from the debate, goes to the same points.

First, for the law. It is embodied in several Supreme Court decisions, the Civil Rights Act of 1964, and various measures related to Federal aid to education. The court has held that it is unconstitutional for governmental authorities at any level in the public school system to segregate children "solely on the basis of race." To do so, of course, was the publicly stated, official practice of Southern (and some Northern) school systems prior to the Brown decision in 1954. Ten years later, the Civil Rights Act of 1964 incorporated the court's views on the illegality of discrimination of this kind and made compliance with those views a condition of receiving Federally-dispensed money:

"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

The passage of this law preceded by only a short time the passage of the Federal aid to education act and similar Great Society legislation which, for the first time, made significant sums of money theoretically available to (and withdrawable from) state operated schools and other institutions that had continued to defy the court's ruling against racial discrimination. That was when the fuss over the "guidelines" hotted up. Defiant Southern school districts, wanting

their money, attempted to meet the Civil Rights Act standard merely by saying they were desegregated in the sense that they no longer publicly espoused discrimination ("freedom of choice"); HEW, which had the funds to dispense, countered that in numerous districts only the rhetoric had changed; the Supreme Court, in 1968, then took another step in the law: it ruled that so-called "freedom of choice" or desegregation by proclamation, was not in itself sufficient evidence of compliance with the law. It thus gave HEW authority to apply its own measures of good faith or lack of it in the districts under consideration.

How does all or any of this affect the North? It is important to note, first, that where official intent to segregate children in schools "solely on the basis of race" has been established in the North—usually a covert intent, but an intent, nonetheless—those school districts have come under the same pressures and orders as those in operation in the South. Most of the more famous *"de facto"* cases in the North and the West, in fact, have been prosecuted and resolved on *"de jure"* grounds. So in that sense the law already is equally applicable; it's just that people have assumed that any ruling against a Northern or Western district must, of its nature, be a *"de facto"* ruling.

"De facto itself is a term that is loosely applied to cover any situation in which official intent to discriminate has not been perceived, but where large racial concentrations exist in the schools. Some lower courts have ruled that such concentration in itself is a form of illegal "segregation." Most have ruled otherwise. And more important, the Supreme Court has declined to take any view on the question. The Civil Rights Act, however, does take a view, specifically distinguishing between racial concentration caused by discrminatory state action and racial concentration that is not the apparent result of such official action. It has forbidden the federal government to use its funds merely to establish racial balance where no state discrimination can be found. The Stennis amendment, being merely a kind of policy statement, will thus have little practical effect in bringing about "desegregation" in the North, since the court's silence and the Civil Rights Act's directive render it almost without legal meaning.

What it can provide, however, is yet another weapon for resisting districts in the South. They will be able to attempt a new stalling maneuver on the grounds that they do not have to move any faster than, say, Cleveland. So with adroit legal manipulation (at which they have never been slouches) they may gain a little more time. We should be clear whom we are talking about here. Of some 4,470 school districts in seventeen states where the dual, black and white system had some official standing, only a few hundred (mostly rural) districts are still going through the agonies with the Federal government over their refusal to dismantle their dual school systems. Those are Senator Stennis's clients; they are what the fuss has been all about.

Still, we may all owe the Senator a debt of gratitude. Only this skirmish could have focused national attention on the *real* problems in the North (and in some cities of the South, which have complied with law but found their schools "resegregated" on a *"de facto"* or neighborhood basis). So now we can get down to considering the authentic questions—which plans work and which plans don't; how, without proving discriminatory intent, you can move children around on the basis of their skin color and not establish precedents or practices that are as dangerous as they might be well-intended; whether racial concentration, in itself, can be officially stigmatized without creating state doctrine that a given number of black children in a school automatically defines that school as one that is defective; what the real sources and dimensions of the problem are—and what its practical solution. On account of Senator Stennis's effort this week (though despite his opposition to the idea), there will now for the first time be a select Senate committee charged with making a serious and responsible inquiry into these questions, questions the Congress has done its best to ignore over the years. That was the one really useful thing to come out of the Senate debate.

A SCHOOLHOUSE DIVIDED AGAINST ITSELF

(By Leo Rennert)

WASHINGTON.—"I don't know the exact shape of the American school of the future," said Sacramento's former Supt. of Schools F. Melvyn Lawson a few years ago. "But I'm confident it will be an integrated school."

Lawson reached that conclusion after a long period of painful soul-searching. He had seen the beginning of ugly racial conflict in his community and weighed the alternatives—one society or two hostile camps. He came to realize quality education in the second half of the 20th century cannot take place in a setting of racial isolation. Full educational opportunity for all youngsters meant natural daily contacts with children of other races.

As a result of this evolution in his professional thinking, Lawson steered Sacramento schools on the path to integration. While the process has had its disappointments and imperfections, it also has been a major success. Today, there are hundreds of superintendents throughout the country who wish they had exercised as much leadership and initiative a few years ago instead of permitting segregation to become deeply imbedded in their school systems.

HAND

But instead of giving them a helping hand, President Richard Nixon has decided to throw the prestige of his office on the side of all those—North and South—who grasp for any excuse to avoid or delay integration.

The neighborhood school, he suggests, should remain a sacred institution. Busing is a dirty word. What counts is "quality" education. Southern segregationists and their Northern counterparts could not be happier with this expression of presidential philosophy. They see no White House endorsement of recent court rulings—only the most grudging agreement to carry out judicial orders.

With Nixon prepared to "balance" the U.S. Supreme Court and to out-Dixie George Wallace, the way has been paved for more obstructionist tactics by anti-integration forces everywhere. After all, if the President criticizes busing and defends the neighborhood school, who would dare challenge the local white supremacists when they propound the same arguments?

Not only has Nixon complicated the task of integration in districts where such an effort still remains to be made. He also has pulled the rug from under conscientious school officials who have stuck their necks out to promote integration, including his own commissioner of education, James E. Allen, Jr.

FOCUS

Like Lawson, Allen has approached the problem as an educator, not a politician—by focusing on what constitutes good education and the most practical way of achieving this goal. Both men believe quality education means integrated education. Thus, any method—including some busing—which helps a district reach this objective is perfectly defensible.

Neither Allen nor Lawson sees any overriding virtue in neighborhood schools—or any special evil in busing. If they foster good education, use them,. If not, try something else.

Half a century ago, American farmers gave up their neighborhood schools in an attempt to improve the educational opportunities of their children. The one-room schoolhouse was boarded up and youngsters bused to better facilities with better teachers. It was the era of consolidation, of the emergence of union school districts. And the bus was the symbol of progressive change.

In American cities, it took somewhat longer for Lawson and other administrators to discover the liabilities of neighborhood schools. But long before the issue of segregation ever was raised, they found that small-enrollment centers deprived children of many educational advantages. Youngsters often were thrown into two-grade combination classes. Small neighborhood schools could not afford librarians, resource teachers, science equipment and other important ingredients of a modern curriculum. They were expensive to operate and singularly ill-fitted for innovations like team teaching.

RECOGNIZE

In recognition of these problems, new suburban systems switched to extensive busing operations so that buildings no longer would dictate curriculum. When special vocational programs or projects for the gifted were set up in one central location, no one protested the purchase of a few more buses.

But unfortunately, these are all considerations the White House chooses to ignore. Nixon has discarded the opportunity of presidential leadership. He instead has embarked on the dangerous course of playing politics with the emotional sidelights of what still remains the nation's biggest domestic problem.

SANDBAGGED AIDE IS OUT

(By Rowland Evans and Robert Novak)

Leon Panetta, fired this week as civil rights chief of the Health, Education and Welfare Department, was literally hounded out of office by top administration officials, including Vice President Spiro Agnew.

When Panetta moved to desegregate the higher education system of Maryland, former Maryland Gov. Agnew went to HEW Secretary Robert Finch to complain.

Likewise, when Panetta moved against the public school system of Wichita, Kans., where a clear showing of de jure (officially sanctioned) segregation was made, the White House itself bitterly complained to Panetta's bosses at HEW. Panetta went ahead anyway, and cited Wichita for noncompliance.

President Nixon himself has been calling for equal treatment, North and South, in federal school desegregation efforts. But in one of Panetta's first major actions in the North—at Wichita—the White House rebuked him.

The effort to get rid of Panetta almost came to a head last fall, but collapsed when some high officials at HEW let it be known that if Panetta was fired, they might walk out, too.

The leading Panetta-hater then was Attorney General John Mitchell (who derided Panetta behind his back as a "zealot") and his deputy, Richard Kleindienst (who got a venomous earful about Panetta from Robert Mardian, HEW's conservative general counsel, with whom he drove to work every morning).

Most of the back-stabbing was done out of range of Finch and HEW Under Secretary John Veneman. Both of them regarded Panetta as a major asset to the department, who, far from making political trouble, was simply enforcing the law.

Recently, however, White House complaints about Panetta began to come directly to Finch himself. Two weeks ago Panetta, Finch and Veneman decided that these complaints had reached such a peak that Panetta's ability to operate was becoming compromised. Panetta informed his bosses that under those circumstances he probably should resign.

But he never had a chance. When Southern congressional sources leaked a story last Tuesday that Panetta was on the way out, the White House called Finch and demanded the resignation at once. It was announced by the White House before Panetta had had a chance to write it. He was fired for obeying the law.

PANETTA RAPS NIXON AIDES ON RACE ISSUE

(By James K. Batten)

Leon E. Panetta says President Nixon is surrounded by men who attach a low priority to the cause of racial justice in America.

Panetta, a 31-year-old liberal Republican who quit under pressure this week as the Department of Health, Education and Welfare's civil rights chief, said in an interview yesterday that he believes the President himself is a "fair-minded man."

But he quickly charged that such top White House aides as Bryce Harlow, John D. Ehrlichman and H. R. Haldeman had made little or no attempt to help Nixon understand the gravity of the nation's racial crisis.

Panetta quoted Ehrlichman, now the President's top lieutenant for domestic affairs, as saying to him: "The blacks are not where our votes are."

CHARGES PRESSURE

Panetta had said he quit because of congressional pressure on the White House—members of Congress complaining that he was too militant on the issue of school desegregation.

Despite White House pressures for his ouster in the past, Panetta said, his boss, HEW Secretary Robert H. Finch, had urged his young civil rights director to stand fast.

But when he walked into Finch's office last Tuesday, Finch told him: "Well, it looks like it may be it."

Panetta added: "He was very obtuse, but the message was very clear."

In yesterday's interview, Panetta was reluctant to blame Nixon for his firing, or for the administration's increasing coolness toward the cause of racial integration in the schools.

The problem, Panetta suggested, was that no one at the White House has been actively advocating the best interests of black Americans in the tugging and hauling over school integration.

"I kept seeing these memos from Harry Dent to the President, the Vice President and the Secretary of Health, Education and Welfare, attaching letters from white parents saying what a tragic thing it was that white kids had to be bused across town.

"But I've yet to see a letter from a black parent or a black child."

Panetta, however, said he did not believe that full responsibility for the White House performance should go to Dent, a former aide to Sen. Strom Thurmond, R-S.C., now Nixon's top political aide.

AIDES BLAMED

Dent, Panetta said, could not have achieved that by himself. "It takes the Harlows, the Haldemans and the Ehrlichmans—people like that.

"Nixon probably is sincere," Panetta said, "but he hasn't taken the time to understand what a deep problem this is in this country. If there could just be an indication of concern at the national level that efforts have to be made to bring people together . . ."

The brunt of the blame, he said, must be placed upon "those around him (the President) who have got to bring to his attention the whole impact of this thing. And I don't think they've done that."

The result, Panetta said, is "a vacuum in leadership" at a time when the nation is in turmoil about the future of its schools and racial integration."

"In recent weeks, Southern politicians have been crying 'Fire!' in a crowded theater, but then the administration goes in and yells 'Fire!' even louder. And by God, you don't help by doing that," he declared.

DRIFT TO THE RIGHT: SENATE VOTES ON SCHOOL DESEGREGATION SEEN AS REACTION AGAINST BLACKS

(By Joseph Kraft)

The latest Senate votes on school desegregation make it plain that a reactionary tide is running in American politics. But the present move to the right is a curious phenomenon—different from what happened in the 1920s and the 1950s.

This time the reaction is without visible leaders and organization. It is less a swing than a drift—something allowed to happen, which probably means that it will be that much harder to arrest and reverse.

The prime targets of the present reaction are the blacks in this country. They constitute an obvious and unpopular minority, geographically centered in the major cities, and without inner economic balance. They were the chief beneficiaries of the liberal surge under Presidents Kennedy and Johnson.

And at the heart of that liberal surge was the principle, implicit in the famous 1954 Supreme Court decision against school segregation, that fairness required a progressive lowering of the barriers between the races.

Nobody knows the exact meaning of the many amendments voted up and down last week by the Senate. But that is precisely the point. The ambiguity is large enough to mean a field day for the local officials in the South who have so long and so tenaciously resisted the spirit of the 1954 decision.

They will now halt school desegregation dead in its tracks. There will be efforts to stop desegregation of such public accommodations as hospitals and hotels. The real requirement, which is to move forward to break up residential concentration of the races, is distant beyond imagination. For there has been a turnabout in race politics.

But this momentous change-over had about it nothing of the dramatic. There was no moment of truth, no big speeches or policy statements. On the contrary, the transformation was wrought with minimum breakage. The visible signs were a certain fogginess at the White House, and a couple of marginal shifts in Democratic ranks.

The fogginess at the White House was central and calculated. The starting point was the administration's Southern strategy. That strategy would plainly have been compromised if the administration were obliged to enforce court orders on school desegregation over the opposition of Southern politicos like George Wallace. Accordingly, the President had a political interest in letting the segregation issue sink from sight without a big fuss.

The administration played that interest to near perfection. Through various spokesmen, the White House issued a series of statements on school desegregation that added up to any position anybody wanted to take. Inside the administration, this waffling caused one casualty—the resignation of the Special Assistant to the Secretary of Health, Education and Welfare, Leon Panetta.

But on the floor of the Senate there was almost complete confusion about the administration's desires. At one point there were two Republican senators—Minority Leader Hugh Scott of Pennsylvania and John Tower of Texas—standing on the floor claiming White House support for opposite views.

On the key vote—the vote on the amendment submitted by Sen. John Stennis of Mississippi—only 11 diehard Republican liberals stayed with Sen. Scott in opposition. Twenty-six Republicans joined Sen. Tower in supporting the Stennis amendment.

On the Democratic side the fuss was not much greater. Sen. Abraham Ribicoff of Connecticut had a personal crisis of confidence about a desegregation policy that was concentrated on the South. His stance made it easy for his colleague from Connecticut, Thomas Dodd, and three liberal Democrats from border states to support the Stennis amendment.

That Ribicoff had even that much clout said something about the weakness of the Democratic leadership effort. Sen. Walter Mondale of Minnesota did see what was brewing and fought it all the way. He emerged with enhanced national standing as a result.

But Sen. Edward Kennedy, who might have made a difference, was in bed with pneumonia and a temperature of 104. And the senior Democrats were not prepared to make a bid deal about the blacks.

What this really means is that the reaction now registered in the Senate is a popular reaction. The majority of the country, not just a few demagogues skilled at whipping up passions, has had it with blacks. And presumably that mood will endure until events and a new set of leaders show that the United States cannot decently turn its back on what we all know to be our main social problem.

STENNIS AMENDMENT'S EFFECT ON INTEGRATION UNCLEAR

(By Richard Harwood)

After days of wearisome and baffling debate, Sen. Albert Gore (D-Tenn.) arose in the Senate last week to observe:

"I am in a quandary about the pending resolution, and the quandary is whether it does something or whether it does not, which seems to be entirely problematical."

When it was done and when the Senate on Wednesday at last adopted 56 to 36 the "Stennis Amendment" on school desegregation, the question of whether it did something or not was still being argued.

Ostensibly, it merely required the Department of Health, Education and Welfare to apply its school desegregation guidelines evenly throughout the country—cutting off federal school money to segregated districts in the North as well as to segregated districts in the South.

But much more than that was read into it. Its passage meant, said an anguished columnist, that "the Senate of the United States has now cravenly abandoned the policy of racial integration."

Not so, said the Justice Department. Nothing has changed, said HEW.

"Mercifully," said Sen. Hugh Scott, the Republican leader, "this is mere policy and therefore not binding."

Sen. Jacob Javits (R-N.Y.) disagreed: "One of two things will happen. All efforts to desegregate will stop and it will be impossible to go on; or there will be federal interference (in the schools) of such size, magnitude and depth that the country will be appalled if this measure becomes law."

The mildly worded resolution that produced this confusion was drafted by Sen. John Stennis of Mississippi. It stated:

"It is the policy of the United States that guidelines and criteria established pursuant to Title VI of the Civil Rights Act of 1964 and Section 182 of the Elementary and Secondary Education Amendments of 1966 shall be applied uniformly to all regions of the United States in dealing with conditions of segregation by race, whether de jure or de facto, in the schools of the local educational agencies of any state without regard to the origin or cause of such segregation."

If this language was artfully designed, as critics charged, to impede or end desegregation efforts in the South, it came at a very late time in the school integration struggle.

As of last week, according to the Civil

Rights Office of HEW, 93 per cent of the 4,470 Southern school districts were desegregated or were in the process of desegregation under federal court orders.

The remaining 310—principally small-town or rural districts—were in various stages of compliance with or defiance of HEW guidelines; 97 of them had already been declared ineligible for federal school funds.

Furthermore, the administration claimed, whatever the effect of the Stennis Amendment on Title VI enforcement, it had no effect on the Justice Department and would have no effect on the federal courts, which have been taking an increasingly tough line against integration delays in the South.

If, on the other hand, the language was designed—as Stennis insisted—to bring about increased school desegration in the North, it seemed unlikely to achieve its purpose within any foreseeable period of time.

Officials at HEW said it would be virtually impossible to write guidelines to end de facto school segregation resulting from neighborhood segregation in the North—in Chicago, for example, where roughly half the Negro students attend totally segregated schools.

And if that problem could be overcome, others remained. One was a constitutional problem; the Supreme Court has never ruled that de facto segregation is illegal.

Another problem was the state of Northern public opinion.

"I do not want to ruin the schools of the North," said Stennis last week, "but I want them to find out whether or not they want this massive, immediate integration. I do not believe they do."

Minority Leader Scott seemed to agree.

"Any genuine attempt in good faith to enforce this language," he said, "would require all the police forces in America and a good many of our troops overseas."

However that may be and whatever the ultimate "meaning" of the Stennis Amendment, the Senate's adoption of it last week was a political landmark of sorts.

For the first time in roughly 15 years, the Southern bloc in the Senate prevailed on a civil rights issue that was regarded, rightly or wrongly, as matter of more than passing significance. For the first time in nearly a decade, said Sen. Walter F. Mondale, a leading opponent of the Stennis Amendment, "a fundamental civil rights issue lacked the active support of the Justice Department and the President." For the first time in the memory of most congressmen, the Senate faced up for a few days to what Sen. Abraham Ribicoff (D-Conn.), whose support of the Stennis amendment was crucial to its passage, described as the "hypocrisy" of the North on questions of race. And for the first time since the 1950s, serious questions were raised about the wisdom of using public schools as a principal instrument for achieving racial integration in the United States.

EFFECT ON SOUTH

The fear of various civil rights activists is that even if the Stennis Amendment lacks substance, it will encourage segregationist officials in the South to stiffen their resistance to school integration or to delay it through court tests of the amendment's meaning.

The administration's answer is that most of the desegregation job in the south has been done and that, in any case, the Justice Department and the courts are not handcuffed.

On a purely political level, Senate liberals have another fear: that the passage of the Stennis Amendment is symptomatic of a growing conservatism in the United States.

"There is a real question," Mondale said, "whether the liberal coalition that has dominated the Senate is viable any longer. This country may really be turning to the right."

PRESIDENT CRITICIZED BY PANETTA

The resigned chief of the government's school desegregation program charged yesterday that President Nixon is abdicating a moral obligation to lead the nation on civil rights and is retreating on many fronts to appease the South.

Leon Panetta made the charges in addressing the Women's National Press Club on his final day in office. He resigned last week as head of the civil rights office of the Department of Health, Education and Welfare.

Two of Panetta's aides said last night they were quitting, too, among signs that others would follow.

Peter Holmes, Panetta's liaison man with Congress, said he would resign. Carl Flaxman, director of civil rights for HEW's Dallas office, said he resigned Feb. 17 under congressional pressure.

Panetta also said Vice President Agnew is aggravating racial friction by catering to racists.

"As long as they think they can get votes, rather than take the tough stand and not divide the country but bring us together, I expect this will continue," Panetta said.

He said Mr. Nixon has allowed phoney issues such as busing and neighborhood schools to supersede the real questions of equality in education.

"Ninety per cent of the schools in the South have used busing in their schools—many times to preserve a dual school system and to avoid a neighborhood school system," he said.

Earlier, in a television interview, Panetta warned that if minority groups continually feel "they don't have any clout" within the system, "it's only a matter of time before they go out of the system . . resort to the streets . . . they've found in the past that this is the only way they can get satisfaction. And I think that this is what we are headed for."

LISETTE SUSAN VINET OF HAWAII WRITES WINNING ESSAY, "FREEDOM'S CHALLENGE," IN VFW CONTEST

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. MATSUNAGA. Mr. Speaker, our young people are deeply concerned over the direction that this Nation is taking as we enter into the 1970's, and a new decade the destiny of which they will profoundly affect.

That our young people are willing and able to carry forward the efforts of our Nation to achieve its finest destiny is nowhere more eloquently attested to than in the essays submitted for judging in the annual Voice of Democracy Contest.

This year, over 400,000 students participated in the Voice of Democracy Contest, sponsored by the Veterans of Foreign Wars and its ladies' auxiliary. The contest theme was "Freedom's Challenge," and I am particularly proud that an outstanding young lady from Wahiawa is Hawaii's winning contestant this year.

This young lady, Miss Lisette Susan Vinet, daughter of Lt. Col. and Mrs. William C. Vinet, Jr., is a student at Leilehua High School.

I take great pleasure in submitting the speech of the 50th State's VFW Voice of Democracy Contest winner in the CONGRESSIONAL RECORD at this point:

FREEDOM'S CHALLENGE

It was raining, but it stopped. I felt like the day . . . quiet, gray, serious. It was as if the weather had matched my mood to console me. Nothing better to do so I was just walking. Nowhere in particular, just walking. The people were all gone too. Wonder where people go when it's raining? All the shops were closed. I guess they have nothing to offer on rainy Sundays. There's always the windows to look at. I prefer bookstore windows myself.

Wonder how they manage to cram all that stuff in, but they do. More than just books, mobiles, photos, even posters. There was one poster that stood out in my mind from all the rest. Perhaps because it was hidden in the corner alone, like me.

It read: *1984* by George Orwell . . . ignorance is strength, freedom is slavery. It was of an old man with shackles on his head and he was smiling but it was that forced sort of smile. Though his lips veiled his feelings, his eyes told of the sufferings of mankind . . . of mental tortures crueler than any physical punishment. He had been told how to act and what to think for so long that he had ceased trying to be a free individual. His freedom had been snuffed out until he hardly knew it existed. Yet it was there. It is a part of us all.

Our first cry as a new born baby is a cry of freedom. We burst with the joy of living but as we grow older, we lose this enthusiasm for life. Unconsciously, we adopt the principles of 1984. Do we believe ignorance is strength?

I think of ignorance and I picture to myself a man without ears, one who won't listen. Am I thinking of you? There are many like him. Their prejudice makes them blind to the needs of others. They band together under one leader to draw in others to their cause. And their power increases as they seek control of our minds and our government. And they succeed partially because we let them. The newspapers are still there and our books haven't been burned yet we complain we don't have the time to keep informed. So we join their cause because it sounds strong and because we don't know the other side. Where is that spark of freedom now?

When we are given the chance to decide who our leaders are to be do we vote or do we assume that somehow it will all work out? Those very assumptions created the world of 1984.

Are we really individuals or do we blindly follow the crowd allowing others to dictate our lives? Oh, why must people be so ready to accept what others tell them instead of making up their own minds? They have opinions I know it because I've heard them. They're out there picketing now for one cause or another. They're crying for peace as they destroy and trample another's rights. And they're locked up for it. For them, fredom is slavery. Is that same freedom we were born with or have we changed it somehow?

The freedom I know is illusive like the wind but just as strong. It motivates me to participate in school activities just for the sake of making something better. It should affect us all. There are a few who have accepted freedom's challenge but they are just a whisper when they should be a roar. Don't be afraid of involvement. Freedom comes with the realization that we have left our mark on the world. That somehow, because of us, the world is a little different.

Each of us faces that challenge. Will we turn toward the darkness of 1984, or will we rekindle the fire of freedom? If we are

to do something, every person must accept the challenge. Because our government is the people it exists to hear our opinions and to act upon them to create a better community. Before it can do this, we must care enough to be concerned. Only then will our demands be answered.

In this mixed up world, freedom is struggling. It is trying hard to survive and it must remain alive if we are ever to exist as free people in the world to come. No, I turn my back on 1984 and I refuse to give up without a fight just as I refuse to believe that others will not join me in my cause. Together, we will make freedom's challenge our own.

NATIONAL GALLERY OF ART CALENDAR OF EVENTS—MARCH 1970

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the Calendar of Events of the National Gallery of Art for the month of March 1970. Once again, the National Gallery has scheduled outstanding events for this month, and I urge my colleagues and the American people to visit the Gallery in March, It is a worthwhile and enjoyable way to spend an afternoon.

NATIONAL GALLERY OF ART, CALENDAR OF EVENTS, MARCH 1970

J. Carter Brown, Director of the National Gallery, has made a special plea for funds to purchase "Civilisation", the extraordinary series of 13 one-hour films in color narrated by Kenneth Clark. The series, which ran at the Gallery from November 2 through January 31, drew nearly 150,000 viewers, and was also shown at the White House. Contributions should be addressed to "Civilisation", National Gallery of Art, Washington, D.C. 20565. Checks should be made payable to the National Gallery of Art, and all contributions are deductible for Federal income tax purposes.

The reality of appearance: The trompe l'oeil tradition in American painting. Opening on March 21 and continuing through May 3, this exhibition features the *trompe l'oeil* ("fool-the-eye") still-life paintings especially popular in nineteenth-century America. It has been assembled by the California art critic Alfred Frankenstein, whose research in separating William M. Harnett's paintings from those with faked signatures by other artists reads like a detective novel. The selection of over one hundred examples has been carefully made to obtain the utmost variety; pictures have been chosen that have not been exhibited before as well as many that are famous.

The exhibition traces the history of American still-life painting from works by the Peale family in the early 1800's to the close of the century, through outstanding pictures by Harnett, Peto, and Haberle. It also features works by less well known painters: Francis, Rosen, Harlow, Goodes, and others who interest us by their astonishingly realistic style and varied compositions.

MONDAY, FEBRUARY 23, THROUGH SUNDAY, MARCH 1

*Painting of the week**

Tour of the week

Exhibition of African Sculpture. Central Gallery. Tues. through Sat. 1:00; Sun. 2:30.

Modigliani. "Gypsy Woman With Baby" (Chester Dale Collection). Gallery G-10. Tues. through Sat., 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour

Introduction to the Collection. Rotunda. Mon. 11:00, 1:00 & 3:00; Tues. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture

"Some Aspects of Nineteenth-Century Architecture (III)." Guest Speaker: Professor Sir Nikolaus Pevsner, A. W. Mellon Lecturer in the Fine Arts. Auditorium, 4:00.

Sunday concert

Ylda Novik, pianist. East Garden Court, 8:00.

MONDAY, MARCH 2, THROUGH SUNDAY, MARCH 8

Painting of the week

Pontormo. "Monsignor della Casa" (Samuel H. Kress Collection). Gallery 15. Tues. through Sat. 12:00 & 2:00 Sun. 3:00 & 6:00.

Tour of the week

The Original Environments of Works of Art. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour

Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture

Some Aspects of Nineteenth-Century Architecture (IV). Guest Speaker: Professor Sir Nikolaus Pevsner, A. W. Mellon Lecturer in the Fine Arts. Auditorium. 4:00.

Sunday concert

Johannes Brüning, Violinist; Wolfgang Kaiser, Pianist. East Garden Court. 8:00.

MONDAY, MARCH 9, THROUGH SUNDAY, MARCH 15

*Painting of the week**

Chardin. "The House of Cards" (Andrew Mellon Collection). Gallery 53. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week

The Revisions of Paintings. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour

Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture

Some Aspects of Nineteenth-Century Architecture (V). Guest Speaker: Professor Sir Nikolaus Pevsner, A. W. Mellon Lecturer in the Fine Arts. Auditorium. 4:00.

Sunday concert

The Catholic University Chorus; Michael Cordovana, Director. East Garden Court. 8:00.

MONDAY, MARCH 16, THROUGH SUNDAY, MARCH 22

*Painting of the week**

Bosch. "Death and the Miser" (Samuel H. Kress Collection). Gallery 35A. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week

The Framings of Pictures. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour

Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture

Some Aspects of Nineteenth-Century Architecture (VI). Guest Speaker: Professor Sir Nikolaus Pevsner, A. W. Mellon Lecturer in the Fine Arts. Auditorium. 4:00.

Sunday concert

National Gallery Orchestra; Richard Bales, Conductor; Craig Sheppard, Pianist. East Garden Court. 8:00.

MONDAY, MARCH 23, THROUGH SUNDAY, MARCH 29

*Painting of the week**

Grünewald. "The Small Crucifixon" (Samuel H. Kress Collection). Gallery 35A. Tues. through Sat. 12:00 & 2:00; Sun. 3:30 & 6:00.

Tour of the week

The Reconstructions of Altarpieces. Rotunda. Tues. through Sat. 1:00; Sun. 2:30.

Tour

Introduction to the Collection. Rotunda. Mon. through Sat. 11:00 & 3:00; Sun. 5:00.

Sunday lecture

Some Aspects of Nineteenth-Century Architecture (VII). Guest Speaker: Professor Sir Nikolaus Pevsner, A. W. Mellon Lecturer in the Fine Arts. Auditorium, 4:00.

Sunday concert

National Gallery Orchestra; Richard Bales, Conductor; Allison Nelson, Pianist. East Garden Court, 8:00.

All concerts, with intermission talks by members of the National Gallery staff, are broadcast by Station WGMS-AM (570) and FM (103.5).

Inquiries concerning the Gallery's educational services should be addressed to the Educational Office or telephoned to (202) 737-4215, ext. 272.

For reproductions and slides of the collections, books, and other related publications, self-service rooms are open daily near the Constitution Avenue Entrance.

FOOTNOTE

*11" x 14" reproductions with texts for sale this week—15¢ each. If mailed, 25¢ each.

FREEDOM'S CHALLENGE

HON. H. R. GROSS

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. GROSS. Mr. Speaker, I am pleased to report that the Iowa winner of this year's Voice of Democracy Contest, sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary, is a resident of the district I have the honor of representing.

He is Thomas C. Thrams, the son of Mr. and Mrs. Charles B. Thrams of Mason City.

The theme of this year's contest was "Freedom's Challenge." I am glad to have the privilege of inserting the text of the young man's excellent speech in the RECORD:

FREEDOM'S CHALLENGE

Nothing left loose is ever likely to do anything creative. No horse is likely to get anywhere until he is harnessed. No steam or gas ever drives anything until it is confined. No life ever grows until it is focused, dedicated, and disciplined. No country is ever great until it is challenged.

We, as citizens in a country bequeathed with a heritage based on man's quest of freedom, are accepting the challenge of preserving that freedom for both the present and the future. It is obvious that liberty means freedom to choose evil as well as good; freedom to suffer the penalties of bad judgment as well as the freedom to enjoy the rewards of good judgment. Were this not true, the word "freedom" would be meaningless.

To me, ladies and gentlemen, freedom's challenge is the demand to do something about it. Every life is unsatisfactory until its owner and possessor has made up his mind what he means to do with it. A commonly-held belief in the United States is well-illustrated by the words "My country right or wrong." This statement has been quoted many times and, like a text of scripture, has been the justification for the assumption that we must accept our nation's foreign policy,

the day to day behavior in the halls of deliberation, and the statements of our political leaders. It is well illustrated in the version by Stephen Decatur in 1816 in a toast: "Our country. In her intercourse with foreign nations, may she always be right; but, our country, right or wrong." I, friends, would like to suggest to you, however, the version of Carl Schurz in an address in Congress when he said, in 1872, "Our country, right or wrong. When right, to be kept right. When wrong, to be put right." This is the challenge that I would like to place before you.

All people have certain human rights. These rights must be respected in order to preserve freedom. One man's interpretation of liberty must not be stretched to infringe upon the rights of others.

I feel that we should retain always the sense of the true place of religion in education, the spiritual values in social stability, the equality of opportunity for all men, the devotion of genuine and unashamed patriotism.

With the same zeal that we respect the position of our country in the world, we should strive to make this position possible for all people. Our freedom to compete and our readiness to cooperate has won for us the title of the most productive on our earth today. I sincerely hope that this willingness never dies.

A short time ago, a Cuban refugee was asked why Cubans like himself wanted to come to the United States rather than go to Latin American countries with the same language and the same general culture. Was it just the thought of greater economic opportunity?

"No," he said, "many of us would have an easier time economically in a Latin country. It's just that we feel better here. We can feel like a human being. There seems to be something universal about this country."

This is living testimony, not abstract argument, from men who know the meaning of America in their bones and marrow.

Without the examples of the strength of our forefathers, prosperity, and progress in a free America, there is nothing to inspire men in the struggle for victory between freedom and totalitarianism. You and I can buy our own example of freedom and liberty as friends of free people. Our conduct in every crisis, large or small; our resistance to propaganda and passion and the fanatic action of minorities; our conformity to constructive criticism; our compromise in the case of difference; our determination that it is more patriotic to oppose an unjust government and its policies than it is to follow those policies blindly; but also, our steadfast determination to not let rabid agitators unseat us. These can pave the way for future generations to preserve this liberty for our posterity.

The Greek philosopher, Solon, is alleged to have said, "Justice will come to Athens when those who are no victims of injustice are as indignant as those who are." May those of us who are not victims of social, political, and economic injustice become as concerned about the achievement of a just society as we are about and unorderly one. Once this has happened, we will have a society which is both just and orderly, and is at its best.

THE CHALLENGE OF FREEDOM

HON. RICHARD H. ICHORD

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ICHORD. Mr. Speaker, the urgency with which many of our young people today view the challenges in need of solution if society is to resolve its problems and continue to progress is most heartening.

The fact that the vast majority of our Nation's youth are committed to the fundamental principles of this great Republic and reject the wanton approach of anarchists and revolutionaries is a credit to our system for all of its frailties. It is also a credit to the alertness and comprehension of America's youth.

An example of this has been provided recently in my own district where a student at Crystal City High School from Festus, Mo., won the Veterans' of Foreign Wars Twin City Voice of Democracy Contest. His name is Danny Schunks and he faced the competition of 49 other local high school students who delivered talks on Americanism. Each of their speeches were tape recorded and judging was done from the tapes. Danny's 3-minute talk was entitled "Freedom's Challenge" and I would like to share his remarks with my colleagues in this House:

FREEDOM'S CHALLENGE

Despite the affluence which exists in the U.S. today and despite the apathy which abounds among a large segment of the American society, the challenges of freedom are greater perhaps today than at any other time in our short history.

The challenges of freedom are great and many, but let's examine a few of the most important ones. In a free society a man can improve himself by his own deeds. Stop and consider this a minute.

Here is a challenge that has only been a dream to many civilizations. Here, a man regardless of his race, color, his religion, or his creed, can improve himself by his own deeds. This causes incentive and often times will instill a sense of pride, a pride of equality.

Freedom challenges us to help our less fortunate American brother. For too long this need has been ignored.

We must accept the challenge today. We must then extend the helping hand of American brotherly love and not the hand of complacency which too many times has been thrust forward. By helping the less fortunate, the poor, the disabled, we also help ourselves. By helping these people increase their knowledge we help strengthen the bonds that bind our nation together.

We promote a general feeling of concern which in turn can plant the all important seed of incentive.

Today we hear, we see, and we read about equality, a major challenge which lies before us. Equality is one of the most, if not the most important challenges extended to us. While we may have freedom, without equality we will not know freedom in its most refined form.

Freedom thrives on equality, religious equality, but most important racial equality. For if we do not have racial equality, then one segment of our population, regardless of size, be it minute or large will not be totally free.

While we sit here speaking about challenges of freedom we are being called. Either we answer the challenge or we don't. There is no putting off an answer. We must be ready when we are challenged for these perilous times make our answer more important than ever. If we refuse to answer we are in fact stating that our freedom means very little if anything to us.

We are stating that the brave men who fought and died to preserve freedom have died in vain for a worthless cause. We are stating that we do not believe in the basic principles on which our country was founded and that our forefathers should be regarded as little more than arch rebels who chased after an illusion or a fantasy.

But if we answer, we will be striving for perfection in the American spirit. While we may not change the world, we will be working for the benefit of mankind.

THE CHALLENGE OF RACE RELATIONS

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. FINDLEY. Mr. Speaker, at the annual dinner of the Abraham Lincoln Association February 12 in Springfield, Ill., the eminent historian, Bruce Catton, who has done so much to enrich our understanding of the Civil War period, was the principal speaker.

In his remarks he analyzed the facts and factors which led Abraham Lincoln to the Emancipation Proclamation. He described the proclamation as only the beginning of the long term challenge, only partially met to this day, of race relations in the United States. In my view, it is one of the most significant statements by a public figure on this topic in a long time.

Here is the text of Mr. Catton's address:

ADDRESS BY MR. BRUCE CATTON

About one year ago an Afro-American magazine editor informed his readers that the black people of this country should no longer feel that they owed anything to Abraham Lincoln.

Lincoln, said this editor, was simply a racist. He freed the slaves by force of circumstances and not because his heart led him that way. He did not believe in racial equality. He did believe in the colonization of black people on some continent entirely away from the United States. He fought the war solely to preserve the Union and said flatly that if he could win the war by freeing no slaves at all he would do it that way. When, at last, he issued the Emancipation Proclamation he issued one of the weakest documents ever to come out of the White House—a proclamation that ordained freedom for the slave in precisely those areas where the Federal government had no power to enforce it, and left black people in slavery in the areas where Federal control was secure.

In short, said the editor, Lincoln deserves neither affection nor gratitude from black people. He was simply a Honkey.

Ordinarily we devote February 12 to a celebration of Abraham Lincoln's role as the great emancipator. Here we have—to put it mildly—a jarring note. I suggest that it may be worth our while to examine this indictment briefly. We may learn something—about Lincoln himself, about the inner meaning of our terrible Civil War, and about ourselves. Let's look at the record.

To begin with, it ought to be remarked that the men who had the most immediate, material, dollars-and-cents reason for understanding just what Lincoln's attitude was never had the slightest doubt about it. To them Lincoln was an emancipationist, and because they unanimously felt that way they went to war against a government that dared to make him president.

I refer, of course, to the great slave-owners of the Southern cotton belt—the men who held vast plantations worked by gang labor, and whose wealth and social standing de-

pended directly on a continuation of that system.

The news of Lincoln's election had hardly been announced before these men were moving with determination to take their states out of the Union. They had so little doubt of their appraisal of the man, so little doubt that his installation as President would mean the realization of their worst fears, that they took their states out of the Union before he even got to Washington. The seven great cotton belt states had formally seceded, and the Confederate government was an established fact, before Lincoln became President. Secession had taken place before Lincoln took the oath of office.

If Lincoln was indeed a racist, who had no desire to interfere with the institution of slavery and no sympathy with the black man, these wealthy slave-owners were singularly ill-informed—and singularly stupid. They bet everything they had on the assumption that their appraisal was correct. That they won the bet, and winning it lost their wealth and power forever, may be one of the ironies of history, but it does not necessarily mean that they had made a faulty diagnosis. They knew, better than anyone today can know, that with that man in the White House the "peculiar institution" was not safe. What they were quite unable to see—and I suppose living at the summit of a slave society does not bring great breadth of vision—was that Lincoln would rally the power of his fellow countrymen and destroy the institution they were so eager to protect. But they were entirely correct in their belief that Lincoln himself was an emancipationist.

Yet to say this does not necessarily mean that the indictment brought by the black editor is incorrect. He can easily cite chapter and verse for the separate counts in his indictment, and we cannot dismiss it as nothing more than the ill-founded complaint of an unhappy man. As admirers of Abraham Lincoln we may indeed feel that the picture here painted is wrong, but the separate details of the picture are quite true.

Let us have a look at them.

Begin by accepting one obvious fact—that Abraham Lincoln was a man of his time, sharing in its concepts, touched by at least some of its prejudices. He was not looking back on the terrible problem of the 1860's from a safe vantage point one hundred years later. He was there himself, compelled to cope with the problems of that day on the basis of what he knew and felt at that time. He lacked the advantage we have—the clarifying power of the long backward glance. He was a part of the bad time he had to contend with.

With so much understood, let us go on and admit once and for all that Lincoln did not believe in racial equality. He said so flatly, at least once, during the Lincoln-Douglas debates. He said so again after the 1861 election, when the editor of *The New York Times* sent him an inquiry from a Mississippi legislator. To the editor, Lincoln wrote: "Mr. Lincoln is not pledged to the ultimate extinction of slavery; does not hold the black man to be the equal of the white." Presumably this word was passed along to the inquiring Mississippian—without having the least effect.

When the war actually began, Lincoln willingly accepted an act of Congress asserting that the north was fighting solely to restore the Union and not to change the domestic institutions of the states in any way. He believed that neither he nor the Congress had the constitutional power to abolish slavery, and at least in the early stages of the struggle he was content to have it that way. He over-ruled first General John C. Fremont and later General David Hunter when those officers undertook to proclaim emancipation in the military departments. He rebuked a member of his own cabinet, Secretary of War Simon Cameron, when that individual inserted emancipationist language in his annual report. A little later Cameron ceased to be a cabinet member.

Lincoln's first step in the direction of emancipation was halting and unsuccessful. It came in the spring of 1862, when he urged leaders of the slave-holding border states which had remained in the union to accept a plan for gradual, compensated emancipation. His plea was rejected, and Congress then proceeded to get ahead of him. Early that summer it passed a new confiscation act, providing (among other things) that slaves owned by men in rebellion could be set free, as could slaves fleeing from bondage to such men. Acting on this, Lincoln again called in the border state leaders, urging them to realize that if the war continued "the institution in your states will be extinguished by mere friction and abrasion." He begged them to accept—in his words—"not emancipation at once, but a decision at once to emancipate gradually." This had no more effect than his former plea to the border state men had had, but at least it is clear that Abraham Lincoln was not rushing things. Congress obviously was trying to press him along, but he was moving slowly.

This act of Congress, incidentally, empowered the President to spend Federal money on a colonization scheme. Lincoln had been doing some investigating, to see where a suitable place for colonization might be found. He seems to have believed that there was a good prospect somewhere in Central America, and in August of 1862 he called to the White House a group of free colored men from the north. To them he spoke frankly—and in what he said we can hear the year 1862 talking to itself, recognizing its prejudices and its handicaps, trying to find an easy way out of a dilemma.

"Even when you cease to be slaves", Lincoln said to these black leaders, "you are yet far removed from being placed on an equality with the white race. You are cut off from many of the advantages which the other race enjoys. The aspiration of man is to enjoy equality with the best when free, but on this broad continent not a single man of your race is made the equal of a single white man." He added that he simply presented this "as a fact with which we have to deal", adding, "I cannot alter it if I would", and concluding: "It is better for us both, therefore, to be separated."

This had no better luck than the appeal the border state leaders had had. Nothing further was ever heard of it. And it was at about this time that Lincoln wrote his famous letter to Horace Greeley, defining the policy on which he was making war. This policy, he said, simply embraced the restoration of the Union, and he went on:

"If I could save the Union without freeing any slave I would do it, and if I could save it by freeing all the slaves I would do it; and if I could save it by freeing some slaves and leaving others alone I would also do that."

All of this is perfectly clear: compensated long-delayed emancipation if necessary, colonization of the former slaves somewhere far away from the United States if possible, and a war to restore the union which if it seemed advisable would leave the hideous growth of slavery untouched. So far, the picture of the man who did not especially want to do anything for the black man seems justified.

Yet there are one or two other points to consider before the picture is completed.

It is interesting to note, for instance, that at the time when he talked in such a gloomy, brooding manner to the black leaders in the White House—at the time when he wrote to Greeley to insist that restoration of the Union was his one essential war aim—Abraham Lincoln had the draft of the preliminary Emancipation Proclamation in a desk drawer. He had discussed it with his cabinet, he had made up his mind to issue it, and he was waiting only for a military victory to make it public. In his own mind he was committed.

His proclamation, to be sure, was on the face of it a weak and halting thing; little more than a gesture. But it came at a time when a gesture could be all-important. Remember, there was a war going on. It was more and more becoming obvious that a central fact in that war—*the* central fact, when all is said and done—was the existence in the United States of some millions of human slaves. For the President of the United States to assert publicly, with whatever qualifications and reservations, that certain of these slaves would be henceforward and forever free was in effect to say that all of them would be free. It was an irreversible forward step. The Federal union was not simply going to be restored—it was to be extended, made broad enough to take in millions of people who previously had had no part in it.

To understand this all one needs to do is consult the horrified outcry that the proclamation, when issued, drew from the Confederacy.

Jefferson Davis—in the ordinary acceptance of the term as humane a man as you would care to find—promptly denounced it as "the most execrable measure recorded in the history of guilty man." To the Confederate Congress Davis described it as "a measure by which several millions of human beings of an inferior race, peaceful and contended laborers in their sphere, are doomed to extermination." Davis said the proclamation must have one of only three possible results. He spelled them out in these words:

"The extermination of the slaves, the exile of the whole white population of the Confederacy, or absolute and total separation of these states from the United States."

That is fairly strong language, and it brings us face to face with the fact that we sometimes fail to see when we examine the Civil War.

Underneath slavery lay the race problem, which perhaps we understand a little better now than we did in the old days. If we don't understand it better, we can at least see it more clearly.

Not only did the race problem lie underneath slavery. It was what kept slavery alive. Under the slave system, the race problem did not have to be faced—for if one race owns the other outright, you do not have to worry about how the races are going to get along with each other. You just let the owning race run the police force, and that is that. Consequently, the prospect that slavery might be uprooted and destroyed rallied the whole south to the defense of the institution. Only a minority of southerners actually owned slaves; only a minority stood to lose money or property if the abolitionists had their way. But the South was almost a unit—at least until excessive war weariness set in, much later—in coming to the defense of slavery by force of arms, simply because nobody could see how the two races could possibly get along together if the insulation of slavery were removed.

And that was the real tragedy of the 1860's. There was a race problem—perhaps we ought to call it a white-race problem—that looked absolutely insoluble to most men of that generation. That was why the overwhelming majority of southerners rallied to the Confederacy; that was why such a huge body of opinion in the north was so extremely reluctant to go along with the abolitionists; that, I suspect, was why Abraham Lincoln so desperately and unavailingly looked for some remedy like colonization, which would perhaps enable the country to avoid what seemed then to be a terrible dilemma.

What the Civil War did—what Abraham Lincoln did—was to destroy the ugly protective device that kept the races from having

to try to live in one community. It pulled the race problem out in the open and left the country with one overpowering imperative—solve this problem! So far, we have contemplated it, off and on, for more than a century without making much progress toward a solution. But this is central to our existence as a free people.

It must be said that Lincoln recognized the ins and outs of all of this from the beginning. His first task was to save the Union, and if that could be done quickly it was possible that slavery could be left intact, for handling later. But if the war should turn into a long, all-out war there was no way to keep it from becoming a war over slavery; and if it became that, then the national horizons would be pushed back immeasurably.

Lincoln warned of this, early in the game. At the end of 1861, in a message to Congress, he asserted his determination to put down the rebellion and added: "I have been most anxious and most careful that the inevitable conflict for this purpose shall not degenerate into a violent and remorseless revolutionary struggle." He would try to avoid "radical and extreme measures," but he warned that "the struggle of today is not altogether for today—it is for a vast future also." Early in 1862, he bluntly warned the Marylander Reverdy Johnson: "It may as well be understood, once and for all, that I shall not surrender this game leaving any available card unplayed." The direction things might take in case of an extended war was emphasized by the grim Congressman from Pennsylvania, Thaddeus Stevens, who warned that the government could not win until it acquired "a revolutionary determination inspired by the grand idea of liberty, equality and the rights of man."

That Lincoln saw this from the beginning is clear. On his way to Washington, two weeks before his inauguration, he stopped off in Philadelphia to make a speech at Independence Hall. Here in this historic shrine of patriotism, he asked what great principle it was that had held the country together. Answering his own question, he said that it was "something in the Declaration giving liberty, not alone to the people of this country, but hope to the world for all future time. It was that which gave promise that in due time the weights should be lifted from the shoulders of all men, and that *all* men should have an equal chance." You might note that these are not exactly the words of a racist or a believer in inequality. He went on to say that he "never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence."

This is what gives coherence to the story of Lincoln's years in the White House. He knew no better than any other man of his time how the two races were to get along, once the barriers between them were torn down and the idea of equality had been accepted; but he knew full well that precisely this was coming once the war became the "remorseless revolutionary struggle" which he had warned about.

Presumably Lincoln did not use a word like "revolutionary" lightly. If the Civil War was to become such a struggle, as in fact it did become, it was because something had been added to the original ingredients.

What got added was the simple word "freedom"—which is still the most explosive word known to man.

During the early days of the American Revolution, the men at Philadelphia added that word to their explanation of what they were fighting for. They wound up by breaking up an empire and putting the world into a ferment. In 1862 Americans did it again, putting "freedom" at the center of the nation's ideas about its future. That word is like phosphorous—expose it to air and it takes fire. You might find it interesting to reflect briefly on the situation in Africa today, where a large number of new nations have come into existence and are trying to make their way in the world. There have been many revolutions there—based on the Communist model? Not at all. These are on the American pattern. The people want to get outsiders off of their necks; they want to be free. Washington and Lincoln would understand them perfectly. Karl Marx would have been wholly baffled.

The task Lincoln left us is so far from being finished that it can hardly be said to have been begun. It is the biggest task we have and if we fail at it none of our other accomplishments will mean much. Perhaps we need Lincoln's reminder: We cannot escape history. His words to the Congress in 1862 still apply:

"We—even we here—hold the power and bear the responsibility. In giving freedom to the slaves we assure freedom to the free—honorable alike in what we give and what we preserve. We shall nobly save or meanly lose the last best hope of the earth."

Freedom, to repeat, is a word touched with fire. It is not a negative thing; that is, it does not simply mean the absence of human slavery. It is the most powerful word known to mankind. It calls for a new understanding of the way men must live together; for acceptance of the idea that there are no grades and classes of citizenship, but that—in Lincoln's words—"the weights should be lifted from the shoulders of all men, and that *all* men should have an equal chance." That is the inescapable challenge Lincoln left us. The Civil War was a beginning, not an ending. Its final meaning is up to us, today.

AMERICA CAN RULE THE WAVES

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. DERWINSKI. Mr. Speaker, a very effective editorial supporting the administration's proposed merchant shipbuilding program was carried in the Thursday, February 26, Southwest Messenger Press, a publication serving communities in my district. The editor of the Messenger Press, Mr. Elmer Lysen, is a penetrating analyst of the international as well as national scene and his commentary on the subject is certainly concise and timely.

The editorial follows:

AMERICA CAN RULE THE WAVES

Ordinarily the advertising of a shipbuilding concern might be expected to have a rather limited readership. Few people are likely prospects for the purchase of an ocean-going freighter. However, the message of one such concern explains in a dramatic way why there has been a resurgence of public interest in a buildup of the U.S. Merchant Marine.

First, it shows in a graphic illustration the manner in which Russia is outstripping the U.S. in merchant ship construction. At the top of a full-page advertisement is shown a thin scattering of ship profiles marked "Ours," below this is the word "Theirs" and under it, crowding the rest of the page, is depicted a massive fleet of ships of all kinds. Beneath this, the reader is reminded that the Russians are building seven times as many merchant ships as the United States. The Soviet Merchant Marine will have increased 600 percent in the 20 years ending in 1970. In contrast, the U.S. Merchant Marine is largely comprised of ships older than the sailors who man them. The Soviets carry 50 percent of their international seaborne trade in their own ships. The U.S. carries only 5 percent.

This is an old story to the U.S. shipping lines that for years have endeavored to awaken the U.S. to its maritime tradition and the need to preserve its status as a first-rate maritime power. This effort is bearing fruit, at last, in the Administration's proposed merchant shipbuilding program which has received broad support from both congressional and industry quarters. The program is expected to add 300 vessels to the nations fleet in 10 years. If carried through, it will serve notice to the world that the U.S. expects to retain its share of world commerce and its heritage as a major sea power. The new merchant ship program deserves, and must have, sustained public support.

HOW SAFE IS SAFEGUARD?

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. WOLFF. Mr. Speaker, although the controversy surrounding the anti-ballistic-missile system, a pet project of the Nixon administration, has seemingly taken a quieter place in the scheme of things, the debate is far from over. I, and many of my colleagues, still feel that to proceed with such a project is not in the best interest of the Nation, for it will not contribute to our national security.

I need not dwell on the reasonable, responsible, and plentiful arguments that scientists, members of the armed services, citizens, and others have raised with regards to blocking such a costly project. I include a recent editorial which appeared in the fine paper, the Long Island Press. For I feel it affirms the obligation that we all have to maintain this debate, and prevent this folly which will be costly and destructive to all efforts for world peace.

The editorial follows:

HOW SAFE IS SAFEGUARD?

President Nixon's plan to expand the Safeguard antiballistic missile system faces an uphill battle in Congress—and well it might. The President has left himself vulnerable to critical counterattack on several points—that he is inconsistent in his rationale for the ABM system; that he is taking serious risks of undermining the arms limitation talks with the Russians, and that the extremely expensive system itself will be ineffective.

Last March 14, the President, in announcing the revised Safeguard ABM system to succeed the Sentinel System, stressed that it means a shift from a defense of the Cities—as originally conceived by the Johnson administration—to a defense of the missile sites.

"There is no way," he said, "that we can adequately defend our cities without an unacceptable loss of life. The only way I have concluded that we can save lives—which is the primary purpose of our defense system—is to prevent war. And that is why the emphasis of this system is on protecting our deterrent, which is the best preventative for war."

At his press conference last Friday, Mr. Nixon returned to the original Johnsonian rationale—a defense capable of protecting the nation's cities against an attack by Communist China.

What effect this expansion will have on the Strategic Arms Limitation Talks (SALT) due to reopen in April may become more clear after the details of Phase II are spelled out later this month by Defense Secretary Melvin R. Laird. Phase I, which involves construction of an ABM shield around Minuteman sites in North Dakota and Montana, is already under way. If Phase II includes any significant expansion, such as a ring of ABMs around Washington, D.C., and a start of "thin" anti-China defenses around other cities, there is a serious risk of upsetting these promising talks.

And in addition to this risk, there's the expense. The President's budget sent to Congress yesterday authorizes $1.49 billion to continue Phase I and start Phase II, with the eventual price tag estimated as high as $50 billion. And all this for a system, as Sen. Mansfield points out, that might not even work at all. Doubts raised last year by such experts as Dr. Wolfgang K. H. Panofsky of the Sanford Linear Accelerator Center have still not been resolved. Dr. Panofsky maintains the system's radars and computers will not prevent penetration of offensive missiles.

In light of these serious questions, the administration owes the nation a more convincing case than it has made so far before we commit so much of our national wealth and energy to such a program.

SAVE YOUR VISION WEEK

HON. LEONOR K. SULLIVAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mrs. SULLIVAN. Mr. Speaker, this is Save Your Vision Week, an annual observance originated by the American Optometric Association 43 years ago, and which has just been proclaimed by the President for the seventh successive year.

This special week provides all who are concerned with good eyesight an opportunity to focus public attention on the need for taking proper care of the eyes. The number of accidents resulting in partial or total loss of vision remind us that strict adherence to basic eye safety practices is vital on the job and in all our pursuits.

With the tremendous advances made in the fields of optometric care, optics, medicine and surgery over the past few years, there is little reason for the neglect of eyesight. Proper professional care and advice are readily available to virtually all Americans.

The President's proclamation of Save Your Vision Week serves as a good reminder for each of us to review presonal health records and determine how long it has been since the last vision examination. We should all remind our loved ones and fellow workers to do likewise.

It is my hope that observance of this special week may also renew the dedication of health care professionals throughout the Nation to carry on with their important work in both the public and private sectors, toward the goal of providing the best possible vision care to that 50 percent of the population experiencing some type of vision problem.

I ask you, my colleagues in the House of Representatives, to join me in offering congratulations to the eye care practitioners, researchers and optical goods manufacturers who have done, and are doing, so much to assure the continued delivery of top quality vision care to the general public.

I would like to add my special personal thanks to the American Optometric Association, a national organization with headquarters located in my district, for its leadership in establishing Save Your Vision Week and for its willingness to share this important event with concerned health care professionals and their organizations for the good of the United States and her people.

DR. MORRIS N. GREEN

HON. SAMUEL N. FRIEDEL

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. FRIEDEL. Mr. Speaker, one of my constituents, Dr. Morris N. Green of 3823 Menlo Drive, Baltimore, has evolved a reorganization plan for the Food and Drug Administration. When this plan came to my attention, I was impressed by its contents and invited Dr. Green to testify before Congress when the various FDA reorganization bills came up for consideration. This plan was also sent to several Members of Congress, Dr. Ley, the past FDA Commissioner, as well as the present Commissioner.

Several of the suggestions offered in the plan have been utilized in the recent reorganization of the FDA under the new Commissioner, Dr. Edwards. For example, the scientific aspects of drug approval are now decided on the bureau level, rather than in the Commissioner's office as formerly, so that the present Commissioner is now in effect a chairman rather than an absolute head. The National Academy of Sciences has been given the job of evaluating many drug combinations. As a result, 3,000 drugs have been found ineffective by a panel of the National Academy and ordered removed from the market. The agency has increased its consumer orientation and the present Commissioner has stated that he hopes to work more closely with industry. In international cooperation, Yugoslavia has been given a research contract to evaluate the pill.

The recently retired Commissioner, Dr. Ley, has stated "the agency's false image as a policing agency must be changed to that of an agency of high level research." Dr. Green has amended the international aspects of the plan to make possible a talent and cost-sharing venture in drug and food evaluation and research with a group of nations with whom we have mutually advantageous interests.

I am sure the Members of Congress will be interested in Dr. Green's entire plan and I insert it in the RECORD for guidance in planning future legislation:

SUBMITTED BY DR. MORRIS N. GREEN, OCTOBER 21, 1967

OBJECTIVES

In the reorganization of the Food and Drug Administration, the following objectives are to be achieved. All scientific decisions are to reflect the best available knowledge of the world community. The quality of scientific decision will be the most important component of the official activities of the FDA, all other actions taking a secondary role. The function of the FDA will not only be for the regulation of food and drugs in the USA but to stimulate the wholesome development of therapeutic and food science by both public and private agencies. In addition to safeguarding the Public Health, the FDA as hereinafter described shall protect the legitimate interests of consumer and manufacturer. Within the foreign policies of the United States, the FDA shall consider itself of World Public Health and in its international commitments shall work primarily with the United Nations World Health Organization to further its testing, research, and health programs. To further its intramural as well as its international objectives, the Food and Drug Commission as it shall hereafter be called, shall set up an Academy which will work out testing and administrative procedures for the control of drugs and food as well as a school for the training of American as well as foreign officials, the latter with the cooperation of the State Department. It is understood that a suitable phase of its development that the Commission with the approval of the Senate and the direction of the President may transfer suitable parts of its activity in the Academy to properly constituted World Authority such as the United Nations or its designate, the World Health Organization.

THE FOOD AND DRUG COMMISSION

The work of the Commission shall be in charge of five members appointed by the President as follows: Two scientific members appointed by the President upon the recommendation of the National Academy of Sciences; the other members being appointed directly by the President consisting of a Chairman, representing the Government, a Representative from Industry and a Representative of the Public. All members of the Commission shall serve for a period of five years at the pleasure of the President, initial appointments being staggered as follows: one Scientific Commissioner five years, the other Scientific Commissioner four years, Public Commissioner three years. Chairman two years, and Industry Commissioner one year. The Chairman may be reappointed for a full term at the pleasure of the President and with the approval of a majority of the Commission as well as the Advisory Committee whose composition will be described later. All other Commissioners may be appointed for additional terms at the pleasure of the President. A courtesy Commissioner from the World Health Organization may be appointed with the approval of the State Department who would be present at all meetings of the Commission except executive sessions, at the pleasure of the Commission.

SCIENTIFIC COMMISSIONERS

The Scientific Commissioners' recommendations in matters within their area shall be considered as final and accepted by the Commission as the basis of any further decisions. One commissioner shall be in charge of the central and regional routine testing laboratories of the Commission and shall be charged with the preparation of final reports on the scientific aspects of drug and food applications. Both Commissioners shall be required to approve scientific recommendations to the Commission as well as concur in the certifications and appointment of outside consultants. The other Scientific Commissioner shall be in charge of the research program of the Commission and shall recommend research grants to non-profit or industrial organizations in the areas of activity of the Commission. Outside review Boards shall be used to make initial recommendations after

which the Commission as a whole will make any final awards that it pleases.

PUBLIC COMMISSIONER

The Public Commissioner shall conduct a Bureau on consumer problems and be prepared to advise the Commission in this area.

THE CHAIRMAN

The Chairman of the Commission shall issue approvals or other decisions after official action by the Commission and shall be in overall charge of enforcing the decisions of the Commission. He shall be in charge of the Academy of the Commission. He shall recommend the appointment of a legal adviser to the Commission. The enforcement of the Commission's decisions shall be in charge of a special bureau presided over by an individual with legal and police training who shall be directly responsible to the Chairman.

INDUSTRY COMMISSIONER

The Industry Commissioner shall be the liaison of the Commission with all profit making organizations and work out with the Chairman arrangements for the processing of drug and food applications, if there are any problems in the application of the standard working procedures set up by the Commission. He shall work out with the Public or consumer representative the details of cost sharing by government and industry for the use of outside consultants required for clinical evaluation of applications. These Commissioners shall work out a formula for determining such charges which will be approved by the Commission as a whole. Charges for the use of consultants by nonprofit groups if they retain rights to patents and licenses shall also be recommended by this subgroup of the Commission.

ADVISORY COMMITTEE

The Advisory Committee shall be appointed by the President consisting of five members appointed in the same manner as the Commission except that the Chairman need not be a government employee. This group shall be kept informed of the Commission's activities through an executive secretary and shall be required to submit a report to the President every two years or special reports at any time it desired. It shall at all times cooperate with the Commission. The Committee shall be required to hold one annual meeting in addition to the biennial meeting required for the approval of the report to the President. Meetings may be called at the instigation of the Chairman or any two members of the Committee. The Chairman of the Committee may either be full time or part time depending on the work load required.

PROCEDURE IN DRUG OR FOOD APPROVALS

The following represents typical procedures that may be used in processing food and drug applications. The initial application is checked either by a central or regional government laboratory. If the data warrants it, the material is turned over to an approved outside consultant by the scientific commissioner for clinical testing. Conclusive clinical tests are required to be performed by the consultants before the Scientific Commissioners give their reports to the Commission. By special permission of the Commission upon recommendation by the Scientific Commissioners the initial petitioner may be allowed to do a part of the clinical testing. Clinical testing will proceed under rules and regulations approved by the Commission for safeguarding the health of patients and their legal rights. No clinical report can be accepted for official action that doesn't contain independent clinical data obtained outside of the activities of the petitioner. After an adequate period of clinical testing by the consultant, he or they will report their results to the Scientific Commissioners who will check the facts in their laboratories or in clinical facilities at their disposal. The scientific commissioners may at their option engage one or more consultants or the facilities of the World Health Organization for testing outside of the United States. After all the preceeding has been carried out to the satisfaction of the scientific commissioners, final recommendations to the Commission may be submitted. These recommendations may contain limited or complete approval, suggestions for other uses or require an entirely new approach to the application. The initiating group will have the first option in proceeding with these suggestions or if after a suitable period of time, they take no action, the Scientific Commissioners if in their opinion the public health will be benefited thereby, may order further development in the laboratories of the Commission or through outside grants after giving the initiating petitioner an opportunity to reconsider.

WORLD HEALTH ORGANIZATION FOOD AND DRUG INDEX

As an initial step aimed at stimulating world cooperation in food and drug matters, the Commission shall offer to start a computer file on all food and drug matters that they process with proper legal safeguards for material in the process of investigation, offering this information to the World Health Organization. Other countries who contribute information in a similar fashion will also be privileged to use this computer file. This action would be mandatory upon the Commission taking place within the first five years of the Commission's activity.

ORDER IN THE COURT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1970

Mr. ASHBROOK. Mr. Speaker, to judge from the anguished cries in some circles, the defendant in the recently completed trial in Chicago was Judge Julius Hoffman and not the Chicago "Seven." If a recent public opinion poll conducted by the Chicago Tribune is any indication, an overwhelming majority of the American public kept the trial in proper perspective and ruled in favor of Judge Hoffman's conduct of the proceedings and agreed on the results.

As a member of the House Internal Security Committee, which until recently was known as the House Committee on Un-American Activities, I have had occasion to see some of the same Chicago "Seven" in action before the committee as witnesses. Unlike the Chicago trial though, congressional committees cannot punish misbehavior in the hearing room as Judge Hoffman did at the end of the trial. Corrective legislation has been before Congress for almost 10 years now to punish abusive witnesses but to date it has failed to be enacted. It was encouraging to see the disruptive tactics of the Chicago "Seven" swiftly punished and, as the Tribune poll would seem to indicate, a majority of American citizens agree.

I insert at this point the item, "Majority in Poll Support Hoffman," which appeared in the March 1, 1970, issue of the Chicago Tribune:

TRIAL QUIZ RESULTS: MAJORITY IN POLL SUPPORT HOFFMAN

Final results in THE TRIBUNE's public opinion poll on the Conspiracy 7 trial show an overwhelming majority in support of Judge Julius Hoffman's conduct of the proceedings and agreement on the outcome of the trial.

Readers indicated either approval or disapproval on those two issues. The results:

I approve of the conduct of the trial (84.1%)	36,092
I disapprove of the conduct of the trial (15.9%)	6,815
I disapprove of the results of the trial (7.4%)	3,458
I approve of the results of the trial (92.6%)	43,452

During the five-day vote many readers expressed varying opinions on events surrounding the trial and its outcome:

"I wonder why disrespect for the court was allowed by the court to the point where one defendant was bound and gagged. . . . It seems to me that the judge allowed the trial to degenerate into a farce by his inaction. The actions of the defendants are not condoned, but one assumes the judge is in control," a Davenport, Ia., reader wrote.

READER BLAMES LAWYER

"Mr. [Defense Atty.] William Kunstler's lack of propriety and disrespect for the judicial system of our great country entitles him to disbarment. He is an affront to all law-abiding citizens. My highest regards to Judge J. J. Hoffman for his skillful handling of the farce presented before him," another wrote.

"I am pleased that these poor, oppressed individuals were given a greater degree of freedom to speak than has ever been allowed in a courtroom. As a result, there can be no claim that they were 'railroaded,' 'framed,' or denied the right to a proper defense," a 24-year-old Chicagoan wrote.

"Judge Hoffman is the worst example of a judge I have ever seen. The seven were innocent," a reader observed.

A Champaign reader agreed: "The controversial trial of conspiracy is in my opinion a mockery of federal justice."

JUDGE'S RESTRAINT PRAISED

The majority opinion was voiced by one reader who said: "I feel the Conspiracy 7 received a very fair trial. Judge Julius Hoffman, in my opinion, has emerged the hero of the whole affair. He displayed an unusual amount of restraint in dealing with the constant displays of contempt and disrespect for his person and our system of law and justice. The Conspiracy 7 misled their followers."

"I wish to express my great admiration for Judge Hoffman for his dignified and fair conduct under such chaotic conditions. The disgusting appearance and actions of the defendants have branded them as enemies of our government and all civilized society," another said.