United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Thursday, March 12, 1970*

(Legislative day of Wednesday, March 11, 1970)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

The Reverend John T. Broome, rector, St. Andrew's Episcopal Church, College Park, Md., offered the following prayer:

Most gracious God, Father of all men, who hast given us this good land for our heritage; grant, we beseech Thee, to all who are engaged in the government of our Nation an unfailing devotion to do Thy will. Open our eyes to see more clearly what we must do to succor the poor, relieve the oppressed, and redress social wrongs. Inspire our hearts and minds with a vision of a more perfect society here on earth, of a world made new, in which justice and righteousness, peace and brotherhood shall reign according to Thy will, so that the earth shall be filled with Thy glorious love as the waters cover the sea; through Jesus Christ, our friend, our brother, and our Lord. Amen.

THE PRAYER

Mr. SCOTT. Mr. President, may I just say that we are all very grateful for the visiting chaplain's fine prayer this morning.

As a fellow churchman, I always enjoy the rolling praises and deep obeisance to higher authority which is to be found in those who adhere to the Book of Common Prayer.

Thus, with the courtesy of the majority leader, I seize this moment to say one more time, as a member of the Episcopal Church, that I am glad the Book of Common Prayer still functions as our guide and our friend.

Mr. MANSFIELD. Mr. President, may I say that I am glad that prayer is still allowed in the Senate of the United States.

Mr. SCOTT. That is what I was getting at.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Clerk will read a communication to the Senate.

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., March 12, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, March 11, 1970, be approved.

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

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 713 and 714.

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

"MARPOLE"

The bill (H.R. 1497) to permit the vessel *Marpole* to be documented for use in the coastwise trade was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–719), explaining the purposes of the measure.

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

H.R. 1497

The purpose of the bill is to permit the vessel *Marpole* to be documented for use in the coastwise trade.

The tug was built in Louisiana in 1942 and was subsequently transferred to the Canadian Navy, which in turn sold it to a Canadian citizen. Thereafter, it was purchased by an American and taken to San Diego, Calif. At this point it was discovered that the vessel although built in the United States lacked coastwise privileges by reason of the intervening foreign ownership. The vessel is presently the sole asset in the owner's estate and the widow desires coastwise privileges in order to dispose of it.

It does not appear that granting such privileges will prejudice any American citizen and will be of substantial benefit to the present owner. Under the circumstances, the committee recommends the enactment of legislation.

COST OF LEGISLATION

It is estimated that there would be no additional cost to the Federal Government in the event this legislation is enacted.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

AUTHORIZING ADDITIONAL EXPENDITURES BY THE COMMITTEE ON LABOR AND PUBLIC WELFARE FOR INQUIRIES INTO THE UNITED MINE WORKERS ELECTION OF 1969 AND PENSION AND WELFARE FUNDS GENERALLY

The Senate proceeded to consider the resolution (S. Res. 360) authorizing additional expenditures by the Committee on Labor and Public Welfare for inquiries into the United Mine Workers election of 1969 and pension and welfare funds generally.

Mr. COOPER. Mr. President, during the consideration of this resolution by the Rules Committee, I supported it, and voted for reporting it to the Senate.

In addition to providing for an investigation of the United Mine Workers election of 1969, the resolution authorizes the Labor and Public Welfare Committee to conduct a study of the administration and operation of the United Mine Workers of America welfare and pension fund. Legislation is needed to protect the rights of rank-and-file mine employees in the distribution and operation of welfare and pension funds. I look forward to the recommendations of the Labor and Public Welfare Committee on this important subject.

I filed my individual views with the committee report, and I ask unanimous consent that these views be printed in the RECORD at this point.

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

INDIVIDUAL VIEWS OF MR. COOPER

Senate Resolution 360 authorizes the Committee on Labor and Public Welfare to expend

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funds for an investigation and study of the United Mine Workers election of 1969, and further authorizes "a general study of pension and welfare funds with special emphasis on the need for protection of employees covered by these funds."

In committee I voted to report the resolution, and I support its objectives. In doing so I wish to comment briefly on several areas, particularly the need for protection of the rights of beneficiaries of the United Mine Workers pension and welfare fund.

My long standing interest in many of these problems stems from the fact that Kentucky is the country's second largest bituminous coal producing State employing over 15,000 miners. Over the years I have received hundreds of complaints from mine employees, retired miners, and their families concerning the management of the United Mine Workers pension and welfare fund and the methods employed in the distribution of the fund's benefits.

The distribution of welfare and pension benefits is governed by a basic agreement executed in 1950 between the union and the coal operators entitled "The United Mine Workers of America Welfare and Retirement Fund of 1950," which agreement was arrived at by collective bargaining, and has been amended from time to time. The fund consists of contributions made by each coal operator party to the agreement and amounts to 40 cents a ton of coal mined. The fund is administered by a board of three trustees who determine, among other matters, the rules of eligibility and the amount of benefits to be paid employees, their families and dependents, for medical or hospital care, pensions on retirement or death of the employee, and other types of assistance.

Many complaints that I have received indicate that the trustees change the fund's rules of eligibility or the scale of welfare or pension payments in an arbitrary manner. The result has been that the miners and their families are left with no effective procedure to participate in these decisions by the trustees nor remedy to challenge or appeal them once they are made. I recall receiving many letters from disabled miners and their dependents who suddenly found themselves cut off from the cash benefits they had been receiving. Mr. Ward Sinclair of the Louisville Courier Journal in an article in the May 7 issue reports that in 1954 payments to some 30,000 disabled miners throughout the country were discontinued and of these retired miners approximately 70 percent were totally disabled and had no other source of income. In that same year some 24,000 widows and children lost their maintenance benefits. Again, in 1960, coal mining families were informed that they were no longer eligible to receive hospital and medical benefits because of the rule that the miners were not on pension, were no longer working, or had not been employed in the mines during the previous year.

Since no contractual or statutory remedies appear to be effective in protecting his rights, the mine worker has sought to pursue his remedy in court. In a recent decision by Judge Alexander Holtzoff of the U.S. District Court for the District of Columbia, the court awarded judgment to the plaintiff, Mr. Shelby Collins, a retired coal miner from Harlan, Ky., and found that certain eligibility regulations prescribed by the fund's trustees were arbitrary and capricious. The court held that these regulations should be set aside as invalid and that Mr. Collins was entitled to his pension. This case is indicative of many of the problems connected with the administration of the fund, and for that reason I include it in my statement.

[In the U.S. District Court for the District of Columbia, Civil Action No. 1877–67]

SHELBY COLLINS; PLAINTIFF, VERSUS UNITED MINE WORKERS OF AMERICA WELFARE AND RETIREMENT FUND OF 1950, ET AL., DEFENDANTS

OPINION

Joseph H. Newlin, of Washington, D.C., for the plaintiff.

Charles L. Widman, of Washington, D.C., for the defendants.

This case relates to the Welfare and Retirement Fund established by the United Mine Workers of America, a labor union representing coal miners. Two questions are presented. The first is whether the courts have power to set aside as arbitrary and capricious, a regulation adopted by the trustees of the fund, prescribing eligibility for applicants for benefits. The second is whether a particular regulation, which is being questioned in this case, should be set aside as arbitrary and capricious.

This action is brought by a retired coal miner against the trustees of the Fund to recover a retirement pension that he claims is due him. The salient facts are not in dispute. The Welfare Fund for the purpose of paying retirement pensions and other benefits to coal miners, was created by an agreement between the United Mine Workers of America and a group of owners and operators of coal mines. The Fund is made up of contributions made by the latter. Each operator periodically pays into the Fund a specified amount based on the quantity of coal produced by his mine. The Fund originated in 1946. The creation of such funds was recognized and sanctioned by Congress in the Labor Management Relations Act, 1947 (Taft-Hartley Act), 29 U.S. Code § 186(c)(5).

A new agreement executed in 1950 between the Union and the operators is now in existence, with some amendments adopted from time to time, that are not germane to this action. This agreement established a Fund designated as "The United Mine Workers of America Welfare and Retirement Fund of 1950". The Fund consists of contributions made by each coal mine operator signatory to the agreement, amounting to thirty cents on each ton of coal produced by his mine. It is administered by a Board of Trustees. It is an irrevocable trust. The purposes of the Fund are to make payments of benefits to employees of mine operators, their families and dependents, for medical or hospital care, pensions on retirement or death of employee, and benefits of other types specified in the agreement that are not relevant to this action. Subject to the stated purposes of the Fund, the trustees are given full authority to determine questions of coverage and eligibility to receive benefits and all other related matters. A portion of the Fund was to be set aside for pensions or annuities for retired members of the Union, their families or dependents.

The trustees in due course adopted and promulgated regulations prescribing qualifications for eligibility to receive a pension. The existing regulations involved in this case, were issued by the trustees on January 4, 1965, and are contained in what is known as Resolution No. 63. The requirements for a pension are as follows:

I. Eligibility

A. An applicant who subsequent to February 1, 1965, permanently ceases work in the bituminous coal industry as an employee of an employer signatory to the National Bituminous Coal Wage Agreement of 1950, as amended, shall be eligible for a pension if he has:

1. Attained the age of fifty-five (55) years or over at the date of his application for pension.

2. Completed twenty (20) years' service in the coal industry in the United States.

3. Permanently ceased work in the coal industry immediately following regular employment for a period of at least one (1) full year as an employee in a classified job for an employer signatory to the National Bituminous Coal Wage Agreement, as defined in paragraphs II B hereof.

In other words, in order to be eligible to receive a pension, a coal miner who retired subsequent to February 1, 1965, must have been at least fifty-five (55) years of age; have completed twenty (20) years' service in the coal industry; and during one (1) full year immediately preceding his retirement, must have been employed by an employer signatory to the agreement, in other words by a mine operator who made contributions to the Fund.

The plaintiff, who is a retired coal miner, applied to the trustees for a pension. He was found eligible under paragraphs 1 and 2 of the requirements, but not in compliance in respect to the third requirement, in that during the year preceding his retirement he was employed in a non-union mine instead of by an employer signatory to the agreement. It was found that the mine in which he was employed during his last year of service was a non-union mine, was not signatory to the agreement and, therefore, did not make any contributions to the Fund. This action is brought against the trustees to recover the pension which the plaintiff claims. It is contended in his behalf that this third requirement is invalid and should be set aside by the Court as arbitrary and capricious.

The following facts were stipulated in the pretrial order. On February 18, 1965, the plaintiff applied to the defendants for a retirement pension. The application was originally approved, but later its allowance was revoked. The plaintiff had been regularly employed in the coal mining industry for more than twenty (20) years immediately prior to filing his application. During the year preceding his retirement and the filing of his application, he was employed by a coal company that was not a signatory to the agreement creating the Welfare Fund and, therefore, made no contributions to it. This fact was the ground of the rejection.

The evidence shows that out of his long period of employment in the coal industry, the plaintiff worked for over twelve years in union mines that made contributions to the Fund. He testified, by deposition, that he resigned his job with a signatory mine operator because of unsafe conditions of work; and that he was compelled to accept employment in a non-union mine because no other employment was available and he had to support his wife and children.

In narrating why he resigned his employment with a contributing mine, he said in his deposition:

Q. 168. They didn't lay you off?

A. No, the top got so bad I got scared and quit and I wasn't making too good nohow.

As to the reason why he accepted employment in a non-contributing mine, he said:

Q. 89. How did you happen to continue to work for L & G Coal Company after you found out they weren't under contract and you a member of the United Mine Workers?

A. Well, I tell you buddy they wasn't nowhere to go hardly. Couldn't hardly find a job and I had a bunch of kids and I had to work.

No contradiction of his testimony was introduced. Defense counsel, however, offered in evidence some official reports that, among other things, listed a number of union mines in operation in Harlan County, Kentucky, which is the area involved in this case, during the year in question. The Court deems this evidence incompetent on this issue.

While *ex parte* Government reports may be evidence of governmental policies and of general conditions, they are hearsay and are, therefore, inadmissible as proof on specific issues in controversy. Parties are entitled to testimony of a kind that can be tested by cross-examination. Even if this evidence were competent in this instance, it would have but little probative value. It does not follow that because there were union mines in operation that every coal miner could get employment there. There may have been more miners seeking employment than the union mines could absorb. Then, too, it does not appear where any of these mines were, or whether any of them were within commuting distance of the plaintiff's home in order that he could travel daily back and forth to work, even if he could secure employment.

The trust involved in this case is of a type hitherto unknown to equity jurisprudence. The conventional and traditional trust of which equity takes cognizance and which it enforces, names specific beneficiaries, or a determinable class of beneficiaries, leaving no discretion to the trustees to decide who is entitled to the benefits of the trust. The only exception is a charitable trust by which a specific gift is left for a philanthropic purpose, or for members of an indefinite group as a free gift. In this instance, the trust is for the benefit of a general class, membership in which, however, has to be defined by the trustees, who have discretion to determine who within the class should be entitled to benefits under the trust. It is not a charitable trust, because it was created by agreement by contributions of employers. These contributions in a sense form part of the wages of employees, and are of a type known nowadays as "fringe benefits". Persons intended to be benefited rendered the creation of the Fund possible by working for employers who made contributions. They furnished a consideration for the payments. The result is that, unlike in a charitable trust, members of the class have a legal right to the benefits. They participated by their labors in the creation of the Fund. The trustees have authority to prescribe criteria for eligibility within the class.

It is part of the genius of the common law and of equity jurisprudence that they are not static but adapt themselves to shifting needs and changing conditions. Mr. Justice Cardozo summarized this doctrine in a few picturesque pointed words. He said:

The Inn that shelters for the night is not the journey's end. The law, like the traveler, must be ready for the morrow. It must have the principle of growth.[1]

When social or economic conditions change, the law must follow and adjust itself to the new requirements as they become crystalized. Justice Holmes observed that, "It cannot be helped, it is as it should be, that the law lags behind the times."[2] The lag between changes of conditions and the adjustment of the law to them should not, however, be too long.[3]

It has been established that the courts may review decisions of the trustees on individual applications and set aside a denial, if it is arbitrary and capricious, is not supported by any evidence, or is contrary to law. The scope of review is, however, very narrow and is limited in the manner just stated. *Danti* v. *Lewis*, 114 U.S. App. D.C. 105, 108; *Kosty* v. *Lewis*, 319 F. 2d 744, 115 U.S. App. D.C. 343, 346; *Kennet* v. *United Mineworkers of America*, 183 F. Supp. 315, 317.

[1] Cardozo, *The Growth of the Law* 18.

[2] Holmes, *Collected Legal Papers* 294.

[3] See Holtzoff, *The Vitality of the Common Law in Our Time*, Vol. XVI, The Catholic University Law Review, pp. 23, 25–27.

The next step to be taken is to extend this authority of the courts to setting aside and declaring invalid a qualification for eligibility for a pension, if the Court concludes that the requirement is arbitrary and capricious. No reason is perceived for not taking this additional step. In fact, the Court of Appeals in *Roark* v. *Lewis*, 401 F. 2d 425, has indicated that such power should exist. Naturally this authority shall be exercised very sparingly and cautiously and may be invoked only if the arbitrary and capricious nature of the regulation is clearly established.

The *Roark* case, *supra*, dealt with the same question that is presented in this action, namely, the validity of the regulation requiring a retired coal miner to have worked for a signatory mine owner during his last year before retirement. The enlightened and analytical opinion of the Court of Appeals in that case, written by Judge Tamm, contains a helpful and detailed discussion of the problem. He said (pp. 427–428):

While the trustees have broad discretion in setting eligibility requirements, there are obvious limits . . . Although none of the reported cases we have found which deal with UMW pension applications has directly confronted the question of court review of eligibility requirements, we see no reason why the previously announced standard (to determine whether the trustees' conduct was arbitrary or capricious) should not apply. Trustees' action in prescribing eligibility requirements affects the rights of potential beneficiaries in the same vital way as do other trustees' actions.

* * * * *

When the trust was first established, of necessity, most applicants had worked the bulk of the required time before signatory operators had begun paying into the trust a stipulated price per ton of coal mined.

* * * * *

Appellants have demonstrated the peculiarities of the attacked requirement—that an employee's last regular employment before retirement be with a signatory operator. Under the requirement, employees could spend, as appellants did, practically their entire adult lives working for mine owners who had contributed to the Fund since its inception; yet if they were to work for a non-signatory operator for any period after leaving a signatory operator, they would forfeit their otherwise valid pension claims. Conversely an applicant could have worked nineteen of the required twenty years in the industry for a non-signatory operator (who had contributed nothing to the Fund) and still be eligible for a pension if only he worked his last regular employment for a contributing operator.

* * * * *

If the Fund's purpose is to pay benefits to contributing employers' employees (whose work generated the contributions), it is difficult to see how such a requirement promotes that purpose. It makes employees like these appellants sacrifice an otherwise valid pension claim because they worked a relatively short time for non-contributing operators. The contributions which signatory operators made on their behalf did not evaporate as a result of their later employment with non-signatories.

In the exercise of caution, however, the Court of Appeals did not reach a final decision on the validity of the rule, but remanded the case to the District Court for a new trial in order that evidence bearing on a possible justification of the requirement might be introduced. The Court of Appeals indicated that the burden was on the trustees to show some rational nexus between the purpose of the Fund and the challenged requirement.

The brief concurring opinion added the following remarks (p. 429):

Appellants may have been forced off contributing payrolls because their employers closed the mines and because no other job with a contributing employer was available. On those facts, we might well find arbitrary and capricious a reading of the eligibility requirements which would deny appellants their pensions.

In the instant case the trustees assumed the burden placed upon them by the Court of Appeals in the *Roark* case, and introduced evidence seeking to explain and justify the fairness of the requirement, which on its fact appears so highly unreasonable.[4]

Counsel for the trustees called as a witness, Joseph A. Reid who is a Special Assistant to the Director of the Fund. He testified as follows:

Q. What was the purpose and the statistical information the fund had at that time that caused them to put that requirement in effect?

A. From its inception in 1946 until March 5, 1950, the fund had reecived in excess of 38,000 pension applications. They found through analyses and statistics of all these 38,000 person applications that many coal miners were coming back to the coal industry who had been away from the coal mines for many years, who had lost their identity with the coal industry, but because of the liberal requirements that were first in existence they could come back in the mines and work for one day or one week or one month and receive pension benefits. In fact, they found instances of sham and non-existent coal companies. In fact, they were referred to as "pity me" mines where a man would go for a day and then apply for a pension.

So after these three years of statistics on this subject the trustees inserted the resolution that his last year of employment had to be for a signatory company. Now this was also done because any man who did not work for a signatory company for one year immediately prior to his retirement and returned to work after 1946 could have worked for a company that never paid a cent into the welfare fund. It operates much like workmen's compensation, his last year of employment must be assessed against the employer that contributes to the fund, and that is the reason this regulation was applied.

Q. Mr. Reid, following the adoption and throughout the years of administration of this welfare fund concerning this requirement of eligibility of employment immediately prior to retirement for a coal operator's signatory, what would be the percentage of the people that have been able to meet that requirement of eligibility?

A. Oh, the vast majority of the people have met that eligibility requirement. In fact, there are over 70,000 people now receiving pension benefits, and since the inception of the fund over 130,000 have been approved pension benefits.

Q. Have you in the administration of the

[4] The *Roark* case is on the civil non-jury calendar of this Court and is about to be reached for trial. In the interest of justice as well as to promote efficiency of its administration, the *Roark* case and the case at bar should have been consolidated for trial, especially as the civil non-jury calendar is practically current. It is to be regretted that none of the parties made a motion to consolidate. This Court would have been inclined to direct a consolidation *sua sponte* but unfortunately the statute of the *Roark* case did not come to its attention until after the trial of the instant case started and was under way.

funds encountered and difficulty in the administering of this regulation? Has it been found equitable or harsh in the administration of this welfare fund?

* * * * *

A. We have found that this has been an equitable regulation. It has been in effect since 1950 and that is nineteen years. There has never been a great deal of clamor upon the coal miners themselves to alter this regulation. The majority of coal miners feel that this is right.

* * * * *

Q. Mr. Reid, has there ever been any consideration within the welfare fund to change that requirement?

A. In various conferences that the administrative fund conducts discussions have periodically occurred on the whole regulation but it has never come to pass that this regulation should change.

Q. Has there ever been consideration to increase the number of years of signatory employment to more than a year of the last employer?

A. Yes, they have discussed the possibility of making a miner work for more than one year in signatory mines but they want to be as liberal as they possibly can so they have never changed it. (Tr. pp. 8–9, 10–11, 12–13)

In the opinion of this Court, the foregoing explanation is not adequate. In order to prevent possible frauds and in order to confine the benefits of the Fund to retired employees whose labors brought about contributions to the Fund, all that is necessary is to require that the miner should have worked for a specified minimum period in signatory coal mines. To exact a requirement that irrespective of the numbers of years he may have been employed in such mines, he must have done likewise during the very last year of his employment in the coal industry, is unreasonable, arbitrary and capricious. The unfairness of the requirement is patent in respect to a person, such as this plaintiff, who for many years worked in a signatory coal mine, but during the last year of his work in the industry was constrained by circumstances to accept employment in a non-union mine. On the other hand, a person could have worked during his entire career in non-union mines and yet receive a pension if he managed to secure employment in a union mine for a single year immediately preceding his retirement although his participation in the creation of the Fund would be negligible. Such results are unfair and unreasonable and border on the absurd.

The Court concludes that the requirement in question is arbitrary and capricious, and should be set aside and held invalid. Since the plaintiff meets all the other requirements, he is entitled to a pension. Judgment will be rendered in his favor.

This opinion will constitute the findings of fact and conclusions of law. Counsel will submit a proposed judgment.

ALEXANDER HOLTZOFF,
U.S. District Judge.

APRIL 22, 1969.

CONTINUATION OF THE VIEWS OF MR. COOPER

Rather than leaving retired miners to pursue their remedies in the courts on a case-by-case, piecemeal basis, I would hope that in its study the committee would consider methods and procedures which would provide for the vesting of pension and other rights during the mine employees' term of employment as well as in their retirement, and procedures which would give the rank and file membership an active participation in the decisions of the fund's trustees and a means for appeal.

Second, I would suggest that the committee would wish to examine ways for improving the fiduciary standards and management responsibilities of the fund's trustees in the collection, deposit, investment, and distribution of the fund's moneys so that the mine employees who have worked so long and hard in the mines would receive the maximum benefits of their labors for themselves and their families. When I was a member of the Labor and Public Welfare Committee in 1958 and 1959, the committee reported and the Senate enacted the Welfare and Pension Plans Disclosure Act and the Labor-Management Reporting and Disclosure Act. During the committee's consideration of these bills President Eisenhower on several occasions recommended that there be included provisions that would impose a fiduciary responsibility on persons handling welfare and pension funds. I supported and voted for this requirement, but it was not adopted by the Congress.

I note that the Labor and Public Welfare Committee report at page 2 is critical of the Department of Labor for its refusal to take enforcement action under the Labor-Management Reporting and Disclosure Act during the preelection campaign of the recent United Mine Workers' election. I believe this criticism to be unfair and unjustified.

It should be pointed out that an investigation of an election case under section 601 of the Labor-Management Reporting and Disclosure Act could not lead to any enforcement action by the Department under any provision for the act unless and until the Department had received a post-election complaint from a member who had exhausted or attempted to exhaust the remedies available to him under the Constitution. Based on the results of its investigation the Department on March 5 filed suit in Federal court to set aside the election. In its proposed investigation of the recent United Mine Workers election, the Committee on Labor and Public Welfare will have an opportunity to examine the adequacy of the provisions of the Labor-Management Reporting and Disclosure Act in light of the events of this election with a view to recommending ways that the act's enforcement provisions may be strengthened and made more effective, particularly during the campaign period prior to a union election.

JOHN SHERMAN COOPER.

The resolution was agreed to, as follows:

S. RES. 360

Resolved, That the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to examine, investigate, and make a complete study of any and all matters pertaining to the United Mine Workers of America election of 1969 and a general study of pension and welfare funds with special emphasis on the need for protection of employees covered by these funds.

SEC. 2. For the purposes of this resolution the committee, from the date of enactment of this legislation to January 31, 1971, inclusive, is authorized (1) to make such expenditures as it deems advisable; (2) to employ, upon a temporary basis, technical, clerical, and other assistants and consultants: *Provided,* That the minority is authorized to select one person for appointment and the person so selected shall be appointed and his compensation shall be so fixed that his gross rate shall not be less by more than $2,700 than the highest gross rate paid to any other employee; (3) to subpena witnesses; (4) with the prior consent of the heads of the departments or agencies concerned, and the Committee on Rules and Administration, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Government; (5) contract with private organizational and individual consultants; (6) interview employees of the Federal, State, and local governments and other individuals; and (7) take depositions and other testimony.

SEC. 3. Expenses of the committee in carrying out its functions shall not exceed $265,000 through January 31, 1971, and shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–720), explaining the purposes of the measure.

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

Senate Resolution 360 would authorize the expenditure of not to exceed $265,000 by the Committee on Labor and Public Welfare, or any duly authorized subcommittee thereof, from the date of its enactment through January 31, 1971—to examine, investigate, and make a complete study of any all matters pertaining to the United Mine Workers of America election of 1969 and a general study of pension and welfare funds with special emphasis on the need for protection of employees covered by these funds.

A letter in support of Senate Resolution 360 addressed to Senator B. Everett Jordan, chairman of the Committee on Rules and Administration, by Senator Harrison A. Williams, Jr., chairman of the Subcommittee on Labor of the Committee on Labor and Public Welfare, is as follows:

U.S. SENATE, COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C., February 19, 1970.

Hon. B. EVERETT JORDAN,
Chairman, Committee on Rules and Administration, U.S. Senate.

DEAR MR. CHAIRMAN: I am writing to express my hope that prompt consideration can be given to Senate Resolution 360, an original resolution which has been approved by the Committee on Labor and Public Welfare, reported to the Senate, and referred to your Committee on Rules and Administration.

This resolution would authorize the necessary expenditures for an investigation of the recent election in the United Mine Workers, as well as a general study of welfare and pension funds. Such investigation and study would be conducted by the Subcommittee on Labor.

Because of the great public concern which has developed over recent events relating to the United Mine Workers, I believe it important that our activities in this regard proceed as quickly as possible. Should the Committee on Rules and Administration desire any further information in connection with its consideration of this matter, I will be pleased to appear before the committee to answer any questions which its members may have.

With kindest personal regards,
Sincerely,

HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Labor.

Additional information concerning the proposed inquiry is contained in the report (S. Rept. 91–708) by the Committee on Labor and Public Welfare to accompany Senate Resolution 360, the pertinent portion of which (including the proposed budget) is as follows:

"Recent events have focused public concern upon charges that have been made of illegal activities on the part of officials of the United Mine Workers of America. Particularly prominent are the allegations, repeated under oath in some detail in hearings held by the Subcommittee on Labor on February 5 and 6, 1970, that numerous violations of the Labor-Management Reporting and Disclosure Act were committed by, or at the direction of, incumbent officials to insure their reelection in the election held by UMWA last December. These allegations include the use of violence, threats of reprisals, improper use of union funds and personnel for campaign purposes, improperly conducted nomination meetings, denial of the right to secret ballot, denial of autonomy to various districts and locals within the UMWA, collusion of employers and union officials in blacklisting dissident members, and use of improperly constituted locals to perpetuate incumbents' control."

As indicated by the record of the recent Labor Subcommittee hearings, details of these charges were repeatedly brought to the attention of the Department of Labor, beginning some 5 months before the election. The Department declined to exercise its investigative authority under section 601 of the Labor-Management Reporting and Disclosure Act, however, stating that it would follow its customary policy of staying its hand until after an election had been held.

While the Department of Labor did commence an investigation of the election shortly after death of the defeated candidate for the UMWA presidency, its delay in entering the case has raised serious questions concerning the adequacy of the Department's administration and enforcement of the Labor-Management Reporting and Disclosure Act.

It is, therefore, desirable that an oversight review be conducted of the administration of the Labor-Management Reporting and Disclosure Act with respect to the UMWA election, and that sufficient investigation be undertaken to resolve any questions which this election raises concerning the adequacy of the law or its enforcement. The scope and extent of such review and investigation will necessarily depend upon the outcome of investigations which it is understood are now being conducted by both the Department of Labor and the Department of Justice. Such review and investigation by this committee would be conducted with due regard for the need to avoid prejudicing those investigations by the Departments of Labor and Justice or any judicial proceedings which may result therefrom.

In addition to those charges involving UMWA officials which arise under the Labor-Management Reporting and Disclosure Act there have also been allegations of improper administration of the UMWA's welfare and retirement fund. These allegations include the following:

Of the fund's assets of $180 million, some $75 million has been kept on interest-free deposit in a bank which is controlled by the union, thus depriving beneficiaries of the fund of interest income which should have been available for benefits.

Fund money has been invested in companies in which trustees have a personal interest.

The fund has lent money to selected coal operators and coal-related companies.

Salaries and expenses are paid by the fund to friends and relatives of UMWA officials who perform little or no work.

Trustees have not taken proper steps to collect all royalties due the fund.

Decisions as to the payment of benefits are made in an arbitrary manner with no due process available to benefit applicants.

The fund's investment portfolio has been mismanaged and has lost money in a period of increasing investment values.

Benefits paid by the fund were increased without actuarial justification in order to obtain support for one of the trustees, who was running for reelection to the UMWA presidency.

The authority under existing law for the Department of Labor or the Department of Justice to investigate the validity of these charges respecting the fund, or to remedy any improprieties which might be found to exist, is limited. It is therefore desirable to undertake a general study of the present inadequacies of the protections afforded to welfare and pension plan participants and beneficiaries, with the allegations concerning this fund serving as a starting point. Such a study would look toward the development of appropriate legislation to provide such protections as are shown to be required, including fiduciary standards for welfare and pension fund administrators and Federal remedies to deal with breaches of those standards, and would include consideration of any bills dealing with welfare and pension funds which are pending before the committee.

The resolution makes appropriate provision for minority staff in connection with this investigation and study. A budget for the investigation and study follows:

BUDGET

Position	Number	Annual salary	Total for period of budget
STAFF			
Legal and investigative:			
General counsel or staff director	1	$28,689	$28,689.00
Special counsel (minority)	1	28,689	28,689.00
Chief investigator	1	28,689	26,689.00
Investigator	3	24,090	72,270.00
Editorial and research: Staff member (minority)	1	24,090	24,090.00
Administrative and clerical:			
Assistant chief clerk	1	11,169	11,169.00
Assistant clerk (secretary to director)	1	11,169	11,169.00
Assistant clerk (file)	1	11,169	11,169.00
Stenographer (minority)	1	11,169	11,169.00
Total	11		227,103.00

ADMINISTRATIVE

	Total for period of budget
Contributions to employees health benefit programs ($8.88 per month per employee)	$1,172.16
Contribution to civil service retirement fund (7½ percent of total salaries paid)	17,032.72
Contributions to employees Federal employees group life insurance (30 cents per month per $1,000 coverage)	817.57
Reimbursable payments to agencies	10,000.00
Travel (inclusive of field investigations)	3,500.00
Hearings (inclusive of reporters fees)	1,000.00
Witness fees, expenses	500.00
Stationery, office supplies	700.00
Communications (telephone, telegraph)	2,400.00
Newspaper, magazines, documents	250.00
Contingent fund	524.55
Total	37,897.00
Grand total	265,000.00

BETTER CONTROLS OVER DEFENSE PROCUREMENT

Mr. SCHWEIKER. Mr. President, as Congress begins its annual review of procurement requests, I believe it appropriate to speak at length on a subject which is of great national concern—defense spending—and the need to achieve better controls over the soaring costs of defense procurement, one of the two or three most important issues in the Congress.

The high cost of military procurement, with the sometimes scandalous cost overruns that double and triple the billion-dollar price tags for defense systems, is certainly a major factor in the inflation we now wrestle with. Obviously, bringing defense costs down, and eliminating the billions of dollars of waste, will help solve some inflation.

A paramount issue has become the reordering of national priorities. Because the cost of maintaining our national defense system amounts to more than 35 percent of our total national budget, it is imperative that steps be taken to eliminate wasteful spending, as opposed to that necessary for maintaining our national security. The elimination of such waste should be most helpful in making additional funds available in the fight to solve our domestic problems.

I cite a recent General Accounting Office report to the Congress which indicated that, although the original planning estimates on 38 major weapons procurement systems totaled approximately $42 billion, the current Defense Department estimate—through program completion—now totals almost $63 billion, an increase of 50 percent—a startling and shocking piece of information.

Equally disturbing is the fact that it took until 1970 for such a report to be made. For years, we have been wasting billions of dollars, and nobody knew, or reported it if they did know, that this money was going down the drain. In fact, nobody has bothered to coordinate major defense contracts, or to put one price tag on what they cost, or figure out how much this eventual cost had increased over what Congress was told they would cost when the programs were first authorized.

Well, the days of the blank check for the Pentagon are over. I, for one, have no intention of accepting any program without being provided with realistic cost estimates, an accurate analysis of problems that may raise the price, and much better arguments and analysis to justify the need for the program. If we are going to restore national priorities, free funds for our many domestic needs, and begin to curb inflation, we can only afford to buy defense systems, and improve existing systems, which in fact add to the preservation of our national security, and are not mere gadgets which someone feels would be nice to have.

Our debate last year on the ABM and other defense systems was one of the

most significant developments in the Congress in the last decade. Because, the merits or demerits of any specific weapons system aside, the debate represented a declaration of policy by the Congress that the blank check given defense programs in the past was going to be replaced by more accurate scrutiny. It showed that Congress would weigh national security, along with other budgetary needs, not to reduce our security, but to insure that excessive fat was eliminated so that other important priorities received a fair share.

If, because of the revelations of excessive costs and inefficient procurement practices, and because of the congressional debate, 1969 goes down in history as the "Year of the Defense Cost Overrun"—a title I believe it has already well earned—then 1970, I strongly hope, will be the "Year of Defense Cost Control."

When we talk about wasteful spending, inflation, and priorities, we are really talking about taxes. We are talking about giving the taxpayers something better for their money. One reason that Congress has had enough of cost overruns is that the taxpayers have had enough. And, if we in the Congress are to restore the confidence of the taxpayers in the efficiency and honesty of our defense procurement practices, we had better act fast.

Specifically, the taxpayers are demanding that one of the prime objectives of Congress this year ought to be to stem the tide of inflation. I believe that our efforts in the area of better control over defense spending can contribute substantially to reducing the inflationary spiral.

President Nixon has made clear his intention to reorder our priorities, and to do it within the context of a balanced budget. We desperately need additional funds to clean up our environment, to rebuild our decaying cities, to provide for our expanding educational needs. But before we just blindly spend more money, we must make savings wherever we can on the programs already underway. The defense budget excess is one of the chief sources for this kind of savings, as shown clearly by the GAO report on major weapon systems procurements.

It is for these reasons that I feel strongly the debate on military spending and defense procurement must not only be continued this year, it must be expanded. Our obligation to the citizens of this country—the taxpayers—demands closer scrutiny of the defense budget and a willingness to cutback on waste and fat.

I want to emphasize that during last year's debate, and this year as well, I know of no Member of either body who could fairly be accused of wanting to strip our country of an adequate defense. That is not the issue here, nor should it be. To the contrary, by focusing hard on defense projects, I think we can force more efficient military spending which can, in turn, help create a more effective defense system.

Why, all of us can fairly ask, is this kind of scrutiny just now appearing? Why did it take until 1969 for this kind of full-scale congressional debate over military procurement practices to surface?

During most of my previous service on the Armed Services Committee in the other body, hardly a question was ever raised about the justification or cost of a major weapon system. The feeling then seemed to be that, if the Pentagon experts wanted a particular system, then the Congress would accept their judgment, and pretty well give them what they wanted. It was almost axiomatic at that time that, if a particular Member of Congress seriously questioned the judgment of one of the military services, he was looked upon as a "unilateral disarmer" or, worse, one willing to place the security of the United States in jeopardy.

I believe this was all part of a trend. After the Second World War, and Korea, there was a steady, but perhaps imperceptible, trend toward letting the executive branch and its departments make the judgments as to what was needed to protect our national security, without the benefit of very much advice or leadership from the Congress.

Perhaps it is fair to say that this trend continued during the early 1960's, as the result of bringing to the Pentagon a man with broad experience as a major corporate executive, who, it was said, would "get the Pentagon organized." This lent credence to the belief that things were finally going to get better, and that there would at last be some rational judgments made as to our overall military posture and procurement.

Unfortunately, with the advantage of hindsight, I think it is clear that just the opposite has resulted.

The long and heated ABM debate provided the catalyst for the public attention that focused last year on our defense procurement system problems. But it was far from the only source of discontent.

In Senate Armed Services Committee hearings on the C-5A air transport, we learned that this project, which everyone indicated would be a successful plane, had nevertheless experienced a cost overrun of more than $2 billion. We learned that a Defense Department negotiated repricing formula for the second order of 57 aircraft would allow the contractor to make up the loss from the enormous cost overrun on the first order of planes. This practice had the Government actually encouraging inefficiency and higher costs. It had become common for contractors to "bid-in" unrealistically low prices to obtain lucrative contracts because the Pentagon, which subsequently had an interest in finishing the contract, would eventually bail them out of trouble. The contractor got his profit, the Pentagon got the military hardware, and the losing taxpayer got the bill.

Another event which disturbed many of us in Congress, and the public, was the long Pentagon battle to prevent a highly placed Air Force civilian employee, an expert in defense contract finance problems, from testifying before Congress. The battle ultimately cost this man his job, and the public lost a cost control force within the Pentagon.

Mr. President, I ask unanimous consent to have printed in the RECORD two appendixes to the GAO report provided to the Congress earlier this month—a list of the weapons systems selected for GAO study, and the cost estimates reported, in the selected acquisition reports for the period ending June 30, 1969. A study of these figures amply illustrates the magnitude of the problem.

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

LIST OF WEAPON SYSTEMS SELECTED FOR GAO STUDY

System	Mission	Status
Department of the Army:		
Aircraft:		
CH-47	Cargo helicopter	Production.
Cheyenne helicopter.	Close in ground/troop transport convoy escort.	Production-canceled.
UH-1H helicopter	Tactical transport helicopter	Production.
AH-1G Cobra helicopter.	Attack helicopter	Do.
Missiles:		
Shillelagh	Surface-to-surface antitank missile-main armament of the Sheridan tank.	Do.
Safeguard	Antiballistic missile	Operational system development.
Dragon	Surface-to-surface missile destruction of armored vehicles and other hard targets.	Development.
SAM-D	Surface-to-air missile—field army air defense system.	Advanced development.
Lance	Artillery support	Engineering development.
Tow	Destruction of armored and field fortifications—surface-to-surface air-to-surface guided missile.	Production.
Vehicles—Ordnance:		
M-551 Sheridan tank.	Armored reconnaissance/airborne assault vehicle.	Do.
M-561 Gama Goat	Vehicle to provide mobility for troops and equipment.	Do.

System	Mission	Status
Department of the Navy:		
Aircraft:		
S-3A	Carrier-based ASW aircraft	Development.
F-14	All-weather fighter	Do.
EA-6	ECM attack aircraft	Production.
F-4J	All-weather fighter	Do.
P-3C	Patrol ASW aircraft	Operational.
CH-46	Assault/transport helicopter	Do.
A-7E	Light attack aircraft	Do.
AN systems:		
AN/SQS-23	Sonar for surface ship detection and tracking of submarines.	Preproduction contrac awarded.
AN/SQS-26	Sonar for surface ship detection and tracking of submarines.	Production.
AN/BQQ-2	Sonar for nuclear submarines	Reproduction contract awarded.
Missiles:		
Phoenix	Long-range air-to-air missile	Prototype production.
Poseidon	Nuclear-guided missile	Production.
Walleye	Air-to-surface missile	Development.
Condor	do	Do.
Standard Arm	do	Production.
Subroc	Underwater-to-air-to-underwater nuclear depth missile.	Do.
Sparrow E	Air-to-air all-weather missiles	Operational.
Sparrow F	do	Development.

System	Mission	Status
Ordnance:		
Mark 46 torpedo	Antisubmarine warfare	Production.
Mark 48 model O torpedo.	do	Development.
Mark 48 model 1 torpedo.	Antisubmarine warfare	Development.
Ships:		
LHA amphibious assault ship.	Deployment of marine expeditionary forces in amphibious assaults.	Construction
CVA-67 aircraft carrier.	Attack carrier	Completed.
CVAN-68 aircraft carrier (nuclear).	do	Under construction.
CVAN-69 aircraft carrier (nuclear).	do	Partially funded (long leadtime items).
DE-1052 class escort ship.	Locate and destroy hostile submarines	Under construction or completed (46 ships).
DD 963	Fleet escort destroyer	Contract definition.
DZGN new guided missile frigate.	do	Do.
SSN attack submarine (nuclear).	Tracking and destroying enemy submarines.	Completed or under construction (37 ships).
Dept of Air Force:		
Aircraft:		
AMSA (advanced manned strategic aircraft).	Destruction of strategic targets with nuclear conventional ordnance; replaces B-52 bomber.	Concept formulation.
F-15	Air superiority fighter	Contract definition.
C-5A	Designed to carry large payloads and outsized cargo over long ranges for MAC.	Early production and flight testing.
F-111, FB-111, and RF-111.	Tactical support, strategic bombing, fleet air defense, air superiority, reconnaissance.	Production.
A-7D	Fixed wing, subsonic, light attack	Do.
AWACS	Provide airborne early warning of a bomber threat and command/control of tactical interceptor force.	Engineering development.
F-4E	All-weather fighter	Production.
RF-4C	All-weather reconnaissance aircraft	Do.
Missiles:		
Maverick	Destruction of tactical ground targets	Development.
Tital III	Space launch vehicles	Development essentially complete, 3 versions in production.
SRAM	Air-to-surface missile to strike primary targets and suppress antibomber defenses.	Advanced engineering development.
Minuteman II and III.	Destruction of strategic ground targets at intercontinental range.	Production.

SCHEDULE OF PROGRAM COST DATA APPEARING ON JUNE 30, 1969, SARS[1] AND ARRANGED BY ACQUISITION PHASE AND MILITARY SERVICE

[Dollars in millions]

	Planning estimates	Contract definition cost estimates	Earlier estimates adjusted for quantity changes	Current estimates through program completion
Concept Formulation:				
None of the 57 systems are in this phase as of December 23, 1969				
Contract definition (7):				
Army				
Navy:				
DD963	$1,396.55		$1,737.55	$3,350.3
CVAN 69	519.0		519.0	
DXGN	726.6			4,750.09
Air Force:				
B-1	8,800.0		8,800.0	8,800.0
F-15	6,039.0		6,039.0	7,700.0
AWACS	2,652.7		2,652.7	2,652.7
RF-111D	579.4		542.1	895.7
Engineering and/or operational systems development (50):				
Army:				
Dragon[2]	381.3	$425.5	464.4	832.8
Shillelagh	373.1	373.1	380.3	573.2
AH-1G	49.8	70.7	466.2	561.0
Safeguard	4,185.0	4,185.0	4,185.0	4,185.0
Gama Goat	69.1	168.1	369.2	373.6
Sheridan tank	388.7	398.1	548.0	689.6
Cheyenne	125.9	125.9	125.9	[3] 203.9
UH-1H	341.3	341.3	1,140.9	1,235.4
TOW[4 5]	410.4		366.8	944.7
Sheridan Ammo[4 6]	370.1			489.0
CH-47 helicopter[4]				1,323.7
Lance[4]	543.8		421.9	472.3
SAM-D[4 7]	4,816.5	3,910.0		3,372.1
Navy:				
P-3C	1,294.2	1,294.2	2,265.3	2,261.7
AN/BQQ-2	126.9	179.0	178.5	269.9
Sparrow E	687.2	740.7	265.6	258.1
Sparrow F	$139.8	$393.0	$246.3	$425.9
Phoenix	370.8	469.0	529.5	1,022.3
Mark 46-Mod 1	347.0	1,033.6	1,021.6	1,039.9
Mark 48-Mod 0	682.4	700.3	715.3	3,890.7
EA 6B	689.7	817.7	793.7	1,034.9
Walleye II	345.0	345.3	123.9	134.6
F-14	6,166.0	6,166.0	6,166.0	6,373.0
Standard Arm	180.3	241.6	220.0	250.7
S-3A	1,763.8	2,891.1	2,891.1	2,891.1
AN/SQQ-23	160.2	175.6	116.6	321.7
A-7E	1,465.6	1,465.6	1,421.5	1,919.1
Mark 48-Mod 1	70.7	71.6	71.6	111.1
Condor	117.2	126.0	126.0	167.0
F-4J	770.0	770.0	2,509.6	2,743.7
AN/SQS-26CX	95.7	88.8	95.6	119.6
CH46 E/F helicopter	323.6	589.0	577.1	550.6
LHA	651.0	1,346.5	1,346.5	1,379.4
DE-1052	1,285.0	1,259.7	1,259.7	1,286.1
CVA-67	310.0	280.0	280.0	307.8
CVAN 68[4]	427.5	427.5	427.5	
Poseidon[4]		4,384.0		5,602.0
Subroc[4]		438.8	455.3	591.4
SSN 637[4]			2,515.8	2,838.9
Air Force:				
Minuteman II	2,872.5	4,164.2	4,168.2	4,280.7
Minuteman III	2,678.1	4,339.0	4,060.3	4,226.0
C-5A	3,423.0	3,370.0	3,370.0	4,832.0
Maverick	257.9	391.8	213.1	274.7
A-7D	1,378.1	2,012.1	2,012.1	2,012.2
Titan III	932.2	745.5	745.5	1,130.5
F-111 A/C/D/E	4,686.6	5,505.5	2,941.9	7,401.3
FB-111A	1,781.5	1,781.5	655.7	1,218.5
SRAM[4]		261.1		1,470.1
F-4E[4]				2,630.8
RF-4C[4]				1,571.0

[1] Cost data presented in this schedu e recognizes DOD's and services' adjustments through Jan. 9, 1970.

[2] The cost estimates are from the SAR prepared by the Army Materiel Command since the Department of the Army had not approved the June 30, 1969, Dragon SAR as of Jan. 16, 1970.

[3] While this is the estimate appearing on the June 30, 1969, SAR it should be noted that, due to litigation, the Army's current liability is unknown.

[4] Systems in engineering and/or operational systems development and one or more of the program cost elements were omitted on the June 30, 1969, SAR.

[5] The TOW did not go through contract definition.

[6] The DOD considers this as an annex to the Sheridan vehicle and not a weapon system itself.

[7] Army officials advised us that, while the SAM-D has gone through contract definition, contract award has been limited to advance development.

Mr. SCHWEIKER. Mr. President, I should like to highlight at this time some of the information contained in these analyses, and then discuss some of the efforts currently underway to deal with the problems.

Following are just a few examples of what I am talking about. Take a look at the DD-963 program. The Navy intends to buy a number of fleet escort destroyers. The original planning estimate was approximately $1.4 billion. The current estimate is just over $3.3 billion, and a contract has not even been awarded yet

The original planning estimate on the F-15 fighter was about $6 billion. A contract has now been signed for $7.35 billion. The Army's Shillelagh missile, originally estimated at $373 million, has now been estimated to cost eventually $573 million. Costs on the Cheyenne helicopter, originally estimated at $125 million, were, as of last June 30, estimated at $204 million, an estimated increase of 60 percent, and that program has been canceled.

Here in another real eye opener. The original estimate on the Mark 48 torpedo—Mod O—was $682 million. Now, we are asked to accept the current estimate through program completion of almost $3.9 billion. And as of last June 30, the system was not even in production. Shocking, yes. Wasteful, undoubtedly. But unacceptable, most certainly.

Mr. President, this is the sort of thing we are faced with. And we had best not make light of it any longer, for the taxpayers certainly are not.

I commend President Nixon for his forthrightness and honesty when, during his state of the Union message, he

indicated, and I paraphrase him, that the major share of responsibility for our current inflationary problems rests with the policies that have been followed by the Government. We had better deal with this problem quickly and efficiently.

Now let me say that, having put all these dollars and cents figures into the RECORD, and I expect that we have not seen the last of them, I have some reason to believe that we are finally on the right track.

I have been among those who have seriously criticized what I feel have been totally inadequate and inefficient cost-management procedures on the part of those responsible for dealing with these problems. But, it would be unfair of me, particularly in view of the steps which have been taken recently, only to criticize.

During debate on the fiscal year 1970 military procurement authorization bill, I introduced, and with the help of many of my colleagues was successful in having approved by this body, an auditing amendment to the bill requiring quarterly reports to the Congress. The amendment required the Secretary of Defense, in cooperation with the Comptroller General, to outline and give specific information on contract cost estimates, increases in those cost estimates, options for additional procurement, causes for time slippages, changes in performance capability, and any other information which might be considered necessary, to provide the Congress with adequate and up-to-date information on the status of major defense contracts. The GAO was assigned a major responsibility for reviewing and auditing the progress and adequacy of this reporting system.

There was substantial opposition to this proposal in many quarters. My colleagues will recall that it was stricken from the final conference version of the bill which we passed. In the end we lost that battle. But I believe we are beginning to win the war. Let me illustrate. Early last year, my distinguished colleague, the chairman of the Senate Armed Services Committee, established procedures to receive reports from the Defense Department on many major contracts. These reports are coming to the committee on a quarterly basis, and are providing important information. With the help of personnel on loan from the General Accounting Office, the committee is now devoting substantial attention and resources to the problems in this area. In addition, the committee has recently added, to its staff, personnel with wide experience in the budgeting and accounting fields. I applaud these steps, and I feel sure that these developments, together with whatever future actions Chairman STENNIS proposes to take, will help give us the kind of information the committee really needs so that this body may be advised up to the minute, every minute.

I should like to say a word or two, also, regarding the efforts of my distinguished colleague from Connecticut, the chairman of the Government Operations Subcommittee on Executive Reorganization, Senator RIBICOFF. He held hearings on these problems last fall, after conclusion of the debate on the military procurement bill. He and I have discussed these problems on many occasions, and I believe his concern will be a major factor in strengthening the role of Congress and the GAO in the future.

Next, I believe that one step Congress can take to restore a sense of balance to some of these overextended programs is to institute controls over the present system of authorizing production funds before the research and development effort has proven that the system will work as required, and as advertised.

In too many instances, as we have so belatedly learned, program costs have skyrocketed because we were still trying to perfect the system, even after a contract had been awarded and production units were coming out of the factory.

I believe that the inefficiencies experienced so far in the concurrent financing of production, at the same time that research and development is still in progress, demand that Congress take steps to correct this most flagrant abuse in the procurement process.

In fact, the GAO has already begun to take some of the much needed steps. Their February 6 report to the Congress stated, in part:

> GAO believes that one of the most important causes for cost growth is starting the acquisition of a weapon system before it has been adequately demonstrated that there is reasonable expectation of successful development. Because of the substantial number of cases found, GAO concluded that DOD had not been effectively administering this process.

To me, this is one of the most significant statements in the GAO report. In essence, it says that the Defense Department has been buying systems before they even know whether the systems will work. It is the old blank-check approach. I ask Senators to think for a moment about that one. Can anyone think of a single corporation which would not have a stockholder revolt on its hands if it did business that way? No wonder the taxpayers of this country are upset. They have every right to be.

The GAO has indicated that it will add additional employees, and that it is going to closely monitor, on a continuing basis, the Defense Department's activities in this area. I strongly believe that we must continue to have a multipronged approach to this problem, and I am delighted that GAO has indicated a willingness to share a significant portion of responsibility for this effort. I recently heard one Defense Department official quoted as saying something to the effect that "if you want to shake up the people who are responsible for making sure that cost estimates are accurate and that contracts are not going beyond their planned costs, just keep a few GAO auditors around them." I certainly hope that that is the case, and if it is, then if there is one thing we need more of, it is GAO auditors.

Truth in military procurement. That is the issue, and if we lose sight of that, we are in real trouble. The GAO report cites widespread evidence, based on its review of the 57 systems, that faulty, and even incomplete, estimating was a major problem. I suppose it is natural that any government agency would want to come to the Congress asking for $10 billion rather than $20 billion, or $40 billion rather than $60 billion. They figure they have a better chance of getting the $10 billion than the $20 billion, or $40 billion rather than $60 billion. But, if a service comes to the Congress and says, "all right, we want $2 billion for this system," and that is approved, and then next year they come back and say, "Well, we are sorry, that $2 billion that we asked for last year will not be enough, we need another billion, then, where are we? They might as well have asked us for the $3 billion in the first place, and let us make our judgment on that basis at that time, and the system may not have been able to go ahead if we had known the true price tag before we started. Therein lies the difficulty of the whole system. I believe it is wrong, and I believe that we are only kidding ourselves and the taxpayers, if we continue to operate this way much longer.

Thus far I have talked about efforts being made by congressional committees, or agencies responsible to the Congress.

Let me now discuss some of the efforts being made by the Department of Defense itself which I hope, and believe, will make a significant contribution to this effort. Secretary Laird has personally assured the Armed Services Committee of his very strong interest in having the Defense Department "police its own beat." As one of his former colleagues in the other body, I know that he is just as sensitive as I am, and as you are, Mr. President, to the cry of the taxpayer who thinks he is being taken for a ride. The selected acquisition reports—SAR's—which the Defense Department has started providing to the Congress and to the GAO, are proving most useful in terms of seeing where we stand on a regular quarterly basis. It has been pointed out, and Secretary Laird recognizes, that these reports need improvement—the latest C-5A panic situation is a good illustration to prove that—and that, in and of themselves, they will not do the total job. They do offer a useful measuring stick as to the scope of the problem, and I expect that as further revisions are made in them, they will prove even more useful.

The Department is also utilizing development concept papers—DCP—which describe major weapons systems requiring more than $25 million of research and development, and more than $100 million of production funds. These DCP's are used to provide the Secretary of Defense and the service Secretaries and other high-level officials with the information they need at certain stages in the weapons procurement process so that they can make decisions based on facts and not on someone's hopes. With honest and appropriate preparation, I believe that these tools will be most useful to the Department, and should save the taxpayers money in the long run. Supporting the DCP process is a new management process called the Defense Systems Acquisition Review Council, made up of key DOD officials, whose responsi-

bility it is to make the final judgment as to whether a "go" or "no go" decision will be made on a system before it goes into production.

All of this leads me to believe that there is some cause for hope. But we are not out of the woods yet. Let me outline quickly a few thoughts that come to mind which could be of help in this whole problem area. First, and Assistant Comptroller General Robert Keller discussed this matter before Senator PROXMIRE's subcommittee last December, there is the "should cost" concept. Given a reasonable expectation of efficiency and contractor performance, what should a new weapons system cost the taxpayer? What should materials cost? How much should the contractor charge the Government for employee labor? Not how much does he want to get paid, but rather, what does the job that he is doing actually cost? Studies that have been made in this area indicate that we are nowhere near the "should cost" basis. The "learning curse" has too often been the basis for making contract estimates. Much more attention should be given to "should cost," and the GAO has indicated that they intend to go into this in much more detail.

I also believe, and have suggested, that consideration be given to the establishment of a subcommittee on military procurement practices. I believe that such a subcommittee could have major responsibility for oversight and evaluation of a number of areas, including contract costs on major acquisition programs; methods of improving and making more nearly uniform the separate services' internal auditing procedures and reports to the Congress; evaluating the adequacy of the Armed Services Procurement Regulations; eliminating duplication between the services when they are working on the same type of weapon system or research and development effort, and an on-going review of the ratio of competitive to single-source procurement. As a matter of interest, during fiscal year 1969, approximately 60 percent of Defense Department procurement was on a noncompetitive basis.

Still another meaningful step, I believe, would be to substantially revise the in-service management of our major program acquisitions in one very important respect. Because of the nature of military service, and the desire for career advancement on the part of officers, officers are normally assigned to a particular job for a period of perhaps 2 or 3 years, and then are reassigned to another type of job, or to another command. One of the most unfortunate results of this procedure is that a major, long-range procurement program may end up having two, or perhaps three, or perhaps even more, project managers running it before it reaches completion. It seems to me that there are some very obvious drawbacks to this kind of arrangement. First of all, responsibility cannot be placed on one individual from the start to the finish of the program. It strikes me that one individual, and one individual only, ought to be charged with such responsibility. Hold one person to account for every facet and decision of a program from start to finish, and I believe that many of the problems that we are now experiencing would disappear. I would also suggest that, wherever necessary, steps be taken to absolutely assure that the project manager be totally qualified to do the job. Perhaps the services ought to be thinking in terms of developing a corps of officers who do nothing but manage major procurement systems, or perhaps civilian experts should be given this great responsibility.

Our military services have an unexcelled supply of fine officers. But it seems to me that managing a multimillion- or multibillion-dollar procurement program requires different qualifications from those necessary to lead troops in the field, or to command a fighter squadron, or command a flotilla of ships. I do not believe that adoption of these alternatives will give us all the answers we need, but I believe they would be a start, and I urge this body to consider and debate them.

Mr. President, in concluding, I would like to leave a few more thoughts with my colleagues.

When my auditing amendment was being discussed on the Senate floor last August, I raised the question: "Are we going to take some fiscal responsibility for supervising these huge amounts of money, as is done for other departments?

Government sometimes moves slowly. Sometimes it moves not at all. But in this case, I believe we are at last beginning to move. The President, the Secretary of Defense, my distinguished committee chairman, and other committee chairmen, the Comptroller General, and many others have indicated their desires to see these problems solved. With general agreement among those people, and with concerted action by the Congress, we can meet our responsibilities to ourselves and to our constituents. But it is a long step between agreeing that something should be done, and actually taking the important steps necessary to do it. This is why I said earlier that I believe there is some cause for hope at this time. But I would like to leave my colleagues with one thought. All of us from time to time receive mail from those who feel that the Congress talks too much, and acts not enough. Some believe that the Executive talks too much, and acts not enough.

The cost of living continues up, and all too often, our constituents feel that their representatives are letting them down. I believe that we should change both of these situations, and I believe that we must.

When I sought election to this body, I made a pledge to my constituents that if I found something wrong with the system, I would do my best to change it to make it more responsive to our needs and our problems. I believe that there are a number of things wrong with our military procurement system, and it is our responsibility to change them.

I hope that I have presented a fair and accurate picture of where I think we stand on this important problem and of the great amount of unfinished work remaining before us.

Mr. MANSFIELD. Mr. President, will the Senator yield briefly, so that I will not infringe on the time of the distinguished Senator from Maine?

Mr. SCHWEIKER. I am delighted to yield.

Mr. MANSFIELD. I want to commend the distinguished Senator from Pennsylvania for the forthright, candid, and very worthwhile remarks he has made this morning. This effort is certainly in keeping with the effort he began on the Senate floor last year during the debate on the Defense bill. I think he is moving in the right direction. Every effort to stop waste and inefficiency should be commended. I want to assure Senator SCHWEIKER of my complete support.

I think I should say, in all candor, that the President and the Secretary of Defense are doing an excellent job in this area, all things considered, but I think a little encouragement from here would help. With his remarks this morning, the distinguished Senator from Pennsylvania has indeed performed an outstanding public service.

Mr. SCHWEIKER. I thank the Senator. I appreciated his support of my auditing amendment. His encouragement to me meant a great deal at a key time. I appreciate his comments at this time.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Maine (Mrs. SMITH) is recognized for 15 minutes.

Mrs. SMITH of Maine. Mr. President, I shall not be taking all of my 15 minutes. If the majority leader would like to take some of my time, I would be glad to have him do so.

Mr. MANSFIELD. I appreciate the offer. I do not need the time.

THE PERSONNEL CUT AT THE PORTSMOUTH NAVAL SHIPYARD

Mrs. SMITH of Maine. Mr. President, the personnel cut at the Portsmouth Naval Shipyard is disturbing.

I don't see how anyone could improve on the statement of the senior Senator from New Hampshire, and nothing in my statement makes any reference whatsoever to him.

I have talked with the White House and the Department of Defense on this matter. In fact, I have repeatedly talked with the Secretary of Defense urging that the 1964 McNamara-Johnson closure order be rescinded.

Before issuing a statement on this 1970 cut, I studied the cuts at other major Government shipyards. I found that all of them were cut.

For example, the Boston Naval Shipyard is being cut down to the same number of 6,000 civilian employees targeted for June 30, 1971, as the number targeted for Portsmouth—6,000—the Philadelphia Naval Shipyard will take a cut of 2,800, and the Mare Island, Calif., Naval Shipyard will take a 2,555 cut.

While the percentage cut for Portsmouth is 20 percent, that percentage is exceeded by the cuts of 25 percent at Philadelphia and 23 percent at Mare Island.

In view of these other cuts, I cannot conscientiously and rightfully contend that Portsmouth is being discriminated against as compared to other Government shipyards—as I could, and did, in the case of the 1964 McNamara-Johnson closure order against Portsmouth and which discrimination I proved by facts and statistics.

Nor can any of us contend that we are taken by surprise with these cuts. Anyone who read in the newspapers about the onslaughts of the Defense budget in the Senate last year by the critics of the Department of Defense and those who were pressuring to take away from defense to give to welfare spending and antipollution spending could see what was coming.

It was as plain as the nose on your face that money was going to be taken away from defense and given to the domestic welfare and antipollution programs.

With the exception of the Safeguard ABM, which I think is worthless, I opposed deep cuts in defense spending and defended the defense budget against the Senate attacks on it.

Nor can we of the Maine and New Hampshire congressional delegations be surprised, for Portsmouth has been living under the closure-10-year-phase-out McNamara-Johnson order for more than 5 years since its announcement on November 19, 1964.

In a way, since Portsmouth is under the closure order, it could be concluded that Portsmouth has fared comparatively well on this cutback in comparison with Government shipyards that have not been ordered closed—such as Boston, Philadelphia, and Mare Island.

It may be recalled that when I warned in a December 16, 1963, Senate speech a year in advance that a decision had been made by Defense Secretary McNamara to close the Portsmouth shipyard but that the decision would not be announced until after the 1964 November election, I was excoriated by a Portsmouth newspaper, denounced by a Senator, charging that I was deliberately "calculating to panic the employees," repudiated by another Senator, and contradicted by then Deputy Secretary of Defense Gilpatric.

Yet, just 16 days after the 1964 November election, the McNamara-Johnson decision to close Portsmouth was announced by Defense Secretary McNamara exactly as I had warned.

I have repeatedly talked with Secretary of Defense Laird urging him to rescind the post-election-1964 McNamara-Johnson closure order. On the basis of those talks, I have repeatedly stated publicly and privately that I saw no indication of any tendency to rescind that closure order. I have done so because I wanted to be as truthful and realistic with the people as possible, just as I unpopularly was with my December 1963 warning instead of getting their hopes up falsely with optimistic talk that I did not feel was justified.

As one who has fought against cuts in defense appropriations, I am in a far more consistent position to protest a defense cut in my State than some others. I am not in the politically hypocritical position of leading a fight for cutting defense spending generally but then militantly protesting any cut on defense spending in my State.

In all fairness, consistency, and political honesty, how can any Senator or Representative pressure for large cuts in defense spending so that the money can be diverted to domestic welfare programs and fighting pollution and on the other hand demand special treatment for military and naval establishments in his State or district and oppose any economy and defense cut moves with respect to his State or district?

In all good conscience, how can any of us support cutting everyone else but demand special exemption for ourselves?

If there are to be cuts, I expect Maine to take her equitable share of the cuts directed toward greater economy, better domestic welfare and antipollution programs, and fighting inflation—and I think that the unselfish people of Maine feel the same way.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. I also ask unanimous consent that, pending the arrival of the senior Senator from California, the junior Senator from California (Mr. CRANSTON) be recognized briefly.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from California is recognized.

HOW WE OBSERVE THE GENEVA ACCORDS

Mr. CRANSTON. Mr. President, yesterday the Senator from Arkansas, the distinguished chairman of the Committee on Foreign Relations (Mr. FULBRIGHT), rendered a very valuable service in discussing Laos, and introducing a resolution relating to our military activities there. Among other things, he cited the fact that we are not fulfilling any treaty obligations in going to the assistance of Laos. I would like to point out that, even worse, we are violating a treaty signed by our Nation by the military actions we are now taking on the ground and in the air over Laos.

I ask unanimous consent to have printed in the RECORD at this point the relevant passages from the Geneva Accords.

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

EXCERPTS FROM GENEVA ACCORDS

The Governments of the Union of Burma, the Kingdom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Kingdom of Laos, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. . . .

2. Undertake, in particular, that

(*a*) they will not commit or participate in any way in any act which might directly or indirectly impair the sovereignty, independence, neutrality, unity or territorial integrity of the Kingdom of Laos;

(*b*) they will not resort to the use or threat of force or any other measure which might impair the peace of the Kingdom of Laos;

(*c*) they will refrain from all direct or indirect interference in the internal affairs of the Kingdom of Laos;

(*d*) they will not attach conditions of a political nature to any assistance which they may offer or which the Kingdom of Laos may seek;

(*e*) they will not bring the Kingdom of Laos in any way into any military alliance or any other agreement, whether military or otherwise, which is inconsistent with her neutrality, nor invite or encourage her to enter into any such alliance or to conclude any such agreement;

(*f*) they will respect the wish of the Kingdom of Laos not to recognise the protection of any alliance or military coalition, including SEATO;

(*g*) they will not introduce into the Kingdom of Laos foreign troops or military personnel *in any form whatsoever*, nor will they in any way facilitate or connive at the introduction of any foreign troops or military personnel;

(*h*) they will not establish nor will they in any way facilitate or connive at the establishment in the Kingdom of Laos of any foreign military base, foreign strong point or other foreign military installation of any kind;

(*i*) they will not use the territory of the Kingdom of Laos for interference in the internal affairs of other countries;

(*j*) they will not use the territory of any country, including their own for interference in the internal affairs of the Kingdom of Laos. . . .

For the purposes of this Protocol

(*a*) the term "foreign military personnel" shall include members of foreign military missions, foreign military advisers, experts, instructors, consultants, technicians, observers and any other foreign military persons, including those serving in any armed forces in Laos, and foreign civilians connected with the supply, maintenance, storing and utilization of war materials;

Mr. CRANSTON. The President stated, in his report on Laos last Friday, that the North Vietnamese were escalating the Laos campaign in violation of the Geneva accords. Any introduction of military personnel into Laos is a violation of those accords. We are escalating, too, in violation of the accords.

I suspect that the first to violate the accords were the Communists or North Vietnam. I presume this although I do not know it. Conceivably we had military personnel in there, or began to recruit the Meo mercernaries, before the Communists moved in from outside.

This did not happen, I point out incidentally, under the Republican administration of President Nixon. Except for the current escalation, the violations began under a prior, Democratic administration.

The Communists deny that they are violating the Geneva accords; so we deny that we are violating the Geneva accords. If we consider that the Geneva accords are null and void because of Communist violations of them and what

we have deemed as the necessity to take counteraction, let us say so. If our position is that we are not violating the accords by what we are doing there, let us say so. But the fact is that the President, in his Friday report, while not admitting that we are violating the Geneva accords, did admit that we are doing certain things which are in violation of the precise language of the accords, which I referred to earlier and which will be printed in the RECORD.

I suggest that the United States clear the air, be straightforward, and acknowledge that we are violating the Geneva accords in Laos, or that we consider them null and void. Let us have the United States stop copying the Communists, and set a higher standard of honesty and truth in international affairs.

The fact that we are violating the accords would seem to be tacitly admitted by the fact that the U.S. Embassy in Laos, a while back, printed and released in that country a copy of the protocols to the declaration of the neutrality of Laos. Our Embassy left out the article which, when read, would be plainly recognized as the article that we are violating. When this was pointed out to the Embassy, they said it was a mistake and they reprinted the protocols in full, including the omitted portion that contains the precise parts of the Geneva accords that we are violating by our actions in Vietnam.

I ask unanimous consent to have printed in the RECORD the false, incomplete version of the Geneva accords that our Embassy circulated in Laos.

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

PROTOCOL TO THE DECLARATION ON THE NEUTRALITY OF LAOS

The Governments of the Union of Burma, the Kindom of Cambodia, Canada, the People's Republic of China, the Democratic Republic of Viet-Nam, the Republic of France, the Republic of India, the Kingdom of Laos, the Polish People's Republic, the Republic of Viet-Nam, the Kingdom of Thailand, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America;

Having regard to the Declaration on the Neutrality of Laos of July 23, 1962;

Have agreed as follows:

ARTICLE 1

For the purposes of this Protocol

(a) the term "foreign military personnel" shall include members of foreign military missions, foreign military advisers, experts, instructors, consultants, technicians, observers and any other foreign military persons, including those serving in any armed forces in Laos, and foreign civilians connected with the supply, maintenance, storing and utilization of war materials;

(b) the term "the Commission" shall mean the International Commission for Supervision and Control in Laos set up by virtue of the Geneva Agreements of 1954 and composed of the representatives of Canada, India and Poland, with the representative of India as Chairman;

(c) the term "the Co-Chairmen" shall mean the Co-Chairmen of the International Conference for the Settlement of the Laotian Question, 1961–1962, and their successors in the offices of Her Britannic Majesty's Principal Secretary of State for Foreign Affairs and Minister for Foreign Affairs of the Union of Soviet Socialist Republics repectively;

(d) the term "the members of the Conference" shall mean the Governments of countries which took part in the International Conference for the Settlement of the Laotian Question, 1961–1962.

ARTICLE 2

All foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall be withdrawn from Laos in the shortest time possible and in any case the withdrawal shall be completed not later than thirty days after the Commission has notified the Royal Government of Laos that in accordance with Articles 3 and 10 of this Protocol its inspection teams are present at all points of withdrawal from Laos. These points shall be determined by the Royal Government of Laos in accordance with Article 3 within thirty days after the entry into force of this Protocol. The inspection teams shall be present at these points and the Commission shall notify the Royal Government of Laos thereof within fifteen days after the points have been determined.

ARTICLE 3

The withdrawal of foreign regular and irregular troops, foreign para-military formations and foreign military personnel shall take place only along such routes and through such points as shall be determined by the Royal Government of Laos in consultation with the Commission. The Commission shall be notified in advance of the point and time of all such withdrawals.

* * * * *

ARTICLE 5

Note is taken that the French and Laotian Governments will conclude as soon as possible an arrangement to transfer the French military installations in Laos to the Royal Government of Laos.

If the Laotian Government considers it necessary, the French Government may as an exception leave in Laos for a limited period of time a precisely limited number of French military instructors for the purpose of training the armed forces of Laos.

The French and Laotian Governments shall inform the members of the Conference, through the Co-Chairmen, of their agreement on the question of the transfer of the French military installations in Laos and of the employment of French military instructors by the Laotian Government.

Mr. CRANSTON. I also ask unanimous consent that the omitted article 4 be printed in the RECORD.

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

ARTICLE 4

The introduction of foreign regular and irregular troops, foreign para-military formations and foreign military personnel into Laos is prohibited.

Mr. CRANSTON. Let me say in closing that I have no quarrel with the CIA, I have no quarrel with the AID, and I have no quarrel with the DOD, about what they are doing in Laos. Brave men in all three agencies are risking their lives doing deeds they believe to be in the national interest.

I quarrel with Presidents, Republican and Democratic alike, who do not exercise adequate civilian control over the deeds and policies of these agencies. I quarrel with Presidents who do not inform the public, the people of our country, fully of our acts—American acts—in world affairs. I quarrel with Presidents who do not set a high standard relating to treaties solemnly signed by our Nation.

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

Mr. CRANSTON. I am delighted to yield to the Senator from Tennessee.

Mr. GORE. I have listened with great interest to the address of the able Senator from California.

I wonder if it had occurred to the Senator that, from a description of U.S. actions in Laos, it would appear that the United States has done in Laos precisely what is proposed ultimately to be done in Vietnam, under what is called Vietnamization.

According to the President's statement and other information available, the United States has provided military advisers; has provided training; has provided weapons; has provided logistic support; has provided air combat support for ground operations; and has provided helicopter service and support, supplies, and B-52 bombings. In other words, it would appear from the record that all of the supportive operations ultimately contemplated in some indefinite future for Vietnamization has already been done in Laotianizing the Laotian war. Laotianization has failed.

The Pathet Lao seems to have vanquished from the Plain of Jars the Royal Laotians—that is, the Pathet Lao plus the North Vietnamese.

This raises, it seems to the senior Senator from Tennessee, questions, if not doubts, about the advisability and probable success—and also questions about point of time—about Vietnamization.

I just wanted to call to the able Senator's attention the parallel of programs in these two adjacent, small countries.

Mr. CRANSTON. I thank the Senator from Tennessee, I believe that what he says is exactly the case.

What I fear is occurring, and what seems to be occurring, is that this administration is beginning to repeat in Laos the mistakes that were committed in Vietnam by previous administrations. This administration did not start the war in Laos. They are following through on what was begun under a prior Democratic administration. They send in military advisers who wind up engaging in combat, and use air power massively to bomb, and that is exactly what happened in the Vietnam war.

THE AIR TRAFFIC CONTROLLER CRISIS

Mr. MURPHY. Mr. President, the Senate has continued to be aware of the very serious circumstances faced by our Nation's air traffic controllers and this Senator, for one, certainly can sympathize with the workload they are called upon to undertake. Today, I would remind Senators that we should not dim the focus on their situation. Nor should we put off finding solutions to these increasing problems. They should be faced up to and solved.

Just a year ago, my colleague, the Senator from Massachusetts (Mr. BROOKE), pointed out that:

Air traffic in the United States is rapidly approaching a critical stage; in some areas of high-density traffic, crises already exist.

I can assure Senators that this is the fact. Not long ago, I flew to New York City in bad weather; and in order to avoid traffic, we tried to land at an airport in Westchester. Suddenly, as the clouds cleared away and the sky opened, I thought I was in the middle of Times Square. Never in my life had I seen so many aircraft in a small area, and I have been using aircraft since 1919. I assure my colleagues that I was greatly concerned.

In many areas the system is handicapped by a lack of sufficient competent personnel to operate essential positions and direct aircraft movement. Many controllers are working overtime hours, and their resources are being so overtaxed that their efficiency necessarily suffers. It is becoming increasingly difficult to attract new men of high caliber who possess the skill and stamina necessary to function in this delicate and essential function.

Air traffic controllers in California have pled their case eloquently and most convincingly. We have heard of their heavy load and the Senate is continuing to consider legislation to relieve the pressure; legislation which in one form or another is badly needed.

Obviously, the air traffic controller's conditions have not visibly improved since this matter came to public attention. For example, many airports now are operating additional parallel runways, yet we have not had a corresponding increase in the number of controllers on station to handle the resultant greater traffic. The major cities in my State—Los Angeles, San Diego, and San Francisco—report more landings and takeoffs each month, and accordingly the workload grows.

Because of the individual pressure on each controller, we now know that his effectiveness is pretty much limited to 20 years—a short career by any standard. Coupled with the knowledge that every controller has thousands of lives in his hands each working day, we simply cannot overlook the seriousness of the controller's situation in the simple interest of safety.

Recently, the air traffic controllers, especially those represented by the Professional Air Traffic Controllers Organization have very forcefully made their case known to the public and to the responsible officials of our Government.

I am heartened that Secretary Volpe and FAA Administrator Shaffer report progress with the representatives of the air traffic controllers, and I am hopeful that they may establish the equity of their position without resorting to the outmoded method of the strike. As an active member of labor organizations for 25 years, I have felt that there is a better way to settle these problems; and if there is not, one must be found immediately. The consideration of the public comfort, the public welfare, and the general economy of the country must come in first place in these matters. We need a better way to settle this most important situation, and Secretary Volpe's remarks are encouraging.

It would be my hope that representatives of the Committee on Commerce could meet with representatives of the Department of Transportation immediately in order to examine the facts and make proper recommendations and take action so as to avert possible air tragedies or the necessity of the inconvenience of a strike which would cripple air traffic across this great Nation.

I thank my distinguished colleague.

Mr. President, I yield the floor.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, what is the pending business?

The PRESIDING OFFICER (Mr. TALMADGE). The pending business is H.R. 4249, extension of the Voting Rights Act of 1965, and the pending question is on the amendment of the Senator from Alabama (Mr. ALLEN) to the amendment offered by the Senator from Montana (Mr. MANSFIELD).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum and I ask unanimous consent that the time not be taken out of the limitation.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The bill 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.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business which will be stated by title.

The BILL CLERK. A bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, is the question before the Senate the question on agreeing to the amendment offered by the junior Senator from Alabama?

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLEN. Mr. President, will the Chair ask that the amendment be stated again?

The PRESIDING OFFICER. The amendment will be stated.

The BILL CLERK. The junior Senator from Alabama (Mr. ALLEN) proposes amendment No. 552, as follows:

Amend section 305 to read as follow:

SEC. 305. The provisions of title III shall take effect with respect to any primary or election held on or after January 1, 1973.

The PRESIDING OFFICER. How much times does the Senator from Alabama yield to himself?

Mr. ALLEN. Mr. President, I yield myself so much time as I may require out of the time allotted to me on the amendment.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. ALLEN. Mr. President, I favor setting the voting age in the United States for all elections at the age of 18 years. I feel that our young people are better qualified, they are more knowledgeable, and they are more interested in government and civic and public affairs than I was when I was that age.

I believe that it is only fair and right and proper that the voting age should be set at age 18. In the home State of the junior Senator from Alabama, by Act of Congress our registrars are required to register for voting every person in the State of the age of 21 years of age at the present time without literacy tests, without the ability to read or write, and without any great degree of mental awareness.

That requirement has been placed on the people of Alabama by the Federal Government. And the Senator from Alabama feels that it is certainly not fair to require the registering of all people 21 years of age, no matter what the degree of their intelligence or mental awareness, and deny the right to vote to alert, knowledgeable, educated boys and girls of the age of 18 years. So, the junior Senator from Alabama strongly favors setting the voting age at 18 throughout the country.

To that end the junior Senator from Alabama is one of the cosponsors of Senate Joint Resolution 147 by the distinguished senior Senator from West Virginia (Mr. RANDOLPH), which would submit to the States a constitutional amendment setting the voting age at 18 throughout the Nation.

The junior Senator from Alabama favors this method of changing our basic constitutional law. Any attempt to change this voting age by statute would run counter to four provisions of the U.S. Constitution which give to the State by necessary implication the right to set the qualifications of voters in the respective States.

Article I, section 2 and section 1 of article II of the Constitution, and amendments 10 and 17, place this right, this power, this obligation within the power of the respective States.

The States should have this power and this authority. It is a power and authority that has been recognized under our Constitution for over 180 years, since the adoption of the Constitution in 1789.

After the War Between the States, a constitutional amendment was submitted dealing with the franchising. When the women of the country were given the right to vote, that right was conferred by constitutional amendment.

When the poll tax was barred as a requirement for voting in Federal elections, that provision was put into our basic law by a constitutional amendment.

So the junior Senator from Alabama believes that such an important, such a basic, and such a fundamental right as the right to vote should be defined by the States.

This thought would be carried forward with a constitutional amendment because it would take ratification by three-fourths of the States, and, if the States want to make that change, three-

fourths of them favoring the proposal could ratify the amendment.

The 19th amendment, the woman suffrage amendment, as the distinguished Senator from West Virginia yesterday pointed out, was ratified by the necessary three-fourths of the States in 15 months. So this amendment setting the voting age at 18 could easily be submitted to the people and to the States. The method of submission would control whether it was submitted to conventions in the States or the respective legislatures; and the adoption could be easily had prior to the 1972 presidential election.

It is expressly provided in the Mansfield amendment that it does not become effective until January 1, 1971. Therefore, this right, supposedly conferred upon the young people by this statute, would not come into play until after the general elections of 1970.

It is unwise, in my judgment, to handle this matter by statute. Not only is it an invasion of States rights, not only does it run roughshod over the Constitution which gives the States the power to set qualifications of voters; but also it is dangerous, and it is on very thin ice as far as the Constitution is concerned.

Let us assume that the statute is enacted. Let us assume that the Congress does pass this statute providing for the voting age to be set at the age of 18. Let us assume that 5, 6, or 7 million young people of the age of 18, 19, or 20 go in and register and vote in the national election of 1972.

Let us assume that several days after that election the Supreme Court, in its great wisdom, declared this statute unconstitutional, and it is found that 5 million young people have illegally voted in that election. Where would the presidential election be under those circumsances? What sort of confusion would that cause? Who would the President be? How would it be ascertained how many young people voted for one candidate and how many voted for another candidate?

On the other hand, if the pending amendment were adopted, it would set the effective date of this statute, this statutory method of changing the Constitution—and that is what it is, changing the Constitution by statute, and the junior Senator from Alabama submits that cannot be done.

What sort of confusion would reign in this country? Who would the President be? Now, if the pending amendment were adopted, it would set the effective date of the amendment at January 1, 1973, after the next presidential election. This would give the Congress ample time to go ahead and handle this matter in the proper fashion of submitting a constitutional amendment. I dare say, in all sincerity, if that were done, the constitutional amendment would be submitted and ratified long before the effective date of this act and long before the 1972 presidential election.

What is the hurry? They could not vote in 1970 under the provisions of the statute itself. This would postpone the effective date until after January 1, 1973; and in all probability the constitutional amendment would have been adopted long before that time.

Over 72 Members of the Senate—it was 72 at last count—are cosponsors of the constitutional amendment, and it takes only two-thirds of the Senate to pass a constitutional amendment. The amendment is now in the hands of a subcommittee headed by the distinguished Senator from Indiana (Mr. BAYH), who stated on the floor of the Senate that he strongly favors the amendment—in addition, I might say, to favoring the statute, as well. He states a majority of the members of his subcommittee favor the proposal. The Senator from West Virginia states that a majority of the Committee on the Judiciary favor the amendment. The chairman of the committee states that, if the majority of the committee are for the amendment, he will not stand in the way and will report it to the Senate.

When proposed legislation leaves the committee and is reported to the Senate, the distinguished majority leader sets the flow of consideration of legislation. I think we could very safely assume that the distinguished majority leader, favoring as he does the granting of the voting franchise to those who are 18 years of age, would give prior claim, prior standing to any such amendment, and the Senate would go ahead and vote to submit the amendment. So there is no hurry. There is no reason for a statute, aside from the fact that it goes counter to the Constitution, in the judgment of the junior Senator from Alabama.

Another thing, Mr. President, that occurs to me is that this important proposed legislation does not come before the Senate as a separate piece of legislation. It has not been considered by a committee of the Senate. The Senate does not have the benefit of the views of a Senate committee. It is tacked to a highly controversial bill. I would like to have the stamp of approval of this proposal by the Committee on the Judiciary before voting in favor of handling it by statute; and even if we received any such report I would still reserve the right to vote as I construe the Constitution. But I would like to have the benefit of the recommendation of a committee on the proposed legislation, and not have it merely tacked on to a highly controversial measure such as the so-called amendments to the Voting Rights Act of 1965.

I am a great believer in the efficacy of the committee system of the Senate. Before I came to the U.S. Senate I had great admiration—and still do—for the great committees of the Senate. I admired the committees from afar. Since coming to the Senate, in conversations with my friends from my home State, I have been asked what some of the differences are between the Alabama senate and the U.S. Senate. I have told them that a great deal of the difference is in the committee system. Legislation is referred to committees, it is studied, it is worked on, it is polished, research is done, and when a bill leaves a committee, it is in the best possible shape; whereas in the State of Alabama and in the State senate, we do not have these large, elaborate, and extensive staffs to advise the committees, and much of the legislative process takes place on the floor of the State senate. I said, "Not so here in the U.S. Senate. Most of the work is done in the Senate committees."

With that thought in mind, I have looked forward to having the recommendation of the Judiciary Committee of the Senate on this legislation, rather than have it tacked onto the Voting Rights Act of 1965 amendments.

Mr. STENNIS. Mr. President, will the Senator yield at that point?

Mr. ALLEN. Yes. I am delighted to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator. I hope it is a convenient place to interrupt.

Preliminarily, let me say that due to the pressures of various matters, I have not had a chance regularly to attend the debate on the pending bill and these amendments, but, coming in as much as I could, I want to commend the Senator from Alabama for the thoroughness of his work on the bill and for the clarity of the arguments I have been able to hear. It certainly indicates a fine understanding of this far-reaching subject matter as a whole, and it shows an expert knowledge of the Constitution of the United States.

I am glad to hear more of the arguments. I have arranged to hear more of the debate, because I have felt the need of it.

I am supporting the Senator's amendment No. 552. I know it is highly important.

As I understand it, the Senator is not attacking the entire amendment offered by the distinguished Senator from Montana, but the amendment would just move the provisions forward until January 1, 1973.

Mr. ALLEN. That is exactly right.

Mr. STENNIS. So as to put the provision beyond the forthcoming presidential election.

Mr. ALLEN. That is exactly correct, yes.

Mr. STENNIS. I think it is very timely.

I do not agree, as the Senator from Alabama does not agree, with the amendment of the Senator from Montana in this respect. It seems clear to me that there is only one way to reach the end that the Senator from Montana has in mind, and that is through the constitutional amendment process; but there could be disagreement, and I know it is honest disagreement, among the membership on that question. But, by all means, this matter should not be tied up. Its uncertainty, its constitutionality, and the survival of this provision, the change in the qualification of electors, should not be tied up and involved in the forthcoming presidential election.

That is the primary reason why the Senator has offered this proposal. Is it not?

Mr. ALLEN. That is exactly correct.

Mr. STENNIS. It is certain, it is just as clear as daylight, that this question will be contested. It is a great constitutional question. Is it not?

Mr. ALLEN. It is, indeed.

Mr. STENNIS. It will be challenged, and it should be passed on, should it become statutory law, by the Supreme Court of the United States. Does not the Senator agree with that?

Mr. ALLEN. Yes, that is correct. It

should be, and doubtless will be, passed on by the U.S. Supreme Court.

Mr. STENNIS. Those matters ordinarily take a great deal of time. The question may come up in several cases. May it not?

Mr. ALLEN. That is correct.

Mr. STENNIS. If cases are pending, does not the Supreme Court frequently wait until it gets the full import of more than one case before it on a grave constitutional question?

Mr. ALLEN. That is correct. It must be a justiciable controversy; it cannot be an advisory opinion, of course.

Mr. STENNIS. I know the Senator has worked this out. I really had not thought about this part of the question much until this morning, when I heard his argument.

The Senator said something about 5 million registrants who could be declared disqualified shortly before the election.

Mr. ALLEN. Or shortly after, for that matter.

Mr. STENNIS. Yes. I was going to take that question in two parts. It would be bad enough to have the registrants disqualified just before the election, but does not the Senator think it would be far worse for a holding to come out shortly after the election, disqualifying the people who had already voted?

Mr. ALLEN. Very definitely, and doubtless would lead to a contest of the presidential election that would make the Hayes-Tilden contest look like an election in a Sunday school class by comparison.

Mr. STENNIS. I know we argue over and over—and it is well that we do—about the elecetoral college and about the possibility of a strong third contender throwing the election into the House of Representatives. On the question of delay alone, assuming the House would act fairly promptly, an almost unbelievable situation could result, could it not, between the November election and the choice by the House of Representatives, which could not convene until January 3?

Mr. ALLEN. It is fraught with great danger to this Republic.

Mr. STENNIS. And it could involve international affairs of the most sensitive, positive kind.

Mr. ALLEN. And for what reason? What do we accomplish by going this route?

Mr. STENNIS. We already have that problem, so to speak, in our Constitution and in our laws. Would not the passage of this measure without the Senator's present amendment create another hazard of really far greater proportions?

Mr. ALLEN. It certainly would.

I would like to say to the distinguished Senator from Mississippi that the argument has been advanced on this floor by some of the supporters of the statutory method of amending the Constitution—strange as that term may sound—that they believe the Supreme Court will uphold the statutory method of amending the Constitution. But I would hope that between now and the time that this amendment is ruled on, or this statute is ruled on, by the Supreme Court we might have a different complexion to the Supreme Court and that we would have men on that Court who would follow the Constitution more faithfully and rigidly, and that this amendment would be stricken down by the U.S. Supreme Court.

I thank the distinguished Senator for his comments.

I would like to point out to the distinguished Senator a further reason for setting the effective date of this statutory change as January 1, 1973; that is, that that would allow ample time for Congress to submit a constitutional amendment and have it ratified, and by the terms of that constitutional amendment wipe out the statute. We would then operate under the constitutional amendment prior to the effective date of the statute. The constitutional amendment would be ratified prior to the 1972 election, so that 18-year-old boys and girls could vote in the next presidential election. There would be ample time to do that by the constitutional amendment route without the inherent dangers that the Senator from Mississippi has sought to point out.

Mr. STENNIS. Yes. Will the Senator yield further?

Mr. ALLEN. Yes.

Mr. STENNIS. According to the information I have the proponents of the constitutional amendment are preparing to move forward with the enactment of that provision, Congress being willing.

Mr. ALLEN. Very definitely.

Mr. STENNIS. Regardless of the outcome of the Mansfield amendment.

Mr. ALLEN. That is true.

I should like to point out to the Senator from Mississippi that if there were a statute providing for a January 1, 1971, effective date, as the distinguished majority leader's amendment now provides, and a constitutional amendment were then submitted to the people, young people would be registering all over the country, and they would not understand why a constitutional amendment was coming forward. There would then be a good chance that people would say, "We already have provided the right for 18-year-olds to vote under a statute. What is the use of ratifying a constitutional amendment?" As a result, the constitutional amendment might be lost by reason of the States not ratifying it. Then the Supreme Court might strike down the statute. Talk about disillusionment: the young people would have had the right to vote for a few months, and would then have it taken away from them.

Mr. STENNIS. The Senator has well stated that problem; and it is true that all the confusion that could come about would be very much against the amendment, because it does have to be adopted by three-fourths of the States.

Mr. ALLEN. That is true.

Mr. STENNIS. And there would be confusion compounded among the 50 State legislatures as to what they were passing on, after all.

Mr. ALLEN. I think it would complicate a great deal the constitutional process of submitting the amendment back to the people, and would seriously endanger the eventual ratification of the constitutional amendment, because the people would say, "What is the use of it? We have it under the statute. Why do we need it under the constitutional amendment?"

Mr. STENNIS. But under the amendment offered now by the Senator from Alabama, if it is agreed to, and the Mansfield amendment as amended is agreed to, we would have the statutory enactment and the constitutional amendment proposal both moving along at the same time, but neither one yet operative.

Mr. ALLEN. That is exactly right.

Mr. STENNIS. Until January 1, 1973, which would give ample time for the States to ratify.

Mr. ALLEN. Except that a constitutional amendment could become operative before that time, if it was ratified.

Mr. STENNIS. Well, it would depend upon the wording of it, of course.

Mr. ALLEN. Yes.

Mr. STENNIS. But if we saw fit to coincide those dates, that would still be less than 2 years.

Mr. ALLEN. Yes. But it would be the desire of the junior Senator from Alabama that the constitutional amendment be ratified prior to the 1972 elections.

Mr. STENNIS. Yes.

Mr. ALLEN. So that the young people could register and vote in that election. I think it is important that they do so.

Mr. STENNIS. Well, there could be some argument about that, perhaps. But anyway, to a degree, if the amendment of the Senator from Alabama is agreed to, they would both be moving along together in maturity, so to speak, without this compounded confusion.

Mr. ALLEN. That is exactly correct.

Mr. STENNIS. I thank the Senator for yielding to me.

Mr. ALLEN. I appreciate very much the comments made by the distinguished Senator from Mississippi.

Mr. STENNIS. I support the Senator's amendment.

Mr. ALLEN. And I appreciate the Senator's support. I hope that the other Members of the Senate will support the amendment also.

I was able to obtain the support of one of my amendments by the distinguished majority leader. I have not checked with him this morning to find out his attitude on this amendment. It is hoped that he will recommend its approval, and see the wisdom of this approach and of allowing time for the processing, submission, and ratification of the constitutional amendment. If no other purpose has been served by the discussion, it has certainly shown that the vast majority of the Members of the Senate do favor setting the voting age at 18, as at least 72 Senators have indicated by their cosponsorship of Senate Joint Resolution 147, the constitutional amendment route.

What is the use of taking a chance on the confusion that may be caused? Assume that the pending amendment is agreed to, not to become effective until January 1, 1973. There is no reason whatsoever that that would not give ample time for Congress to submit the constitutional amendment or prevent its being adopted in time for the 18-year-olds to participate in the 1972 presidential election.

Again, Mr. President, I suggest that we are seeking to accomplish an end that some believe to be meritorious; and

I certainly am one of those who feel that the end to be accomplished, setting the voting age at 18, is a laudable and meritorious end.

Where the junior Senator from Alabama disagrees, however, is in the choice of the means for achieving that end. The proper means, in the judgment of the Senator from Alabama, to achieve the end sought to be achieved, is to submit the constitutional amendment.

Let us consider the matter from the standpoint of the young people involved. Do they want a right conferred on them that, at best, is of dubious constitutional authenticity? Do they want a right conferred on them that may be drawn back? Shall we say to the young peope of this country, "Under the amendment of the majority leader, we are conferring this right to vote on you; we feel it might be constitutional, but it may not be"?

What would be their reaction to having that right or privilege conferred on them, and then having it suddenly withdrawn from them? Why not go the constitutional amendment route? Why not, if insistence is made on the use of the statutory method of amending the Constitution, set the effective date at January 1, 1973, to give ample time for following the constitutional amendment route?

Mr. President, we are critical, from time to time, of our Federal judiciary. We are critical of the highest of the Federal courts, the Supreme Court, for some of its rulings; and I daresay that the junior Senator from Alabama has probably been as vocal in his criticism of some of the rulings of the Supreme Court as any other Senator or any other citizen. We criticize the Supreme Court for legislating instead of construing. We accuse them of enacting laws rather than interpreting them.

We are critical of the judiciary and particularly of the Supreme Court, whence these decisions of questionable merit emanate. We are critical of their usurping the powers of the executive and of the legislative branch of our Government. But here we disregard, in the judgment of the junior Senator from Alabama, four clear provisions of the U.S. Constitution with regard to the right of the States to set the qualifications of the voters within the respective States.

In the home State of the distinguished Senator from Georgia (Mr. TALMADGE), who is presiding over the Senate at this time, the legislature, in its wisdom, saw fit to set the voting age at 18. I applaud that State for having set that voting age. But that was done by the State legislature. That was done because of the power reposed in the State and not in the Federal Government.

Suppose the legislatures of the various States want to keep it at age 21. They would be saying to the legislatures of the 48 States, I believe, that have the 21-year requirement or standard, if the Mansfield amendment is adopted, "We do not care one bit how your State feels about this matter. We are changing the voting age to 18—no matter if your Constitution sets it at 21."

Most State constitutions do make that provision. It is governed, I assume, in more cases than not by constitution rather than statute. So the States have set this qualification by constitution, showing how basic, how inherent, and how fundamental is this right of setting the voting age. The States would be giving their acquiescence to a change if the constitutional amendment route is followed, because it would take three-fourths of the States to ratify the constitutional amendment; and that then would be the States themselves making the change, though it might not satisfy one or more States. If three-fourths of the States would ratify the amendment, it would be declared ratified.

Mr. President, it has been pointed out that the amendment offered by the distinguished majority leader has to do with the voting age, and he seeks to set that by statute at 18; whereas the junior Senator from Alabama favors the voting age being set at 18, but set by constitutional amendment. That is the chief difference as to the amendment of the Senator from Montana. However, the distinguished Senator from Montana, the able majority leader, has seen fit to attach his amendment to the Scott substitute to the administration's voting rights bill.

The voting rights bill of the administration, H.R. 4249, provides for a nationwide voting law; whereas, the Scott amendment seeks to leave that confined to the seven Southern States involved. So, by seeking to tack this amendment onto the voting rights legislation, this amendment has become subject to extensive probing and discussion—possibly more discussion than would have taken place had the amendment been offered as a separate piece of legislation, referred to a committee, and reported by that committee to the floor of the Senate. I dare say that such a separate bill, having reached the floor of the Senate and having been called up—as I feel sure it would have been—by the distinguished majority leader, would already have been passed by the Senate. Choosing, however, to attach his amendment to the highly controversial voting rights legislation has made it subject to somewhat more discussion than ordinarily would have been the case.

Let us consider, then, the bill and the amendment thereto, the Scott amendment, to which the Mansfield amendment is attached. The Mansfield amendment, of course, is tacked onto these amendments, and discussion of them would be appropriate at this time, in the judgment of the junior Senator from Alabama.

The Voting Rights Act of 1965 was passed, and certain States were placed under an automatic triggering provision that held, as a matter of law, that these States, because they did not comply with a certain mathematical formula, were automatically guilty of discrimination in registering and voting processes in their respective States. What was this formula? They worked out the formula after they decided the States they wanted to cover by the act. They decided that they wanted to cover Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana. They decided that they would get up a formula based on how many citizens of those States were registered to vote on November 1, 1964, and how many actually voted in the November 1964 election. They found that all those States except the great State of North Carolina had fewer than 50 percent of their voting age population voting in the election. Thirty-nine counties in North Carolina did not come up to that criterion.

They found that the great State of Texas—I am delighted that Texas is not in this formula; I am just recounting past history as it has been related to the junior Senator from Alabama, because I was not here at that time—had only some 44 percent of their voting age population registered and voting in 1964. Well, how to apply it to the seven States I have named without applying it to the great State of Texas? Well, they decided that they would require a literacy test in addition to the percentage of those voting in the general election of 1964. Of course, Texas had no literacy test so it took the concurrence of the two, the literacy test and fewer than 50 percent of the voting age population voting, because Texas had no literacy test, and so they were not included. I am delighted that they were not. I wish more States had been excluded from it.

In those seven Southern States, Federal registrars, Federal election observers, and Federal poll watchers were sent in to every State, I believe, except Virginia. I believe the record will show that no Federal official or bureaucrat has ever been sent into that State. In the other States, they were sent in.

Mr. President, at this point I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. President, it is provided that in the seven Southern States which are automatically covered, not one single bit of proof was required of actual discrimination. By act of Congress, they were declared to be guilty of discrimination and the voting registrars, the poll watchers, and the Federal observers were sent into the Southern States.

Now, Mr. President, they are seeking by the Scott amendment, to which the Mansfield amendment is sought to be added, to change the measure or the degree or the amount of proof required for a State to come out from under the automatic triggering device of the Voting Rights Act of 1965.

It is provided in the act which was passed in 1965 that if a State comes into the Federal court in Washington, and proves that for 5 years before the filing of its petition it had not used a voting device to discriminate against would-be voters, then, under certain conditions, if the Attorney General of the United States acquiesced, they would release the State from the provisions of the act, but they would maintain and hold jurisdiction of the States for an additional 5 years. In other words, put us on probation. But if anyone came in and said they were discriminating down in those States, they would reopen the proceedings and we would be back under the proceedings again.

So the Scott amendment to the Voting

Rights Act has erroneously been referred to as a bill or an amendment to extend the provisions of the Voting Rights Act. I say that is erroneous because it does not extend the provisions of the Voting Rights Act. There are 19 sections of the Voting Rights Act and every single one of those is a permanent section. Some say four and five are not permanent, but read the sections, and there is not one single word said about either of those sections or any of the remaining 17 sections ever expiring by lapse of time.

What the Scott amendment does is not to extend the provisions. It changes or seeks to change by the amendment the amount of proof that a State has to make, in order to come out from under the discriminatory provisions of the act. That is changed from 5 years to 10 years, requiring a State, then, to petition the court in Washington for release from the terms of the act and show no use of a literacy test for 10 years, although we all know that they had them up until they were banned by the 1965 act. So they are changing the sentence, just as though the State were an individual sentenced to the penitentiary—and we are under just about that sort of humiliating condition—a person sentenced to the penitentiary for 5 years and he sees daylight toward the end of that 5 years, but here we are in the month of March, and on August 7 of this year we could go into a Federal court and petition to get out from under the discriminatory provisions of the act, but they come in and say, "No, we are going to add 5 years to your sentence," just as they might add 5 years to the sentence of a prisoner about to be released from prison.

So, it is not an extension of the same provisions of the act. If they get to the point that they seek to extend the provisions of he act for 5 years, the junior Senator from Alabama will consider support of such a plan, because that would still leave us with the 5-year provision of nondiscrimination and we certainly would have no difficulty proving that.

Mr. President, I yield such time to the Senator from Mississippi (Mr. STENNIS) as he may desire.

The PRESIDING OFFICER (Mr. CRANSTON). The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I certainly thank the distinguished Senator from Alabama for yielding me this time.

Mr. President, I have made a special analysis of the amendment. Regardless of which way the vote goes, whether the question will be settled by a constitutional amendment passing Congress and then being rejected by the States or approved by the States, or a statutory act being adopted on the floor of the Senate, we will head on, then, to a certain contest in the legal forums, eventually finding its way to the Supreme Court for decision.

Regardless of which route it takes, it seems to me that commonsense clearly dictates, and commonsense almost demands, that here now, while there is a chance to eliminate uncertainty, to eliminate the chance of the gravest kind of error as to the presidential elections, to eliminate the chance of confusion as to the newly enfranchised citizens under this proposal, if it passes, these things, it seems clear to me, all amount to a demand that we should strike them all from the board and do the commonsense thing of following this provision and setting it over beyond the presidential elections of 1972, allowing ample time for everything to move in an orderly way during that intervening period, thus avoiding all this chance that we would be taking as to the uncertainty of a presidential election that would have to be decided, possibly, by a commission.

I have a great deal of regard and interest in the young person, and consideration should be given to him. I do believe it would be the worst thing that could happen to have a provision adopted here that would allow the franchise and then experience the bitter disappointment that would come to millions if the law were to be declared invalid.

But even beyond that, we have a situation already existing in our Constitution, as I see it, in which there is a chance that no one under our present system would be chosen for President or Vice President and that the determination would have to go to a House of Representatives that was elected the same day and could not legally convene for 60 days.

In international affairs that would create an unthinkable hazard to the people of the world. In domestic affairs it would create confusion. In the business and industrial world and in every other aspect of life which the Federal Government touches—and they are many—it would cause uncertainty and confusion. Pandemonium could be caused with regard to certain subject matters.

I do not think this should be done. While we have a chance to do so, let us keep our feet on the ground. I know that the motives of the Senator from Montana are very high and the very best. And that is so with those who have joined him as cosponsors. However, let us decide which side we will be on as to the amendment and the constitutional amendment.

Let us lay the whole matter aside and study the whole structure and thus lend certainty to the matter and give the people time and give the courts time to pass on this matter, and let it be upheld or invalidated in an orderly way without these terrific consequences I have already partly outlined, but which the Senator from Alabama has fully outlined with reference to our Federal Government.

I think the Senator has contributed a great deal in offering the amendment and certainly in his debate.

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

Mr. STENNIS. Mr. President, I thank the Senator for yielding to me. I did not mean to take all the time. I am sorry.

Mr. MANSFIELD. Mr. President, many ghosts and hobgoblins have been created in this Chamber. Many promises have been made. Some promises have not been kept.

From time to time illusions have been created, and one of the greatest illusions is what has been said about turning down the amendment offered by the Senator from Montana. It is an amendment many others have joined in cosponsoring. The argument goes that the Judiciary Committee will forthwith report a proposed constitutional amendment seeking to lower the age for voting to 18. It is even suggested that there will be no trouble in obtaining House approval of such a proposal, even though the chairman of the appropriate House committee has indicated—and I recall press reports to this effect—that he is against 18-year-olds voting, regardless of how the ballot is extended to them. And lo and behold, some time this year we will have a constitutional amendment which will have been approved by two-thirds of the membership of both Houses and within 2 years it will have been confirmed by three-fourths of the legislature of the 50 States.

There is a good deal of talk of trips nowadays. But that is a pretty long trip. And the constitutional amendment process seeking to lower the voting age to 18 has been one of many pitfalls and has produced nothing in the way of actual achievement.

I recall the great furor in this country that was raised at the end of the last presidential election for a direct vote for the Presidency.

I have noticed since then that various other arguments have come up, that the possibility of getting this constitutional amendment out has been decreased somewhat and the possibility of getting it through both Houses during this session of Congress has become an unreality.

So I would not be taken away with the thoughts, promises, or encouragement of the moment. But I would like to stick to the facts, and I would like to see the Senate bite the bullet on the issue of allowing the 18-year-olds to vote.

There have been some questions raised about why these youngsters should be given this opportunity and this right to exercise the franchise; this conferring of a duty, so to speak. And I do not look at it in that way, because I think all Americans are born free—at least are supposed to be under the Constitution—and all Americans have equal rights. And as far as the age of 21 is concerned, it has been fully arbitrary and of no realistic value, in my opinion, in the light of the intelligence, the idealism, and the educational achievement of the youth of today.

Incidentally, that 21-year-old idea, I think, is based on the fact, according to what I can find out, that in England during medieval times, it was thought one had to be 21 years old to bear the weight of arms and armor.

Since that time, of course, armor has gone out of style. It still appears in museums and it is still worn to a certain extent in Vietnam and elsewhere where some of our men wear metal vests for protection. But these are 18-year-old men and as most of our young men of today they are still wearing armor in some form—either literally or figuratively. They are still loaded down with responsibilities and worries and concerns. And as one who is above the age of 30, I am interested in these youngsters and I want to see them given a share of

responsibility, a small share of responsibility, so that they can from within participate in the making of the policies they are called upon to undertake and execute on behalf of our Government; policies laid down in this Chamber and at the other end of the avenue as well.

The youngsters today are being discriminated against just as women were until a few decades ago, just as the slaves were until a century ago. I think it is about time that this discrimination be lifted and that youngsters from the age of 18, young men and women, be given the right to exercise the franchise. Although they cannot serve on juries during that age period, they are tried, nevertheless, as adults in the courts and are subjected to the full penalties of the law.

They are eligible for the draft during that period, but they are not eligible to serve on draft boards until they are 30 years of age. And incidentally, speaking of the draft, it is my information that approximately half of the combat deaths in Vietnam come within the age group of 18 to 21.

As far as voting is concerned, I think it is the most significant symbol of being an adult. I think this responsibility should be given to these youngsters not as a prerogative, but as a right and obligation.

There are close to 13 million Americans between the ages of 18 and 21. And I think that most of these young people can and should be allowed to vote.

I would ask my colleagues to consider a parallel situation that seems rather perplexing; why should a 50- or 60-year-old illiterate be allowed to vote when we have high school and college graduates in the 18- to 21-year-old classification, some with degrees, certainly all of them with a great deal of knowledge, who are not being allowed to vote? I think these young people would treasure that right more and that they would do what they could to provide a reinvigoration within both parties, and both parties can stand some new vigor. They would bring in new blood, new ideas, clearer vision, and less of a tieup with the polices of the past which have brought us so much wce and caused us so much ruin.

I believe the amendment which I have introduced along with the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Kentucky (Mr. COOK), and others would do a good deal to breach the gap between the older and younger generations.

As far as the "What is the rush?" question is concerned, the answer to that is that this proposal in the form of a constitutional amendment has been buried deep within the walls of the Committee on the Judiciary not for years but for decades, and unless something is done and done soon I am afraid its burial will continue for some years longer. So there is a need now.

We do have a proposal before us which faces up to the matter. For the first time the Senate will be given a chance to vote one way or another. I recognize that there are differences of opinion concerning the effective date of this proposal but the date proposed by the distinguished Senator from Kentucky (Mr. COOK) and made a part of the Mansfield amendment, I think, allows sufficient time for the courts, if they so desire, to interpret the constitutionality of congressional action. Because of Senator COOK's foresight more than adequate time is allowed for this purpose.

Therefore, I urge that the Senate retain the date set by the distinguished Senator from Kentucky (Mr. COOK) and vote down the amendment offered by my distinguished colleague, the Senator from Alabama (Mr. ALLEN).

Mr. KENNEDY. Mr. President, will the Senator yield to me for 3 minutes?

Mr. MANSFIELD. I yield 3 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise to second what the distinguished majority leader has suggested, with particular reference to his remarks on the question of whether the pending amendment will cause any delay or uncertainty in elections.

An obvious precedent is the history of the Voting Rights Act of 1965. Although the 1965 act made major changes in the election laws of many States, I am not aware that it caused any unreasonable delay or uncertainty in any elections that were held before its constitutionality was settled by the Supreme Court. Yet, we heard time and time again in the debate over the 1965 act that we would have mass confusion in the elections around the country. The argument was made that there would be thousands of voters whose participation in the election was uncertain. It was said that we would not know if that act was legal or illegal, and that countless elections would be held up. We hear these same arguments applied today. But the precedent of the 1965 act demonstrates that such arguments are unpersuasive. The act was passed in August 1965, and the constitutionality of its provisions was not settled until many months later, well into the spring of 1966. Yet, as I have said, there is no evidence that the status of any elections was clouded. Today, the amendment we are offering is even less likely to cloud the status of any elections. In 1965, the act was not passed until August in the non-Federal election year of 1965. The bill now on the floor will in all probability be passed several months earlier in this year of 1970, but the effective date is January 1, 1971, for the voting age amendment, which is also a non-Federal election year. Thus, there is far more time allowed for a decision on the constitutionality of this amendment than there was on the 1965 act, before any elections could possibly be clouded by any uncertainty over it. I think we are meeting our responsibilities with respect to any possible unconstitutional uncertainty. We have gone far to insure that the electoral process will be secure and valid.

Mr. President, I see no reason whatever for a delay of 2 more years in the effective date, which is the direction and the thrust of the pending amendment. If this amendment is desirable at all, it should be enacted, as it is drafted at the present time, to go into effect in January of 1971.

There are also those who rise on the floor of the Senate and say that if we pass this amendment and then it is struck down by the courts because it is unconstitutional, we will cause great disappointment to our young people. I ask Senators to think of the disappointment of all young people if we do not pass this measure today or in the next ensuing days. What will be their disappointment then? American youth have been waiting almost 30 years for this change in the voting age, ever since the time when this proposal in the form of a constitutional amendment was first introduced before the Committee on the Judiciary. Think of the patience they have had. Now, this measure has come at last to the floor of the Senate. To those who suggest there is some possibility it may be struck down by the courts, I say that we do not believe it will be struck down. More important, I say this amendment may be our last real chance for many years to accomplish this vital goal. I doubt that there is any young person in America today who would say to us, "Don't pass the amendment, because my expectations will be disappointed if it is struck down by the courts."

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

Mr. KENNEDY. Mr. President, will the Senator yield to me for 2 additional minutes?

Mr. MANSFIELD. I yield 2 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I believe the young people of this country want us to face our responsibility as the majority leader has stated, and to meet this issue today. I think the preponderance of the evidence is quite clear on the record of this debate that our present discrimination against 18-year-olds in the right to vote is unfair, and that we have the power to act by statute. In recent times, the Supreme Court has consistently expanded the suffrage, and has acted time and again to equalize the right to vote for all our citizens. Whether it has been the question of redistricting or striking down the poll tax, or the Morgan case, always the Supreme Court has been moving toward expanding the right to vote. Certainly it is reasonable for us to reach the conclusion that restricting the right to vote to those who are 21 years of age or older is a violation of the equal protection of the laws under the Constitution, because it unreasonably discriminates against those who are 18, 19, and 20 years of age.

Finally, let me say that we have written in to the Mansfield amendment a procedure by which this entire amendment will be tested expeditiously in the court. It will be given a speedy hearing before a district court, and the decision can be appealed directly to the Supreme Court.

When we look back at the poll tax, whose repeal the Senate rejected in 1965, and the other provisions of the 1965 act, we learn that the courts can act expeditiously. They acted within several months to strike down the poll tax. On the basic question of the overall validity of the Voting Rights Act of 1965, the act was held constitutional by the Supreme Court within only a few months after it was passed by Congress.

Indeed, we are providing sufficient time for this measure to be tested before it actually becomes operative under the effective date of the amendment. I believe that the Attorney General or a pri-

vate litigant has the authority to test the amendment in the Federal courts as soon as it is passed, without waiting until January 1971, the effective date. This advance test would not be an advisory opinion. It would not be unconstitutional under Marbury against Madison and that type of cases. It has enough elements of a real case or controversy. In fact, I am hopeful that the Attorney General will institute a test case as soon as the amendment becomes law.

Mr. President, with the greatest respect, I see no validity in the suggested delay offered by my good friend from Alabama (Mr. ALLEN). All the precautions that are necessary have been taken in the Mansfield amendment to prevent any clouding of elections.

In closing, Mr. President, let me say that I am extremely pleased that the Senate has at last been given the opportunity to express its will on the question of 18-year-old voting. For years, this basic issue—so important to millions of young Americans—was stalled in congressional committees, with little hope of passage by either the Senate or the House. Today, the Senate is being given that opportunity. I hope the amendment will prevail. If it does, then, beginning next January, 18-year-olds will be able to go to the polls in all elections, Federal, State, and local.

Today's Senate vote will be a vote of confidence in American youth. There can be no question that our 18-year-olds deserve the right to vote. Long ago, the age of maturity was fixed at 21 because that was the age at which young men were thought to be capable of bearing the armor of a knight. Strange as it may seem, the weight of armor in the 11th century governs the right to vote of Americans in the 20th century. The medieval justification has an especially bitter relevance today, when millions of our 18-year-olds are compelled to bear modern armor as soldiers, and thousands are dead in Vietnam.

I believe that our 18- to 21-year-olds are mature enough to vote. They are far better educated than their parents' and grandparents' generations. They are old enough to fight, to pay taxes, to marry, and to carry out many other basic responsibilities of citizenship. They are also old enough to exercise the right to vote, the most basic right in our society.

Mr. President, the amendment of the Senator from Alabama should be rejected.

Mr. MANSFIELD. Mr. President, I yield 2 minutes to the Senator from Kentucky and then I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, I thank the Senator. I shall conclude in less than 2 minutes.

The distinguished Senator from Massachusetts is entirely correct. In the Katzenbach against South Carolina case the Supreme Court issued its ruling in March of 1966, really for the benefit of South Carolina, which was facing a primary in June of 1966.

In that section of the 1965 act which called for removal of the poll tax in the States, that came under the provisions of the act that was decided in the case of United States against Texas in the spring of 1966. That was done expeditiously because of the law and the implementation of the law, or the confusion it might create.

My only other remark is that if I were assured the junior Senator from Alabama might vote for this bill if this amendment were agreed to, I would be a little bit more enthusiastic about it, but I think even if this amendment were agreed to we would not secure the support of the Senator from Alabama in this regard.

Therefore, I think we should look at the fact that we have given a specific time. We have created a legislative record and history for the Supreme Court to realize the position we are in, and the position we honestly and fairly are placing them in. I think they will live up to their responsibility, as well as I hope this body lives up to its responsibility.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to amendment No. 552 of the Senator from Alabama (Mr. ALLEN) to the amendment of the Senator from Montana (Mr. MANSFIELD). On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN) are absent on official business.

I further announce that, if present and voting, the Senator from Virginia (Mr. BYRD) and the Senator from Georgia (Mr. RUSSELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from New York (Mr. GOODELL). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from New York would vote "nay."

The result was announced—yeas 15, nays 72, as follows:

[No. 97 Leg.]

YEAS—15

Allen	Ervin	Sparkman
Bennett	Holland	Stennis
Curtis	Hollings	Talmadge
Eastland	Hruska	Thurmond
Ellender	Jordan, N.C.	Tower

NAYS—72

Aiken	Brooke	Cotton
Allott	Burdick	Cranston
Anderson	Byrd, W. Va.	Dole
Baker	Cannon	Dominick
Bayh	Case	Eagleton
Bellmon	Church	Fannin
Bible	Cook	Fong
Boggs	Cooper	Fulbright
Goldwater	Mathias	Percy
Gore	McGee	Prouty
Griffin	McGovern	Proxmire
Hansen	McIntyre	Randolph
Harris	Metcalf	Ribicoff
Hart	Miller	Saxbe
Hartke	Mondale	Schweiker
Hatfield	Montoya	Scott
Hughes	Moss	Smith, Maine
Jackson	Murphy	Spong
Javits	Muskie	Symington
Jordan, Idaho	Nelson	Williams, N.J.
Kennedy	Packwood	Williams, Del.
Long	Pastore	Yarborough
Magnuson	Pearson	Young, N. Dak.
Mansfield	Pell	Young, Ohio

NOT VOTING—13

Byrd, Va.	Inouye	Smith, Ill.
Dodd	McCarthy	Stevens
Goodell	McClellan	Tydings
Gravel	Mundt	
Gurney	Russell	

So Mr. ALLEN's amendment (No. 552) was rejected.

MESSAGES FROM THE PRESIDENT

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

REPORT ON NATIONAL ESTUARY STUDY—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-274)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Commerce:

To the Congress of the United States:

In accordance with Public Law 90-454, the Estuary Protection Act, I submit herewith a report forwarded to me by the Secretary of the Interior. This report, which is the first volume of a seven-volume study prepared by the Department of the Interior, documents the importance of estuaries of our country and the severity of their modification by man. It demonstrates the urgent need for prompt enactment of the bill for a comprehensive Coastal Zone Management System which the Secretary of the Interior submitted to you on November 13, 1969.

RICHARD NIXON.

THE WHITE HOUSE.

REORGANIZATION PLAN NO. 2 OF 1970—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-275)

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following message from the President of the United States, which, with the accompanying paper, was referred to the Committee on Government Operations:

To the Congress of the United States:

We in government often are quick to call for reform in other institutions, but slow to reform ourselves. Yet nowhere today is modern management more needed than in government itself.

In 1939, President Franklin D. Roosevelt proposed and the Congress accepted a reorganization plan that laid the groundwork for providing managerial assistance for a modern Presidency.

The plan placed the Bureau of the

Budget within the Executive Office of the President. It made available to the President direct access to important new management instruments. The purpose of the plan was to improve the administration of the Government—to ensure that the Government could perform "promptly, effectively, without waste or lost motion."

Fulfilling that purpose today is far more difficult—and more important—than it was 30 years ago.

Last April, I created a President's Advisory Council on Executive Organization and named to it a distinguished group of outstanding experts headed by Roy L. Ash. I gave the Council a broad charter to examine ways in which the Executive Branch could be better organized. I asked it to recommend specific organizational changes that would make the Executive Branch a more vigorous and more effective instrument for creating and carrying out the programs that are needed today. The Council quickly concluded that the place to begin was in the Executive Office of the President itself. I agree.

The past 30 years have seen enormous changes in the size, structure, and functions of the Federal Government. The budget has grown from less than $10 billion to $200 billion. The number of civilian employees has risen from one million to more than two and a half million. Four new Cabinet departments have been created, along with more than a score of independent agencies. Domestic policy issues have become increasingly complex. The interrelationships among Government programs have become more intricate. Yet the organization of the President's policy and management arms has not kept pace.

Over three decades, the Executive Office of the President has mushroomed but not by conscious design. In many areas it does not provide the kind of staff assistance and support the President needs in order to deal with the problems of government in the 1970s. We confront the 1970s with a staff organization geared in large measure to the tasks of the 1940s and 1950s.

One result, over the years, has been a tendency to enlarge the immediate White House staff—that is, the President's personal staff, as distinct from the institutional structure—to assist with management functions for which the President is responsible. This has blurred the distinction between personal staff and management institutions; it has left key management functions to be performed only intermittently and some not at all. It has perpetuated outdated structures.

Another result has been, paradoxically, to inhibit the delegation of authority to Departments and agencies.

A President whose programs are carefully coordinated, whose information system keeps him adequately informed, and whose organizational assignments are plainly set out, can delegate authority with security and confidence. A President whose office is deficient in these respects will be inclined, instead, to retain close control of operating responsibilities which he cannot and should not handle.

Improving the management processes of the President's own office, therefore, is a key element in improving the management of the entire Executive Branch, and in strengthening the authority of its Departments and agencies. By providing the tools that are needed to reduce duplication, to monitor performance and to promote greater efficiency throughout the Executive Branch, this also will enable us to give the country not only more effective but also more economical government—which it deserves.

To provide the management tools and policy mechanisms needed for the 1970s, I am today transmitting to the Congress Reorganization Plan No. 2 of 1970, prepared in accordance with Chapter 9 of Title 5 of the United States Code.

This plan draws not only on the work of the Ash Council itself, but also on the work of others that preceded—including the pioneering Brownlow Committee of 1936, the two Hoover Commissions, the Rockefeller Committee, and other Presidential task forces.

Essentially, the plan recognizes that two closely connected but basically separate functions both center in the President's office: policy determination and executive management. This involves 1) what government should do, and 2) how it goes about doing it.

My proposed reorganization creates a new entity to deal with each of these functions:

—It establishes a Domestic Council, to coordinate policy formulation in the domestic area. This Cabinet group would be provided with an institutional staff, and to a considerable degree would be a domestic counterpart to the National Security Council.

—It establishes an Office of Management and Budget, which would be the President's principal arm for the exercise of his managerial functions.

The Domestic Council will be primarily concerned with *what* we do; the Office of Management and Budget will be primarily concerned with *how* we do it, and *how well* we do it.

DOMESTIC COUNCIL

The past year's experience with the Council for Urban Affairs has shown how immensely valuable a Cabinet-level council can be as a forum for both discussion and action on policy matters that cut across departmental jurisdictions.

The Domestic Council will be chaired by the President. Under the plan, its membership will include the Vice President, and the Secretaries of the Treasury, Interior, Agriculture, Commerce, Labor, Health, Education and Welfare, Housing and Urban Development, and Transportation, and the Attorney General. I also intend to designate as members the Director of the Office of Economic Opportunity and, while he remains a member of the Cabinet, the Postmaster General. (Although I continue to hope that the Congress will adopt my proposal to create, in place of the Post Office Department, a self-sufficient postal authority.) The President could add other Executive Branch officials at his discretion.

The Council will be supported by a staff under an Executive Director who will also be one of the President's assistants. Like the National Security Council staff, this staff will work in close coordination with the President's personal staff but will have its own institutional identity. By being established on a permanent, institutional basis, it will be designed to develop and employ the "institutional memory" so essential if continuity is to be maintained, and if experience is to play its proper role in the policy-making process.

There does not now exist an organized, institutionally-staffed group charged with advising the President on the total range of domestic policy. The Domestic Council will fill that need. Under the President's direction, it will also be charged with integrating the various aspects of domestic policy into a consistent whole.

Among the specific policy functions in which I intend the Domestic Council to take the lead are these:

—Assessing national needs, collecting information and developing forecasts, for the purpose of defining national goals and objectives.

—Identifying alternative ways of achieving these objectives, and recommending consistent, integrated sets of policy choices.

—Providing rapid response to Presidential needs for policy advice on pressing domestic issues.

—Coordinating the establishment of national priorities for the allocation of available resources.

—Maintaining a continuous review of the conduct of on-going programs from a policy standpoint, and proposing reforms as needed.

Much of the Council's work will be accomplished by temporary, ad hoc project committees. These might take a variety of forms, such as task forces, planning groups or advisory bodies. They can be established with varying degrees of formality, and can be set up to deal either with broad program areas or with specific problems. The committees will draw for staff support on Department and agency experts, supplemented by the Council's own staff and that of the Office of Management and Budget.

Establishment of the Domestic Council draws on the experience gained during the past year with the Council for Urban Affairs, the Cabinet Committee on the Environment and the Council for Rural Affairs. The principal key to the operation of these Councils has been the effective functioning of their various subcommittees. The Councils themselves will be consolidated into the Domestic Council; Urban, Rural and Environment subcommittees of the Domestic Council will be strengthened, using access to the Domestic Council staff.

Overall, the Domestic Council will provide the President with a streamlined, consolidated domestic policy arm, adequately staffed, and highly flexible in its operation. It also will provide a structure through which departmental initiatives can be more fully considered, and expert advice from the Departments and agencies more fully utilized.

OFFICE OF MANAGEMENT AND BUDGET

Under the reorganization plan, the technical and formal means by which the Office of Management and Budget is created is by re-designating the Bureau of the Budget as the Office of Management and Budget. The functions currently vested by law in the Bureau, or in its director, are transferred to the

President, with the provision that he can then redelegate them.

As soon as the reorganization plan takes effect, I intend to delegate those statutory functions to the Director of the new Office of Management and Budget, including those under section 212 of the Budget and Accounting Act, 1921.

However, creation of the Office of Management and Budget represents far more than a mere change of name for the Bureau of the Budget. It represents a basic change in concept and emphasis, reflecting the broader management needs of the Office of the President.

The new Office will still perform the key function of assisting the President in the preparation of the annual Federal budget and overseeing its execution. It will draw upon the skills and experience of the extraordinarily able and dedicated career staff developed by the Bureau of the Budget. But preparation of the budget as such will no longer be its dominant, overriding concern.

While the budget function remains a vital tool of management, it will be strengthened by the greater emphasis the new Office will place on fiscal analysis. The budget function is only one of several important management tools that the President must now have. He must also have a substantially enhanced institutional staff capability in other areas of executive management—particularly in program evaluation and coordination, improvement of Executive Branch organization, information and management systems, and development of executive talent. Under this plan, strengthened capability in these areas will be provided partly through internal reorganization, and it will also require additional staff resources.

The new Office of Management and Budget will place much greater emphasis on the evaluation of program performance: on assessing the extent to which programs are actually achieving their intended results, and delivering the intended services to the intended recipients. This is needed on a continuing basis, not as a one-time effort. Program evaluation will remain a function of the individual agencies as it is today. However, a single agency cannot fairly be expected to judge overall effectiveness in programs that cross agency lines—and the difference between agency and Presidential perspectives requires a capacity in the Executive Office to evaluate program performance whenever appropriate.

The new Office will expand efforts to improve interagency cooperation in the field. Washington-based coordinators will help work out interagency problems at the operating level, and assist in developing efficient coordinating mechanisms throughout the country. The success of these efforts depends on the experience, persuasion, and understanding of an Office which will be an expediter and catalyst. The Office will also respond to requests from State and local governments for assistance on intergovernmental programs. It will work closely with the Vice President and the Office of Intergovernmental Relations.

Improvement of Government organization, information and management systems will be a major function of the Office of Management and Budget. It will maintain a continuous review of the organizational structures and management processes of the Executive Branch, and recommend needed changes. It will take the lead in developing new information systems to provide the President with the performance and other data that he needs but does not now get. When new programs are launched, it will seek to ensure that they are not simply forced into or grafted onto existing organizational structures that may not be appropriate. Resistance to organizational change is one of the chief obstacles to effective government; the new Office will seek to ensure that organization keeps abreast of program needs.

The new Office will also take the lead in devising programs for the development of career executive talent throughout the Government. Not the least of the President's needs as Chief Executive is direct capability in the Executive Office for insuring that talented executives are used to the full extent of their abilities. Effective, coordinated efforts for executive manpower development have been hampered by the lack of a system for forecasting the needs for executive talent and appraising leadership potential. Both are crucial to the success of an enterprise—whether private or public.

The Office of Management and Budget will be charged with advising the President on the development of new programs to recruit, train, motivate, deploy, and evaluate the men and women who make up the top ranks of the civil service, in the broadest sense of that term. It will not deal with individuals, but will rely on the talented professionals of the Civil Service Commission and the Departments and agencies themselves to administer these programs. Under the leadership of the Office of Management and Budget there will be joint efforts to see to it that all executive talent is well utilized wherever it may be needed throughout the Executive Branch, and to assure that executive training and motivation meet not only today's needs but those of the years ahead.

Finally, the new Office will continue the Legislative Reference functions now performed by the Bureau of the Budget, drawing together agency reactions on all proposed legislation, and helping develop legislation to carry out the President's program. It also will continue the Bureau's work of improving and coordinating Federal statistical services.

SIGNIFICANCE OF THE CHANGES

The people deserve a more responsive and more effective Government. The times require it. These changes will help provide it.

Each reorganization included in the plan which accompanies this message is necessary to accomplish one or more of the purposes set forth in Section 901(a) of Title 5 of the United States Code. In particular, the plan is responsive to Section 901(a)(1), "to promote the better execution of the laws, the more effective management of the Executive Branch and of its agencies and functions, and the expeditious administration of the public business;" and Section 901(a)(3), "to increase the efficiency of the operations of the Government to the fullest extent practicable."

The reorganizations provided for in this plan make necessary the appointment and compensation of new officers, as specified in Section 102(c) of the plan. The rates of compensation fixed for these officers are comparable to those fixed for other officers in the Executive Branch who have similar responsibilities.

While this plan will result in a modest increase in direct expenditures, its strengthening of the Executive Office of the President will bring significant indirect savings, and at the same time will help ensure that people actually receive the return they deserve for every dollar the Government spends. The savings will result from the improved efficiency these changes will provide throughout the Executive Branch—and also from curtailing the waste that results when programs simply fail to achieve their objectives. It is not practical, however, to itemize or aggregate these indirect expenditure reductions which will result from the reorganization.

I expect to follow with other reorganization plans, quite possibly including ones that will affect other activities of the Executive Office of the President. Our studies are continuing. But this by itself is a reorganization of major significance, and a key to the more effective functioning of the entire Executive Branch.

These changes would provide an improved system of policy making and coordination, a strengthened capacity to perform those functions that are now the central concerns of the Bureau of the Budget, and a more effective set of management tools for the performance of other functions that have been rapidly increasing in importance.

The reorganization will not only improve the staff resources available to the President, but will also strengthen the advisory roles of those members of the Cabinet principally concerned with domestic affairs. By providing a means of formulating integrated and systematic recommendations on major domestic policy issues, the plan serves not only the needs of the President, but also the interests of the Congress.

This reorganization plan is of major importance to the functioning of modern government. The national interest requires it. I urge that the Congress allow it to become effective.

RICHARD NIXON.

THE WHITE HOUSE, *March 12, 1970.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate a message from the President of the United States submitting the nomination of Curtis W. Tarr, of Virginia, to be Director of Selective Service, which was referred to the Committee on Armed Services.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House has passed a bill (H.R. 15945) to authorize appropriations for certain maritime

programs of the Department of Commerce, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 15945) to authorize appropriations for certain maritime programs of the Department of Commerce, was read twice by its title and referred to the Committee on Commerce.

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.

AMENDMENT NO. 551

Mr. MILLER. Mr. President, I call up my amendment No. 551, and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. The Senator from Iowa (Mr. MILLER) proposes an amendment as follows:

On page 2, strike from lines 7 and 8 the words "voting in any primary or in any election—" and insert in lieu thereof the following: "full rights and responsibilities" of citizenship".

Mr. MILLER. Mr. President, I yield myself such time as I may require.

First, I would like to say in complete frankness that I think the author of the pending amendment, the distinguished majority leader, understands why there are a number of us who, in good conscience, cannot support a change in the voting eligibility rights by a statute.

I listened with great interest and considerable agreement to some of the arguments he has made, arguments which—

Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MILLER. Arguments which I myself could make if I were a member of my State legislature; or which I myself could make if the pending measure were a proposed constitutional amendment.

There was one thing that particularly appealed to me about the arguments of the Senator from Montana. Over and over again, he has talked about the "responsibilities" that the young people should assume. I am offering this amendment, not for the purpose of doing any harm to his amendment at all, but, while with the understanding that I cannot in good conscience support the Mansfield amendment, with the objective of trying to make it into a better measure so that, if it is passed by Congress and if it is upheld by the Supreme Court, we will have a better measure on the books.

Under my amendment, the declaration set forth in the Mansfield amendment would read as follows:

The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to full rights and responsibilities of citizenship

"(1) denies and abridges—

And so on.

To me, this matter of 21 years or 18 years has to do, not just with voting, but with the full rights and responsibilities of citizenship. The Senator from Montana has, in his remarks, time after time called attenion to responsibilities. I fully agree with that. But there is not a word about responsibilities in his amendment. If my amendment were agreed to, we would talk about full rights and responsibilities of citizenship in connection with this matter of age.

I suggest that probably the highest right and responsibility of citizenship is the right and responsibility of voting. However, there are other inherent features of full citizenship.

Paragraph 1, line 9, of the Mansfield amendment refers to the denial and abridgement of the inherent constitutional rights of citizens 18 years of age and over. I suggest that in addition to the voting right and responsibility there are other inherent rights and responsibilities, such as jury service. Unless there is something in the statutes that I am not familiar with, I believe that once a person is an eligible voter, that person then is eligible for not only the right but also the responsibility of jury service.

Marriage: It seems to me that if a person is old enough to vote, he is old enough to enter into a contract of marriage.

Inheriting property in their own name: In many States now, unless a person is 21, he cannot inherit property in his own name, and a guardian or a trustee has to be established.

Legal and binding contracts: This is both a right and a responsibility. In many States, unless one is 21 years of age, a contract is not enforceable.

The jurisdiction of juvenile courts: In some States, juvenile courts have jurisdiction over people 18 years of age. It seems to me that if a person is old enough to vote, that person is old enough to get out of the jurisdiction of a juvenile court. I will say that most States, to my knowledge, do not go up as high as 18 years of age for juvenile court jurisdiction, but some do.

The coverage of State child labor laws: It is my understanding that in a few States child labor laws cover up through the age of 18, and possibly 19.

I suggest, Mr. President, that these rights and responsibilities are just as inherent—constitutional rights and responsibilities—as that of voting. They are just as much protected by the due process and equal protection of the laws guarantees under the 14th amendment as the right and responsibility of voting.

It seems to me that when Congress makes a declaration of policy having to do——

Mr. KENNEDY. Mr. President, will the Senator yiled on that point?

Mr. MILLER. I yield.

Mr. KENNEDY. Is the Senator suggesting that the age to consume alcoholic beverages is equivalent to the Senate of the United States reducing the voting age to 18?

Mr. MILLER. No; I have not said anything about that. If the Senator from Massachusetts was listening to my arguments, I was pointing out such things as marriage, inheriting property, legal and binding contracts, jurisdiction of juvenile courts, and coverage of child labor laws.

I know that there are some who have argued this point. I do not make that argument.

Mr. KENNEDY. Is the Senator's proposal limited to the five categories he has mentioned?

Mr. MILLER. No; I am not limiting that, necessarily. As a matter of fact, I was going to mention another one—hunting and fishing permits. In some States, if one is 18 years of age or under, there is a special fee.

Mr. KENNEDY. The Senator is equating this with reducing the voting age to 18?

Mr. MILLER. I am pointing out that there are rights and responsibilities that are just as inherent in citizenship as voting. But this is my point. Voting is such a tremendously responsible and important right that if we are going to cover voting, a fortiori, all these others ought to come along.

What I am trying to do is to point out that when we make a declaration of policy in Congress, a national policy, regarding the deprivation of rights on account of age, it seems to me that, instead of confining it to voting rights, we ought to talk about full rights and responsibilities of citizenship.

Furthermore, this declaration will fit with the rest of the amendment, because in paragraph (b) it says:

In order to secure the constitutional rights set forth in subsection (a).

Those rights are referred to when we talk about full rights and responsibilities of citizenship.

Mr. President, as I have said, I offer this for the purpose of improving the amendment. To me, this is a very awesome and historical declaration of policy by Congress. I do not believe that we ought to confine our attention only to the rights and responsibilities of 18-year-olds with respect to voting. We would have a better declaration of policy if we talked about full rights and responsibilities of citizenship.

Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, I yield myself 5 minutes; thereafter it would be my intention to yield back the remainder of the time and bring this matter to a conclusion.

May I say to my distinguished colleague the Senator from Iowa that jury service and other responsibilities for 18-year-olds are propositions with which I think I might agree. So far as marriage for 18-year-olds is concerned, I am all for it. I do not know of a State in the Union in which people of that age cannot get married, and in some States matrimony is permitted at a younger age.

Mr. MILLER. Mr. President, will the Senator yield at that point?

Mr. MANSFIELD. I yield.

Mr. MILLER. I believe that in some States the consent of one or both parents is required.

Mr. MANSFIELD. If so, it is the case in very few States. But, by and large, I think it is a generally accepted tenet that young adults can be married at 18 on the basis of their own desires and wishes.

Contracts, I think, may fall in the same category.

As to juvenile and adult courts there

may be differences; but, by and large, the age of 18 is the mark of differentiation between the jurisdiction of a juvenile court and courts that try adults. If one is 18 or over, he is considered an adult, he is tried as an adult and he must suffer the penalty of laws designed for adults.

I do not know too much about child labor laws, but I imagine that they do not apply to a person 18. One would have to be even younger, it is my guess, to be treated as a child under the child labor laws. Their application covers those anywhere up to 10 and 16, generally speaking.

The proposal to which the Senator seeks to offer his amendment, I would point out, deals with voting rights for 18-year-olds. The bill and the Scott substitute deal with voting rights. Therefore, I think that what the Senator from Iowa seeks should not be attempted in this bill; because, in my opinion, it would tend to becloud and befuddle the issue of the vote which is now clearcut, straight, and understood by everyone, without any ifs, ands, or buts.

The amendment offered by the Senator from Iowa goes beyond the confines of voting, with which my amendment is concerned, and with which the bill and the Scott-Hart substitute are concerned. It deals with issues on which there have not been hearings, to my knowledge; whereas, on the question of voting rights, there have been ample hearings down through the years bringing us to today—when there is an opportunity for action for the first time. I hope that opportunity is not jeopardized.

In that respect I am not certain what the effect of the Senator's amendment would be, or what the words that would be added to the preamble of my amendment would accomplish, or whether even they would accomplish what the Senator from Iowa seeks to accomplish.

Because of my initial favorable reaction to the idea of jury duty for persons 18 years of age and over, I should like to see hearings and a study undertaken as soon as possible by the appropriate committee; in this instance, as in the previous instances, the Committee on the Judiciary. I would then consider joining the Senator from Iowa in any bill he might offer on that subject, so that it could be reviewed, discussed, and debated as soon as possible by the appropriate committee.

If we go beyond the scope of the voting proposal at this time, however, I believe the door may be open to the consideration of many other matters never before considered such as—as the Senator from Massachusetts suggested—the age at which persons may drink legally, or the age when they may attend motion pictures, or other activities never before reviewed by a congressional committee. That is not the case with respect to extending the right to vote. On that issue the record is abundant; it is clear beyond doubt.

Therefore, I oppose the amendment at this time and urge the Senate to reject it.

I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. MILLER. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Iowa.

The amendment was rejected.

The PRESIDING OFFICER. The question now is on agreeing to the amendment, as amended, of the Senator from Montana.

Mr. MANSFIELD. Mr. President, does any further time remain?

The PRESIDING OFFICER. No further time remains.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a brief quorum call, the time for the quorum call not to exceed 5 minutes.

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

Mr. MANSFIELD. I yield.

Mr. RANDOLPH. Does the Senator from Montana recall my discussion with him earlier today?

Mr. MANSFIELD. I do recall a conversation in which the Senator from West Virginia indicated that he would vote for this proposal.

Mr. RANDOLPH. I am going to vote for it. I had planned earlier today to make a short statement to the Senate.

Mr. MANSFIELD. How much time would the Senator desire?

Mr. RANDOLPH. Three or four minutes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that 5 minutes time be allocated to the Senator from West Virginia, the author of a proposed constitutional amendment that dates from 1942.

Mr. MILLER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. CRANSTON). The Senator from Iowa will state it.

Mr. MILLER. The Senator from Montana asked that the time be taken out of his time. How much time is allotted on the bill itself?

Mr. MANSFIELD. None.

The PRESIDING OFFICER. There is no limit on the bill itself.

Mr. MILLER. May I ask from what time the Senator from Montana would be taking?

Mr. MANSFIELD. Time obtained by unanimous consent.

The PRESIDING OFFICER. In effect the Senator from Montana asked unanimous consent that the Senator from West Virginia be recognized for 5 minutes. The Chair heard no objection, so the Senator from West Virginia has been recognized for 5 minutes.

Mr. MANSFIELD. If the Senator from West Virginia will yield to me briefly, I would like to put in a call for a quorum now, the Senator can then speak, and then the voting can begin.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

SENATOR RANDOLPH SUPPORTS MANSFIELD AMENDMENT TO LOWER VOTING AGE TO 18

Mr. RANDOLPH. Mr. President, I am very grateful to the distinguished majority leader for cooperating in the parliamentary situation to permit me to make a very brief statement prior to the vote on the Mansfield amendment, as amended by the Senator from Alabama (Mr. ALLEN).

Mr. President, I believe that the age for participation in all elections should be lowered to 18 years, but I believe the voting rights for 18, 19, and 20-year-old youths would best be granted and preserved by indelibly writing such a change into the language of the Constitution of the United States.

The legal basis for lowering the voting age to 18 years by the passing of a statute by this Congress is fragile. I am willing, however, to chance it by voting for the amendment of the Senator from Montana to the voting rights bill, particularly since the Senate voted overwhelmingly to add the words, "except as provided by the Constitution," as proposed by the Senator from Alabama (Mr. ALLEN).

The amendment of the Senator from Montana, which I have cosponsored, would stipulate in the Voting Rights Act that citizens 18 years old and older would have the right to vote. I support this amendment with the knowledge that my resolution proposing the submission of a constitutional amendment to the States to allow 18 year olds to vote, has the cosponsorship of 71 Members of the Senate—and there are others who are not cosponsors who have indicated in statements made during Senate debate that they were in favor of the resolution.

Mr. President, it is important to stress that final approval of the constitutional amendment can be expected very soon in the Judiciary Committee. The Senator from Montana and others have argued persuasively in this matter with reference to the statute approach.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from West Virginia may proceed for 2 additional minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RANDOLPH. Mr. President, I have said—and I repeat—that the arguments in this matter have been most persuasive on both sides of the approach. We are all seeking a common objective. I prefer the constitutional amendment route over the statute route. I believe it is sounder from a legal standpoint, and many of my Senate colleagues have joined me in urging a constitutional amendment.

Senate Joint Resolution 147 will be reported favorably, I believe, by the Judiciary Committee. I would expect that the measure when reported will be held on the Senate Calendar for action, so that if this amendment to the Voting Rights bill fails to achieve acceptance in the Senate-House conference, the Senate will be prepared to act immediately.

The Senator from Mississippi (Mr. EASTLAND), chairman of the Judiciary Committee, and the Senator from Indiana (Mr. BAYH), chairman of the Subcommittee on Constitutional Amendments, have both assured us, in response to questions during debate in the Senate, that Senate Joint Resolution 147 would be ready for action.

The PRESIDING OFFICER. The time of the Senator from West Virginia has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from West Virginia may proceed for 1 additional minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. RANDOLPH. Mr. President, I thank the Senator from Montana.

Mr. President, I know that there will be prompt action by the subcommittee and the full committee on this matter.

In closing, let me express my personal and official appreciation to all those who have understood my position in this matter. The Senator from Montana and others have shown real leadership. I only hope that what we are doing now—and I shall vote for the Mansfield amendment—will achieve the desired result.

I thank the Senator from Montana once more for yielding me this time.

Mr. HANSEN. Mr. President, I rise today to again emphasize my strong support in favor of allowing 18-year-old citizens the right to vote. I am convinced that these young people are capable of living up to the responsibilities which go along with the franchise. I have long favored the lowering of the voting age in my State of Wyoming. In 1963 and 1965, as Governor, my message to the State legislature urged that Wyoming take steps to lower the voting age from 21 to 18 years of age.

In 1967, Wyoming's Legislature authorized the consideration of a constitutional amendment lowering the voting age to 19. The people of Wyoming will vote on the amendment in the elections this November. The action by the State legislature is a triumph for Wyoming's young people who have shown that youth can express itself and make changes working through our constitutional system of government. The effort to lower the voting age was led by students at the University of Wyoming and junior colleges throughout the State. There were no riots, there were no burnings. Instead these outstanding young people decided what they wanted to accomplish, organized the arguments in favor of their position, went to Cheyenne, and lobbied for the passage of the constitutional amendment. The legislature showed that elected officials are interested in the ideas of young people and will consider these ideas in a proper atmosphere.

I intend to vote for the Mansfield amendment. I feel that it is of great importance that there be no confusion on my stand in this year when my State of Wyoming is voting on a constitutional amendment to lower the voting age. I want people in Wyoming to know that I support the constitutional amendment, appearing on the Wyoming ballot this November. Despite my misgivings about the ramifications inherent in the constitutional questions raised by the Mansfield amendment I shall support it.

However, my vote today on the Mansfield amendment in no way dilutes my grave concern over some of the language included in that amendment. I do feel the States have a very deep and real interest in the age of voters in elections for State and local office. For this reason I am concerned about the broad scope of the Mansfield amendment. We must remember that it is the States, not the Federal Government, who have led the way in lowering the voting age. There is nothing magic in an age determined by Congress rather than a State constitution. Because of this concern, I voted in favor of the Allen amendment qualifying the Mansfield amendment with the words, "except as provided by the Constitution." It is my hope that the Allen amendment clearly protects the constitutional rights of the States.

I am proud of the actions of the Wyoming State Legislature to lower the voting age. I have great confidence in the ability of younger people wisely to participate in the choosing of our elected representatives. I hope that the people of Wyoming will express their trust in their young people by ratifying that amendment in the November elections. I believe that my vote today for the Mansfield amendment will make it very clear to all the people in Wyoming that I am strongly in favor of the amendment to the Wyoming constitution lowering the voting age requirement.

Mr. MONTOYA. Mr. President, again the issue of allowing 18-year-olds the right to vote comes before this body. It is more than a little sad that we must still debate this subject. The 18-year-olds of our Nation can and will handle the responsibility of the ballot if we extend that privilege to them.

I happen to be one of those who is mightily impressed by this generation of young people. A small group who are wrapped up in the world of hard narcotics snags more than their share of headlines. Then several million Americans shake their heads, wondering aloud "what has happened to the younger generation." Another small group of professional protestors perpetrates some attention-getting outrage in the name of dissent. Again headlines blare out the news, because, in truth, it is news. Once more large groups of adults voice dismay over the "kids."

I believe the acts of a few younger people who act in an extreme nonconformist fashion must be placed in perspective by any mature society. It is by feeling that the overwhelming majority of this generation of our young Americans is the most responsible, concerned, and involved group we have ever produced. They challenge accepted doctrines because we have asked them not to accept dogma blindly. Such maturity can only be applauded rather than condemned.

More often than not, a challenge is what elicits the finest response from any given group of people. It seems to me that rather than deplore the untoward behavior of a few, we can challenge the many among our young people by offering them a greater responsibility. Who can doubt for even a moment that they will respond affirmatively? I do not doubt it.

At the age of 18, an American citizen must stand trial as an adult before the law. But now he or she cannot vote. At the age of 18, every male American citizen in sound health can be drafted for military service. But he cannot vote. At the age of 18, every American whose gross annual earnings exceed $600 is paying Federal income tax. But he cannot vote.

Today, an amendment is being offered by the most distinguished Senator from Montana (Mr. MANSFIELD). It would allow 18-year-olds to vote in all elections—Federal, State, and local. I shall support that amendment, and any other effort to rectify what I consider one of the great wrongs of our society.

Today we are involved in insuring that all Americans who deserve or who are entitled to the franchise are allowed full access to it. This should include our 18-year-olds.

Look at recent history. In the last election, there was massive participation on the part of American youth in our national political process. It involved much turbulence. Nonetheless, it stirred that same political process in the most promising manner. Only through familiarity with that process can they understand and appreciate it. Only if they feel they are a part of the process can they respect and play a meaningful role in it.

Further, by denying those between 18 and 21 full participation in our formal electoral process, we offer them no outlet other than campus or street demonstrations. Frustration and a sense of impotence reigns in the minds of our most articulate and involved young people. Let us by all means offer them full access to and participation in the most meaningful portion of that political process—the ballot itself.

I think they have much that is positive to say and offer to us. Let us not become prisoners of political hardening of the arteries. Let us not forget that an infusion of new activism and involvement is the lifeblood of political progress.

Democratic societies can only gain by opening wider access to their most meaningful political processes to more of their people. They can only lose by letting their citizens, particularly their younger ones, beat in growing frustration on their political gates. Let us learn from the past, rather than turn our backs on its lessons. Our Nation faces a crisis of maturity. We need the help of our young people. If we ask them to join in, we shall not be disappointed.

Mr. MONDALE. Mr. President, the issue of lowering the voting age to 18 is not exactly new to the U.S. Congress. Almost 30 years ago Senator Vandenberg, of Michigan, introduced a proposed constitutional amendment to that effect, and there have been a number of attempts at similar legislation in the years since. But Congress has not been willing to give this issue its full attention. Like a flowering perennial, this issue appears every year, elicits the polite support of some Senators and Representatives, and then disappears for another year. I think it is time we quit

playing "hot potato" with this issue and give it the attention needed to bring about its favorable passage.

We have all heard the arguments in favor of lowering the voting age to 18. They are the same arguments many of us discussed in high school. If a man is old enough to fight, work, marry, pay taxes, make a contract, drive a car, own a gun, and so on, he certainly is old enough to vote. And we can find considerable data to support these arguments. For example, there are some 6 million young adults between 18 and 21 years of age in our labor market. The wages of these young people are being taxed to pay for the programs we enact in Congress. Yet these people have no say in determining who sits in that Congress. They are truly victims of taxation without representation.

It is not only income that they are losing without representation. For almost 20,000 of them, it has been their lives. Almost half of the 40,000-plus Americans who have died in action in Vietnam have been under 21. They lost their lives fighting in a conflict initiated by a President they had no voice in choosing and continued by the appropriations of a Congress they had no voice in choosing.

Just because a person has a particular right or responsibility does not necessarily mean he should have the right to vote. But I happen to believe that many of the rights and responsibilities we have conferred upon young people are as substantively significant as the right to vote, and, therefore, there is every reason why the right of suffrage should be extended to them also.

We can help to avert the collision between the powerless and the powerful by granting the power of the vote to those young people who have demonstrated their desire to participate in the decisionmaking councils of society.

It is true there are some young radicals who are more interested in anarchy than democracy, and who have not exhibited the maturity to make the choices involved in voting. Yet many adults fall into those categories too. You only have to witness the courtroom antics of the so-called Chicago 7—all eligible voters—to see that 18-, 19-, and 20-year-olds have no exclusive right to bad manners.

The truth of the matter is that today's young adults are far better equipped to make voting choices than most of us were at the same age. Modern communications and advanced education have combined to make our young people the best-informed generation ever. About 78 percent of the people in this age category are high school graduates, and about 46 percent are college students. Yet we continue to refuse them the opportunity to implement their learning at the ballot box. Instead, by promulgating a gap between 18 and 21, we are stimulating young people to lose interest in public affairs. President Kennedy's Commission on Registration and Voting Participation warned in 1963 that the existence of this gap led to the possibility that—

> Some (of these young people) may even be lost as voters for the rest of their lives.

Enfranchisement of 18-year-olds will add approximately 10 million persons to the voting age population, an increase of about 8 percent of the eligible voters. In my State of Minnesota, which will vote this fall on a constitutional amendment to lower the voting age to 19, some 174,000 more persons would be able to vote if the age were lowered to 18. If the voters of Minnesota pass this amendment—and I hope they will—they will join a select group of four other States—Kentucky, Georgia, Alaska and Hawaii—which have realized the importance of letting their young people have some say in their government.

We could wait for the remaining States to pass such legislation in referenda, but when Congress has the power and the responsibility and the right to take the initiative in this matter, it surely should. Congress has been studying, debating, and checking this issue for nearly 30 years, and all of us have heard the arguments, pro and con, ever since. It is time we made a decision. It is time we recognize our young people for the valuable contributions they have to make to the democratic process. I ask Senators to support lowering the voting age to 18.

Mr. DOLE. Mr. President, I wish to associate myself with the remarks of the Senator from West Virginia (Mr. RANDOLPH). As a cosponsor of Senate Joint Resolution 147, I share his view that an amendment to the Constitution would be preferable to the statutory approach of the Mansfield amendment.

The amendment of the junior Senator from Alabama (Mr. ALLEN) to the Mansfield amendment, adopted yesterday, will assure the question of constitutionality of the statutory approach will be tested. In view of this, I shall also vote for the amendment by the senior Senator from Montana.

In the event the Court should hold Congress did not possess the power to authorize 18-year-olds voting, we can, as I understand it, proceed with Senate Joint Resolution 147, which embraces the constitutional amendment approach.

In either event, there is strong support for the objective and I commend the Senator from West Virginia for his initiative.

Mr. HATFIELD. Mr. President, I should like to include in the RECORD on this historic day a statement by Earl Blumenauer, who is the director of the upcoming campaign in Oregon to permit 19-year-olds to vote. Mr. Blumenauer appeared before the Senate Subcommittee on Constitutional Amendment on February 16.

I expect that the Senate will approve the amendment allowing 18-year-old citizens to vote. I am hopeful that the House of Representatives will concur, although that body did not amend the voting rights bill as has the Senate.

As I have stated many times before, if this country continues to make demands upon these young people to serve in its wars and pay its taxes, we should allow them to vote. Young people today are much more serious and are better educated than my generation was at their age, and I commend the statement of Mr. Blumenauer to you as a case in point. I ask unanimous consent to have the statement printed in the RECORD.

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

STATEMENT BY EARL BLUMENAUER

Mr. Chairman and members of the Committee, my name is Earl Blumenauer, I am the Director of the pending referendum campaign in the state of Oregon. My interest in testifying before your committee is to give you an idea of the seriousness of our effort and reinforce the need for a U.S. Constitutional Amendment.

Perhaps the most prominent characteristic of discussions that concern lowering the voting age is the lack of "hard facts". Concepts such as "maturity", and "responsibility" remain, at least to this point in time, value judgments. All too often, this qualitative argumentation does little to change opinions conditioned by centuries of tradition. The experience of the young people in the State of Oregon lends another dimension to this question of lowering the voting age.

Oregon will be the first of 11 States that will in 1970 submit to their citizens constitutional amendments that seek to lower minimum age requirements for voting. While the history of this specific issue in Oregon dates back more than 20 years, the last 14 months have been the most eventful. What began as the project of a group of high school students spread around the state to encompass a wide variety of young people. They carried their thoughts and feelings from the classroom to the state capital. There they were joined in their efforts to secure a referendum measure by lobbyists from a wide variety of interests, public officials, as well as by many individual legislators. After five months of study, thought and interaction with the legislature (as well as a great deal of old fashioned arm-bending), the measure was submitted to the electorate.

From this point the campaign changed its essential nature to become "voter oriented". The young people were formally joined by business, labor and political leaders in the construction of a broad based campaign organization oriented solely toward this issue. Thousands of hours of planning and consultation were required before the campaign was able to enlist the statewide working support of Oregonians from all walks of life, of all ages. While most of our campaign lies ahead, hundreds of speeches have been given, dozens of campus chapters have been established, and considerable campaign resources have been generated.

Our experiences seem to highlight several points. Most fundamentally, the accomplishments of our young people tend to reinforce their arguments. The political know-how and determination they exhibit indicates "maturity", "responsibility" and "political awareness" far more clearly than graphs or percentages ever could.

Developments in our campaign testify to the merit of a federal amendment to the Constitution. While recognizing powerful arguments couched in other terms, let me suggest a threefold rationale that emerges from our activities.

I. A federal amendment would be a strong indication that the system is amenable to change from within.

Among the young, we've encountered a reoccurrent expression of futility. Every indication from politicians, educators, and among our own ranks is that such opinion is becoming more widespread. Were progress achieved toward an amendment lowering the voting age, it would provide a powerful indication that the democratic process works, even for the disenfranchised.

II. The process of ratification would afford an opportunity to clearly present a defense of today's youth on a nationwide basis.

During the course of our activities in Oregon, we have been shocked by the nature and intensity of the hostility expressed toward young people. Our campaigning has forced

many to reexamine their attitudes toward youth.

If a constitutional amendment was submitted to the states for ratification, it would provide the vehicle to present a balanced view of our youth on a much broader scale. All across our nation, communicative efforts to objectively appraise our young people would be encouraged.

III. A constitutional amendment might well have the effect of promoting co-operative effort in a time of desperate division.

In Oregon the campaign to lower the voting age has created a broad coalition that transcends racial, generational, and political barriers. Confidence in youth seems to be exhibited by at least some members of each denomination and profession. By working together toward this common goal, we are affording a preview of the type of coalition that must be directed against the crucial environmental and social issues that are already at hand. Similar results might be expected on a much broader scale were this issue submitted to the states for ratification of a constitutional amendment.

Our campaign in Oregon suggests two distinct benefits of the proposed constitutional amendment. First the manner in which the young people have conducted themselves during the 14 months of this campaign indicates that they would indeed be valuable additions to the electorate. Second, the process of enacting this amendment into law would be a valuable exercise in promoting better communication and understanding between diverse elements of our society.

The PRESIDING OFFICER (Mr. CRANSTON). All time on this amendment has now expired.

The question is on agreeing to the amendment of the Senator from Montana (Mr. MANSFIELD), as amended.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMINICK (when his name was called). On this vote, I have a pair with the Senator from Texas (Mr. TOWER). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. GOLDWATER (when his name was called). On this vote, I have a pair with the Senator from Illinois (Mr. SMITH). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. GRIFFIN (when his name was called). On this vote, I have a pair with the Senator from Alaska (Mr. STEVENS). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. TALMADGE (when his name was called). On this vote, I have a pair with the Senator from Maryland (Mr. TYDINGS). If he were present and voting, he would vote "yea"; if I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. MANSFIELD (after having voted in the affirmative). On this vote, I have a pair with the Senator from Georgia (Mr. RUSSELL). If he were present and voting, he would vote "nay." If I were at liberty to vote, as I already have, I would vote "yea." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN) are absent on official business.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from Minnesota (Mr. MCCARTHY) would each vote "yea."

On this vote, the Senator from Connecticut (Mr. DODD) is paired with the Senator from Virginia (Mr. BYRD). If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Virginia would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

If present and voting, the Senator from New York (Mr. GOODELL) would vote "yea."

The Senator from Texas (Mr. TOWER) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Florida (Mr. GURNEY) would each vote "nay."

The respective pairs of the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and that of the Senator from Texas (Mr. TOWER) have been previously announced.

The result was announced—yeas 64, nays 17, as follows:

[No. 98 Leg.]

YEAS—64

Aiken	Hansen	Packwood
Anderson	Harris	Pastore
Baker	Hart	Pearson
Bayh	Hartke	Pell
Bellmon	Hatfield	Percy
Bible	Hollings	Prouty
Boggs	Hughes	Proxmire
Brooke	Jackson	Randolph
Burdick	Javits	Ribicoff
Byrd, W. Va.	Jordan, Idaho	Saxbe
Cannon	Kennedy	Schweiker
Case	Magnuson	Scott
Church	Mathias	Smith, Maine
Cook	McGee	Spong
Cooper	McGovern	Symington
Cotton	McIntyre	Williams, N.J.
Cranston	Metcalf	Williams, Del.
Dole	Mondale	Yarborough
Eagleton	Montoya	Young, N. Dak.
Fong	Moss	Young, Ohio
Fulbright	Muskie	
Gore	Nelson	

NAYS—17

Allen	Ervin	Miller
Allott	Fannin	Murphy
Bennett	Holland	Sparkman
Curtis	Hruska	Stennis
Eastland	Jordan, N.C.	Thurmond
Ellender	Long	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—5

Dominick, for.
Goldwater, for.
Griffin, against.
Mansfield, for.
Talmadge, against.

NOT VOTING—14

Byrd, Va.	Inouye	Smith, Ill.
Dodd	McCarthy	Stevens
Goodell	McClellan	Tower
Gravel	Mundt	Tydings
Gurney	Russell	

So Mr. MANSFIELD's amendment No. 545, as amended, was agreed to.

Mr. MANSFIELD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MOSS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD of Virginia subsequently said: Mr. President, I was unavoidably detained and unable to be in the Chamber when the vote was had on the Kennedy-Mansfield amendment. In my judgment, that amendment was a very bad way to handle the question of whether the voting age should be lowered.

Every State has had for almost 200 years the right to determine whether the voting age should be lowered. Four States have done so.

If we are going to get away from the States having the right to make that determination, clearly it should be done by constitutional amendment and not by a statute of Congress.

Had I been present and voting, I would have voted against the Kennedy-Mansfield amendment, and I would like the RECORD to so show.

The PRESIDING OFFICER (Mr. RANDOLPH). The Chair would state that the question now occurs on the Scott-Hart amendment, as amended, in the nature of a substitute for the bill.

Mr. CASE addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

STATEMENT BY SENATOR CASE IN OPPOSITION TO CONFIRMATION OF THE NOMINATION OF JUDGE CARSWELL

Mr. CASE. Mr. President, because I am not a member of the Judiciary Committee of the Senate and did not have the opportunity to sit in on the hearings on the nomination of Judge Carswell to the Supreme Court, I have reserved my decision until this time. Now, however, I have gone over the record of the hearings and the supplementary statements of others both in support and in opposition to the nomination.

I shall vote against confirmation.

I shall do so for several reasons.

They can be summarized in one sentence. On all the evidence, Judge Carswell does not measure up to the standard we have rightly come to expect of members of the Supreme Court. It is a standard exemplified by such men as Oliver Wendell Holmes, Charles Evans Hughes, William Howard Taft, Harlan Fiske Stone, Owen J. Roberts, Benjamin Cardozo, Earl Warren, John Marshall Harlan, William Brennan, and Potter Stewart—all of them nominated by Republican administrations in this century.

The PRESIDING OFFICER. The Chair requests that the Senate and those who are guests of the Senate give their attention to the Senator from New Jersey on a substantive matter. The Senator deserves our attention. The Senate will be in order.

Mr. CASE. Mr. President, from a legal point of view, Judge Carswell's qualifications have been seriously challenged by legal scholars and highly respected mem-

bers of the bar. Almost without exception, those who have examined his record as a judge characterized it as "undistinguished," "mediocre," "inadequate," "lacking in intellectual stature." Louis Pollak, dean of the Yale University Law School, stated to the Judiciary Committee that after a thorough examination of Judge Carswell's opinions in recent years:

> I am impelled to conclude that the nominee presents more slender credentials than any nominee for the Supreme Court put forth in this century.

A statistical analysis prepared by law students at the Columbia Law School shows that Judge Carswell holds a record for the repudiation of his decisions as a district court judge. During the period 1956 to 1969 when he sat on the U.S. district court, within the fifth circuit, nearly 59 percent of his printed opinions which were appealed were reversed by higher courts. This was, according to the study, nearly three times the national average for district judges. In the same period 24 percent of decisions from the fifth circuit district courts were reversed.

In other indexes used by the study to measure judicial performance of Judge Carswell and other Federal district judges, Judge Carswell scored significantly below the average of his peers. Specifically, his opinions were cited by other Federal and State judges only half as often on the average as Federal district judges both from the Nation as a whole and from his circuit. He documented his decision with case law authority less than half as frequently as the average of his peers.

And what of the quality of the justice dispensed by Judge Carswell in an area of most pressing concern to the Nation—equal protection of the law?

Here the reviews made of his record indicate a failure to demonstrate the impartiality, much less sensitivity, essential in one who serves on the Nation's Highest Bench.

It has been argued that Judge Carswell's pledge of undying adherence to the principle of white supremacy made during a political campaign 22 years ago should not be held against him. But his record on the bench as well as other nonjudicial activities give no evidence of any change of heart or mind since that time.

On the contrary, witnesses appeared to testify to the extreme and open hostility he has shown to lawyers and defendants in civil rights cases. Specifically, it was stated that in 1964 he expressed strong disapproval of northern lawyers representing civil rights workers engaged in a voter registration project—persons who, it should be noted, would otherwise have had no counsel. Judge Carswell has responded neither to that charge nor to the further charge that he arranged with a local sheriff to rejail workers he had been directed to free by the Fifth Circuit Court of Appeals.

Judge Carswell himself provided further damaging testimony concerning his insensitivity to human rights. I refer to his participation in the conversion of a municipally owned golf club into a private all-white membership club in 1956. His profession of ignorance of the purpose of the change is unconvincing, to say the least, for he admitted that he read the document he signed as an incorporator for the segregated club. Further, there is ample evidence that there was wide public discussion of the matter in the press and in the community. The incorporation was obviously a device designed to circumvent court decisions outlawing segregation on publicly owned recreational facilities. At that time, be it noted, Judge Carswell was a U.S. attorney sworn to uphold the Constitution.

A number of exhaustive analyses of Judge Carswell's decisions have been prepared and have been made part of the RECORD. In the light of them, the conclusion seems to me inescapable that, as Prof. William Van Alstyne of the Duke University Law School—who had testified in favor of Judge Haynsworth's nomination—stated:

> There is, in candor, nothing in the quality of the nominee's work to warrant any expectation whatever that he could serve with distinction on the Supreme Court of the United States.

Conversely, there is much in the record to suggest that elevation of Judge Carswell to the Supreme Court would be a disservice to the Court. For, as one writer recently pointed out to critics of the present Court:

> The tragedy is that the appointment of narrow men, men of limited capacity, will make things worse, not better. What that Court needs is not more war of doctrine, in which moderation is crushed. The Supreme Court today needs more reason, more understanding, more wisdom.

To me, my responsibility as a Member of the Senate is clear: I must, and I shall, vote against confirmation.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

TRIBUTE TO SENATOR RANDOLPH

Mr. BYRD of West Virginia. Mr. President, I think it was most appropriate that my distinguished senior colleague from West Virginia (Mr. RANDOLPH) was presiding over the Senate at the time of the adoption of the Mansfield amendment lowering the age for those eligible to vote from 21 to 18, especially in view of the fact that my senior colleague has been so active over the years, beginning with his service in the other body, with respect to lowering the voting age to 18.

It was my colleague who, in the other body, in 1942, offered a resolution to bring about an amendment to the Constitution to lower the voting age. Through the years he has never wavered in his support of that proposition. Here in the Senate, as we all know, he has been very, very active in lining up cosponsors for a constitutional amendment to lower the age, and as a result of his dedication and diligent efforts, 71 cosponsors have joined with him in proposing this constitutional amendment.

So I was happy to see my colleague presiding over the Senate at the time the Senate reached its decision on the Mansfield amendment. I joined my colleague in supporting that amendment, as I have joined my colleague in cosponsoring the constitutional amendment which he is proposing.

I feel that eventually the age for voting may be lowered to 18, whether it be by the constitutional amendment route or by statute. I personally favor the constitutional amendment process. I think that is the only way it can constitutionally be done. But, in any event, my colleague has, by his diligent efforts, helped to pave the way for success when the time for it comes. So, again, may I say that it was especially fitting that he be presiding when the vote occurred on the Mansfield amendment.

The PRESIDING OFFICER (Mr. RANDOLPH). The present occupant of the chair expresses his very genuine appreciation to his colleague from West Virginia. I am grateful to him.

Mr. BYRD of West Virginia. I thank the Chair.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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. I send to the desk an amendment, and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk proceeded to read the amendment.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. Without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

> On page 1, of the bill, between lines 4 and 5, insert the following new section:
>
> SEC. 2. The Voting Rights Act of 1965 (79 Stat. 437; 42 U.S.C. 1973 et seq. is amended by—
>
> (1) inserting therein immediately after the first section thereof the following title caption: "TITLE I—VOTING RIGHTS"; and
>
> (2) striking out the word "Act" wherever it appears in sections 2 through 19 and inserting in lieu thereof the word "title".
>
> On page 1, line 5, strike out "Sec. 2." and insert in lieu thereof "Sec. 3.".
>
> On page 3, line 11, strike out "Sec. 3." and insert in lieu thereof "Sec. 4.".
>
> On page 4, line 4, strike out "SEC. 4" and insert in lieu thereof "SEC. 5".
>
> On page 4, line 11, strike out "SEC. 5" and insert in lieu thereof "SEC. 6".

On page 4, line 25, strike out "SEC. 6" and insert in lieu thereof "SEC. 7".

On page 5, line 4, strike out "SEC. 7" and insert in lieu thereof "SEC. 8".

On page 8, between lines 2 and 3, insert the following new section:

"SEC. 9. The Voting Rights Act of 1965 (79 Stat. 637; 42 U.S.C. 1973 et seq.) is further amended by adding at the end thereof the following new title:

"TITLE II—REDUCING VOTING AGE TO EIGHTEEN IN FEDERAL, STATE, AND LOCAL ELECTIONS

"DECLARATION AND FINDINGS

"SEC. 201. (a) The Congress finds and declares that the imposition and application of the requirement that a citizen be twenty-one years of age as a precondition to voting in any primary or in any election—

"(1) denies and abridges the inherent constitutional rights of citizens eighteen years of age but not yet twenty-one years of age to vote—a particularly unfair treatment of such citizens in view of the national defense responsibilities imposed upon such citizens;

"(2) has the effect of denying to citizens eighteen years of age but not yet twenty-one years of age the due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment of the Constitution; and

"(3) does not bear a reasonable relationship to any compelling State interest.

"(b) In order to secure the constitutional rights set forth in subsection (a), the Congress declares that it is necessary to prohibit the denial of the right to vote to citizens of the United States eighteen years of age or over.

"PROHIBITION

"SEC. 202. Except as required by the Constitution no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

"ENFORCEMENT

"SEC. 203. (a)(1) In the exercise of the powers of the Congress under the necessary and proper clause of section 8, article I of the Constitution, and section 5 of the fourteenth amendment of the Constitution, the Attorney General is authorized and directed to institute in the name of the United States such actions against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this title.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title, 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 and determination thereof, and to cause the case to be in every way expedited.

"(b) Whoever shall deny or atempt to deny any person of any right secured by this title shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"DEFINITION

"SEC. 204. As used in this title the term 'State' includes the District of Columbia.

"EFFECTIVE DATE

"SEC. 205. The provisions of this title shall take effect with respect to any primary or election held on or after January 1, 1971."

On page 8, line 3, strike out "SEC. 8. The" and insert in lieu thereof "SEC. 10. Except as otherwise provided, the".

Mr. GRIFFIN. I wonder if the Senator from Alabama could inform us whether this amendment is the same as the so-called Mansfield-Kennedy amendment which was offered to the Scott-Hart substitute.

Mr. ALLEN. Mr. President, in response to the question of the distinguished Senator from Michigan, the junior Senator from Alabama will seek to explain the purpose of the amendment which has been offered and to state, further, that he will not call the amendment up for a vote until the distinguished Senator from Pennsylvania, who is the sponsor of the Scott-Hart amendment, has come to the Chamber and has had an explanation given to him of this amendment and has had an opportunity to debate the amendment.

Mr. President, to understand the relevancy of the suggested amendment, the amendment which has just been offered, it is necessary to consider the parliamentary situation with regard to the pending bill and the pending amendment.

Mr. GRIFFIN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. GRIFFIN. Mr. President, I wonder if I could inquire of the distinguished junior Senator from Alabama whether or not this amendment is the same, so far as the text is concerned, as the Mansfield-Kennedy amendment to the Scott-Hart substitute. I did not quite understand his answer.

Mr. ALLEN. It is the same.

The PRESIDING OFFICER. May the Chair be indulged to make this comment: A Senator may yield only for a question and response.

Mr. GRIFFIN. Mr. President, I understood that I had the floor.

The PRESIDING OFFICER. The Senator from Michigan could yield only for a question.

Mr. GRIFFIN. I would be glad to yield for a response to my question.

Mr. ALLEN. The answer is "Yes."

Mr. GRIFFIN. As I understand it, if I may inquire of the distinguished Senator from Alabama, he is proposing this as an amendment not to the Scott-Hart substitute which we have been discussing but is proposing it to the House-passed bill. Is my understanding correct?

Mr. ALLEN. Mr. President, I will respond to the distinguished Senator from Michigan by saying that the junior Senator from Alabama was seeking to make an explanation, and the junior Senator from Alabama understood that ordinarily the sponsor of an amendment is given an opportunity to explain the amendment, which he is seeking to do.

Mr. GRIFFIN. I certainly want to give the junior Senator from Alabama all the opportunity he wants. I shall have to leave the Chamber very soon, and I thought that perhaps I could get this clarified in a short time so far as I was concerned.

It seems apparent that we are dealing now with the same amendment which the Senate has already adopted by an overwhelming majority vote, and it is the purpose of the distinguished junior Senator from Alabama to put this amendment on the House-passed bill, which would be an alternative to the Scott-Hart substitute, and I would not think there would be much question about the Senate adopting such an amendment.

I wonder how much discussion the Senator from Alabama thinks might be necessary.

Mr. ALLEN. In response to the Senator's question, he stated that he did not want to go forward with the debate until the distinguished Senator from Pennsylvania came into the Chamber.

Mr. GRIFFIN. Could I be helpful by seeing if I could get the distinguished Senator from Pennsylvania to the Chamber?

Mr. ALLEN. Yes. I think that would be a constructive effort for the Senator to pursue at this time.

Mr. GRIFFIN. Is there any disposition on the part of the junior Senator from Alabama to agree to some reasonable time limitation about discussion of this amendment?

Mr. ALLEN. Mr. President, in response to the Senator's question, the junior Senator from Alabama will say that where the issues are basic, where they are fundamental and inherent, regarding the rights of the people of Alabama, he will not under any circumstances agree to a limitation of time on his remarks. That does not mean that the length of his remarks might exceed what might normally be set for discussion, but he does not feel that it is proper to limit the length or the amount or the time for his remarks on such important matters as the Senate has under consideration at this time.

Mr. GRIFFIN. I have no doubt in my mind that the junior Senator from Alabama wants to give these matters adequate consideration, and I am sure that the consideration we have given to other amendments that he has proposed has had no relationship whatever to delaying the Senate's intention to take up the Carswell nomination. I am sure that it would not be the intention of the junior Senator from Alabama, in prolonging the discussion of this amendment—about which there is no real controversy and about which the Senate has already voted overwhelmingly—to delay the consideration of the Carswell nomination.

Mr. ALLEN. The Senator from Alabama does not wish to delay the consideration of any nomination. He notices that there are several names on the Executive Calendar, and we should get to all of them. But the junior Senator from Alabama feels that as matters come before the Senate, they should be considered on their merits; they should stand on their own two feet.

Mr. GRIFFIN. I agree with the Senator from Alabama.

Mr. ALLEN. And they should not be considered in connection with the possible effect that their consideration in depth might have on some other matter.

Mr. STENNIS. Mr. President, will the Senator yield to me briefly?

Mr. GRIFFIN. I yield.

Mr. STENNIS. I think this is a very

important matter and, frankly, I think that the Senator from Alabama has made a good suggestion. I want to discuss the matter briefly, myself. The Senator from Alabama has said how he feels about it.

Mr. GRIFFIN. I appreciate the contribution of the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator.

Mr. ALLEN. To continue the answer to the distinguished Senator from Michigan, when a time limitation is placed on an amendment or a bill, in the opinion of the junior Senator from Alabama, it just indicates that you are not going to agree to your own execution on the day you are discussing the matter, but you will agree to execution 1, 2, 5, 10, or 20 days distant, depending on the length of the agreement. That is why the junior Senator from Alabama, as a matter of principle, does not want to enter into any agreements with respect to limitation of time, by unanimous consent, with regard to any amendment that he might care to offer.

Mr. GRIFFIN. My observation, however, is that on this particular amendment, regardless of what might be the case with others the Senator might offer, the Senate has expressed its will on this amendment, as I recall, with only 17 Members of this body voting against it and all the rest voting for it. I do not think there is much question that they would vote for the Senator's amendment if they had a chance to vote on it.

Mr. ALLEN. The junior Senator from Alabama would respectfully point out to the distinguished Senator from Michigan that he had not discussed the matter more than 30 seconds before the distinguished Senator from Michigan was asking him how long he was going to talk. Until the junior Senator from Alabama has outworn his welcome with respect to a particular amendment, it does seem that the Senator from Michigan would allow the Senator from Alabama to indulge in such remarks as he might care to make.

Mr. GRIFFIN. Certainly that would be the case. I assure the junior Senator from Alabama that there is some concern over the fact that there may be a delay involved; but I am sure that is not the purpose of the junior Senator from Alabama and I appreciate it.

Mr. ALLEN. The junior Senator from Alabama would like to state to the distinguished Senator from Michigan that the purpose of the amendment is not dark or secret.

Mr. GRIFFIN. Of course. Not at all.

Mr. ALLEN. The amendment seeks to get H.R. 4249 into such shape that it will best appeal to the Members of the Senate. The junior Senator from Alabama feels that the Senate, having voted, as the Senator says, overwhelmingly for the Mansfield amendment, if we were to conform the House bill to the Mansfield amendment, at that point we might have a simple question of voting rights only presented to the Senate rather than extraneous matters.

Mr. GRIFFIN. The Senator has made a good point.

Mr. STENNIS. Mr. President, I have already expressed my interest in the amendment and that I wanted some time to discuss it. The Senator brought up the question of delay. I certainly do not want to delay the bill or any other bill intentionally. I really would like to see this one move along now. We have had good debate. We have had many amendments. I would like to see it move along. Personally, it would suit me very much if we could, consistent with reason, move it today. But if not today, then on tomorrow, or as soon thereafter as we can. I just want to make that clear to the Senator.

Mr. ALLEN. Mr. President, may I have the floor in my own right?

The PRESIDING OFFICER (Mr. RANDOLPH). The Senator from Alabama is recognized.

Mr. ALLEN. I thank the distinguished Presiding Officer.

Mr. President, as I suggested a moment ago, there is going to be no effort whatsoever to debate this amendment an undue length of time. The junior Senator from Alabama merely feels that, while we are discussing matters of such importance to the people of his State, the junior Senator from Alabama has no right to give away their rights by agreeing to a limitation of the time during which these matters can be discussed.

It is not the intention of the junior Senator from Alabama to prolong the discussion of the amendment which is now pending before the Senate.

The bill that comes to us from the House, H.R. 4249, sets up a method of handling the matter of voting rights of citizens throughout the entire country.

To that bill has been added, or has been sought to be added, the Scott-Hart amendment which would take a different approach with regard to this most important question.

I do not plan to discuss the manner of the approach that is used in the Scott-Hart substitute. Suffice it to say that, if the Scott-Hart substitute is adopted, then no further amendments can be offered, as the junior Senator from Alabama understands it, to H.R. 4249.

So that, at this time, this is the only time that I shall be able to offer an amendment.

The junior Senator from Alabama feels that H.R. 4249 should be made to conform, with regard to matters that have been under discussion in the Senate, as nearly to the wishes of the Senate as is possible. The Senate has, by an overwhelming vote, approved the Mansfield amendment, and by unanimous consent, or a modification that did not even need unanimous consent, the Goldwater amendment was added to the Scott-Hart substitute.

If this amendment is adopted, I then plan to offer an amendment to H.R. 4249 having to do with residency requirements in presidential elections—in effect, the Goldwater amendment.

So, Mr. President, the amendment that is pending is the exact wording of the Mansfield amendment, so that if this is added to the pending House bill, and the Goldwater amendment is added to the pending House bill, then the Senate can decide between these two measures without going into extraneous matters and deal with voting rights only, because the other two issues would be handled in the same fashion, in the same fashion that Members of the Senate seem to want to handle it in.

So that we would have a direct vote on voting rights. Not to do that would, of course, not have the full question presented to the Senate, because H.R. 4249 does not deal with 18-year-olds voting nor does it have this provision for residency requirements in presidential elections from the Goldwater amendment.

Thus, if these two amendments are adopted, we would have exactly the same issue presented to the Senate on these two extraneous matters, and then the only point of difference would be the manner and the method of handling the voting rights.

Now, Mr President, as the junior Senator from Alabama has stated, there is no desire on his part to prolong the discussion of this amendment.

If there are no questions that any Senator desires to ask on the amendment, it is the intention of the junior Senator from Alabama to ask for a quorum call and then, after the Senator from Pennsylvania (Mr. SCOTT) has come into the Chamber and he can be conferred with, if there is no further discussion, the junior Senator from Alabama would like to call the amendment up for a vote.

So, at this time, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LONG). The clerk will call the roll.

The legislative 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, the able junior Senator from Alabama has made a clear explanation of the procedure he seek to follow and a very clear explanation of his purpose.

I think, as the junior Senator from Alabama and my colleague, the Senator from Michigan, stated, all of us understand the substance of the amendment, having just within the hour acted on identical language in the amendment offered by the Senator from Montana.

If there are no others who wish to speak, I would be ready for a vote.

Mr. GRIFFIN. Mr. President, if the Senator would yield, I commend the Senator from Alabama. I am very pleased. If I seemed to have given the impression that we were going to spend too much time on this matter, I apologize, because I am very pleased to proceed to a vote. It seems to be very sensible.

Mr. ALLEN. Mr. President, having said I wanted to wait until the distinguished Senator from Pennsylvania came into the Chamber, I would rather do so unless the Senator from Michigan would speak for the Senator from Pennsylvania.

Mr. GRIFFIN. Mr. President, I have discussed this with the staff of the Senator from Pennsylvania. I do not think there is any question that the Senator from Pennsylvania is satisfied to have us proceed with a vote.

Mr. ALLEN. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GOLDWATER (when his name was called). Mr. President, on this vote I have a pair with the Senator from Illinois (Mr. SMITH). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withhold my vote.

SEVERAL SENATORS. May we have order?

The PRESIDING OFFICER (Mr. LONG). The Senate is not in order. Senators desiring to carry on conversations will retire from the Chamber.

The rollcall was concluded.

Mr. GRIFFIN (after having voted in the negative). Mr. President, on this vote I have a live pair with the Senator from Alaska (Mr. STEVENS). If he were present and voting, he would vote "yea." I have already voted "nay." I withdraw my vote.

The PRESIDING OFFICER (Mr. LONG). The Senate is not in order. The fault is 100 percent that of Senators. Senators desiring to carry on conversations will retire from the Chamber; otherwise the Chair will be required to have the Sergeant at Arms arrest Senators and make them stop talking to one another.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN) are absent on official business.

I further anounce that, if present and voting, the Senator from Georgia (Mr. RUSSELL) would vote "nay."

I further announce that, if present and voting, the Senator from Virginia (Mr. BYRD) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. SMITH) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

If present and voting, the Senator from New York (Mr. GOODELL) would vote "yea."

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "nay."

The respective pairs of the Senator from Illinois (Mr. SMITH) and that of the Senator from Alaska (Mr. STEVENS) have been previously announced.

The result was announced—yeas 69, nays 15, as follows:

[No. 99 Leg.]

YEAS—69

Aiken	Fulbright	Nelson
Allen	Gore	Packwood
Anderson	Hansen	Pastore
Baker	Harris	Pearson
Bayh	Hart	Pell
Bellmon	Hartke	Percy
Bible	Hatfield	Prouty
Boggs	Hollings	Proxmire
Brooke	Jackson	Randolph
Burdick	Javits	Ribicoff
Byrd, W. Va.	Jordan, Idaho	Saxbe
Cannon	Kennedy	Schweiker
Case	Magnuson	Scott
Church	Mansfield	Smith, Maine
Cook	Mathias	Sparkman
Cooper	McGee	Spong
Cotton	McGovern	Stennis
Cranston	McIntyre	Symington
Dole	Metcalf	Williams, N.J.
Dominick	Mondale	Williams, Del.
Eagleton	Montoya	Yarborough
Eastland	Moss	Young, N. Dak.
Fong	Muskie	Young, Ohio

NAYS—15

Allott	Fannin	Miller
Bennett	Holland	Murphy
Curtis	Hruska	Talmadge
Ellender	Jordan, N.C.	Thurmond
Ervin	Long	Tower

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—2

Goldwater, for.
Griffin, against.

NOT VOTING—14

Byrd, Va.	Hughes	Russell
Dodd	Inouye	Smith, Ill.
Goodell	McCarthy	Stevens
Gravel	McClellan	Tydings
Gurney	Mundt	

So Mr. ALLEN's amendment was agreed to.

Mr. ALLEN. Mr. President, I have an amendment which I send to the desk.

The PRESIDING OFFICER. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment.

Mr. ALLEN. Mr. President, I ask unanimous consent that the reading of the amendment at length be dispensed with.

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

The amendment is as follows:

On page 2 of the bill, beginning at line 5, strike out all through line 10, on page 3, and insert in lieu thereof the following:

"(b) (1) The Congress hereby finds that the imposition and application of the durational residency requirement as a precondition to voting for the offices of President and Vice President, and the lack of sufficient opportunities for absentee registration and absentee balloting in presidential elections—

"(A) denies or abridges the inherent constitutional right of citizens to vote for their President and Vice President;

"(B) denies or abridges the inherent constitutional right of citizens to enjoy their free movement across State lines;

"(C) denies or abridges the privileges and immunities guaranteed to the citizens of each State under article IV, section 2, clause 1 of the Constitution;

"(D) in some instances has the impermissible purpose or effect of denying citizens the right to vote for such officers because of the way they may vote;

"(E) has the effect of denying to citizens the equality of civil rights, and due process and equal protection of the laws that are guaranteed to them under the fourteenth amendment; and

"(F) does not bear a reasonable relationship to any compelling State interest in the conduct of presidential elections.

"(2) Upon the basis of these findings, Congress declares that in order to secure and protect the above-stated rights of citizens under the Constitution, to enable citizens to better obtain the enjoyment of such rights, and to enforce the guarantees of the fourteenth amendment, it is necessary (A) to completely abolish the durational residency requirement as a precondition to voting for President and Vice President, and (B) to establish nationwide, uniform standards relative to absentee registration and absentee balloting in presidential elections.

"(3) No citizen of the United States who is otherwise qualified to vote in any election for President and Vice President shall be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to comply with any durational residency requirement of such State or political subdivision; or shall any citizen of the United States be denied the right to vote for electors for President and Vice President, or for President and Vice President, in such election because of the failure of such citizen to be physically present in such State or political subdivision at the time of such election, if such citizen shall have complied with the requirements prescribed by the law of such State or political subdivision providing for the casting of absentee ballots in such election.

"(4) For the purposes of this subsection, each State shall provide by law for the registration or other means of qualification of all duly qualified residents of such State who apply, not later than thirty days immediately prior to any presidential election, for registration or qualification to vote for the choice of electors for President and Vice President, or for President and Vice President in such election; and each State shall provide by law for the casting of absentee ballots for the choice of electors for President and Vice President, or for President and Vice President, by all duly qualified residents of such State who may be absent from their election district or unit in such State on the day such election is held and who have applied thereof not later than seven days immediately prior to such election and have returned such ballots to the appropriate election official of such State not later than the time of closing of the polls in such State on the day of such election.

"(5) If any 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 has begun residence in such State or political subdivision after the thirtieth day next preceding such election and, for that reason does not satisfy the registration requirements of such State or political subdivision he shall be allowed to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election, (A) in person in the State or political subdivision in which he resided immediately prior to his removal if he had satisfied, as of the date of his change of residence, the requirements to vote in that State or political subdivision, or (B) by absentee ballot in the State or political subdivision in which he resided immediately prior to his removal 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.

"(6) 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 shall be denied the right to vote for the choice of electors for President and Vice President, or for President and Vice President, in such election because of any re-

quirement of registration that does not include a provision for absentee registration.

"(7) Nothing in this subsection shall prevent any State or political subdivision from adopting less restrictive voting practices than those that are prescribed herein.

"(8) The term 'State' as used in this subsection includes each of the several States and the District of Columbia.

"(9) In the exercise of the powers of the Congress under the necessary and proper clause of the Constitution and under section 5 of the fourteenth amendment, the Attorney General is authorized and directed to institute in the name of the United States such actions, against States or political subdivisions, including actions for injunctive relief, as he may determine to be necessary to implement the purposes of this subsection.

"(10) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection, 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 and determination thereof, and to cause the case to be in every way expedited.

"(11) The provisions of section 11(c) shall apply to false registration, and other fraudulent acts and conspiracies, committed under this subsection."

Mr. ALLEN. Mr. President, this amendment is similar to the amendment the Senate has just agreed to. It is the Goldwater amendment, in effect, which was added to the Scott-Hart amendment by way of modification. With the adoption of this amendment, the two proposals, the administration bill—I say the administration bill, because it is supported by the administration—which passed the House and is pending before the Senate, being H.R. 4249, and the Scott-Hart amendment will be identical except for the method of handling voting rights, the administration bill, H.R. 4249, providing for nationwide application of the law, and the Scott-Hart amendment handling the matter in a somewhat different way, which the Senator from Alabama will possibly detail at length in discussing other amendments.

But when the Senate comes to the point of considering whether to be for H.R. 4249 or the Scott-Hart amendment, if this amendment is agreed to, then the only question of difference between the two proposals would be the method of handling the voting rights question. It would be a pure question of that without extraneous matters being on one and not on the other. It would be a pure question of how to handle the voting rights.

The junior Senator from Alabama discussed this proposal with the distinguished Senator from Arizona (Mr. GOLDWATER). The distinguished Senator from Arizona agreed and acquiesced in this amendment being offered to the bill, H.R. 4249.

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

Mr. ALLEN. I yield.

Mr. HRUSKA. Mr. President, as one who is interested in this particular title of the House-passed bill, I would say it is highly meritorious and this amendment is good. As a matter of fact, the Senator from Nebraska places high merit upon the entire bill, H.R. 4249, and I hope the Senate will approve the whole thing, but that is left for a future time. It would seem, however, the effort the Senator from Alabama is indulging in now is a good one; namely, that the bills will be identical, that the House-passed bill and the Scott-Hart amendment will be identical in this particular, so that the points of difference will be in other areas and will attach only to the voting rights provisions.

I would suggest a voice vote by way of approval, although I do not want to preclude a rollcall vote.

Mr. SCOTT. Mr. President, will the Senator permit me to speak on my own time?

Mr. ALLEN. Yes.

Mr. SCOTT. Mr. President, I think this amendment is subject to the same defects I addressed myself to before. The two bills, even if they were adopted, would still be far from the same. One will contain the burden of proof in one direction, and the other bill will contain the burden of proof in the other. One bill will, in effect, continue the Voting Rights Act; one bill will not. Therefore, H.R. 4249 and the Hart-Scott substitute are as different as they could be, with the exception of the fact that some amendments, notably the 18-year-old amendment, will appear in both bills. Therefore the objection to the 18-year-old provision, which most of us voted for, will be just as objectionable to the House conferees in one bill as it will be in the other, as I see.

I think we ought to have a yea-and-nay vote. Therefore, I request the yeas and nays.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, the distinguished Senator from Pennsylvania understands, does he not, that the 18-year-old provision has already been added to H.R. 4249?

Mr. SCOTT. I said with the exception of the 18-year-old provision, which will be in both bills now.

Mr. ALLEN. This merely adds the presidential residency requirement. We are not tampering with the other; we are leaving that for decision later.

Mr. SCOTT. There is no great objection to the Goldwater amendment going into both versions of the bill. I thought the Senator was offering what we had referred to as the Cooper amendment.

Mr. ALLEN. No. There is no way for that to go into the administration bill, because the administration bill has no trigger.

Mr. SCOTT. That being the case, having intended to make the point on the Cooper amendment, and now realizing that the Senator from Alabama has proposed only the Goldwater amendment, which we had accepted on the Hart-Scott substitute, I would like to ask unanimous consent that the order for the yeas and nays be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, I request that the yeas and nays be had.

The PRESIDING OFFICER. The Senator objects to the order for the yeas and nays being vacated.

The question is on agreeing to the amendment of the Senator from Alabama. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Arkansas (Mr. MCCLELLAN), and the Senator from Arkansas (Mr. FULBRIGHT) are absent on official business.

I further announce that, if present and voting, the Senator from Georgia (Mr. RUSSELL) would vote "nay."

I further announce that, if present and voting, the Senator from Virginia (Mr. BYRD) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT), is absent because of illness.

The Senator from New York (Mr. GOODELL), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

If present and voting, the Senator from New York (Mr. GOODELL) would vote "yea."

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Illinois (Mr. SMITH) would each vote "yea."

The result was announced—yeas 78, nays 5, as follows:

[No. 100 Leg.]

YEAS—78

Aiken	Fong	Muskie
Allen	Goldwater	Nelson
Allott	Gore	Packwood
Anderson	Griffin	Pastore
Baker	Hansen	Pearson
Bayh	Harris	Pell
Bellmon	Hart	Percy
Bennett	Hartke	Prouty
Bible	Hatfield	Proxmire
Boggs	Hollings	Randolph
Brooke	Hruska	Ribicoff
Burdick	Jackson	Saxbe
Byrd, W. Va.	Javits	Schweiker
Cannon	Jordan, Idaho	Scott
Case	Kennedy	Smith, Maine
Church	Magnuson	Sparkman
Cook	Mansfield	Spong
Cooper	Mathias	Stennis
Cotton	McGee	Symington
Cranston	McGovern	Thurmond
Curtis	McIntyre	Tower
Dole	Miller	Williams, N.J.
Dominick	Mondale	Williams, Del.
Eagleton	Montoya	Yarborough
Eastland	Moss	Young, N. Dak.
Fannin	Murphy	Young, Ohio

NAYS—5

Ellender	Holland	Talmadge
Ervin	Long	

NOT VOTING—17

Byrd, Va.	Hughes	Mundt
Dodd	Inouye	Russell
Fulbright	Jordan, N.C.	Smith, Ill.
Goodell	McCarthy	Stevens
Gravel	McClellan	Tydings
Gurney	Metcalf	

So Mr. ALLEN's amendment was agreed to.

Mr. ALLEN. I move to reconsider the vote by which the amendment was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ALLEN. Mr. President, I move to reconsider the vote by which my amendment which embodied the Mansfield amendment was agreed to.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I send up my substitute, known as the Scott-Hart substitute, and in section 205 I propose to change the word "title" in line 4, to the word "act." I have so advised the distinguished Senator from Alabama (Mr. ALLEN).

The PRESIDING OFFICER. The question is on agreeing to the amendment to the substitute amendment.

The amendment to the amendment was agreed to.

Mr. SCOTT. Mr. President, I make the point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of 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.

IMPROPER CONDUCT BY GOVERNMENT EMPLOYEES

Mr. LONG. Mr. President, I read two paragraphs from an article published in this morning's Washington Post:

> Meanwhile, more than 500 professionals in the federal government—doctors, lawyers and others in about 10 departments and agencies—signed a petition urging Senate rejection of Carswell.
>
> The petition, drafted by three staff lawyers at the National Labor Relations Board, called Carswell's civil rights position "a callous affront to the black and white citizens of the nation" and criticized his "utter lack of qualifications as a jurist."

Mr. President, according to the article, a part of which I have read, more than 500 professional people in Government, doctors, lawyers, and others, in about 10 departments and agencies have signed a petition urging the Senate to reject the nomination of Judge Carswell.

I am well aware of the fact that we have civil service laws in this country. But I am also aware of the fact that this is supposed to be a government under a Constitution, under which the President is supposed to administer the laws of this country, and he is supposed to lead and direct this country.

These people in the executive branch, theoretically at least, are working for the President, and the President is working, in theory at least, for the people who have elected him President of the United States.

If we are going to have this kind of thing, of those in the executive branch signing petitions urging that the President should not do his duty as he sees it and has promised the people he would do it, be it something I would agree or not agree with, that is a departure from the theory that the people in this country rule.

It supports the argument that the Government should be ruled from within, that those who hold Government jobs, the intellectually elite few in the Nation's Capital, and in a few larger cities in addition to the Nation's Capital, who are mostly on the Government's payroll and who have achieved their present jobs because of their views, should be permitted to pretty well dictate and dominate the Government, even though the people might want it run in some other way.

It does not seem to me that the civil service was meant to achieve that kind of objective. I can recall Government service when those in Government felt that to the victor belonged the spoils. Those in power supported their leadership. If they did not support their leadership, they were fired. When the election came along, everyone in that administration expected to go out if they lost, and they expected the other side to take charge.

Criticize it, and I do criticize it with regard to those who were not attempting to determine policy, but that was the case of the people ruling. They decided who would run the Government, and those they elected would be in charge and would run it.

If the President promised to do something—and President Nixon, for whom I did not vote, said he was going to try to appoint people to the Supreme Court whom he regarded as strict constructionists—and if he is trying to do what he pledged to the American people he would do, the people in the executive branch of the Government should not undertake to sign petitions saying in effect, "You should not do this. You are wrong. You are evil. You are incorrect, and your judgment should be voted down."

If President Nixon is sincere, he should dismiss all or a great number of those people to whom I have referred, so that we would understand who is running the Government.

One of my dear friends, who was once Governor of the State of Louisiana, told me on one occasion:

> If you are not running anything but a peanut stand, someone must run the thing, or otherwise you will go broke.

If the President is to be trusted, and if he has the responsibility of administering the laws and directing the executive branch of the Government and has that duty and responsibility, we should recognize and respect him for that.

Therefore, Mr. President, I view with considerable concern this procedure—and this is not the first time it has occurred—of passing petitions around among people who have positions of responsibility in which they can help to make the policy of the Government and seek to put pressure on Government to do that which is contrary to what the President is trying to do.

I say that as one who did not vote for President Nixon; I voted for Vice President Humphrey in the campaign, but he lost. I assume that the people who signed this petition would be pleased with the way Vice President Humphrey would have handled the same responsibility if he were President, but these people are not supposed to like it.

They presume not to be for Mr. Nixon because he is doing the kind of thing he said he was going to do when he ran for office.

If this Government is going to be a government in which people rule, a government of the people and by the people, then this thing of Government professionals signing petitions urging the Senate to reject the views of the President, they should be terminated.

If we are going to support the theory that the people rule the Government, rather than the other way around, that the Government is responsible to the people, and not merely responsible to itself, then people in the executive branch who sign petitions urging the Senate to decline to support the President in doing what he feels he should do under the law, should not be part of the executive branch. They ought to resign or be dismissed.

If the law needs amending in that respect, I will certainly be happy to offer an amendment to do it.

Some of these people, such as Cabinet officers—whom he has the right to dismiss—have consistently offered their resignations when they said they could not support the President.

The civil service is not intended to support someone in the ranks of Government who sees fit to directly oppose and seek to frustrate the Chief Executive who is elected by the people when he seeks to do what he said he was committed to do when he was a candidate for public office.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

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.

AMENDMENT NO. 547

Mr. ALLEN. Mr. President, I call up my amendment No. 547 and ask that it be stated.

The PRESIDING OFFICER. The clerk will read the amendment.

The bill clerk read the amendment as follows:

AMENDMENT

In lieu of the language proposed to be inserted by Mr. SCOTT to H.R. 4249, an Act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, insert 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 repealing sections 4 and 5 of said Act.

Mr. ALLEN. Mr. President, I modify my amendment by adding, in line 5, after the figure "4" the phrase, enclosed by parenthesis, "except subsection (e)".

The PRESIDING OFFICER. The amendment will be so modified.

The amendment, as modified, is as follows:

In lieu of the language proposed to be inserted by Mr. SCOTT to H.R. 4249, an Act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of test and devices, insert 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 repealing sections 4 (except subsection (e)) and 5 of said Act.

Mr. ALLEN. Mr. President, before I yield the floor, I will explain the nature of the amendment and the nature of the modification.

For a number of days I have had a prepared speech to deliver with respect to the pending House bill and the Scott substitute thereto, but all of my discussions in the past few days have been without benefit of text or notes. After reading the prepared speech, it is my purpose to further comment on the bill and the amendment and my own amendment now pending before the Senate.

Mr. President, I am unalterably opposed to the enactment of H.R. 4249 and the Scott amendment offered as a substitute to H.R. 4249. Throughout this discussion I shall refer to H.R. 4249 as the administration bill and to the Scott amendment as the substitute.

No matter what grounds may have existed for enactment of the Voting Rights Act of 1965, they no longer exist. The rationalizations that may have existed no longer apply. We are one nation and we are governed by the law of one Constitution. We canot separate this Nation geographically and apply one set of constitutional standards in one region of our Nation and another set of standards in another region.

In this connection, the law of the Constitution vests the power in States to prescribe voter qualifications. That law applies uniformly throughout the Nation.

I might say parenthetically that I am not discussing the 18-year-old voting qualification; I am discussing the literacy test.

The right to prescribe literacy as a qualification for voting is inherent in every State legislature, and the right to fix residency requirements as a condition for participation in the electoral processes of a State is inherent in the legislative powers of every State of the Union.

We are not talking about the merits of literacy as a qualification for voting. We are not talking about the merits of various residency requirements as adopted by the States.

We are talking about who has the right to decide the merits. Under our Constitution, that right is vested in State legislatures, or else the people have decided these matters and incorporated their decision in the organic law of their respective State constitutions. Congress has no power under the Constitution to prescribe in these areas and it cannot, by any stretch of the imagination, do so except by an open and palpable usurpation of power in violation of the U.S. Constitution.

Mr. President, this is the issue. It is the only issue. Will this Congress be bound by the law of the Constitution?

Literacy as a qualification for voting is not unconstitutional. Neither the Supreme Court nor Congress has even pretended as much. A literacy qualification for voting cannot be abolished by Congress. Neither does Congress have the power to set aside State residency requirements for voting in any election and establish its own, no matter how unwise Congress may believe State decisions to be.

Mr. President, the bills before the Senate attempt to usurp powers of the States under the guise of protecting citizens against discrimination in the exercise of the franchise. Present facts will not support the charge of discrimination. Let me demonstrate the truth of this statement.

The Voting Rights Act of 1965 was justified to the American people on the ground that literacy tests were alleged to have been administered in a discriminatory manner in certain Southern States; it was said that such discrimination could be detected by a low percentage of voting-age citizens who were registered to vote or who actually voted in the presidential election of 1964. It was also contended that the poll tax discriminated against Negroes and that they should not be required to pay the tax as a prerequisite to voting. It was said that if the literacy tests were suspended in certain States for a period of 5 years and that if the poll tax were suspended pending a test of constitutionality, and if Federal registrars were sent into the States to register voters for a period of 5 years, and if Federal poll watchers were assigned, and if State legislatures could be required to submit certain of their laws for approval of the Attorney General or to the Federal court in the District of Columbia, then the alleged discrimination would be cured, and the massive departures from constitutional law would then be justified.

Mr. President, let me briefly review what transpired during almost 5 years of the life of the Voting Rights Act of 1965.

It is said that over a million Negroes have been registered to vote during this period. It is my judgment that this estimate is on the conservative side and that there are considerably more that have been registered.

Be that as it may, it is reasonable to say that 95 percent of those registered were registered with the expectation that they would become alined with the Democratic Party. For example, it is more than a mere coincidence that the assignments of practically all Federal voter registrars were timed to voter registration drives and most occurred in a period of but a few weeks prior to Democratic Party primary elections in the Southern States. Such activity prior to Democratic primary elections seemed passing strange to many observers, if for no other reason than the traditional affiliation of Negroes in the South with the party of Lincoln.

Nevertheless, when a voter participates in a Democratic Party primary election, he pledges to support the nominee of the party in the general election. That means he will not vote Republican in the general election.

Neither was it a coincidence when the then U.S. Attorney General under the Johnson administration journeyed to Alabama to tell an audience of 4,000 gathered for the occasion in the Mobile, Ala., city auditorium that he intended to get every Negro in Alabama registered in time to vote in the Democratic Party primary election 2 months in the offing.

Under the circumstances, one can understand the desire on the part of the Republican administration to appoint Federal voter registrars and to conduct further voter registration drives throughout the South. And if the issue could be decided on the basis of quid pro quo, it would be hard to say that the Republicans are not entitled at least to a turn at bat.

After all, the Democrats got their turn at bat when the Republicans, carpetbaggers, and scalawags pulled up stakes and left the South along with Federal troops following Reconstruction No. 1.

So, there are equitable considerations and historical precedent for giving this administration a chance to proselyte in an effort to regain the votes of its former adherents. And, considering the rather unrestrained manner in which Federal registrars issue bearer certificates which entitled the bearer to vote, and considering the "checkoff" system authorized by present law, the political payoff possibility of recruitment is indeed promising.

But, of course, how Republicans may use the power to appoint Federal registrars and conduct voter registration drives is not the question. The question is whether or not there remains justification in law or in fact for a continuation of Reconstruction II, and more spe-

cifically that phase of it which relates to Federal supervision of voting.

Let us examine events having a bearing on the original justification for the Voting Rights Act.

Let us consider the poll tax.

The Supreme Court has declared it unconstitutional—it is gone forever, and contrary to what many may have been led to believe it was not particularly grieved. But in any event there is no chance of its reemergence as a prerequisite to voting.

So that justification of the 1965 act no longer exists.

Now what about the literacy test?

It is gone, too. The Supreme Court has said that segregated education imposes a racially discriminatory burden on Negroes in passing a literacy test. So, most of the Southern States cannot reimpose a literacy test.

So that justification no longer exists.

Mr. President, if one were to examine debates on the enactment of the Voting Rights Act and delete the rhetoric in the form of self-righteous breast beating and propaganda about the discriminatory effect of a literacy test and the discriminatory effect of the poll tax, one would be hard pressed to find a single valid argument left for enactment of the act, to say nothing of justification for extending the act for another 5 years.

I use the term "extending the act for another 5 years" loosely, as I shall explain later, because actually, the act is not what is being extended; it is the punishment, the sentence on the Southern States which is being changed from a 5-year sentence to a 10-year sentence, with a 5-year probationary period applying both under present law and under the Scott amendment.

Even the Supreme Court justification of the act is founded on the necessary assumption of discriminatory use of the literacy test and the discriminatory effect of the poll tax. Without the discrimination, where is the power of Congress to act?

With the poll tax out of the way and with the literacy qualification proscribed by the Supreme Court, what remains of the act to be extended?

The argument is that the administration needs authority to appoint voter registrars and to utilize the checkoff by appointment of Federal observers in order to protect the right of Negroes to vote. Of course, it is well known that the checkoff by observers is not to protect the right to vote but to guarantee that the voter votes right.

The argument for extension assumes that Federal registrars coupled with voter drives will result in greater numerical returns than if local boards of registrars did the job. The implication is that members of local boards of registrars and local election officials who work at a thankless job only from a sense of civic responsibility are lying in wait to deny Negroes the right to vote. That just is not true, Mr. President.

What do the facts show about this alleged plot of housewives and civic-minded citizens who serve as voter registrars and voting officials in tens of thousands of beats and precincts throughout the South?

Even if we accept the shockingly distorted data compiled by special pleaders who rely on 1960 census figures and other unreliable sources of information, their figures show that in six of the Southern States covered by the Voting Rights Act, Federal registrars listed only 158,000 Negro voters, whereas local boards of registrars listed 740,000, 158,000 by the Federal registrars, 740,000 by the local registrars. Mind you, these figures are from just six Deep South States.

Mr. President, the modern reconstructionists point to these figures and cannot say enough in praise about the great success of the Voting Rights Act. It is said to be the most successful piece of civil rights legislation ever enacted. I believe I have heard the distinguished Senator from Michigan make that very statement. But who did the job? Was it the Federal registrars who listed less than 15 percent of the Negroes throughout the South or did local boards of registrars list 85 percent? So, what are the grounds for alleging discrimination? Do these figures prove discrimination?

Well, as all Senators know, there are no specific allegations of discrimination. Instead, we are treated to a new conspiracy theory of discrimination. This theory takes its place beside the dangerous novelty of a dual Constitution propounded by modern liberals. Listen to this bit of information accompanying the substitute bill.

Let me quote from the joint views of Senators who introduced the substitute and who submitted as their own the conclusion expressed in the following language.

The conclusion states:

> Mr. Vernon E. Jordan, Jr., director of the Voter Education Project of the Southern Regional Council, . . . 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 Dandersville 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.

Can one imagine such nonsense? Does this so-called expert think that cities enact voter laws? Does he not know that State legislatures and only State legislatures can change voter laws? But that is not the worse part of this statement. He asks us to believe that conscientious housewives and dedicated civic-minded citizens who report to the polls at seven in the morning and remain until midnight or later until the ballots are counted are there conspiring to cheat and swindle and steal elections. This is a gratuitous insult to hundreds of thousands of citizens. And on the basis of this insult modern reconstructionists insist that Federal Government must be empowered to police the work of these citizens. This is an infamous and gratuitous insult. I resent it. Millions of people in the South and in the Nation resent it.

Furthermore, the insult in the substitute bill is not limited to thousands of election officials and members of local boards of registrars. This monstrous piece of proposed legislation seeks to perpetuate a contumelious deception to the effect that the members of State legislatures in six Southern States are guilty of a conspiracy to disenfranchise Negro voters.

Nor is the insult limited to State legislators. The substitute implies that U.S. district court judges cannot be trusted to enjoin enforcement of State laws found to be in conflict with the U.S. Constitution as such laws relate to protection of the right of a citizen to vote.

Yet, Mr. President, it is on the basis of this hysterical conspirational theory that some Senators assert a power in Congress to compel State legislatures to submit their laws dealing with elections for approval or rejection by the U.S. Attorney General.

I wish that Senators who advocate the idea that members of State legislatures in the South cannot be trusted would appear before these legislatures and try to justify that charge. And I wish that these Senators would appear before a U.S. district court judge in one of these six States and explain to him why that judge cannot be trusted to uphold the law.

Mr. President, I am tempted to suggest that such a neurotic manifestation of suspicion of citizens, of elected Representatives of the people and of U.S. district court judges, along with the elaborate conspiratorial theory of discrimination is evidence of a psychological malady referred to as the projection complex. Yet, I cannot bring myself to believe that the Senators who support these malicious charges are merely projecting their own faults and hostilities into others. Instead, I have to conclude that they are grossly misinformed of the character and integrity of Southern manhood and womanhood, or else they are unbelievably gullible.

But an insult is one thing and the claim of power in Congress to administer the electoral process of a State is quite another thing and mere insults do not sustain the claim of discrimination, the necessary ground for any kind of congressional action in this area.

Yes, Mr. President, it is the conspiratorial theory that some Senators rely upon as a claim of power in Congress to compel sovereign States to come hat in hand to the Federal executive or to the Federal court in Washington for permission to amend its laws relating to the voting processes and procedures.

Mr. President, I plead for commonsense reasoning in an examination of this issue. Does Congress have the power to veto State legislation? Of course it does not. Then how can Congress delegate a power it does not have to the U.S. Attorney General?

If Congress does not have the power, how can it, the creator, delegate that power to that which the Congress has created, the Attorney General? But that is exactly what the Scott amendment seeks to do. Do the distinguished Senators who contend Congress has such power base it on the 15th amendment? The Supreme Court upheld that point of view under allegations which it mistakenly believed to be facts in 1965. It will not uphold such a palpably nonsen-

sical proposition in 1970 on entirely different facts. One can make that prediction with a degree of certainty because the Supreme Court cannot reasonably be expected to negate one of the fundamental principles set out in the Declaration of Independence.

On this point, Mr. President, the sovereign right of the people to alter their form of government and to reorganize its powers and to structure a new government on principles which they believe will best promote their happiness is set out in the Declaration of Independence and is so fundamental that it is nothing short of astounding that members of the Senate would contend otherwise.

It was this principle that permitted us to change from a government under the Articles of Confederation to a Federal Government under the Constitution. Can it be imagined that this Constitution can now be invoked to deny the people of the States the right to amend their organic law or their statutory law without first submitting them to the approval of Congress or the Attorney General? If so, it is obvious that King George III missed a bet. Do these Senators seriously contend that the 15th amendment so empowered Congress? The 15th amendment did not nullify the Declaration of Independence. How then are States to be denied the right to alter their government by constitutional amendment or by statute?

Very soon now preparations will be underway to celebrate the bicentennial of the birth of our Nation. The people are certainly going to become more familiar than they are now with the fundamental principles upon which this Nation was founded.

All the king's horses and all of the king's men will not suppress a renewed interest in the fundamental principles of our constitutional system of government.

I predict that somebody is going to have to take to the storm cellars if Congress persists in enacting laws which depart from fundamental principles.

Mr. President, let me make this observation. Repeated departures from the principles of our Constitution by Congress and by Federal courts have a significance that transcends considerations of immediate effects of the separate departures. In a very real sense, a series of quantitative changes have taken place to alter our constitutional government. These were based on special pleadings and frequently on distorted and unreliable data and have been generating a head of steam which may abruptly reveal to the people a qualitative change in our form of government.

Even now there are many people, more perhaps than is generally thought, who have arrived at judgments based on the aggregate effect of departures from our Constitution. These judgments are not flattering to those who refuse to accept the law of the Constitution as the law that governs government. I think we had better consider this possibility very carefully and think twice before we lay claim to powers not granted by the Constitution.

Those of us who believe that our Federal Government is bound by the law of the Constitution are concerned by statements in the testimony of the U.S. Attorney General on the administration's proposal to extend the Voting Rights Act both in time and to additional States.

Among other things, the Attorney General in testimony on the administration bill (H.R. 4249) said in part as follows:

> 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.
>
> Under our proposal he could institute a law suit any place in the country based on the broader statutory protection of a discriminatory "purpose and effect" of a particular voting law or set of voting laws * * * This would make it clear * * * that it is unnecessary to prove that the intent of the local or state officials was to establish a racially motivated voting requirement.
>
> Our new proposal would * * * (give) the courts the authority to issue blanket orders against voting law changes the penalty for violation of the court order would be contempt.

Mr. President, I submit that the administration design in the proposed legislation is clearly revealed in the above quotations. Consider for a moment the revolutionary departure from constitutional principles in the Attorney General's proposal to grant to Federal courts blanket authority to issue injunctions against State legislatures to prevent changes in voting laws under penalty of fine or imprisonment without benefit of trial by jury for contempt of court.

This means, of course, that State legislatures could be enjoined from drawing any kind of representative district boundaries in cities and counties and throughout the State without first having approval of a Federal district court. Of course, a State legislature may appoint counsel and go to a Federal court and prove that its judgment is based on sound and reasonable grounds. Such proof avails nothing if a Federal judge concludes that the representative district boundary lines offend his own sense of proportion or is contrary to his idea of a proper representative district.

We have already witnessed the spectacle of judicial gerrymandering in the State of Alabama and if the administration bill is enacted, it is clear that the Nation will be treated to the grand spectacle of Federal district court judges gerrymandering representative districts throughout the Nation.

That is but one aspect of the revolutionary power which is to be vested in the nonelected branch of the Federal Government. Federal district judges also become final arbiters of what amendments a legislature can make in any voting law of the States. It is a fact that few, if any, Senators would claim the knowledge to speak with authority on the voluminous election codes in their separate States. But any individual with the faintest knowledge of the volume and complexity of these laws must know that literally hundreds of amendments are necessary at each session in order to adapt and keep procedures in step with constantly changing and vastly disparate local conditions. The idea of denying State legislatures final authority on these changes is a monstrous departure from constitutional government to say nothing of a massive usurpation of power to be accomplished by injunctions against State legislative bodies and threats of fine and imprisonment of State legislators.

Mr. President, all of these departures from principles of constitutional federalism are supposed to be justified by alleged discrimination which has not been substantiated but is based on rumor, gossip, and hearsay perpetuated by shameless insults against citizens who cannot defend their reputations against character assassins.

Well, the Fourth of July is not far distant, and I look forward with avid curiosity to hearing Senators explain how the right of the people to alter their governments and to reorganize its structure and to reallocate its powers on principles which they believe best serve their interest has been repealed by the Constitution which these Senators have sworn to uphold and defend.

Mr. President, we have before us House bill 4249. It is the administration bill. It is the bill which the administration recommends as the best method of handling the voting rights issue in this country. And it is an important issue. It is something that merits the concern of interested citizens.

The junior Senator from Alabama feels that this is a State issue and that it should be handled by State governments.

The junior Senator from Alabama objects strenuously to the fact that the Voting Rights Act of 1965 was designed by a device to make the punitive provisions of the law, the automatic provisions of the law, applicable only in seven Southern States.

So, the target for the action, the target for the trigger, the target to be hit was chosen in advance. And it was the seven Southern States. And it was found by investigation—and it did not take too much trouble to get these figures from the Census Bureau—when the Voting Rights Act of 1965 was under consideration by Congress that in the seven States of Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Louisiana fewer than 50 percent of the voting-age population in those States were not registered or did not participate in the 1964 election.

Obviously the lower figure would be those who participated in the 1964 election, because every registered voter is not going to vote.

So the real test was not how many were registered on November 1, 1964, but how many actually went out and voted in the November 1964 election.

It was found that in seven States—actually only in six of these States—there were fewer than 50 percent. The State of North Carolina had more than 50 percent overall in the State, but it had 39 counties which had fewer than the required 50 percent. And even though the entire State had the requisite 50 percent, the provision of the law was made applicable to any county that had fewer than 50 percent, even if the whole State had more than 50 percent.

The reverse of that was not true. Where a State had fewer than 50 percent participating in the 1964 election, the whole State was covered even though some of the counties had more than the requisite 50 percent of participating voters in the 1964 election.

On checking into the matter of other States, it was found that the great State of Texas had only 44 percent of its voting age population who participated in the 1964 election.

Obviously, the President being a noted Texan and the Attorney General being a Texan, they did not want their native State to be subjected to the humiliation to which this Voting Rights Act subjects a State.

They therefore had to delve further into the matter of agreeing on a formula that would catch only the seven States I have enumerated. So, they decided they would require for a State to be automatically covered that it should not only have fewer than 50 percent of the voting-age population voting in the 1964 election, but also that it must have a literacy test for voters. But these two factors had to concur and coincide.

So if a State had a literacy test and fewer than 50 percent of its voting age population voted in November 1964, then the automatic trigger was set up in the bill itself, the Voting Rights Act of 1964, that would put those States under the punitive provisions of the act whether there was one single bit of proof of discrimination or not.

So, these States were indicted. They were convicted. They did not have a hearing. They did not have an opportunity to present witnesses. They did not have an opportunity to hear witnesses against them. They were indicted and convicted, without a trial, of discriminating against their own citizens in the matter of allowing their citizens to register and to vote.

Yes, Texas was left out. And I am glad it was. I do not want to see any State subjected to these humiliating provisions of this act. Why do I say humiliating? Without any proof of discrimination, the Federal Government sends voting registrars into a State. It sends poll watchers and election observers. They cover the ground like locusts.

A further humiliating aspect of the bill applicable to these Southern States—and I alluded to this in my prepared remarks—is that if one of these Southern States wants to change any of its laws dealing with elections, dealing with registrations, dealing with wards, dealing with boundaries of counties or boundaries of States, any law that possibly might have any bearing on any election, any voter, any right to vote, or any right to register, that State has to come to Washington to the District Court of the District of Columbia or to the Attorney General and get approval of that act before it can become final or become operative.

Mr. STENNIS. Is this a convenient place for the Senator to yield?

Mr. ALLEN. I am delighted to yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, the Senator's remarks about coming to Washington to get approval of the Attorney General certainly sparks a thought of my own along this very line. I call the Senator's attention to the fact that the 1970 census, to be taken next month, I believe, will certainly show new figures for virtually every area in the Nation and will bring about under present law reapportionments and redistricting galore, beginning with the county commissioners or county supervisors, whichever term is used, which is the small unit of county government, on up through every category of government including congressional districts, school districts, and many others.

Does not the Senator anticipate that will be what will happen?

Mr. ALLEN. The Senator is correct. The reapportionment, redistricting, rearranging of wards, rearranging of commissioner districts, that would all be done in Washington.

Mr. STENNIS. That would include the city level, the county level, and every level of government.

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. Even in the little town with a five-man board of aldermen, as we say.

Mr. ALLEN. Yes.

Mr. STENNIS. They would be required to conform to that new census and they would have to send someone to Washington. Is that correct?

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. First, the law would demand that they change these districts, then another law—if this should become the law—would require them to come to Washington.

Mr. ALLEN. Yes; and not only that but the enactment of the legislature or the county government could be vetoed here in Washington and it could be sent back with the statement, "We do not approve this; go back and do it another way."

Mr. STENNIS. Yes. I was going to come to a detail in that connection. The law requires the Attorney General to give approval, or they must get approval of the District Court of the District of Columbia.

Mr. ALLEN. Yes; the District Court in the District of Columbia.

Mr. STENNIS. Everyone knows that the Attorney General is no more a superman than anyone else. He could not possibly see more than just a small percentage of these people that are going to have to come up here and get approval. Is that correct?

Mr. ALLEN. The Senator is correct.

As a consequence, there will be subordinates and subordinates to subordinates, and as a matter of necessity those matters will go down to a level actually below the level of the Attorney General of the United States. Is that correct?

Mr. ALLEN. The Senator is correct. It might go down to the level of the typists, I might suggest.

Mr. STENNIS. Well, it could be. My remarks do not pertain to the present Attorney General, of course, but in my span here I have known Attorneys General who have been most strong in their views, which they repeat virtually every day to the press and before the committees, showing a very strong feeling against certain areas of the country. There is no doubt about it. It is a reality. Therefore, we have to deal with that.

Mr. ALLEN. Yes.

Mr. STENNIS. Now, with these villages, towns, small cities, school districts, and everyone else will be coming up here, if we have an Attorney General of that description, it could have the very opposite effect of what is fair play in local government or local responsibility. Is that correct?

Mr. ALLEN. Yes. The distinguished Senator from Mississippi will recall that the distinguished Senator from North Carolina presented a well-reasoned amendment to the bill which would have allowed the State or the smaller political subdivision to go before the Federal district court, in the State involved, for relief. However, that proposal was rejected overwhelmingly by the Senate.

Mr. STENNIS. Yes. I recall the amendment and the vote in that case. Just going down to the hard facts of life, in the first place, a great many of these districts that might be involved in a change of boundaries, because they do not have that kind of treasury, are not able to send lawyers and witnesses up here to see the Attorney General, much less to try a case in the district court here. Is that correct?

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. So this measure would be shooting over the heads and going beyond the capabilities of the people who have these little self-ruling bodies of government at the district level.

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. What is the effect in humiliation and pride at the State level and at the subdivision level of government with respect to not being trusted and not being permitted to attend to the ordinary functions of their own government? What effect will that have year after year after year?

Mr. ALLEN. That is a humiliating experience for our people to be convicted of discrimination without a trial and to have these penalties invoked against us. Our people feel they are sovereign in their respective States. The State government does not expect under the Federal-State relationship that it will have to come to the national government and ask for approval of its acts. I am not saying that a State can pass an unconstitutional act but it should be presumed under the most elementary principles of constitutional law that any law is presumed to be constitutional and presumed to have been enacted in accordance with the Constitution until proven otherwise. This section of the Voting Rights Act overturns that presumption that has been a legal presumption in the common law of England and in the common law of this country for centuries; that a law is presumed to be legally adopted until proved otherwise.

It is humiliating for our people to have to come hat in hand and ask Washington for approval of their legislative acts. We resent it very much.

Mr. STENNIS. Yes. I have stated the facts I know. People come to my office and they want advice and counsel about

proceeding. Sometimes they want me to go with them.

I just think it is a very degrading experience for these people to have to go under when they are just totally innocent of any wrongdoing or culpability of any kind in this respect.

Is that the Senator's experience?

Mr. ALLEN. That is it.

Mr. STENNIS. I have a quotation before me. It is in the separate views of Representative POFF, of the House of Representatives, and appears on page 14 of the report. If the Senator will yield, I would like to read it.

Mr. ALLEN. I yield.

Mr. STENNIS. This is from the case of South Carolina against Katzenbach, which has been quoted here; and I do not blame the proponents for quoting it. But there was a dissenting opinion in that case, by none other than Justice Black. It is so striking and strong and pungent that I think this part, at least, ought to be read into the RECORD. I shall be quite brief. I am reading Mr. Justice Black from that case:

> I cannot help but believe that the inevitable effect of any such law—

That is the law we have been talking about—

> which forces any one of the States to entreat Federal authorities in faraway places for approval of local laws before they can become effective is to create the impression that the State or States treated in this way are little more than conquered provinces.

And this is a very important point:

> And if one law concerning voting can make the States plead for this approval by a distant Federal court or the U.S. Attorney General, other laws on different subjects can force the States to seek the advance approval not only of the Attorney General but of the President himself or any other chosen members of his staff.

Those are not my words. These are the words in the dissenting opinion in a decision of the Supreme Court of the United States. In a way, it is like reading the declaration of grievances in the Declaration of Independence, in which our forebears were complaining about how they had been treated by the Crown of England. Here we come along, 200 years later, according to this great Justice, saying that we are running on the same track. We are going back and recreating the very evils from which we fled and from which we gained our independence at the point of a sword.

I am very much impressed with his statement here. He summed it up so well. We have had this law for 5 years, but they do not give us any credit for that time or for any change that has been brought about. Do they give credit for all of that?

Mr. ALLEN. Not a bit. If every State covered by the triggering provision of this act had, since 1965, registered every person over 21 years in the State, and if they had participated in the 1968 presidntial election—with every person down there not participating in the election—we would still not be released from the provisions of the act, according to the Scott substitute. So it has absolutely no relationship to the good-faith efforts that the people of the South have made toward registering our citizens; and we have done a remarkable job.

Mr. STENNIS. I am astounded. I am glad the Senator has brought out so forcefully the fact that the renewal of this law will go that far. Where is there any help if it is not going to come from the Congress, and where will they listen to the plea of those being subjected, if it is not on this floor?

I thank the Senator for yielding.

Mr. ALLEN. I thank the Senator from Mississippi for his very fine comments. I appreciate his reading the dissenting opinion of Mr. Justice Black into the RECORD. I hope the Senator will participate further in the debate at a later time.

Mr. STENNIS. I thank the Senator.

Mr. ALLEN. Mr. President, the amendment offered by the junior Senator from Alabama does knock out two of the sections in the 1965 Voting Rights Act, sections 4 and 5. It does, except for section 4(e), a provision which the distinguished Senator from New York (Mr. JAVITS) and, I believe, the former distinguished Senator from New York, Robert Kennedy, put into the law to preserve the right of non-English-speaking voters to register in the State of New York, or any other State having such persons applying for registration, preserving their right to be accepted for a literacy test. In other words, they would not be barred from registering because they could not pass a test in the English language if they could pass one in their own language. So that would remain in the act, if the amendment offered by the junior Senator from Alabama were adopted.

Sections 4 and 5 are the triggering provisions and the provisions requiring a State to come to Washington for approval of its laws, and also to come to Washington for the purpose of seeking to come out from under the punitive provisions of the law which, under present law, requires 5 years' proof of nondiscrimination in the matter of registration and election in that State. What would remain would be 17 sections now in the present law. All of those sections would be applicable to all the States in the Union, whereas sections 4 and 5 apply to the States covered by the formula, with the exception of the provisions which are left in the act.

Mr. President, we heard a lot about the fact that the Scott amendment extends the Voting Rights Act for an additional period of 5 years. It does not extend the act. The act needs no extension provision. There is nothing in the act whatsoever, and I challenge any Member of the Senate to cite to me the section of the present act, that says it will expire in August of this year or at any other time. It is permanent legislation, and not just the 17 sections. Some say, "Two sections of the act will expire." No section expires. All 19 sections are permanent law.

It is necessary under this permanent law for any State covered by the formula to come into Federal court in the District of Columbia and prove nondiscrimination in the matter of elections and the registration of voters for a period of 5 years prior to the date of the filing of its petition.

So that if a State took no action whatsoever, never went into Federal court in the District of Columbia, it would never be free from the automatic punitive provisions of the act.

Some say, "Let's hurry up. If something is not done, this great act that has done so much, the shining light in the field of civil rights legislation, will expire. We must renew it." That is what some Senators say. But the act needs no renewal. It will not expire. No section of this act will expire. It will remain on the statute books until, hopefully, some day it is repealed.

What then does the amendment of the Senator from Pennsylvania and the Senator from Michigan do? It seeks not to extend the life of the act, because it is permanent legislation. It extends the sentence under which the people of the seven Southern States are operating. We are sentenced to remain under the provisions of this act for a period to be governed by the proof we offer in the Federal court in the District of Columbia that during the 5 years prior to the filing of the petition we did not use a literacy test for the purpose of discrimination.

The Scott amendment seeks to make that period a 10-year sentence.

Mr. STENNIS. Mr. President, is that a convenient place for the Senator to yield to me?

Mr. ALLEN. I yield.

Mr. STENNIS, Mr. President, do I correctly understand the Senator from Alabama to say that the Scott substitute proposes to make a 10-year ban on any kind of literacy test?

Mr. ALLEN. In effect, the Senator is right. We have to come in and prove that the literacy test has not been used in a discriminatory fashion during the preceding 10 years, whereas now it only takes 5 years to come out from under this provision. Not only that, once we serve out the 5 years' imprisonment, then the Federal court here in Washington—again I remind the Senator—not only has to approve of the legislative action of the State, but to get out from under the punitive provisions of the bill, a State has to come to Washington as well.

Once a State is released from the punitive provisions of the act, the Federal court in Washington retains jurisdiction of this matter for an additional period of 5 years, during which time the Federal court on allegations or averments—no proof is required, just an allegation of the Attorney General that we are guilty of discrimination—reopens the case and we are back under the act.

That is the reason the junior Senator from Alabama says that the act does not expire. It goes on and on and on. Suppose a State is not able to prove 5 years of nondiscrimination. Suppose that 3 or 4 years ago a State was found to be guilty of discrimination. The State is not out from under the act yet. It has to wait 5 years from that finding. When it finally does get out from under the act, they will be on probation as it were for an additional period of 5 years. It is a humiliating experience to our people.

Mr. STENNIS. The Senator knows as a lawyer, as well as a man of practical judgment, how hard it is to prove a negative.

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. It is hard to come into court and put on absolute proof of a negative. And more especially is that true when it pertains to a great many acts involving a great number of people and extending over a period of time, 3 years, 5 years, 8 years, and now the Senator has said 10 years.

So, as a practical matter, it just places us in a position of servitude. There is no presumption of innocence, but rather a presumption of guilt.

Mr. ALLEN. The Senator is correct.

Mr. STENNIS. Mr. President, I want to ask the Senator a question with reference to the qualifications for voting. A ban has been placed on any kind of literacy test. As I said here the other day, in all of my experience here that was a step that Congress took that was the most biting and, if I might use an ordinary term, the most backward step that I believe our system of government could attain.

Does the Senator see this matter in that way with reference to the ban on literacy tests?

Mr. ALLEN. I certainly do.

Mr. STENNIS. Instead of moving forward, we are moving backward. That took off every kind of restriction.

Mr. ALLEN. Mr. President, the junior Senator from Alabama was shocked when the Senator from Pennsylvania offered his amendment, proposing taking a national backward step in the matter of abolishing literacy tests nationally.

I had the affrontery to ask the distinguished Senator from Pennsylvania if he was seeking a less literate electorate. He said in substance, "Why, no. I am not seeking a less literate electorate, because everyone is getting smarter and reading more. And they are learning a whole lot more, and we do not need a literacy test."

It seemed passing strange to me that we are going to get a more literate electorate by abolishing all literacy tests.

I believe that is in line with the thoughts of the Senator from Mississippi in connection with the Voting Rights Act of 1965.

Mr. STENNIS. The tragedy is that we are not moving forward, but moving backward. We are taking areas and banishing them and putting them under this kind of prohibition. Under our form of government, it seems to me—with all due deference to those who voted to the contrary—it is heresy, because the power of the government rests in the hands of the people. They do elect their representatives to make the laws; they do indirectly interpret the law; they do directly choose the ones to execute the laws. It takes intelligence and some kind of test to exclude those that are totally controlled by someone else, and without the tools of being able to read that go with the process of making a decision in modern times.

In some other kinds of government—and I say this with all deference to Asiatic countries—that do not have our system of liberty and freedom it might be all right to have that kind of procedure, but it would be backward for us to take that unto our bosoms ourselves, after all this advance from the old countries of England and other countries that contributed to evolving a separate system of law embracing a concept of liberty and freedom for the individual and the concept of governing ourselves.

Now, to go back and erase something like this and to write it into the law of the land and force it on the people is just ridiculous. I say that with all deference to those who are holding for this provision. It is because of one reason; it is because it is tied in with the civil rights question, and everything goes, except, it seems to me, this time everything is going to be made even stronger, as the Senator from Alabama pointed out.

I am proud of the Senator's amendment that would strike out sections 4 and 5. I wish we could strike it out and then destroy the record of it ever having been the law because of the reasons I have already given relating to the suppression of responsibility that it brings about with respect to our people.

I thank the Senator for yielding to me.

Mr. ALLEN. The Senator will recall that God blots out our sins and remembers them against us no more.

I am sure the Senator would like that sort of treatment applied in this case.

Mr. STENNIS. The Senator has stated it well.

Mr. ALLEN. The junior Senator from Alabama appreciates very much the fine statements and wonderful contributions made by the distinguished Senator from Mississippi to the discussion. The Senator from Mississippi mentioned the fact that this addition of 5 years of proof to the measure that the Southern States have to make in seeking to come out from under the trigger provision, the automatic coverage of this act, is in a sense a conviction. It is a changing of the term or sentence of a conviction. We all know that it is not legal, constitutional, proper, or right for the sentence of a prisoner, imprisoned in the penitentiary under a definite sentence who has about served his sentence, and they come in and say, "Oh, no. We sentenced you to 5 years in the penitentiary and we just decided right here to make that a 10-year sentence." That would not work. In this case it is comparable to our 5-year sentence, being the sentence of the Southern States for proof of 5 years of nondiscrimination, as August 7 approaches and we are able to go into Federal Court in Washington and assure and prove to the court that we have not discriminated for the 5 years preceding the filing of the petition. That would be an ex post facto law and, in a sense, this is an ex post facto law because it changes the sentence imposed on the Southern States after the existence of the fact—if it be a fact—of what we are charged by law, without trial, by act of Congress, with discrimination, have been sentenced to prove 5 years of nondiscrimination before we could be released from it; and then by coming in and saying, as the Scott-Hart amendment seeks to do, "We are going to make that a 10-year sentence."

That is said when we seek to get out from under the provision, still being subject to a probationary period of 5 years. That should satisfy any Senator who wishes to inflict humiliation on the Southern States. That ought to satisfy any person who seeks to protect the voting rights of citizens within our area, I suppose.

With sections 4 and 5 expunged and remembered against the perpetrators of these sections no more, all States would be covered by the same act. As pointed out the other day in the Senate these sections, outside of sections 4 and 5, have nationwide application. If we are seeking a national law as the administration bill seeks to have, we have that national law under sections 1 through 19, excluding sections 4 and 5.

So if it is a national law that we seek, we can get it by agreeing to this amendment knocking out sections 4 and 5, and then all remaining laws will be applicable to all States alike.

The distinguished Senator from Mississippi, early this afternoon, read from a dissenting opinion in the case of South Carolina versus Katzenbach, in which Mr. Justice Black dissented from the majority opinion upholding the constitutionality of the Voting Rights Act of 1965. His dissent was as to section 5, not as to the remaining portions of the act. But as to section 5, he ruled that section unconstitutional in his dissenting opinion.

I do not suppose that anyone would charge Mr. Justice Black with meeting the standards that the President is said to have set for future appointments to the Supreme Court. That he be a strict constructionist, because the junior Senator from Alabama would feel that possibly Mr. Justice Black is an activist on the Court. So it was a pleasant opportunity to read the dissenting opinion of Mr. Justice Black, declaring section 5 of the Voting Rights Act of 1965 to be unconstitutional. He took to task in very brilliant language the provision of the Voting Rights Act of 1965 requiring States and political subdivisions to come to the Federal district court in Washington to prove that their legislative acts—in the case of cities, of course, ordinances, and in the case of county commissioners, resolutions, possibly—are not discriminatory, and getting the approval of the district court or the Attorney General. Apparently the States and political subdivisions are given an option with respect to the approval of their acts, ordinances, or resolutions.

But according to the report of the House Committee, the Federal District Court in Washington is about two and one-half years behind in its calendar. If we have to wait five years before we can even go into court and ask for a release, and then have to wait until the case is reached in the district court—if we go that route—or if we go to the Attorney General and wait in line to get our act, ordinance, or resolution acted upon, there is no telling how long it might be before we could get approval by the court or the Attorney General.

But Mr. Justice Black, as the distinguished Senator from Mississippi pointed out, called attention to the fact that that was similar to the situation in Colonial America and that the Declaration of Independence cited similar grievances

against King George III. One of the items or charges or indictments against the British monarch was that he required the legislative and judicial bodies of the Colonies to meet at inconvenient places, places far removed from where the records of the Colonies were kept. He did that in order to force the colonies to submit to his will. Well, the colonies did not submit to his will. They rebelled against the English despotism and bureaucracy.

It was interesting that Mr. Justice Black compared that indictment against King George III to the requirement in the Voting Rights Act of 1965 that the States must come, hat in hand, to distant places, and lay their acts, resolutions, and ordinances before the court here in Washington, or the Attorney General here, for approval.

He objected very strenuously to the thought that a creature of Congress, or Congress itself for that matter, could veto acts of the legislative bodies of the respective States. He said if they could veto some act regarding voting or registering, they could veto any type of act; and if the Attorney General could veto it, the President could veto it, or it could be provided that he could veto it. And if it could be provided that the President could veto an act of a State, then it could be provided that any other Federal official that could be named could veto an act. Therefore, Mr. Justice Black is of the opinion that this act of Congress goes beyond the provisions of the Constitution and is unconstitutional. He thinks it might have the effect of helping to destroy the federal system, the relationship between the Federal Government and the State governments, wiping out State lines, and making the Federal Government supreme.

I must say that some of the distinguished Justice's other opinions do just that. I am glad that in this one opinion he seemed to lean the other way—not that it had any great effect upon the holding of the Supreme Court, because it was a dissenting opinion, but it does show the unreasonableness of such a requirement and the humiliating nature of the requirement with respect to the Southern States, just because in 1964 they had literacy tests in their States and fewer than 50 percent of the voting population went to the polls and voted.

Many Senators realized, I am sure, that in the once Democratic South, the big election is not the general election, even in a presidential election; it is the Democratic primaries. That is where we have our biggest votes. Certainly that is true in my State of Alabama. But the test was the 1964 presidential election figures.

There was really not much use in putting in the act that on November 1, 1964, 50 percent must have been registered or have voted, because obviously one could not vote if he were not registered. So they might just as well have knocked out the first requirement and just said "voting."

The Senator from Mississippi pointed out that the Scott-Hart amendment gives no credit to a State for the efforts it has made since 1965 to register its citizens, white and black. I might say parenthetically at that point that the formula that was set up in 1965, looking back retrospectively to the 1964 figures, did not take into account at all the matter of how many of the voters in the respective States were white or black. It could have been that every black person in a State was registered. So, if the percentage did not come up to 50 percent of all voters, the State would have been covered, even if there was no discrimination at all.

In viewing the future application of the Scott amendment, if it is adopted, if every black citizen in a State has been registered, the State is still covered by the Voting Rights Act of 1965, as amended by the Scott amendment, showing that no consideration whatsoever is to be given to whether discrimination does exist in Southern States.

The distinguished Senator from Michigan admitted on the floor that he knew of no case where there had been any discrimination in the State of Virginia; that he knew of no instance in which a Federal registrar or poll watcher or examiner had gone into Virginia, and that he knew of no instance in which there had been discrimination in the State of Virginia. Yet it continues to be covered by the Scott-Hart amendment.

Mr. STENNIS. Mr. President, will the Senator yield right there?

Mr. ALLEN. Yes, I am happy to yield.

Mr. STENNIS. The Senator has stated an odd situation indeed. I believe he is correct about it, but I do want to cross-examine him a little on it.

As I understand, the Senator says that there is no proof as to these States. I believe he said there were five of them.

Mr. ALLEN. There are seven in all.

Mr. STENNIS. Seven in all, but five in particular, I believe?

Mr. ALLEN. Yes.

Mr. STENNIS. But anyway, in the seven, there is no proof of any discrimination or wrongdoing, or violation of the law, or anything like that, and 5 years have passed?

Mr. ALLEN. That is correct.

Mr. STENNIS. And there is no determination of facts now that shows any violation or failure to comply; is that correct?

Mr. ALLEN. I stated that in arriving at this formula, as prescribed by the 1965 act, and in arriving at the increasing of the punishment or sentence, as provided by the Scott-Hart amendment, no consideration is given to whether or not discrimination does in fact exist. The formula continues to be applied.

Mr. STENNIS. Why? On what grounds does the formula continue to be applied? What is the penalty for? Why put it back, and continue the law?

Mr. ALLEN. Well, of course, as I have suggested, the law continues, but there is no reason why the length of the sentence against the Southern States should be continued. That is certainly my contention.

Mr. STENNIS. I have not heard any proof to the contrary of what the Senator from Alabama has asserted here.

Mr. ALLEN. No.

Mr. STENNIS. And to that extent, it appears to be another more or less arbitrary sectional act, not founded on fact nor wrong-doing, nor any conviction or anything of that kind.

Mr. ALLEN. And I might say, if there is any finding, by a court, of discrimination against any citizen, that immediately stops the running of this 5-year sentence, and starts a new 5-year period.

Mr. STENNIS. Yes.

Mr. ALLEN. So it seems to me that it is very unfair and discriminatory as against the South.

Mr. STENNIS. I heartily agree, and I thank the Senator for pointing that out.

Mr. ALLEN. Again I thank the distinguished Senator.

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

Mr. ALLEN. I am happy to yield to the distinguished Senator from Florida.

Mr. HOLLAND. Mr. President, I have been particularly of the feeling that the requirement that the States or counties within the seven States affected have to come here to the District of Columbia, and go and prostrate themselves either before the Attorney General or before the District Court of the District of Columbia, far removed from the scene of activity, is something that is humiliating, petty, and punitive.

Every one of the district judges and the judges of the circuit courts of appeals in the various States and areas that are involved in this situation—and there are a great many of them—have to be confirmed by this U.S. Senate, and have been confirmed by the Senate; is that not true?

Mr. ALLEN. That is correct.

Mr. HOLLAND. And is it not true also that in the discretion of Congress, this is the only matter in all of the gamut of civil rights enactments which is subjected to this kind of handling?

Mr. ALLEN. I believe it is the only one.

Mr. HOLLAND. Is it not true that the much more troublesome and much more controversial subject of integration of the schools and desegregation of the schools is left to the jurisdiction of the district judges?

Mr. ALLEN. It is.

Mr. HOLLAND. And to the circuit courts of appeals and the three-judge courts in the area affected?

Mr. ALLEN. Yes.

Mr. HOLLAND. Which lies, as I recall, in two separate circuits; and of course there are very many districts.

In all those jurisdictions, district judges and circuit judges now serving have met the test of going through confirmation here by the Senate of the United States; and the cases of desegregation or integration of the schools—which are certainly much more controversial than what we are talking about here—seem to have been cases which Congress feels can be safely and soundly left to the discretion and the honorable intentions, good motives, fine intellects, and excellent experience and training of the district judges and the circuit judges in the area affected by the legislation?

Mr. ALLEN. That certainly is true.

Mr. HOLLAND. Then as to criminal matters: As the Senator knows, there

have been some cases of murder, where conspiracy cases involving conspiracy to commit murder have been heard and are being heard before the district courts, and are being appealed to the circuit courts of appeals; and such cases are being left to the jurisdiction of the district judges and the circuit courts without any apparent feelings by Congress other than that those cases—some of them much more heinous and some of them much more controversial than those that are involved under this particular law—will be honorably handled by those district judges and circuit judges?

Mr. ALLEN. I cannot understand the distinction.

Mr. HOLLAND. Does it not seem to the distinguished Senator from Alabama that this section is particularly humiliating in its application to these circuit judges and these district judges? And, if I may say so, it seems to me that it is particularly petty and particularly punitive as to them.

Mr. ALLEN. Well, it certainly is.

Mr. HOLLAND. I cannot help calling attention to those matters here in this forum, the U.S. Senate, which is supposed to look, not just South, but all over the Nation when it confirms judges, and has done so when it has confirmed judges. I just cannot understand the application of such pettiness to this particular field of operation, a very noncontroversial field as compared to the others I have mentioned. I wonder if the Senator shares that opinion of the Senator from Florida.

Mr. ALLEN. I certainly share that opinion, and feel that it is an affront to the Federal district judges and the judges of the circuit courts of appeals. In a sense, it might be some little reflection on the Senate itself, because many if not most of these judges have been approved on recommendations of some of the Senators now sitting in this body.

Mr. HOLLAND. As a matter of fact, it is quite customary for the recommendations of Senators to be requested, and for them to be carefully examined by the Department of Justice and the FBI, and then reported to the committees here, and the committees here have full right to conduct investigations, as they have done recently and very searchingly in several cases, and then the Senate is asked to confirm, and has confirmed—generally by unanimous vote—and I think this kind of treatment is being dished out, if I may use that term——

Mr. ALLEN. That is a good expression.

Mr. HOLLAND. Because that is the way it seems to me it is happening—dished out to honorable men serving their country, and frequently called to other parts of the Nation to serve as visiting district judges and judges of circuit courts of appeals.

Mr. ALLEN. That is certainly correct.

Mr. HOLLAND. I just wanted this idea to be explored in the RECORD, because it seems to me it is peculiarly humiliating. I have not served in the Senate but 24 years, but I have noticed that the Senate, which is required to use the same fine discrimination and discretion in approving district court judges and circuit court of appeals judges in the South that it uses elsewhere—and I think it has used that kind of discrimination, discernment, and discretion in approving such appointments—in all that time has not seen fit not to approve any circuit court of appeals judge—and we have had two of them recently suggested for promotion to the United States Supreme Court. Certainly there is a pettiness lying in this whole field, which I think should be examined rather closely by all of our people.

They do not complain of the South when it comes to the defense of this country. They send down South for a Courtney Hodges in Georgia, or for a General Westmoreland in South Carolina, or for a General Patch in Texas, or for a General Van Fleet from my own State.

Mr. ALLEN. Admiral Moorer from my State.

Mr. HOLLAND. Admiral Moorer. Or General Geiger from my own State, who was in command of all the troops at the recapture of Guam from the Japanese; or General Buckner from Kentucky, who was in command up to the time he was slain at Okinawa, and he was succeeded by General Geiger; or General Summerall, from my State, to lead the 1st Army in France in World War I, where I had the honor of serving a while—under him, by the way. He was a native of my State.

They never seem to complain of us when it comes to our willingness to serve the country on the field of battle, and they never seem to complain of us in any other regard, until they come to this particular act, and then they want to humiliate, apparently, our district judges and our circuit judges who have been confirmed by the Senate—most of them unanimously. I just cannot understand this petty feeling which seems to prevail here.

I thank the Senator for yielding.

Mr. ALLEN. I appreciate the remarks of the distinguished Senator from Florida, and I share his perplexity over this pettiness and, I might say, vindictiveness. Certainly, we feel that it is an affront to our people, to our officials, and to the Senate itself, the Members of which have confirmed these very judges, who are not allowed to assume jurisdiction of these matters.

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

Mr. ALLEN. I yield.

Mr. HART. Not for a question, but for a very brief comment, and not to engage in colloquy, and anxious not to extend unduly the discussion.

Mr. ALLEN. I yield.

Mr. HART. The points that the Senator from Alabama has made so ably have been discussed on this floor in the last 11 days. The amendment that he proposes, the amendment that is pending, is itself a substitute for the substitute, and it zeroes in on the very heart and, as the Senator said earlier, the essence of the Voting Rights Act of 1965.

Fortunately, in my opinion, on several rollcall votes in which the amendments involved the elimination of all or a portion of section 4 and section 5, the Senate rejected the amendments. I hope that, understanding the character of the amendments that were rejected, the Senate will ratify its actions over the last few days.

I appreciate the Senator giving me to the opportunity to speak.

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

Mr. ALLEN. I yield.

Mr. STENNIS. I want to say this to the Senator from Alabama. As I said this morning, I have been tied up on matters, and I have not had the privilege of attending this debate as much as I should have. But I have been here today, and I wish more Senators could have had the chance to hear the arguments of the Senator from Alabama and to get the benefit of his knowledge of basic law and constitutional law on the far-reaching provisions of this act. They extend further than I thought they did.

The Senator from Alabama has made an outstanding contribution in the debate not only today but on previous days as well. I think the Senate and the Nation are indebted to him and will realize it more later than they do now.

I thank the Senator for yielding.

Mr. ALLEN. I thank the distinguished Senator from Mississippi for his kind remarks, for which I am deeply grateful.

Mr. President, the status of the various proposals before the Senate has been simplified somewhat during the course of the debate. The basic bill before the Senate is H.R. 4249, which was the administration recommendation to the House and continues to be the bill of the administration. I assume that the fact that it is here as the administration measure and that it passed the House as the administration measure certainly is proof that it is the measure recommended by the administration. So I suppose the bill itself will have to suffice as proof of its being the administration measure. I do not suppose we will have any letter presented by the Republican leader recommending the Scott-Hart substitute, as he has brought in in the past with regard to some proposal before the Senate.

Then there is the Scott-Hart amendment, to which has been added the Goldwater residence requirement in presidential elections, and to which has been added the Mansfield proposal for 18-year-olds to vote.

I believe the issues have been simplified somewhat by the passage by the Senate of amendments to the administration bill, H.R. 4249, where the Goldwater amendment was added and the Mansfield amendment also was added, making the issue the straight issue of whether we are going to follow the plan suggested by the President, H.R. 4249, in the matter of dealing with voting rights or whether we are going to have the punitive and vicious Scott-Hart substitute, which would increase by 5 years the sentence that Congress has placed on the Southern States.

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

Mr. ALLEN. I yield.

Mr. PASTORE. Has the Senator asked for the yeas and nays?

Mr. ALLEN. No.

Mr. PASTORE. Could we ask for the yeas and nays on the Senator's amendment, now that a sufficient number of Senators are present?

Mr. ALLEN. Yes. I have no objection.

Mr. PASTORE. I ask for the yeas and nays on this amendment, Mr. President.

The yeas and nays were ordered.

Mr. PASTORE. I thank the Senator.

Mr. ALLEN. The amendment of the junior Senator from Alabama seeks to amend not H.R. 4249 but the Scott substitute, because the Scott substitute seeks to operate upon, so to speak, the original 1965 act and to amend sections 4 and 5 of that act by increasing the length of the sentence against the South. The amendment of the junior Senator from Alabama would put all States on the same basis and, in effect, would comply with the administration's wish as stated by the Senator from Nebraska (Mr. HRUSKA) earlier this afternoon; and that, in effect, was the adoption of the amendment which would give us, in effect, a national law applicable to all the States alike.

We have been hearing a whole lot in this Chamber in recent weeks about uniformity, uniformity of application of Federal law. But here we have one of the rankest and most vicious cases of nonuniformity that has been the displeasure of the junior Senator from Alabama to see, to have this automatic trigger pulled on the South. For the punitive provisions to apply only in the South, and for our States and our people to be singled out for these punitive provisions, is humiliating, indeed.

As the distinguished Senator from North Carolina pointed out in one of his numerous speeches in this Chamber on this issue, a State does not just consist of a State government, of the land within the boundaries within the State, it also consists of the people who live there.

Thus, this indictment against these States is not, really, an indictment against the State as a State government, or as a political body or a political entity, but is an indictment against the people of the respective States.

Certainly, on behalf of the people of Alabama and the people of the South, I resent this very, very much.

Now, with this great record that we have in Alabama and the South in registration, which has brought the average registration in the Southern States up to the vicinity of 65 to 70 percent, as pointed out in the report of the House committee reporting the bill back to the House, we have far exceeded the requirement that was set and the standard that was set in 1965.

But there is no relief for us. It was sought to update the figures and to use 1968 as the year for the criteria; but that effort was beaten down. The Senate did accept the Cooper amendment to set up still another classification of those who did not come up to the required standard in 1968, and it brought in numerous counties outside the South, including three, I believe, in the city of New York.

But, no matter how much progress we have made in the past 5 years, we are still governed by the automatic triggering device provided by the Voting Rights Act.

Now, Mr. President, this effort of the Scott-Hart amendment to increase this sentence against the Southern States is, in effect, an ex post facto law. It increases the sentence or the term of imprisonment of the people of the Southern States by 5 years after the sentence has been passed.

It reminds me of the biblical story of Jacob, who was promised by Laban that he could have his daughter Rachel as a wife if Jacob would work for him for 7 years. Jacob worked for him for the 7 years, but instead of getting Rachel for a wife, he got Rachel's older sister Leah, and he had to work another 7 years to receive Rachel for a wife.

That situation is comparable to the situation in the Southern States.

We have been promised that if we would go for 5 years without discrimination in the matter of elections and in voting, we could get release on petition to the Federal Court in Washington. As we see the time approach when we can go into the court and pray for relief, we are now told that we have got to wait still another 5 years before we can achieve this objective.

Thus, it is unfair. It is unfair to apply this rule to the South and not apply it to the rest of the Nation.

If we knock out sections 4 and 5, as the amendment offered by the junior Senator from Alabama seeks to do, we will have a truly national bill.

Therefore, I hope that the Senate will vote favorably on the amendment.

Mr. HRUSKA. Mr. President, the amendment of the Senator from Alabama meets the approval of this Senator. In fact, it is a part and parcel of H.R. 4249, the administration bill which received the approval of the House. It goes a little further, however, than the present amendment of the Senator from Alabama. The administration bill goes from that point to substituting other enforcement procedures in place of sections 4 and 5.

The Senator from Nebraska would like to discuss briefly section 5 of the 1965 act, which provides for preclearance of State statutes or local ordinances having to do with election laws that are passed by States or political subdivisions covered by the section 4 triggering formula.

The Senator from Alabama has made a good case against section 5. I make no bones about its undesirability. In the last analysis, although I objected to section 5 in the present text, I voted for the voting rights bill in 1965 believing that, as a temporary measure, the existence of that provision in the overall law could be tolerated in order to correct a situation that was very severe and perhaps not easily remedied at that time without that kind of provision.

However, I believe it has served its purpose, and I believe the experience of the last 5 years has been such as to demonstrate that section 5 ought to be repealed.

The administration bill, as I mentioned, removes section 5 of the Voting Rights Act of 1965. It has been asked, What was the reason for eliminating the procedures under that section? The basic reason is that section 5 has not operated effectively. During the almost 5 years that section 5 has been in effect, 426 laws have been submitted to the Attorney General for approval. It is apparent that voting laws have been enacted and applied by States and localities covered by section 5 which have not been submitted to or approved by the Attorney General. But even more meaningful than that is the fact that the Attorney General has objected to only 22 of the 426 voting laws submitted.

Thus, section 5, which imposes considerable demands on State and local governments, and which involves the expenditure of considerable time and energy by the Department of Justice, has prevented the implementation of only 22 discriminatory voting laws in a period of 5 years.

This is one Senator who does not feel that the small advantage gained justifies the burdens involved.

Already the example has been given of how ludicrous it is to require a State legislature, before it enacts and applies a schedule of new filing fees, for example, raising the fees from $5 to $25—as is one actual case—to come to the Attorney General, hat in hand, and say, "Mr. Attorney General, may we please enact and enforce this law, and put it into effect?"

We had testimony before our Committee on the Judiciary in which Mr. David Norman, the Deputy Assistant Attorney General, representing the Department of Justice, was asked this question:

> If that change was from a $5 filing fee to a $6 filing fee, would that have required the approval of the Attorney General?

His answer was, "Yes."

Mr. Norman went on to say that if the law proposed by the State legislature would have reduced that filing fee from $5 to $3, that State would still have had to come in and request approval.

Mr. President, that is not only degrading and demeaning, it is totally ludicrous and absurd. There are ways to solve that situation without extending this preclearance provision for another 5 years.

I would like to comment on the administration's substitute for section 5 of the 1965 act. It expressly authorizes suit by the Attorney General. If this provision is adopted, it is asked, will individual citizens be able to sue to prevent enforcement of discriminatory voting laws? The answer is "Yes." Individuals could still sue. There is no express mention in the proposal of suits by individuals. Notwithstanding that, it would be entirely proper for a court to permit such a suit on the basis of the administration's section 5.

This provision is intended to protect the rights of individual citizens. It is well established that a member of the class protected by a statute may sue on the basis of the statute, even though there is no express authorization for such a suit. The U.S. Supreme Court applied such reasoning in holding that an individual could sue to enjoin violation of

the present section 5; the case involved was *Allen* v. *State Board of Elections*, 393 U.S. 544, which was decided last year.

Furthermore, other existing statutes authorize suits by individuals against discriminatory voting laws—42 U.S.C. section 1983, and sections 1971 and 1972, are all statutory authority for this purpose.

The right of private individuals to sue, under the proposed section 5 in H.R. 4249, would supplement the authority of the Attorney General to bring court actions, and would afford additional protection against the implementation of discriminatory voting laws.

The question has been raised whether the administration proposal completely eliminates the responsibility of States and localities to submit voting laws to the Attorney General. The answer is "No." This is a common misunderstanding regarding the administration proposal.

Under section 3 of the 1965 act—which would remain in effect under the administration bill—where a court finds, in a case brought by the Attorney General under any statute, that violations of the 15th amendment justifying equitable relief have occurred, the court would retain jurisdiction of the proceeding for an appropriate period. It would be a matter of continuing jurisdiction; and during that period, which would be determined by the court, the State, or locality would be required to follow the preclearance procedures presently included in section 5.

Thus the State or locality, in such circumstances, could not implement a new voting law unless it was approved by the Attorney General or the appropriate Federal district court ruled that the law was not discriminatory. The administration bill thus eliminates the formula based on the 1964 voting statistics as the trigger for the submission requirement. It provides for submission only if it is proven in court that the State or political subdivision has discriminated in voting.

I believe that this is a more appropriate standard, since it would impose the submission requirements only under situations in which they are really needed, and not in those ludicrous situations such as the example I cited of changing the filing fee for public office.

The question has further been asked, What procedure would be followed by the Attorney General in suits brought under section 5 of the administration proposal? Mr. President, I would reply to that question in this way: These suits would be brought in the appropriate Federal district courts, from which there would be direct appeal to the U.S. Supreme Court. Under the bill, the Court would be authorized to issue temporary restraining orders and preliminary injunctions, as well as other appropriate orders.

The procedure for granting temporary relief by a three-judge court is found in title 28 of the United States Code, governing judicial procedures. In short, if the Attorney General makes an application for interlocutory relief, a single district judge may at any time grant a temporary restraining order, which would remain in effect until the hearing before the full court takes place. Further, under the statute the matter would be given precedence, and would be assigned for a hearing at the earliest practical date.

This procedure is expeditious, and is designed to make certain that, while the court is considering a case, none of the parties will suffer irreparable harm.

We believe that this procedure is flexible enough to enable the Attorney General to act quickly to block the enforcement of discriminatory voting laws, even in a case where he did not learn of the discriminatory voting law until shortly before the election. By showing that the law would have a discriminatory effect, and that irreparable harm would occur if the law were applied in the election—and in most cases these showings should not be difficult to make—the Attorney General could obtain a temporary restraining order preventing application of the law.

Section 5 of the administration bill does not provide for the submission of voting laws to the Attorney General. The question is asked whether this would make it difficult for him to know whether discriminatory laws have been passed, and thus limit the effectiveness of the provision giving authority to the Attorney General to bring suit to enjoin the enforcement of these laws.

The answer to this question, Mr. President, is that there would be no serious difficulty in the Attorney General's keeping track of State voting laws which are officially printed and reported. He would have available the Department of Justice staff for this purpose. In addition, complaints would be received by the Attorney General from private individuals and organizations regarding any discriminatory laws passed. It might be more difficult for the Attorney General to keep informed as to local laws, which are not normally reported. However, it is significant that, under section 5 as presently enforced, a relatively small percentage of the laws actually submitted to the Attorney General were local laws. Statistics supplied by the Department of Justice show that, of the 426 laws submitted under section 5 during that 5-year period, only 34 were local laws, including ordinances and regulations and the like. That is an average of about six a year.

It is clear, therefore, that the present section 5 has been far from successful in bringing local voting laws to the attention of the Attorney General. It is my view that the Attorney General could, without undue burden to his staff, maintain no less effective scrutiny of local laws under section 5 provisions than in the H.R. 4249 bill, as approved in the House, which is before the Senate at this time.

Mr. President, I chose to make this explanation of the administration bill at this time because I think it fits in with the amendment proposed by the Senator from Alabama. He complains of the provisions of section 5, and rightly so. It should not remain on the books any longer. It was inherently bad legislation to start out with, and it should not be retained.

One of the chief reasons it is bad legislation is that it puts into the hands of a political appointee, in the person of the Attorney General, even though he is confirmed by the Senate the power and the responsibility of reviewing the legislative acts of a sovereign state; and this is not only a violation of the separation of powers doctrine by an executive department official assuming jurisdiction over a legislative body, but there is also a violation of the Federal and State relationship which is an integral part of our concept of Federal Government.

So to the extent that this amendment calls for the repeal of section 5, I want to support it and say that it will rid the law of a very unnecessary and very ineffective provision.

Mr. ALLEN. I thank the distinguished Senator from Nebraska for his able and eloquent remarks. They have made an important contribution to the discussion. I appreciate his support of the amendment. I appreciate his explanation of the discriminatory fashion in which sections 4 and 5 operate, and how humiliating is the effect of requiring a State or a smaller political subdivision to come to Washington for approval of one of its acts.

I think the Senator from Nebraska has made a most important contribution to the discussion, and I am deeply grateful to him.

The PRESIDING OFFICER (Mr. SPONG). The question is on agreeing to the amendment of the Senator from Alabama.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Mr. ELLENDER), the Senator from Oklahoma (Mr. HARRIS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that the Senator from Idaho (Mr. CHURCH), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), and the Senator from Arkansas (Mr. MCCLELLAN) are absent on official business.

On this vote, the Senator from Louisiana (Mr. ELLENDER) is paired with the Senator from California (Mr. CRANSTON). If present and voting, the Senator from Louisiana would vote "yea" and the Senator from California would vote "nay."

On this vote, the Senator from Georgia (Mr. RUSSELL) is paired with the Senator from New Mexico (Mr. MONTOYA). If present and voting, the Senator from Georgia would vote "yea" and the Senator from New Mexico would vote "nay."

I further announce that, if present and voting, the Senator from Oklahoma (Mr. HARRIS) would vote "nay."

Mr. GRIFFIN. I announce that the

Senator from Florida (Mr. GURNEY) is absent because of illness in his family.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Utah (Mr. BENNETT) is detained on official business.

On this vote, the Senator from South Dakota (Mr. MUNDT) is paired with the Senator from Maryland (Mr. MATHIAS). If present and voting, the Senator from South Dakota would vote "yea" and the Senator from Maryland would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Texas would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 16, nays 63, as follows:

[No. 101 Leg.]

YEAS—16

Allen	Holland	Sparkman
Allott	Hollings	Stennis
Byrd, Va.	Hruska	Talmadge
Curtis	Jordan, N.C.	Thurmond
Eastland	Long	
Ervin	Murphy	

NAYS—63

Aiken	Goldwater	Packwood
Anderson	Goodell	Pastore
Baker	Gore	Pearson
Bayh	Griffin	Pell
Bellmon	Hansen	Percy
Bible	Hart	Prouty
Boggs	Hartke	Proxmire
Brooke	Hatfield	Randolph
Burdick	Jackson	Ribicoff
Byrd, W. Va.	Javits	Saxbe
Cannon	Jordan, Idaho	Schweiker
Case	Kennedy	Scott
Cook	Magnuson	Smith, Maine
Cooper	Mansfield	Spong
Cotton	McGee	Symington
Dole	McGovern	Tydings
Dominick	McIntyre	Williams, N.J.
Eagleton	Miller	Williams, Del.
Fannin	Mondale	Yarborough
Fong	Muskie	Young, N. Dak.
Fulbright	Nelson	Young, Ohio

NOT VOTING—21

Bennett	Harris	Montoya
Church	Hughes	Moss
Cranston	Inouye	Mundt
Dodd	Mathias	Russell
Ellender	McCarthy	Smith, Ill.
Gravel	McClellan	Stevens
Gurney	Metcalf	Tower

So Mr. ALLEN's amendment was rejected.

Mr. HART. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ROUTINE MORNING BUSINESS

By unanimous consent, the following routine morning business was transacted.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED LEGISLATION TO INCREASE THE LIMITATION ON FISCAL YEAR 1970 BUDGET OUTLAYS

A letter from the Director, Bureau of the Budget, transmitting a draft of proposed legislation to increase the statutory limitation on fiscal year 1970 budget outlays (with an accompanying paper); to the Committee on Appropriations.

REPORT ON DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Deputy Assistant Secretary of Defense, transmitting, pursuant to law, the report on Department of Defense procurement from small and other business firms for July–December 1969 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON EXPORT CONTROL

A letter from the Secretary of Commerce, transmitting, pursuant to law, the Ninetieth Quarterly Report on Export Control covering the fourth quarter of 1969 (with an accompanying report); to the Committee on Banking and Currency.

PROPOSED DISTRICT OF COLUMBIA LICENSING PROCEDURES ACT

A letter from the Assistant to the Commissioner, Executive Office, Government of the District of Columbia, transmitting a draft of proposed legislation to revise and modernize the licensing by the District of Columbia of persons engaged in certain occupations, professions, businesses, trades, and callings, and for other purposes (with accompanying papers); to the Committee on the District of Columbia.

PROPOSED LEGISLATION AUTHORIZING THE DISTRICT OF COLUMBIA TO ENTER INTO THE INTERSTATE AGREEMENT ON QUALIFICATION OF EDUCATIONAL PERSONNEL

A letter from the Assistant to the Commissioner, Executive Office, Government of the District of Columbia, transmitting a draft of proposed legislation to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel (with accompanying papers); to the Committee on the District of Columbia.

REPORT OF CLAIMS PAID BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE UNDER THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

A letter from the Secretary of Health, Education, and Welfare, transmitting, pursuant to law, a report of all claims paid by this Department under the Military Personnel and Civilian Employees' Claims Act of 1964 for the calendar year ended December 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF THE SECRETARY OF THE INTERIOR UNDER THE MILITARY PERSONNEL AND CIVILIAN EMPLOYEES' CLAIMS ACT OF 1964

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report covering all employee claims of the Department in fiscal year 1969 (with an accompanying report); to the Committee on the Judiciary.

REPORT ON PROPOSED LEASING OF SPACE BY GENERAL SERVICES ADMINISTRATION

A letter from the Administrator, General Services Administration, reporting, pursuant to law, on proposed leasing of space at various locations in buildings to be constructed or altered; to the Committee on Public Works.

PROPOSED AMENDMENT OF THE LABOR-MANAGEMENT REPORTING AND DISCLOSURE ACT OF 1959

A letter from the Attorney General of the United States, transmitting a draft of proposed legislation to amend Section 504(a) of the Labor-Management Reporting and Disclosure Act of 1959 by adding to the list of offenses conviction of which bars the person convicted from holding union office (with an accompanying paper); to the Committee on Labor and Public Welfare.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of California; to the Committee on the Judiciary:

"ASSEMBLY JOINT RESOLUTION No. 1

"Resolution Relative to the Emergency Detention Act of 1950

"Whereas, During World War II, American citizens of Japanese ancestry experienced firsthand the deprivation of their freedom through involuntary evacuation and placement in detention camps; and

"Whereas, More than 100,000 human beings, as a result of this detention, suffered gravely through the total denial of human rights and disregard of principles of constitutional safeguards for individual liberty; and

"Whereas, Americans of all nationalities regret that sad and tragic part of their history; and

"Whereas, The same danger exists today due to the existence of Subchapter II of the Subversive Activities Control Act of 1950, otherwise known as the Emergency Detention Act of 1950, which provides that upon the declaration by the President of a state of "internal security emergency," the President, through the Attorney General, "may apprehend and by order detain . . . each person as to whom there is reasonable ground to believe that such person probably will engage in, or probably will conspire with others to engage in, acts of sabotage or espionage"; and

"Whereas, A person who is detained under the Emergency Detention Act of 1950 is denied his rights to trial under law and is further denied those civil rights and liberties which are guaranteed to him under the Constitution; and

"Whereas, There exist more meaningful, just, and effective laws and procedures to safeguard internal security; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to repeal Subchapter II of the Subversive Activities Control Act of 1950, otherwise known as the Emergency Detention Act of 1950; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A joint resolution of the Legislature of the State of Tennessee; to the Committee on the Judiciary:

"SENATE JOINT RESOLUTION No. 100

"Resolution to apply to the Congress of the United States to submit to the states an amendment to the United States Constitution to limit the power of Congress and of individual states to tax the income from interest bearing evidences of indebtedness of other levels of government

"Whereas, Taxes by the United States Government on the interest on evidences of indebtedness of States, their political subdivisions, and the agencies and instrumentalities thereof, impose a burden on the sovereign

power of the States, and their political subdivisions, agencies and instrumentalities to borrow money for essential State and local purposes; and

"Whereas, The constantly recurring attempts of Congress and the Treasury Department of the United States to tax the interest on such evidences of indebtedness has severely damaged the ability of the States and their political subdivisions, agencies and instrumentalities to borrow money, and has substantially increased the cost of such borrowings to the detriment of the taxpayers of the States and their political subdivisions, agencies and instrumentalities; and

"Whereas, Such recurring attempts to tax the interest on such evidences of indebtedness flaunt the Constitutional principle of reciprocal inter-governmental tax immunity first enunciated by the Supreme Court of the United States in McCulloch v. Maryland (4 Wheat 316) in the year 1819 and more specifically applied by that Court in Pollack v. Farmers' Loan & Trust Co. (157 U.S. 429) and later cases; and

"Whereas, It is advisable and in the best interest of the States to prevent future attempts to tax the interest on such evidences of indebtedness by amending the Constitution of the United States to unequivocally state the principle of reciprocal inter-governmental tax immunity in respect of taxes on the interest on such evidences of indebtedness and thereby restore investor confidence to the market for such evidences of indebtedness and, consequently, reduce the cost of borrowing by the States and their political subdivisions, agencies and instrumentalities; now, therefore,

"Be it resolved by the Senate of the Eighty-Sixth General Assembly of the State of Tennessee, the House of Representatives concurring, That application is hereby made to the Congress of the United States to submit to the legislatures of the States an amendment to the Constitution of the United States in the following form, which amendment is hereby ratified as an amendment to the Constitution of the United States on behalf of the State of Tennessee, by this Joint Resolution, to wit:

" 'Without the consent of a State, Congress shall have no power to lay and collect any tax, direct or indirect, upon the income derived from interest paid on evidences of indebtedness of such State, or of any political subdivision, agency or instrumentality thereof, nor shall any State have power, without the consent of Congress, to lay and collect any tax, direct or indirect, upon the income derived from interest paid on obligations of the United States or of any agency or instrumentality thereof.' "

"Be it further resolved, That a duly attested copy of this Joint Resolution shall be forwarded to both the President and Secretary of the Senate of the United States and to the Speaker and Clerk of the House of Representatives of the United States.

"Adopted: February 19, 1970.

"FRANK C. GORRELL,
"Speaker of the Senate.

"WILLIAM L. JENKINS,
"Speaker of the House of Representatives.

"Approved

"BUFORD ELLINGTON,
"Governor."

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. YOUNG of Ohio. Mr. President, as in executive session, from the Committee on Armed Services I report favorably the nominations of 10 flag and general officers in the Army, Navy, and Air Force. I ask that these names be placed on the Executive Calendar.

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

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

Rear Adm. Frederick H. Schneider, Jr., U.S. Navy, for commands and other duties determined by the President, for appointment to the grade of vice admiral while so serving;

Lt. Gen. John W. Carpenter III (major general, regular Air Force), U.S. Air Force, to be placed on the retired list in the grade of lieutenant general;

Col. Charles P. Deane, Col. Herbert M. Martin, Jr., Col. John A. Spencer, Jr., and Col. Donald W. Stout, U.S. Army Reserve officers, for promotion to brigadier generals as Reserve commissioned officers of the Army;

Col. Keith E. McWilliams, Army National Guard of the United States, for promotion to brigadier general as a Reserve commissioned officer of the Army;

Brig. Gen. James J. Lison, Jr., and Brig. Gen. Harold R. Patton, Army National Guard of the United States officers, for appointment as major generals as Reserve commissioned officers of the Army; and

Col. Howard V. Elliott, Army National Guard of the United States officer, to be brigadier general as a Reserve commissioned officer of the Army.

Mr. YOUNG of Ohio. Mr. President, in addition, I report favorably 2,001 promotions and appointments in the Army in the grade or colonel and below; 2,451 promotions in the Navy in the grade of captain and below, and 1,692 appointments in the Marine Corps in the grade of captain and below. Since these names have already been printed in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

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

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

Arlo E. Abbott, and sundry other officers, for promotion in the Regular Army of the United States;

William K. Adkins, and sundry other Naval Reserve Officers Training Corps candidates, for permanent promotion in the Navy;

Martin E. Zadigian, civilian college graduate, for assignment in the Navy;

Donald Aguilar, and sundry other scholarship students, for appointment in the Regular Army of the United States;

Charles D. Allen, Jr., and sundry other officers, for promotion in the Navy;

Robert V. Anderson, and sundry other officers, for promotion in the Marine Corps;

Elmer R. Jackson, and sundry other Naval Reserve Officers Training Corps candidates, for appointment in the Marine Corps;

Peter A. Acly, and sundry other officers, for promotion in the Marine Corps; and

Edward Stephen Amis, Jr., and sundry other officers, for promotion in the Navy.

EXECUTIVE REPORT OF COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT, from the Committee on Foreign Relations, as in executive session, reported an original Senate executive resolution (S. Ex. Res. 1) returning to the President of the United States, as requested in his message to the Senate of February 24, 1970, the Protocol between the United States of America and the United Mexican States, signed at Mexico City on December 21, 1967 (Ex. B, 90th Congress, second session), and submitted a report thereon (Ex. Rept. No. 91-15), which report was ordered to be printed and the resolution was placed on the Executive Calendar.

BILLS INTRODUCED

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

By Mr. YOUNG of North Dakota (for himself and Mr. BURDICK):

S. 3584. A bill to modify the comprehensive plan for the Missouri River Basin with respect to certain bank protection and rectification works; to the Committee on Public Works.

By Mr. SPARKMAN:

S. 3585. A bill to provide a Federal employee with certain procedural rights if he is removed or reduced in grade as the result of a reduction in force, and to authorize saved pay to be paid to a Federal employee reduced in grade because of a reduction in force due to lack of funds; to the Committee on Post Office and Civil Service.

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

By Mr. YARBOROUGH (for himself, Mr. CRANSTON, Mr. EAGLETON, Mr. HART, Mr. HUGHES, Mr. KENNEDY, Mr. MAGNUSON, Mr. MONDALE, Mr. NELSON, Mr. PASTORE, Mr. PELL, Mr. SPONG, Mr. RANDOLPH, and Mr. WILLIAMS of New Jersey):

S. 3586. A bill to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes; to the Committee on Labor and Public Welfare.

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

By Mr. McGOVERN:

S. 3587. A bill for the relief of Sotirios Zontanos; to the Committee on the Judiciary.

By Mr. STENNIS (for himself and Mrs. SMITH of Maine):

S. 3588. A bill to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

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

S. 3585—INTRODUCTION OF A BILL TO PROVIDE FEDERAL EMPLOYEES WITH CERTAIN PROCEDURAL RIGHTS

Mr. SPARKMAN. Mr. President, the Congress has acted effectively, I believe, in reducing Federal expenditures both last year and this year. The continuing battle against inflation required it, and, although this has seemed to escape widespread notice in the press, the Congress has acted responsibly in responding to the needs of the economy.

While we can be gratified by the knowledge that we made those hard decisions that had to be made in the fight against inflation, I think we have to

realize that those decisions are having far-reaching implications throughout the economy—implications that touch the lives of many American citizens. The group that is most directly and most severely hit are those employees of the Federal Government that become involved in reductions in force due to lack of program funds. Federal employees are being terminated or demoted in large numbers, and they are entitled to our consideration in softening this blow, and in assuring that their rights are fully protected. I am introducing a bill today to accomplish this.

Mr. President, my bill basically provides two things. First, the bill gives to Federal employees affected by a reduction in force the right to a hearing. It seems to me that this is the least we can do to assure that the rights of such employees are fully protected. Civil service regulations give such a right to employees who are accused of inefficiency or wrong-doing, and I feel that this right should be given as a matter of law to workers whose employment is being adversely affected through no fault of their own.

Second, my bill will extend the saved-pay provisions of the Civil Service Act to employees who are demoted in a reduction in force due to lack of funds. Under present law, an employee who is demoted for other than personal cause is entitled to have his pay continue at its previous level for a period of 2 years; except that this right is not extended to employees who are demoted in a reduction in force due to lack of funds or curtailment of work. My bill will repeal this exception in the case of reductions in force due to lack of funds. This is a necessary step it seems to me, to soften the impact of reductions in Federal expenditures made necessary by what we all hope are only temporary economic conditions.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD following these remarks. I urge the Members of the Senate to give their careful and sympathetic attention to this legislation, which will mean so much to American families whose source of income is being abruptly cut off or substantially reduced, at a time when prices remain so high.

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. 3585) to provide a Federal employee with certain procedural rights if he is removed or reduced in grade as the result of a reduction in force, and to authorize saved pay to be paid to a Federal employee reduced in grade because of a reduction in force due to lack of funds, introduced by Mr. SPARKMAN, was received, read twice by its title, referred to the Committee on Post Office and Civil Service, and ordered to be printed in the RECORD, as follows:

S. 3585

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subchapter I of chapter 75 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 7502. Removal or reduction in grade due to a reduction in force; procedure

"(a) An individual in the competitive service who is to be removed or reduced in grade as the result of a reduction in force is entitled to—

"(1) at least 30 full days advance written notice of the proposed removal with specific reasons explaining why the reduction is required and informing the individual of his right to answer the notice personally or in writing prior to removal;

"(2) a reasonable time for answering the notice personally and in writing and for furnishing affidavits in support of the answer;

"(3) a written decision on the answer at the earliest practicable date, including the reasons for the decision and informing the individual of his right of appeal; and

"(4) the right to appeal to the agency employing the individual and then to the Civil Service Commission or directly to the Commission.

"(b) This section does not apply to the removal of an employee under section 7532 of this title."

(b) The analysis of such chapter, preceding section 7501, is amended by adding after item 7501 the following item:

"§ 7502. Removal or reduction in grade due to a reduction in force; procedure

Sec. 2. (a) Section 5337 (a) (3) (C) of title 5, United States Code, is amended by striking out "lack of funds or".

(b) Section 5337 (a) (C) (iii) of such title is amended by striking out "lack of funds or".

S. 3586—INTRODUCTION OF THE HEALTH TRAINING IMPROVEMENT ACT OF 1970

Mr. YARBOROUGH. Mr. President, our health care delivery system is in a state of chaos. Some would say it is near collapse. The demand for service far exceeds the capacity of our health system to respond. Thus costs escalate and service deteriorates.

Our schools are not producing enough graduates in the health fields. This is true of both doctors and support personnel in the allied health fields.

While I am convinced that our health delivery system is in need of major reform, I recognize that until we have such reform, the Federal Government must continue to provide assistance under existing Federal grant programs. We must, of course, improve existing programs wherever possible. We must also extend and improve those which are about to expire.

I do not think anyone will deny that we have a severe shortage of physicians. Currently, this shortage stands at about 50,000 doctors. And there are not enough medical schools to alleviate this situation in the foreseeable future. Indeed, the situation promises to grow worse before it improves.

One of the best opportunities available to improve the productivity of our doctors is through the use of the team approach—the use of health personnel trained to assist doctors in routine tasks within their level of competence. In other words, today's physicians must make more efficient use of their time. They must use more allied health professionals as an extension of their own diagnostic and therapeutic efforts. Yet all too often today we find that doctors are performing tasks which could well be done better and at less cost by individuals who are trained less broadly but more intensively. Unfortunately, the shortage of allied health personnel is also severe.

There is currently a shortage of about 150,000 allied health professionals in our country. According to the annual report on the administration of the Allied Health Professions Personnel Training Act of 1966, which the Secretary of Health, Education, and Welfare sent to the Congress and to the President on April 29, 1969, there will probably continue to be a substantial and harassing manpower shortage. The report states that "although the number of graduates is increasing, the current output of new workers is small in proportion to the demand." In fact, projections indicate that these shortages will be greater in 1975 than they are now, and the trend is expected to continue to 1980.

Part of the rising need for allied health professionals is due to our increasing population and increasing demand for medical services. Part of it is due to changing medical practices. Advances in medical and environmental research and technology, for instance, have brought about an increase in new allied health occupations. Some examples of these are the physician assistants, biomedical equipment technicians, extracorporeal circulation specialists, air pollution technicians, child health associates and others. This is a field that encompasses 200 different specialties and the number is growing. All of the specialties could be eligible for assistance.

In this connection, I should like to point out that in 1900 there was one support person for each physician; today the ratio is about 13 health professionals to one physician. By 1975, the ratio could be as high as 25 to 1.

It is obvious that the problems I have described cannot be corrected by State or local government or by the medical profession itself. Federal assistance is necessary, and to cope with the problem adequately it must be substantial. As I have stated on a number of occasions in the past, I am greatly disturbed that this, the richest country on earth, ranks well below a number of industrial countries in infant mortality, maternal mortality and life expectancy. I know we have the means to improve our ranking, but do we have the will? I hope so.

The Health Training Improvement Act of 1970, which amends the Public Health Service Act to establish the eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for grants under the existing program of grants to improve the quality of such schools, and to extend and improve the program relating to training of allied health professions personnel.

The need for qualified health personnel is such that we need to remove all impediments to existing programs which tend to mitigate against increases in health manpower.

Section 771 of the Public Health Service Act addresses itself to the applications of established schools with prior enrollment history. Section 101 would make inapplicable certain of these pro-

visions in the case of new schools. In lieu thereof, section 101 would stipulate that the Secretary of Health, Education, and Welfare shall prescribe criteria for enrollment increases for new schools and for determining the amount of each grant in excess of $25,000 to new schools.

The current program of grants to improve the quality of training centers for allied health professions is much too rigid to meet the pressing needs for qualified health manpower. Among other things, the current program does not provide sufficient incentives to induce prospective students to undertake a course of study in the allied health fields. And, of course, the program must be made sufficiently flexible to permit us to take full advantage of all qualified training facilities, including but not limited to junior colleges, colleges, and universities. There are many public and nonprofit private agencies, institutions, and organizations capable of training personnel in the allied health professions. They should be eligible for assistance.

In addition, we need to study and develop mechanisms for determining equivalency and proficiency of previously acquired skills and to develop new means of recruitment, retraining, or retention of allied health personnel.

The need for equivalency examinations appears obvious. The objectives of formal instruction can be achieved in other than a classroom situation. The acquisition of knowledge and skills can be measured by examination and performance. Educational institutions can use the results of these examinations as a basis for advance placement or academic credits. Thus, I can see no reason why students in the allied health professions should be required to repeat what they have already mastered.

If we can develop equivalency examinations which are acceptable to schools, to licensing bodies, and to the health profession, we should be able to take full advantage of a resource which is poorly used—the returning veteran with military training and experience in health occupations. When the need is so great, we cannot afford to impose impediments to the use of skills acquired in the Armed Forces when veterans return to civilian service. Indeed, we should marshal our resources to make it simple for them to do so.

If we are to close the gap between supply and demand and if we are to make better use of that vast pool of manpower—the economically deprived—we must provide scholarship grants to individuals of exceptional financial need who require such assistance to pursue a course of study in the allied health fields.

In addition, we need to provide Federal grants for a work-study program for those students who are not sufficiently poor to be eligible for a scholarship or who do not want to burden themselves financially for a long period of time with a loan.

If we are to provide all contingencies, we need to provide Federal assistance for a loan program for students who are not eligible for a scholarship and for any number of reasons cannot or will not undertake a work-study program, but still need some form of assistance to undertake a program of study in the allied health fields. And in order to encourage service in the central core of our large urban areas and in the rural sections of the country, we need a cancellation provision on these loans for service in such areas.

The need for qualified professionals in the allied health fields has been amply demonstrated by the news media. To a far greater extent than ever before, the average American has been deluged with information on the status of our health delivery system. My own experience as chairman of the Committee on Labor and Public Welfare plus the numerous articles I have read on the subject, leads me to believe that the Nation is undergoing a massive health crisis. The bill I am introducing today will not of itself solve our health problems. Without it, however, existing conditions will deteriorate. We cannot afford to permit this to happen.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis of the bill be printed in the RECORD.

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

The bill (S. 3586) to amend title VII of the Public Health Service Act to establish eligibility of new schools of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, and podiatry for institutional grants under section 771 thereof, to extend and improve the program relating to training of personnel in the allied health professions, and for other purposes, introduced by Mr. YARBOROUGH (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 3586

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Health Training Improvement Act of 1970".

DECLARATION OF POLICY

SEC. 2. It is the policy of the Congress to advance the public welfare by promoting the expansion and improvement of the health professions in order to meet the growing and critical health needs of our expanding population.

TITLE I—SCHOOLS OF MEDICINE, DENTISTRY, OSTEOPATHY, PHARMACY, OPTOMETRY, VETERINARY MEDICINE, AND PODIATRY

INSTITUTIONAL GRANTS

SEC. 101. (a) Section 771 of the Public Health Service Act (42 U.S.C. 295f-1) is amended by adding at the end thereof the following new subsection:

"(d) In the case of an application for a grant under this section for a new school of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine, or podiatry, the provisions of subsection (b)(1) and subparagraphs (A) and (B) of subsection (a)(1) of this section shall not apply. In lieu of such provisions, the Secretary shall by regulations prescribe criteria (1) for enrollment increases to be met by the applicants for such grants, and (2) for determining the amounts of each such grant in excess of the $25,000 authorized by subsection (a)(1) of this section."

(b) The amendment made by subsection (a) of this section shall be effective only with respect to sums available for grants under section 771 of the Public Health Service Act from appropriations under section 770 of such Act for the fiscal years ending after June 30, 1970.

TITLE II—ALLIED HEALTH PROFESSIONS

GRANTS FOR CONSTRUCTION OF TEACHING FACILITIES FOR ALLIED HEALTH PROFESSIONS PERSONNEL

SEC. 201. (a) Section 791(a)(1) of the Public Health Service Act (42 U.S.C. 295h(a)(1)) is amended (1) by striking out the "and", and (2) by inserting immediately before the period at the end thereof the following: "; $20,000,000 for the fiscal year ending June 30, 1971; $25,000,000 for the fiscal year ending June 30, 1972; $30,000,000 for the fiscal year ending June 30, 1973; $35,000,000 for the fiscal year ending June 30, 1974; and $40,000,000 for the fiscal year ending June 30, 1975".

(b) Section 791(b)(1) of such Act (42 U.S.C. 295h(b)(1)) is amended by striking out "July 1, 1969" and inserting in lieu thereof "July 1, 1974".

GRANTS TO IMPROVE THE QUALITY OF TRAINING CENTERS FOR ALLIED HEALTH PROFESSIONS

SEC. 202. (a) Section 792(a) of the Public Health Service Act (42 U.S.C. 295h-1(a)) is amended by striking out "and $20,000,000" and all that follows down to but not including the period at the end thereof and inserting in lieu thereof the following: "$20,000,000 for the fiscal year ending June 30, 1970; and $15,000,000 for each of the next five fiscal years; for grants for basic improvements under this section to assist training centers for the allied health professions to improve the quality of their educational programs".

(b) Section 792(a) of such Act is further amended (1) by inserting "(1)" immediately after "(a)", and (2) by adding at the end thereof a new paragraph (2) as follows:

"(2) There are authorized to be appropriated $20,000,000 for the fiscal year ending June 30, 1971; $25,000,000 for the fiscal year ending June 30, 1972; $30,000,000 for the fiscal year ending June 30, 1973; $35,000,000 for the fiscal year ending June 30, 1974; and $40,000,000 for the fiscal year ending June 30, 1975; for special project grants under this section to assist public or nonprofit private agencies, institutions, and organizations in providing or maintaining existing programs or planning or establishing new programs for training or retraining of allied health personnel."

(c) Section 792(b) of such Act (42 U.S.C. 295h-1(b)) is amended by striking out "June 30, 1970" and inserting in lieu thereof "June 30, 1975".

(d)(1) Section 792(c) of such Act (42 U.S.C. 295-1(c)) is amended to read as follows:

"(c) From the sums appropriated under subsection (a)(2) of this section for any fiscal year, the Secretary, is authorized to make special project grants under this section to public or nonprofit private agencies, institutions, and organizations to (A) plan, develop, or establish new programs for the training or retraining of allied health personnel, (B) effect significant improvements in the curriculums of programs for the training or retraining of such personnel, (C) expand training capacity in programs for the training or retraining of such personnel, or (D) establish special curriculums, in programs for the training or retraining of allied health personnel, designed to meet the needs of, and encourage and facilitate participation in such programs by individuals who are economically or culturally deprived, are re-

turning veterans of the Armed Forces of the United States with training or experience in or related to the allied health fields, or are reentering or interested in reentering the allied health fields."

(2) The heading to such section 792(c) is amended by striking out "IMPROVEMENT" and inserting in lieu thereof "PROJECT".

(e) Section 792(d)(2)(A) of such Act (42 U.S.C. 295h–1(d)(2)(A)) is amended by inserting 'in the case of an application for a basic improvement grant," immediately after "(A)".

(f) The amendments made by this section shall be effective only with respect to grants made under section 792 of the Public Health Service Act from sums appropriated under such section for fiscal years ending after June 30, 1970.

TRAINEESHIPS FOR ADVANCED TRAINING OF ALLIED HEALTH PROFESSIONS PERSONNEL

SEC. 203. (a) Section 793(a) of the Public Health Service Act (42 U.S.C. 295h–2(a)) is amended (1) by striking out "and" after "June 30, 1969" and (2) by inserting after "June 30, 1970;" the following: "$8,000,000 for the fiscal year ending June 30, 1971: $9,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; $11,000,000 for the fiscal year ending June 30, 1974; and $12,000,000 for the fiscal year ending June 30, 1975;".

(b) Section 793(b) of such Act (42 U.S.C. 295h2(b)) is amended by striking out "training centers for allied health professions" and inserting in lieu thereof "agencies, institutions, and organizations".

(c) Section 793(c) of such Act (42 U.S.C. 285h–2(c)) is amended by striking out "centers" and inserting in lieu thereof "public and nonprofit private agencies, institutions, and organizations".

DEVELOPMENT OF NEW METHODS

SEC. 204. (a) Section 794 of the Public Health Service Act (42 U.S.C. 295h–3) is amended (1) by striking out "and" after "June 30, 1969;", (2) by inserting after "June 30, 1970;" the following: "$6,000,000 for the fiscal year ending June 30, 1971; $8,000,000 for the fiscal year ending June 30, 1972; $10,000,000 for the fiscal year ending June 30, 1973; $12,000,000 for the fiscal year ending June 30, 1974; and $14,000,000 for the fiscal year ending June 30, 1975;" and (3) by inserting "or contracts with" immediately after "grants to".

(b) Such section 794 is further amended (1) by inserting "(1)" after "project", and (2) by inserting immediately before the period at the end thereof the following: ", (2) to study and develop mechanisms for determining the equivalency and proficiency of previously acquired knowledge and skills related to the allied health professions, (3) to develop, experiment with, and demonstrate new teaching methods and curriculums relating to the allied health professions, and (4) to develop, demonstrate, and evaluate new means of recruitment, retraining, or retention of allied health personnel".

REDESIGNATION OF SECTIONS

SEC. 205. Sections 795, 796, 797, and 798 of such Act are hereby redesignated as sections 799, 799a, 799b, and 799c, respectively.

ENCOURAGEMENT OF FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE ALLIED HEALTH PROFESSIONS

SEC. 206. Part G of title VII of the Public Health Service Act is amended by adding immediately after section 794 thereof the following new sections:

"GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR ALLIED HEALTH PROFESSIONS

"SEC. 795. (a) To assist in meeting the need for additional trained personnel in the allied health professions, the Secretary is authorized to make grants to State or local educational agencies or other public or nonprofit private agencies, institutions, and organizations, or enter into contracts without regard to section 3709 of the Revised Statutes (41 U.S.C. (5)) for the purpose of—

"(1) identifying individuals of financial, educational, or cultural need with a potential for education or training in the allied health professions, including returning veterans of the Armed Forces of the United States with training or experience in the health field, and encouraging and assisting them, whenever appropriate, to (A) complete secondary school, (B) undertake such postsecondary training as may be required to qualify them for training in the allied health professions, and (C) undertake postsecondary educational training in the allied health professions, or

"(2) publicizing existing sources of financial aid available to persons undertaking training or education in the allied health professions.

"(b) For the purpose of carrying out the provisions of this section, there is hereby authorized to be appropriated $750,000 for the fiscal year ending June 30, 1971; $1,000,000 for the fiscal year ending June 30, 1972; $1,250,000 for the fiscal year ending June 30, 1973; $1,500,000 for the fiscal year ending June 30, 1974; and $1,750,000 for the fiscal year ending June 30, 1975.

"SCHOLARSHIP GRANTS

"SEC. 796. (a) The Secretary is authorized to make (in accordance with such regulations as he may prescribe) grants to public or nonprofit private agencies, institutions, and organizations with an established program for training or retraining of personnel in the allied health professions or occupations for (1) scholarships to be awarded by such agency, institution, or organization to students thereof, and (2) scholarships in retraining programs of such agency, institution, or organization to be awarded to allied health professions personnel in occupations for which such agency, institution, or organization determines there is a need for the development of, or the expansion of, training.

"(b) Scholarships awarded by any agency, institution, or organization from grants under subsection (a) shall be awarded for any year only to individuals of exceptional financial need who require such assistance for such year in order to pursue a course of study offered by such agency, institution, or organization.

"(c) Grants under subsection (a) may be paid in advance or by way of reimbursement and at such intervals as the Secretary may deem appropriate and with appropriate adjustments on account of overpayments or underpayments previously made.

"(d) Any scholarship awarded from grants under subsection (a) to any individual for any year shall cover such portion of the individual's tuition, fees, books, equipment, and living expenses as the agency, institution, or organization awarding the scholarship may determine to be needed by such individual for such year on the basis of his requirements and financial resources; except that the amount of any such scholarship shall not exceed $2,000, plus $600 for each dependent (not in excess of three) in the case of any individual who is awarded such a scholarship.

"(e) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $6,000,000 for the fiscal year ending June 30, 1971; $7,000,000 for the fiscal year ending June 30, 1972; $8,000,000 for the fiscal year ending June 30, 1973; $9,000,000 for the fiscal year ending June 30, 1974; and $10,000,000 for the fiscal year ending June 30, 1975.

"WORK-STUDY PROGRAMS

"SEC. 797. (a) The Secretary is authorized to enter into agreements with public or nonprofit private agencies, institutions, and organizations with established programs for the training or retraining of personnel in the allied health professions under which the Secretary will make grants to such agencies, institutions, and organizations to assist them in the operation of work-study programs for individuals undergoing training or retraining provided by such programs.

"(b) Any agreement entered into pursuant to this section with a public or nonprofit private agency, institution, or organization shall—

"(1) provide that such agency, institution, or organization, will operate a work-study program for the part-time employment of its students or trainees either (A) in work for such agency, institution, or organization or (B) pursuant to arrangements between such agency, institution, or organization and another public or private nonprofit agency, institution, or organization, work which is in the public interest for such other agency, institution, or organization;

"(2) provide that any such work-study program shall be operated in such manner that its operation will not result in the displacement of employed workers or impair existing contracts for employment;

"(3) provide that any such work-study program will provide conditions of employment, for the students or trainees participating therein, which are appropriate and reasonable in light of such factors as type of work performed, prevailing wages in the area for similar work, and proficiency of the individual in the performance of the work involved;

"(4) provide that no Federal funds made available to such agency, institution, or organization pursuant to such agreement shall be used for the construction, operation, or maintenance of any facility or part thereof which is used or is to be used for sectarian instruction or as a place for religious worship;

"(5) provide that Federal funds made available to such agency, institution, or organization pursuant to such agreement shall be used only to make payments to its students or trainees performing work in the work-study program operated by such agency, institution, or organization; except that such agency, institution, or organization may use a portion of such funds to meet administrative expenses connected with the operation of such program, but the portion which may be so used shall not exceed 5 per centum of that part of such funds which is used for the purpose of making payments, to such students or trainees, for work performed for a public or private nonprofit agency, institution, or organization other than the agency, institution, or organization receiving such Federal funds pursuant to such agreement;

"(6) provide that such agency, institution, or organization, in selecting students or trainees for employment in such work-study program, will give preference to individuals from low-income families, and that no individual will be selected for employment in such program unless he (A) is in need of the earnings from such employment in order to pursue a course of study (whether on a full-time or part-time basis) for training or retraining of personnel in the allied health professions provided by such agency, institution, or organization, (B) is capable, in the opinion of such agency, institution, or organization, of maintaining good standing in such course of study while employed under such work-study program, and (C) in the case of any individual who at the time he applies for such employment is a new student or trainee, has been accepted for enrollment in such course of study on a full-time basis or part-time and, in the case of any other individual, is enrolled in such course of study on such

a basis and is maintaining good standing in such course of study;

"(7) provide that such agency, institution, or organization shall, in the operation of such work-study program, provide all individuals desiring employment therein to make application for such employment and that, to the extent that necessary funds are available, all eligible applicants will be employed in such program; and

"(8) include such other provisions as the Secretary may deem necessary or appropriate to carry out the purposes of this section.

"(c) The Secretary shall not approve any grant under this section unless the applicant therefor provides assurances satisfactory to the Secretary that funds made available through such grant will be so used as to supplement and, to the extent practical, increase the level of non-Federal funds which would, in the absence of such grant, be made available for the purpose for which such grant is requested.

"(d)(1) Funds provided through any grant made under this section shall not be used to pay more than—

"(A) 90 per centum, in the case of the three-year period commencing on the date of the enactment of this section,

"(B) 85 per centum, in the case of the one-year period which immediately succeeds the period referred to in clause (A),

"(C) 80 per centum, in the case of the one-year period which immediately succeeds the period referred to in clause (B), nor

"(D) 75 per centum, in the case of any period after the period referred to in clause (C),

of the costs attributable to the payment of compensation to students or trainees for employment in the work-study program with respect to which such grant is made.

"(2)(A) In determining (for purposes of paragraph (1)) the amounts attributable to the payment of compensation to students or trainees for employment in any work-study program, there shall be disregarded any Federal funds (other than such funds derived from a grant under this section) used for the payment of such compensation.

"(B) In determining (for purposes of paragraph (1)) the total amounts expended for the payment of compensation to students or trainees for employment in any work-study program operated by any agency, institution, or organization receiving a grant under this section, there shall be included the reasonable value of compensation provided by such agency, institution, or organization to such students or trainees in the form of services and supplies (including tuition, board, and books).

"(e) For the purpose of carrying out the provisions of this section, there is authorized to be appropriated $2,000,000 for the fiscal year ending June 30, 1971, $4,000,000 for the fiscal year ending June 30, 1972, $6,000,000 for the fiscal year ending June 30, 1973, $8,000,000 for the fiscal year ending June 30, 1974, and $10,000,000 for the fiscal year ending June 30, 1975.

"LOANS FOR STUDENTS OF THE ALLIED HEALTH PROFESSIONS

"SEC. 798. (a)(1) The Secretary is authorized to enter into an agreement for the establishment and operation of a student loan fund in accordance with this section with any public or private nonprofit agency institution, or organization which has an established program for the training or retraining of personnel in the allied health professions.

"(2) Each agreement entered into under this subsection shall—

"(A) provide for establishment of a student loan fund by such agency, institution, or organization for students or trainees enrolled in such program;

"(B) provide for deposit in the fund of (i) the Federal capital contributions paid under this section to the school by the Secretary, (ii) an additional amount from other sources equal to not less than one-ninth of such Federal capital contributions, (iii) collections of principal and interest on loans made from the fund, (iv) collections pursuant to section (b)(6), and (v) any other earnings of the fund;

"(C) provide that the fund shall be used only for loans to students or trainees enrolled in such program of the agency, institution, or organization in accordance with the agreement and for costs of collection of such loans and interest thereon;

"(D) provide that loans may be made from such fund to students pursuing a course of study (whether full time or part time) in such program of such agency, institution, or organization and that while the agreement remains in effect no such student who has attended such agency, institution, or organization before July 1, 1971, shall receive a loan from a loan fund established under section 204 of the National Defense Education Act of 1958; and

"(E) contain such other provisions as are necessary to protect the financial interests of the United States.

"(b)(1) The total of the loans for any academic year (or its equivalent, as determined under regulations of the Secretary) made by agencies, institutions or organizations from loan funds established pursuant to agreements under this section may not exceed $1,500 in the case of any student. The aggregate of the loans for all years from such funds may not exceed $6,000 in the case of any student.

"(2) Loans from any such student loan fund by any agency, institution or organization shall be made on such terms and conditions as it may determine; subject, however, to such conditions, limitations, and requirements as the Secretary may prescribe (by regulation or in the agreement with the school) with a view to preventing impairment of the capital of such fund to the maximum extent practicable in the light of the objective of enabling the student to complete his course of study; and except that—

"(A) such loan may be made only to a student who (i) is in need of the amount of the loan to pursue a part-time or full-time course of study at the agency, institution, or organization, and (ii) is capable, in the opinion of the agency, institution, or organization, of maintaining good standing in such course of study;

"(B) such loan shall be repayable in equal or graduated periodic installments (with the right of the borrower to accelerate repayment) over the ten-year period which begins nine months after the student ceases to pursue a part-time or full-time course of study in a program for the training or retraining of personnel in the allied health professions at an agency, institution, or organization approved by the Secretary, excluding from such ten-year period all (i) periods (up to three years) of (I) active duty performed by the borrower as a member of a uniformed service, or (II) service as a volunteer under the Peace Corps Act, and (ii) periods (up to five years) during which the borrower is pursuing a full-time course of study at a school leading to a baccalaureate or associate degree or the equivalent of either or to a higher degree in one of the allied health professions;

"(C) not to exceed 50 per centum of any such loan (plus interest) shall be canceled for full-time employment in any of the allied health professions (including teaching any such profession or service as an administrator, supervisor, or specialist in any such profession) in any public or private nonprofit agency, institution, or organization, or in a rural area with an individual practitioner if such service is approved by a local county health department or its equivalent at the rate of 10 per centum of the amount of such loan plus interest thereon, which was unpaid on the first day of such service, for each complete year of such service, except that such rate shall be 15 per centum for each complete year of service in such a profession in a public or other nonprofit hospital or other health service facility or health agency in any area which is determined, in accordance with regulations of the Secretary, to be an area which has a substantial shortage of persons rendering service in such profession, and for purposes of any cancellation at such higher rate, an amount equal to an additional 50 per centum of the total amount of such loans plus interest may be canceled;

"(D) the liability to repay the unpaid balance of such loan and accrued interest thereon shall be canceled upon the death of the borrower, or if the Secretary determines that he has become permanently and totally disabled;

"(E) such a loan shall bear interest on the unpaid balance of the loan, computed only for periods during which the loan is repayable, at the rate of 3 per centum per annum;

"(F) such a loan be made without security or endorsement, except that if the borrower is a minor and the note or other evidence of obligation executed by him would not, under the applicable law, create a binding obligation, either security or endorsement may be required; and

"(G) no note or other evidence of any such loan may be transferred or assigned by the agency, institution, or organization making the loan except that, if the borrower transfers to another agency, institution, or organization participating in the program under this section, such note or other evidence of a loan may be transferred to such other agency, institution, or organization.

"(3) When all or any part of a loan, or interest, is canceled under this subsection, the Secretary shall pay to the agency, institution, or organization an amount equal to its proportionate share of the canceled portion, as determined by the Secretary.

"(4) Any loan for any year by an agency, institution, or organization from a student loan fund established pursuant to an agreement under this section shall be made in such installments as may be provided in regulations of the Secretary or such agreement and, upon notice to the Secretary by the agency, institution, or organization that any recipient of a loan is failing to maintain satisfactory standing, any of all further installments of his loan shall be withheld, as may be appropriate.

"(5) An agreement under this section with any agency, institution, or organization shall include provisions designed to make loans from the student loan fund established thereunder reasonably available (to the extent of the available funds in such fund) to all eligible students in the agency, institution, or organization in need thereof.

"(6) Subject to regulations of the Secretary, an agency, institution, or organization may assess a charge with respect to a loan from the loan fund established pursuant to an agreement under this section for failure of the borrower to pay all or any part of an installment when it is due and, in the case of a borrower who is entitled to deferment of the loan under paragraph (2)(B) or cancellation of part or all of the loan under paragraph (2)(C), for any failure to file timely and satisfactory evidence of such entitlement. The amount of any such charge may not exceed $1 for the first month or part of a month by which such installment or evidence is late and $2 for each such month or part of a month thereafter. The agency, institution, or organization may elect to add the amount of any such charge to the principal amount of the loan as of the first day after the day on which such installment or evidence was due, or to make the amount of the charge payable to the agency, institution,

or organization not later than the due date of the next installment after receipt by the borrower of notice of the assessment of the charge.

"(7) An agency, institution, or organization may provide, in accordance with regulations of the Secretary, that during the repayment period of a loan from a loan fund established pursuant to an agreement under this section payments of principal and interest by the borrower with respect to all the outstanding loans made to him from loan funds so established shall be at a rate equal to not less than $15 per month.

"(c) There are authorized to be appropriated to the Secretary for Federal capital contributions to student loan funds pursuant to subsection (a)(2)(B)(i) $1,500,000 for the fiscal year ending June 30, 1971, $3,000,000 for the fiscal year ending June 30, 1972, and such sums as are necessary for the next three fiscal years, and there are also authorized to be appropriated such sums for the fiscal year ending June 30, 1976, and each of the two succeeding fiscal years as may be necessary to enable students who have received a loan from any academic year ending before July 1, 1975, to continue or complete their education. Sums appropriated pursuant to this subsection for any fiscal year shall be available to the Secretary (1) for payments into the funds established by subsection (f)(4), and (2) in accordance with agreements under this section, for Federal capital contributions to schools with which such agreements have been made, to be used together with deposits in such funds pursuant to subsection (a)(2)(B)(ii), for establishment and maintenance of student loan funds.

"(d)(1) From the sums appropriated pursuant to subsection (c) for any fiscal year, the Secretary shall allot to each agency, institution, or organization, which has an established program for the training or retraining of personnel in the allied health professions approved by the Secretary, an amount which bears the same ratio to the amount so appropriated as the number of persons enrolled on a full-time basis in such agencies, institutions, or organizations approved by the Secretary bears to the total number of persons enrolled on a full-time basis in all such agencies, institutions, or organizations in all the States. The number of persons enrolled, in such a program, on a full-time basis in such agencies, institutions, or organizations for purposes of the subsection shall be determined by the Secretary for the most recent year for which satisfactory data are available to him. Funds available in any fiscal year for payment to agencies, institutions, or organizations under this section (whether as Federal capital contributions or as loans under subsection (f)) which are in excess of the amount appropriated pursuant to subsection (c) for that year shall be alloted among agencies, institutions, or organizations approved by the Secretary in such manner as the Secretary determines will best carry out the purposes of this section.

"(2) The Secretary shall from time to time set dates by which agencies, institutions, or organizations must file applications for Federal capital contributions and for loans pursuant to subsection (f).

"(3) The Federal capital contributions to a loan fund of an agency, institution, or organization approved by the Secretary under this section shall be paid from time to time in such installments as the Secretary determines will not result in unnecessary accumulations in its loan fund.

"(e)(1) After June 30, 1979, and not later than September 30, 1979, there shall be a capital distribution of the balance of the loan fund established under an agreement pursuant to subsection (a)(2) by each agency, institution or organization approved by the Secretary as follows:

"(A) The Secretary shall first be paid an amount which bears the same ratio to such balance in such fund at the close of June 30, 1979, as the total amount of the Federal capital contributions to such fund by the Secretary pursuant to subsection (a)(2)(B)(i) bears to the total amount in such fund derived from such Federal capital contributions from funds deposited therein pursuant to subsection (a)(2)(B)(ii).

"(B) The remainder of such balance shall be paid to the agency, institution, or organization approved by the Secretary.

"(2) After September 30, 1979, each agency, institution or organization approved by the Secretary with which the Secretary has made an agreement under this section shall pay to the Secretary, not less often than quarterly, the same proportionate share of amounts received by it after June 30, 1979, in payment of principal and interest on loans made from the loan fund established pursuant to such agreement (other than so much of such fund as relates to payments from the revolving fund established by subsection (f)(4)) as was determined for the Secretary under paragraph (1).

"(f)(1)(A) During the fiscal year ending June 30, 1971, and each of the next four fiscal years, the Secretary may make loans, from the revolving fund established by paragraph (4), to any public or private nonprofit agency, institution or organization approved by him, to provide all or part of the capital needed by any such agency, institution or organization for making loans to students under this subsection (other than capital needed to make the institutional contributions required of agencies, institutions or organizations by subsection (a)(2)(B)(ii)). Loans to students from such borrowed sums shall be subject to the terms, conditions, and limitations set forth in subsection (b). The requirement in subsection (a)(2)(B)(ii) with respect to institutional contributions by agencies, institutions, or organizations to student loan funds shall not apply to loans made to agencies, institutions, or organizations under this subsection.

"(B) A loan to an agency, institution, or organization approved by the Secretary under this subsection may be made upon such terms and conditions, consistent with applicable provisions of subsection (a), as the Secretary deems appropriate. If the Secretary deems it to be necessary to assure that the purposes of this subsection will be achieved, these terms and conditions may include provisions making the obligation of the agency, institution, or organization to the Secretary on such a loan payable solely from such revenues or other assets or security (including collections on loans to students) as the Secretary may approve. Such a loan shall bear interest at a rate which the Secretary determines to be adequate to cover (i) the cost of the funds to the Treasury as determined by the Secretary of the Treasury, taking into consideration the current average yields of outstanding marketable obligations of the United States having maturities comparable to the maturities of loans made by the Secretary under this subsection, and (ii) probable losses.

"(2) If an agency, institution, or organization approved by the Secretary borrows any sums under this subsection, the Secretary shall agree to pay to it (A) an amount equal to 90 per centum of the loss to it from defaults on student loans made from such sums, (B) the amount by which the interterest payable by it on such sums exceeds the interest received by it on student loans made from such sums, (C) an amount equal to the amount of collection expenses authorized by subsection (a)(2)(C) to be paid out of a student loan fund with respect to such sums, and (D) the amount of the principal which is canceled pursuant to subsection (b)(2)(C) or (D) with respect to student loans made from such sums. There are authorized to be appropriated without fiscal year limitation such sums as may be necessary to carry out the purposes of this paragraph.

"(3) The total of the loans made in any fiscal year under this subsection shall not exceed the lesser of (1) such limitations as may be specified in appropriation Acts, and the difference between $35,000,000 and the amount of Federal capital contributions paid under this section for that year.

"(4)(A) There is hereby created within the Treasury an allied professions training fund (hereinafter in this paragraph referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation as a revolving fund for the purposes of this subsection. A business-type budget for the fund shall be prepared, transmitted to the Congress, considered, and enacted in the manner prescribed by law (sec. tions 102, 103, and 104 of the Government Corporation Control Act, 31 U.S.C. 847–849) for wholly owned Government corporations.

"(B) The fund shall consist of appropriations paid into the fund pursuant to subsection (c), appropriations made pursuant to this paragraph, all amounts received by the Secretary as interest payments or repayments of principal on loans under this subsection, and any other moneys, property, or assets derived by him from his operations in connection with this subsection (other than paragraph (2)), including any moneys derived directly or indirectly from the sale of assets, or beneficial interest or participations in assets, of the fund.

"(C) All loans, expenses (other than normal administrative expenses), and payments pursuant to operations of the Secretary under this subsection (other than paragraph (s)) shall be paid from the fund, including (but not limited to) expenses and payments of the Secretary in connection with the sale, under section 302(c) of the Federal National Mortgage Association Charter Act, of participation in obligations acquired under this subsection. From time to time, and at least at the close of each fiscal year, the Secretary shall pay from the fund into the Treasury as miscellaneous receipts interest on the cumulative amount of appropriations paid out for loans under this subsection, less the average undisbursed cash balance in the fund during the year. The rate of such interest shall be determined by the Secretary of the Treasury, taking into consideration the average market yield during the month preceding each fiscal year on outstanding Treasury obligations of maturity comparable to the average maturity of loans made from the fund. Interest payments may be deferred with the approval of the Secretary of the Treasury, but any interest payments so deferred shall themselves bear interest. If at any time the Secretary determines that moneys in the funds exceed the present and any reasonable prospective future requirements of the funds, such excess may be transferred to the general fund of the Treasury.

"(g) The Secretary may agree to modifications of agreements or loans made under this section, and may compromise, waive, or release any right, title, claim, or demand of the United States arising or acquired under this section."

EVALUATION

SEC. 207. (a) That section of the Public Health Service redesignated as section 799b by section 205 of this Act is amended (1) by striking out "or 794," and inserting in lieu thereof "794, 795, 796, 797, or 798".

(b) The amendments made by this section shall be effective only with respect to fiscal years ending after June 30, 1970.

DEFINITION OF NONPROFIT AGENCY, INSTITUTION, OR ORGANIZATION

SEC. 208. That section of the Public Health Service Act which is redesignated as section

799 by section 205 of this Act is amended by inserting after "professions", in paragraph (3) thereof, the following: ", or any agency, institution, or organization,".

STUDY

SEC. 209. That section of the Public Health Service Act redesignated as section 799c by section 205 of this Act is amended by adding at the end thereof the following new sentence: "In addition to the report provided for by the preceding sentence, the Secretary shall prepare, and submit to the President and the Congress prior to January 1, 1972, a report on the administration of this part, an appraisal of the programs under this part in light of their adequacy to meet the needs for allied health professions personnel, and his recommendations as a result thereof."

ADVANCE FUNDING

SEC. 210. Part G of title VII of the Public Health Service Act is further amended by adding after the section redesignated as section 799c by section 205 of this Act the following new section:

"ADVANCE FUNDING

"SEC. 799d. Sums authorized to be appropriated for any fiscal year for grants, contracts, or other payments, under this part are hereby authorized to be included in the appropriation Act for the fiscal year preceding such fiscal year."

The section-by-section analysis, presented by Mr. YARBOROUGH, is as follows:

SUMMARY OF THE HEALTH TRAINING IMPROVEMENT ACT OF 1970

Section 101 of the bill amends section 771 of the Public Health Service Act which currently stipulates that each school of medicine, dentistry, osteopathy, pharmacy, optometry, veterinary medicine and podiatry with an approved application shall receive $25,000 with the remainder of the appropriation divided among approved schools on the basis of relative enrollment for the year of the grant, the relative increase in enrollment of such students for such year over the average enrollment of such schools for the five years preceding the year for which the application is made, and the relative number of graduates for such year. Section 771 currently requires at least a 2½ per cent, or 5 students whichever is greater, increase in enrollment over the two school years having the highest enrollment during the five school years during the period July 1, 1963 through June 30, 1968. Section 101 of the bill would require the Secretary of Health, Education and Welfare to prescribe by regulations the criteria for enrollment increases to be met by new schools and for determining the amount of each grant to new schools in excess of $25,000.

Section 201 of the bill would extend section 791 of the Public Health Service Act for five years with increased authorizations.

Section 202 amends section 792 of the Public Health Service Act which limits grants to junior colleges, colleges, or universities. In addition, since special improvement grants may be made only to the extent that the appropriation for this section is greater than the sum of the approved applications for basic improvement grants, no special improvement grants have ever been made. Section 202 of the bill would provide for separate authorization for special project grants and would expand coverage to permit grants to nonprofit organizations including junior college, colleges, and universities but not limited to them which provide training in the allied health professions. This in fact subscribes to a fairly strong consensus that if we are to close the existing gap between the supply and demand of allied health professionals, we must use all available qualified training resources. If a vocational school, a nonprofit trade association or a nonprofit organization claims that it can provide sound training in a scarce specialty in the allied health fields and the Department of Health, Education and Welfare is satisfied that it can, such a training program would be eligible for Federal assistance.

Section 202 would make it clear that special project grants may be used to establish special programs to reach groups such as the economically and culturally deprived and returning veterans with training and experience in the health fields.

Section 203 of the bill would extend the authorization for section 793 of the Public Health Service Act for five years with increased authorizations and would expand eligibility to include public and nonprofit private agencies, institutions, and organizations.

Section 204 of the bill would extend the authorization for section 794 of the Public Health Service Act for five years with increased authorizations. It would also permit expansion of the field for which grants may be made. Among other things it would provide for grants to study and develop mechanisms for determining equivalency and proficiency acquired skills and to develop new means of recruitment, retraining, or retention of allied health personnel.

Section 205 would redesignate sections 795, 796, 797, and 798 of the Public Health Service Act as sections 799, 799a, 799b, and 799c. Only minor changes would be made in the wording of some of these sections. The one substantial change has to do with a requirement in section 209 of the bill which calls for a report from the Secretary of Health, Education, and Welfare to the President and to the Congress prior to January 1, 1972, on the administration of the programs including an appraisal in light of their adequacy to meet the needs for allied health professions personnel.

Section 206 of the bill would amend title VII of the Public Health Service Act by adding new sections after section 794 of the Public Health Service Act to be designated as sections 795, 796, 797, and 798. New section 795 would provide for grants and contracts to encourage full utilization of the educational talents of veterans of the Armed Forces with training and experience in the health fields. The opportunities available to such veterans are not always well known. Thus while there is a severe shortage of allied health manpower, veterans with experience and training in the health fields are going into other fields. The new authorities in section 206 coupled with the amendments provided by sections 202 and 204 should permit fuller utilization of veterans with training or experience in the health fields. It would also provide assistance in identifying individuals of financial, educational, or cultural need with a potential for education or training in the allied health professions.

New Section 796 would provide for scholarship grants to individuals of exceptional financial need who require such assistance to pursue a course of study in the allied health fields. Current legislation does not provide for such grants.

New Section 797 would provide for federal grants for a work-study program for those students who are not sufficiently poor to be eligible for a scholarship under new section 796 or who do not want to burden themselves financially for a long period of time with a loan under new section 798.

New Section 798 would provide federal assistance for a loan program for students who are not eligible for a scholarship and for any number of reasons cannot or will not undertake a work-study program but still need some form of assistance to undertake a program of study in the allied health fields. This section also provides a cancellation clause of up to 50 per cent of the loan for full-time employment in any of the allied health professions in any public or nonprofit private agency, institution or organization or in a rural area with an individual practitioner if such service is approved by a local county health department at the rate of 10 per cent per year with a faster and complete cancellation provision for such service in an area designated by the Secretary of Health, Education, and Welfare as having a substantial shortage of personnel in the allied health fields.

Section 207 of the bill provides for a technical amendment occasioned by the redesignations stipulated by section 205 and the new sections called for by section 206.

Section 208 would amend the redesignated section 799 of the Public Health Service Act to provide for a definition of "nonprofit agency, institution, or organization."

Section 209 would call for a report from the Secretary of the Department of Health, Education and Welfare to the President and the Congress prior to January 1, 1972, on the administration of the allied health professions personnel training programs, including an appraisal of the programs in light of their adequacy to meet the needs of allied health professions.

Section 210 would provide for a new section 799d which calls for advance appropriations to permit the Department of Health, Education and Welfare and recipient institutions to plan more effectively as a result of the greater lead time provided by this section.

VETERANS IN THE ALLIED HEALTH PROFESSIONS

Mr. CRANSTON. Mr. President, I wish to congratulate the Senator from Texas (Mr. YARBOROUGH) for the continuing excellent leadership he has provided in expanding and improving the Nation's health programs. S. 3586, the proposed Health Training Improvement Act of 1970, which he introduced today, and which I am privileged to cosponsor, meets one of the most critical needs in health today—the development of health manpower—and approaches it in the most realistic way through providing for the expansion of the allied health manpower pool.

In recent years, physicians and other health professionals have become more and more reliant on the assistance of individuals trained in allied health fields. The medical community has fully recognized the value of the allied health professional—both as a specialist in his own right and as an extension of the physician's and other health professional's ability to provide treatment for the patient. This pyramiding of personnel has dramatically increased the productivity of the individual physician.

In view of this, the demand for the services of the allied health professional has vastly increased, and there is now a critical need to develop additional and innovative training programs and to attract more individuals into these fields. I believe S. 3586 will accomplish this.

The Veterans' Administration, I believe, can play a substantial role in alleviating the current critical health manpower shortages. As chairman of the Subcommittee on Veterans' Affairs, I am devoting considerable study to methods of improving the ability of the Veterans' Administration to expand its capacity to train and employ additional professionals in the allied health fields. I plan shortly to introduce legislation to that effect. Special emphasis will be placed on Veterans' Administration training programs to develop innovative types of allied health professionals. One of the most

promising is the "physician's assistant," for which an educational program is now in the formative stages at many medical schools and institutions throughout the country. Those programs which have moved into an operational phase have relied heavily on recruiting returning medical corpsmen and developing curriculums to build upon their skills. Because of the Veterans' Administrations almost unique potential for training and utilizing these new types of professionals and its great needs for more skilled medical staff, the bill will include special provisions for the development of physician's assistant training programs.

Concurrently with this, I will seek substantial increases for funding the Veterans' Administration health personnel training and education program, and shall seek to make that program a separate item in the appropriation bill to permit an expanded, ongoing effort.

Several of the provisions of the proposed Health Training Improvement Act dovetail with the Veterans' Administration programs which I hope will be established by the legislation I am developing. S. 3586 includes provisions to facilitate the entry of returning veterans into health training programs; to develop mechanisms for determining the equivalency of nonacademic training in the health fields; to permit grants for outreach programs to identify individuals from among the culturally and economically deprived and from among returning veterans with training and experience in the health field and to encourage their pursuit of a health career; and to establish a work-study program for allied health professionals.

The first of these provisions would authorize project grants to establish special curriculums for the training or retraining of allied health personnel and specifically includes the returning veteran who has learned health skills while in the Armed Forces.

A second provision authorizes a program to make grants and contracts for the study and development of mechanisms for determining the equivalency and proficiency of an individual's previously acquired skills. This is very pertinent to the returning military corpsman who has received intensive training, has had very substantial responsibilities in emergency care of the wounded on the battlefield and in field hospitals, and is, in many cases, overqualified for regular health training programs. New approaches will be needed to build upon the corpsman's existing skills and to eliminate unnecessary years of study in fields he has already learned.

Many veterans leaving the service are unaware of the existence of training programs in the health field, and are equally unaware of the very substantial potential for career development in those fields. The outreach program provided for in this bill should have a considerable impact in channeling these well-trained, competent young specialists into the allied health professions. And, through the bill I am developing, I hope that many of them will be able to receive further training and be employed as physicians' assistants in the Veterans' Administration.

An additional provision in Senator YARBOROUGH's bill which dovetails with programs I am developing would provide for grants for work-study programs. Although, as presently drafted and under present HEW interpretations, S. 3586 seems to preclude a VA hospital from receiving grants or subgrants under this work-study provision, the legislation I am planning to introduce providing for the expansion of Veterans' Administration education and training programs will include on-the-job training, continuing education, and career mobility as an integral part of the VA health manpower education and training programs. I plan to cooperate closely with Senator YARBOROUGH and officials of the Veterans' Administration in exploring methods to encourage the greatest coordination between such VA training programs and the work-study provisions of the proposed Health Training Improvement Act.

S. 3588—INTRODUCTION OF A BILL TO AUTHORIZE CERTAIN CONSTRUCTION AT MILITARY INSTALLATIONS

Mr. STENNIS. Mr. President, by request, for myself and the senior Senator from Maine (Mrs. SMITH), I introduce, for appropriate reference, a bill to authorize certain construction at military installations and for other purposes.

I ask unanimous consent that a letter of transmittal requesting consideration of the legislation and explaining its purpose be printed in the RECORD immediately following the listing of the bill.

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

The bill (S. 3588) to authorize certain construction at military installations, and for other purposes, introduced by Mr. STENNIS (for himself and Mrs. SMITH of Maine), was received, read twice by its title, and referred to the Committee on Armed Services.

The letter, presented by Mr. STENNIS is as follows:

THE SECRETARY OF DEFENSE,
Washington, March 11, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation "To authorize certain construction at military installations and for other purposes."

This proposal is a part of the Department of Defense legislative program for FY 1971. The Bureau of the Budget on March 2, 1970, advised that its enactment would be in accordance with the program of the President.

This legislation would authorize military construction needed by the Department of Defense at this time, and would provide additional authority to cover deficiencies in essential construction previously authorized. Appropriations in support of this legislation are provided for in the Budget of the United States Government for the FY 1971.

Titles I, II, III, and IV of this proposal would authorize $1,222,556,000 in new construction for requirements of the Active Forces, of which $627,455,000 are for the Department of the Army; $284,221,000 for the Department of the Navy; $267,280,000 for the Department of the Air Force; and $43,600,000 for the Defense Agencies.

Title V contains legislative recommendations considered necessary to implement the Department of Defense family housing program and authorizes $809,038,000 for all costs of that program for FY 1971.

Title VI contains General Provisions generally applicable to the Military Construction Program.

Title VII totaling $37,500,000 would authorize construction for the Reserve Components, of which $13,700,000 is for the Army National Guard; $9,300,000 for the Army Reserve; $4,500,000 for the Naval and Marine Corps Reserves; $6,500,000 for the Air National Guard; and $3,500,000 for the Air Force Reserve. These authorizations are in lump sum amounts in accordance with the amendments to chapter 133, title 10, United States Code, which were enacted in Public Law 87-554.

Sincerely,

MELVIN R. LAIRD.

ADDITIONAL COSPONSORS OF A BILL

S. 3566

Mr. HANSEN. Mr. President, on behalf of the Senator from Pennsylvania (Mr. SCOTT), I ask unanimous consent that, at the next printing, the names of the Senator from Oregon (Mr. PACKWOOD) and the Senator from Oklahoma (Mr. HARRIS), be added as cosponsors of S. 3566, to establish, within the National Foundation on the Arts and Humanities, a National Council on American Minority History and Culture.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 58—CONCURRENT RESOLUTION SUBMITTED EXPRESSING THE SENSE OF CONGRESS ON LOWERING INTEREST RATES

Mr. EAGLETON. Mr. President, the American people have now had 14 months of high interest and tight money because the administration says it is the bitter but unecessary medicine for inflation.

Today the inflation is still with us, the economy is clearly in a slump or possibly the beginning of a recession, more and more people are out of work, and the medicine is feeding the disease. High interest—the highest we have ever paid in our Nation's history—has become an integral part of the high cost of living—part of the inflated price of the goods we purchase.

And who is taking the medicine? Who is paying the interest? The people least able to pay—the consumers, the small businessmen, the farmers, the home buyers—people to whom credit is essential but who are unable to pass along 10, 12, or 18 percent financing charges to someone else.

Tight money and high interest do not seem to be hurting the bankers. It is not hurting the well-financed corporations who are lenders themselves.

The people who are being hurt are the ones for whom a single house or a single college education is the most important investment of their lifetimes. In all of 1969, permits for fewer than 600 family housing units were issued in St. Louis,

and only 14 of these were for single family homes.

Mr. President, tight money has done its work, for good or ill, and it is time to end the indecent and unfair burden it is imposing on so many millions of people. There are other, more effective instruments available for dealing with inflation, and our distinguished colleague, Senator MONDALE, is now taking testimony on them before the Senate Subcommittee on Production and Stabilization. I trust the administration will give close attention to recommendations which emerge from those hearings.

Meanwhile, however, I believe it is time for Congress to go on record for lower interest rates, and to demand that the administration move promptly to ease money.

Coy hints of easier money just around the corner may titillate Wall Street, but are not doing a thing for the average citizen except perhaps to feed his bitterness.

I therefore submit, on behalf of myself, and Senators CANNON, GRAVEL, HART, INOUYE, MONDALE, RANDOLPH, SPONG, and YOUNG of Ohio, a concurrent resolution expressing the sense of the Senate that the administration should reverse its high interest rate policy, and that the Federal Reserve Board should take steps to gradually roll back the prime interest rate to 6 percent.

An identical resolution was introduced in the House with the cosponsorship of 82 Members from 28 States.

I request unanimous consent that the text of the resolution be printed in the RECORD at this point.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 58), which reads as follows, was referred to the Committee on Banking and Currency:

S. CON. RES. 58

Whereas a high interest rate policy has been followed for the past fourteen months as a part of the administration's fight against inflation; and

Whereas the higher interest rates paid by manufacturers, distributors, transporters, retailers, and all others involved in the production and marketing processes tend to become part of the end cost of the product, thereby adding to the growth of inflation; and

Whereas consumers and small businessmen, to whom credit is vital and who operate on smaller margins, ultimately pay the cost of interest rate increases; and

Whereas the high interest rate policy, continued over an extended period, has served to blunt the Federal goal of attacking the problem of inadequate and substandard housing on a massive scale by systematically reducing the availability of low-cost financing; and

Whereas extended periods of high interest rates have traditionally and historically been followed by recessions: Now therefore be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that the administration should make every effort to reverse its policy of high interest rates in all programs and at all levels, and that the Federal Reserve Board should take steps to gradually roll the prime interest rate back to 6 per centum.

VOTING RIGHTS ACT AMENDMENTS OF 1969—AMENDMENT

AMENDMENT NO. 553

Mr. ALLEN proposed an amendment to the Scott-Hart amendment (No. 544) to the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices, which was ordered to be printed.

(The remarks of Mr. ALLEN when he proposed the amendment appear later in the RECORD under the appropriate heading.)

NOTICE OF HEARINGS ON NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

A. Roby Hadden, of Texas, to be U.S. attorney for the eastern district of Texas for a term of 4 years, vice Richard B. Hardee.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Wednesday, March 18, 1970, any representations or objections they may wish to present concerning the above nomination, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Wednesday, March 18, 1970, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

Howard B. Turrentine, of California, to be U.S. district judge for the southern district of California, vice Fred Kunzel, deceased.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from North Dakota (Mr. BURDICK), the Senator from Nebraska (Mr. HRUSKA), and myself as chairman.

NOTICE OF HEARINGS BEFORE THE SUBCOMMITTEE ON SECURITIES ON BILLS RELATING TO PROTECTION FOR INVESTORS

Mr. WILLIAMS of New Jersey. Mr. President, I wish to announce that the Subcommittee on Securities of the Committee on Banking and Currency will hold hearings on S. 3431, a bill to provide additional protection for investors in corporate takeover bids; and S. 336, a bill to increase the exemption under regulation A of the Securities Act of 1933 from $300,000 to $500,000.

The hearings will be held on Tuesday and Wednesday, March 24 and 25, 1970, and will begin at 10 a.m. in room 5302, New Senate Office Building.

Persons desiring to testify or to submit written statements in connection with these hearings should notify Mr. Stephen J. Paradise, assistant counsel, Senate Banking and Currency Committee, room 5300, New Senate Office Building, Washington, D.C. 20510; telephone 225-7391.

ANNOUNCEMENT OF HEARINGS BY THE COMMITTEE ON ARMED SERVICES ON THE SELECTIVE SERVICE SYSTEM

Mr. STENNIS. Mr. President, I should like to announce that the Senate Committee on Armed Services will begin hearings very soon after we reconvene following the Easter recess on the Selective Service System.

The committee will begin consideration of two aspects of the system: First, the question of how the Selective Service System is operating under its present rules and regulations, and second, the general matter of possible changes in existing law as they pertain to the many aspects of the Selective Service System and as proposed in the numerous bills now pending before the committee.

The witnesses at this initial hearing will be those from the executive branch who will testify both on the operation of the System and the executive branch position on the several pending bills on the subject.

I would like to note that the hearings will be only the beginning of the committee consideration of this entire matter. Following the executive branch testimony, hearings with other witnesses will be scheduled as quickly as the committee work permits.

The committee did not begin Selective Service hearings on February 15, the date previously contemplated and announced, because of the delay in nominating a new director of the Selective Service System and for the reason that reports have not been received from the executive branch on its position on the pending bills on Selective Service.

I would emphasize, Mr. President, that the committee will not complete action on the procurement authorization legislation prior to the Selective Service hearings.

I would note that it would be necessary to resume committee action on the procurement authorization legislation following the Selective Service hearings and, to some extent, hearings on each will continue for a time.

ADDITIONAL STATEMENTS OF SENATORS

SOVIET MISSILE THREAT

Mr. TOWER. Mr. President, development and deployment of Soviet offensive missiles has proceeded at such a rapid rate in the last few years that we must realistically conclude that the United States is in danger of becoming inferior to the Soviets in strategic nuclear power.

Recent history of Soviet missile development clearly demonstrates a concerted effort to match and surpass the United States. In 1966, the Soviet Union had 250 ICBM's on launchers. By 1967, this number had increased to 570 and by

September 1, 1968, 900. This was the best intelligence we had when phase I of safeguard was debated. At that time, Secretary Laird was criticized by Safeguard opponents for recognizing the fact that continued Soviet deployment of the giant SS-9 missiles was indicative of a desire on their part to develop a first-strike capability.

As of September 1, 1969, the Soviets had 1,060 ICBM's on launchers. It is interesting to note that many of the 160 missiles placed on launching pads were the awesome SS-9's.

The SS-9 missile is the largest ballistic missile in existence in the world. It is capable of carrying warheads as large as 25 megatons. When one considers that a much smaller warhead is sufficient to serve as an effective retaliatory weapon for attacking soft targets, the intended use of these giant missiles must be questioned carefully. A 25-megaton weapon is only useful as a "terror" weapon or against hardened missile sites. Hardened missile sites would, of course, only be attacked in a first strike attempt to destroy the defenders' ability to retaliate.

All of these figures illustrate one simple point. There is ample evidence to believe that the Soviet Union is proceeding to develop a first strike capability.

None of us can be sure of what the Soviet intent in this regard is. What is clear, however, is the absurdity of risking the continued existence of the United States on the unsupported assumption that the leaders of the Soviet Union no longer harbor aggressive designs on the Free World.

Instead, we should seek to develop the weapons systems necessary to preserve the credibility of our deterrent and to provide effective protection for ourselves.

The Safeguard ABM system, by insuring that no first strike can neutralize our Minuteman ICBM force, greatly lessens the likelihood that the Soviet Union or any other future nuclear force would make the tragic mistake of initiating a nuclear holocaust. So long as the leaders of the Soviet Union remain convinced that they will be utterly destroyed by a nuclear exchange, we can be sure that they will not make that mistake. We can be sure because it will be in their best interest to avoid a nuclear war. This, I suggest, makes far more sense than to base our security strictly on the good will of the Soviets.

In addition to providing us with the necessary weapons system to prevent a first strike from becoming attractive to the Soviets, the Safeguard ABM system lessens the likelihood of nuclear war in yet another way. The initial round of the SALT talks was considered by all to have been highly encouraging. There is good reason to believe that the decision we made last year to proceed with phase I of the Safeguard system was instrumental in bringing about meaningful talks. It would be counter-productive to turn around now and reject phase II of Safeguard before the SALT talks reconvene. If we sincerely desire that our President proceed with all deliberate speed to reach arms limitations agreements, we must give him the tools he needs to negotiate such an agreement. In my view, the experience of the first round of the SALT talks has taught us that Safeguard may well be the single most valuable aid our negotiators have.

We must proceed with phase II of Safeguard. The taking of any other course of action would ignore the mounting Soviet missile threat and undercut the President's ability to negotiate an arms limitation.

In conclusion, I must stress that it is a naive, dangerous, and unsupportable assumption that the Soviets have some genuine fear of potential U.S. aggression and, therefore, if the United States will simply unilaterally arrest its arms development to prove its good intentions, the Soviets will follow suit or be more amenable to arms limitations. Experience proves the contrary. Those who would thwart technological advance in strategic weaponry must answer the question: Are you prepared to see the United States slide into such a position of strategic inferiority as to make the free world vulnerable to nuclear blackmail in the mid-1970's?

THE INEQUITY OF THE DRAFT

Mr. KENNEDY. Mr. President, last Sunday's Washington Post contained an article, written by Richard Harwood, which documents once again the way in which the draft favors wealthier and better educated registrants.

For many years the draft has been criticized for discriminating against less fortunate young men. Mr. Harwood states:

> At the heart of this discrimination are the exemptions and deferments that have been grafted onto the Selective Service System.

He goes on to show that exemptions and deferments—even for extreme hardship—are far more numerous in the white, middle-class boards of Georgetown and the upper Northwest than in the central-city ghetto boards.

> Although Georgetown and the upper Northwest have less than 15 per cent of the D.C. registrants, they have obtained for their sons 35 per cent of the military reserve and National Guard assignments that insulate men from active duty in Vietnam; 33.5 per cent of the college student deferments; 100 per cent of the conscientious objection deferments that permit young men to do civilian work in lieu of military service; 22 per cent of the occupational deferments; and more "extreme hardship" deferments than Boards 7 and 8 in the central city ghettos.

Mr. Harwood shows clearly why there is currently so much dissatisfaction and disillusionment with the present draft. I ask unanimous consent that this article be printed in the RECORD.

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

[From the Washington Post, March 8, 1970]

"HARDSHIP" AMONG THE RICH: THE DRAFT'S INEQUITY

(By Richard Harwood)

Since John F. Kennedy's time, Georgetown has symbolized for the tourists in Washington the elegant life standards of the American Federal Establishment.

Today it is also a convenient symbol of the grotesqueries of the draft.

It is an area of considerable wealth and learning that has obtained for its sons more "extreme hardship" deferments from military service than a comparable area in the black ghetto of central Washington.

Georgetown (Board 1) and its affluent neighbors in the city's upper Northwest (Board 2), contain 13 percent of the Selective Service registrants in the District of Columbia. But last year they supplied only 6 percent of the District's draftees—47 men. Anacostia, with its grim rows of public housing, supplied 107 men. The black middle class in the far Northeast supplied 129.

That is nothing peculiar to Washington, of course. Alabama, with a little more than 3.5 million people, supplied only 20 percent fewer men to the draft last year (6,020) than New York City, which has a population of nearly 8 million and supplied 7,214 men.

Incongruities and disparities of that kind were remarked a few months ago by Charles Palmer, the president of the National Student Association.

"This war," he told a Senate subcommittee, "is paid for by the poor."

Young people, unable to attend college, unwilling to seek defense-related occupations, young people without the money for adequate medical or legal advice, make up the bulk of the forces now in Vietnam . . . We raise our cannon fodder on small farms, on reservations, in the hollows of Appalachia, in ghettos and barrios, and our ancient friends at the local (draft) boards sift the chaff."

The statement was somewhat overdrawn. The heaviest burden of the Vietnam war falls on the high school graduates and college dropouts. Roughly 60 percent of them go into the military services, compared with only 50 percent of the poorest and least educated young men in American society.

There is no doubt, however, that the lightest burden is borne by the most affluent and most educated classes. Only 40 percent of the college graduates in this country perform military service.

Moreover, the kind of service they perform—officers excepted—tends to be the least hazardous. Of the approximately 100,000 light infantry replacements required by the Army this year—the "grunts" of the rifle companies—only about 2,000 will come out of college graduating classes, according to Defense Department estimates. The rest will be less educated men.

"The exposure (to death) of the college graduate," a Pentagon official observes, "is going to be less than the exposure of other groups."

Or, as former Attorney General Ramsey Clark has put it, "If I went to Vietnam last year and all my buddies haven't gone yet, there is a difference. The difference may be that I am dead and they are still in school."

At the heart of this discrimination are the exemptions and deferments that have been grafted onto the Selective Service System. The reasoning has been that since the manpower supply in the United States far exceeds the demands of the military services, exemptions and deferments are a justifiable luxury. As a result, only about 7 million of the roughly 22 million men between the ages of 18½ and 26 have performed military service.

The theory is that the exemptions and deferments are equally available to all men. In practice it has not worked that way, as the case of the District of Columbia illustrates.

The District has 15 local draft boards of varying sizes. Board 15, covering the far Northeast, has more than 17,000 registrants. Board 8 in the central city has fewer than 6,000 registrants.

If the system worked equitably, each board would provide the Pentagon with men pro-

portionate to its number of registrants and would claim proportionate shares of the deferments and exemptions.

The reality bears no resemblance to that ideal. The far Northeast and its black middle class (Board 15) supplies nearly three times as many draftees to the system as the white middle class of Georgetown and the upper Northwest (Boards 1 and 2), even though Board 15 has fewer registrants.

The allocation of deferments and exemptions is distorted in the same way. Although Georgetown and the upper Northwest have less than 15 per cent of the D.C. registrants, they have obtained for their sons 35 per cent of the military reserve and National Guard assignments that insulate men from active duty in Vietnam; 33.5 per cent of the college student deferments; 100 per cent of the conscientious objection deferments that permit young men to do civilian work in lieu of military service; 22 per cent of the occupational deferments, and more "extreme hardship" deferments than Boards 7 and 8 in the central city ghettos.

The fact that 76 per cent of the college students in this country come out of the most affluent families is a major element in this pattern. They are exempted from military service for four years. Theoretically, they go into the military service when their college days are done; in practice, it works otherwise.

Of the 400,000 male college graduates this year, no more than 100,000 are likely to be called for military service of any kind. About 40,000, the Defense Department estimates, will be drafted—10 per cent of the total. Another 30,000 will enter the officer corps. About 20,000 will enlist in the Navy, Air Force and Marine Corps. About 10,000 will go into reserve and National Guard units.

Thus, the colleges this year are expected to provide only about 12 per cent of the 850,000 new men the services will require.

"If some men with the education and money are avoiding the draft while others cannot," Sen. Edward M. Kennedy (D-Mass.) has said, "then it can fairly be said that they are buying their way out of the war."

People with money and brains do manage, in a remarkable number of cases, to beat the system. Lawyers for the American Civil Liberties Union in New York City claimed in testimony before Sen. Kennedy's subcommittee that of 500 men they have counseled on ways to avoid the draft, only seven have been inducted. A law firm in Santa Monica, Calif., reports that it has "never lost a man" out of 700 anti-draft clients.

The largest private draft counseling service in the Washington area is the Washington Peace Center, located in the Friends Meeting House at Florida ave. and Decatur pl. NW. In an average week, it advises about 30 young men—nearly all white, nearly all upper middle class, nearly all from Georgetown, the upper Northwest or suburbia—on ways to avoid military service. Dozens of similar organizations are functioning in other cities in the United States, and according to those involved in the movement they have approximately the same clientele.

The Peace Center here is somewhat unusual, however, in that it has been certified by Selective Service authorities as an agency eligible to provide employment for young men who have been classified as I-W conscientious objectors.

The class of COs, unlike the ordinary CO, is not required to perform noncombatant service in the military such as medics and chaplain's assistants.

The I-W is allowed to discharge his "military obligation" by working for two years in some socially useful civilian job—in a mental hospital or a social work agency, for example.

At the Peace Center, however, the "alternative service" performed by the two I-Ws on its staff—Bill Brubaker and Mike O'Hare—is advice on how to beat the draft.

The irony of this alternative service is obvious to the people involved in it but not to Selective Service authorities, who may not be aware of what is going on.

Ira Hamburg, the center's board chairman, says that the organization got its alternative service certification from Selective Service without specifying that draft counseling was one of its principal activities.

In any case, Brubaker and O'Hare are satisfying their "military obligation" as COs by serving as draft counselors, rather than as uniformed noncombatants in Vietnam.

They are not unique, according to Alan Dranitzke, editor of the Selective Service Law Reporter, a 2,200-subscription publication serving the large draft-counseling industry that has grown up in the United States in the last few years. Dranitzke says that a number of I-W COs are serving out their time as advisers on ways to avoid the draft.

David Otto, a young anti-war, antidraft worker in the D.C. Moratoruim Committee, is exempt from the draft because the Selective Service System has ruled that he is in an essential civilian occupation. He teaches children in Georgetown who are enrolled in a private school. In his spare time, he is organizing antidraft demonstrations that are to be held here during the week of March 16-22.

He thinks his occupational deferment is slightly absurd and plans to seek, instead, a CO classification.

There is no doubt in Otto's mind that the deferment-exemption system favors the white middle class. And he offers many examples:

"It is a known fact that in New York there are psychiatrists who—for a fee—will certify that you are under his care and are unfit for military service.

"One of my friends got out of the draft in another way. He bribed a technician at the medical examination to say that he was only 5 feet 4 inches tall and was overweight. The technician measured him from his feet to his shoulder, not to the top of his head."

The ruses used, says Otto, are almost endless. College students, for example, can switch their major courses of study so often that they extend their undergraduate deferments. College freshmen build up four-year histories of "back trouble" with frequent visits to the infirmary; ultimately they are rejected on physical grounds by military medical examiners.

Robert Leisinger, a counselor with IV-F status at the Washington Peace Center, tells of an acquaintance rejected for showing up at an examining station wearing diapers. Another was rejected, he said, because of an obscene tattoo. Yet another beat the draft, said Leisinger, by claiming he was homosexual.

There is no end to stories of this kind, and in almost every case they involve college students who have had the wit to seek counseling or the money to hire a lawyer.

The makeup and location of local draft boards affect the outcome, too. A student of these affairs, Dr. Gary L. Wamsley of Vanderbilt University, has told of a Pennsylvania board that classified a man as 1A "because they thought the Army would be good for him and would get him away from a bad home environment . . . I saw (another) board grant an occupational deferment to a young man organizing YMCA teen clubs in middle-class suburban high schools."

There are more striking examples of double standards. In Puerto Rico, men are drafted if they can pass the Army's written tests in Spanish. In the United States, the Selective Service Law Reporter notes, Spanish-speaking men are rejected for service if they are unable to pass the Army tests in English.

Many men have confronted the system more directly—by fleeing the country or by refusing induction. The number of Justice Department prosecutions of Selective Service violators doubled in a single year—from 1,698 in fiscal 1968 to 3,455 in 1969. Forty per cent of those charged are Jehovah's Witnesses. Draft law violations now rank fourth among all Federal crimes, exceeded only by narcotics violations, interstate car thefts and immigration cases.

The number of these violators is still less than one-half of 1 per cent of the draftees called. They have not filled the federal prisons (only 521 were in jail at the beginning of this year) and they have had no meaningful effect on the manpower supply available to the Pentagon.

They have, however, contributed to the growing public belief that there is a massive anti-draft movement in the United States threatening the stability of the military establishment. They have stimulated the growth of the draft-counseling industry, which now includes law firms, legal volunteers, church organizations, high school and college advisers, and a nationwide network of institutions such as the Washington Peace Center.

The effectiveness of this movement in terms of draft avoidance has not been assessed. The Peace Center, for example, has no follow-up data on the people it counsels.

Unquestionably, the movement has made the Selective Service System more responsive to challenges and appeals and has opened up the opportunities for deferment or exemption, as recent court rulings have shown. It probably contributed, too, to the firing of draft director Lewis B. Hershey.

But as Otto and Hamburg and Dranitzke concede, the beneficiaries of the movement have been, for the most part, the same people who are already the main beneficiaries of the deferment and exemption provisions of the draft law.

Senator Kennedy and members of his subcommittee on the draft are convinced that only when all deferments (except hardship and conscientious objection) are abolished will there be any semblance of equity in the Selective Service System.

There are credible reports that the Nixon administration has come around to the same view and will propose an end to deferments in the next few months as a prelude to an end to the draft in the mid-1970s and a changeover to an all-volunteer army.

If proposed, these reforms will come rather late in the Vietnam era. For more than a year, the Pentagon has been quietly winding down demands for manpower. From a Vietnam peak of 3.5 million men in mid-1968, the strength of the armed forces has been declining to an expected level of 3.1 million in June and 2.9 million a year later.

LOAN SHARKING

Mr. SCOTT. Mr. President, the lead article in the March 5, 1970, edition of the Machinist, published by the International Association of Machinists and Aerospace Workers, concerns one of the most vicious rackets in America today, the crime of loan sharking, and the new law which makes loan sharking a Federal crime.

The author of this significant law is our own Representative JOSEPH M. McDADE of the 10th Congressional District of Pennsylvania, and he is so featured in the story.

I wish to commend Representative McDADE for the work he did in authoring this important attack on organized crime. As is noted in the article, the

vicious men who run this racket often get between 300 percent to 1,000 percent annual interest on the money they loan, and too often the victims of this racket are the urban poor in America. It has been a multibillion-dollar source of revenue for organized crime; that take may now be cut sharply.

I wish also to commend the Machinist for publishing this story. This paper will go into the homes of every member of the Machinists Union in America, and will not only alert them to the dangers of this vicious racket, but will also inform them of the new law which is now on the books, and which has already been tested in the Court of Appeals, to fight this crime.

I ask unanimous consent that this article be printed at the conclusion of my remarks. I certainly commend its reading to all Senators.

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

[From the Machinist, Mar. 5, 1970]

FEDS MOUNT DRIVE: TWO CONVICTED, 36 AWAIT TRIALS IN DRIVE ON LOAN SHARKING

A Federal campaign to stamp out loan sharking is picking up steam all over the country.

Loaning money at exorbitant interest rates collected by beatings or threats of physical harm has been a Federal offense since 1968. Congress added it, as an afterthought, to the Truth-in-Lending Act.

So far, the Feds have indicted at least 41 persons in nine states on loan-sharking charges. Two have been convicted under the new law; one was acquitted and two indictments have been dismissed. The other 36 cases are awaiting trial.

The constitutionality of the anti-loan-sharking law was upheld last month by the Seventh Circuit Court of Appeals in Illinois. The law had been challenged by Michael Biancofiori of Chicago, the first loan shark convicted under Federal law.

According to Rep. Joseph McDade of Pennsylvania, whose bill was the basis for the legislation, the new law was directed against organized crime that preys on the poor who cannot find credit thorugh normal channels.

THE 1,000-PERCENT INTEREST

Under the law, it is illegal for anyone to use or threaten violence in making, financing or collecting a loan. The Congressman explained that when direct evidence of violence is available, nothing else is required to prove the crime.

Congressional hearings revealed that a loan shark may charge up to 1,000 per cent interest a year and that loan-sharking is a multi-billion dollar source of income annually for the underworld.

Biancofiori, whose conviction was affirmed in Chicago, had been found guilty of making threats to collect a debt from George Wright and sentenced to seven years in prison. Testimony in that case showed how loan sharks operate.

According to the testimony, Biancofiori loaned Wright, a snack shop employee, $200 in November, 1967, telling him, "You know this is a juice (high-interest) loan." Wright was required to pay $14 interest a week, payable every Tuesday.

This amounted to 364 per cent a year!

Biancofiori also warned Wright:

"Don't try to leave town on me, or the boys will find you and you'll be sorry."

In December, 1967, Wright was again in financial trouble and borrowed an additional $200 from Biancofiori.

Two months later, Wright and Biancofiori formed a partnership in a painting and decorating business, M&G Home Improvement. Biancofiori supplied $1,000 cash needed to start the enterprise and controlled the books. He deducted Wrights's payments from his wages. Wright got two more loans shortly after the partnership was formed, borrowing a total of $75 from Biancofiori. His weekly interest payments amounted to $53.

In August 1968, Wright stopped working for M&G. When Wright was unable to make interest payments, he and his family were harassed by Biancofiori.

Wright complained to the Federal Bureau of Investigation that Biancofiori repeatedly made threats of violence, in person and over the telephone. On a day a collection was scheduled, agents hid in Wright's apartment, overheard the threatening remarks and made the arrest.

Investigation of the Biancofiori case led Federal agents to smash what was described as "the largest blue-collar loan-shark ring in the country." Eleven men were indicted on charges of using or threatening violence in extending credit.

THE 500-PERCENT INTEREST

The ring, which was based in Cicero, Ill., a Chicago suburb, netted an estimated $50,000 a week, loaning money to persons who lost heavily gambling. The victims, including some factory workers, were directed to loan sharks by bookies, agents said.

The loan sharks extended credit at interest rates of five to ten per cent a week. This would be an annual rate of about 250 to 500 per cent.

The victims were told they would be harmed if they did not meet payments, according to the indictments. Biancofiori operated as a collection agent for the lenders.

The second loan shark to be convicted under the new law is Alcides Perez. He was sentenced to 18 months in prison on Mar. 19, 1969, for threatening violence to collect a debt. Here are the facts in his case:

The victim opened a butcher shop in New York State. He borrowed money from Perez after he was unable to obtain credit from a supplier. Within four months the victim paid Perez three times the amount of the original loan and was still in debt. His business failed.

As a result of Perez's threats, the victim and his wife were forced to move out of their neighborhood. Eventually they reported the threats to authorities and testified at Perez's trial.

In another case, not yet come to trial, Eugene C. Dawson of Jersey City, N.J., charged that he was obliged to pay a loan shark 260 per cent interest on a debt. He had borrowed $400 to pay outstanding bills. A month later, he borrowed an additional $300. He was then required to pay $35 a week interest until he could repay the $700 lump sum.

When Dawson began to fall behind in his payments, he was driven to a store to "straighten out his loan." When Dawson explained that he had no money, he was beaten on the arms and hip with a heavy piece of wood.

Next day, Dawson entered a hospital with a broken elbow. He was hospitalized for 11 days.

Another victim of the loan sharks, Frank Gscheidle of New York City, told authorities he borrowed $1,000. Six months later he had repaid the loan plus $400 interest. Yet, the lenders told Gscheidle he still owed them $1,350. When he refused to pay up he was threatened with pistols and beaten with fists. Three men have been indicted for using violence to collect that loan.

The Justice Department has launched an investigation of underworld figures who are financing loan-sharking operations. According to officials, the new law has "provided a real deterrent to this type of activity."

FBI AIDS LOAN SHARK VICTIMS

Under Federal law, a loan shark is any money lender who threatens you or your family with beatings or other physical harm if you fail to make the payments. The penalty can run to $10,000 and 20 years in jail.

If you are victimized by a loan shark who threatens bodily harm, call the nearest office of the Federal Bureau of Investigation. The nearest office should be listed in the front pages of your telephone directory.

ADDITIONAL DEATHS OF CALIFORNIANS IN VIETNAM

Mr. CRANSTON. Mr. President, between Wednesday, February 18, 1970, and Friday, March 6, 1970, the Pentagon has notified 26 more California families of the death of a loved one in Vietnam.

Those killed:

S. Sgt. Daniel A. Alegre, son of Mrs. Edith H. Hussy, of San Francisco.

Sgt. Jeffrey T. Beardsley, husband of Mrs. Patricia J. Beardsley, of San Jose.

Sp4c. Chad A. Charlesworth, son of Mr. and Mrs. Bill B. Charlesworth, of Ojai.

WO Richard J. Connelly, son of Mr. and Mrs. John P. Connelly, of Long Beach.

GMG2 Thomas E. Copp, son of Mrs. Ellen Copp, of Chatsworth.

Cpl. Thomas G. Dickson, son of Mr. William R. Dickson, of Norwalk.

Sp4c. Mark S. Diorio, son of Mrs. Lois A. Prouty, of Santa Cruz.

HM3 Charles P. Duessent, son of Mr. and Mrs. Harry A. Duessent, of South El Monte.

L. Cpl. Warren J. Ferguson, Jr., son of Mr. and Mrs. Warren J. Ferguson, Sr., of Fullerton.

Rdm. Chief Norman G. Gage, husband of Mrs. Rosemary Gage, of Imperial Beach.

Sp4c. Frank N. Figueroa, husband of Mrs. Carol Figueroa, of Santa Ana.

Seaman Gary L. Giovanneli, son of Mrs. Beulah M. Esposito, of San Leandro.

L. Cpl. Barry C. Hiatt, husband of Mrs. Dawn C. Hiatt, of Fremont.

Sgt. Phillip F. Hults, father of Miss Elizabeth A. Hults, of Anaheim.

Sp4c. Mark A. Jenewein, son of Mrs. Virginia M. Jenewein, of Garden Grove.

Pfc. Dennis E. Joy, son of Mr. and Mrs. Earl R. Joy, of Imperial.

Lt. Bernard L. Lefevre, son of Mr. and Mrs. Robert A. Lefevre, of South Laguna.

Pfc. Robert L. Pearson, son of Mr. and Mrs. Jerry B. Pearson, of Porterville.

Sp4c. Trinidad G. Prieto, son of Mr. and Mrs. Trinidad Prieto-Perez, of Chihuahua, Mexico.

Sp4c. David S. Reid, son of Mr. and Mrs. George S. Reid, of San Pedro.

Capt. Patrick L. Smith, husband of Mrs. Theresa Smith, of Madera.

Cpl. Donald J. Wade, son of Mr. and Mrs. Frank Wade, of Santa Cruz.

Pfc. Richard A. Whitmore, son of Mr. and Mrs. Odell C. Whitmore, of Hawthorne.

Pfc. Richard W. Williams, son of Mr. Hobart Williams, of Yreka.

Sp4c. Lawrence W. Yochum, son of Mr. and Mrs. John R. Yochum, of Burney.

Sgt. Victor F. Zaragoza, son of Mr. and Mrs. Florentino V. Zaragoza, of Holtville.

They bring to 3,980 the total number of Californians killed in the Vietnam war.

FARM TENANCY IN VIETNAM

Mr. McGEE. Mr. President, American officials in Vietnam have long held that the country has the worst farm tenancy pattern in the world, with about 60 percent of the country's land still being tilled by tenant farmers and owned for the most part by absentee landlords.

All that, however, is about to change, as the South Vietnamese Senate has given its approval to a bill, already passed in similar form by the House of Representatives, to turn most of the land over to the farmers.

This important development was thoroughly covered in a New York Times dispatch written by James P. Sterba, which appeared yesterday. I ask unanimous consent that it be printed in the RECORD.

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

LAND REFORM BILL PASSED IN SAIGON—SENATE VOTES BILL SIMILAR TO HOUSE-APPROVED MEASURE

(By James P. Sterba)

SAIGON, SOUTH VIETNAM, March 10.—Land reform inched forward in South Vietnam this week after a six-month pause.

A bill that would abolish absentee ownership and turn over about 60 per cent of the country's rice land to the tenant farmers who till it, without charging them for it, was passed by the Senate yesterday by a vote of 27 to 2. The House of Representatives passed a similar bill last Sept. 9.

The original bill was sent to the House by President Nguyen Van Thieu last July 2 as the first and most important social reform of his presidency, and one with obvious political benefit for him in the countryside.

After Senate passage, the bill was sent back to the House, where a two-thirds majority is required to alter it.

President Thieu today asked the House, in recess until April 1, to convene a special session this week or next to approve the Senate's version. A House steering committee agreed, but did not set a date.

COMPUTER WOULD PLAY ROLE

If everything goes according to plan, which rarely happens in this country, the legislation would wipe out in three years what United States rural development experts have called "the worst farm tenancy pattern in the world." A giant International Business Machines Corporation 360 computer in a building of the United States Agency for International Development in downtown Saigon would soon begin churning out titles for about 2.5 million acres of land.

"This was the major hurdle, we think," said one United States official today in referring to Senate passage to the bill. While some American officials foresee numerous administrative problems in implementing the program once it is approved by the President, the officials were obviously delighted with the Senate's action.

The program, known as "Land to the Tiller," as is the Vietcong's land reform program, would expropriate all the holdings of landlords who do not now live on their land. With money coming indirectly from the United States, the landlords would receive from the Saigon Government 20 per cent of the value of their land in cash and the rest in eight-year bonds.

Owner-operators currently living on their farms would be allowed to keep a maximum of 37 acres under the Senate bill and 74 acres under the House version.

Plots of land ranging from 2.5 acres to 12.5 acres, depending on which bill is signed, would be distributed free to 600,000 to 700,000 peasant farmers.

In many cases, the Government would simply issue titles for the land which the farmers have worked for years as tenants. Titles held by landlords, who collect 25 per cent or more of the annual crop would be voided.

Of the 43 million acres of land in South Vietnam, slightly less than 7.5 million acres are presently under cultivation, mostly in the Mekong Delta.

After numerous land reform measures during three previous administrations starting with Emperor Bao Dai in the early 1950's, about 60 per cent of the land continues to be farmed by tenants.

GREECE AND DEMOCRATIC GOVERNMENT

Mr. SAXBE. Mr. President, Greece has lived under all types of governments in its long and varied history, ranging from cruel oppression by foreign dictators to the free exchange of democracy. The lexicon of government and politics is filled with words borrowed from the Greek originals—tyrant, oligarchy, anarchy, and democracy—and the theories of government born in the minds of Greek philosophers have been put into practice by many nations, including our own United States. We owe much to Greece and from the experience of Greece we have learned a great deal about the organization of men in these communities we call nations. Perhaps there is now a need to remind Greece of those lessons of history and to suggest that Greece reread its own dictionary of government.

There is no need to reiterate the long history of Greece. They are well aware of their heritage, of their history, of their accomplishments and their failings, just as we in this Nation are aware of our history and the tasks awaiting us. But we can remind the Greek Government that within their history there are many precedents and examples of the extension of authoritarian rule, once it was established, and what finally emerged from the harsh rule of the few. The social and governmental reforms of Lycurgus of Sparta became the foundation not for democracy but for the authoritarian rule of the few over the many. When the aristocrats of Corinth, Sicyon, and Megara assumed power, they establish tyrannies, and the tyrannies were followed by political chaos and instability. The tyranny of Pisistratus over Athens led not to democracy, but to the "liberation" of the city by the Spartans. The reign of the democrat Pericles was followed by a tyrant, and the tyrants were followed by civil war, unrest, a collapse of values, disunity, instability, and defeat at the hands of foreign armies.

The history of Greece since its independence from the Ottoman Turks in the 1820's is checkered with swings between periods of relative democracy and relative tyranny. Men of good faith do not want to see another chapter added to the cycle of democracy-to-tyranny-to-chaos in Greece, but we want for the nation of Greece a return to democracy. Democracy has been seized by military men who are not tyrants as in the Greece of old, but who have nevertheless gathered all authority in their few hands. The coup d'etat may very well have thwarted a takeover by leftist and Communist elements who were going to use a political rally scheduled for April 24 to ferment a rebellion and eventual Communist takeover of the government.

After the events of April 1967 when this group of men forestalled what they considered to be a serious threat to their nation, there came a period of strict controls over the freedom of the Greek people. As the anxiety of crisis passed and as the new leaders of the government settled into their self-appointed jobs, many of the strictures and bans were relaxed, but some still prevail. Parliamentary government remains in suspension. Many of the individual rights of the Greek people are circumscribed by law. Other rights of the Greek people have been voided by intimidation, as, for example, in the case of free speech where the Greek people are afraid of discussing politics for fear their conversations may be construed as being in opposition to the government.

The present Greek Government has promised, and in some cases made good on those promises, to restore some of the freedoms of democratic government. The government said it would write a new constitution, present it to the people for their approval, and implement it after it had been approved. This has been done. There is a new constitution in effect, but not all of its provisions have been implemented. The government said it would restore free press, and it has, but only a partial restoration of one of democracy's most basic rights has been made. The government retains the right to decide what news may or may not be published or broadcast to the people. The government said it would return control over municipalities and provinces to the local authorities. They have made good on this promise also, but the government continues to appoint certain local administrators. In short, the return to democratic government promised by the leaders of the military Junta now in control of Greece has been only partially implemented. There are several remaining tasks to be done before Greece can again be numbered among the free and democratic nations of the world.

While recognizing the need for a cautious approach to the full restoration of rights in Greece, I believe that the Greek Government could act with more speed in returning Greece to a democratic course. I do not ask for or demand overnight miracles, but reserve the right to ask for a reasonable estimation of how long the junta envisions the process may take, and for an outline of the steps that are necessary for the restoration of democratic government. I ask these questions in good faith, not in tones of condemnation of the regime, of the government, or of the people of Greece. I ask because the American people are the friends of Greece and we want what is best for the Greek nation.

The colonels who seized power in Greece ostensibly did so because they feared for the security of their nation. The United States also has a stake in the security of Greece, as we ably demonstrated when we extended assistance to Greece in 1947 for its fight against Communist subversion, and through our membership and participation in the North Atlantic Treaty Organization. We would like to see Greece remain strong and free, and we have committed ourselves to that end through NATO and through our continued cooperation with the Government of Greece. The integrity of NATO depends to a great extent upon the continuation of freedom and liberty among the members of the alliance, including Greece. So that the United States and the NATO alliance could further demonstrate to the world our very firm commitment to democratic principles and our equally firm defiance of those totalitarian governments which would seek to subvert our democracy, I ask these questions of the government in Athens: What plans do you have for free elections? What is your program for the extinction of your government-by-fiat and the reinstitution of government-by-choice? When will parliamentary government be returned to Greece? When will Greece again be a democracy? I ask not as accuser or critic, but as a concerned friend. I hope the Government of Greece will return our friendship by offering answers.

THE FIGHT AGAINST INFLATION

Mr. HARRIS. Mr. President, Prof. Melville J. Ulmer, of the University of Maryland, is an economist of fresh viewpoint and ideas worth the consideration of Senators. I met with him yesterday to explore with him further the views expressed in his book and articles which I have studied with great interest. As I, he feels that it is wrong to agree that the present administration has no economic choices in the fight against inflation except those which will necessarily put more people out of work. Yesterday's Washington Post published a letter to the editor from him and I ask unanimous consent that it may be printed at this point in the RECORD.

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

LETTER TO THE EDITOR

Your editorial of February 18 is quite right in viewing the economic outlook as one of "painful economic adjustment." Most economists think that it may be even more painful, in terms of unemployment than the administration now concedes. You are seriously wrong, however, in characterizing this administration-induced slowdown or recession as in any sense a "remedy," and also in dismissing without a hearing all other possible alternative programs.

At best, the Council of Economic Advisers promises that the inflationary rate will be down to 3½ percent, on an annual basis, by the end of this year. But this is a mighty fast clip; if continued, it would double the price level in 20 years, eating up the value of pension funds almost as fast as they are accumulated. More important, unemployment is expected to be materially higher than it is now at the end of the year. Some think it may reach 6 percent of the labor force. Few outside government put the prospective rate at much less than 5 percent.

So what are we to do then, in line with this policy, after the 1970 elections? Renew the assault on inflation, getting the price rise down lower but creating more unemployment? Relax on unemployment and let prices resume their 1968–1969 gallop? Maintain the status quo, with excessive unemployment and excessive inflation persisting hand in hand? These seem to be the only alternatives offered by present policy.

Viewed in this light, the administration's current clampdown on economic activity is not a remedy for anything. It simply provides another link in the chain of ups and downs that have been in progress since World War II. We never for very long, over that period, have been without too much inflation, too much unemployment, or both.

It is proper, I think, to sympathize with the administration in the real difficulties involved in this economic dilemma. But your editorial goes much too far. It states, at different points, that "no one can come forth with a less risky remedy," and "there is no other known remedy at hand." These assertions do less than justice to economists, like myself, who have offered alternative programs in publicly available books and articles. Perhaps it will turn out, from an economic standpoint, that this really is the best of all *possible* worlds, but few of us outside the administration, I think, share *The Washington Post's* complacent confidence that it most certainly is!

MELVILLE J. ULMER.

SALT: A CALL TO STATESMANSHIP

Mr. BROOKE. Mr. President, the impending resumption of the Strategic Arms Limitations Talks presents an opportunity which may not come again to promote the security of mankind through reasonable international agreements. It is imperative that this opportunity not be lost.

The problems to be resolved in the SALT negotiations are real and profound. They can only be made more difficult by ill-considered actions or statements on either side. Mutual suspicion between the Soviet Union and the United States remains high. Every effort must be made to provide a solid basis for mutual confidence in both sides' commitment to arms control.

In an historic statement last weekend the Soviet Union, speaking through an extensive article in Pravda, reviewed at length a number of issues bearing on the SALT negotiations. This important document, though weighted down with the customary ideological baggage which has impeded international communication for so long, is distinguished primarily by a forthright and perceptive view of the present strategic situation. The Soviet Union makes clear that no advantage can be gained from a new round in the strategic arms race. For a further spiral in the weapons competition will not change the fundamental correlation of force between the two countries. Each nation will do what is required to maintain a devastating retaliatory capability.

As the Pravda article indicates, the only result of a continuation of the arms race will be the waste of vast resources and the heightening of world tensions.

Pravda endorses the recent comment by McGeorge Bundy:

A strategic nuclear engagement could not lead to any kind of gain either from the viewpoint of national interests or from the viewpoint of ideology or the individual political positions of any leader in this or that country. None of the weapons systems now seemingly within the reach of this or that side can change this fact.

The Pravda article is a remarkable expression of the futility of the arms race and of the urgency of successful negotiations in SALT.

The article is also marked by sharp criticism of American plans to continue work on certain strategic weapons. It reveals the kind of apprehension about American intentions which our country has often felt toward the Soviet Union. Pravda contrasts the United States professed interests in SALT with its reported persistence in certain strategic programs. I think it is of the utmost importance for both countries to maintain a sense of balance in judging each other's behavior at this critical juncture. The Soviet Union should not build exaggerated fears on the basis of American efforts to explore various strategic options which might be required if the SALT talks are unsuccessful. For example, research on improved hard-point ABM systems and preliminary work on measures to reduce the vulnerability of the American deterrent should not cause undue alarm in Moscow.

Most of Secretary Laird's programs for fiscal 1971 are of this character; they are contingency programs which can certainly be suspended as progress occurs in SALT.

At the same time, however, the United States must exercise restraint on any new strategic commitments which might be difficult to reverse. It is for that reason that a growing number of Senators and Congressmen are urging the President to postpone deployment of Multiple Independently Targetable Reentry Vehicles—MIRV. There is no requirement for such weapons at this time, and postponement of MIRV deployment could afford a vital opportunity to explore Soviet intentions and the possibility for early agreements in the SALT conference which reconvenes in April.

This urgent recommendation is grounded not on any naive view of Soviet good will, but on a hard-headed calculation of our two countries' mutual interest in devising a stable strategic relationship at the present level, where both sides have a credible deterrent, rather than at a higher level which can only be reached through a dangerous transitional phase which will call into question that deterrent. The true naiveté consists of thoughtless reliance on the outworn myth that one cannot exercise restraint without creating the impression of weakness. Our confidence in our own deterrent capability should be sufficient to permit such restraint without creating false illusions in Moscow. Certainly we must be wary of the Soviet Union, whose purposes remain to be tested in the SALT negotiations and otherwise; but we must also be wary of any tendency on our own part to drift into unnecessary weapons deployments which only render more remote the effective arms limitations required for security in the nuclear

era. Some kind of MIRV deployment may ultimately be required, especially if Soviet ABM forces grow substantially, but premature installation of these weapons would be tragically unwise.

Pravda states the case well when it says:

Despite the difficulties, it is obvious that there is still time and there are still possibilities for reaching an understanding which all states await and by which they will gain. . . . If both sides intend to hold honest talks without striving to obtain any unilateral military advantages and if the negotiations proceed from the need to insure equal security for both sides . . ., then one can count on achieving agreed solutions.

Mr. President, I ask that the text of the Pravda article, entitled "An Important Problem," be printed at this point in the RECORD.

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

AN IMPORTANT PROBLEM

The Soviet-American talks on limitation of the strategic arms race which took place at the end of last year in Helsinki and are to be resumed in Vienna on 16 April are arousing the unremitting interest of the international public. It is evident that a great deal in insuring international security will depend on whether or not there is success in ending or at least restricting this race.

The Soviet Union unswervingly advocates the peaceful coexistence of States, irrespective of their social systems, peace, and security. Its consistent and principled position aimed at relaxing international tension and ending the arms race is widely known. At its foundation lies people's fundamental interests—the strengthening of peace and the establishment of good relations between States. This is an ineradicable feature of Soviet foreign policy.

General and complete disarmament is the most radical method of eliminating the dangers connected with the buildup of increasingly more powerful means of destruction. During the entire history of the Soviet state, the Soviet Government has repeatedly made proposals for implementing such disarmament.

In waging the struggle for general and complete disarmament, our state by no means believes that one can be guided by the principle of "all or nothing." Given the current continuing process of building up armaments, including the most destructive, the interests of the struggle for peace demand the utilization of all opportunities for restricting the arms race, reducing the military danger, and relaxing international tension.

Proceeding from this, the Soviet Union has proposed and now proposes the implementation, through the reaching of agreement, of a number of measures that would reduce tension and the scale of the arms race whipped up by aggressive imperialist circles and avert the possibility of unleashing a thermonuclear war. Limitation of the strategic arms race could become an important and timely step in this direction.

The 1963 Moscow treaty banning nuclear tests, the 1967 [treaty] on space which particularly envisaged banning the placing of nuclear weapons in space orbits and on the moon and other heavenly bodies, the nuclear weapons nonproliferation treaty, and certain other international agreements constituted the beginning of the movement in that direction. Article six of the nonproliferation treaty, which came into force on 5 March of this year, specially provides that its participants commit themselves to conduct in a spirit of good will talks on effective measures for the ending of the nuclear arms race and for nuclear disarmament and also talks on a treaty on general and complete disarmament under strict and effective international control.

Undoubtedly, the efforts not of one or two States but the united efforts of the world's states are required to resolve the problem of general and complete disarmament. Nuclear disarmament requires the participation of all nuclear states. At the same time the correlation of strategic forces on an international scale is now such that the efforts of the United States and the Soviet Union, which possess the greatest nuclear potential, aimed at limitation of the strategic arms race could also greatly promote the interests of the security of other countries in addition to the interests of universal peace. Of course, to achieve this it is necessary that a serious and honest approach be made by the sides—an approach shorn of the intention to achieve unilateral advantages by means of the talks or to utilize the talks as a cover for the development of a new round of the arms race.

In its approach to resolving the problem of limiting the strategic arms race, as in its approach to the disarmament problem as a whole, the Soviet Union is invariably guided by the interests of strengthening general security and consolidating peace.

The present situation is such that science and technology have enabled man not only to harness the power of the atom, to create cybernetic and computer devices which considerably ease man's mental labor, to build new branches of industry, to revolutionize the science of control, and to accomplish a breakthrough into space, but have also placed in man's hands weapons of destruction that are monstrous in force. Recent years have seen the creation of new generations of missiles, submarines, bombers, and other offensive means much more powerful and yet at the same time less vulnerable than their predecessors. The emergence of these new offensive means brought into existence means of combating them, and this, in turn, resulted in a further improvement in offensive means. Thus there has arisen the real threat of the beginning of a new stage in the arms race, which on the political and military plane means intensification of the danger of a world thermonuclear conflict.

The military-strategic correlation of forces in the world makes quite unrealistic any of the calculations of western militarist circles about the possibility of victory in a thermonuclear war. Judging by everything, a new spiral in the arms race would not change the essence of this correlation. If an unrestricted strategic arms race were to take place, one could expect an increase in the illusions of aggressive imperialist circles about the possibilities of achieving military superiority and, consequently, also in the temptation to put fate to the test by unleashing a thermonuclear war.

A THERMONUCLEAR WAR

On the admission of many bourgeois figures in the west who are fully informed about the true state of things, with each passing year the arms race becomes increasingly more unpromising. Thus McGeorge Bundy, former adviser to Presidents Johnson and Kennedy on questions of security and military strategy, wrote recently: "A strategic nuclear engagement could not lead to any kind of gain either from the viewpoint of national interests or from the viewpoint of ideology or the individual political positions of any leader in this or that country. None of the weapons systems now seemingly within the reach of this or that side can change this fact."

Meanwhile, the race for strategic offensive and defensive weapons is consuming tremendous resources. According to estimates by the American press, the cost of building the Safeguard ABM system, which is now being created in the United States, will be nearly 50 billion dollars. If the strategic arms race is not halted, there may be a repeat of what happened regarding nuclear weapons when in 1946, as a result of the refusal of the United States and other western countries to accept sound and concrete Soviet proposals on banning and liquidating nuclear weapons, the nuclear arms race began.

How then can a barrier be erected on the path of a further strategic arms race? The USSR and the United States have set about finding an answer to this question in Helsinki. The very fact that talks on such an important question have begun between the USSR and the United States has met with broad support by the peace-loving public and more farsighted political and governmental figures, including those in western countries. Commenting on the Helsinki talks, the American newspaper Christian Science Monitor wrote that "in the United States the public yearns for an end to the fruitless accumulation of weapons." The world press has noted the Soviet Union's serious and businesslike approach toward the talks—an approach that has also been recognized by U.S. officials, namely chief of the U.S. delegation G. Smith and delegation member and former U.S. ambassador to Moscow L. Thompson at a press conference in Washington on 30 December 1969.

However, there are also forces—and these, too, are in the west—that neither the talks on restriction of strategic weapons nor even less the prospect of agreement between the USSR and the United States on this question suit. For example, the West German newspaper *Die Welt* and certain other press organs, reflecting the attitude of the more reactionary militarist circles of the German Federal Republic, have actually spoken out against the Soviet-American talks on limitation of the strategic arms race. The enemies of the restriction of the strategic arms race in the United States itself have also been more active recently.

It is impossible to pass over the fact that precisely now, on the threshold of the round of talks in Vienna, many U.S. newspapers and journals are writing less often about restrictions of the strategic arms race while giving somewhat more space to a diametrically opposed theme—the question of creating and developing new strategic weapons systems. In essence, the beginning of this campaign was launched by U.S. Defense Secretary Laird. The leader of the U.S. military department recently made a whole series of public speeches in which he persistently called for the buildup of various strategic weapons systems. In particular, Laird zealously insisted that development of the safeguard ABM system should be accelerated in the United States now, and he is fighting for Congress to increase appropriations for this purpose.

Nor is it possible not to be put on the alert by how often and how many times the defense secretary discusses Pentagon plans for the creation of new offensive strategic weapons systems. For example, at a press conference on 7 January Laird designated "as most important tasks" creation of a new strategic bomber to replace the B-52 and development of improved long-range underwater offensive systems. The defense secretary also advocated development of an improved offensive intercontinental ballistics missile and so forth. By Laird's own admission, many of the projects mentioned above are already in the "research and development" stage.

It is characteristic that whereas last year in seeking congressional approval of appropriations, first of all, for the safeguard system the U.S. Government certified that the latter's further development would depend to a large extent on the results of the SALT talks with the USSR. U.S. Government figures now prefer not to recall this.

The U.S. Defense Secretary lavishly spices his demands for intensification of the arms race with references to the mythical "Soviet threat." The utter groundlessness of such accusations directed against the Soviet Union is obvious. It is well known that measures implemented in the USSR during the postwar period to strengthen its defense capability were a reply to the unrestrained pace in nuclear missiles and other weapons whipped up by the United States. It suffices to recall that the notorious theory of the need to insure military supremacy over the Soviet Union has been rife in the United States, particularly in the military circles. The New York Post reasonably suggested: "In the light of the Pentagon's traditional negative approach toward disarmament, it is logical to suspect that this argument is designed to prevent the United States from holding the talks."

HOLDING THE TALKS

The American press is paying attention to the fact that the voices of those who seek an increase in appropriations for military preparations are resounding ever louder in Washington. The New York Times recently wrote: "In the process of elaborating the American position in the talks with the Soviet Union on the restriction of strategic weapons, certain alarming signs of the military's excessive influence have come to light . . ."

In connection with Laird's increasingly frequent speeches in favor of the buildup of U.S. strategic weapons, many American observers point out that this answers the interests of the military-industrial complex. It is no secret that the military-industrial complex would like to begin a new expensive round in the strategic arms race, whip up a militaristic tendency in Washington's foreign policy, and lead matters to a further exacerbation of international tension.

Laird's traditional inclination to make bellicose speeches does not surprise us, but nobody can close his eyes to the fact that Laird occupies the responsible post of a member of the Government. Each of Laird's public statements is rightly regarded by the public as a statement on or a reflection of the position of U.S. ruling circles. One must ask to what extent Defense Secretary Laird's militaristic appeals reflect the position of the U.S. Government.

A number of observers, including those in the United States itself, ask this question with a certain uneasiness: Is not this entire campaign in the United States for the benefit of further development of the arms race a new relapse of the old American political disease, which acquired, in the time of J. F. Dulles, sad notoriety under the name of policy "from a position of strength?" What is the correlation between the well-intentioned official speeches which ring out at times in the United States in connection with negotiations and those deeds and tendencies manifest in practice in developing the strategic arms race? Is it really not clear that the essence of the position is put to the test by actions, by practice, and not by statements for the sake of effect when they are not confirmed by facts and not translated into life?

If vestiges of former notions from which even J. F. Dulles was forced to depart in his final years as Secretary of State are really being reborn in the United States, then such a development of events cannot fail to give rise to most serious doubts about the sincerity of U.S. intentions with regard to talks with the Soviet Union on limitation of the strategic arms race.

History has many times irrefutably proved the entire groundless and illusionary quality of the calculations of those who have tried to talk to the Soviet Union "from a position of strength." The policy of pressure on the USSR is an attempt using unsuitable means. No one can or should have any illusions on this score. The past half century has shown in deeds the ability of the working class and all working people of the Soviet Union to prove the firmness of their socialist gains and of the international positions of our motherland. But the question is invariably asked: Do the latest statements by Washington officials about the further buildup of armaments not reflect the growing influence of those military-political forces in the United States which do not want agreement with the USSR on strategic arms limitations? Such a question has recently been appearing more and more frequently on the pages of the American press, too.

The solution to questions connected with limitation of the strategic arms race is undoubtedly not the simplest of tasks. This is explained not only by the nature of these armaments but also by the fact that the solution of problems connected with them affects a sensitive problem for every state—the problem of national security.

All the same, despite the difficulties, it is obvious that there is still time and there are still possibilities for reaching an understanding which all states await and by which they will gain. However, an indispensable condition for this, as the experience of international relations convincingly proves, is the existence of good will on both sides and the quest for a mutually acceptable agreement. If both sides intend to hold honest talks without striving to obtain any unilaterally military advantages and if the negotiations proceed from the need to insure equal security for both sides with the simultaneous complete consideration of the task of reducing military danger and consolidating peace in general, then one can count on achieving agreed solutions. But if one of the sides tries to use the talks merely as a screen for abetting the strategic arms race, then naturally the full weight of political responsibility for all the consequences of such a position will fall on it.

FALL ON IT

As the Soviet delegation in Helsinki emphasized, the Soviet Union is approaching the talks with the most serious intentions and is striving to achieve a mutually acceptable and mutually beneficial understanding. At the basis of the Soviet approach to the problem of restricting strategic arms there is no desire to acquire any unilateral additional advantages for itself in the sphere of safeguarding just its security. The Soviet Union has at its disposal an arsenal of modern weapons enabling the interests of the security of the USSR and its allies to be guaranteed to the necessary degree. The Soviet Union's position on this question is determined by the concern for strengthening international security without harming the interests of all other countries.

Solution of the disarmament problem would help to release from the sphere of military production colossal means which are expended on armaments throughout the world and whose utilization for the needs of economic development could assist the scientific, technical, and economic progress of all mankind, including the most developed capitalist countries where the ostentatious prosperity of the minority cannot conceal, by admission even of bourgeois governments and the press, the glaring elementary needs and requirements of the working majority.

The Soviet Union has confirmed by deeds its sincere interest in contributing by all possible means to the solution of the tasks which even more acutely face mankind in the field of restraining the arms race and of advancing along the path leading to partial disarmament measures and to universal and complete disarmament. Only such a path can provide an effective solution to problems connected with insuring a stable peace.

Mr. BROOKE. Mr. President, let me conclude by summarizing the essential points to be drawn from the present strategic stalemate. Both the United States and the Soviet Union today have credible mutual deterrence for the foreseeable future. No new weapons can alter these fundamental facts; they can only drain billions of dollars in precious resources from both countries and gravely complicate the relations between them. Under these circumstances, and considering the very real danger that the pace of technological innovation may exceed that of political accommodation, I believe there is an overwhelming case for the United States to propose an interim freeze of strategic weapons as the first order of business when the SALT negotiations resume. No further testing or deployment of MIRV, no additions to the offensive missile forces, no expansion of ABM systems beyond the deployments already planned—an agreement to hold the lines on these points would buy time to devise effective verification and controls for a durable strategic equilibrium. As I have said many times, the leading edge of this technological behemoth is MIRV development and deployment. And I am convinced that an initial effort should be made to deal with this factor. But a more general strategic freeze encompassing MIRV and other items should be proposed, perhaps for a period of 2 years. Since both sides now have effective deterence they could accept such an interim freeze with great assurance that the balance would not be disturbed significantly in the short run. Such a freeze is essential if the momentum of technology is not to smother the prospects for success in the SALT negotiations.

Seldom in history has there been so immense an opportunity and so profound a responsibility for creative political leadership. The enlightened initiative of statesmen on both sides is indispensable. For the sake of all mankind, let us not be found wanting.

THE BOMBING OF LAOS

Mr. McGEE. Mr. President, one of the more unfortunate aspects of the recent flurry of debate over the situation in Laos is the drumfire, as Columnist William S. White calls it, of calls to halt the bombing in Laos.

This, of course, could prove disastrous to American troops in Vietnam and to the South Vietnamese people, for it would mean that Laos and the Ho Chi Minh trail would become privileged sanctuaries and that North Vietnam's men and supplies could flow southward without interdiction. Mr. White, in a column published in today's Washington Post, makes this point most effectively. I ask unanimous consent that his column be printed in the RECORD.

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

NEW DOVE CAMPAIGN ON LAOS PERILS WAR POSITION OF U.S.

(By William S. White)

The hour of maximum peril to any possibility of effective American prosecution of

even a limited war in Vietnam is now at hand.

The long and short of it is that here at home the all-out anti-war doves have opened a campaign whose real and ultimate aim is to force a halt to all American bombing operations over Laos. End this bombing and you make a privileged sanctuary of the most vital of all the supply lines of the North Vietnamese Communist enemy—the Ho Chi Minh trail running southward from Red China.

And, as so often before, the Communists themselves are simultaneously exploiting these domestic political pressures upon President Nixon toward the same end—"halt the bombing." The Communist Pathet Lao, the fifth-column Laotian equivalent of the Communist Vietcong in South Vietnam itself, is extending "peace proposals" to the neutralist government of Laos—provided, that is, that first of all the American air arm is withdrawn.

Nobody is suggesting that the Senate doves are consciously cooperating with the enemy for what would amount to a catastrophe to the American and allied military position in all Southeast Asia. Nevertheless, the fact is that this drumfire from the more extreme doves over Laos is the most damaging of all their endless clamors over all the years in which they have so doggedly fought to bring about what would amount to American surrender in Vietnam.

For if all the bombing action over Laos should be foreclosed—and all this bombing is done with the consent and request of a Laotian government to which the Communists themselves once agreed and helped set up—it would mean the beginning of the end. It would mean, specifically, the beginning of the end of any hope, however remote, for any negotiated settlement that would not come down to an American defeat.

If the President should be forced into this action of folly and disaster, he might as well bring the troops home from South Vietnam on a far faster schedule than any heretofore ever contemplated.

The precariously neutral state of Laos would become Communist within 30 days. Already, and quite apart from the Pathet Lao fifth column, at least 50,000 North Vietnamese troops are in Laos.

"Stop the bombing" was, of course, the cry for years, and at last the successful cry, of the American doves when they spoke of North Vietnam. This concession by the United States was in itself deeply dangerous; but it could be borne, if barely, because of the presence in nearby Laos of American air power. If our pilots could no longer attack our enemies in North Vietnam, they could at least interrupt their line of men and guns coming down the Ho Chi Minh trail. If "stop the bombing" in Laos is also to be a successful cry—and this columnist hopes and believes it will not be—that, as the saying goes, will be the ball game so far as Vietnam is concerned.

The form of "criticism" now coming from the floor of the Senate is all but unexampled in that repeatedly it compels the disclosure of strictly military information.

Mr. Nixon, in summary, faces as to Laos a suddenly and vastly escalated dove attack just when it had begun to appear that his policy of gradual but honorable disengagement from Vietnam was going to be given some chance to work itself out.

FEDERAL MACHINERY RENDERS RELIEF TO INDIVIDUAL

Mr. SCOTT. Mr. President, yesterday an exchange of correspondence between one of my constituents and the Interstate Commerce Commission was called to my personal attention. This correspondence underscores the proposition that the machinery within the Federal Government can be directed to render relief to the individual.

Last December, I received a letter from Mr. William W. Bancroft requesting my assistance in locating his wife's winter clothes, which had been lost in transit from California to Pennsylvania. I referred the letter to the relevant Government agency, in this case the ICC, for any assistance or guidance they might render on behalf of the Bancrofts.

The ICC went into action immediately, and on February 19 it received the subsequent correspondence from Mr. Bancroft which read, in part, as follows:

> In December I wrote Senator SCOTT for assistance in locating my wife's winter clothes, which had been lost in transit. . . . At that time I was convinced they were irrevocably gone . . . and perhaps I was merely registering a complaint with my State('s) Senator.
>
> (Thereafter) we drove up to Farmingdale, New York, to pick up her last year's styles.
>
> (Now, as a result of the I.C.C.'s help) my wife has two sets of winter clothes, which seems to please her.
>
> I would like to thank you . . . for all your assistance to me. I had not expected to see the clothes again.

This is clear and convincing evidence, Mr. President, that our Federal regulatory agencies do care about the little person and will come to his aid against the massive and sometimes unresponsive machinery of big industry when so requested.

I want to take this opportunity, therefore, to commend the ICC for responding to pleas at the personal level.

Meanwhile, Mr. Bancroft's wife has her winter clothes just in time to worry about the hemlines.

DEMONSTRATION GRANTS TO ADMINISTER OEO PROGRAMS

Mr. HARRIS. Mr. President, my office was informed this week by a representative of the Office of Economic Opportunity that the State of Oklahoma and 15 other States—Alaska, Arkansas, California, Florida, Idaho, Iowa, Louisiana, Maryland, Minnesota, Nebraska, North Dakota, South Carolina, Tennessee, and West Virginia—will receive demonstration grants to administer OEO programs.

The information I have received is that the States involved will perform the services now being performed by field representatives of OEO. State personnel would, under the grant, assist grantees in the preparation of grant applications; would give funding guidance; would monitor the performance of the grantees for the purpose of determining that the grantees are maintaining proper bookkeeping procedures and other related purposes; would respond to requests for information; and when new guidelines are announced, would hold information meetings. In addition, the States would make the first determination on eligibility for funding, although it is claimed that this determination would be limited to a determination of compliance with State laws by the grantee. No written materials were furnished my office and obviously all of the details of the grants are not set forth above.

However, enough information about this new policy has been furnished to cause me to be very much concerned and disturbed about it. During the last session, Congress decided specifically against giving control of OEO antipoverty programs to the States. Mr. Rumsfeld himself stated at that time that to take such action would be "disastrous" to his agency. Yet, now it would appear that what is being proposed in these demonstration grants would be a step in that direction.

I have contacted the Committee on Labor and Public Welfare to determine whether they have been contacted concerning the demonstration grants and learned that they had not been. Since nothing has been furnished in writing, and since it had appeared on the basis of the information that I have been furnished, that the proposed grants may be in contravention of action taken by Congress I think it would be desirable for the the Committee on Labor and Public Welfare to have hearings on this matter, and I have urged the committee to do so. The Senate and Congress are entitled to more answers than have to date been given if they are going to be expected to approve this procedure and if a majority of them are going to be willing to continue to support the OEO program generally.

TAX REFORM AND FOUNDATIONS

Mr. PERCY. Mr. President, when the Tax Reform Act was passed in December, many Members of Congress expressed their concern and dismay over the final version.

One of the controversial sections of this bill was in reference to foundations. In order to keep foundation funds out of particular political campaigns, Congress provided for restraints such as the provision referring to the use of foundation funds for voter registration.

Now one foundation has given its reply to this legislation in a very thoughtful report by McGeorge Bundy in the Ford Foundation's annual report. In this report, Mr. Bundy raises both the problems and the merits of what this Congress has made the law of the land. I believe that it is a worthwhile report that should be read by every Member of Congress.

On March 8, the Washington Post published an editorial on this issue which I believe is a worthwhile review of Mr. Bundy's report.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

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

FOUNDATIONS AND THE NEW TAX LAW

Foundations which are trying to adjust to the new Tax Reform Act will find both sympathy and wise counsel in McGeorge Bundy's approach to the problem in the annual report of the Ford Foundation. Mr. Bundy is not one of those who see the new law as a vicious and unwarranted assault on the foundations. He takes the restrained and sensible view that "no group is above regulation, and there is no safety in any notion of an immunity conferred by some

divine right of private charity to do just as it pleases."

Although Mr. Bundy believes that "the freedom of the foundations is their most precious asset," he also acknowledges that this freedom "requires enough regulation to provide confidence, in Congress and in the country, that serious abuses are being prevented." He writes sympathetically of the provision forbidding self-dealing (between foundations and their controlling parties) and of the requirement that foundations gradually divest themselves of controlling interests in particular companies. Likewise he approves the requirement that foundations pay out at least 6 per cent of their assets or full net investment income, whichever is higher, each year for charitable purposes.

Instead of denouncing Congress for striking at the travel and study awards which the Ford Foundation had given to former members of the late Sen. Robert Kennedy's staff, Mr. Bundy prudently expresses satisfaction that a "workable solution" of the problem was found—we say prudently because he had something to do with creating the problem by making the awards. Congress required an "objective and nondiscriminatory basis" for such awards under procedures to be approved by the Treasury. The president of the Ford Foundation thinks the restraints laid upon the use of foundation funds for voters registration may prove to be unduly restrictive, but he recognizes that Congress was actuated by a legitimate aim—to keep foundation funds out of particular political campaigns.

One of the most difficult problems which Congress passed on to the Treasury experts who are now writing regulations for the new law is the insulation of the legislative process from tax-exempt lobbying or propaganda. The old law prohibits charitable organizations from devoting any "substantial" portion of their activity to influencing legislation. The new law extends this restriction to all such activities, even though "insubstantial." Since, as Mr. Bundy points out, "there is almost no subject a foundation touches that may not sooner or later have an effect on legislation," the regulations now in preparation will have to be drawn with the utmost care to avoid stifling the vast amount of good work the foundations do in the spheres of education, social improvement and public enlightenment.

We share Mr. Bundy's concern over the 4 per cent excise tax which Congress levied on the net investment income of the foundations. Many foundations supported the Treasury's idea of an "audit fee" to cover the government's outlay for regulating the foundations, but Congress went substantially beyond this, apparently on the theory that wealthy foundations should carry some part of the tax burden. Actually, however, as the president of the Ford Foundation pointedly notes, the result is "a tax on charity."

A serious question is also raised about the distinction that Congress drew between gifts of appreciated property to foundations, on one hand, and to colleges, universities and other publicly supported charities, on the other. When large gifts are involved the discrimination against the foundations is very substantial. Both of these complaints about the law will merit careful attention when Congress gets around to reviewing its actual operation.

THOMAS MASARYK: A SYMBOL TO THE FIGHT FOR HUMAN RIGHTS

Mr. PROXMIRE. Many great statesmen have led their country's struggle for freedom from an oppressive foreign rule. Other men have devoted their lives to championing the great moral causes of our times. Few, however, have been able to do both—to be at the same time a political leader for independence and a leader for human rights.

Thomas Masaryk, the Czech patriot and founder of the Czech Republic, was one of these exceptional men. A scholar of philosophy and sociology, he was the unchallenged leader of his country's drive for independence. Throughout his long years of dedication to the liberation of Czechoslovakia from the cruel yoke of Austrian rule, he never lost sight of the humanistic goals to which he had ascribed in his early university days. This is evidenced in his own words by his burning desire to "devote himself to a crusade of moral education among the Czechoslovak people." His dedication to this lofty principle, when combined with an exceptional ability for political pragmatism and statesmanship, led to a life of unparalleled service to his country.

It is particularly fitting now, since last Saturday marked the 120th anniversary of his birth, to pay tribute to Thomas Garrigue Masaryk, who is a great symbol to those of us involved in the fight for Senate ratification of the Human Rights Conventions.

Thomas Masaryk was born in 1850 in Hodonin, a small village in a section of Czechoslovakia then under the domination of the Austro-Hungarian empire. After acquiring an extensive academic background in the humanities, he became in 1879 a lecturer in philosophy at the University of Vienna. However, his concern for the plight of his countrymen and his anger at their oppression by a foreign power drove him from Vienna to Prague, where he took the post of professor of philosophy and sociology at the University of Prague.

In 1899 he became the editor of Time, a political weekly devoted to discussion of the burning issues of the day, including Czech political freedom and human rights. His desire to advance the cause of his enslaved people led him to run for Parliament as a reform candidate. After 2 years of service in the legislature, he became convinced that the most effective means of achieving his goals was his work at the University of Prague. However, in 1900 his friends founded a political party, and in 1907 Masaryk was elected to Parliament as a candidate of the Realist Party. His return to the legislature was marked by a continuation of his scathing criticism of the government's internal policies and treatment of the Czech people.

When World War I broke out in 1914, Masaryk traveled abroad to elicit support for Czech independence. In 1915 he inaugurated the movement for independence, and in the following year was a founder of the Czechoslovak National Council. Masaryk's tireless diplomatic efforts on behalf of his country were rewarded in 1918, when France, Britain, and the United States recognized the National Council as the legitimate representative of Czechoslovakia. Independence was proclaimed on October 28, 1918, and Masaryk became the first President of the Republic. For 17 years as President he devoted himself to building a strong and viable government and society.

The tragic events that have occured in Czechoslovakia since then—from the German invasion in 1938 to the Russian destruction of liberalism and humanism in 1968—underscore the crucial need for the continuing protection of these basic human rights, not only for the people of Czechoslovakia but for all mankind. It is only fitting, then, that we pay tribute to Thomas Masaryk, not only for his unequaled role in establishing freedom and independence for Czechoslovakia, but for his tireless efforts in furthering human rights in his country and throughout Europe. We would do well to remember his words in our efforts to secure Senate ratification of the Human Rights Conventions:

> The ethical basis of all politics is humanity, and humanity is an international program. It is a new word for the old love of our fellow men.

L. B. J. AND "THE AUTHORITIES"

Mr. McGEE. Mr. President, today's Washington Post contains a column by Jack Valenti, former special assistant to President Johnson, which is certainly pertinent in these days when there is rampant discourse on who influenced our last President and when.

Mr. Valenti, who owns up to knowing quite a bit about how Presidential decisions were made, but not all, lays it on the line and tells why none of the so-called authorities are right. It is a column worth attention. I ask unanimous consent that it be printed in the RECORD.

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

L. B. J. AND "THE AUTHORITIES"

(By Jack Valenti)

Today it is fashionable (and therefore The Truth) in certain environs of Washington and on the east side of New York to declare that President Johnson's word about how he reached a decision is untrue, and to rely for authenticity on the views of commentators and authors and "inside" government people.

This is a splendid arrogance, mocking and impertinent. It is also quite silly.

Those who have reached this conclusion imagine they know more about the President's thinking process and decision-making apparatus than the President himself, and they quote for their authorities various disparate seers and use these often-remote observers as surer sources of truth than the President.

Indeed, one reviewer of President Johnson's telecast, "The Decision to Stop the Bombing," called the President's version "revisionist." Another reviewer actually said: "The President's account is also, of course, quite incompatible with the report of Townsend Hoopes in 'The Limits of Intervention.'"

If this were not taken so seriously by some, it would be a proper skit for "Laugh-In." Hoopes, for example, to my certain knowledge, never attended a single meeting in the White House on Vietnam and he was, in five years, in the White House only five times, twice to be part of the audience at ceremonies awarding Medals of Honor, twice for meetings on the Middle East, and once for a meeting on Turkey. None of these meetings, I might add, included the President.

Hoopes never attended the important 8:30 a.m. Defense Department meetings in the Secretary's office. He seems to have spent most of his time writing memos to himself

which he unveils in his book with all the awe accompanying the deciphering of the Rosetta Stone. All Hoopes writes about is what he either overheard in the corridors of the Pentagon or what some people told him. Therefore, it is an accounting which could have been done by any one of a hundred competent Washington reporters. Indeed, Henry Brandon's latest book is far more knowledgeable than Hoopes'. But because Hoopes allegedly was an "insider," a good many people in Washington and New York use him as The Diviner of presidential thought, and The Authority on top secret Vietnam meetings.

But the essential truth overlooked is one that every presidential assistant knows, or ought to know, and every professional reporter understands. This truth is best stated by Arthur Schlesinger in the foreword to his volume "A Thousand Days":

"A presidential associate, moreover, inevitably tends to over-rate the significance of things he does know about. Grace Tully who was FDR's personal secretary acutely observed of the books written by the men around FDR: 'None of them could know that for each minute they spent with the President he spent a hundred minutes by himself and a thousand more with scores of other people—to reject, improvise, weigh and match this against that until a decision was reached.' "

This statement is very, very true. Thus, it becomes comic lunacy to think a minor official in the Defense Department, or anyone else *reporting* events, has a more truthful grasp of presidential motives and thoughts and action than the President. Titus Oakes once had a good deal to say about what high-ranking Englishmen were alleged to have said and thought, but no historian cites Oakes as an authority.

Colorful news reports of the decision to stop the bombing on March 31 are labeled as "the struggle for the President's mind." This is laughable. Whatever you may choose to say about Lyndon Johnson, even his worst enemies would have to concede he was one of the strongest-minded, toughest men ever to occupy the White House. To picture him as a dangling puppet pulled and tugged by various factions may be good theater, but it is lousy reporting.

I daresay I was one of three or four presidential assistants privy to much of what President Johnson was thinking and planning, but none of us was privy to *all*. This is a crucial fact. I must confess I cannot specify under oath exactly how the President reached *any* decision, because I do not know everything that went into the framing of the decision.

As anyone who has served a President can testify, chief executives sometimes encourage conflicting views among advisers, incite one aide to believe he is right in order to generate spacious rebuttal from another. One cabinet officer or assistant can be totally truthful when he reports that he told the President thus-and-such and the President seemed to be agreeable, or shocked, or interested or wrathful or convinced. But the cabinet officer or assistant cannot know that an hour later the President was discussing the same problem with another cabinet officer or assistant and getting another view of the subject and feeding that information into his own mind as he tried to shape and form the right course of action.

My own personal experience with President Johnson makes me know that no one person in his administration knew everything he was thinking. Many times I presented an idea to him and was rebuffed after a merciless cross-examination. I would leave the President convinced I had failed to excite his interest. Several days later, *after* the President had scoured the idea with other aides and advisers, I would find him taking hold of the idea, molding it and reshaping it, and finally using it for specific action.

But I could not swear that someone else had not offered the same idea to him, and I could not really know if it were an idea that had already occurred to the President and one which he wanted to circle and examine before he determined to use it.

That is why if I had scurried to my diary and inserted the presidential conversation in its pages as truth, I would not have been accurate. That is also why at memoir-writing time, each aide and adviser has a fixed and different opinion about what "the President thought." And that is why each memoir by aide and/or adviser can only be half-right, and only partly true.

The President's decision on anything may be right or wrong. It may be to the nation's benefit or it may not. But *how* he reached that decision can be told only by the President and no one else, because no one, no matter how high or powerful in the government or out, knows everything that went on in the President's mind, and the facts, the information, the instinct, the judgments that formed the final shaping of the presidential decision.

MISLEADING STATEMENT REGARDING IOWA FOOD STAMP PROGRAM

Mr. MILLER. Mr. President, page 3 of today's Des Moines Register contains a story by reporter Jerry Szumski covering the Governor's Conference on Food, Nutrition, and Health at Iowa State University.

The keynote speaker at the conference was Mr. Nick Kotz, of the Register's Washington bureau.

The story reports that Mr. Kotz estimated 70,000 Iowa children go hungry because of an inadequate food stamp program and said "Iowa Senator JACK MILLER and Iowa Congressmen WILLIAM SCHERLE and WILEY MAYNE have obstructed legislation to expand food aid."

Mr. President, this is not the first time that Mr. Kotz has abused his power and responsibility as a journalist.

In the first place, the readers of this story have no way of knowing what Mr. Kotz meant by "obstructed."

In the second place, the facts do not support any such allegation.

The facts are that, as a member of the Committee on Agriculture and Forestry, I supported the administration's recommendation that $750 million be authorized for the food stamp program for fiscal 1970—more than double the $340 million authorized in the old law and almost three times the amount appropriated for fiscal 1969; also, that $1.5 billion be authorized for fiscal 1971 and 1972.

When the bill came before the Senate for debate, the junior Senator from South Dakota (Mr. MCGOVERN) offered an amendment to increase the amounts to $1.25 billion for fiscal 1970, to $2 billion for fiscal 1971, and to $2.5 billion for fiscal 1972.

I voted against the so-called McGovern amendment. Nevertheless, the amendment was adopted—notwithstanding that the administration had advised that it did not have the organization and personnel to properly handle more than the amount approved by the Senate Agriculture Committee. Those who supported the McGovern amendment were warned that such great increases in the program would not be approved by the House and might, in fact, jeopardize the entire program.

Although I voted against the McGovern amendment, I still voted for the bill when it passed the Senate, because I felt strongly that the food stamp program had been improved by the Committee on Agriculture and Forestry and I was hopeful that the House would take action on the bill and reduce the amounts down to what could be efficiently handled by the administration.

The bill passed the Senate on September 24, 1969, and it is still in the House. The warnings given the supporters of the McGovern amendment have come true. Had they been heeded, we would likely have had a bill passed by both Houses and signed by the President long ago.

I wonder whether Mr. Kotz should not have called the adoption of the McGovern amendment an act of "obstructionism."

Further, with this authorization bill being considered by the Agriculture Committees of the House and Senate, it became necessary to pass a special authorization bill just for fiscal 1970 as a basis for appropriations for the program in the Agriculture appropriations bill.

On June 24, 1969, the Senate passed Senate Joint Resolution 126, which increased the authorization for fiscal 1970 to $750 million. I not only supported this resolution, but, in fact, made the motion to report it out favorably in the Committee on Agriculture. Subsequently the House passed a similar resolution.

I ask, now, Does this sound like "obstructionism"?

Mr. Kotz, as a Pulitzer prize winner, is quite capable of ascertaining all of the facts which I have recited; and, to the best of my knowledge, all of these facts were known to him.

Now, after making such a gross and misleading statement, abusing his position as a keynote speaker at a Governor's Conference, he will apparently be returning to Washington to continue to undertake reporting in a manner in keeping with the standards of his profession which provide: "Good faith with the reader is the foundation of all journalism worthy of the name," and violation of this principle "is not to be excused for lack of thoroughness or accuracy" within the control of the journalist.

Mr. Kotz does not owe me any apology, because the facts refuting his misstatement are apology enough. But he does owe an apology to those attending the Governor's Conference for misleading them and to the readers of the Des Moines Register who have also been misled by his remarks.

CANADIAN OIL IMPORTS

Mr. MONDALE. Mr. President, the authority for the oil import control program is vested in the President by section 232 of the Trade Expansion Act. Under that act, in order to restrict imports, the President must find that they "threaten to impair the national security."

When the present control program

was established in 1959 by President Eisenhower, Proclamation 3279 expressly exempted Canadian imports. This was clearly because Canadian imports did not, and could not, impair national security.

On March 10, President Nixon announced a significant cutback, about 150,000 barrels a day, in Canadian oil imports. Under what authority did he act?

He acted under the same authority which President Eisenhower concluded did not apply to Canadian imports. And everyone else has reached the same conclusion. Canada is, after all, our best friend and neighbor.

The President's own Cabinet Task Force on Oil Import Control, in a February 1970 report stated, on page 94:

> The risk of political instability or animosity is generally conceded to be very low in Canada. The risk of physical interruption or diversion of Canadian oil to other export markets in an emergency is also minimal.

Have there been any new developments which would justify the President's determination that there is some security risk in Canadian imports? The President's statement points out:

> The flow of oil from Canada, however, has recently risen to levels much higher than anticipated under the (voluntary) agreement.

Indeed, imports have risen sharply since January 1, when Chicago began to draw Canadian oil by pipeline. But exceeding a voluntary agreement is no basis for concluding that the national security is impaired.

The relatively small volume of Canadian oil now being imported is irrelevant to our national security, and it is difficult to believe that very much larger increases in such imports could affect our security interests adversely.

When the President released the task force's report on February 20, 1970, he said:

> All members also agreed that a unique degree of security can be afforded by moving toward an integrated North American energy market.

Are we to believe that in 18 days the "unique degree of security" has, somehow, been lost?

I think there is a serious question as to whether the President's proclamation controlling Canadian oil imports is valid. There is no question, however, that it is unwise. It is unfair to the Northern States and offensive to Canada.

The President said that the task force concluded that the present Canadian situation "does not effectively serve our National security interests and leads to inequities within the United States." And he also said that he deems it necessary "in the interest of the national security objectives of Proclamation 3279" to establish the import limitation. But he did not say expressly that these imports "threaten to impair the national security."

Perhaps, the most significant part of his finding is that it "leads to inequities within the United States." I can find nothing in the statutory authority for the import control program that relates to such internal inequities. And what about the inequities created for Canada? Has the United States no concern about those?

The President declined to adopt the recommendations of the majority of his task force calling for substantial increases in imports from the Middle East and Venezuela. These would have been of great benefit to American consumers and clearly would not have impaired the national security. The only ones who can benefit from that decision are the profit-swollen American oil giants. And now he has taken another decision, in the interest of these same giants, which can only hurt consumers and refiners in the northern part of the United States and our friends across the border.

In the case of my State, the problem is especially acute. The independent refiners there depend entirely on Canadian crude, except for quite limited amounts from North Dakota and Montana. The refiners use all of the domestic output which is available to them. If Canadian imports are curtailed, they must curtail operations.

Before the entry of these refineries in the Minnesota market, my State was plagued with uncertain supplies, high costs, and outright shortages of heating oil in the winter months. These refiners have stabilized the market, eliminated shortages, and controlled costs in what remains a high cost area. To cut back supplies for these refiners is intolerable. Contrary to the President's decision, his task force recommended that these refiners not have their supplies reduced.

For other users of Canadian crude, there are substantial domestic sources of crude oil available, although at a somewhat higher cost. I cannot condone the President's decision which will force higher cost petroleum on the consumers in other parts of the northern United States. In the case of my State, however, it is not a question of costs but of the survival of the refineries which have safeguarded the consumers of Minnesota from the serious problems which they have experienced in the past.

I understand that the Committee on Finance has promised to hold hearings on the oil import program. I thought that was very desirable before the President received his task force report. When he declined to implement his task force's proposals, I concluded that a congressional review was essential. Now I am convinced that it cannot wait.

There is a significant basis for concluding that the President's decision is in violation of the law. It is an unwarranted slap at our Canadian friends. I hope the Committee on Finance will examine in detail the basis for the President's action.

If he has violated the law, his action must be rescinded. In any event, I believe that Congress must seriously consider whether authority which can be exercised in such a cavalier fashion should be permitted to remain law.

INCREASED BROKERAGE COMMISSIONS

Mr. WILLIAMS of Delaware. Mr. President, recently the New York Stock Exchange asked for a substantial increase in brokerage commissions being charged the small investors; that is, those purchasing 200 shares or less. They suggested that this proposed increase for small-lot purchases be offset by a corresponding reduction for the large institutional buyers.

The approval of such a plan would be grossly unfair to the small investors, and it would also have an adverse effect on a recent national program to encourage every citizen to buy securities whereby he would become an owner of a part of America.

On February 20, 1970, I registered my objections to this proposal with the Chairman of the Securities Exchange Commission, and I was encouraged by his reply indicating a similar concern for the small investors.

I ask unanimous consent that my letter of February 20, 1970, addressed to Mr. Hamer H. Budge, Chairman of the Securities Exchange Commission, and his reply thereto, dated March 4, be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., February 20, 1970.

Mr. HAMER H. BUDGE,
Chairman, Securities and Exchange Commission, Washington, D.C.

DEAR MR. BUDGE: I am very much concerned over the recent proposal of the New York Stock Exchange for a substantial increase in brokerage commissions for the small investors to be offset by a corresponding reduction for the larger institutional buyers.

Just a few years ago the Exchange, supported by Government endorsement, launched a national campaign to encourage the low and middle income investors to buy securities and thereby become owners of a part of America. I heartily endorsed that program not only because it promoted and encouraged savings but also because it is a constructive step toward better citizenship when every individual has an interest in our capitalistic system.

The present proposal to raise the commission rates for the small investor from 60 per cent to over 100 per cent above present rates is a backward step. Already the small investor is being penalized in that by Government regulation he is only getting 5 per cent for investing in a seven-year Government bond whereas the larger investors get from 8 per cent to 9 per cent. Likewise the Federal Reserve and the Federal Deposit Insurance Corporation have authorized an average of 2 per cent variation in the interest that can be paid to the small depositors as compared to the large depositors. This discrimination against small investors with executive approval is highly discriminatory, and I express the hope that your Agency will not approve such a plan.

It should not be overlooked that the various exchanges have a virtual monopoly on the sale of these securities, and if they expect to maintain this monopoly they should recognize their responsibilities to the public and be willing to accept the obligation to protect and encourage the small investors.

Yours sincerely,

JOHN J. WILLIAMS.

SECURITIES AND
EXCHANGE COMMISSION,
Washington, D.C., March 4, 1970.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Thank you for your February 20, 1970, letter expressing concern over commission rate proposals submitted to the Commission on February 13 by the New York Stock Exchange. The proposals were a report prepared for the Exchange by National Economic Research Associates, Inc. ("NERA"). They have not been adopted by the Exchange and, as stated in an Exchange Membership Bulletin of February 19, the Exchange represents it will not act on these proposals before discussions with the Commission.

The Commission will most carefully analyze and review these proposals and the underlying data included in the NERA report. Indeed, our staff has advised us that considerably more data may be needed for this purpose.

Your concern that stock exchange commission rates not unfairly discriminate against the small investor is shared by the Commission. Small investors, as you observe, have been encouraged by the Exchange to buy securities and their transactions are an important part of the auction market. The problem is how best to assure that they have access to the exchange markets.

Excessive charges on small investors might discourage their participation. On the other hand, it has been suggested that there are economic factors which may work the other way. There has been no change in the commission rate level, aside from the volume discount instituted late in 1968, since 1958 and the change made then as to individual transactions was a modest one. Since then, costs in the securities business have risen considerably because of inflation, higher salaries and wages for clerical personnel and operations, and the cost of installing electronic data processing facilities. It is suggested that, as a result of this, it has become unprofitable for many firms to execute small transactions and that many firms consequently are attempting to discourage acceptance of small orders and to direct their capital and resources to large institutional business which is much more profitable. The major exchanges, consequently, appear to feel that an increase in the commission on small orders is necessary in order that their member firms may continue to be available to, and to properly serve, small investors, thus keeping the small investor in the auction market. It also has been suggested that commissions on large orders could in effect be used to subsidize commissions on small orders. Aside from any question of fairness this presents (and, as you know, most large investors are institutions representing aggregates of small investors), such subsidization is becoming less possible now because of the very substantial proportion of institutional business which is done by those firms which specialize in that business and do not handle small orders.

We will, of course, have to evaluate this whole subject carefully. You may be sure that the need to protect and encourage small investors will be given every consideration by the Commission in any resolution of the question.

Sincerely,

HAMER H. BUDGE,
Chairman.

PRAIRIE COMMONSENSE IS BEING APPLIED TO A POLLUTION PROBLEM

Mr. HRUSKA. Mr. President, the problem of pollution has become one of the most popular topics for discussion and action in the country today. We have ended several generations of neglect in a flood of activity, some productive and some unproductive. A great many personal, community, and industrial practices which have been accepted over the years are now found to be harmful.

I suppose it is normal in such circumstances to search for scapegoats. But, in some cases, this has resulted in unfair and uninformed criticism.

I have in mind, especially, the matter of runoff from cattle feedlots. There is no doubt that a problem does exist: Nebraska and many of her sister States have major cattle feeding operations to insure that high grades of meat in sufficient quantities are available to consumers throughout the country. These operations do produce waste products, and some of those wastes do find their way into waterways.

What is generally not appreciated, however, is that cattle feeders have been concerned with the matter long before it became a topic for wide public discussion. Operators were not only concerned; at their own initiative, they mounted efforts to reduce pollution from feedlots and turn the waste into useful products. They are continuing these efforts at an accelerated pace and I am confident that the problem can and will be solved. We could wish that all industries would show such initiative.

Mr. President, it is also a fact that the Agricultural Research Service of the Department of Agriculture has been increasingly involved over the past few years with research in this area of animal waste management. As the ranking minority member of the Agriculture Appropriations Subcommittee, I have given my close attention to this item and have vigorously sought adequate funding for such research. The subcommittee has cooperated fully, and especially its chairman, Senator SPESSARD HOLLAND of Florida. In fiscal 1969, the Congress made $536,800 available to ARS for studies in this area. In fiscal 1970, ARS used $774,200 for studies on livestock waste pollution, which was $113,000 more than appropriated by Congress. This was possible by redirecting other funds to this vital activity. Now for fiscal 1971, the ARS has proposed $1,452,200 for animal waste research, an increase of $678,000 over fiscal 1970.

These Federal research studies are being conducted primarily at Clay Center, Nebr.; Lincoln, Nebr.; Fort Collins, Colo.; and Beltsville, Md. At Clay Center, the ARS has the U.S. meat Animal Research Center. At Lincoln is located the State agricultural experiment station. In fiscal 1970, the total amount of Federal funds for animal waste research to be expended in Nebraska will be $185,400. If the new budget request is approved for fiscal 1971, the total amount for Nebraska will then be $350,400.

Eastern Nebraska is ideally suited as an outdoor laboratory to assess the pollution problem arising from animal feedlots in small watersheds. The research at Lincoln and Clay Center is providing us with valuable information, and the increasing intensity of this research should provide us with some lasting answers for remedy of any problems that may be developing due to feedlot wastes. Such research can supply the techniques to minimize these problems without disrupting the vital and growing livestock feeding industry.

Dr. George Irving of the Agricultural Research Service testified before the Senate Agriculture Appropriations Subcommittee last week on the research request in this area. Dr. Irving said at that time:

> We will need to intensify our research in all areas of animal waste management. This includes removing manure from animal quarters in the most expeditious and economic manner possible; deterring runoff; and developing better techniques for storing, transporting, treating, and ultimately disposing of these wastes. All of this must be accomplished with a minimum of disruption of production efficiency. The proposed increase of $678,000 would be used for these purposes.

I know that my colleagues on the Agriculture Appropriations Subcommittee, and in the Senate, will give close and thoughtful attention to this effort to prevent and control feedlot pollution before it becomes a problem, rather than waiting to remedy it afterward.

An enlightening discussion of the entire question is found in a paper entitled "The Feeders Viewpoint on Waste Control," by Mr. William Krejci, of Fairmont, Nebr. Mr. Krejci is a farmer-feeder, and chairman of the Nebraska Livestock Waste Control Advisory Committee. He is also chairman of the Government Affairs Committee of the Nebraska Livestock Feeders Association.

Mr. President, I ask unanimous consent that the text of Mr. Krejci's paper be printed in the RECORD.

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

THE FEEDER VIEWPOINT ON WASTE CONTROL

(By William Krejci, Fairmont, Nebr.)

I. HISTORY OF THE LIVESTOCK WASTE CONTROL ADVISORY COMMITTEE

After much discussion and concern about the need for a voice in the area of feedlot waste control, a group of various livestock and poultry men gathered on Aug. 29, 1967 and formed the "ad-hoc" group known as the "Livestock Waste Control Advisory Committee". It has proven to be a most valuable tool in working with the various governmental agencies that have been given the responsibility of carrying out the details of pollution control. Representatives on this committee include feeders of beef, sheep, swine, poultry, and dairy; plus representatives from the Nebraska Water Pollution Control Council and the University of Nebraska.

So far this group has had an excellent working relationship with all Governmental Agencies and we hope it will continue that way.

The advice of this committee has been accepted in many cases and as a result, toption has made an effort from the very beminister, have been avoided.

II. PAST ACTION TAKEN BY THE NEBRASKA LIVESTOCK FEEDERS ASSOCIATION

The Nebraska Livestock Feeders Association has made an effort from the very beginning to keep abreast of the feedlot waste situation. A Resolution passed in 1967 set the stage for a lot of their efforts.

"RESOLUTION NO. 7—WATER POLLUTION

"A somewhat emotional drive is underway to bring about the very rapid control of waste materials flowing into our rivers and streams. The Nebraska Livestock Feeders Association is in sympathy and offers its support to the objectives of this effort, however;

"Whereas much remains to be done in a way of educating the general public, including the feedlot owner and operator, as to the existing conditions, the overall problem and proposed solutions; without which knowledge many people might well react in an adverse or erroneous manner, and;

"Whereas much research needs to be completed before programs can be instigated, since little is known of overall effects of feedlot waste or means by which feedlot wastes can effectively and economically be handled, and;

"Whereas there is ample time under existing Federal-State agreements to work out these problems and solutions in an orderly manner, thereby assuring full effectiveness of the final program with adequate protection to the feedlot owner and operator;

It is therefore resolved that the Nebraska Livestock Feeders shall work diligently and continuously toward an equitable and effective solution of the feedlot waste problem, in full cooperation with the University of Nebraska and the appropriate State Officials. However, it is not reasonable nor wise to attempt to set down a final program in the immediate future, and accordingly we respectfully request of the Water Pollution Control Council a minimum of two years time for study, research, and education before reaching a final conclusion.

"It is further resolved that this Association shall work with all diligence toward a final program which must meet the approval of the Board of Directors or the membership, and as such should not impose undue restrictions, requirements, or excessive financial burdens upon the feedlot operator and/or owner. Any approved program should also insure the participation of actual feeder representatives on the state planning and governing boards or councils on water pollution."

The Nebraska Water Pollution Control Council did grant the feeders of Nebraska 2 years for research and study before any type of regulation would be imposed. Research was then pursued on all fronts.

In 1968 the following Resolution was passed:

"RESOLUTION NO. 1—WATER POLLUTION: REGULATORY AUTHORITY

"Whereas, various suggestions have been put forward as to what government agency should be the regulatory group for feedlot water pollution control in Nebraska, including proposals to form an entirely new agency for this purpose; however.

"Since the presently constituted Water Pollution Control council is equitably chosen, and is well versed in all activities in this area to date; be it then

"Resolved that the Nebraska Livestock Feeders Association is in favor of utilizing the Water Pollution Control Council as the regulatory agency for agricultural waste control."

Then the following year (1969) the following resolution was passed by the membership and as a result of this resolution we are trying to keep our membership informed on all fronts of the waste control problem.

"RESOLUTION NO. 8—WASTE CONTROL EDUCATION

"Whereas, there is considerable concern over the waste control problem from feedlots.

"Whereas, it is important that every livestock feeder be extremely aware of how he can help control feedlot waste runoff.

"Whereas, it is the desire of all livestock feeders to be good neighbors.

"Therefore be it resolved that the Nebraska Livestock Feeders Association engage in an informational program keeping the membership informed of all laws, regulations, and research that will affect each livestock feeder in his operation.

"Be it further resolved that every local livestock feeder association and its individual members should make every effort to stay informed on all aspects of waste control and each feeder should accept the responsibility for doing what he can to control waste runoff and strive to be a good neighbor."

III. THINGS THAT ARE DISTURBING TO THE NEBRASKA FEEDER

Many things have been in the news during the past couple of years that have been very disturbing to the livestock feeder. So far we have chosen to let everyone else talk, thinking maybe someday they would stop pointing their fingers at us. But, because it is hard for us to hide, the adverse publicity will keep coming our way.

Examples

(a) The Soap & Detergent Association—"Water in the News," October 1968: "Hollis R. Williams said that farm animals contribute more polluting wastes to waterways than people and that animals are a far more serious problem." Mr. Williams is Deputy Administrator for Watersheds, USDA. "The magnitude of the problem becomes apparent," he said, "when we realize that one cow will produce the fecal effluent equal to that of 16.4 people. We estimate that a feedlot handling 1,000 head of cattle would have the same waste disposal problem as a city of 16,400. A feedlot with 10,000 head equals a city of 164,000—and this size feedlot is not at all uncommon. Each pound of meat means up to 25 pounds of manure."

Why can't the Soap & Detergent people work on their own problem instead of trying to take the spotlight and turn it on us? Also, why do our USDA employees make such statements?

(b) Successful Farming—Dick Hanson, Editorial—"Up a Polluted Creek"—June 1968: "One Cow produces animal waste equal to the sewage of 16 persons. One feedlot of 10,000 head produces the same amount of waste as a city of 160,000 people. Iowa and Nebraska, for instance, feed nearly 3 million head of cattle a year. These cattle produce waste equivalent to that produced by 49 million people, or 11 times the human population of these two states."

(c) Omaha World Herald—RFD—"Feedlots Share Blame in Pollution of Streams": "In feedlot operations, we give little thought that the runoff carries a high quantity of nitrogen which breaks down into nitrates, which is turn have a deleterious effect upon water quality for domestic and industrial uses," Mr. Filipi said.

According to Mr. Filipi, "One steer contributes as much pollution as 20 people, or one thousand steers as much as 20 thousand people which represents a city the size of Fremont." T. A. Filipi is Director of Environmental Health Services, State Health Dept. of Nebraska.)

(d) "Feedlot"—June 1967—"Pollution Will Get You Nowhere": "Death in a massive, ugly slug of animal waste, slid down the Cottonwood river in east central Kansas last month . . . . The stench made a man want to flee across the smooth, grassy Flint hills until his eyes were filled with water and he had run out of breath. Then he could stop to gag . . . Feedlots are, undeniably, the major source of pollution and fish kills in Kansas." (A sports writer wrote this—No doubt an expert in water pollution.)

(e) "The Business Farmer"—Scottsbluff, Nebr.—July 15, 1967: "New Feedlot Guidelines are agreed. . . . The Scotts Bluff County Rural Zoning Board and the Scotts Bluff County Commissioner in a joint special meeting Tuesday night hammered out some guidelines for applicants seeking to set up new feedlots in the country. . . . Guidelines are as follows: Drainage is an important factor and excessive ponding of water must be avoided—Lots should be scraped at least once per year as part of the cleaning process."

(f) "CALF" California Association Livestock Feeders—February 1970: "California to Toughen Pollution Laws—A sweeping package of anti-pollution bills has been submitted to the California Assembly. Much of it concerns auto emissions, but there is one of the bills which could sound the death knell for some feedlots. It calls for up to $6,000 a day fines for non-vehicular air polluters. It is patterned after a similar bill to deal with persistent water polluters signed into law last year. No doubt the author of the bill has industrial offenders in mind, but with present pressure by officials in several counties to control feedlot dust the law could possibly be aimed at feedlots with poor dust control records."

(g) Last but not least—"Lincoln Evening Journal" by Ginger Rice—Friday, January 30, 1970 (Front page pictures and all): "Feedlot pollution of streams and rivers is a growing nationwide concern and the No. 1 problem in the Missouri Basin region, according to Carl Chloupek, area representative of the Federal Water Pollution Control Administration. All of this means that the degradation of the states waterways from these feedlot sources is a problem of major proportions. It will become even greater in the next decade as the outlook for increased productivity shapes up . . . Chloupek explains the problem in terms of "population equivalents." The pollution equivalent of cattle is 15, meaning that each head of cattle produces a pollution volume 15 times greater than that of one person."

IV. FACTS ABOUT POLLUTION—AS IT SHOULD BE TOLD

As I have related, the feeding industry is getting very tired of the pollution accusations that are being aimed at animal agriculture.

We intend to clear up some long overdue misinformation.

First of all we cannot argue that a 1000# steer will give off 15 to 16 times more solid waste than 1 human. But, let us remember that we are talking about *water pollution potential. All* of the human waste is flushed down the drain plus his dishwater, his bath water, his laundry water, his garbage, etc. A 1000# steer does not flush anything until we have at least a one inch rain. Most of his solid waste stays in the lot and is hauled to the field. Much of the liquid is lost to the atmosphere and he certainly does not take a bath, wash his clothes or wash his dishes.

With these thoughts in mind let us look at a few facts.

According to U.S. Dept. of Health, Education & Welfare Bulletin—"Manual of Septic-Tank Practice"—Public Health Service Publication No. 526—Reprinted 1969 page 44: The following facts on human wastes were found:

TABLE 8.—*Estimated distribution of sewage flows in gallons per day per person*

Type of waste:	*Gallons per day*
Kitchen wastes	10
Toilet wastes	25
Showers, washbasins, etc	25
Laundry wastes	15
Total wastes	75

Keep in mind this waste is derived from a one family dwelling and does not include the waste given off from family members when they are not at home.

For comparison with animals, data has been obtained from research done at the University of Nebraska Mead Field Laboratories. (Note—This data is preliminary and has not been published, but reflects 1½ years of study. More study is needed before it will be released in bulletin form.)

This area of the state has an average rainfall of 30 inches per year. By actual runoff data only 10 inches of this will leave the feedlot as runoff. Therefore, 10 inches per year runoff would equal 10 acre inches per year or 272,000 gallons per year per acre. There were 218, 1000# steers on that acre, or 3.41 gallons of waste runoff per animal per day.

Compare 3.41 gallons per steer per day to 75 gallons per human per day and we have a pollution ratio of 22 steers equal to one human. That is a bit different than has been quoted!!

If we compare the animal waste to human waste with these figures in mind, the 128,500 people in Lincoln, Nebr. would be equivalent to 2,827,000 head of cattle on feed. Twice as many as on feed in the entire state of Nebraska on January 1, 1970. (1,477,000 head on feed in Nebraska as of January 1, 1970 according to A. V. Nordquist, State Statistician.)

Someone will say that pollution is figured on Biochemical Oxygen Demand (BOD). We can figure the ratio by BOD and show that 1 human is equal to 100 steers as a pollution potential. At the Mead Field Laboratories, 1 acre inch of runoff contained 13.6 lbs. of BOD or 10 inches of runoff equals 136.8 lbs. of BOD per year for 218 head of cattle. The daily figure would be 0.00165 lbs. of BOD per day per steer. Municipal plants figure that they receive 0.17 lbs. BOD per capita per day from their human population. This is approximately 100 steers per 1 human on pounds of BOD per day ratio.

Now you can see why the feeder is disturbed when someone makes the statement that in the area of water pollution, 1 steer is as bad as 15 or 16 people. This is not true and it is time that this derogatory publicity is stopped.

V. SOME PROPOSED ANSWERS TO OUR PROBLEM

We must make one issue crystal clear—The Feeders of Nebr. are as interested in stopping the pollution of our environment as any other segment of society. We are doing everything possible to control the pollution of our air & streams, and we will continue to do so. The people can be assured of that.

The Feeders are not in favor of having permits to feed livestock and they have given some reasons why:

1. The Pollution problem from feedlots should be solved on an individual lot basis as problems arise. This can be done with the existing laws.

2. If permits were to be issued, every feedlot in Nebraska would have to be checked for compliance, whether it was a problem or not. Some 20,000 feedlots would take a tremendous staff, take a long time or both. Plus, it would be very costly to the taxpayer.

3. Research must prove many things before we impose costly regulations on the feeder. If we had permits we would also need definite criteria. This criteria is not available.

4. We feel that only about 5% to 10% of our Nebraska Feedlots are violating the pollution law. Therefore, why impose a permit system on the other 90% to 95%.

5. We must consider the general erosion of our soils and it's threat to pollution. Will we be asking all farmers to have a permit to farm?

With these facts in mind the Nebraska Livestock Feeders Association is proposing that a voluntary approach toward an *Approved Feedlot* be pursued. This means that a feeder, if he wishes, could ask the Water Pollution Control Council to issue him a certificate stating that he is operating an *Approved Feedyard*. This of course could be done after a thorough checking by the WPCC. It is felt that this concept would accomplish much more for pollution control and for future industry development in Nebraska than the mandatory permit concept.

The feeder plans to work with the County Extension Service and the Soil Conservation Service in planning his feedlots to stop any pollution potential that might exist. This cooperative venture is being perfected and the livestock feeders plan to see that it will work.

We have other possibilities on the horizon for our problem. Al Benton, a cattle feeder from Walnut, California gave a speech at the 1970 Stockmen's School in Phoenix entitled "Manure, A By-Product—Not a Waste!" Some excerpts from his talk:

"For Plant nutrition, manure is worth between $4.00 and $5.00 per ton. . . .

"It has very high nutritional value, probably $24.00 per ton feed-back to a ruminant. . . .

"Another is the production of Tortulia yeast. By a bacterial process we are able to take feedlot manure and process it, producing $140 a ton value, used primarily in the poultry industry, and have a by-product return of 15% which is mostly gypsum as the only waste product to be thrown away. . . .

"Another investigator in Colorado has devised a method to produce magots in a manure mass and separate them, dehydrate them to come up with a useful 62% protein product that's about 9% fat. . . .

"Others are making a lawn fertilizer out of their manure and selling the product for $20.00 per ton."

Maybe our problem will become an important asset to the Livestock Industry someday.

OIL CONFUSION

Mr. PROXMIRE. Mr. President, there appears to be some confusion as to what the chairman of the Cabinet Task Force on Oil Import Control, Secretary of Labor Shultz, actually said in his testimony before the Subcommittee on Antitrust and Monopoly. Therefore, I ask unanimous consent that the Secretary's prepared statement and his appendix be printed in the RECORD at the conclusion of my remarks.

I call particular attention to the questions and answers in his appendix. They put to rest some myths that the oil industry has been trying to perpetrate on the American public. They lay bare the fact that there is no national security justification for the present oil import program and show how much the program is costing the American consumer.

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

STATEMENT OF HON. GEORGE P. SHULTZ, SECRETARY OF LABOR AND CHAIRMAN, CABINET TASK FORCE ON OIL IMPORT CONTROL, BEFORE THE SUBCOMMITTEE ON ANTITRUST AND MONOPOLY, MARCH 3, 1970

Mr. Chairman and Members of the Subcommittee, I am pleased to appear before you in my designated capacity as Chairman of the President's Task Force on Oil Import Control. My function as I see it is to go through with you the main elements of the Report we have made to the President, of which I understand you each have copies. It should be understood that I do not and cannot speak for the President, who has reserved decision for the present on the recommendations of the Report. Nor will I undertake to explain the Separate Report, which begins on page 343. That should be done by its authors.

For the Subcommittee's convenience, I have prepared an appendix, which I would like to submit for the record at the close of my remarks. It is a collection of comments on some of the points and questions that have been frequently or commonly raised about the Task Force Report in the trade press and elsewhere. I hope that it may be of some help to this Subcommittee.

I have with me today our principal staff officers for the Task Force: Phillip Areeda, Executive Director; Roland Homet, Chief Counsel; and James McKie, Chief Economist. With the Subcommittee's indulgence, I may ask them on occasion to supplement the answers I make to your questions.

Let me say at the outset, Mr. Chairman, that our Task Force owes a debt of gratitude to this Subcommittee for the information developed in your comprehensive hearings begun last year. We studied closely the testimony presented to you both by independent economists and by the industry, and found many useful points of departure for our own inquiries. Two concrete examples are: *first*, the short-run supply schedules given you by Professor Henry Steele, reproduced in our Appendix D, on page 217; *second*, the actual f.o.b. prices for Persian Gulf crude oil calculated for you by the Petroleum Industry Research Foundation, which we have used in Tables L–1 and L–2 on pages 92 and 93. We adopted these figures because we found them persuasive after comparing them with information available to us from other sources. Of course, this Subcommittee has not completed its inquiries and has reached no conclusions. Therefore, the evidence we have developed and the conclusions we have reached should be regarded as entirely our own responsibility.

Turning now to the substance of our findings and recommendations, I should like to invite the Subcommittee's attention to the organization of our Report. Part I examines the purpose of oil import controls, and it creates the focus for the entire remainder of the Report. Section C on pages 7 and 8 sets forth what we understand to be the governing criteria, and they bear emphasizing. As you will see, paragraph 115 outlines the main objectives of import control established by the Congress. This is a national-security program we are dealing with, nothing else. The Congress could, of course, change that, you could establish other criteria, but the President alone could not and we on the Task Force could not. We take the governing statute as we find it. And we have tried constantly and consistently to keep our focus on the national security—not always an easy task.

This is an important point, because a lot of critics and commentators seem to miss it. Some people talk about our dependence on "foreign oil" under one or another policy. They imply that our choice is between 100% domestic self-sufficiency and outright dependence on the Middle East.

Nothing could be further from the truth. On the basis of most industry submissions, we calculate that oil imports at present domestic prices will have to supply about 27% of our requirements by 1980 unless there is an unforeseen breakthrough in the technology of producing oil from synthetic sources such as shale and coal. The present percentage is 19%, and just about everybody agrees that this will have to be increased. So the real question is not whether but how much and from where. Of course, if we had *no* import controls a large portion of our requirements—perhaps 20% of demand—would come from the low-cost and politically volatile Middle East, and I am not ready to say unequivocally that this would present no threat to our national security. However, the plan the Task Force proposes would draw the bulk of our imports from

Canada and other acceptably secure Western Hemisphere sources, and would strictly limit Eastern Hemisphere imports to a maximum of 10% of U.S. demand. That may be too strict, but it is almost certainly not too permissive; and it seems to me that debate on this subject should begin with and focus on that point.

Returning to paragraphs 115 and 116, you will see that the first statutory objective is "protecting (1) military and (2) essential civilian demand against (3) reasonably possible foreign supply interruptions that (4) could not be overcome by feasible replacement measures in an emergency." Each of these elements is analyzed in detail in Part II of the Report:

(1) *Incremental military demand* is assessed in paragraphs 209 and 223. On the basis of advice received from the Department of Defense, we conclude that even if there were a protracted conventional war (which is not considered likely) and even if the Department of Defense purchased all its requirements in the United States, the additions to demand would not be significant. We have included them in our projections of demand to be met in an emergency, as noted in paragraph 226.

(2) *Essential civilian demand* is also assessed in paragraphs 209 and 226. In addition, on the basis of advice received from the Office of Emergency Preparedness, we have concluded in paragraph 242 that in an emergency total U.S. domestic consumption could be reduced between 9% and 16% through tolerable rationing of automobile gasoline alone; we have adopted a 10% figure as a cautious estimate. The difficult question of consumption in allied and friendly countries is dealt with in several places throughout the Report: Paragraphs 111, 213, 239a, 251, 419, and 424. Here we have found ourselves without clear guidance from the Congress and have had to make our own policy decisions and recommendations. The judgments of the security agencies—the Departments of State and Defense and the Office of Emergency Preparedness—on which we have relied, have led us to conclude that the U.S. oil import program should be addressed in the first instance to protection of the national security in the direct sense, on the ground that 25 years after World War II the burdens of free-world security should be shared with our allies rather than borne exclusively by U.S. consumers. The Report strongly recommends that we should examine with our allies the measures that might be taken—such as increased emergency storage in Europe and Japan—to assure adequate supplies to them in the event of sustained curtailment of Eastern Hemisphere supplies.

(3) *The risks of foreign supply interruption* are assessed in Part II, Section C, paragraphs 209 through 225. Quantification of risks is a hazardous enterprise, and we have not attempted it. Rather, based on the advice of the security agencies—State, Defense, and OEP—we have sought to construct a qualitative analysis of both the likelihood and severity of various types of possible interruption. Our conclusion is that the most serious contingency is not military but political and arises out of Arab-Israel tensions in the Middle East and North Africa. Accordingly, we have focused our security analysis on a denial of all Arab supplies to all free-world markets, varying the model to include interruption of Iranian supplies as well and extending the crisis beyond one year to two and even three years.

I should emphasize that we do not expect a crisis to extend that far or that long. For comparison, the three-year crisis in the early 1950's concerned only one supplier, Iran, and was readily surmounted with supplies from other sources. The 1967 boycott by the Arab states extended to only three consuming countries and was over in a matter of days. The Suez closure in 1956 and 1967 was more troublesome, but it has largely been surmounted now by the construction of supertankers that travel around the southern tip of Africa; it is doubtful that the Suez Canal will ever recapture its former oil traffic. The trouble is that if we used a more limited and more realistic example—say, two or three of the more radical Arab states shutting down production for three months—it could serve as an invitation to create a longer and broader crisis in the hope of influencing U.S. policy towards the Middle East. Temperatures seem to be pretty high there right now. Hence, we have deliberately constructed a model exceeding in scope our expectations of the likely dimensions of any international supply interruption. It is summarized in Table K on page 65, to which I will return shortly.

(4) *Feasible replacement measures* consist in the first instance of (A) available domestic production and (B) secure-source imports, supplemented by (C) emergency additions to supply.

(4A) *Domestic production* is laboriously built up in Appendix D, starting on page 215, from government and industry submissions and our own investigations. The estimates for 1975 and 1980 at various domestic prices are summarized in paragraph 228 and in Table C on page 41, a copy of which is included with the exhibits at the close of this statement. I should emphasize that the domestic price levels—$3.30 per barrel, $3.00, $2.50, and $2.00—are illustrative of various levels of import controls: the present controls, moderately relaxed and then substantially liberalized controls, and finally no controls. We express these variations in terms of price levels for convenience of exposition and because it is price that operates as an incentive for exploration and development. The results are shown in line 2 of Table C. As you will see, production *increases* in all cases between now and 1975, and there is relatively little difference in the production forthcoming at high, moderate, and no controls by that date. This is because abandonment of controls would make pointless the present "market demand prorationing" restraints on efficient production; the excess capacity thus released for production would in the short term more than offset the decline in high-cost "stripper well" production. The significant effects of relaxing or removing import controls would be felt by 1980: a 4.0 million barrels per day (MMb/d) production decline in the "2.00 case" and a 2.5 MMb/d decline in the "2.50 case;" the decline would be only 1.0 MMb/d in the "3.00 case", as shown in paragraph 228c.

(4B) *Imports* as a percentage of demand are shown in line 4 of Table C. As I stated previously, the policy question is not whether we shall import oil but rather how much and from where. The sources of imports under various policies are assessed in paragraphs 234 through 237, summarized in the D-series tables on pages 48 and 49. The import volumes coming from different sources are, of course, more subject to management by way of preference arrangements if import controls are retained than if they are abandoned. Table D-1 indicates that in the $2.50 case we could if we chose draw more than enough imports from the Western Hemisphere to satisfy all our 1980 import requirements and take no oil whatsoever from the Eastern Hemisphere. Table D-3, entry No. 2, shows a more likely distribution of imports, with Eastern Hemisphere sources still supplying less than 10% of our requirements. I will draw on these two tables, also reproduced as exhibits at the close of this statement, in a little more detail in a moment.

(4C) *Emergency supply additions* are assessed in Part II, Section E, paragraphs 238 through 247. It is here that we look at inventories, excess capacity and emergency production increases. Our conclusions on the volumes of oil that could be obtained from these sources are themselves subjected to a sensitivity analysis in paragraph 252a. We also look at certain pre-crisis investments that could be made to increase domestic emergency supplies—through conventional and underground storage, production from synthetics, and the creation of strategic reserves. Estimated costs appear to compare favorably with the costs of the present oil import control program, as shown in Table E on page 56. But further study is needed and is recommended in the Report; we have included no supplies from these sources in our security model.

Turning then to the Tables starting on page 61, two of which have been reproduced as Exhibits, let me invite your attention first to Table H—a one-year interruption of all Arab oil supplies in 1980 at an assumed U.S. wellhead price of $2.50. The first line shows demand and for the U.S. is taken from Table D-3. It includes internal Puerto Rican demand, bonded fuels, and offshore military procurement. It also includes expanded U.S. oil consumption at the lower-than-present domestic price, as explained in paragraph 226. The Canadian demand figure is that of its National Energy Board, while other demand figures are derived from the average of government and industry submissions to the Task Force.

The next line is production, and for the U.S., as I have said, is laboriously built up in Appendix D and summarized in Table C. Eleven million barrels a day is what we expect in 1980 at the $2.50 price. Canadian production is drawn from paragraph 235—based in turn on estimates and detailed technical presentations by the National Energy Board and the Alberta Oil and Gas Conservation Board. Line 3 of Table H shows that we forecast 3 million barrels a day to be supplied by Canada to the U.S. and an additional 1.5 million barrels a day to be kept by Canada for its own internal use. Western Hemisphere production is taken from paragraph 236 and Table D-3, and assumes that the U.S. grants a partial preference to oil from that source. The Eastern Hemisphere is treated as a residual supply source, and the division between Arab and non-Arab shipments is assumed to continue roughly as at present. Thus, we get line 5 of Table H, which is the gross deficit produced by an all-Arab supply interruption after 6 months and after 1 year.

The remaining lines of Table H show the effect of replacement measures: excess capacity, inventories, emergency production increases, and rationing. The figures for this purpose are taken from paragraphs 239 through 242. They show that if pre-crisis trade flows from uninterrupted sources were to continue without diversion, the Western Hemisphere could survive comfortably without any rationing whereas the rest of the free world would be beyond relief even with tolerable (10%) rationing throughout the free world.

Of course, it is inconceivable that we would build up our own inventories and continue Sunday driving while Europe froze. We must allow for expectable diversion from surplus free-world areas to those in deficit. We must also examine for our own policy purposes the effect of variations in U.S. import controls. This is what is done in Table K, and I now invite you to turn to that Table.

This is a complicated table, and I will

ask you to focus on just one column, column (7) about two-thirds of the way across the top. You see that it says "United States and Canada after diversion." We consider the two countries together because of the existence of an integrated transportation network and the likelihood that we would consult closely together during a future crisis as we have in the past. Now column (7) says "No E.H. or O.W.H." That is shorthand for the extreme assumption that North America would receive no oil whatsoever from either the Eastern Hemisphere or Latin America—all of it being diverted to Europe and Japan. Even in this case, which presumably would not happen without our consent if we give any trade preference at all to Latin America, the U.S. and Canada together would be able to satisfy 92% of their demand without rationing and more than 100% with rationing—in the so-called $2.50 case.

This then is the basic analysis that leads the Task Force to conclude that some liberalization of import controls would be consistent with the national security. I would be glad to answer any questions you may have about Table K or other parts of the analysis at the close of my remarks. I apologize for the detail to which I have subjected you, but this is central to our investigation, and it has never been thoroughly analyzed before.

At this point, I should like to return to paragraph 115, on page 8 of the Report. Subparagraph b sets forth the other main import-control objective established by the governing statute; namely that of preventing a weakening of the national economy that would *itself* impair the national security. If I may, I should like to stress the word "national." The Congress did not ask the President to impose import controls to protect a particular industry or a particular region of the country. Of course, oil production can be found in thirty-one of our fifty states, and there is no question that in some localities the production is pretty marginal. The Report assesses the impact of relaxed import controls on such production, on employment, on profits and investment, and on our balance of payments in paragraphs 228 through 232. From a national point of view, it is our conclusion that the effects on the economy of a substantial relaxation of import controls would not be severe. Indeed, relaxed import controls would inure to the *benefit* of the national economy—by redirecting labor and capital to more efficient uses. We estimate the efficiency costs of the present program at between $1.5 and $2.0 billion each year. At a time when we are worried about inflation, I believe that we should not incur such costs without convincing justification.

It should perhaps be noted again in this connection that in the so-called "$2.50 case" the Report estimates *undiminished* additions to crude oil reserves, and *increased* production, between now and 1980. That is because the release of reserve capacity from inefficient market-demand prorationing as practiced by the leading producing states would more than offset the decline in marginal stripper-well production and would stimulate exploration for efficiently producible reservoirs. The initial flow rates for wells thus far tested on the Alaskan North Slope are, for example, many times greater than the average for nonstripper wells in the rest of the United States. If present import controls are continued without change, there is a possibility that those wells will be prorationed by Alaskan authorities to market demand. That would, in my judgment, detract from both the national economy and the national security.

Coming back finally to paragraph 116 of the Report, we note there some additional considerations that were canvassed in this Subcommittee's hearings of last year. Once we establish that there is a case for protection of the national security, what sort of program should be adopted? Our analysis of this question is developed at considerable length in Part III of the Report, with the conclusions stated in Part IV.

First, a majority of the Task Force found that the present oil import system does not reflect national security needs, present or future, and "is no longer acceptable." Its 12.2% limitation on imports into the bulk of the country is based on the mid-1950's level and has no current justification. The present system treats imports from secure sources in a variety of inconsistent ways. Besides costing consumers an estimated $5 billion each year ($8.4 billion per year by 1980), the quotas have caused inefficiencies in the market place, have led to undue government intervention, and are riddled with exceptions unrelated to the national security. Consumer prices for the whole country are, under the quota system, established largely as a result of limitations on oil production by one or two state bodies.

To replace the present method and level of import restrictions, the report recommends phased-in adoption of a preferential tariff system that would draw the bulk of future imports from secure Western Hemisphere sources. A ceiling would be placed on imports from the Eastern Hemisphere. These would not be allowed to exceed 10 per cent of United States demand.

The tariff system would restore a measure of market competition to the domestic industry and get the government, after a three-to-five year transition period, out of the unsatisfactory business of allocating highly valuable import rights among industry claimants. Tariffs also would eliminate the rigid price structure maintained by the present import quotas. They would establish Federal rather than State control over this national security program with its important international implications.

An initial tariff level of $1.45 per barrel of crude oil (higher on products) would be established for imports from the Eastern Hemisphere. Further liberalization towards an equilibrium tariff level would be implemented (after further study) by the new management system proposed in the report—whose creation has already been announced by the President. Consumers and the public treasury would divide the savings thus created.

There are several other important features of the majority recommendations—concerning tariff preferences, the phasing out of special quota privileges, the treatment of products and residual fuel oil and petrochemical feedstocks, and the mechanics of the proposed Eastern Hemisphere security adjustment—which are summarized on pages 134 through 139 of the Report. In the interest of brevity I will not undertake to recapitulate that summary.

For myself, I would close by saying as I did in the Report that I personally am persuaded on the basis of presently available evidence that an equilibrium tariff objective of approximately $1.00 per barrel should be established now. It would not be reached for three or five years, depending on the transition period chosen, and the planning schedule could be altered by the management system if called for by countervailing evidence coming to light during that period. There is some uncertainty in our forward estimates now, but there always will be, and judgments still have to be made. My own judgment is that the national security—the only authorized basis for oil import restrictions—will be adequately protected by such a move. Believing that, I also believe it is fairer to the industry and to all affected interests if the objective is charted now.

TABLE C.—U.S. CONSUMPTION, PRODUCTION, AND IMPORTS, 1975 AND 1980 [1]

[Millions of barrels per day]

	1968	1975			1980		
Real price per barrel [2]	$3.30	$2.50	$2.99	$3.30	$2.50	$2.00
1. U.S. consumption [3]	13.1	16.1	16.3	16.4	18.6	19.0	19.3
2. U.S. production [4]	10.6	12.4	11.6	11.2	13.5	11.0	9.5
3. Imports	2.5	3.7	4.7	5.2	5.1	8.0	9.8
4. Imports as a percentage of consumption	19	23	29	32	27	42	51

[1] 1968 figures are from Bureau of Mines data; imports are computed on an OIA basis, 1975 and 1980 figures are taken from app. D; these accord generally with submissions to the task force.

[2] $3.30 is the present south Louisiana wellhead price for crude of 30 degree gravity. $2 is the approximate wellhead price that would prevail in 1980 if import controls were soon eliminated. "Real price" is computed in constant dollars.

[3] Includes exports, residual fuel oil and petrochemical feedstocks. Elasticity of demand at lower prices is assumed to be as stated above. Puerto Rican internal demand, military offshore demand, and bonded fuels are not included. These are assumed to be 0.6 million barrels per day in 1975 and 0.7 million barrels per day in 1980.

[4] Includes natural gas liquids of 1.6 in 1975 and 1980. Depending upon the length and nature of transition arrangements, U.S. production in 1975 could vary somewhat from the figures shown at the lower prices.

TABLE D-1.—SOURCES OF U.S. IMPORTS IN 1968, 1975, 1980 [1]

[Millions of barrels per day]

	1968	1975			1980		
Real U.S. wellhead price per barrel [2]	$3.30	$2.50	$2.00	$3.30	$2.50	$2.00
Total U.S. imports [3]	2.5	3.7	4.7	5.2	5.1	8.0	9.8
Source of imports: [4]							
Canada [5]	0.5	2.3	2.0	1.8	5.0+	3.0	1.5
Latin America [6]	1.5	3.9	3.0	2.4	5.1+	5.1+	3.5
Eastern Hemisphere [7]	0.5	0	0	1.7	0	0	4.8
Arab				(1.1)			(3.6)
Non-Arab				(0.6)			(1.2)

[1] Order of magnitude only; includes residual as well as crude.

[2] See table C, note 2.

[3] From table C.

[4] Each entry shows the maximum available from Western Hemisphere sources at that price without import restrictions. Because the Western Hemisphere imports if unrestricted at the $3.30 and $2.50 prices would be greater than the U.S. deficit, some restrictions on Western Hemisphere access or limited entry for Eastern Hemisphere imports would be necessary.

[5] 1975 figures represent maximum probable imports if Canadian oil were given free access immediately.

[6] Assumes Venezuelan exports to other areas would be diverted to the United States at prices above the world level. Import levels at the $2 price are only approximate.

[7] Assumes that Eastern Hemisphere oil is the residuum in the U.S. petroleum balance. If we permitted the Eastern Hemisphere to supply up to 10 percent of normal inland consumption these numbers could be as high as 1.6 in 1975 and 1.9 in 1980.

TABLE D-3.—WORLD DEMAND AND PRODUCTION 1980

[In millions of barrels—Production: Read down; consumption (including source of imports): Read across]

	Western Hemisphere			Eastern Hemisphere			
	United States	Canada	Other Western Hemisphere	Arab	Free non-Arab	Soviet bloc net exports	Total demand
1. $3.30 U.S. price:							
United States	13.5	2.6	2.7	0.4	0.1	(1)	19.3
Canada	(1)	1.5	.4	.1	(1)	(1)	2.0
Other	(1)	(1)	5.1	26.4	6.6	0.8	38.9
Total production	13.5	4.1	8.2	26.9	6.7	.8	60.2
2. $2.50 U.S. price:							
United States	11.0	3.0	3.8	1.4	.5	(1)	19.7
Canada	(1)	1.5	.4	.1	(1)	(1)	2.0
Other	(1)	(1)	4.0	27.4	6.7	0.8	38.9
Total production	11.0	4.5	8.2	28.9	7.2	.8	60.6
3. $2 U.S. price:							
United States	9.5	1.5	3.7	4.0	1.3	(1)	20.0
Canada	(1)	2.0	(1)	(1)	(1)	(1)	2.0
Other	(1)	(1)	4.5	26.9	6.7	.8	38.9
Total production	9.5	3.5	8.2	30.9	8.0	.8	60.9

[1] Minimal.

TABLE H.—AVERAGE SUPPLY BALANCES DURING 6-MONTH AND 1-YEAR INTERRUPTIONS OF ALL ARAB OIL SUPPLIES IN 1980

[U.S. wellhead price $2.50/bbl. millions of barrels per day.]

	United States alone		United States and Canada		Western Hemisphere		Free world	
	After 6 months	1 year	6 months	1 year	6 months	1 year	6 months	1 year
Demand	−19.7	−19.7	−21.7	−21.7	−26.1	−26.1	−58.8	−58.8
Less:								
U.S. production	11.0	11.0	11.0	11.0	11.0	11.0	11.0	11.0
Canadian production	3.0	3.0	4.5	4.5	4.5	4.5	4.5	4.5
Western Hemisphere production	3.8	3.8	4.2	4.2	7.9	7.9	8.2	8.2
Non-Arab Eastern Hemisphere production	.5	.5	.5	.5	.7	.7	7.2	7.2
Gross deficit	−1.4	−1.4	−1.5	−1.5	−2.0	−2.0	−27.9	−27.9
Less:								
Excess capacity:								
United States	.8	.8	.8	.8	.8	.8	.8	.8
Canada	.2	.2	.2	.2	.2	.2	.2	.2
Western Hemisphere	.6	.6	.6	.6	1.2	1.2	1.2	1.2
Non-Arab Eastern Hemisphere	.1	.1	.1	.1	.1	.1	.1	1.1
Inventories:								
United States	4.9	2.4	4.9	2.4	4.9	2.4	4.9	2.4
Canada			.5	.2	.5	.1	.5	.2
Western Hemisphere					1.1	.5	1.1	.5
Remaining Free World							8.1	4.0
Emergency production increases:								
United States	.3	.6	.3	.6	.3	.6	.3	.6
Canada	.1	2	1	2	1	2	1	.2
Western Hemisphere	.1	.3	.2	.3	.3	.6	.3	.6
Non-Arab Eastern Hemisphere	(1)	.1	(1)	.1	(1)	.1	.7	.7
Net deficit	+5.7	+3.9	+6.2	+4.0	+7.5	+4.9	−8.9	−15.4
10 percent rationing							(+5.9)	(+5.9)

[1] Minimal.

TABLE K.—AVERAGE NET DEFICITS/SURPLUSES RESULTING FROM A 1-YEAR SUPPLY INTERRUPTION IN 1980

[Percent of precrisis demand in millions of barrels]

	Price per barrel	United States	United States and Canada	Western Hemisphere	Eastern Hemisphere	Free World	United States and Canada after diversions: No E.H. and some O.W.H.	United States and Canada after diversions: No E.H. or O.W.H.	United States and Canada after diversions: No E.H.	E.H. after diversions: All E.H. and some O.W.H.	E.H. after diversions: All E.H. and O.W.H.	E.H. after diversions: All E.H.
		(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(6a)	(7a)	(8a)
All Arabs out	$3.30	123.0	123.0	124.0	40.0	77.0	122.0	104.0	131.0	41.0	57.0	38.0
		(+4.4)	(+4.8)	(+6.2)	(1-19.5)	(−13.3)	(+4.6)	(+.9)	(+6.5)	(−19.4)	(−14.2)	(−20.3)
	2.50	120.0	118.0	119.0	38.0	74.0	112.0	92.0	118.0	41.0	58.0	40.0
		(+3.9)	(+4.0)	+(4.9)	(−20.3)	(−15.4)	(+2.6)	(−1.8)	(+3.8)	(−19.4)	(−13.6)	(−19.7)
	2.00	107.0	107.0	109.0	40.0	71.0	96.0	79.0	104.0	46.0	61.0	43.0
		(+1.4)	(+1.5)	(+2.4)	(−19.7)	(−17.3)	(−.8)	(−4.7)	(+.9)	(−17.8)	(−12.6)	(−18.7)
All Arabs and Iran out	3.30	122.0	122.0	124.0	26.0	69.0	122.0	104.0	131.0	26.0	42.0	23.0
		(+4.3)	(+4.7)	(+6.1)	(−23.9)	(−17.8)	(+4.6)	(+.9)	(+6.5)	(−23.9)	(−18.7)	(−24.8)
	2.50	117.0	116.0	116.0	24.0	65.0	112.0	92.0	118.0	25.0	43.0	24.0
		(+3.4)	(+3.5)	(+4.3)	(−24.6)	(−20.3)	(+2.6)	(−1.8)	(+3.8)	(−24.3)	(−18.5)	(−24.6)
	2.00	103.0	103.0	105.0	25.0	61.0	96.0	79.0	104.0	28.0	44.0	25.0
		(+.5)	(+.6)	(+1.3)	(−24.1)	(−22.8)	(−.8)	(−4.7)	(+.9)	(−23.3)	(−18.1)	(−24.2)
Libya out	3.30	125.0	125.0	126.0	123.0	124.0						
		(+4.8)	(+5.3)	(+6.7)	(+7.9)	(+14.6)						
	2.50	126.0	124.0	126.0	122.0	124.0						
		(+5.2)	(+5.3)	(+6.7)	(+7.7)	(+14.4)						
	2.00	126.0	124.0	124.0	123.0	124.0						
		(+5.1)	(+5.2)	(+6.4)	(+8.0)	(+14.4)						
10-percent rationing		(+2.0)	(+2.2)	(+2.6)	(+3.3)	(+5.9)	(+2.2)	(+2.2)	(+2.2)	(+3.3)	(+3.3)	(+3.3)

APPENDIX—OBSERVATIONS ON SOME POINTS AND QUESTIONS RAISED ABOUT THE TASK FORCE REPORT

1. "The Report recommends price-fixing."

Observation: The Report does not recommend fixing the price of oil. Obviously, the level of the tariff would determine the general price environment, and in order to predict the effect on a tariff on production and new additions to reserves one must know generally the price levels which would result. It is for this *analytical* purpose that the Report speaks of the "$3.00 case" and "the $2.50 case"; they are not and cannot be precise price objectives (see paras. 402, 424(1)). Obviously, the number of factors influencing the price of oil—including costs and foreign tax policies—are such that precise predic-

tion of future prices, even if thought desirable, would be impossible. (Appendix D, para. 3). The fact is that the present program in combination with the activities of state regulatory commissions has gone much further in fixing prices. With the exception of last year's price increase, it has virtually pegged the price of crude oil. By permitting price competition, adoption of tariffs would be a move away from rather than towards price fixing. (See paras. 323–325.)

The domestic price environment is relevant primarily to the *quantities* of oil available in the U.S. Will domestic production be large enough to total somewhere near the desired percentage of demand? Will reserve capacity in secure sources be sufficient to fulfill its assigned role in an emergency? Will sufficient supplies be available from the Western Hemisphere to meet Western Hemisphere demand, or some desired percentage of it? Will domestic production and capacity suffer a disastrous decline or stay about where they are? What supplies will be forthcoming from the Arctic? These are the important questions, and some deviations in each variable from its target value is not especially significant in itself.

What the Task Force plan would do is to give the domestic industry a $1.45 tariff shield (at first) against the Middle East—$1.25 against Latin America—integrate the Canadian industry with the U.S., and then leave the industry to make its own adaptations. We think that the result will be adequate protection of the nation's security, and a high enough price and large enough domestic output to maintain a large and thriving domestic industry—probably a "healthier" one than now. But the report does not seek to fix the price at $3.00 or $2.50 or any particular price. The price might be somewhat higher or lower depending on competitive forces and other factors. The managers of the oil import program would be expected to monitor these changes, but not to adjust the level of restrictions without substantial cause (para. 303).

2. "Adoption of a tariff system would be a foot in the door for federal regulation of the oil industry."

Observation: The assertion appears to be based on the assumption that the tariff system proposed by the Task Force would be "fine tuned" to regulate the level of imports with a degree of strictness comparable to the quota system. The Report's recommendations do not seek such detailed control; the recommended tariff levels are only an approximation of price levels at which we believe the domestic industry would be able to remain vigorous and competitive with imported oil.

Insofar as the assertion relates to the Report's proposal for vastly improved data collection (para. 345b), it should be remembered that government intervention has been solicited by the industry as necessary to sustain domestic prices at a level significantly above the competitive world price. If the industry is to receive such treatment for the benefit of the nation, it would be irresponsible for government not to obtain whatever information it needs to assure that the burden imposed on consumers is no greater than necessary.

3. "The Task Force proposal is too complex to administer."

Observation: Actually most of the complexities are associated with the transition, and they are really defects of the old (quota) system. The new tariff system, once fully in effect, should be administratively a good deal simpler. All the Task Force proposal would do is set a tariff of $1.35+10.5 cents, with a possible step-down of 45 cents after a short time, and a 20 cent preference for Venezuela, and a 10 percent limit on East Hemisphere imports. After an energy agreement with Canada and possibly Mexico is negotiated, the system should practically run itself. (I assume a product differential would soon be fixed at a reliable level, and thereafter left alone.) Further study is called for from time to time, but a complex study does not necesarily entail administrative complexities.

The transitional complexity is a function of the numerous inconsistencies and "special deals" generated by the present program (see paras. 117–130), and could be avoided by an abrupt shift to the new tariff system. However, the Task Force considered that a gradual withdrawal of special arrangements would produce fewer dislocations.

4. "Would a tariff system induce exporting countries to raise taxes?"

Observation: The international oil consultant, Mr. Walter Levy has asserted (Wall Street Journal, 1/12/70) that a switch to a tariff system by the U.S. could "trigger" a world-wide rise in crude oil prices of perhaps 50 cents to $1.00 per barrel, as the governments of producing countries would react to higher U.S. taxes (i.e. tariffs) by increasing their own.

Mr. Levy's conclusion seems to have been based on a misconception of what the Report (not released until 2/20/70) would recommend; namely, that the U.S. tariff would decrease as the "world" price went up. (Compare para. 337.) Without such a compensatory tariff change, a rise in the world price would either (a) price out of the U.S. market the oil from countries joining in the price increase, or (b) cause the U.S. price to rise with it, restoring or even increasing the present price and encouraging U.S. poduction. Both of these, especially (a), could cause subsequent price-cutting to break out.

As for the effectiveness of the producing-country cartel, it is perhaps unnecessary to recapitulate the evidence on the success of OPEC in the past. The world price has steadily fallen, not risen, and if the OPEC countries could effectively cooperate to raise prices (in Europe), why haven't they done it before? A dramatic event like the imposition of a U.S. tariff might provoke a dramatic response, but sustaining it is something else again.

Actually, from the producing countries' point of view, they do not stand to lose from a tariff system. The royalties and taxes they receive will be the same, and sale of their oil to the U.S. will somewhat increase. The only change is that profits previously taken by U.S. importers will inure to the benefit of the U.S. Treasury. Venezuela might, of course, raise prices to mop up a differential rent if given the opportunity. This is not what Levy was talking about.

5. "Why should the federal government interfere with state conservation controls?"

Observation: The proposed program would in no way interfere with state regulation designed to avoid physical waste. This important function, covering such matters as well spacing and the flaring of natural gas, would remain in state hands. Only regulation designed to increase or maintain prices would be inhibited. (See para. 325.)

The importance of market-demand prorationing may be declining for Texas and Louisiana, but continuation of quotas rather than adoption of tariffs would create a strong incentive for Alaska to adopt market-demand prorationing. One of the important benefits of a tariff would be to insure that state regulation in Alaska is not used to maintain the price of oil artificially through market restrictions.

6. "Reducing oil prices will aggregate an already crtiical impending shortage of gas."

Observation: Projections of demand and supply at current prices do show increasing deficits after the mid-1970's. The reluctance of the Chairman of the Federal Power Commission to see this problem aggravated in any degree is understandable. Nevertheless, the following should be borne in mind:

(a) In the short run, the adoption of the tariff system proposed by the Task Force would increase natural gas supplies by encouraging the elimination of market-demand prorationing that currently limits gas output in Texas and Louisiana (para. 207e).

(b) In the longer run, the Task Force was guided by the policy views subscribed to by the Commissioners of the Federal Power Commission as a body last August:

"We do not mean to suggest that possible changes in the oil import program are the major determinants of natural gas supply . . . Although the total level of domestic exploration for petroleum affects the exploration for natural gas, we believe that domestic gas supplies for the Nation's economy will depend at least as much on demand, tax incentives and gas prices allowed by the Commission itself as on the oil import control program."

(c) Over the longer run, again, it is likely that in a few years ways will be found to transport to the "lower 48" the large new supplies of natural gas being developed in the Alaskan and Canadian Arctic. The technology of transporting liquefied natural gas (LNG) will in all probability experience cost-reducing advances during the same period.

(d) Domestic gas supply can itself be stimulated by increasing authorized wellhead prices. The Report, relying on estimates furnished by the Federal Power Commission staff, suggests that any potential decline in the supply of natural gas caused by a reduction in the price of oil could be offset by a price increase at the very maximum of 2.5 to 5 cents per Mcf of gas. This is equal to a 5 to 10 percent increase in the current average price to consumers.

(e) A higher price for natural gas would (1) stimulate "directional" exploration for natural gas, (2) eliminate the present artificial incentive for intrastate use, and (3) reduce demand growth and eliminate some low-priority uses. In the gas-producing states at present, for example, natural gas is frequently used as a boiler fuel. Economical substitutes such as desulphurized fuel oil should become available with a rise in natural gas prices, thus permitting a diversion in the uses of natural gas to higher-priority markets.

(f) Artificially low natural gas prices are not a justification for artificially high crude oil prices—particularly given the regional distortions in the present distribution of these benefits and burdens. Table II of Chairman Nassikas' appendix (pages 373–74) shows that three gas-producing states—Texas, California, and Louisiana—receive more than 40% of the benefit the present low-gas-price subsidy, while consumers in the six-state New England region enjoy about 1% of the benefit.

7. "Oil industry profits are too slim to accommodate any decline in domestic crude oil prices."

Observation: Costs rise to meet price. That is, at present, quota-inflated prices producers are willing (a) to invest in marginal properties and (b) to pay "rents"—royalties lease bonuses, and taxes—that will leave them a rate of return equivalent to that obtainable from investments in other sectors of the economy. In the short run, a decline in prices will squeeze the profits of those who have made marginal investments and contracted to pay high rents. But the volume of production that will actually close down is very small as proportion of the whole (Appendix D). And in the longer run, less inflated prices will deter marginal investments and bring about a squeeze on rents rather than profits. The industry will be just as profitable as ever, but leaner and more competitive. The economy will benefit by ceasing to produce the small fraction of total domestic oil that now comes from the highest-cost marginal sources. Investments in this very expensive oil could be used much more productively in other sectors of the economy.

8. "Consumers have benefited from stable domestic oil prices during the life of the present quota system."

Observation: It is true that U.S. crude and product prices have not risen much during the last decade, although they did jump $.20 per barrel last year. The main point is that crude prices have *fallen* dramatically abroad and U.S. product prices would have presumably followed that trend if import controls had been relaxed. (See para. 207, Table A-1 on p. 26, Appendix G).

9. "A tariff system will adversely affect the position of small independent refiners, particularly those located "inland and dependent on supplies from marginal independent producers."

Observation: Changes induced by a shift in the method of import control would not wipe out the independent segment of the industry; indeed, they should strengthen it. In Europe, where there have been no import restrictions, the past decade has witnessed a remarkable growth in the number of independent refiners and marketers at the expense of the integrated internationals.

The information submitted to the Task Force indicates at least three respects in which the existing program actually tends to cause or increase dependence of independent refiners or refiner marketers on integrated companies: (1) the quota program denies independents the option of importing crude by payment of a uniform tariff as an alternative to purchasing domestic crude from an integrated company; (2) the sliding scale has encouraged agreements whereby small refiners take most or all of their crude from an integrated company to which they sell most or all of their output—thus making the small refiner wholly dependent on the integrated company; and (3) the output of such independent refiners is not available to independent marketers and refiner-marketers which must depend on integrated companies for product purchases. A shift to tariffs would eliminate all three of these features.

There is in fact no reason why small inland refiners should suffer any comparative disadvantage upon adoption of a tariff system, except insofar as they lose the subsidy they now receive under the "sliding scale" method of quota allocation. Any other benefits which they enjoy under the quota system will be denied their competitors as well as themselves. To be sure, proponents of this position allege that the structure of the industry is anti-competitive in a way that operates to the detriment of independent refiners generally. To the extent that this may be so, it is not attributable to import restrictions and should be addressed separately (para. 314c, n. 25). As for the sliding scale itself, it is not required for protection of the national security and should be phased out (see para. 314c, 428).

Statistics submitted to the Task Force on behalf of small refiners allege a continuing downward trend in the number of independent refiners—and not only of small ones. This trend began before import restrictions were imposed and has continued since then, despite the sliding scale subsidy that dates from the inception of the existing program. Withdrawal of the subsidy will obviously be detrimental to any firm that has benefited from it, but independent refiners efficient enough to survive without a subsidy should receive an offsetting benefit through reduced costs for crude oil and reduced dependence on integrated companies for their crude oil supply.

Benefits available to all small businesses under applicable legislation, such as set-aside DOD procurement, would still be available to qualifying small refiners. It should be noted that the sliding scale itself was *not* designed to and has not operated to benefit "small businesses" as defined by applicable legislation and regulations. (See para. 314c of the Report). Special aids to small business refiners cannot be justified on grounds of national security and if warranted on other grounds should be authorized by the Congress.

10. "The Alaskan North Slope oil discovery, which would not have been made in the absence of the quota system, will be less actively developed if domestic crude oil prices are allowed to decline."

Observation: It is impossible to say whether the discovery would or would not have been made in the absence of import controls. Intensive exploration is now being carried on in the Canadian Arctic despite the absence of any assured market above world price levels for oil from that region (see para. 235).

As for the pace of development of North Slope oil, two factors should be noted: (a) The present operators have incurred huge "sunk" costs for lease bonuses ($900 million) and exploration outlays, and have reportedly committed another $900 million to construction of the Prudhoe Bay-Valdez pipeline; their obvious interest lies in maximizing development of the acreage thus far acquired. (b) On future acreage yet to be auctioned by the State of Alaska, an oil price decline will be reflected in diminished bids for lease bonuses; the record bids made last September (when the operators knew that the whole import control program was undergoing comprehensive review) indicate that there is a great deal of room for shrinkage in these "rents." Of course, the State of Alaska could decline to open new acreage up for bidding if it thought the lease and royalty revenues obtainable in a lowered price environment were inadequate. But estimated wellhead costs of North Slope oil are so low that this is unlikely to be the case even at world prices. (See Appendix D, para. 9a.) And the Task Force Report recommends nothing like so drastic a price reduction.

11. "At lower prices, transportation of Alaskan North Slope oil to the 'lower 48' would be uneconomical, and the oil would move instead to Europe and Japan in foreign-flag tankers."

Observation: All available evidence indicates that the real cost of producing Arctic crude oil (including return on capital) is very low—considerably less than $1.00 per barrel and perhaps as little as $0.20. The cost of transportation to the U.S. East Coast is estimated at $1.00 to $1.50 per barrel depending upon whether transportation through the Northwest Passage is successful; transportation to the Midwest by pipeline would be about $1.25. (See Appendix E.) A $0.30 per barrel U.S. price decline would imply a crude price of at least $3.40 on the U.S. East Coast and at least $3.20 in the Midwest. (Prices before 1975 would be even higher. See Table L-1 and L-2, pp. 92-93. Hence, marketing of Arctic crude in those regions should leave at least $1.00 per barrel, and possibly a great deal more, available for payment of lease bonuses, royalties, and state severance taxes.)

Although the Jones Act requires shipments between American ports to move in U.S. bottoms, and thus makes shipping between American ports more expensive than shipping to foreign ports, the price of oil in the U.S. would still be sufficiently above the price in Europe and Japan to offset any differences in transportation costs. For instance, the cost of Jones Act shipping between Valdez and Los Angeles is estimated to be about 35 cents per barrel. Transportation between Alaska and Japan, roughly the same distance, would be about 15 cents per barrel. The higher value of the oil in the U.S. market—an estimated $1.00—$1.20 per barrel differential even after a $0.30 reduction—would far more than offset any such added transportation costs. Shipment to foreign ports to avoid the Jones Act would become profitable only if U.S. prices dropped close to world market levels.

12. "Reducing oil prices would eliminate much stripper and secondary production, foreclose synthetic development, and lose forever the reserves that might otherwise be developed from shut-down marginal wells by future technology."

Observation: Obviously, a decline in the price of oil will make marginal production unprofitable. The factors involved are set out at length in Appendix D of the Report. Some, but not all, stripper well production would be lost; this effect would, of course, be moderated by phasing in any changes. Even at substantially lower prices, some stripper wells would continue to be profitable—although development of new strippers might stop—and some reserves attributable to strippers would be recovered through other wells. Secondary recovery would be less attractive and synthetic development, not certain at current prices, would be much less likely under reduced prices—barring major technological developments or government subsidies. (See para. 246 and Appendix J, paras. 6-10.)

Any reserve loss attributable to a price reduction would, however, be very small indeed. It is notable that private operators currently find potential technological development insufficient reason to keep strippers in production once current costs exceed current revenues. Moving to greater reliance on market forces should *stimulate* development of new technology.

The immediate loss in stripper production if prices dropped to a world level would be only 500,000 b/d. (See Appendix D, para. 6e and footnote 8.) The loss from the far-more modest price reductions which would result from instituting the Task Force's recommendations would be much less. Any additional loss would have to be but a small fraction of this already small total, and would fall well within the general range of error in the Task Force's estimates.

A tariff system of import restrictions should make the domestic producing industry much more competitive and thereby stimulate the development of technology to reduce costs and increase recovery from the more efficiently producible reservoirs.

13. "There is a danger that due either to over reaction to the new program or conceivably a deliberate purpose to create an appearance of crisis, exploration might be artificially reduced during the transition period."

Observation: There may be a weakness in the majority's recommendation of an observation period before the decision is made whether to reduce the tariff to an equilibrium level of $1.00 (or whatever). It assumes that all reactions to the new policy during this period will be non-strategic, and that "objective" facts will be produced to support the decision. But the industry is capable of behaving irrationally for short periods, and even of contriving an apparent disaster by ceasing exploration, dramatically revising its reserve additions downward, closing up intramarginal properties prematurely, etc. Not every firm would do this, but enough might do so (from panic or for calculated strategic reasons) to produce an appearance of crisis calling for immediate "corrective" action, e.g., return to quota restrictions plus a curative dose of higher prices than before the "ill-advised" change to a tariff system. The industry associations could help to produce such an impression. A dramatic increase in imports might well accompany it—after all, the same firms can influence both the domestic reserves and the import reactions. And we must not forget that the "facts" for decision will be produced largely by these same firms and associations.

The industry is not monopolistic enough to sustain a false reaction over an extended

period; in the long run the normal commercial motives will reassert themselves and objective facts would win out. But we have no assured means of preventing over-reaction or downright manipulation in the short run, nor is it clear how the administration would distinguish between a fake disaster and a real one. This does put a premium on improving the quality and reliability of statistical information as recommended in the report (PP 345b), so as at least to free the program managers from conclusory industry assertions.

Speaking personally, this is one reason I favor adoption of a definite equilibrium tariff goal now. Such an action would give the industry fair notice of what they must plan to meet, and would remove any temptation to influence government decisions by contrived behavior.

14. "Lower crude oil prices would mean lower lease bonus revenues for the U.S. Government."

Observation: It is true that U.S. lease bonus revenues probably would be lower under the system recommended by the Task Force than under a continuation of the present quota system (see para. 207d). Calculations indicate that adoption of the Task Force's recommended tariff with no further decrease in the tariff level would reduce Federal lease bonus revenues by about $150 million in 1975 (obtained by multiplying average federal lease bonus revenues for the years 1964–68—about $500 million—times the estimated 30% decline in rents in offshore areas which would result from a $0.30 per barrel drop in the domestic price of crude oil). However, these losses would be much less than the estimated $1.6 billion of savings to consumers in 1975 under the Task Force's recommended system (see para. 207d, Table A–1, p. 26, and para. 407). Furthermore, adoption of the Task Force's recommended system would generate about $500 million in additional tariff revenues in 1975 (see Table M, p. 100), more than enough to offset the decline in bonus payments.

15. "The price of No. 2 fuel oil in New England will rise if the Task Force recommendations for a product tariff ($1.55 per barrel, or 3.7 cents a gallon) are put into effect."

Observation: Long-run. The "Fact Sheet" circulated to members of Congress by the Independent Fuel Oil Terminal Operators postulates that the present posted price of No. 2 fuel oil is 10.1 cents per gallon in Boston Harbor and 6.5 cents per gallon in the Caribbean, and that the transport cost from the Caribbean to Boston is 1.0 cents per gallon. Since the posted Caribbean price plus transport cost is 2.6 cents per gallon less than the present Boston price, the Fact Sheet concludes that a tariff greater than 2.6 cents per gallon would make imported No. 2 fuel oil noncompetitive in the New England market. The Fact Sheet further asserts that at a tariff higher than $1.08 per barrel "(d)omestic refiners would be completely insulated from overseas competition and price increases would result . . . (F) or each 20 cents per barrel of (additional) tariff, the heating oil price could be easily increased by ½-cent per gallon." (Fact Sheet, p. 2).

(1) Even assuming the correctness of the postulated facts (and the relation of the Caribbean posted price to actual transaction prices at least seems open to question), this analysis seems deficient. At present, the import program quantitatively limits imports of No. 2 fuel oil, which during 1966–68 supplied only 3–7% of East Coast heating oil demand. (See Appendix L.) Hence, it is evident that the East Coast heating oil price is primarily determined not by the foreign heating oil price plus the cost of transportation but by the costs of domestic refining and transport. The circumstance that No. 2 fuel oil refined abroad generally can be delivered to the East Coast at less cost than domestically refined No. 2 oil mainly results not in a lowering of the domestic price but in unearned "rents" to the few historical importers now permitted to import No. 2 oil.

Once it is acknowledged that under the present quota system the domestic price of No. 2 oil is independent of the delivered price of product imports, it follows that imposition of even a prohibitively high product tariff would have no effect on the long-run domestic price. That price would still be determined—as at present—by the costs of domestic refining plus transport. Any long-term price rise must stem either from an increase in these costs or from anticompetitive behavior by domestic refiners. Neither would be affected by adoption of a tariff, regardless of its level.

(2) Imposition of a *crude oil* tariff of 3.4 cents per gallon ($1.45 per barrel), as recommended by the Task Force, would tend to lower the domestic price of No. 2 fuel oil by reducing the cost to refiners of domestic crude oil, a fact entirely ignored by the Fact Sheet. The tariff recommended by the Task Force should reduce the cost to refiners of domestic crude oil by about 0.5 cent per gallon (after taking into account the elimination of any pass-through to consumers of cost savings under the present quota system). Assuming that the domestic refining industry is competitive, this saving should be realized by consumers in the form of correspondingly lower No. 2 fuel oil prices.

(3) Thus far, it has been assumed that the prices and transport cost postulated in the Fact Sheet are accurate. This would seem to be true of the Boston Harbor posted price (10.1 cents per gallon). The estimated transport cost (1.0 cent per gallon) appears to be somewhere in the right neighborhood, although the Petroleum Industry Research foundation recently cited a figure of 0.5 cent. However, it is questionable whether foreign posted prices ever represent real transaction prices or are artificially high, so the Caribbean posted price cited in the Fact Sheet (6.5 cents per gallon) is subject to doubt. The corresponding figure for bulk cargoes f.o.b. Italy is, for example, only 5.9 cents. Moreover, even if the 6.5 cents price is accurate, it is certainly based to some extent on the absence of effective price competition in the U.S. market. A U.S. tariff which removed quantitative import restriction but tended to price 6.5-cent Caribbean oil out of the East Coast market might induce Caribbean refiners to lower their prices, perhaps by changing their refinery configurations.

Finally, it must be remembered that the objectives of the tentative product tariff recommended by the Task Force are (1) to prevent "export" of significant refining capacity while (2) keeping the cost of product imports low enough to exert some competitive pressures in the domestic market and aid in relieving temporary shortages. (See para. 333d, Appendix K.) The first goal would be attained even if the tariff were so high as to preclude all product imports. Simultaneous achievement of the second objective, however, requires a much finer tariff adjustment. The considerations are sufficiently complex to lead the Task Force to recommend only a tentative product tariff, with the final tariff level to be the subject of immediate intensive study.

Short-run. No. 2 fuel oil is currently imported pursuant to historical product import allocations. Such imports accounted for 3–7% of East Coast demand during the period 1966–68. If a tariff were imposed which was so high as effectively to exclude No. 2 fuel oil at present prices, and if historical import allocations were immediately abolished, then in the short-run—before the U.S. refinery mix adjusted to the changed situation—there might be a temporary price rise. The Task Force has recommended an initial tariff of 3.7 cents per gallon on No. 2 fuel oil. However, even if this tariff were high enough to price imported No. 2 oil out of the U.S. market over the short run, no price rise would occur because the Task Force has not recommended the immediate abolition of historical product import quotas. Rather, the Task Force Report suggests gradual elimination over a three- to five-year transition period (see para. 428). Especially since recipients of historical allocations are not limited as to the types of products they may bring in, this gradual phaseout should be sufficient to prevent any significant shortages or price rises with respect to No. 2 oil due to institution of the tariff system recommended by the Task Force.

16. "How do you justify exempting imports of heavy fuel oil and not No. 2?"

Observation: (a) If the question were whether we should *now* exempt residual fuel oil, the answer might be no. Residual fuel oil is a refinery product, and refineries can be shut down more easily than oil fields. Of course, restrictions on residual fuel oil entry raise prices for apartment dwellers, hospital patients, schools, and consumers of utility and factory products It is also true that domestic refineries have been upgrading their output, abandoning residual fuel oil production because it is less valuable. But if we were now putting in a tariff system for the first time and we wished to remain serious about national security, we would probably recommend the same kind of tariff on resid as we do for No. 2 fuel oil—that is, one that will (1) avoid artificial encouragement of refinery construction outside the U.S. while (2) maintaining competitive pressures on U.S. refiners.

(b) The present residual fuel oil exemption bears no reasonable relation to national security. It operates in District I, not in Districts II–V. It is not restricted as to source, so that 17% of our resid imports now come from the Eastern Hemisphere, and an *unknown* additional percentage consists of resid produced from Eastern Hemisphere crude oil. The Task Force would grant an exemption to residual fuel oil produced in the Western Hemisphere from Western Hemisphere crude oil, and would phase in a 30 cents/bbl higher tariff on other resid imports (paras. 310, 336e, 430b). This treatment would apply to imports into *all* parts of the U.S.

(c) The Task Force does not write on a clean slate. The Venezuelan Government has been told for years that the residual fuel oil exemption was a form of preference for its oil. Actually, the preference was not keyed to the Western Hemisphere and was declining as low-sulphur requirements were imposed in the U.S. We have proposed corrective action in the form of a differential tariff, so that future resid imports should come predominantly from Caribbean and other relatively secure Western Hemisphere sources. If we had gone in the other direction and wiped out the resid exemption altogether, this would have been taken as a slap in the face by Venezuela. That is important, because for a complex of reasons discussed in the Report, we did not find ourselves able at this time to recommend a full exemption for crude oil imports from Latin American sources other than Mexico (para. 336). Yet Venezuela has been a dependable supplier in all past crises (para. 217), and its continued good will is important to the petroleum security both of the U.S. and of our allies. Hence the "compromise" solution recommended by the Task Force.

(d) The past residual fuel oil exemption presents a good case history of how future oil import policy should *not* be made. The exemption was made in response to consumer pressure and the absence of oil-company resistance. In effect it "brought off" rising political criticism of the oil import program as a whole. That is not the way to do things.

If government policy is to have any general respect, and therefore to be effective, it must be made by *principled* decision. That is what we have tried to do with No. 2 fuel oil. It also explains why we have recommended a revised and greatly strengthened management system.

17. "Would adoption of the Task Force's recommended $0.30 per barrel incremental tariff on Eastern Hemisphere residual fuel oil increase the cost of reducing air pollution on the (a) East and (b) West Coasts?"

Observation: (a) The East Coast presently imports about 800,000 b/d of Venezuelan residual fuel oil and about 170,000 b/d of Eastern Hemisphere residual fuel oil. The proportion of Eastern Hemisphere imports has increased dramatically in recent years, due to their lower sulphur content and consequent advantages in satisfying the anti-pollution requirements which have become prevalent in the Northeast. Large investments have recently been made in Carribean desulphurization plants, so that desulphurized Venezuelan oil should for the foreseeable future supply the greater part of the low-sulphur residual consumed on the East Coast. This implies that the East Coast price of such residual will be determined by the costs of producing residual in the Carribean, desulphurizing it, and shipping it to the East Coast. The added cost of desulphurizing Venezuelan residual (down to a level of 1.0% sulphur) makes its delivered cost about $0.30 per barrel greater than that of Eastern Hemisphere crude not requiring desulphurization, even taking into account the higher cost of transporting Eastern Hemisphere residual (see (p. 376e). Imposition of the same tariff on both types of residual would tend to induce higher imports of less secure Eastern Hemisphere residual because greater profits could be realized. On the other hand, permitting some Eastern Hemisphere low-sulphur residual imports is desirable because of the increasing demand for such fuel on the East Coast and the particular value of low-sulphur Eastern Hemisphere residual for blending. Hence, the Task Force has recommended a $0.30 per barrel incremental tariff on imports of Eastern Hemisphere residual, which should suffice approximately to offset the cost advantage over Caribbean imports without making Eastern Hemisphere residual entirely uncompetitive. The incremental tariff is to be phased in over 3 years; this should cushion any price effect that does occur and permit modifications if needed in the light of experience.

(b) West Coast imports of residual fuel oil are minimal. However, oil import regulations permit West Coast manufacturers of low-sulphur residual to import additional crude oil on a barrel-for-barrel basis. In 1969, these "bonus" allocations amounted to 50,000 b/d, mainly low-sulphur crude from Indonesia. Although the factors which now determine the price of low-sulphur residual on the West Coast are somewhat hazy because of the "bonus" crude allocations (see para. 125b), it is likely that the long-run price would rise somewhat if the Task Force's recommendation of a $0.30 higher per-barrel tariff on Eastern Hemisphere residual, a $1.45 per barrel tariff on Eastern Hemisphere crude, and elimination of West Coast "bonus" crude allocations were adopted. The rise would be gradual because of the 3-year period provided for phase-out of West Coast "bonus" crude allocations (see para. 341e) and phase-in of the incremental Eastern Hemisphere residual fuel oil tariff (see para. 433). The higher price of Eastern Hemisphere residual would increase the attractiveness of Western Hemisphere and domestic desulphurized residual and natural gas—all relatively more secure than Eastern Hemisphere oil. Moreover, once a higher East Coast tariff on Eastern Hemisphere residual is deemed necessary for security reasons, the Constitution dictates that the West Coast tariff be the same.

(c) Desulphurization of one Venezuelan-refinery residual output stream may be feasible only if adequate markets remain for a second resid stream with higher sulphur content. Thus, if U.S. pollution-abatement requirements become more stringent and/or widespread, blending of low-sulphur Eastern Hemisphere crude or resid may become a necessity. If so, a specified percentage of Eastern Hemisphere crude, blended into the stream of a Western Hemisphere refinery, might be allowed as a ceiling without imposition of any incremental tariff. This decision, like many others of detail, has been left for the management system.

18. "What will happen to the Machiasport free trade zone application?"

Observation: (a) That is an operational question not within the jurisdiction of the Task Force. What we did was examine the general principles that should govern the oil import control program. We did make certain general recommendations for the treatment of foreign trade zones (para. 317) and also for dealing with imports of No. 2 home heating oil (paras. 311, 333d, Appendix L.) Whether or not those recommendations are put into effect, the responsibility for handling particular foreign trade zone applications would remain with the Foreign Trade Zones Board.

(b) The present system whereby a licensing requirement has been engrafted onto foreign trade zone authorizations has encouraged *ad hoc* negotiations for "special deals" which, regardless of their merit in any particular case, seriously detract from the impartiality and generality of the control system. A few simple things have to be kept in mind. The Congress has authorized "foreign trade zones" to be set aside and treated for trade purposes in all respects as if they were foreign countries. This means, for example, that crude oil can be brought into a zone, refined or processed, and its products entered into the United States—subject however, to whatever import restrictions normally apply to those products. If no products can be entered from overseas, then no produce can come in from a zone; if overseas imports of that product pay $1.55 per barrel tariff, then shipments from the zone pay the $1.55 tariff. The Task Force Report would leave that system intact and remove the present licensing requirement, which is of dubious legality and wisdom. In general, the Report recommends that we do away with specially negotiated *ad hoc* deals of all sorts. And the Governor of Maine, when he came down to see us on behalf of the Governors of the oil-consuming states, agreed with that.

(c) Of course people in New England generally seem to feel that they are paying too high a price for home heating oil and they would like some means of relief. They see oil products selling for 3 cents a gallon less in Montreal even though the oil passes through a pipeline from Portland to reach Montreal. Now to deal with this there are two possibilities: (1) you can forget about national security and try to adjust your program to meet strongly voiced complaints wherever they arise; or (2) you can address yourselves to the question of exactly how much—no more, no less—you have to hurt the consumer to protect the national security. The Task Force took the second road, as we thought we had to under the governing statute. So we recommended a uniform products tariff that would keep the needed refinery capacity in this country and also keep competitive pressure on prices and supplies. It will take further study to define the exact tariff that will do those two jobs, but if the *crude* tariff is set as we recommend it then the price of No. 2 heating oil should begin to decline. One further thing—it is *national* security we are concerned about, and the Task Force has recommended that all parts of the country should share equally in the burdens as well as the benefits of that security. Just as we propose no special treatment for New England or for Hawaii, so we recommend an end to the special treatment for the West Coast and Puerto Rico.

(d) If the Task Force recommendations are put into effect, they should eliminate any special incentives to operate a refinery or petrochemical plant in a foreign trade zone. That is not our avowed purpose, and again we leave applications to the Foreign Trade Zones Board. But new petrochemical plants could get access to foreign feedstocks without locating in a foreign trade zone (para. 313) and new refineries in a zone would gain no advantage over their competitors in the domestic sale of tariff-restricted petroleum products.

CONVERTING THE ECONOMY FROM WAR TO PEACE

Mr. McGOVERN. Mr. President, there can be no denying that adjustments in the military budget can have grave consequences in communities with a high economic dependence on defense-related industries.

In the next fiscal year we can expect that some 1.3 million people will be removed from the employment rolls in Government and industry as a consequence of cutbacks now being placed in effect. Scaling down of our operations in Vietnam will exacerbate the problem, and all of this coincides with public policies aimed at discouraging economic expansion. It takes no seer to predict a severe crunch in many localities.

It is my conviction that the Federal Government, having called this new enterprise into being, has an obligation to assist in alleviating the local and regional problems that will attend its scaling down. Continuing military activities that are no longer needed is obviously not the answer. We certainly cannot justify treatment of the Pentagon as a giant make-work institution. Moreover, where the production of weapons is involved, we incur a double cost for superfluous output—the original diversion of funds that could be used for other purposes, and the cost in lost new capital activity deriving from the fact that weapons do not do anything to continue the chain of economic growth.

We can, however, do much more than is being done now to assist industries, employees, and communities to transfer unneeded military enterprise to other uses. Moreover, if the process of conversion is painful, its accomplishment offers a long-run opportunity for much more dependable and productive economic growth.

This is the essential aim of S. 1285, the Economic Conversion Act, which has been sponsored by some 33 Members of the Senate and 50 Members of the House. It seeks to involve industry, labor, and government at all levels in a concerted approach to the development and implementation of conversion plans.

Mr. President, the current issue of Science magazine contains an article which sheds a great deal of light on the procedures through which conversion can be carried out in an individual case. The article, entitled "Swords Into Ploughshares: Hanford Makes the Switch," describes a rarity—an economic

changeover which is meeting with substantial success.

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:

SWORDS INTO PLOUGHSHARES: HANFORD MAKES THE SWITCH

(By Luther J. Carter)

RICHLAND, WASH.—The "Tri-Cities," an urban complex of 84,000 people here in the arid region east of the Cascades, is an offspring of war. For this was a desert area with only a few hamlets and small towns until the construction of the Hanford plutonium works, which produced the material for the Nagasaki bomb began in 1943. Since 1964, however, the government has been cutting back production of plutonium, and six of the nine reactors at the Hanford works have been shut down and a seventh is being closed down now. Such a cutback could have precipitated a disastrous economic decline for Richland and the neighboring towns of Kennewick and Pasco. But what in fact has happened is that a good start has been made toward converting sword into ploughshare.

The conversion has not been free of trouble, and, at the moment, people here are protesting that reactors are being shut down and old jobs are being eliminated faster than new job-creating activities can be established. With substantial unemployment in the area (8.2 percent at the end of January), clearly there is reason for this concern. However, the process of changing from an economy based largely on the production of plutonium to one based on a diversity of activities has gone far enough already to allow real hope for the future.

How this has occurred makes an instructive story. To cushion the reactor shutdown's impact on the Tri-City area, the federal government has used the persuasive power of its contract dollars to bring in new industry and research activities. This has been done partly because Tri-City business leaders have been highly resourceful and have had potent representation in Congress.

The Hanford works took its name from the small village of Hanford, which became the side of a temporary wartime construction camp that at one point had 51,000 people. The Hanford reservation extends over 575 square miles (about half the size of Rhode Island), with most of it lying within a large bend of the Columbia River. Today nothing remains of the old village of Hanford or of the construction camp. The operations office of the Hanford project was established here at Richland, on the south edge of the Hanford reservation, thus virtually assuring that Richland (current population about 28,000) would become the largest of the Tri-Cities.

On entering the Hanford reservation, one first passes through the "300 Area" where reactor fuels are prepared and where the AEC has its Pacific Northwest Laboratory, a $100-million complex of facilities built mostly since 1956 when the laboratory became a separate segment of the Hanford operations. Beyond this area, there is a large domain of desert and sagebrush, with Rattlesnake Mountain rising to the west and the bluffs of the far bank of the Columbia River dominating the scene to the east. Not until after driving some 20 miles from Richland does one come to the reactor area.

All nine of the Hanford reactors and their support facilities are located deep within the bend of the Columbia River and appear as stark intrusions in a landscape otherwise empty of human artifact. The two reactors still running are the dual purpose N Reactor, completed a few years ago and now producing steam-electric power as well as plutonium, and the K East Reactor, which has been operating since the mid-1950's. A line of buttes and low mountains divides the reactor area along the river from area occupied by Hanford's five long, cavernous chemical separation plants in which plutonium produced in the reactors is separated from uranium and fission products. Three separation plants built during the war were closed down in the 1950's and replaced by the Redox and Purex plants; only the Purex facility is now operating as a separation plant.

The du Pont Company, under the supervision of the Manhattan District of the U.S. Army Corps of Engineers, built and operated the original Hanford works but gave up the contract to the General Electric Company in 1946. A year later the AEC, newly created by Congress, replaced the Manhattan District as Hanford's controlling authority. General Electric continued to be the sole contractor at Hanford until 1964, when the cutback on plutonium production began. At this time the AEC announced a "segmentation and diversification" plan intended to bring about a transition from a local economy based on production of weapons material to one based chiefly on work unrelated to military purposes.

SEGMENTATION AND DIVERSIFICATION

"Segmentation" meant that the AEC, instead of continuing to have all work at Hanford done by a single contractor, would split the work into several parts or segments and award a separate contract for each part. "Diversification" meant that the agency would impose, as a major condition of the contract awards, the requirement that the contractors would not only perform work for the AEC but would also invest in facilities and programs to carry on non-AEC-related activities.

Battelle Memorial Institute received the contract to operate the Pacific Northwest Laboratory. In return, Battelle agreed to invest $20 million in new laboratory facilities and to seek a variety of private contract work. Douglas United Nuclear Corporation (DUN), a joint enterprise of McDonnell Douglas Corporation, and the United Nuclear Corporation, was awarded the contract for reactor operations and fuels preparation. DUN's parent companies promised to establish the Donald Douglas Laboratories (for contract work in nuclear science and related technologies) and to set up a plant for the manufacture of zirconium tubing. Their other commitments included a pledge to give $100,000 a year for 5 years to the University of Washington Center for Graduate Study here.

ITT, which received the contract for support services, agreed to set up a plant for the manufacture of electronic components. The contract for chemical separation and waste management work was given to the Atlantic Richfield Hanford Company, which promised to spend some $5 million on construction of a hotel-convention-resort facility, a cattle feed lot, and a meat packing plant. Atlantic Richfield also agreed to organize a risk-capital investment company and to conduct studies on the potential for establishing civilian oriented nuclear businesses in the Tri-City area.

(The chemical separation and waste management contract originally had been awarded to Isochem, Inc., which was owned by the U.S. Rubber Company and the Martin Marietta Corporation. Isochem relinquished the contract, however, when it failed to meet its diversification commitment to build an $8 million plant for converting fission products from Hanford's radio-active wastes into marketable isotopes. A profitable market for isotopes had not yet developed, Isochem had concluded.)

Altogether, these four major Hanford contractors, together with several firms holding lesser contracts, pledged to spend $43.5 million on economic diversification work. The segmentation and diversification concept had developed following discussions involving the AEC, Senator Henry M. Jackson of Washington, and a group known as the Tri-City Nuclear Industrial Council.

The Tri-City council was formed in early 1963 by local businessmen who knew that sooner or later some or all of the plutonium reactors might be closed down, thus creating a crisis for the local economy. A few years earlier some Tri-City leaders had formed an exotic metals fabrication company, but this early, and very modest, approach to segmentation and diversification had gotten nowhere.

By 1963, when the Tri-City council was organized, conditions were changing. The Cuba missile crisis was past, the nuclear test-ban treaty was in the making, the U.S. goals for deployment of land- and sea-based missile forces were rapidly being met, and the need for production of plutonium was declining. The council, coming on stage at a propitious moment, hired a firm of consultants to help it identify opportunities for economic development in fields such as nuclear fuels processing, the encapsulation of isotopes, and the like.

In Washington, Senator Jackson, as an influential Democrat and member of the Joint Congressional Committee on Atomic Energy, was in a strong position to help the council encourage the AEC to bring about a greater diversity of activities at Hanford. One day in March 1963 AEC Chairman Glenn T. Seaborg, together with other AEC officials and a vice president of General Electric and Senator Jackson, visited Hanford to see what could be done. After this visit, the AEC conducted studies from which the segmentation and diversification plan emerged. For his part Senator Jackson pushed through legislation authorizing the AEC to issue use permits making available Hanford facilities for private nonnuclear work.

Such use permits are now held by Battelle and several other contractors and were part of the bait that lured them to Hanford. For the industry contractors there was also the promise of profits and the chance to gain significant new experience in the nuclear field. Accordingly, the industry response to plan was enthusiastic. For instance, Douglas United Nuclear was one of a half dozen firms competing for the fuel fabrication and reactor contract.

Although no one deserves all the credit for segmentation and diversification at Hanford, it is clear that the Tri-City council was the prime mover. It is equally clear that, while the leaders of the council live and work in the boondocks, they know how to make Congress and the Washington bureaucracy do their bidding. The vice president of the council, Sam Volpentest, a Richland banker, is a particularly persistent and energetic promoter of the council's objectives. Volpentest, a man of small physical stature but large enthusiasms, told *Science* last year that when Hanford's problems require attention, he rings up the office of Senator Jackson or Washington's other potent U.S. senator, Warren Magnuson, three or four times a week.

At one time or another, Jackson, Magnuson, and Representative Catherine May, the Tri-City area's congresswoman (who also is now a member of the Joint Committee on Atomic Energy), have each talked personally with President Johnson or President Nixon in an effort to delay the closing down of certain Hanford reactors; moreover, they have had a degree of success, although ultimately the shutdowns have occurred. Magnuson, as a member of the Senate Appropriations Committee, has played a key role in helping obtain funds to advance the diversification effort. Volpentest has raised thousands of dollars for Magnuson's and Jackson's political

campaigns, and this he feels, has helped assure him of cordial entree to their offices.

Council leaders are frequently in Washington, seeking some plum or advantage for Hanford or its contractors. In 1967, when the council was making a hard sell to have the 200-Bev accelerator built in the Tri-City area, Volpentest made eight trips to the capital. Although the accelerator ultimately was built in Weston, Illinois, the Tri-City area received a handsome consolation prize in the form of the AEC's $87.5 million Fast Flux Test Facility. The FFTF, on which construction begins this year, will be the major test facility for fuels and materials in the AEC's Liquid Metal Fast Breeder Reactor program.

Other leaders of the council are its president, Robert F. Philip, and its secretary-treasurer, Glenn C. Lee, who are, respectively, president and publisher of the Tri-City *Herald*. While Volpentest and Philip speak with sweet reason, Lee's style is more aggressive and he knows how to apply the kick in the pants with his editorials. Lee is regarded by some AEC officials as a "fanatic" promotor of the Tri-City area, but his fanaticism only seems to drive them into the arms of reasonable men such as Volpentest.

The Hanford contractors are more than meeting their diversification commitments and already have created over 1100 new jobs. The Donald W. Douglas Laboratories has had underway a project to develop (under the sponsorship of the AEC and the National Heart Institute) a thermal engine—plutonium-238 is one possible heat source—for an implantable artificial heart. Battelle has constructed three major new laboratory buildings already and is now completing a fourth. Its work ranges over a broad spectrum of research interests, including such things as arid lands ecology, problems of air and water pollution, development of a vaccine to protect salmon from disease, and hospital systems engineering. Battelle has been designing the FFTF, but it is giving up this project to Westinghouse because, under the 1969 tax reform act, it cannot as a not-for-profit institution receive more than a certain proportion of its income from any one federal bureau or agency.

FUELS FABRICATING PLANT

The hope here has been that segmentation and diversification would create a business climate encouraging even companies with no direct stake in AEC operations to start new enterprises in the Tri-City area. In a small way, this has occurred, mostly notably in the case of the decision by Jersey Nuclear, a subsidiary of Standard Oil of New Jersey, to build a facility for fabricating power reactor fuels.

At the end of 1969 the number of persons employed at Hanford under AEC contract or by the AEC itself was 7750, or only 1750 less than the number so employed at the end of 1963, before the cutback in plutonium production began. This cutback resulted in the loss of 2700 jobs during the 1964–69 period, but new activities at Hanford, such as expanded research activities, the designing of the FFTF, and work on the solidification of nuclear wastes, have partly offset this loss by creating nearly 1000 new jobs. However, there is nothing immediately in sight to offset the loss of some 470 jobs caused by the shutdown of the K West Reactor (which began 1 February) and the loss of 250 jobs at Battelle caused mainly by budgetary stringencies affecting the AEC research program.

But, while the Tri-City area may experience an uncomfortably high rate of unemployment during the next few years, some important new job-generating activities will develop before the mid-1970's. The FFTF will employ several hundred persons, and the Tri-City leaders expect that one of the AEC's Liquid Metal Fast Breeder Reactor demonstration projects will be carried out at Hanford. Westinghouse and a group of utilities in the Northwest would undertake this $200-million project. The AEC would contribute some $80 million toward the project cost, with Westinghouse and the utilities providing the rest.

Moreover, Senator Jackson believes that, ultimately, Hanford will become a major center for the generation of nuclear power in the Northwest, although only Hanford's dual-purpose N Reactor is suited for power production and new reactors would have to be built. The utilities would prefer to build their nuclear power plants close to the population centers and thus reduce transmission costs, but plans to put such plants in the lower Columbia basin and in the Puget Sound area have provoked an outcry from environmentalists. At Hanford people have been living with the atom for a generation. Moreover, Hanford has vast tracts of land available for plant sites and the construction of cooling ponds for the dissipation of waste heat. And it is well to note that, being chairman of the Senate Interior Committee and a key figure in the development of environmental policies, Jackson is in a strong position to encourage utilities to locate power plants at Hanford.

In sum, the success of Hanford and the Tri-City area in surviving the decline in plutonium production over the last 6 years and building a foundation for future prosperity provides a remarkable case history. While some aspects of the Hanford story are unique, it contains object lessons for other communities where defense cutbacks impend. These lie in the resourcefulness of the Tri-City leaders, the adept use of the levers of power by Washington's representatives in Congress, and the AEC's responsiveness to a local community problem which it itself had created.

VOICE OF DEMOCRACY SPEECH WINNER

Mr. THURMOND. Mr. President, I am pleased and proud to report that for the first time a South Carolina student has won the famous Voice of Democracy contest, sponsored annually by the Veterans of Foreign Wars.

Lawrence N. Slaughter is the son of Mr. and Mrs. Crayton N. Slaughter, of North Charleston, S.C. He is very active in student government at North Charleston High School, where he is at present serving as vice president of the student council.

Lawrence's original theme on the assigned subject "Freedom's Challenge" was chosen from a field of over 400,000 entries as being the most well-written and perceptive submission. For his efforts he is to receive a $5,000 scholarship which he plans to use at Emory University in Atlanta, Ga., where he will study for the ministry.

The significance of this speech goes far beyond its monetary value, however, Mr. President. It lends evidence to a conviction that I have always held; that is, despite all the efforts of a small minority of hoodlums to blacken the image of our young people, as a group they are the finest ever. They are aware of the important values of our heritage and they call us all to task when we fail to apply these values to present-day situations.

Mr. President, I note that our largest local newspaper, the Washington Post, which normally devotes a great deal of space to certain elements of today's youth, has not found Mr. Slaughter's achievement newsworthy. Nevertheless, I feel that his speech should be read by every Member of this body. It was entered into the CONGRESSIONAL RECORD by Representative MENDEL RIVERS who represents Lawrence's district, and can be found on page 7069 of the RECORD of Tuesday, March 11, 1970.

U.S. INVOLVEMENT IN SOUTH VIETNAM

Mr. FULBRIGHT. Mr. President, Mr. Harold Willens, national chairman of the Businessmen's Educational Fund, an organization of some of the leading businessmen of our country, spoke to the Stanford University Research Institute on January 17, 1970.

His speech is a penetrating analysis of our involvement in South Vietnam from a businessman's point of view. It is well worth the attention of Senators.

I ask unanimous consent that it be printed in the RECORD.

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

A BUSINESSMAN'S APPRAISAL OF AMERICAN MYTHS, MILITARISM AND NATIONAL PRIORITIES

(By Harold Willens, chairman, the Businessmen's Educational Fund)

In growing numbers American businessmen are becoming concerned about national priorities.

Through the Businessmen's Educational Fund that concern is being expressed by bankers and financiers such as Marriner Eccles, former Chairman of the Federal Reserve Board, and J. Sinclair Armstrong, former Chairman of the Securities and Exchange Commission who is now Executive Vice President of the U.S. Trust Company—as well as industrialists like Joseph McDowell, Chairman of Servomation; Max Palevsky, Xerox Executive Committee Chairman; Jubal Parten, independent rancher and oil producer of Houston, Texas; Lawrence Phillips, President of Phillips-Van Heusen; Gordon Sherman, President of Midas International; Alfred Slaner, President of Kayser-Roth, and George Talbot, President of Charlotte Liberty Mutual Insurance Company.

These and hundreds like them are the vanguard of a potentially influential social force: A non-partisan coalition of businessmen speaking out for new American values and goals.

This is a time when personal interests and national issues can no longer be separated. Enlightened self-interest should motivate American businessmen to press for new priorities: To restoring the natural environment, rebuilding our cities, achieving racial equality and economic opportunity, moving quickly and steadily towards arms control and reduction.

Progress toward these familiar objectives depends upon two overriding priorities which do not appear on most lists. It is with these two critical considerations that I am particularly concerned.

The first is getting rid of our besetting fear of communism and communists, both foreign and domestic. Generations of fearful politicians and bureaucrats have made it seem that all our ills, from heavy tax-loads to backed-up sewage systems and campus turmoil, are traceable to one or another stealthy communist scheme. These spokesmen have made it appear that this nation, with a Constitution two hundred years old and institutions so stable that they are the despair of the rebellious young, is about to crumble before the undermining efforts of the communists. This is to say that all com-

munists are brighter and stronger than the rest of us. It is to say that domestic communists, some eight thousand at the last count, have it in their capacity to bring down history's greatest power.

Similar myths underlie our view of communism elsewhere in the world. One is as nonsensical as the other. To be sure, there are many communists around the world. But we cannot restructure social systems everywhere to suit ourselves. And the communists have enough problems to keep them diverted indefinitely. They are having trouble with one another and trouble with their own economies.

So the first priority I would assert for the country is ridding itself of the false mythology concerning communism and its influence. There is no more paralyzing toxin running through the body politic.

The second priority is to bring our military under public control and to reduce its influence over every aspect of American life. We are tending fatefully in the direction of a police state by our willingness to maintain the military as the spoiled darling of our national budget.

Like every American I am at all times concerned about the defense of our country. What worries me is the difference between legitimate defense requirements and a vast military bureaucracy which exercises enormous influence on our economy, our foreign policy and our national priorities.

Fortune Magazine recently had an editorial entitled: "It is Time to Audit the Defense Department." Without such an audit there can be no serious reappraisal of national priorities. The following entries may be regarded as part of one concerned citizen's preliminary notes for the kind of audit recommended by *Fortune:*

1. Money and size give the Pentagon unprecedented power.

2. One of every nine Americans is indebted to the military for employment.

3. In some sections of the country, the local economy depends almost entirely upon Pentagon money.

4. Such economic dependency gives our military bureaucracy unwarranted power and influence.

5. Because the Pentagon distributes hundreds of millions of dollars to colleges and universities, the military is deeply imbedded in our educational process.

6. Fifty per cent of all United States scientists and engineers in American business are employed by companies doing military and aerospace work.

7. The Pentagon employs 339 lobbyists. That means two Pentagon agents for every three members of Congress. There are grave political implications in such a lobby force.

8. By its own admission the Pentagon is spending $27.7 million this year on public relations, for which purpose 6,140 people have been employed. That is a formidable propaganda staff and budget.

9. While polishing up its public image in this costly way, the Pentagon suppresses legitimate news such as the alleged My Lai massacre and censors news to our men in Vietnam.

10. Efficiency expert A. Ernest Fitzgerald, who tried to save billions of tax dollars, is rewarded by being thrown out of his Pentagon job.

11. Mendel Rivers, whose home district bristles with seventeen military installations and many defense plants, has good reason to boast: "I've got the most powerful job in the United States Congress."

It is reasonable to assume that considerations like these were in the mind of General Eisenhower when he cautioned against excessive military power and influence—as did George Washington in his Farewell Address. It was not conspiracy our first and thirty-fourth presidents were worried about. They were warning against a basic institutional danger: A military bureaucracy too powerful for the interplay of checks and balances upon which democracy depends.

We have given too much power to our military establishment. Seventy per cent of the non-fixed portion of our federal budget is being spent for military use, eleven per cent for building America.

This military burden damages the American economy. It is responsible for inflation, a balance of payments deficit which is destroying confidence in the American dollar, rising interest rates, and heavy tax loads. That is why signs of peace make Wall Street happy. The new economics rejects the communist belief that capitalism will collapse without war. Germany and Japan, unburdened by large standing armies and military budgets, enjoy booming economies, high productivity and profits.

But we have been told that heavy spending is necessary to defend against the Russian threat. Averell Harriman, drawing upon forty years of experience with the Russians, says: "The Soviets are as anxious to avoid destruction of their country by nuclear war as we are of ours." In our self-interest we must recognize that the men who govern Russia and China are also human beings. They have enough on their hands trying to rule their own countries. That is their mission, not the destruction of the United States, which they know would mean their own destruction as well.

Our country is like a person so obsessed with fear of catastrophe that he spends his fortune on insurance against unlikely events while his children starve and his house falls apart. History deals harshly with such obsessions. World historian Arnold Toynbee reminds us that of twenty-one great civilizations which lie in the graves of history only two were victims of external attack. The other nineteen perished from internal decay. Toynbee is a good man to remember as we fight imaginary enemies in a mistaken war 10,000 miles away while here at home the American dream turns sour. The streets of Saigon are safer than the streets of Washington.

Why?

Because, in the words of former Marine Corps Commandant General David M. Shoup, "America has become a militaristic and aggressive nation . . . Militarism in America is in full bloom and promises a future of vigorous self-pollination—unless the blight of Vietnam reveals that militarism is more a poisonous weed than a glorious blossom."

General Shoup is right. Vietnam is the inevitable product of a misdirected militaristic policy. Last October, *Nation's Business,* official publication of the Chamber of Commerce, said: "It appears now that President Nixon is without alternatives—that his only hope of ending the war for us is withdrawal. If that's the case, we'd better withdraw. For this has become a war with no possible winners. Only losers."

Yet not so long ago Lyndon Johnson said: "We must fight them in Vietnam now or we will have to fight them in San Francisco tomorrow." He did not explain how the North Vietnamese or the National Liberation Front would get to San Francisco. He just laid on the scare words as did John Foster Dulles and Senator Joseph McCarthy in the early stages of a foreign policy based more on fear and hysteria than fact and logic. Small wonder that Republican Senator William Saxbe says: "To maintain our current foreign policy is a ticket on the Titanic."

Today few Americans who read more than headlines believe that the Chinese or Vietnamese or Cuban revolutions resulted from a unified international conspiracy. In each of these lands corrupt rulers ignored inhuman conditions. Their people wanted national independence and a decent existence. Because other people want the same, there will be more revolutions in underdeveloped nations. Our country is itself the product of a revolution for national independence, political and social justice. This fact would add irony to tragedy if we found ourselves fighting in other Vietnams like those brewing right now in Laos, Thailand, and the nations of Latin America.

To be sucked into such wars would be costly and foolish. Students of the rivalry between capitalism and communism have observed that as a country gets richer the communist system becomes more relaxed. Orthodox communism cannot survive prosperity. But self-defeating interventions—such as the Vietnam war—make more difficult the transition to a less hostile structure in the Soviet Union. That is one of the many tragic aspects of this Asian misadventure.

Vietnam, where no one has ever seen a Russian or Chinese soldier, is our country's greatest mistake. But Vietnam can also become a great opportunity. I am anxious to communicate clearly this central point. Illustrating it with a business analogy may be helpful.

In the history of American industry Ford Motor Company's experience with the Edsel should be seen as a classic example of success, not failure. The experts who conceived and designed the Edsel guessed wrong. If the company's decisions had been controlled by passionate believers in the Edsel, they might have poured good money after bad and compounded a miscalculation into the death of a corporation. But they were objective and flexible. They recognized and admitted a mistake. They took a financial loss. And they took their company on to a brighter future.

Much magnified, this kind of decision confronts us today. We are stockholders in the American enterprise. Our Edsel is a foreign policy propelled by a powerful military machine fueled by an $80 billion budget. The policy of containment was designed twenty-five years ago. It has not been seriously reassessed by any of our past five presidents. This policy drove us into a tiny country totally unrelated to our basic national interests. We have sacrificed over 40,000 American lives and poured $125 billion into a mistaken war which divides our people and damages our international position. All this in support of a militarized foreign policy which does not fit the world of today. This policy is America's Edsel. The opportunity presented by Vietnam is the realization that what we are doing is not working.

If we can be as objective and flexible as Ford's decision-makers in their crisis, we can create a foreign policy which will prevent other Vietnams and allow us to reorder American priorities. Then our mistake would result in long-range benefit. Because the lives of their younger brothers will have been spared, the American boys killed in Vietnam will not have died in vain. Such a redirection is the opportunity I speak of: The opportunity to gain a great lesson from a great error.

Moving away from Vietnam to the broader problem, the *Fortune* Magazine editorial last August said: "Much of the present $80 billion U.S. military budget is based upon outdated assumptions. U.S. ground troops have been deployed around the world for a generation like the Twentieth Century equivalent of the Roman Legions. The United States is in the grip of a costly escalating pattern of military expenditure (which) has come to live a life of its own."

And John Gardner, Chairman of the Urban Coalition, reminds us that the funds needed to "solve desperately urgent internal problems can come only from the vast and inadequately controlled defense budget."

The problem lies in failing to distinguish between defense and military overkill. For example: 200 nuclear warheads can effectively destroy Russia. We have 4,500. And now, with the development of multiple inde-

pendently targeted re-entry vehicles (MIRV), we propose to increase the number to 11,000. Why 11,000? Unless Russia's leaders are insane, they would not dare attack us if we had only 200 warheads. If they are insane then even ten million would not deter them.

All this is a kind of madness. Our worse enemies are the fantasies of our military planners. These fantasies produce escalation of arms which the other side's fantasizers feel compelled to match. For Russia also has its ideological paranoiacs who dream of an Armageddon in which only the other side will be wiped out.

Thus costly technological steps toward so-called security result in leapfrogging weaponry which makes nuclear war not less but more likely. With every step forward, more of us can be more quickly killed than one step ago. And when smaller countries with less responsible leaders obtain nuclear weapons, as they surely will, our chances of avoiding incineration will be even more sharply reduced.

As we increase our military power we decrease our national security.

Most Americans undoubtedly believe that none of this is our fault: We simply react to what Russia does. It would be well if all Americans could see and remember these words: "It is utterly senseless that America and Russia both build huge nuclear arsenals at tremendous expense and no real gain for either side. The Pentagon defends MIRV as necessary to insure penetration of a heavy ABM defense, which the Soviets *might* build. Pentagon Research Chief John Foster has testified there is no evidence the Soviets have started such a system and that if they do, it will take five years to build it. He now testifies MIRV will be deployed in the middle of next year.

"In other words, the Pentagon is deploying this weapon at least four years in advance of the Soviet deployment it reportedly is a reaction to. If that sounds as fishy to Soviet diplomats as it does to us . . . their generals would inevitably want to press harder with their own multiple warhead testing."

These words are taken from an editorial of last September 11th. Not *a Pravda* editorial. Not even a *Ramparts* editorial. It is the *Wall Street Journal*, which points out that our military planners share responsibility for an arms race that devours the resources needed for domestic problems.

I am aware that a preliminary audit indicates rather than guarantees what the final accounting will reveal. Nevertheless in this one audit I find indicators which bode ill for the American enterprise.

Even in preliminary audits we look for the bottom line. To me it says: American militarism endangers American democracy and American survival. Since a country becomes a military state when the defense establishment assumes or is given a significant economic and political role, we may have already unconsciously become a de facto military state. Presidents change, but the Pentagon grows. Congressmen complain, but the military budget consumes our economic substance. National priorities lean heavily toward death instead of life. Time may prove that we are already over the line and just going through the motions of an illusory democratic process. If so, the communist menace that has bewitched us will prove to be history's greatest hoax.

Perhaps this appraisal miscalculates the risk. Maybe the odds are better than I think they are. But even if there is an outside chance that a military bureaucracy might supplant civilian supremacy or bring on our physical destruction, can we afford to take the chance? Once the formality of militarizing a society takes place there is no cure. Once nuclear explosion or internal collapse occurs, there is no cure. The only cure is prevention.

Businessmen are forced to deal with realistic analyses and projections. We must rely not on what a kindly fate might do, but on what we ourselves can do to prevent undesirable developments. In considering the question of national priorities, my own analysis and projection indicate that we must develop a more balanced attitude toward the foreign and domestic communist threats. Unless we put these into sensible perspective, we are not likely to reduce significantly the military influence and spending which obstruct necessary changes.

Militarism is the inevitable outgrowth of deeply imbedded Cold War myths and anti-communist paranoia. Until we purge the paranoia and discard the myths, that potentially fatal disease—American militarism—will continue to infect our body politic and continue to ward off sane and healthy national priorities.

THE OIL INDUSTRY

Mr. DOLE. Mr. President, on page 6485 of the CONGRESSIONAL RECORD of March 9, the senior Senator from Wisconsin (Mr. PROXMIRE) placed an article entitled "The Oil Lobby Is Not Depleted," written by Erwin Kroll. The article, which was published in the New York Times Magazine of March 8, was characterized as a "thorough and clear exposition of the oil industry's political power." I hope and trust that Senators who have read the article or who will read it will keep in mind that, instead of its being thorough and clear, it is indeed filled with innuendo, half-truths, and phantom sources of information, such as references to "reputable economists," "experts," "many Americans," and "congressional sources."

Mr. President, at the outset, I should like to note that any article based on such sources should be discounted and, better yet, ignored. However, I cannot ignore it entirely inasmuch as the author has seen fit to allude to my State of Kansas in one or two respects. In the article, the author states:

> Last year the small independent producers in the Kansas Independent Oil and Gas Association broke ranks to support a proposal by Senator Proxmire that would have instituted a system of scaled depletion allowances—a plan emphatically resisted by the majors. The Kansas oilmen were unable to persuade even their own State's Senators to support the Proxmire plan.

In truth, Mr. President, when the Kansas association presented its testimony on the tax reform bill to the Senate Finance Committee, it did not see fit to endorse the Senator from Wisconsin's depletion-cutting bill, referred to above. In fact, the only testimony in the record of the Senate Finance Committee favoring the Proxmire bill was presented by the senior Senator from Wisconsin.

In another section of the article, Mr. Knoll refers to the fact that four Governors called on White House aides on November 7. According to the author, they appeared on behalf of the Interstate Oil Compact Commission—one of these Governors was the Governor of the State of Kansas, the Honorable Robert B. Docking—to urge the retention of the "11-year-old system of oil import quotas." To the best of my knowledge, this latter statement is correct. However, Mr. President, I hasten to add that earlier, a group of Governors from New England, headed by the Honorable Kenneth M. Curtis, of Maine, likewise came to Washington to urge the executive department to approve the proposed foreign trade zone in Machiasport, Maine, which they considered to be in the best interest of New England. I see nothing wrong with either group of Governors petitioning the Federal Government on behalf of their constituents. The thing I do see that is wrong is for the author of this article, by innuendo and otherwise, to imply that there is something sinister and wrong in these four Governors carrying their story to the proper officials in the executive department.

Mr. President, this is quite a lengthy article, and I do not desire to delve into its many inaccuracies to any large extent. However, I would like to set the record straight as to some of its obvious errors.

The author states:

> The result of these (tax) privileges, according to Treasury Department calculations, is that oil and gas companies save in taxes 19 times their original investment for the *average well*. (Emphasis added.)

The fact is that some successful wells might well recover over 19 times their original investment. However, the Department of the Interior's study released in 1968 entitled "U.S Petroleum Through 1980," states:

> Even a large percentage of "successful" leases over their lifetime will fail to produce sufficient revenue to permit them complete recovery of investment. It has been estimated that of *100* new field wildcat wells drilled in search of oil or gas no more than *3* are likely to be profitable. (Emphasis added.)

The author of this "thorough and clear exposition" obviously does care to cover in his article that the average well computation does not include the fact that 97 out of every 100 wildcat wells produce nothing except a loss.

The article states further:

> The import quota system on the other hand has been estimated by reputable economists to be worth between 5.2 billion and 7.2 billion a year.

Earlier in the article, the author states that oil import quotas cost consumers more than $5 billion a year in higher prices for petroleum products. This week the Assistant Secretary of the Interior, Hollis M. Dole, testified before the Subcommittee on Mines and Minerals of the House Committee on Interior and Insular Affairs and stated that the cost of this national security program to the Nation as a whole is currently about a billion dollars a year or about one-tenth of 1 percent of our gross national product. This figure varies considerably from that of the "reputable economists."

The article also states that the oil industry's "average profit of 9 percent—based on net sales—is about double the average for all manufacturing companies." This is an obvious attempt to distort the earning picture of the petroleum industry by hatching an unwarranted earnings comparison with other industries. In fact, based on the Securities Exchange Commission and the Federal Trade Commission approved method of determining profits; that is, "return on net assets" during the last de-

cade, except for the year 1961, the petroleum industry's return on net assets was lower each year than all manufacturing industries.

The article also declares that Sherman Adams, who was "Deputy President" in the early Eisenhower years when the oil import program was instituted—1959—"candidly dismisses the notion that the national security was at stake." Yet, the author proceeds to quote Mr. Adams from his memoirs as follows:

> The imposing of import quotas on oil was primarily an economic decision brought about by an economic emergency, but the action . . . was *based* upon *security consideration* in accordance with the law.

By Mr. Adams' own words, he refutes the author's contention that the oil import program was not based on reasons of national security.

Mr. President, I could go on and on; but I feel that the several points that I have covered here are sufficient to discredit Mr. Knoll's article.

THE CHILD AND THE AMERICAN FUTURE

Mr. McGOVERN. Mr. President, some months ago I delivered an address entitled "The Child and the American Future" to the American Psychological Association convention in Washington.

In it, I sought to describe some of the contrasts between premise and practice which have caused many young people to turn in despair from the society we adults have created and seek to perpetuate. To them the American dream hides a host of ugly realities. Instead of a goal to inspire our energies, it serves as a mask to block our attention.

Most galling of all, perhaps, is our practice of complimenting our youth while denying them any force. "But for a few," we say, "young people today have an idealism and a spirit of involvement that can move the Nation to greatness." But meanwhile we draft them, tax them, and deny them the right to join as full participants in the processes which establish public policy.

The extension of the vote to 18-year-olds will not work miracles, but it will help. I hope the Senate will approve the Mansfield amendment.

Mr. President, because of its relevance to this issue, I ask unanimous consent that the statement be printed in the RECORD.

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

THE CHILD AND THE AMERICAN FUTURE [1]

(By Senator GEORGE MCGOVERN)

In 1677, the Governor of Virginia delivered himself of this prayer of gratitude: "Thank God there are no free schools or printing . . . for learning has brought disobedience and heresy into the world and printing has divulged them. God keep us from both." We not only have books and free education, but, God forbid, television! Indeed, an estimated 3,000 hours are spent watching television before the typical child begins his schooling. What generation of teachers—and parents—has ever faced such formidable competition for the mind of the child?

Maybe Governor Berkeley was right in some ways. Whether it is free books and education and television, I do not know, but there can be little question that modernization, technology, the whole pace of our society has brought us not only thrills, but problems. Some of these problems are comparatively simple in that their solution requires only money and determination. For example, a nation that can reach the moon can surely solve its transportation crisis. We can invent and buy our way out of a problem that we invented and bought our way into.

But the times have also brought us problems that defy easy answers. I would put the current and growing concerns of American youth in this category. This interest affects all our lives, for our children are, of course, the nation's future. By 1975, a majority of American citizens will be under 25. But control, political and social, will still rest with adults. If this nation is to be governed effectively, it is more important to know the minds and needs of our youth than it is to comprehend the stock market or the Pentagon.

There is no formal lobby for American youth. There are no official spokesmen. The media interpret their culture. Their parents attempt to understand it. Our national leaders alternate between viewing youth as the hope of the future or the curse of the Republic.

Recently a half-million young people went to a music festival in Bethel, New York, and stayed three days without adequate shelter or food; the press was amazed to find both tranquillity and drugs. Nearly 80,000 people that same weekend watched professional football 80 miles to the east of the music festival, and no one was amazed to find violence as the main attraction and liquor being consumed eagerly.

The Woodstock festival is worthy of study. It revealed first that the youth rebellion does not always mean disruption. Indeed, the local police chief and his men have outdone each other singing the praises of the young who convened at Woodstock. For three days Bethel was the third largest city in New York State and there were virtually no crimes of violence. In many respects, Woodstock was a lesson in love and brotherhood.

It was a demonstration of the unity of our young people, that they are, in the words of singer Janis Joplin, "a whole new minority group." These young people were "together" and yet they were quite apart from the rest of society.

Finding the mass society lacking, many young people are creating their own culture. They derive a needed sense of belonging from that subculture, not from the larger society. Consider these words from a young man who attended the festival: "I went to Chicago and I found the same thing happening. You'd pass someone young or someone with long hair and you'd smile at each other. Or you'd give the peace sign, or know that he was thinking the same way you were thinking. And like the blacks go by each other and say 'brother.' It gave you that type of unity."

To be sure, Woodstock raises again the question of drugs. Psychotropic drugs are now as much a part of the youth subculture as alcohol is part of adult society. It is long past time when our laws should reflect this reality. What are we to say of a system that jails a teenager for five years for possession of marihuana while permitting men to make fortunes selling cancer in a cigarette pack.

Outstanding men in the psychology profession and associated fields have, fortunately, begun to come to grips with the special concerns of the young, including the young rebels. Men like Kenniston and Erickson and others are pointing to some of the most important factors in the so-called youth rebellion.

But I think the most important thing the profession has told us about our own children is that they are not so much rebelling against life as they are affirming their own view of life. Attitude studies show that our activist youngsters really share many of the values their parents tried to transmit.

But for various reasons, they are not as content as we to compromise and temporize with the goals and values they feel need to be implemented. Perhaps greater wealth and ease of survival are among the reasons for the greater interest in life styles and sensations rather than the once accepted day-to-day demands of getting ahead in the system. The preoccupations with practical monetary and work demands no longer are the focus of young lives. A new generation is turning toward new directions, with little time for transition.

The polarization that makes us somewhat afraid of each other is really the pull of two currents of American history. One direction pulls us back away from the modern age, back toward the conservatism of the first half of the twentieth century toward a mythical past of order and harmony; the other pulls us forward to an equally mythical future of relaxed pleasure and harmony.

I believe that we *can* create a new harmony in this country. It will likely not be the harmony of a young people's music festival, but it can be a constructive national dedication to human dignity and welfare. It can be a society that emphasizes human needs rather than weapons systems, human values instead of bureaucratic interests, the quality of life rather than the volume of technology.

This concern may not affect just the quality of life, it may affect life itself. One scientist warns us that a single massive nuclear attack by any major nation, even if blunted by an ABM system, would produce enough radiation to render our planet uninhabitable within a generation.

But aside from the indefinite nuclear threat, our children are running away from our society. Many, and no one knows how many, are literally running away. Running from comfortable homes to the city centers to be with people of their own life style. There they frequently find trouble and, in too few cases, help.

We have equipped them with the means to sense their dislocation but have provided little to deal with it. They know, for example, that the war in Vietnam is a foolish and self-defeating disaster, and they have tried all the traditional methods of dealing with it and still the war goes on.

Millions of young Americans in the 1960s responded to the leadership of John and Robert Kennedy and Martin Luther King. But three demented men with cheap guns brought about a more dramatic change in our national leadership than the most idealistic and devoted bands of young citizens.

We have raised our children to value the individual, but then asked them to be absorbed into giant bureaucracies that serve themselves before they serve the individual.

We have boasted about the great achievements of our society, about our ability to get to the moon, about our money and our goods and our economic system, and young idealists wonder why 15 million Americans go hungry.

We teach our young people that American history is a glowing example of humanistic concern, of the victory of the underdog, and yet we are frequently identified abroad with repressive military dictatorships that use our money and our guns and sometimes our

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[1] Address given to the Society of Pediatric Psychology at the American Psychological Association Convention, under the sponsorship of Division 12, Section 1, Washington, D.C., September 3, 1969.

men to suppress indigenous unrest that does not happen to support the status quo.

We teach our young people that all men are equal; yet in some states the entire delegation to the national presidential nominating conventions is picked by one man. Or again, our federal government sees fit to slow the pace of desegregation in those states that are already 15 years behind the law.

This is the usual litany of complaints of the young—complaints with which I agree—social neglect, racism, a self-defeating foreign policy.

But are these such unusual complaints from any young generation? I think not. Certainly those of us who grew up during the depression joined in crying out against a government that ignored the perils of its citizens. Certainly every younger generation has cried out against official hypocrisy, cried out for brotherhood and peace. What makes our young people different? What makes our young people seek the stimulation of illegal drugs? What impels the formation of communal societies, set up inside, yet apart, from the mainstream of our society? What is the root of the mocking political cynicism that marks so much youthful protest? Why has revolution replaced reform as the rallying call of many young Americans?

As I suggested earlier, it is in part the particular historical moment. We are seeing, I believe, a coalition of forces consisting of an aware young generation and new forces of technology and international politics and national wealth producing a moment of unprecedented change.

Our youth today are better prepared, more perceptive, and less conscious of the need to find a secure position in the society. They have more information, acquired earlier than former generations.

They see, I believe, not only the usual faults of a society, they are also keenly aware of the absurd contradictions between our myths and the realities we live.

Most importantly, they see that not only do we not do enough to fulfill the promise of America for all our citizens but that official policy sometimes retards the fulfillment of those promises.

Perhaps most obvious is Vietnam where this country set out to demonstrate the impossibility of a war of liberation and proved the opposite, where we claim to be advancing self-determination but are actually blocking it. While we have been the rhetorical advocates of reform and modernization in developing lands, we have stood with a repressive military dictatorship in South Vietnam that has never had the support of its own people.

The anger and resentment of youth gathers force from official hypocrisy and foolishness. What must many of our young people think of a President who describes the disaster still cruelly dragging on in Vietnam as America's "finest hour"? Or what are we to say of a Chief Executive who describes the landing on the moon of Neil Armstrong as a feat exceeded only by God at the creation! Incidentally, I drew a special delight from Billy Graham lecturing the President on the theological error in his judgment about the moon shot. It is the worst hour and the most shameful hour in our national history, and every intelligent young person knows it in his blood and his bones—perhaps in part because it is the blood and the bones of the young that are threatened.

Any nation must be concerned about its own security. But surely we must see now that security is more than armaments. We contribute only to our own insecurity by wasting untold billions of dollars on useless weapons like the antiballistic missile system and other proposed gadgets. President Nixon's advisers tried to prepare us for more of this syndrome when they announced that even if peace should break out, there will be no excess in the budget for social programs. And there will not be if we fail to stop the maddening spiral of armaments. But what does the President intend to do with the $30 billion a year now being wasted in Vietnam? Is it possible that he sees no peace dividend because he is planning for more war and preparation for war?

Are there not more fundamental factors in a nation's strength than its arms stockpile? Consider, for example, the erosion of national defense stemming from malnutrition. Does it make sense to allocate $10 or $25 billion or $100 billion to a highly doubtful missile defense and then permit bad diets to render 15 million Americans defenseless against hunger? What price are we paying for the brain damage to unborn infants caused by the malnourishment of the mother? What is the cost of retarded intellectual and emotional growth resulting from bad infant diets? Can it be true as Dr. Charles Lowe told my Senate Select Committee on Nutrition and Human Needs that half of the mental retardation among the poor families of this nation is caused by malnutrition! If so, has not our missile defense system already been penetrated by a deadly and dangerous foe?

As the young perceive, it is not even enough to talk about reordering priorities. That is an obvious need. But we must part with a whole set of outworn myths about government programs. It is not enough to spend more money in search of a better, more unified society; it is necessary to learn how to spend that money wisely. It is not enough to regret that the federal government spends more money on highways than it does on education. The more basic question is whether we have to develop either a rational system of education or transportation.

It is the stated policy of our government—and it has been stated policy for many years—to rebuild our cities, to eliminate urban blight. Yet our cures have been worse, in many cases, than the disease. In urban renewal programs, we did construct new buildings and provide expensive homes for the middle class. But in so doing we have crowded the poor into fewer homes. We have simply intensified and relocated urban blight.

Last year, the federal government spent slightly more than $5 billion on welfare programs. In doing so we penalized families with a "man in the house," thereby increasing broken homes and social dependence. It provided no incentive to work and thereby fed the problem it sought to solve. The Job Corps program sought to train young men for productive jobs to end their alienation from society; yet more often than not the jobs were not there, and now we have all but given up on the Job Corps effort.

It is the quality of our responses to problems, not just the problems themselves, that are in part the explanation for the alienation, the cynicism, the rage of our young people. It is also a cause of the rage of American minority groups. Increasingly, I believe, it is the source of discontent among middle-income wage earners.

Young Americans in the 1950s, when I was a college professor, were called the "silent generation," and the nation bemoaned their silence. In the early part of this decade that silence turned to activism and we were all encouraged. But now activism has become agitation and we are bewildered. I think by our inaction, by our feeble solutions to real problems, we have denied the hope that bred that early activism.

It seems to me that at least part of the answer both to the mocking rage of the young and the discontent of others in our society is a new national affirmation of the worth of individual human life.

Our young people can accept that which is of genuine worth, but they cannot embrace what we ourselves have found empty.

Archibald MacLeish, speaking at the University of California, said this of the younger generation:

"It is an angry generation, yes, but its resentment is not a resentment *of* our human life; but a resentment on *behalf* of human life, not an indignation that we exist on the Earth but that we permit ourselves to exist in a selfishness and wretchedness and squalor which we have the means to abolish."

Our young people have found the most serious shortcomings in our society. The best of these young Americans can help lead up into the light of a new day.

TRIBUTE TO GEORGE J. BURGER, VICE PRESIDENT, NATIONAL FEDERATION OF INDEPENDENT BUSINESS

Mr. BIBLE. Mr. President, it was my pleasure recently to present an award on behalf of myself, as chairman of the Senate Small Business Committee, and the distinguished senior Senator from New York, the ranking minority member of the Senate Small Business Committee (Mr. JAVITS), to a man who has spent more than 30 years on Capitol Hill pursuing the best interests of his favorite people: the millions of American small businessmen.

This man is George J. Burger, vice president in charge of the Washington, D.C., office of the National Federation of Independent Business. I believe this award, presented on the occasion of a Capitol reception honoring the 20th anniversary of the establishment of the Senate Small Business Committee, speaks for itself.

Mr. President, I ask unanimous consent that the text of the remarks and the text of the award be printed in the RECORD.

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

REMARKS BY SENATOR ALAN BIBLE, DEMOCRAT, OF NEVADA, CHAIRMAN, SENATE SMALL BUSINESS COMMITTEE, IN PRESENTATION TO GEORGE J. BURGER, VICE PRESIDENT, NATIONAL FEDERATION OF INDEPENDENT BUSINESS, U.S. CAPITOL, FEBRUARY 18, 1970

It gives me a great deal of pleasure, as a part of the Senate Small Business Committee's birthday party today, to salute a man who has been one of Capitol Hill's most familiar and best loved figures for some 30 years. That gentleman has been the real Mr. Small Businessman on Capitol Hill for more years than our Committee has had birthdays. Any Senator or Congressman over that span will give testimony to his persuasiveness, his clarity, his good humor and his perseverance in keeping his eye on the goal he sought—a better break for the nation's small businessman—all 5½ million of them.

That man is George J. Burger, Vice President in Charge here in Washington, D.C., of the National Federation of Independent Business, Inc.

George Burger's achievements read like a Small Businessman's anthology. His successful efforts in advocating establishment of a permanent Senate Small Business Committee 20 years ago this February 19, his persuasive activities in supporting organization of the Small Business Administration several years later, his special diligence in encouraging enactment of the Small Business Tax Adjustment Act of 1958, and many other significant accomplishments.

George Burger came by his capabilities naturally. He was schooled in the competitive marketplace of small business himself for 25 years as a retail tire dealer in New Jersey and New York. He has been a friend

and a helper to both sides of the political aisle on both sides of this Capitol. He has drafted small business plans for national platforms of both political parties—he has served as a Senate Committee small business consultant and as an adviser to the President's Council of Economic Advisers.

Mr. Burger, it is with a deep sense of personal pride on behalf of all your friends that I make this presentation as a token not only of the deep affection Capitol Hill holds for you, but as a memento of the achievements you have accomplished for your favorite people—the millions of American small businessmen from Maine to Hawaii. . . We salute you as *Mr. American Small Businessman Emeritus Par Excellence . . . Congratulations!*

TEXT OF AWARD CERTIFICATE

Know all men by these presents that the Honorable George J. Burger, Vice President and Board Member of the National Federation of Independent Business, is hereby honored and commended for his unceasing efforts over the past 25 years on behalf of the Nation's small business enterprises. Significant among the many contributions he has made, which are herewith gratefully acknowledged, are: his successful efforts to create in the United States Congress permanent Select Committees for Small Business; his untiring endeavors which resulted in the creation of the Small Business Administration; his special efforts in the Congressional enactment of the Small Business Tax Adjustment Act of 1958; and many other significant accomplishments in his efforts to represent the small business community in the Halls of Congress. Mr. George J. Burger is intimately acquainted with the problems of small business by virtue of his being a successful small businessman in his own right.

Therefore, without reservation, do those assembled herewith honor George J. Burger for his many accomplishments and continuing efforts as a persuasive advocate for the American small businessman.

Presented on this Eighteenth Day of February in the year of our Lord 1970.

SELECT COMMITTEE ON SMALL BUSINESS, U.S. SENATE.
ALAN BIBLE,
U.S. Senate Chairman.
JACOB JAVITS,
U.S. Senate Ranking Minority Member.

DEATH FELLS MR. BIG THICKET, LANCE ROSIER

Mr. YARBOROUGH. Mr. President, the report of the death of Mr. Lance Rosier of Saratoga, Tex., brings great sadness to the hearts of all who knew and loved this quiet, gentle conservationist, and naturalist.

Lance Rosier was Mr. Big Thicket. For more than 70 years he lived in and learned in the Big Thicket, perhaps as no other person will ever know that beautiful part of Texas. He knew parts of the Thicket which are now only distant memories.

Lance Rosier was the region's official, self-taught naturalist. He was a patient guide and teacher to those of us who visited and admired the beauty of the Big Thicket, and he enriched the lives of thousands with his quiet lore of the Thicket's natural wonders. He touched our hearts when, his voice filled with sadness, he recounted the ways in which his Big Thicket was being destroyed. He asked whether something might be done to save the Big Thicket so that others might follow where he had walked and that they might wonder at the precious gift nature had bestowed upon this land.

Lance Rosier, this grand old man of the Big Thicket, was slight of stature and soft of word, but his spirit soared higher than the tallest cypress in that virgin wilderness.

It is fitting that Lance Rosier will be buried at Felts Cemetery, between Saratoga and Thicket, Tex., which is the closest possible place one can finally rest near the Big Thicket.

Mr. President, the greatest tragedy of this fine man's death is that he did not live to see his dream that the Big Thicket would be preserved as a national park come true. It is my most fervent hope that the Congress will enact the legislation to perserve the Big Thicket in memory of the man who loved it so and whose loss we mourn today.

AMERICAN AGRICULTURE

Mr. McGOVERN. Mr. President, the Senate Agriculture Committee is presently holding hearings on legislation to replace the existing farm commodity programs when they expire at the end of this year.

The programs are currently in disrepute in some quarters. It is frequently suggested that farmers should be left to their own devices in unfettered commodity markets. Considering the inadequacy of their returns under the programs, it is understandable that many farmers themselves are also exploring alternatives.

It would be disastrous for consumer and farmer alike, however, if we repeated again our past experience of forcing agriculture to rely on boom or bust market cycles. It is nonsense to suggest that the family farm system could survive, or that we could have reasonably stable food prices in this country, if producers were left without government help in managing their supplies to fit effective demand.

The farmer has little to say about the prices of what he buys. As a consumer he operates in organized and controlled markets. As a producer, on the other hand, he has as yet been unable to exert a significant degree of influence over supplies or price levels. Millions of farmers, planning independently, have not yet developed the means of bargaining with the rest of society.

The question of whether this goal will or can be attained is most relevant to our consideration of Federal farm programs this year. No doubt most of us—farmers included—would prefer a system in which producers could control their own marketing structure to eliminate the need for Government help.

In an article published some time back in the Journal of Cooperative Extension, Prof. Denton E. Morrison of Michigan State University has examined the outlook for progress in this area. Because it is both highly informative and timely, I ask unanimous consent that his piece, entitled "Farm Bargaining Problems and Prospects," be printed in the RECORD.

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

FARM BARGAINING PROBLEMS AND PROSPECTS

(By Denton E. Morrison)

(NOTE.—Denton E. Morrison is Associate Professor, Department of Sociology, Michigan State University, East Lansing, Michigan. This article is published as Michigan Agricultural Experiment Station Journal Article No. 4355.)

(There are five requirements for the farmer's ideal bargaining situation, according to the author: no alternative supply for the buyer (processor, consumer), indefinite duration of buyer demand, strong farmer desire to bargain, willingness of both sides to negotiate, and legality of the bargaining process. The author discusses the problems involved in meeting these requirements in view of the farmer's present situation. He then suggests three ways to work toward these five ideal conditions.)

Attention in the agricultural community is increasingly being focused on farm bargaining. All the general farm organizations and many special commodity groups are talking more and more about bargaining; and they are setting up subsidiaries and mechanisms for bargaining. The farm press is devoting substantial space to articles about bargaining. We are accustomed to hearing discussions of the role of government in agriculture, but nowadays we are more likely to hear specific discussions of government in farm bargaining.

What are the problems which farm bargaining organizations face? What are the chances that such organizations will be successful in improving the farmers' economic situation? In this analysis I hope to make a contribution to answering these questions by examining both the theoretical requirements of successful bargaining and the current situation.

Farmers are becoming painfully aware of their declining political power, both in terms of voting numbers and of elected representatives. Further, they recognize that their own economic problems are partly caused by the way other highly organized segments of the economy, such as labor, can increase the "cost" side of the farmers' cost-price squeeze. Farmers are in a mood to search for new modes of organization to help them adequately relate to a society in which the fortunes of individuals are increasingly tied to the fortunes of large scale organizations—voluntarily and otherwise.

Farmers are looking to colleges of agriculture for help and guidance in achieving new modes of organization. And, somewhat slowly, the colleges are responding. Colleges of business and schools of labor and industrial relations are much more concerned with the *organizational* problems of their sectors of the economy than are colleges of agriculture. Colleges of agriculture have stressed individual accomplishments through better farm management and technological efficiency. This emphasis has brought about fantastic strides toward solving the food supply problem; unfortunately it has not solved the economic problems of the majority of food producers.

THE IDEAL BARGAINING SITUATION

A bargaining organization is a group of sellers acting together to influence buyers to meet the sellers' terms. Typically, but not always, the methods of influence involve actual or threatened curtailing of supplies to the buyer. This, however, is only the "negative" aspect (for the buyer) of the way sellers influence buyers. On the positive side, sellers can influence buyers by coordinating production and product flow and guaranteeing product quality. Thus, not all bargaining is in terms of price, though price is frequently the most immediate concern of a bargaining organization.

We can proceed best in this discussion if we set up a model of an ideal bargaining situation—from the standpoint of the bargain-

ing organization. Then by looking at the way farmers match up to this model we can better assess the specific problems farmers may encounter in bargaining and what the prospects for successful bargaining are.

In this ideal bargaining situation the following conditions exist: (1) Buyers have no alternatives for supply other than the sellers in the bargaining organization (this implies that sellers control all the supply); (2) buyers maintain their demand for the product indefinitely; (3) sellers have their economic aspirations focused sharply on the price of their supply (they don't have alternatives for reaching their economic aspirations); (4) further, both sellers and buyers are willing and able to negotiate; (5) finally, the bargaining is publicly (legally) sanctioned and facilitated.

No Alternative Supply

The buyers have no alternatives for supply other than the sellers in the bargaining organization. This implies that sellers control all the supply. A bargaining organization can, obviously, be effective even if its membership does not produce *all* the supply. But its effectiveness is closely related to the *proportion* of the supply its membership produces. Since in this country a relatively small percentage of farmers produce a relatively large share of the food supply, it follows that the *quality* of the membership of a bargaining organization is going to be more crucial than its *quantity* of members.

In this respect studies consistently show that bargaining organizations (for instance, National Farmers Organization) tend to recruit farmers who are above rather than below the average of all farmers in terms of size of farm operation, gross sales, etc.[1] Still, there is no doubt that recruiting and maintaining enough of the right type of members is a fundamental problem for any bargaining organization. Many farmers say they would join a bargaining organization if they knew it would be effective. Other farmers do not join because they hope they can be "free riders" in case the organization is effective; they want to obtain the benefits of bargaining without paying the costs. Both classes of farmers are the producers who create supply alternatives for buyers. As long as the proportion of farmers in these classes is substantial, the ineffectiveness of farm bargaining will be guaranteed, since no bargaining organization can be effective unless and until farmers join in substantial numbers.

Even if the bargaining group's proportion of supply were high enough to put the squeeze on processors when the supply was withdrawn, this squeeze would not be effective unless the bargaining organization could coordinate and control such a withdrawal. Drastic, periodic disposal control as well as day-to-day disposal of supply (in line with negotiated agreements with buyers) is not likely to be possible in the long run unless production is also closely controlled. Farmers often won't join or fully participate in a bargaining organization because they are unwilling or unable to allow control of their production or of its disposal. There are economic, attitudinal, and organizational factors involved.

Economically, farmers are owners, laborers, and managers all rolled into one. When a farmer holds his product from the market he loses more than just his labor, particularly because his product is often perishable. (This further points up the necessity of production as well as disposal controls in farm bargaining.) Because the farmer is typically a small businessman he does not have huge reserves of capital or endless access to credit. Also, current farm bargaining organizations do not have "strike" funds for him to draw on.

Evidence from surveys in Michigan and Wisconsin sheds some direct and indirect light on farmers' attitudes which are relevant to farm bargaining.[2] Farmers most often see themselves in the role of businessmen and are not highly attracted to the notion of acting like laborers—the instigators of the collective bargaining idea. Farmers view themselves as rugged individualists, valuing individual freedom of action and free enterprise. They resent controls and discipline, whether imposed by government or a voluntary organization. Further, many farmers view food as a sacred product. They are morally reluctant to reduce production or control disposal of their production when there are starving people in the world.

The tough-minded, coercive acts which are an actual or threatened part of all bargaining actions, and which are often directed at other farmers as well as at buyers, are simply foreign to most American farmers. Farmers value highly traditional rural organizations such as the family and the neighborhood; and there is no doubt that new rural organizations, such as bargaining organizations, temporarily or even permanently threaten and sometimes dissolve family and neighborhood ties. In short, farmer's attitudes in general are not conducive to the requirements of farm bargaining. Farmers endorse the idea of bargaining in theory, but completely they are not well prepared to behave as bargainers. They do not seem willing to accept the fact that organizational attempts to solve their income problems will inevitably involve individual costs, risks, actions, and commitments. Of course this may change, particularly if the economic situation of farmers deteriorates. But our research suggests that NFO members, for instance, are more different from other farmers in attitudes than in any other characteristic.[3]

Controlling the supply of food will require great organizational skill and sophistication, including considerable management skill. A farm organization is made up mostly of volunteer and part-time leaders and of members widely scattered geographically. Can such a group achieve the kinds of organizational programs and the degree of organizational control, coordination, and discipline necessary to relate in power terms to the well-oiled, skillfully managed, and closely coordinated food processing and retailing industry? Only time will tell. However, with time there are fewer farmers to organize. Those farmers with production worth bargaining with are increasingly educated, more experienced in large scale organizations (including farm and nonfarm bargaining organizations), and more experienced in leadership and management roles.

On the whole, however, the problem of controlling an adequate proportion of supply to influence processors is one of the most severe that bargaining organizations face. The prospect is that this problem will not be quickly or easily solved.

Indefinite demand

The buyers maintain their demand for the product indefinitely. We have some recent instances in the newspaper business where buyers (in this case buyers of employee services) have simply folded up and gone out of business because the sellers' price and other demands could not be met. The terms of the sellers must not be too severe. This would appear to be particularly true in agriculture. Agricultural processors and retailers have their buyers—the consumers. Consumers have many supply alternatives and can, when faced with a price increase for a given product, often lower their demand longer than producers can lower the product's supply. This may mean that processors cannot maintain their demand, and that producers would gain little even if they control the supply.

Thus, in the long run higher prices and higher income for farmers are not necessarily the same thing. They will not be the same if demand at the consumer level shifts to substitute products or if higher price incentives make supplies increase. Farm bargaining cannot involve just farmers bargaining with processors, but will inevitably involve farmers bargaining and competing against each other. The picture becomes even more complex when substitute products and alternative supplies are available through foreign imports and synthetic or "imitation" products. Further, there is nothing to prevent processors and retailers from going (or going further) into the production business themselves, thus insuring the stability of their supply.

Strong farmer desire

Sellers have their economic aspirations focused sharply on the price of their supply. They don't have alternatives for reaching their economic aspirations. Of course it is only if farmers have economic aspirations that you will have a bargaining organization at all! Most farmers are dissatisfied with their income, but many farmers are not dissatisfied enough to do anything very drastic.

Farmers value farming as a "way of life" and are willing to settle for less income to obtain the other benefits that farming provides. Or at least many farmers are unwilling to sacrifice other things they value, such as their freedom, in order to obtain more income. These statements are perhaps particularly true for older farmers—of which there is a high proportion. Many older farmers simply do not want to "rock the boat" and are content to "ride it out" until retirement.

Assuming a farmer is highly dissatisfied with his income *and* is willing to do something about it, there are several things he can do *other* than participate in a bargaining group. He may try to employ better technology, become more efficient, or be a better manager and thus produce more or produce it cheaper. He may, if he is young enough and has the education and the location, get a part- or full-time job off the farm. Both of these are less risky ways of increasing income than joining a bargaining organization.

In a bargaining organization the farmer faces the risk that the organization won't succeed, as well as the social costs and risks of becoming affiliated with a militant group. There are encouraging factors however. Farmers increasingly *do* have higher income aspirations, as they compare their incomes with urban workers rather than with their farm neighbors. Further, neither the age nor the education nor the attitudes of most farmers make the off-farm work alternative attractive as a long run solution. Moreover,

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[1] Denton E. Morrison and Allan Steeves, "Deprivation, Discontent, and Social Movement Participation: Evidence on a Contemporary Farmers' Movement, the NFO," *Rural Sociology*, XXXII (December, 1967) 414–34.

[2] Dale Hathaway *et al.*, *Michigan Farmers in the Mid-Sixties: A Survey of Their Views of Marketing Problems and Organizations* (East Lansing: Michigan Agricultural Experiment Station, Research Report 54, August, 1966), especially pp. 1–9, 17–37, 40–62, and 74–76; also Denton E. Morrison, "Michigan's General Farm Organizations," *Michigan Farm Economics* CCLXXXI (June, 1966), 1–3. The Wisconsin study and findings parallel closely as well as supplement the Michigan research but the relevant Wisconsin findings are laregly unpublished to date. For a preliminary report of the Wisconsin research see: W. Keith Warner and Donald Johnson, "Wisconsin Farm Operator Survey, 1965, a Preliminary Report," University of Wisconsin Department of Rural Sociology, Madison, Wisconsin (mimeographed).

[3] Hathaway, *et al.*, *op. cit.*, pp. 48–62; also Morrison, *loc. cit.*

the short-run gains from further efficiency, better management, and new technology are not very dramatic for most scales of farming operation. Most farmers have relied on these solutions in the past and have not found them sufficient to solve their income problems.

Possibility of negotiation

Sellers and buyers are willing and able to negotiate. There is no reason why buyers should be willing to negotiate prices until they are convinced that sellers have substantial production, control over that production, and adequate organizational skills to negotiate and keep bargaining contracts. Many farmers have two kinds of mistaken beliefs in this regard.

In the first place, many farmers seem to believe that if they can cut off supplies to a buyer they will force him to negotiate and that a fruitful contract (for farmers) can be negotiated. But a buyer has no assurance that just because a bargaining association can temporarily cut off supplies that its members can subsequently deliver the quantity and quality of production specified in the contract. Surely no buyer will agree to buy *endless* supplies of a commodity at some higher price than he previously paid.

Who will decide how much each member of the bargaining organization will sell? Can a voluntary organization of producers regulate production when the federal government has had problems with such efforts even with the full force of the law at its disposal? Possibly so, but this consideration suggests the necessity of further legal specification and facilitation of farm bargaining.

Another mistaken belief is that processors are getting fat profits off farmers and that bargaining contracts will let farmers simply and substantially dip into these profits. Either this idea is believed or the idea that the higher prices can be passed on to consumers. Both views are too simple. The gains that can be expected of successful farm bargaining will likely be much less dramatic and much more gradual than most bargaining enthusiasts envision. The persons who do the negotiating for a bargaining organization can expect to spend a good deal of their time talking with the bargaining group's leaders and members. They will have to explain the economic problems of the opposition—processors and retailers. It will require a long education process before farmers will be able to negotiate realistically and effectively.

Legality of bargaining

Bargaining is publicly (legally) sanctioned and facilitated. Groups are not legally free to organize for bargaining in every society. In our own, some groups are prohibited from organizing to bargain. While the Capper-Volstead Act legally grants farmers the basic right to organize for bargaining, the specific legal limits, methods, and mechanisms for bargaining are not sufficiently spelled out. For instance, there is no law requiring a buyer to negotiate with an organization of sellers under specified conditions of seller membership or production strength. There are, in addition, no laws prohibiting buyers from discriminating against sellers who try to form a bargaining group. The sanctions which a bargaining group can legally use to control and discipline its own membership are not clear.

Currently there is much legislative activity aimed at remedying some of these points; the outlook is somewhat encouraging. But many farmers, including farm bargaining organization leaders, do not appreciate the importance of further public sanctioning and facilitation of farm bargaining activities. Unless the ways and means are legally spelled out it is doubtful that meaningful bargaining can take place.

CONCLUSION

These are the requirements of an ideal bargaining situation from the standpoint of the bargaining organization; and here also are some of the facts and problems about farm bargaining organizations which must be considered in assessing how they approximate the ideal. In order to move toward solutions of problems connected with farm bargaining it is suggested that the highest immediate priorities should be as follows: (1) coordination of farm groups' efforts in obtaining further legislation to facilitate bargaining; (2) continued, intensified, and perhaps publicly sponsored dialogue among leaders of farm organizations aimed at increasing understanding of bargaining as well as increasing membership strength in bargaining organizations; (3) publicly sponsored programs for educating farmers, farm leaders, and others in the agricultural community about bargaining. These programs should be a major responsibility of Land-Grant Colleges and should be supplemented by whatever research and extension activities are necessary to produce and diffuse knowledge relevant to farm bargaining.

If the achievement of successful farm bargaining seems impossible, we should remember that a generation ago the agricultural technology and production of today would have been impossible for most farmers to comprehend. All of American society has undergone a technological revolution in the past two or three generations. Most of American society has undergone an organizational revolution: today most live their lives in and through large scale organizations.

The organizational revolution is just starting in agriculture. We can rest assured that the organization of agriculture will be dramatically different 50 years from now. Strong bargaining organizations will be an important part of this changed picture only if farmers, farm leaders, and others concerned with the agricultural community understand the requirements of bargaining and work earnestly to approximate these requirements.

ECONOMIC STABILITY AND GROWTH

Mr. HARTKE. Mr. President, the long-term health of a modern industrial economy is dependent upon its ability not only to grow but to distribute equitably the fruits of that growth. Through most of our history the American economy has admirably met those tests. But it is not now doing so.

As the marks of present economic distress multiply and the portents of recession loom large enough for even the Federal Reserve Board to discern, some of our best analysts are making the point that the standard remedies have lost their potency. A description of what ails us is not to be found in the textbook for an introductory course in college economics—and neither is the remedy. We desperately need bold, innovative thought about the nature of the late 20th century economy.

One of the most stimulating and provocative economic analysts we have today is Dr. Pierre A. Rinfret, of Rinfret-Boston Associates, Inc., New York. Just this morning Dr. Rinfret demonstrated how stimulating and provocative he can be, in testimony he presented to the Subcommittee on Stabilization and Production of the Senate Committee on Banking and Currency. I was pleased to have a chance to read his testimony and chat with Dr. Rinfret early this afternoon. Though we are by no means in agreement on every point of his diagnosis and prescription, I am convinced that he has done a really valuable piece of work, one that would repay the closest study on the part of all of us who are uneasy about the state of the economy.

Mr. President, I ask unanimous consent that Dr. Rinfret's testimony be printed in the RECORD.

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

STATEMENT BY DR. PIERRE A. RINFRET—"ECONOMIC STABILIZATION: THE PROBLEM AND A PROGRAM"

The prerequisite for sustained economic growth and sustained equity in distributing the rewards of economic growth is economic stability. For four years these goals have been placed in ever greater jeopardy by an accelerating loss of control over the American economy. In the fourth quarter of 1965, America's actual production of goods and services exceeded her theoretical potential capacity to supply goods and services. Only four years later, in the fourth quarter of 1969, did actual production fall back to potential capacity. The results of these four years of excessive demand are: inflation of prices, inflation of costs, and inflation of interest rates.

For four years the American economy has moved into ever greater instability. Vietnam-induced Government expenditure, layered on top of an already fully-employed economy, generated strong inflationary pressures as early as 1966. These pressures, cumulatively intensified by growing Government deficits, ran head on into a restrictive monetary policy unattuned to the realities of the requirements of public finance. The economic slowdown induced by the "credit crunch" of 1966 barely cut into inflation before a monetary policy of extreme ease fed the expansion of 1968 and 1969. The tax surcharge of 1968 proved totally inadequate to stem inflation at the same time as it provided the rationale for an ill-judged turn to even greater monetary ease. Finally, in 1969, a moderately restrictive fiscal policy and an extremely restrictive monetary policy generated the worst of both worlds: inflation accelerated while the economy's ability to expand supply in order to satisfy inflationary demands was choked off.

The aggregate measure of the lack of stability in the American economy is the coexistence of a rising rate of inflation and a rising—if still historically low—rate of unemployment. More specifically, a preponderance of the sectors of the American economy are expanding strongly: power generation, consumer and business services, nonresidential construction, communications, producer durables, consumer nondurables; a few sectors—automobiles and other consumer durables—have been in significant slump and increasingly hurt by imports; one sector—housing—can only be termed a social disaster area. Perhaps most critically, the money and financial economy of the United States is and has been clearly out of step with the real, production economy: the sustained growth in the demand for money and credit is far exceeding both the supply of money and credit and the final demand for goods and services.

Three questions are basic to an assessment of where the American economy is, of where the American economy is going, and of what measures may be required to counteract present economic instability and guard against future instability. The first question is: is the American economy in or entering into a recession. The second question is: is the American economy, through a recession or otherwise, likely to correct its own instabilities. The third question is: to the extent the American economy proves incapable of correcting its own instabilities, are present Government policies likely to be adequate to the task.

IS THE AMERICAN ECONOMY IN A RECESSION?

The American economy, on aggregate, is not in a recession and the possibility of it

suffering a recession in 1970 is small, verging on the negligible. A recession is not defined by two quarters of no growth in real GNP, nor is it defined by two quarters of decline in real GNP. Rather, a recession consists of sustained, substantial and widely-diffused declines in the preponderance of all the relevant measures of economic activity. To determine whether or not a recession exists, the National Bureau of Economic Research—whose judgment is universally accepted—examines nearly 200 different statistical series. Following the same proven methodology, it is clear that a recession does not exist as of this date in the United States.

Moreover, three forces for renewed economic expansion are already coming on stream:

The Consumer: The Tax Reform Act of 1969 provided for a net $3 billion reduction in tax revenues, including the two-step elimination of the surtax, and for a $6.5 billion increase in social security payments. Certainly the increased social security payments will all be spent: people over 65 are net dissavers, annually spending more than 100 percent of their current income. April payments alone, retroactive to January 1, will put new spending into the stream at a $8 billion annual rate. As for the elimination of the surtax, it is likely that the proceeds will be spent as well, as consumers seek to keep pace with inflation. Moreover, the slowdown in consumer' accumulation of debt during the past six months has significantly increased household liquidity, paving the way for a new expansion of consumer credit purchases. The current upturn in the index of consumer buying intentions for automobiles is one lead indicator of this development.

It may be noted that the retail trade figures, on which many pessimistic judgments of consumer behavior have been based, are both statistically inadequate and misleading. The retail trade figures have been barely holding their own as against last year's levels and have been 5 to 6 percent down on last year in terms of volume. But department stores sales are up as high as 13 to 15 percent over 1969. And, in any event, consumer purchases of services are now as great as their purchases of nondurable goods, up from 50 percent of nondurable purchases 25 years ago. But consumer spending on services is reported only on a quarterly basis, with the result that this dynamic element in final demand is consistently neglected in the formation of economic assessments.

Capital Expenditures. The February 1970 Rinfret-Boston Survey of Capital Expenditure intentions indicates that American business is planning to increase its capital spending by 13 percent in 1970 over 1969. This figure is up by one-half from the 8 percent increase reported in our September 1969 survey of 1970 investment plans. This is the leading expansionary force in the American economy. The increases in capital spending plans are greatest in the service industries, especially for the public utility and communications industries. The electrical and other machinery industries are also planning extraordinary gains. And manufacturing industry as a whole, despite the recent slump in automobiles and other consumer durables, is nonetheless planning a 7 percent increase in capital expenditures. With the most significant increases concentrated in the industries which rely most on external financing, these capital expenditure programs wil not only generate stronger than expected levels of economic activity and aggregate income. They will also maintain severe pressure on the sources of external cash and credit: the financial institutions and markets.

Government. This sector of final demand, like the consumer sector, is subject to misleading analysis. As with the neglect of consumer spending on services, so with government spending: the prime dynamic force is often ignored. This is State and local government expenditures. In the second quarter of 1968 Federal and State and local purchases of goods were each $100 billion. In the fourth quarter of 1969, Federal purchases were $102.7 billion and State and local purchases were $116 billion—more than $13 billion greater. Despite the present hold-down on Federal spending increases, the total government sector remains an expansionary force in the American economy.

CAN THE AMERICAN ECONOMY CORRECT ITSELF?

The classic adjustment pattern for an economy suffering inflationary excesses is the recession widely predicted for the American economy. A decline in final purchases of goods, as price increases outrun income increases, induces inventory accumulation and production cutbacks. As the decline deepens, it is decisively accelerated by declines in capital spending an excess capacity is created. Only when prices fall, responding to the surplus of supply over demand, do business and consumer purchases re-expand their buying—thus touching off a new expansionary phase of the business cycle.

The fundamental short-term economic problem today is that this classic adjustment process is *not* taking place. A mild showdown in the purchase of consumer durables has, indeed, forced inventory accumulation and some lay-offs in several industries. But the response of American industry has been swift and is being effective. The critical point to note is that inventories are being controlled and reduced to appropriate levels—before they can feed back to force cuts in capital expenditure plans. On the contrary, capital investment plans are being accelerated as the bulk of American industry seeks the only solution for the problem of building for expansion in the face of costs rising faster than productivity. Industry, looking to the long-run growth prospects of the American economy, is speeding up its efforts to raise productivity. Industry is refusing to take the short-sighted, short-run approach of responding in knee-jerk fashion to every vagary of consumer behavior. This has been our victory: for it is we economists, together with our political leaders, who have sought—successfully—to educate American businessmen to think and plan and act on a long-run basis.

Those who are betting on a recession to "solve" America's economic problems are losing even the first part of their bet. The American economy is not entering a recession. In practical terms a recession would mean cheap and easy money, easily available labor, and cheap raw materials. Despite the slowdown, which Rinfret-Boston Associates correctly foresaw some six months before its advent in the fourth quarter of 1969, none of these results of a recession are apparent. Interest rates are still at historically high levels—and heading higher in our view. Skilled and semi-skilled labor is still in very short supply. And the prices of raw materials are rising more quickly today than six months ago.

Moreover, and of growing importance, the rundown of liquidity in the American economy has not yet been reversed. Consumers have, to some extent, cut back on their accumulation of new debt relative to their acquisition of liquid financial assets. But American business, with its profits being squeezed and its demand for external financing rising to unprecedented levels, is continuing to reduce its liquidity. As well, State and local governments continue to be unable to meet their capital requirements through long-term borrowing because of legal limitations on interest rates payable; their short-term borrowing is accelerating, as is their rundown of short-term assets. And the Federal Government is returning from a brief period of acting as a supplier of substantial sums to the private economy, to again being a net borrower of funds. The American economy is critically short of liquidity. Key sectors and key participants in many sectors are, in fact, virtually insolvent. The position of the Lockheed Aircraft Corporation is duplicated in many other industries and businesses—and in some State and local governments too. A recession would provide the opportunity for a general rebuilding of liquidity and return to solvency. That recession is not taking place.

ARE GOVERNMENT POLICIES LIKELY TO PROVE EFFECTIVE?

It has now become clear that the Administration has identified its Number One priority to be the stopping of inflation. To this end, it has projected—in The Economic Report of the President—three years of low growth of 2 percent per year; less than half of the 4.5 percent projected growth in potential GNP. To this end, it has substantially reduced projected increases in Federal spending. And to this end, the Federal Reserve Board has maintained restraint in monetary policy. To the extent that fiscal policy remains restrictive and monetary policy avoids any semblance of the excessive ease of 1967 and 1968, it *is* likely that the Administration will succeed in moderating inflation during the course of the next twelve months. The direct cost of such success will be measured by increasing unemployment—possibly to the 5.5 percent level at the end of 1970. It is unlikely in the extreme that this success would be sufficient to reduce inflation from its present 7 percent rate significantly below 4 percent per annum.

The Administration's policies and those of the Federal Reserve do appear adequate to moderate excessive aggregate demand. But neither the Administration's policies nor the Federal Reserve's are yet attuned to the critical imbalances and instabilities which have both contributed to and been fed by inflation. Aggregate actions of fiscal and monetary policy are inappropriate and inadequate for dealing with these imbalances and instabilities. They cannot direct funds into depressed industries such as housing, where real demand is enormous but credit is unobtainable. They cannot of themselves rebuild the liquidity of governments and business—or they can do so only through inducing an unacceptable, drastic contraction in the American economy. They cannot open up employment opportunities and overcome the skills shortage. And they cannot affect what is perhaps the most fundamental of imbalances in our financial system: the surplus of credit to finance the consumption of goods and services and the shortage of credit to finance the production of goods and services.

Present Government policies are oriented towards controlling overall demand. They are not oriented towards expanding supply to meet the real and insatiable demands for both public and private goods and services. A realistic program of economic stabilization will begin at this point. It will direct itself to overcoming the foreseen dilemma of having to choose between inflation or recession. And it will direct itself to overcoming, as well, the widely unforeseen dilemma of choosing between inflation and insolvency.

A PROGRAM OF ECONOMIC STABILIZATION

The following points are not exhaustive. Rather, they comprise a series of measures to supplement the present efforts to control aggregate demand by channelling and expanding supply.

1. Reimpose Regulation W by the Federal Reserve Board. Regulation W specifies minimum down-payment and maximum length for consumer installment purchases.

2. Ban further distribution of credit cards by all non-soliciting distributors and ban all such renewals.

3. Reinstitute Production Loan requirements on the commercial banking system, by Federal Reserve Board directive. This

places a requirement that commercial loans be for the purpose of financing production—i.e., be contributions to working capital.

4. Re-enact, as a permanent measure, a 10 percent Investment Tax Credit for the financing of capital expenditures.

5. Advocate and, if necessary, direct that new long-term financing by corporations be through the equity market rather than the bond market. This would re-establish access to long-term debt financing for State and local governments.

6. Establish Federal-State-Local trust funds, on the model of the Highway Trust Fund, for the purpose of financing social investment programs. The Trust Funds would be financed by user taxes—e.g., taxes on automobile commuters for the financing of an Urban Transport Trust Fund.

7. Establish comprehensive and mandatory F.D.I.C.-type insurance for *all* savings institutions.

8. Establish controls on commercial paper borrowings by financial institutions or their holding companies.

9. Establish a program to subsidize, on a comprehensive basis, the extension of mortgage loans, including conventional loans.

10. Extend and widen the "Philadelphia Plan" for opening up monopolistic craft unions to new entrants. If voluntary compliance is not made, end the sanctuary from anti-trust action for unions as regards their control of new entrants into employment.

11. Expand job training and re-training facilities, especially through the President's Welfare Reform Program.

12. Undertake a study of the revenue and economic impact of a National Sales Tax: with particular consideration to the minimization of regressivity and to implications for the fiscal position of State and local treasuries.

One further proposal for dealing with our economic excesses is worth noting: verbal reactions by the President to unreasonable wage and price increases. I myself have advocated "jawboning" in the past, as a first line of defense against an inflationary breakout. And President Nixon has recently moved to exert some discreet degree of moderating pressure on the market place. However, "jawboning" attacks only the symptoms of inflation: it does not attack the fundamental excess demand pressures in the economy, nor does it attack the imbalances and instabilities within the economy. On the contrary, to the extent it succeeds it worsens existing imbalances: first, by denying industries subject to profit erosion the opportunity to generate the internal resources required to finance investment in greater productivity and, second, by denying key sectors subject to inflation the opportunity to maintain their liquidity position in the face of declining real profit or wage income. Given the current coordinated fiscal and monetary restrictions on aggregate demand—the first occasion since 1965 in which the Government's economic policy-makers have been working together in the appropriate direction—"jawboning" as a comprehensive answer to inflation is no longer attractive. This consideration is all the more compelling in the light of the view that "jawboning" itself may serve as a substitute for appropriate fiscal and monetary action.

The thrust of the program offered here is the priority direction of the capital resources of our economy to the production of goods and services and the financing of investment rather than consumption.

In addition, it gives high priority to:

The relief of insolvent and illiquid sectors of our economy, particularly State and local government, financial institutions, and housing.

The funding of social investment programs, without which all plans for improving the quality of life are meaningless but which, through proper funding procedures, can be accommodated without furthering inflation.

The widening of employment opportunities and, thus, the expansion of the supply of skills.

Consideration of a National Sales Tax whose fundamental rationale would be to make greater room in the aggregate of our productive potential for increased private and public investment without inflation.

Together with continued responsibility on the part of our fiscal and monetary policy-makers, this program can free us from the dilemma of ever greater inflation versus severe recession and can allow us to fund our investment needs without generating either further inflation or further insolvency.

CANADIAN OIL IMPORTS

Mr. KENNEDY. Mr. President, the Presidential proclamation of March 10, cutting back imports of Canadian oil, greatly disappointed all of us who believe that the President should take the lead in fighting inflation by reducing the prices consumers pay for gasoline and home heating oil. In addition to raising questions about the President's commitments to the fight against inflation, the proclamation raised important questions about the administration of the oil import program. It is not clear, for example, what evidence the President considered which demonstrated that the cutback was necessary to serve our national security. Therefore, I have written the Director of the Office of Emergency Preparedness to obtain clarification, and I ask unanimous consent that my letter be printed in the RECORD.

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

MARCH 12, 1970.

Hon. GEORGE A. LINCOLN,
Director, Office of Emergency Preparedness, Washington, D.C.

DEAR GENERAL LINCOLN: I am writing to request answers to several questions relating to the Proclamation issued March 10 by the President imposing import restrictions on Canadian oil.

First, is it your opinon that Canadian oil is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security? Have you made your opinion known to the President and in what form? Could you please send me a copy of any report you submitted to the President.

Second, under whose authority was the notice of proposed rulemaking, which appeared in the March 11 editon of the Federal Register (pp. 4335–6), issued? Was it under your authority or that of the Oil Import Administrator?

Third, under what authority and for what cause was Section 4(c) of the Adminstrative Procedure Act suspended and comment time on the proposed rule-making limited to ten days?

Fourth, what is the justification for requirng applications for allocations under the proposed rule to be submitted by March 20, in view of the fact that the comment period ends on March 20?

Fifth, it is my understanding that since the inception of the Oil Import Program, public hearings have been held by the Department of the Interior on proposed regulations and policy involving significant changes in the Program. Included among these have been proposed allocations for refineries in Puerto Rico and the Virgin Islands, and for feedstocks for petro-chemical plants.

Do you consider the proposed restrictions on Canadian overland imports to be less important than the Puerto Rican, Virgin Island and petro-chemical proposals?

Sixth, why have public hearings or opportunity for oral comment not been ordered on a matter of such importance?

Seventh, has the Executive Order establishing the Oil Policy Committee, outlining its powers and responsibilities, been signed?

I would appreciate your prompt response to these questions.

Sincerely,

EDWARD M. KENNEDY,
Chairman, Subcommittee on Administrative Practice and Procedure.

MARTIN, S. DAK., HOUSING AUTHORITY AND THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Mr. McGOVERN. Mr. President, Mr. B. B. Hodson, of Martin, S. Dak., is a distinguished constituent of mine. He is the president of the Black Pipe State Bank of Martin, and as a public spirited citizen he is the volunteer chairman of the Martin, S. Dak., Housing Authority.

Almost 10 years ago, the people in Martin conceived a modest low-cost housing program for the elderly. In 1967, they started in earnest and filed an application in the regional office of the Department of Housing and Urban Development in Chicago for 50 units. Over the course of time they were first notified that the entire file could not be located. Later, after compiling a complete new file and after making telephone calls, trips, and supplying additional information, they felt that the file was again complete in March 1969. Earlier this year, Mr. Hodson was again advised that the complete file had again been misplaced, and he was asked again to resubmit for a third time.

These frustrations proved too great for Mr. Hodson, and he composed the following eloquent resignation as chairman of the Martin Housing Authority. I ask unanimous consent that the text of his resignation be printed in the RECORD as evidence of the ultimate frustration of a decent citizen of my State in attempting to deal with the growing bureaucracy of the Federal Government.

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

LETTER OF RESIGNATION

Subject: Tender of resignation.

Hon. MAYOR and COUNCIL MEMBERS,
Martin, S. Dak.:

I hereby tender my resignation as Chairman of the Martin Housing Authority. And I suggest that you consider securing a much younger person for that position. Such a request, of course, deserves an explanation, since it might imply to your good board, that I have something in disagreement with you, this is not so. You have been most co-operative and have done all that any taxpayer could ask for this project.

The reason for the above action is because we have again this week received a severe set back from the Chicago Office of Housing and Urban Development. Specifically, a complete beginning. This in spite of numerous telephone calls made by me this last week, in this regard.

You will recall that Martin began looking for some housing for low income and elderly folks about 10 years ago. The best offer we could find, was for 5 units. Some of you will recall that this offer(?) was re-

jected, since no one felt capable of Solomon's wisdom, in selecting those who should enjoy, and those who much be denied. The many more applications than five, so prompting. . . . some years later, in the spring of 1967, a visit by important representatives of HUD, encouraged us to try again. They acknowledged that there was certainly a need here for at least 50 units of such housing. They prompted you, as a board, to call an election for the purpose of establishing the public approval. This was done in accordance with the new South Dakota State laws, so providing, and due to the promptness on your part, such election was held upon the first legal Tuesday, following such State provision. Following such public (nearly unanimous) support, you then submitted through your legal counsel, one of the first three such applications from this State, for such housing, and directed it to HUD in Chicago.

Time passed, and suddenly changes were adopted, calling for the backing up of all papers, and a new application submission through a newly approved 'State Office' first. . . . The entire project was then removed from its Chicago office, and re-commenced at State Level. . . . Many letters, phone calls, and personal contacts were made. Your own City files will show the multitude to Addendums called for. . . . Then silence. . . .

Another visit to HUD in Chicago revealed that not just parts of the original papers were missing, to which we had grown accustomed, but the entire file was missing . . . But never fear, just make up another complete set, from our original copies, and resubmit, to "My Personal Attention," and "By Golly, it will get special handling, you fellows need that badly, and we will do all we can to get it right out there". . . . By this time Martin was now about 10th on the list in South Dakota . . . Pandemonium! But with a copying machine, and round the clock working, the multitude of copies we reprepared, and "originally" signed by all, and rushed off to HUD. That was on March 10, 1969 . . . A quiver of activity now and then followed . . . "Just get us one more thing," please send us "just one more certification," etc. . . . Then again silence . . .

Another personal visit to HUD in Chicago . . . Low and behold, they don't have the legal transcript! A flurry of phone calls. Oh, yes, we found it . . . But we don't have the 'Co-operative Agreement' . . . We call our Congressmen . . . The next mail brings a large brown envelope, 1½" thick. "Funny thing, but you know, we can't seem to find any of your papers," "Will you please resubmit your entire file?" . . . "If you would just send this copy to "My personal Attention," "By golly I'll see that it gets my personal, special attention," etc.

Honorable Mayor and Councilmen . . . I submit, that at such progress, none of us alive today in Martin will need this project anyway . . . I suggest that we cancel the entire project and send these needy folks to the City, where they are obviously wanted anyway.

I have made some hasty checks, and find that we spent considerably over $100 in paper, postage and phone calls, on this *last* set of papers. (This disregards the many hours of free taxpayes slave-hours, that is expected, of course). Assume that there are 500 employees or more at HUD, and they may each have a pigeon hole (or possibly more). If we must submit one copy to each to assure this project, that comes to $50,000 worth of paper! And more hours of our free time than we can spare from our jobs, if we are to continue to pay the severe income taxes necessary to support these 'Civil Servants.' For surely, if there is anything they like better than to shuffle, file and forget, in paper work, its the folding type paper that they can take home with them! With $50,000 we could probably borrow the rest and build our own housing. I am sure that our taxpayer friends would understand.

This also brings about a second thought. Assuming that this payroll staff at HUD averages $10,000 each (we country boys are naive). That means that this public office probably cost we taxpayers at least $5,000,000 in payroll each year. They seem to be turning out a few projects for approval, but not many. Let's give them the benefit and say they have approved 100 per year, at an office cost then of $50,000 each. We have saved another $50,000 for the taxpayers! Now we are getting close to the total costs of our project!

Putting it another way, we find that this bureaucratic monster has consumed three sets of our forms, and numerous letters, totaling approximately 100 lbs. This monster was able to sustain itself, multiply and remain sterily-static for three years. It probably has application from 3000 projects such as ours, that comes to 30,000 lbs of 'fuel' to sustain such a monster for 3 years! Or 20 lbs of paper, per year, can sustain a $10,000 (?) Federal Servant (?)!! It makes one wonder if our forest can stand up under the onslaught of the entire bureaucracy?

There was a time, many years ago, in my youth, when I remember that a government employee worked for the people who paid the bill, the taxpayer. Somehow things have changed and we taxpayers now find ourselves a slave to a well paid and bureaucratic elite few. We are expected to crawl, beg, conive, and bribe if we are to be favored with a few crumbs to be returned from the billions we give them to *invest* for us! As a veteran, I know that this isn't what I fought for, and I doubt that it was the intention of our forefathers.

But in my own humble way, I'm rebelling, and I'm quitting. I will no longer bow down, beg or humble myself to such an assemblage of leaches. I refuse to feel 'honored' if that bureaucrat 'bestows' some blessings upon me by returning a pittance of my tax dollars to my own community. Nor will I continue to shove paper fuel into the craw of the bureaucratic monster while it shuffles itself into perpetuity!

I apologize for being a quitter. I have never been such before. But I guess I'm getting too old to stomach this treatment further. Perhaps if you can secure a *much* younger fellow to fill my shoes, HE might live to see its fruition. He might even be young enough, not to remember when things were different. He might not know that Civil servants are supposed to 'serve', not just 'take'.

Thanks again for your continued assistance and co-operation. I remain,

Respectfully yours,

BRUCE B. HODSON,
Chairman, Martin, S. Dak., Housing Authority.

ARMY INTELLIGENCE ACTIVITIES

Mr. FULBRIGHT. Mr. President, the January issue of the Washington Monthly contained an article by Christopher H. Pyle with the intriguing title: "CONUS Intelligence: The Army Watches Civilian Politics."

The article began:

For the past four years, the U.S. Army has been closely watching civilian political activity within the United States. Nearly 1,000 plainclothes investigators, working out of some 300 offices from coast to coast, keep track of political protests of all kinds—from Klan rallies in North Carolina to anti-war speeches at Harvard. This aspect of their duties is unknown to most Americans. They know these soldier-agents, if at all, only as personable young men whose principal function is to conduct background investigations of persons being considered for security clearances.

The article involves an issue of fundamental significance for our system of government, based on the theory of civilian control over the military and noninvolvement of the military in politics. I, therefore, wrote to Secretary of the Army Stanley R. Resor on February 2 to ask for his comments on the article and for answers to a number of specific questions.

On February 26 I received a four-page reply from Robert E. Jordan III, General Counsel of the Army, which raised more questions than it answered—and failed to respond to the questions in my letter. Mr. Jordan's letter stated that the Army's "domestic intelligence activity has been to a small degree in the civil sector, but only to focus on civil disorder." According to his reply, the principal function of the domestic intelligence program is in connection with personnel security investigations and related matters, which account for "94 percent of the time of intelligence command field personnel." Presumably this means that the 1,000 Army agents in the United States spend a total of some 2,400 man hours a week gathering intelligence on individuals and organizations that might be involved in "civil disturbances."

The letter went on to state that publication of "an identification list which included the names and descriptions of individuals who might be involved in civil disturbance situations," and a computer data bank containing "information about potential incidents and individuals involved in potential civil disturbance incidents" had been discontinued—whether or not the orders came before or after the article appeared, the letter does not say. But according to a news story in the Washington Star of February 28, the information from the computer data bank is still on file.

Mr. President, although, apparently, steps have been taken to curb the distribution of information on civilians who the Army views as potential troublemakers, it appears that the gathering of information on what amounts to political activities continues.

I hope that the Armed Services and the Appropriations Committees will take a hard look at this activity. The Army has no business spying on the political activities of civilians—regardless of how distasteful or outrageous they may be to the military.

I ask unanimous consent that the article from the Washington Monthly, the exchange of correspondence with the Army, and an article from the Washington Star be printed in the RECORD.

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

[From the Washington Monthly, January 1970]

CONUS INTELLIGENCE: THE ARMY WATCHES CIVILIAN POLITICS

(By Christopher H. Pyle)

(NOTE.—Christopher H. Pyle, a Ph.D. candidate at Columbia University, has recently completed two years service as a captain in Army Intelligence. The information in this article comes from briefings he received at

the headquarters of the U.S. Army Intelligence Command, and from the observations of friends and acquaintances who served in intelligence units throughout the United States and Europe. None of it carries a security classification of any kind.)

For the past four years, the U.S. Army has been closely watching civilian political activity within the United States. Nearly 1,000 plainclothes investigators, working out of some 300 offices from coast to coast, keep track of political protests of all kinds—from Klan rallies in North Carolina to anti-war speeches at Harvard. This aspect of their duties is unknown to most Americans. They know these soldier-agents, if at all, only as personable young men whose principal functions is to conduct background investigations of persons being considered for security clearances.

When this program began in the summer of 1965, its purpose was to provide early warning of civil disorders which the Army might be called upon to quell. In the summer of 1967, however, its scope widened to include the political beliefs and actions of individuals and organizations active in the civil rights, white supremacy, black power, and antiwar movements. Today, the Army maintains files on the membership, ideology, programs, and practices of virtually every activist political group in the country. These include not only such violence-prone organizations as the Minutemen and the Revolutionary Action Movement (RAM), but such nonviolent groups as the Southern Christian Leadership Conference, Clergy and Laymen United Against the War in Vietnam, the American Civil Liberties Union, Women Strike for Peace, and the National Association for the Advancement of Colored People.

The Army obtains most of its information about protest politics from the files of municipal and state police departments and of the FBI. In addition, its agents subscribe to hundreds of local and campus newspapers, monitor police and FBI radio broadcasts, and, on occasion, conduct their own undercover operations. Military undercover agents have posed as press photographers covering anti-war demonstrations, as students on college campuses, and as "residents" of Resurrection City. They have been recruited civilians into their service—sometimes for pay but more often through appeals to patriotism. For example, when Columbia University gave its students the option of closing their academic records to routine inspection by government investigators, the 108th Military Intelligence Group in Manhattan quietly persuaded an employee of the Registrar's Office to disclose information from the closed files on the sly.

Typical of the hundreds of reports filed by Army agents each month are the following, taken from the unclassified intelligence summary for the week of March 18, 1968:

"PHILADELPHIA, PA.—A. The Philadelphia chapter of the women's strike for peace sponsored an anti-draft meeting at the First Unitarian church which attracted an audience of about 200 persons. Conrad Lynn, an author of draft evasion literature replaced Yale chaplain William Sloane Coffin as the principal speaker at the meeting. Following a question and answer period, Robert Edenbaum of the Central Committee for Conscientious Objectors stated that many Philadelphia lawyers were accepting draft evasion cases. The meeting ended without incident.

"B. Rev. Albert Cleage, Jr., the founder of the Black Christian Nationalist Movement in Detroit, spoke to an estimated 100 persons at the Emmanuel Methodist Church. Cleage spoke on the topic of black unity and the problems of the ghetto. The meeting was peaceful and police reported no incidents."

"CHICAGO, ILL.—Approximately 300 members of Veterans for Peace and Women for Peace held a peaceful demonstration at the Museum of Science and Industry protesting an exhibit by the U.S. Army. Several demonstrators entered the building in spite of warnings by museum officials and 6 were arrested on charges of disorderly conduct, resisting arrest and criminal trespassing. Five of those arrested were juveniles."

To assure prompt communication of these reports, the Army distributes them over a nationwide wire service. Completed in the fall of 1967, this teletype network gives every major troop command in the United States daily and weekly reports on virtually all political protests occurring anywhere in the nation.

The Army also periodically publishes an eight-by-ten-inch, glossy-cover paperback booklet known within intelligence circles as the "blacklist." The "blacklist" is an encyclopedia of profiles of people and organizations who, in the opinion of the Intelligence Command officials who compile it, might "cause trouble for the Army." Thus it is similar to less formal lists which the Department of Health, Education, and Welfare has maintained to exclude politically unpopular scientists from research contracts and consultant work.

Sometime in the near future the Army will link its teletype reporting system to a computerized data bank. This computer, to be installed at the Investigative Records Repository at Fort Holabird in Baltimore, eventually will be able to produce instant print-outs of information in 96 separate categories. The plan is to feed it both "incident reports" and "personality reports." The incident reports will relate to the Army's role in domestic disturbances and will describe such occurrences as bombings, mass violence, and arms thefts. The personality reports—to be extracted from the incident reports—will be used to supplement the Army's seven million individual security-clearance dossiers and to generate new files on the political activities of civilians wholly unassociated with the military.

In this respect, the Army's data bank promises to be unique. Unlike similar computers now in use at the FBI's National Crime Information Center in Washington and New York State's Identification and Intelligence System in Albany, it will not be restricted to the storage of case histories of persons arrested for (or convicted of) crimes. Rather it will specialize in files devoted exclusively to descriptions of the lawful political activity of civilians. Thus an IBM card prepared many months ago for the future computer file of Arlo Tatum, executive secretary of the Central Committee of Conscientious Objectors, contains a single notation—that Mr. Tatum once delivered a speech at the University of Oklahoma on the legal rights of conscientious objectors.

Because the Investigative Records Repository is one of the federal government's main libraries for security clearance information, access to its personality files is not limited to Army officials. Other federal agencies now drawing on its memory banks include the FBI, the Secret Service, the Passport Office, the Central Intelligence Agency, the National Security Agency, the Civil Service Commission, the Atomic Energy Commission, the Defense Intelligence Agency, the Navy, and the Air Force. In short, the personality files are likely to be made available to any federal agency that issues security clearances, conducts investigations, or enforces laws.

Headquarters for the collection and coordination of this information is a wire-mesh "cage" located inside a gray metal warehouse at Fort Holabird. The official designation of the office is "CONUS Intelligence Branch, Operations IV, U.S. Army Intelligence Command." CONUS is the Army's acronym for Continential United States. Direction of this program is in the hands of Major General William H. Blakefield, head of the U.S. Army Intelligence Command at Fort Holabird. Established in 1965, the Command coordinates the work of a number of counter-intelligence "groups" formerly assigned to the G-2 offices of the major stateside Army. Accordingly, its principal function is not to collect intelligence but to protect the Army from espionage, sabotage, and subversion. Its main job is to investigate persons being considered for security clearances and to inspect military installations for adequate physical, wire-communications, and document security.

CONUS Intelligence Branch, also known as "Ops Four," is commanded by a major and run by a civilian. They supervise the work of about a dozen persons, who work in shifts around the clock. Most are WAC typists who operate the teletype consoles that link the Intelligence Command to the Pentagon and to intelligence units around the country. It is here that reports from agents are received, sorted, and retransmitted. Because its staff is small and the volume of reports large, Ops Four rarely has the time to verify, edit, or interpret the reports before passing them on to "user organizations."

Daily recipients of this raw intelligence include all of the Army's military intelligence groups within the United States, riot-control units on stand-by alert, and the Army Operations Center at the Pentagon. The Operations Center, sometimes called the "domestic war room," is a green-carpeted suite of connecting offices, conference rooms, and cubicles from which Army and Defense Department officials dispatch and coordinate troops that deal with riots, earthquakes, and other disasters. Recipients of weekly CONUS intelligence summaries, also prepared at Fort Holabird, include not only those on the daily distribution, but such unlikely organizations as the Army Materiel Command, the Military District of Washington, the Air Defense Command, and Army headquarters in Europe, Alaska, Hawaii, and Panama.

What is perhaps most remarkable about this domestic intelligence network is its potential for growth. Uninhibited by Congressional or Presidential oversight, it has already expanded to the point where it in some ways rivals the FBI's older internal-security program. If the Army's fascination with the collection of domestic intelligence continues to grow as it has in the recent past, the Intelligence Command could use military funds to develop one of the largest domestic intelligence operations outside of the communist world. Before this happens, the American public and its elected representatives ought to demand a say in the development of this program.

THE ARMY'S NEEDS

Intentionally or not, the Army has gone far beyond the limits of its needs and authority in collecting domestic political information. It has created an activity which, by its existence alone, jeopardizes individual rights, democratic political processes, and even the national security it seeks to protect.

There is no question that the Army must have domestic intelligence. In order to assist civilian authorities, it needs maps and descriptions of potential riot or disaster areas, as well as early warnings of incidents likely to provoke mass violence. Before trusting its employees or prospective employees with military secrets, it has to look into their past behavior for evidence of disloyalty or unsuitability. The Army also must investigate train wrecks, fires, and other disasters which may disrupt its lines of supply. And where ultra-militant groups seek to attack military installations, destroy files, or abuse soldiers, it has the right and obligation to keep informed about the groups' specific objectives, plans, and techniques.

The Army needs this kind of information so that it can fulfill long-established, legiti-

mate responsibilities. But must it also distribute and store detailed reports on the political beliefs and actions of individuals and groups?

Officials of the Intelligence Command believe that they must. Without detailed knowledge of community "infrastructure," they argue, riot-control troops would not be able to enforce curfews or quell violence. To support this contention, they cite the usefulness of personality files and blacklists in breaking up guerrilla organizations in Malaya and South Vietnam. One early proponent of this view was the Army's Assistant Chief of Staff for Intelligence during 1967–1968, Major General William P. Yarborough. At the height of the Detroit riots of 1967 he instructed his staff in the domestic war room: "Men, get out your counterinsurgency manuals. We have an insurgency on our hands."

Of course, they did not. As one war-room officer who attempted to carry out the General's order later observed: "There we were, plotting power plants, radio stations, and armories on the situation maps when we should have been locating the liquor and color-television stores instead." A year later the National Advisory Commission on Civil Disorders reached a similar conclusion about the motives of ghetto rioters. "The urban disorders of the summer of 1967," it declared unequivocally, "were not caused by, nor were they the consequence of, any organized plan or 'conspiracy.'" After reviewing all of the federal government's intelligence reports on 23 riots, it found "no evidence that all or any of the disorders or the incidents that led to them were planned or directed by any organizations or groups, international, national, or local."

Intensive investigations subsequently conducted by local police departments, grand juries, city and state committees, and private organizations have concurred. One of the more recent, a study of 1968 "urban guerrilla" activities by the Lemberg Center for the Study of Violence at Brandeis University, is typical. It found that press and police accounts of shooting incidents were grossly exaggerated. While acknowledging that there had been "a few shoot-outs with the police" some of which "may have been planned," the Center concluded that there was "no wave of uprisings and no set pattern of murderous conflict" from which one could predict organized violence even remotely resembling guerrilla warfare.

But even if there were grounds for making such a prediction, the Army's case for personality files and blacklists would remain weak. The purpose of these records, according to counterinsurgency manuals, is to facilitate the selective arrest of guerrillas and insurgents. However, within the United States the Army has no authority to round up suspects the moment civilians take up arms. The seizure of civilians on suspicion of conspiring or attempting to overthrow the government by unlawful means or of inciting people to crime is, and continues to be, the responsibility of local and state police and of the FBI. The President may order Army units to help state or federalized National Guard troops keep the peace or fight guerrillas, but the Army does not acquire authority to arrest civilians unless and until civilian law enforcement has broken down and a declaration of martial law puts all governmental authority in the area of conflict in the hands of the military. In that highly remote circumstance, the Intelligence Command might have some need for personality files and blacklists on criminally inclined, politically motivated civilians. By then, however, it certainly would have full access to the more extensive and up-to-date files of the civilian agencies and thus would not have had to prepare its own.

The Army's need to keep its own dossiers on the politics of law-abiding citizens and groups makes even less sense. So long as there is a possibility that peaceful protests may get out of hand, some surveillance undoubtedly is in order. But must the Army conduct it? Are its agents and record keepers more competent than those of the FBI or of the police departments of the cities in which large demonstrations typically occur? Are the civilian law enforcement agencies so uncooperative that the Army must substantially duplicate their efforts?

More extraordinary still is why the Intelligence Command each week alerts military headquarters in Alaska, Hawaii, Panama, and Europe to stateside non-events like the following:

"MIAMI, FLA.—A spokesman for the Southern Students Organizing Committee announced plans for a demonstration to be held on the campus of the University of Miami in the morning. According to the spokesman, a group of anti-war/draft supporters will participate in the demonstration."

"PHILADELPHIA, PA.—Members of the Vietnam Week Committee composed largely of professors and students of the University of Pennsylvania, will conduct a 'sleep-in' to protest the scheduled appearance of Dow Chemical Company recruiters on campus. The next day, 19 March, the same organization will sponsor a protest rally on campus."

Perhaps the best answer to all of these questions is that much of the CONUS intelligence program serves no military need at all. But if this is so, then where does the Army get the authority to run it?

THE ARMY'S AUTHORITY

According to the Nixon Administration, authority for this kind of program comes from the Constitution. So, at least, the Justice Department claimed last June in a brief defending the FBI's failure to obtain search warrants before tapping telephone calls of what were then the "Chicago Eight." The Justice Department argued that Article Two of the Constitution authorizes the President and his agents to engage in whatever "intelligence-gathering operations he believes are necessary to protect the security of the nation" and that this authority "is not dependent upon any grant of legislative authority from Congress, but rather is an inherent power of the President, derived from the Constitution itself." Thus, the Department contended, "Congress cannot tell the President what means he may employ to obtain information he needs to determine the proper deployment of his forces."

If this is so, then Army agents do have the authority to undertake any surveillance that does not run afoul of the Constitution and the courts: indeed, they can investigate anything that is normally investigated by the federal government's civilian agencies. Moreover, they do not have to obey laws like the Omnibus Crime Control Act of 1968, which forbids most wiretapping and electronic eavesdropping without prior judicial authorization in the form of a warrant.

Fortunately, the "inherent powers doctrine," as this theory is called, has few supporters. The courts have never accepted the proposition that Congress is powerless to prescribe how the President shall exercise his executive powers. Indeed, in 1952, the Supreme Court rejected President Truman's claim to inherent power to seize the nation's steel mills to avert a strike which threatened the flow of equipment and supplies to American troops fighting in Korea. If there were no constitutional Presidential power to meet that emergency, it is unlikely that one exists to authorize the intelligence powers which the government claims today.

It is far more probable that the courts would endorse a conflicting view: that the Army's authority to collect domestic intelligence is limited by, and can only be inferred from, those laws which traditionally mark off the Army's responsibility for law enforcement from that of other agencies. These include not only the statutes which restrict the Army to a back-up function in times of riot, but the laws which assign surveillance of unlawful political activity within the United States to the FBI and the Secret Service. Other sources of the Army's authority include the Uniform Code of Military Justice, which permits investigation of unlawful political activity within the armed services, and those laws and federal-state agreements under which the Army governs many of its installations. These rules, and not the vague provisions of Article Two, are the legitimate sources of the military's domestic-intelligence powers.

Yet even if the current Administration's claim to an inherent constitutional power to watch lawful political activity were to be accepted by the courts, the surveillance itself probably would be forbidden by the Bill of Rights. The reason is the chilling effect which knowledge of surveillance has upon the willingness of citizens to exercise their freedoms of speech, press, and association, and their right to petition the government for redress of grievances:

Ten years ago the federal courts would not have accepted this contention. Then the courts were hesitant even to accept constitutional challenges to the government's collection of political information when the plaintiffs could prove that the investigators had no other purpose than to deter them from exercising their rights under the First Amendment. Recently, however, the courts have begun to accept the proposition that vague and overbroad laws and administrative actions are unconstitutional if they inhibit the exercise of those rights, regardless of whether that effect was intended.[1]

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[1] Typical of this growing body of constitutional interpretation is the 1965 case of *Lamont v. Postmaster General*. There the Supreme Court struck down a federal statute which authorized the Post Office to suspend delivery of unsolicited mail which the government agents regarded as "Communist political propaganda" until the addressee returned a reply post card declaring that he wished to receive the mail. The Court, in a unanimous opinion, held that the effect of this practice, whether the government's purpose, was to abridge freedom of speech by inhibiting the right to read.

Even more on point is the decision of a New Jersey Supreme Court which last August declared most of the state's domestic intelligence system unconstitutional. In *Anderson v. Sills*, a suit filed by the America Civil Liberties Union on behalf of the Jersey City branch of the NAACP, the court held: "The secret files that would be maintained as a result of this intelligence system are inherently dangerous, and by their very existence tend to restrict those who would advocate . . . social and political change."

Had the New Jersey authorities been able to show a more urgent need for the records, the court might not have taken such a categorical position. But the police, like the Army, had cast their net so widely that it was bringing up huge quantities of information on wholly lawful political activities. Accordingly, the court brushed aside the state's claim to good intentions and found that the program had a chilling effect upon the exercise of First Amendment rights. It ordered all forms and files destroyed, "except where such information will be used to charge persons with specifically defined criminal conduct."

If people are likely to be deterred in the exercise of their rights by state intelligence systems, they undoubtedly will be inhibited by knowledge that reports of individual participation in public demonstrations are being made daily to the Pentagon, selected troop units, and an interagency data bank at Fort Holabird. Thus, even if the Army's collection of personality files and blacklists is not limited by legislation, it still may be unlawful.

THE PROGRAM'S IMPACT

Beyond the Army's need for the present CONUS intelligence program and its authority to pursue it lies the matter of its impact upon the public interest. In particular, there is its effect upon the rights of individuals, the democratic process, and the nation's security.

The impact which the program can have upon the exercise of political rights needs no further explication. The threat it poses to job rights and privacy, however, may not be so apparent.

Like the freedom from inhibitory surveillances, the job rights threatened are rights in the making. As yet no one has established a legal right to a job that requires a security clearance or to a security clearance essential to a job. Nevertheless, in recent years the courts have begun to recognize that those who already hold federal jobs and security clearances have a right not to be deprived of either without just cause or, at the very least, without the rudiments of fairness. The impending marriage of the CONUS intelligence wire service to a computer could nullify even this protection, by filling security-clearance dossiers with unverified and potentially erroneous and irrelevant reports. These reports would then be used to determine who should, and who should not, receive security clearances.

If the men and women who adjudicate security clearance were competent to evaluate such unreliable information, its inclusion in security files might be less cause for concern. Unfortunately, they are not. The most highly trained adjudicators—civilians employed by the stateside army commands—receive only nine days of job instruction on loyalty determinations at the Army Intelligence School. Moreover, this training does not even touch upon the subject of suitability, although almost 98 per cent of all clearances denied today are ostensibly rejected on that ground. The least trained adjudicators—intelligence officers assigned to field commands—receive exactly two classroom hours on loyalty and two on suitability while being trained to become investigators. Because of this extremely brief training, it is not unusual for an adjudicator to conclude that a person arrested in connection with a political protest is not suited for a security clearance, regardless of the circumstances of his arrest, the legality of his detention, or his innocence of the charges.

The adjudicators' lack of training is compounded by security regulations which permit—indeed, seem to require—the denial of clearances on less evidence than would support a magistrate's finding of "probable cause." In other words, it is not a question of whether reliable evidence indicates that the individual cannot be trusted with state secrets, but of whether the granting of the clearance would be "clearly consistent with the interests of national security." No one really knows what this ambiguous phrase means, but in practice it frequently is used to justify findings of guilt by association. For example, soldiers and civilian employees of the Army with foreign-born spouses are virtually blocked from jobs requiring access to especially sensitive intelligence. Their association with a spouse who once "associated with foreigners" is taken as proof of their vulnerability to recruitment by foreign agents. Moreover, in nearly all other cases, adjudicators usually have to make their decisions without knowing the source of the evidence, without hearing the accused confront his accusers, or without hearing the accused defend himself with knowledge of their identity.

Given the tenuousness of the right to due process under these conditions, the influx of CONUS intelligence reports can make the system even more unjust than it is now. At the present time, little information on political activity is developed in the course of most background investigations. Army investigations, in particular, tend to be superficial; in some sections of the country shortages of personnel, caused by the war in Vietnam, have forced the Intelligence Command to abandon interviews of character references in favor of questionnaires-by-mail as its main means of inquiry. But if these questionnaires were to be supplemented by CONUS political reports, the number of clearances unjustly denied would skyrocket. These injustices would occur not only within the military; they would reverberate throughout all federal agencies with access to the Fort Holabird data bank.

The Army's domestic-intelligence program also imperils numerous expectations of privacy, some of which enjoy the status of legal rights. It does so by exposing Americans to governmental scrutiny, and the fear of scrutiny, to an extent to which they have never been exposed before. Even the Budget Bureau's ill-starred proposal to consolidate the federal government's statistical records into a National Data Center would not have brought together so much information about individual beliefs and actions.

The privacy of politically active citizens is especially threatened by the Army's practice of watching political protests, large and small, throughout the United States. To the potential protester, it is one thing to expect local press and police coverage; it is quite another to expect a military surveillance which specializes in keeping permanent records of lawful political activity.

What effect awareness of the CONUS intelligence program will have on the vast majority of people who are not politically active is more difficult to predict. By itself, news that the Army is watching civilian politics is not likely to cause most people to worry personally about their privacy. But it would be one more increment in a growing pattern of governmental instrusiveness that could have a significant cumulative impact.

Such a pattern is now well established. Among the more widely publicized activities in recent years have been the CIA's surreptitious financing of student groups, labor unions, and foundations (despite the territorial limits of that agency's mandate), the Post Office's use of peepholes in restroom walls, and the Defense Department's misuse of lie detectors. Others include countless illegal wiretaps by the FBI, the Internal Revenue Service, and the Department of Interior. More recently, the publication of confidential FBI wiretap information by *Life* and *Newsweek* which linked Jets' quarterback Joe Namath to Mafia figures suggests that the FBI has now assumed responsibility for enforcing professional football's code of conduct.

The cumulative impact of such abuses of power and privacy eventually must convince even the most anonymous of individuals that the United States is moving towards a society in which no one has control over what others know about him. Public awareness of the Army's activities cannot but hasten this conviction.

The unregulated growth of CONUS intelligence machinery also threatens the country's political health. It does so both by inhibiting political participation and by enhancing the potential clout of demagogues and others who would misuse security files for partisan or personal purposes.

The most immediate risk posed, of course, is to political participation. Once citizens come to fear that government agencies will misuse information concerning their political activities, their withdrawal from politics can be expected. This withdrawal can occur in a variety of ways. Some people may decline to become involved in potentially controversial community organizations and projects. Others may go further and avoid all persons who support unpopular ideas or who criticize the government. Some may refuse to object to the abuse of government authority, especially when the abuse is committed in the name of national security. Others may even stop reading political publications, out of fear that the government might learn of their reading habits and disapprove. Indeed, an adjudicator of security clearances once asked me if she could lose her clearance if she allowed her daughter to subscribe to *The National Observer!*

Inhibitions generated by awareness of extensive domestic surveillance are likely to be strongest at the local level. This is where most citizens participate in politics if they become involved at all. The withdrawal can be expected to occur all across the political spectrum, although the strongest objections to surveillance will undoubtedly come from the left. Those most likely to be deterred, however, are not the extremists of the right or the left, whose sense of commitment runs deep, but the moderates, who normally hold the balance of power. Depletion of their ranks would, of course, strengthen the influence of the extremists, polarize debate, increase animosities, and decrease tolerance. As political positions rigidify, compromise and flexibility would become harder to achieve. And the capacity of government to renew itself and promote responsible progress would also suffer.

A less immediate but no less serious danger lies in the potential for misuse inherent in the Army's extensive files on individuals and groups. It is frightening to imagine what could happen if a demagogue in the Martin Dies-Joseph McCarthy tradition were to gain access to the computer the Army seeks now, or if an Otto Otepka in uniform were to leak a copy of the Intelligence Command's so-called "blacklist" to friends in Congress, or if a General Edwin Walker were to take charge of the Intelligence Command.

Such speculation assumes, of course, that the Army cannot guarantee the inviolability of its files. The assumption, unfortunately, has some validity. Only last year, information from the Army's confidential service record on New Orleans District Attorney Jim Garrison was leaked to the press. Officers at the Investigative Records Repository at Fort Holabird (which functions as the Army's lending library for such files) suspected that the leak came from a civilian agency in Washington. They were helpless to do anything about it, however, because they had no system of records accountability by which they could fix responsibility. When asked why such a system did not exist, one officer told me: "We probably couldn't stop it [the leaks] if we tried."

Finally, the unregulated growth of domestic intelligence activity can have the paradoxical effect of undermining the very security it seeks to protect. It can do so in at least two ways. First, by increasing the "cost" of lawful political activity, it tends to force extremist groups to go underground, there to act out their us-versus-them view of politics by criminal means. Second, by intruding too closely into the lives of government employees (or prospective employees), it tends to inhibit them from applying for jobs requiring security clearances or from exercising initiative and imagination in those jobs. A good intelligence officer must be able to analyze and report accurately, and to do so he must feel free to immerse himself in the ideas and culture of the people he studies. A good scientist must have freedom to pursue his curiosities, or he is not likely to work for the government, which rarely pays as much as private industry. The direct consequence of programs which deny this freedom is to impair the quality of secret work and the caliber of the men who do it. As John Stuart Mill warned over a century ago:

"A state which dwarfs its men, in order that they may be made docile instruments

in its hands, even for beneficial purposes, will find that with small men no great thing can really be accomplished."

WHAT CAN BE DONE?

If the Army has exceeded the limits of its needs and authority to establish a domestic intelligence program which endangers numerous public interests, what steps should be taken to curb its excesses?

An obvious first step is a court challenge of the Army's authority to possess information for which it has no substantial need. The main target of such a lawsuit should be the personality files and blacklists describing the lawful political activities of individuals and groups. A second target should be the collection and storage of information on individuals and groups suspected of participating in unlawful political activities—except where that information is essential to an "early warning" system, or where the persons involved are associated with the armed forces, or where the information is collected in the course of security investigations.

The lawsuit's argument should be twofold: (1) the Army has no substantial need for either kind of information, and (2) the very existence of the program inhibits the exercise of First Amendment rights. Such a suit should seek a court order declaring the Army's possession of both kinds of information to be unconstitutional; it should also ask the court to enjoin future collection and storage of such information and to direct the destruction of all existing personality files and blacklists.

While such a lawsuit stands a good chance of success, it could take years to litigate. Moreover, a favorable decision could be ignored or evaded for many more years. Thus, while the symbolic value of such a decision would more than justify the time and expense, an effective challenge of the intelligence program will require the development of legislative and administrative remedies as well.

Whoever attempts to devise these remedies should be prepared to undertake subtle analysis of competing interests and values for while the excesses of the program must be permanently curbed, the Army's ability to fulfill its responsibilities must not be impaired.

Ideally, legislative and executive analyses should be based on the kinds of questions I have already asked: What are the Army's real domestic intelligence needs? What authority does it have to initiate specific activities to meet those needs? What threats to liberty does each domestic intelligence effort pose?

The analysis should begin by demanding a justification for each alleged intelligence need in terms of the Army's authority to meet such a need and its purpose in trying to do so. Each need should then be weighed against the threats it may pose to the rights of individuals, to the vitality of the political process, and to the security of the nation. Where the risk is clear and the need doubtful, the Army should be denied authority to satisfy the need. Where the threat and the Army's need are both evident, less hazardous alternatives ought to be considered. In this circumstance, the capacity of politically responsible officials to control the alternatives should be weighed. Where reliable controls cannot be devised, the intelligence effort should not be authorized—even though the denial of authority may deprive the government of useful knowledge about the domestic political scene. If the imposition of these restraints poses a risk to internal security, then we must accept that risk as the price for individual liberties and a truly democratic political system.

The Congressional power of inquiry should be exercised first. Few Americans—including most members of Congress—know anything about the activities and plans of the domestic intelligence community. Many do not even realize that the growth of formal and informal ties among law-enforcement, intelligence, and security agencies has made it necessary to think in such terms.

For maximum effectiveness, Congress should hold open hearings not only to inform itself and the public, but to remind the intelligence community in general, and the Army in particular, that their authority to spy on civilian politics must be construed strictly, in accordance with such established principles as civilian control of the military. Presidential control of the bureaucracies, state and civilian primacy in law enforcement, compartmentalization and decentralization of intelligence duties, and obedience to law. Where is is not, corrective legislation should be promised.

A special effort should be made in the course of these hearings to inform the domestic intelligence community that Congress does not accept the Justice Department's position that "Congress cannot tell the President what means he may employ to obtain the information he needs."

Congress should also exercise its appropriations powers as to encourage major reforms in the Army's program. Specifically, it should block all funds for the planned computer unless and until the Army agrees to:

One. Instruct its agents to limit their collection of CONUS intelligence to reports of incidents, except where the reports describe violations of the Uniform Code of Military Justice or of Army regulations. This would dry up the source of most blacklists and personality files.

(2) Forbid the Intelligence Command to convert incident reports into personality reports, except where they relate to criminal or deviant activity by persons subject to military law or employed by the military. Thus storage of information about named civilians unassociated with the armed forces would be doubly foreclosed, should such information be reported by mistake or as an essential element of an incident report.

(3) Establish effective technological, legal, and administrative safeguards against the abuse of individual rights in the process of collecting, reporting, storing, and disseminating domestic intelligence or personnel security information. For example, the Army should forbid its agents to infiltrate civilian political groups. (If it fails to do so, Congress should make such infiltration a federal crime, just as it is now a crime for a local military commander to order his troops to serve in a sheriff's posse.) Computer storage systems also should be encouraged, since they can be equipped with more effective safeguards against misuse than is possible in document storage systems. However, these safeguards must be carefully designed, regularly tested, and reinforced by laws and regulations to deter those who might seek to circumvent them.

(4) Establish separate headquarters, preferably in separate cities, for the CONUS-intelligence and personnel-security staffs. So long as the two programs are located at the same headquarters (they now share the same room and some of the same personnel), the danger of informal leakage of CONUS intelligence material to the adjudicators will remain high. Establishment of physically separate headquarters would be expensive, since it would probably require two separate communications and information storage systems. Separate storage systems, however, could be more safely computerized. Thus some of the additional expense might be recouped through increased efficiency.

(5) Request that the United States Judicial Conference or some similar body nominate a civilian advisory board to review and report annually on the sufficiency of the Intelligence Command's procedures for safeguarding individual rights. Such a board could satisfy both the public's need for a regularized system of independent scrutiny and the Army's need for friendly critics capable of alerting it to the legal, moral, and political implications of its domestic intelligence program. How successful such a board can be is open to question; much depends upon how skillfully its members can be chosen so as to assure both military and public confidence in their capacity for balanced and constructive judgments.

(6) Improve the professional quality of Intelligence Command personnel and security-clearance adjudicators. In the final analysis, the Army must be the front-line defender against the dangerous consequences of its own actions. Thus, among other things, the Army should be encouraged to end the overcrowding and understaffing of its Intelligence School, to revise and expand the curriculum of its agents' course, and to transfer the training of security-clearance adjudicators to an accredited law school or the Practicing Law Institute, a non-profit organization well known for its practical courses for lawyers and laymen on specialized legal subjects.

Needless to say, each of these reforms should be initiated by the President or the Army without waiting for Congressional encouragement. In addition, the President should appoint a panel of distinguished citizens, on the order of the Kerner Commission, to look into the conduct of all domestic intelligence activities. He should also ask an organization like the highly prestigious American Law Institute to draft a new executive order and code of regulations to govern the granting of security clearances.

Implementation of these reforms can do much to bring the Army's domestic intelligence practices in line with its legitimate responsibilities. But it is not enough to reform the Army. The Intelligence Command is only one member of a huge, informal community of domestic intelligence agencies. Other members of the community include not only the FBI, the Secret Service, the Air Force, and the Navy, but hundreds of state and municipal police departments. Some of the latter are surprisingly large. The New York City Police Department's Bureau of Special Services, for example, employs over 120 agents and has an annual budget in excess of $1 million.

Each of these organizations now shares with the Army the capacity to inhibit people in the exercise of their rights, even without trying. By collaborating, they could become a potent political force in their own right. Thus as the Army, the FBI, and the Justice Department strive to coordinate these agencies through the establishment of wire services, hot lines, and computerized data banks, it is essential that the American public and its representatives be equally energetic in the imposition of checks and balances. In particular, special efforts should be made to prevent needless concentrations of information. The United States may be able to survive the centralization of intelligence files without becoming totalitarian, but it most certainly cannot become totalitarian without centralized intelligence files. The checks must be designed with the most unscrupulous of administrators in mind. The fact that we may trust the current heads of our investigative agencies is no guarantee that these agencies will not one day come under the control of men for whom the investigatory power is a weapon to be wielded against political and personal foes.

FEBRUARY 25, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter concerning an article which appeared 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 long-standing 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 investigations (for example, Army investigations are filed in the Investigative Record Repository). The data is placed on manually key punched cards which are then alphabetically filed. A sample card is attached (not shown in RECORD). 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 and state and local police agencies. When this information is collected in the field, 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 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.

FEBRUARY 2, 1970.

Hon. STANLEY R. RESOR,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: I enclose a copy of an article from the January 1970 *Washington Monthly*, entitled "CONUS Intelligence: The Army Watches Civilian Politics." I would appreciate your letting me have the benefit of your comments on the article. In addition, I would appreciate your providing me with information in response to the following questions prompted by this article:

1. What is the legislative authority for domestic intelligence gathering activities by the Army involving political activities that are not directly related to military or civilian personnel matters?

2. How many people—military and civilian—work in the Army's domestic intelligence program?

3. What is the budget for FY 1970 and proposed for FY 1971 for domestic intelligence gathering, including military pay and allowances? What proportion of the budget is used for personnel investigations and similar intelligence work?

4. What is the justification for the Army to engage in surveillance of organizations or individuals involved in political protests?

5. What criteria are used in determining which activities to cover and report on?

6. How many meetings by civilian organizations were covered or reported on during the last year?

7. What, if any, arrangements exist between the Army and other government investigative agencies to prevent duplication of effort in keeping track of the activities of organizations under surveillance?

8. What periodic reports are filed concerning the activities of political protest groups? Please provide a copy of the latest report available of each type.

9. The article alleges that the Army publishes a booklet containing information on individuals and groups that might "cause trouble for the Army." Is there such a document? If so, please provide a copy of it and details on the distribution of it. Who has access to this information?

10. How many names of individuals and organizations does the Army currently have in its security files? Approximately how many were added in the last year that were not due to investigations for personnel purposes?

Sincerely yours,

J. W. FULBRIGHT.

Mr. ROBERT E. JORDAN, III,
General Counsel, Department of the Army, Washington, D.C.

DEAR MR. JORDAN: I have your letter of February 25 concerning the Army's intelligence gathering activities.

I am glad to have this information since it does explain some aspects of the program to collect information on civilians. However, you failed to provide most of the specific information requested in my letter of February 2 and I would appreciate your providing this as soon as possible. I would also appreciate your letting me know the date orders were issued to discontinue the identification list and the computer data bank on potential trouble makers, and how many names were on the list and in the bank at that time. In addition, would you please provide copies of all directives relating to collection and reporting of information relating to civil disturbance matters.

Sincerely yours,

J. W. FULBRIGHT.

[From the Washington Star, Feb. 28, 1970]

ARMY STILL MAINTAINING FILES ON CIVILIANS' POLITICAL ACTIVITY

The Army acknowledges that it maintains files on the political activities of civilians other than the computerized political data bank it told congressmen it was closing down.

It also conceded yesterday that information that formerly was kept in the computer is still on file and has not been ordered destroyed.

An Army spokesman confirmed that a microfilm file is kept on civilian political activity by the Counter-Intelligence Analysis Division of the office of the Army's assistant chief of staff for intelligence.

The spokesman, an official in the office of Army General Counsel Robert E. Jordan III, said that very few files were kept on individual civilians. He could neither confirm nor deny existence of files on several specific individuals.

Sources who asked not to be identified reaffirmed, however, that individual and organizational files number in the thousands and that they include data on such individuals as Mrs. Martin Luther King, Jr., folk singers Arlo Guthrie and Phil Ochs and Georgia State Rep. Julian Bond

SOME GROUPS MENTIONED

In addition, the sources said, files are kept on such organizations as the American Friends Service Committee, the American Civil Liberties Union, the Center for the Study of Democratic Institutions, the John Birch Society, Clergy and Laymen Concerned about Vietnam and the New Mobilization Committee to End the War in Vietnam.

Files are also kept on publications, including the magazine the Nation, the newsletter of Young Americans for Freedom, the New Left's National Guardian and the underground Berkeley Barb.

The eight persons indicted in connection with disorders at the Democratic National Convention in 1968 are also listed, sources said.

While admitting existence of the microfilm file, the Army spokesman sought to play down its size and importance. He said it was an uncomputerized "office file" kept "for analysis purposes" by an agency charged with "answering specific questions" posed by top Army officials.

He said questions that might be posed to CIAD include "what likelihood is there that violence will occur this summer?" And "where is it likely to occur?" In case a mass march is planned somewhere. Another question would be "what likelihood is there that violence will occur which local authorities cannot handle?"

CIAD would use its files, which "consist primarily of FBI reports," to get an answer for the Army, based on the expected size of a march and the people and organizations planning it, he said.

CIAD also has a role in determining which U.S. cities might experience large riots. The Army now plans to be able to handle eight major disorders at once, a reduction from the 25 once planned for.

The spokesman said that there was an "innocent bureaucratic reason" for the CIAD files.

FBI POLICY CITED

He said, "The FBI has a policy that, if it once gives you a report, it won't give it to you again. So the analysis people have to keep the report they've worked on before."

The spokesman said the files reflect work that CIAD has done. "This is far different from a data bank which contains whole reams of information," such as the one the Army maintained at Ft. Holabird in Baltimore and which was discontinued after pressure from Congress.

The spokesman said that that a review of the Holabird data bank was under way before congressmen became aroused by a magazine article about it written by a former intelligence officer.

He said 50 congressmen sent inquiries to the Army about it—15 by personal letter to the Secretary of the Army.

The Holabird data bank was ordered discontinued on Feb. 19, he said, and an announcement was made Thursday to the congressmen. The announcement made no mention of the CIAD microfilm files or of the fact that formerly computerized information is still in files at Ft. Holabird, and at seven military intelligence group headquarters around the nation.

NO DESTRUCTION ORDER

No order has been issued yet for the destruction of those files, or of still other files maintained by the Continental Army Command at Ft. Monroe, Va., the spokesman acknowledged.

The Justice Department is the agency charged by President Nixon with primary responsibility for civil disorders.

The spokesman said, "We've been pushing for a long time to get Justice and the FBI to take over this responsibility completely.

"Justice does not (now) have the capability, in our minds, to do the job.

"We have to have an answer if we're asked, 'Will there be violence?'

"Until we are satisfied that Justice can answer the question satisfactorily, we have to do it ourselves."

PROGRAM

Mr. DOLE. Mr. President, will the Senator advise the Senate of the schedule?

Mr. MANSFIELD. I am delighted to respond to the question raised by the acting minority leader. There will be no further votes tonight.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 10 o'clock tomorrow morning.

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

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the prayer tomorrow there be a period for the transaction of routine business for not to exceed 15 minutes.

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

PROGRAM

Mr. MANSFIELD. It is my understanding that the distinguished Senator from Alabama has an amendment he will lay before the Senate tonight and which he will discuss tomorrow and perhaps tonight, if he so desires.

I understand the Senator from Kentucky (Mr. COOPER) has an amendment which will be offered tomorrow.

Hopefully, we might be able to finish this bill somewhere between 1 o'clock and 3 o'clock tomorrow afternoon. Hopefully, I emphasize that if we do finish at a reasonable time tomorrow the next order of business immediately will be laying before the Senate the nomination of Judge Carswell to be an Associate Justice of the Supreme Court.

My next sentence is not a threat. If, perchance the pending bill is not finished tomorrow, it is very likely we will be in session Saturday because, speaking personally, I would like to get to the Carswell nomination just as soon as possible.

I hope that explains the situation.

Mr. DOLE. I thank the Senator.

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate resumed 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.

AMENDMENT NO. 553

Mr. ALLEN. Mr. President, I call up an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

Amend the Scott-Hart Amendment (No. 544) by striking all of section 3 under title I—Voting Rights, and inserting a new section 3 as follows:

"Section 3. (a) Section 4 of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973 et seq) is amended by adding at the end thereof the following new section '(f) section 4 of this Act shall expire and become inoperative on August 7, 1975.'

"(b) Section 5 of the Voting Rights Act of 1965 (79 Stat. 438; 42 U.S.C. 1973 et seq) is amended by adding at the end thereof the following new sentence: 'Section 5 of this Act shall expire and become inoperative on August 7, 1975'."

Mr. ALLEN. Mr. President, with the distinguished majority leader having pointed out that there would be no further votes this evening and most of the Senators having thereupon departed from the Senate Chamber, the Senator from Alabama would desire to wait until tomorrow to start his explanation of the amendment.

To that end, I suggest at this time the absence of a quorum so that if there is no other business to come before the Senate other than the pending amendment, any Senator desiring to bring about other business could move to suspend further proceedings under the quorum call.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

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

ADJOURNMENT TO 10 A.M. TOMORROW

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 29 minutes p.m.) the Senate adjourned until tomorrow, Friday, March 13, 1970, at 10 a.m.

NOMINATION

Executive nomination received by the Senate March 12, 1970.

DIRECTOR OF SELECTIVE SERVICE

Curtis W. Tarr, of Virginia, to be Director of Selective Service, vice Gen. Lewis B. Hershey.

HOUSE OF REPRESENTATIVES—*Thursday, March 12, 1970*

The House met at 12 o'clock noon.

Rev. David R. Shaheen, assistant pastor, director of youth ministry, St. Luke Lutheran Church, Silver Spring, Md., offered the following prayer:

O God and Father of all mankind, we bow before You to ask Your blessing on us this day.

We pray especially for all those in positions of authority.

We ask for certain things: We ask that our leaders receive the honor and respect due them; we ask that they be endowed with wisdom and understanding for their duties; we ask that they serve with a spirit of sacrifice for all the people.

Grant that their actions may help bring us together as a people.

Grant that hatreds, suspicions, and distrusts will soon disappear from our hearts.

May we all accept Your commandments, obey Your voice, trust Your love. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Leonard, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On March 4, 1970:

H.R. 12535. An act to authorize the Secretary of the Army to release certain restrictions on a tract of land heretofore conveyed to the State of Texas in order that such land may be used for the city of El Paso North-South Freeway.

On March 5, 1970:

H.R. 14464. An act to amend the act of August 12, 1968, to insure that certain facilities constructed under authority of Federal law are designed and constructed to be accessible to the physically handicapped; 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.

On March 10, 1970:

H.R. 2. An act to amend the Federal Credit Union Act so as to provide for an independent Federal agency for the supervision of federally chartered credit unions, and for other purposes.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1497. An act to permit the vessel *Marpole* to be documented for use in the coastwise trade.

FLOW AND PRODUCTION OF DANGEROUS EXPLOSIVES MUST BE CONTROLLED

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

Mr. VANIK. Mr. Speaker, today America is confronted with a problem of grave concern which calls for immediate action.

Last month a bomb devastated a courthouse and police station in my district. After that it was a police station bombing in Danbury, Conn. This week a bomb devastated an automobile and its passengers in Bel Air, and a courthouse in Cambridge, Md. Today we learn of skyscraper bombings in New York City.

In the meanwhile, dangerous explosives can be purchased almost anywhere by anyone. No questions are asked.

There is a critical need for action at all levels of government before bomb violence becomes more widespread and uncontrollable.

No place and no citizen is immune or safe from this form of violence.

I urge this Congress to act with dispatch to curb the sale and distribution of dangerous explosives, and close this dangerous loophole in the law.

THE 51ST ANNIVERSARY OF THE FOUNDING OF THE AMERICAN LEGION

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

Mr. ANNUNZIO. Mr. Speaker, Sunday, March 15, marks the 51st anniversary of the founding of the American Legion. For more than half a century, the dedicated members of the American Legion have labored "For God and Country." Their motto has stood as a monument to their work, for these patriotic men and women have done their utmost to perpetuate Americanism, to impress a sense of individual obligation upon all our citizens, and to safeguard our freedom and our democracy.

The American Legion is the largest organization of war veterans in our country and was born at a caucus of the first American Expeditionary Force in Paris, France, on March 15, 1919. Theodore Roosevelt, Jr., the son of our 26th President, assisted in planning the Paris caucus, and there were many other dedicated men like Teddy Roosevelt at that first meeting who helped to chart the course of the American Legion. Today, thanks to their initial efforts, the American Legion has more than 3 million members and approximately 16,500 posts across the Nation.

The Legion has helped the returning serviceman to adjust to civilian life, to maintain his dignity and self-respect, and has assured the welfare of the veteran's widow and children. The GI bill for World War II veterans came into being largely as a result of the efforts of the American Legion, and it insures the right of the veteran to many rehabilitation and compensation programs.

The Congress passed this Legion-sponsored program in order that the men and women who served in that terrible conflict would not return to a society as unprepared to receive them as America had been when our victorious doughboys returned home after World War I.

The granting of GI bill benefits to Korean war veterans and now to the veterans of Vietnam have been logical extensions of the Legion's magnificent work in behalf of the original GI bill.

An adequate system of national security has been the watchword of the Legion. The Legion has encouraged an understanding of communism by our people. It has helped to foster an enlightened public opinion, the true enemy of communism, and the best defense against it.

While it has always been deeply involved in matters affecting the defense and security of our country, the Legion has never forgotten that the future of this country it loves so well depends upon its younger citizens. The Legion's child welfare program has demonstrated its intense concern for America's children. Almost $200 million has been spent since 1925 to protect the welfare of our veterans' children, and, in fact, the American Legion is recognized as having one of the leading nonprofessional, private child care programs in the country. Additionally, the Legion has helped to obtain the passage of enlightened child welfare legislation by the States and the Federal Government.

The Legion sponsors over 4,000 Boy Scout units. It also sponsors various sports events in order to help our youngsters learn the real meaning of good sportsmanship and team play.

Other programs for youth include Boys' State and Nation, Girls' State and Nation, the National High School Ora-

torical contest, and various scholarship programs.

In its 51st year of existence, the American Legion continues its course as a responsible and vigilant defender of justice, freedom, and democracy—those precious American ideals which have brought greatness to the United States.

I know that under the distinguished leadership of J. Milton Patrick, the newly elected national commander, the American Legion will continue its steadfast and patriotic service to our Nation.

I am happy to congratulate the American Legion on the occasion of its 51st anniversary and to wish the Legionnaires Godspeed in their work in the years ahead.

A BILL TO AMEND THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT OF 1949

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

Mr. BROOKS. Mr. Speaker, I am today introducing a bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the procurement of architectural and engineering services. The purpose of my bill is to declare it to be the policy of the Federal Government to negotiate contracts for architect-engineer services on the basis of demonstrated competence and qualification for the type of service required and at fair and reasonable prices.

In the years to come, billions of dollars in construction will be undertaken by the Federal Government. Thousands of architects and engineers will be required to develop the plans and specifications to bring these structures into reality. We must do whatever we can to obtain the highest quality, the most efficient and effective services at the lowest reasonable cost.

Design costs are only a minor percentage of the overall cost of construction—not more than 6 percent of estimated construction costs under present statutory limitations. Yet, if design is poor, construction and maintenance costs can be unnecessarily high and the structure may be inefficient to use over a period of many decades.

The commitment to design a complex building is different from purchasing pencils and paper clips. Architects and engineers design buildings and structures after they get a contract for the work, and not before. This means that getting the best possible design and specifications depends upon the selection of the architects and engineers of proven capability with the highest qualifications, who are also willing to undertake contracts at fair, reasonable, and justifiable prices to the Government.

Under my bill, the Government agencies requiring architect or engineering services would invite all interested parties to submit data as to their qualifications and performance. The agency head would then rank those submitting this data according to their qualifications to undertake the particular design contract then under consideration.

The agency head would then negotiate with the highest qualified individual or firm and, assuming a fair and reasonable price can be agreed upon, award a contract to him. If such an agreement on price cannot be negotiated, the next most qualified architect or engineer would then be afforded the opportunity to negotiate a contract, and so on until a contract was let.

This approach, which many Federal agencies have used effectively for many years, discourages the award of design contracts to lesser qualified individuals simply because they might quote a slightly lower fee, as well as those who might quote a lower fee to obtain the contract, then cut corners in their design work to make up the loss.

The proposal that I introduce today will provide the Government with the highest quality architectural and engineering service, and also assure the broadest possible competition among architects and engineers for Government contracts. Members of these professions would compete on the basis that reflects the best interests of the Government—their qualifications.

Federal laws limiting the contract price to be paid architects and engineers to 6 percent of the estimated cost of the construction would remain in force as an additional protection to the public.

I urge all Members of Congress to give this bill the greatest possible degree of consideration. The quality of future Federal projects requires the most creative and capable architectural and engineering services.

The text of my proposal is as follows:

H.R. 16443

A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by adding at the end thereof the following new title:

"TITLE IX—SELECTION OF ARCHITECTS AND ENGINEERS

"DEFINITIONS

"SEC. 901. As used in this title—

"(1) The term 'firm' means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the professions of architecture or engineering.

"(2) The term 'agency head' means the Secretary, Administrator, or head of a department, agency, or bureau of the Federal Government.

"(3) The term 'professional services' includes those of an architectural or engineering nature as well as incidental services that members of these professions and those in their employ may logically or justifiably perform.

"POLICY

"SEC. 902. The Congress hereby declares it to be the policy of the Federal Government to negotiate contracts for professional services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices.

"REQUEST FOR DATA ON PROFESSIONAL SERVICES

"SEC. 903. In the procurement of professional services the agency head shall invite firms engaged in the lawful practice of their profession to submit, in accordance with the terms of the invitation, a statement of qualifications and performance data. The agency head inviting such proposals shall evaluate the submissions received and shall select therefrom, in order of preference, no less than three of the firms deemed to be most highly qualified to provide the services required.

"NEGOTIATION OF CONTRACTS FOR SERVICES

"SEC. 904. (a) The agency head shall negotiate with the highest qualified firm for a contract for such professional services at a fee which the agency head determines is fair and reasonable to the Government. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

"(b) Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the Government, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

"(c) Should the agency head be unable to negotiate a satisfactory contract with any of the qualified firms, he shall, in his discretion, either select additional firms in order of their competence and qualification, or reissue a new request for proposals."

CLOSING OF U.S. CONSULATE IN RHODESIA

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

Mr. ANDREWS of Alabama. Mr. Speaker, the decision to close the U.S. Consulate in Rhodesia is most unfortunate. However, Secretary of State William Rogers' announcement of the closing did not surprise me. A State Department that is so inept at advising the President on Vietnam could hardly be expected to do much better on Rhodesia.

The decision is sheer idiocy. It cannot be justified on political or economic grounds. The loser in such a move is not Rhodesia; it is the United States. Once again we cut our own throat to win an international popularity contest, and, of course, we lose on both counts.

The official reason for removing the consulate is that the United States continues to refuse recognition of Rhodesian independence from Great Britain. How sanctimonious we have become that we can denounce little Rhodesia for doing the same thing to Mother England that we did in 1776.

Since Britain pulled us into this purely domestic squabble in the first place and since "officially" it is for Britain that we are harpooning Rhodesia, it might be appropriate to wonder, at least, just what Britain has done to merit such a fanatical spirit of cooperation.

She continues to operate a consulate in Hanoi, and ships under her flag sail in and out of Haiphong regularly. She

has made no reciprocal gesture to stop trading with a nation which daily kills American soldiers.

No British casualties are reported, because our great friend and ally is not helping in our effort against the Communists in Vietnam, or anywhere else, for that matter. She finds her friendship with the United States highly profitable and not the least bit dangerous.

Our battles are not Britain's battles, but her battles seem to have become ours. The logic of such an arrangement escapes me. It probably escapes most Americans, outside of the mischief-minded State Department.

Now, one must take State Department "official" lines with a grain of salt. The real reason for our stupid Rhodesian policy, which can be heard in and out of Congress on almost any day of the week from the radical left, rests on this Nation's strong disapproval of a white Rhodesian minority ruling a black Rhodesian majority.

By the standards set by many European and Asian nations, and even other African nations, Rhodesia's so-called crime is hardly as bad as many of her detractors would have us believe. Rhodesia's sins are literally dwarfed by those of a dozen Communist nations, whom we treat with utmost civility.

It is true that property and earnings qualifications for voting do exist in Rhodesia. Yet, in a land inhabited by a black majority, most of whom still live the tribal life, with their own chieftains, one might expect a voting system slightly different than our own.

Nevertheless, the merits or demerits of the Rhodesian system of voting seem hardly relevant in terms of our total foreign policy. We maintain an embassy in the Soviet Union, an enemy with unquestioned credentials.

We also have full embassies in Rumania, Hungary, Bulgaria, Czechoslovakia, and Poland, to name a few Communist nations. With these totalitarians we welcome relations and hope for communication with Red China. Yet, we refuse to welcome Rhodesia to the family of nations.

Will anyone say that the Soviet Union, under brutal and homicidal Communist Party control, upholds the principle of majority rule? And what of Russia's role in supplying weapons to the North Vietnamese to kill American fighting men? Do we really prefer China's Mao and his fellow butchers to Ian Smith?

Naturally, the Soviet Union is delighted with our actions against Rhodesia. She already charges us 50 percent more for strategic chromite than did Rhodesia when she kept us supplied. Again, we are the losers.

Our national defense is dependent on chromite, as a vital ingredient in the manufacture of armament, aircraft, missiles, and other equipment, and we are becoming dependent on Russia for our supply, since we cut off our Rhodesian market, largest in the world.

If the Rhodesian decision is a sample of President Nixon's recently announced "new approach" to foreign policy, we can only expect more of the same foolishness that we have had for years.

I urge the President to prove that this will not be the case, by retaining our consulate in Rhodesia, one of our few real friends.

DR. BURNEY TOLER HEART FUND ESTABLISHED

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

Mr. EDMONDSON. Mr. Speaker, a great Oklahoman is being memorialized through a heart fund established by friends and neighbors, to be known as the Burney Toler Memorial Heart Fund.

Dr. Burney Toler, Muskogee civic leader and a warm personal friend, died of a heart attack on February 7, 1970. He was 48 years old and in the prime of his active and productive life at the time of his death.

Dr. Joe A. Teaff, a long-time friend and colleague in the dental profession, is a leader in the move to establish a heart fund honoring Dr. Toler.

Born November 15, 1921, Dr. Toler was a graduate of the University of Missouri at Kansas City and served as a combat soldier in the European theater during World War II.

A trustee of the East Point Christian Church, Dr. Toler was an active member of the YMCA and the Chamber of Commerce of Muskogee, Okla.

A long-time booster for navigation on the Arkansas River, Dr. Toler was a member of the board of directors of the Muskogee City-County Port Authority, and was closely following the progress of construction of the new port at the time of his death.

A past president of the Muskogee County Dental Society and the Eastern Oklahoma Dental Society, he was secretary-treasurer of the State dental association and a member of the house of delegates and board of trustees of that association. He had served both as chairman and member of the State dental association legislative committee.

For many years, he had been a leader in my own campaigns for Congress in Oklahoma, and he was district chairman of the Edmondson for Congress Club at the time of his passing.

He was a great friend, a great civic leader, and one of the finest men I have ever known.

Dr. Toler is survived by his beloved wife, Katie Sue; a lovely daughter, Mrs. Mike Transue of Long Beach, Calif.; and a wonderful mother, Mrs. Grace Pitts of Muskogee. Also surviving are a sister, Mrs. Harvey McArthur of London, England; and four brothers, Jack Toler of Westport, Conn.; Lt. Col. Harold Toler of Bangkok, Thailand; Robert Toler of Ragland, Ala.; and Richard G. Toler of San Antonio, Tex.

LEGISLATION TO AMEND THE WHOLESOME MEAT ACT

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

Mr. SMITH of Iowa. Mr. Speaker, I am joining today with a number of colleagues in introducing legislation to amend the Wholesome Meat Act so as to clarify the provisions relating to custom slaughtering operations at "locker" plants.

This bill is simply a clarifying amendment to the 1967 law. It would not change the intent of that law. It would not cost any additional money. It would, in fact, do what the U.S. Department of Agriculture originally stated it could do by regulation.

After the Wholesome Meat Act became law, a number of operators of plants which butcher, process and store meat for customers which at all times is owned by the customer raised the question as to how it would apply to custom slaughtering operations—that is, the slaughtering of livestock for the owner of the livestock who plans to consume the meat on his family table.

The Department's original position was that custom slaughtering would be permitted, by regulation, under the authority of section 5 of the act. That section provides that—

> The Secretary of Agriculture may limit the entry of carcasses, parts of carcasses, meat and food products, and other materials into any establishment at which inspection . . . is maintained, under such conditions as he may prescribe to assure that allowing the entry of such articles into such inspected establishments will be consistent with the purposes of this Act.

Under the authority of this provision, the Department included in its proposed regulations for the Wholesome Meat Act a section which would allow plants to process meat from livestock or game animals on a custom basis without requiring inspection at the time of slaughter provided the custom processed meat is kept separate from meat sold to the general public and that other safeguards are taken to assure that the custom processed meat is prepared only for the owner.

However, many of these plants also sell meat which is purchased from an inspected plant and the Department's proposed regulations do not permit the custom slaughtering of livestock at plants under the same inspection provisions where that plant also prepares inspected meat for sale and sells to the general public.

The Department's present position is that the term "carcasses" in section 5 applies only to livestock slaughtered prior to entry into the plant and that, for this reason, a live animal cannot be permitted entry under the same exemption into an inspected plant to be slaughtered.

In reaching its present position, the Department also has given a strict interpretation to section 11 of the Wholesome Meat Act. That section adds a new section 23(a) to the 1907 Federal Meat Inspection Act which provides, in part, that custom slaughtering operations shall be exempt from inspection. It says:

> *Provided,* That such custom slaughterer does not engage in the business of buying or selling any carcasses, parts of carcasses, meat

or meat food products of any cattle, sheep, swine, goats, or equines, capable of use as human food.

Many locker plants are engaged in both custom slaughtering and in preparing and selling meat to the general public and, because of the Department's present interpretation of the act, it is now necessary to revise this provision so that the custom slaughtering exemption can apply to plants selling meat to the public whether it is slaughtered in or outside the plant. Otherwise, the exemption would apply to animals slaughtered outside the plant where no sanitation requirements exist but would not exempt meat slaughtering in a plant where sanitation requirements do exist.

The bill being introduced today specifically provides that all meat slaughtered or processed on a custom basis shall be kept separate at all times from meat prepared for sale to the general public and that the custom prepared meat be marked "not for sale" until it has been delivered to its owner.

These provisions are not in the 1967 law and so the bill does provide an added measure of consumer protection. It also assures that locker plant operators are not placed under any hardships which are not needed to protect consumers.

Representatives of the National Institute of Locker and Freezer Provisioners, an association representing locker plants, have advised me that they fully support the bill being introduced today. They have also stated that their association merely wants to resolve the custom slaughtering problem and is not seeking any legislation that would weaken the 1967 law or delay the protection afforded by the law.

This bill also has the support of the U.S. Department of Agriculture as well as bipartisan support on the House Agriculture Committee, to which it has been referred, and I am hopeful that favorable consideration will be given to it in both the House and Senate in the near future.

HEADSTART TEACHERS OUGHT TO RECEIVE NDEA LOAN CANCELLATION BENEFITS

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

Mr. KOCH. Mr. Speaker, it was recently brought to my attention that teachers in Headstart and other prekindergarten programs are being denied the national defense student loans cancellation benefits.

When Congress passed the National Defense Education Act in 1958, it provided students in the NDEA loan program an opportunity to cancel up to 50 percent of their loans upon subsequent teaching in an elementary or secondary school. To date the Office of Education has refused to recognize the inclusion of prekindergarten education in the definition of "elementary" for purposes of partial loan cancellation under the NDEA program.

In New York such prekindergarten classes are conducted under the auspices of the Board of Education and their teachers are regularly appointed and carry the same certificate as their colleagues teaching in the first three elementary grades. Furthermore, administratively, the State's prekindergarten classes are treated as elementary education classes and counsel for the State Education Department has ruled that "prekindergarten education constitutes 'elementary' education within the context of section 103(g) of the National Defense Education Act of 1958, as amended."

I brought this to the attention of James W. Moore, Director, Division of Student Financial Aid in the Office of Education, on February 18. On March 3, he responded and I am placing this letter in the RECORD. In short, Mr. Moore says that the Department has yet to decide whether teachers in prekindergarten programs are in fact bona fide members of the "elementary school" system even though the act defines an "elementary school" as one which "provides elementary education, as determined under State law." It is important to note that the Congress gave the States, and not the Office of Education, the responsibility for defining "elementary education"—and in New York, prekindergarten programs are included under the "elementary" umbrella.

I hope, Mr. Speaker, that the Office of Education will move rapidly in updating its administration of this program so as to extend the NDEA cancellation benefits to Headstart and other prekindergarten teachers. When the Congress originally enacted the program in 1958, we did not have Headstart programs. Since 1958 the frontier of early childhood education has opened up, and prekindergarten schooling has taken a very essential position in elementary education. Quality teachers are needed to instruct children during this most receptive stage of their lives. We should be encouraging teachers to enter this level of teaching instead of turning them away by anachronistic regulations that the wheels of bureaucracy are slow to change.

Mr. Moore's letter follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF EDUCATION,
Washington, D.C., March 3, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: Thank you for your letter of February 18, concerning the question of eligibility of Head Start and other prekindergarten teachers for partial cancellation of National Defense Student Loans.

In examining the issue of partial cancellation for Head Start teachers, I should like to begin by citing a clause from the National Defense Education Act. The relevant section of the law stipulates that partial cancellation shall be provided ". . . for service as a full-time teacher in a public or other nonprofit elementary or secondary school in a State. . . ." Also, the Act defines an "elementary school" as one which "provides elementary education, as determined under State law or if such school is not in any State, as determined by the Commissioner."

In the case of Head Start and other prekindergarten programs, there is a question of determining whether the teachers in these pre-primary classrooms are in fact *bona fide* members of the "elementary school" system.

Because of the diversity in scope and quality of various pre-kindergarten programs, the Office of Education is studying the problem of cancellation for pre-kindergarten teachers on a national basis. To insure equity for borrowers throughout the country, we want to establish acceptable ground rules which will apply in all states. After consulting with our Office of General Counsel, we plan to issue guidelines to all participating institutions of higher education, in order that cancellation requests for the current year will be judged by similar standards in all states.

The issue of equity for all borrowers in receiving cancellation benefits is of great concern to us. We appreciate your interest in this matter, and we thank you for your thoughtful comments on this subject of our mutual concern.

Sincerely yours,

JAMES W. MOORE,
Director, Division of Student Financial Aid.

EMERGENCY PROGRAM TO COMBAT HEROIN EPIDEMIC IN NEW YORK CITY

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

Mr. KOCH. Mr. Speaker, the growing use of drugs by teenagers has occupied the front pages of our newspapers and demand the concern of parents across the country. Despite the enormous number of people involved, and the growing magnitude of this problem, little is actually being done by the Federal, State, and local governments to combat it.

The situation is particularly acute in New York City where there are now 25,000 teenager heroin addicts. Last year there were 224 known deaths of child addicts and this year the toll already has passed 40.

What in fact we are faced with in New York City is a heroin epidemic. It is an epidemic likened to that of any of the more orthodox "communicable diseases" demanding immediate action. I believe it is incumbent upon the Federal Government to act now in providing a massive increase in Federal funds for narcotic detection and treatment. The alternative is to allow the continued spread of this social disease dealing irreparable damage to its victims and their families.

Last Saturday, in New York City, I proposed a three-point emergency program for curbing this epidemic. I would like to insert in the RECORD my statement of March 7 and the measures to be undertaken through the coordinated efforts of the city, State, and Federal Governments. My proposals are as follow:

STATEMENT BY CONGRESSMAN EDWARD I. KOCH OUTLINING PROPOSALS TO COMBAT TEENAGE HEROIN ADDICTION IN NEW YORK CITY

Drug addiction is the most troubling problem in our City today. Parents of teenagers are terribly worried about the danger posed to their children by the number of heroin addicts in our schools and on the streets. Even parents of younger children are concerned about the dangers their children will confront in future years by this growing drug culture.

While the City has approximately 4% of the nation's population, we have more than 50% of the nation's heroin addicts. Last year there were 224 known deaths of child ad-

dicts, and more deaths are reported daily. It has been estimated that New York City now has 25,000 teenage heroin addicts. The simple fact is that New York City has a heroin epidemic.

Little has been done on any governmental level in trying to halt this frightening and tragic epidemic. I think we must tackle this problem as we would the outbreak of any other epidemic—with immediate action to publicize, detect, quarantine and treat the school-age heroin and hard drug users in our City.

To curb this epidemic, I propose the following three-point emergency program to be undertaken by the co-ordinated efforts of the City, State, and Federal governments.

DETECTION

That unannounced tests be conducted in New York City's junior high and high schools to detect heroin use through urine analysis examinations.

That a voluntary program be conducted at community centers where parents can bring their children for testing if they are worried that their children may be using hard drugs.

That the Secretary of HEW utilize the Communicable Disease Center of the Health Services and Mental Health Administration or a similar emergency force to assist city health personnel with epidemic control measures including any infectious diseases such as hepatitis associated with heroin addiction.

That President Nixon and the Congress provide an emergency appropriation of $15 million for the initial testing in New York City schools, comparable to the $26 million already spent by the federal government to vaccinate 55 million school children against German Measles.

QUARANTINE AND TREATMENT

That teenagers testing positively for heroin use be temporarily quarantined without being separated from their parents and given medical and psychiatric attention.

That existing city health regulations be applied or new emergency health regulations promulgated providing for the temporary quarantine of these heroin users.

That temporary emergency treatment centers in existing facilities, such as hospitals and community centers, be established.

That the level of funding OEO and NIMH community addiction assistance projects by the federal government ($17 million for fiscal year 1971) be increased ten-fold to $170 million so as to provide NYC with additional funds for the emergency treatment centers including renewal of the existing OEO grant to the City.

PUBLICITY

That local radio and tv stations devote a portion of their prime advertising time to spot announcements about teenage addiction so that parents may be alerted to the availability of voluntary testing and treatment and young people warned of the dangers of drug use and addiction.

That the existing public information program on drug abuse conducted by the Federal Bureau of Narcotics and Dangerous Drugs and the National Institute of Mental Health be greatly expanded by increasing Federal expenditures from $4 million per year to $40 million.

* * * * *

I have written to President Nixon, HEW Secretary Finch, and Mayor Lindsay, setting forth these proposals.

This year the Nixon Administration is spending $50 million nationwide on narcotics addiction. It proposes to spend $60 million next year. The fight must be pressed for a massive increase in federal funds if New York City is to bring its drug epidemic under control. It is an outrage that the federal government is currently spending only one four-thousandth of its total budget on narcotics addiction treatment.

We must recognize that the problem before us is acute. Were it an epidemic of a communicable disease in the traditional sense, we would not just sit by and let the number of victims continue to grow.

We should not undertake such an emergency program if medical and psychiatric treatment cannot be made available for each school child discovered to be a heroin user. They cannot be treated like juvenile delinquents. These children are ill and must be restored to health.

I urge those persons who share my concern to write Mayor Lindsay, Governor Rockefeller, and President Nixon, asking that this emergency program be immediately undertaken.

JUSTICE DOUGLAS' BOOK "POINTS OF REBELLION"

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

Mr. SCOTT. Mr. Speaker, the second section of "Points of Rebellion" by Mr. Justice Douglas is not long. It commences with various criticisms of our conduct of foreign affairs and concludes with the statement the author credits to Adolf Hitler: "We need law and order." Sandwiched between are these "patriotic" observations:

Our youth rebelled violently when Mr. Johnson used his long arm to try to get colleges to discipline the dissenters and when he turned the Selective Service System into a vindictive weapon for use against the protestors. . . .

But we know that preparedness and the armament race inevitably lead to war. Thus it ever has been and ever will be. Armaments are no more of a deterrent to war than the death sentence is to murder. . . .

The Pentagon has a fantastic budget that enables it to dream of putting down the much-needed revolutions which will arise in Peru, in the Philippines, and in other benighted countries. . . .

The mass media—essentially the voice of the Establishment—much of the time reflects the mood of the Pentagon and the causes which the military-industrial complex espouses. So, we the people are relentlessly pushed in the direction that the Pentagon desires. . . .

Police practices are anti-Negro.

Employment practices are anti-Negro.

Housing allocation is anti-Negro.

Education is anti-Negro. . . .

For the poor, the interest rates have been known to rise to 1000 per cent a year. . . .

Yet another major source of disaffection among our youth stems from the reckless way in which the Establishment has despoiled the earth. The matter was put by a 16-year-old boy who asked his father, "Why did you let me be born?"

Youthful dissenters are not experts in these matters. But when they see all the wonders of nature being ruined, they ask, "What natural law gives the Establishment the right to ruin the rivers, the lakes, the ocean, the beaches, and even the air". . .

There are "colonies" within the United States. West Virginia is in a sense a microcosm of such a colony. It is partially owned and effectively controlled by coal, power, and railroad companies, which in turn are controlled by vast financial interests of the East and Middle West. The state legislature answers to the beck and call of those interests. . . .

Political action that will recast the balance will take years. . . .

The truth is that a vast bureaucracy now runs the country, irrespective of what party is in power. The decision to spray sagebrush or mesquite trees in order to increase the production of grass and make a cattle baron richer is that of a faceless person in some federal agency. Those who prefer horned owls or coyotes do not even have a chance to be heard. . . .

The truth is that a vast restructuring of our society is needed if remedies are to become available to the average person. Without that restructuring the good will that holds society together will be slowly dissipated.

It is that sense of futility which permeates the present series of protests and dissents. Where there is a persistent sense of fertility, there is violence; and that is where we are today.

The use of violence is deep in our history. . . .

We are witnessing, I think, a new American phenomenon. The two parties have become almost indistinguishable; and each is controlled by the Establishment. The modern day dissenters and protesters are functioning as the loyal opposition functions in England. . . .

These statements made by a private citizen would not attract a great deal of attention but, when made by a sitting Justice of our Supreme Court, one wonders whether the author, because of age or other infirmity, has become so hostile to existing American institutions as to prevent him from impartially deciding issues coming before our Highest Court.

Monday, the remaining section of the book will be reviewed. It is entitled "A Start Toward Reconstructing Our Society." However, this is more than a book review. The book contains the thoughts of a man sworn to uphold our laws, paid by our Government at the highest executive level, and a member of the Highest Tribunal that interprets the law of the land. Can he perform the functions of his office? His voluntary retirement would resolve the issue.

LABOR DISPUTES RESULTING IN WORK STOPPAGES

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

Mr. BROCK. Mr. Speaker, labor disputes resulting in work stoppages, with all of their unfortunate effects, including personal hardships and economic dislocation, will always be with us. It is one of the inevitable facts in a democratic system of free enterprise. The struggle of labor and the painful maturing of management have been a long and difficult process—benchmarked by a few major laws passed to insure equity for all.

Because of the immense changes over the past two decades, I believe that major economic and social forces now exist which require another significant legislative step. The awesome size of certain industries no longer permits a "public be darned" attitude while labor and management interests grope toward another inflationary settlement.

Yet here we go again. The financial loss which will occur if the nation's railroads strike, will run into the hundreds of millions of dollars. No one can gain from

this tremendous waste and millions could suffer because of it. The scars and economic dislocation of many individuals and industries will be permanent.

New legislation is necessary to expand the Taft-Hartley Act to cope with those few management-labor problems involving the national interest where settlements under existing collective-bargaining practices, Federal facilities and statutes are not possible without extraordinary costs and inconveniences to the American people. In the first session of this Congress, I introduced legislation to establish a tribunal for the settlement of those disputse that meet the Taft-Hartley criteria for jurisdiction; that is, disputes that are interstate and affect the national health and safety. Unique to this approach will be the very strong influence of the public on the terms of settlement.

Modeled after the Australian system, the bill will establish a commission and a court.

The seven-member Commission and the five-member court will have limited term appointments made under the "Missouri plan." Under this plan the President will appoint a panel of distinguished citizens who will recommend three candidates for each vacancy. In selecting members from these nominees, the President will insure that the general public—its interest and welfare—is represented along with the interests of labor and management. This bill will avoid the major shortcoming of the present system of appointing different boards for each dispute. In addition, the bill will dissolve the intolerable present pattern of compulsory arbitration evidenced in railway disputes.

Another feature of this legislation is its use for accommodating the unpleasant and often emotionally charged disputes in the public service area. Under this bill the Commission and the court can accommodate disputes not meeting the specified national emergeny criteria if the parties to the disputes have previously and voluntarily, through collective bargaining, indicated their willingness to submit their differences to Commission jurisdiction. I believe that many areas of employment not involving interstate commerce or products affecting the national health and safety will voluntarily partake of the services offered by this legislation. In addition to manufacturing and other businesses, this aspect of the legislation looks toward the public service oriented professions of education, health services, local transportation, trash removal, police, and fire protection.

Congress has once again stepped into a labor-management dispute, and by its actions has only temporarily averted a national crisis. If we legislate a settlement in the current railroad dispute, it will be the third time in the past 7 years that it has ordered a compulsory settlement in a private labor-management crisis. Both of the previous instances involved railroads and one the same shopcraft unions. These disputes should not reach Congress. My bill will take the settlement responsibilities out of the hands of the Congress and put it where it belongs—with a nonpartisan commission to conciliate, arbitrate, and adjudicate disputes, and, court to enforce the terms of settlement as well as to consider disputes arising under the settlement.

It should not take more strikes, more inflation, and more inconvenience to arouse public opinion to the point where the Congress will be forced to take positive action. That time is here. The flood of correspondence from constituents, and the growing demand for solutions from both management and labor all testify to this. We have the motivation, and the capability in this congressional session to do something. If we do not, we can be sure that a reasoned, balanced solution will be much harder to achieve the next time; and the next time is not as far in the future as some of us might hope.

Mr. Speaker, the text of the bill follows:

H.R. 9245

A bill to expand upon the economic freedom and public responsibility of American industry, to encourage the opportunity for the American worker to bargain collectively in his own best interests without economic deprivation, and to guarantee the American consumer and taxpayer protection from the abuse of excessive concentration of power

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Management-Labor Commission and Court Act".

STATEMENT OF POLICY

SEC. 2. (a) Continuing industrial peace is paramount to the interests of the Nation and is necessary to employers and employees alike. This peace can best be achieved through established laws and procedures for collective bargaining between the representatives of management and labor. Settlements of issues and disputes should be continued through active and sincere voluntary negotiations by the parties concerned to agree on rates of pay, laws and conditions of work, length of contract, and any other issues of employment.

(b) This Act is addressed to only that limited segment of our management-labor forum wherein the Nation's health and safety would be impaired through a secession of interstate commerce. It is presumed that the great majority of our labor disputes do not involve the above criteria and will continue to be negotiated and settled under existing collective-bargaining practices, laws, and Federal facilities. When the criteria for judicial action are met, this Act will provide for appropriate representation of the public interest and the consumer during the bargaining, arbitration, and adjudicated process. Disputes not meeting the criteria for jurisdiction can be handled by the expertise of this jurisdiction if the parties of the dispute have previously and voluntarily indicated this interest. It is anticipated that many intrastate activities which affect the public interest to a substantial degree will voluntarily partake of this facility. In addition to manufacturing and other businesses, such activities include the public service oriented professions of education, transportation, trash removal, and police and fire protection.

ESTABLISHMENT OF MANAGEMENT-LABOR COMMISSION

SEC. 3. There is hereby established a Management-Labor Commission (hereinafter referred to as the "Commission") to be composed of seven Management-Labor Commissioners (hereinafter referred to as the "Commissioners").

NATIONAL EMERGENCY STRIKES AND LOCKOUTS

SEC. 4. For purposes of this Act, a strike or lockout shall be deemed to be a national emergency strike or lockout, and therefore within the purview of this Act, if it affects an entire industry, or a substantial part thereof, engaged in trade, commerce, transportation, transmission, or communication among the several States or with foreign nations, or engaged in the production of goods for commerce, and will, if permitted to continue, imperil the national health or safety.

APPOINTMENT OF COMMISSIONERS

SEC. 5. (a) The President shall appoint a panel of distinguished citizens who shall be assigned the functions of selecting three candidates for each vacancy on the Commission. The President shall, by and with the advice and consent of the Senate, appoint to fill each vacancy on the Commission one of the candidates selected by the panel to fill the vacancy.

(b) The terms of office of Commissioners shall be fourteen years, except that (1) the terms of office of the Commissioners first appointed shall commence on the date of enactment of this Act and shall expire one at the end of the second year, one at the end of the fourth year, one at the end of the sixth year, one at the end of the eighth year, one at the end of the tenth year, one at the end of the twelfth year, and one at the end of the fourteenth year, after such date, as determined by the President at the time of appointment, (2) any Commissioner appointed to fill a vacancy occurring prior to the expiration of the term of office for which his predecessor was appointed shall be appointed only for the remainder of such term, and (3) upon the expiration of the term of office of a Commissioner he shall continue to serve until his successor is appointed and has qualified.

(c) The panel of citizens referred to in subsection (a), and the President, shall both take action necessary to insure that the interests of consumers are adequately represented on the membership of the Commission, as well as the interests of management and labor.

ORGANIZATION OF THE COMMISSION

SEC. 6. (a) The President shall designate one of the Commissioners to act as Chairman of the Commission, and one Commissioner to act as Vice Chairman of the Commission.

(b) (1) Section 5313 of title 5, United States Code, is amended by adding at the end thereof the following:

"(19) Chairman, Management-Labor Commission."

(2) Section 5314 of such title is amended by adding at the end thereof the following:

"(46) Commissioners, Management-Labor Commission."

(c) Subject to the civil service and classification laws, the Commission is authorized to select, appoint, employ, and fix the compensation of such officers and employees, as shall be necessary to enable it to carry out its powers and duties under this Act.

(d) The Chairman of the Commission shall be its chief executive and administrative officer and shall exercise the responsibility of the Commission with respect to (1) the appointment and supervision of personnel employed by the Commission, (2) the distribution of business among the Commission's personnel, and (3) the use and expenditure of funds. For executing and administering the functions of the Commission on its behalf, the Chairman shall be governed by the general policies of the Commission and by its decisions, findings, and determinations. The Vice Chairman shall perform the duties of the Chairman during his absence or disability. Four Commissioners shall constitute a quorum of the Commission.

(e) The provisions of sections 9 and 10 (relating to the attendance of witnesses and the production of books, papers, and documents) of the Federal Trade Commission Act of September 16, 1914, as amended (15 U.S.C. 49, 50), are hereby made applicable to the jurisdiction, powers, and duties of the Commission.

JURISDICTION AND DUTIES OF THE COMMISSION

SEC. 7. (a) If the Commission believes there is a likelihood that a national emergency strike or lockout will occur, it shall forthwith make conciliation, mediation, and arbitration services available to the parties to the dispute, but only if all parties to the dispute agree.

(b) Whenever, in the opinion of the President, a national emergency strike or lockout is threatened or in effect, he shall direct the Attorney General to petition the Commission to assume jurisdiction of the dispute. If the Commission then determines that a national emergency strike or lockout is threatened or in effect, the Commission shall assume jurisdiction of the dispute. The Commission shall also assume jurisdiction of any dispute which threatens or has led to a strike or walkout in an industry if, but only if, all parties to the dispute have petitioned the Commission to assume such jurisdiction.

(c) When the Commission assumes jurisdiction of a dispute under subsection (b), it shall issue an order prohibiting the continuation of the strike or lockout for a period of one hundred and ten days, or until an agreement resolving all issues in the dispute has been reached. Such an order may include requirements affecting rates of pay and working conditions to be applicable during the period the order is in effect.

(d) When the Commission takes jurisdiction of a strike or lockout, the Chairman of the Commission shall designate two or more members of the Commission as a board of inquiry. It shall be the duty of the board of inquiry to conduct an inquiry into the dispute. Within eighty days after the Commission has assumed jurisdiction of a dispute the board shall make a full report on the results of its inquiry to the full Commission. Such a report shall contain the recommendations of the board with respect to the resolution of all issues in the dispute. The Commission may require the parties to a dispute to attend hearings before the board of inquiry and produce testimony and documentary evidence with respect to the causes and circumstances of the dispute, and to attend conferences or sessions of the board of inquiry in order to consider and discuss the positions of the parties and possibilities or proposals for settlement; and the Commission may make such orders as are necessary or appropriate to require the parties, or any of them, to make every effort in good faith voluntarily to adjust and settle their differences.

(e) If, at the end of eighty days after it has assumed jurisdiction of a national emergency strike or walkout, the parties have not reached an agreement, within thirty days from the end of such period, the Commission shall issue an order to the parties, shall prescribe the terms and conditions of employment to be in effect, and the period during which they shall be in effect. Such an order may incorporate by reference the provisions of collective bargaining agreements which are not in dispute.

ESTABLISHMENT OF MANAGEMENT-LABOR COURT

SEC. 8. There is hereby established a Management-Labor Court (hereinafter referred to as the "court") to be composed of a chief judge and four assistant judges.

APPOINTMENT OF JUDGES

SEC. 9. (a) The President shall appoint a panel of distinguished citizens who shall be assigned the function of selecting three candidates for each vacancy on the court. The President shall, by and with the advice and consent of the Senate, fill each vacancy on the court by appointing one of the candidates selected by the panel to fill the vacancy.

(b) The terms of office of the judges on the court shall be ten years, except that (1) the terms of office of the judges first appointed shall commence on the date of enactment of this Act and shall expire one at the end of the second year, one at the end of the fourth year, one at the end of the sixth year, one at the end of the eighth year, and one at the end of the tenth year after such date, as determined by the President at the time of appointment, (2) any judge appointed to fill a vacancy occurring prior to the expiration of the term of office for which his predecessor was appointed shall be appointed for the remainder of such term, and (3) upon the expiration of the term of office of a judge he shall continue to serve until his successor is appointed and has qualified.

ORGANIZATION OF THE COURT

SEC. 10. (a) The President shall designate one of the judges to act as chief judge, and the remainder as assistant judges.

(b) The chief judge of the court shall receive the same compensation as is received by the chief judge of a United States district court and each of the assistant judges of the court shall receive the same compensation as is received by judges of a United States district court.

(3) The court shall sit in the District of Columbia.

(d) The court may appoint and fix the compensation of such officers and employees, and may incur such other expenses, as may be necessary to enable it to carry out its functions.

(e) The court and each judge thereof shall possess all the powers of a district court of the United States for preserving order, compelling the attendance of witnesses and the production of evidence, and the provisions of section 401 of title 18, United States Code (relating to authority to punish for contempt) and section 1651 of title 28 of such Code (relating to the issuance of writs) shall be applicable to the court. Process of the court may be served within the territorial jurisdiction of any court of the United States.

(f) The proceedings of the court shall be conducted in accordance with such rules of practice and procedure (other than rules of evidence) as the court may prescribe and in accordance with the rules of evidence applicable in trials without a jury in the United States District Court for the District of Columbia.

JURISDICTION OF THE COURT

SEC. 11. (a) When the Commission has issued an order under section 4 resolving a dispute it shall thereby be divested of its jurisdiction over the matter, and thereafter the court shall be vested with jurisdiction to hear, determine, and render judgment with respect to all questions of law or fact arising under the order.

(b) Decisions of the court shall be final unless they are arbitrary or capricious or are violative of a right conferred by the Constitution of the United States, in which case the Supreme Court shall have exclusive appellate jurisdiction.

SUSPENSION OF NATIONAL LABOR RELATIONS BOARD PROCEEDINGS

SEC. 12. Section 10 of the National Labor Relations Act is amended by adding at the end thereof the following new subsection:

"(n) Whenever a matter before the Board is included in a labor dispute over which the Management-Labor Commission is vested with jurisdiction, the Board shall discontinue all proceedings in such matter."

DEFINITIONS

SEC. 13. For purposes of this Act, the terms "commerce", "affecting commerce", and "labor dispute" have the same meaning such terms have when used in the National Labor Relations Act.

REPEALS

SEC. 14. (a) Sections 206, 207, 208, 209, and 210 of the Labor-Management Relations Act, 1947, are repealed.

(b) Section 10 of the Railway Labor Act is repealed.

EFFECTIVE DATE

SEC. 15. This Act shall become effective on the date of its enactment, except that proceedings already commenced on such date shall be carried through to completion without regard to the provisions of section 14.

DEMOCRAT "HANGER-ON-ERS"

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

Mr. SCHERLE. Mr. Speaker, HEW continues to confirm the adage, "the more things change, the more they remain the same"—at least in the Federal Government.

Willard Edwards, Chicago Tribune columnist, has documented another case of Democrat "hanger-on-ers" being rewarded by appointments to top Government jobs. Considering the recent warning by Robert J. Myers, a career civil servant, that Democratic holdovers are sabotaging the Nixon program at HEW, it would be well to use a little discretion in appointing such dedicated Democrats as Robert R. Aptekar as Director of the Division of Child and Family Service.

If the so-called talent bank whiz-kids are unable to find highly qualified Republicans to fill these positions, then President Nixon's programs will never be fully implemented.

I include at this point two pertinent news articles:

[From the Chicago (Ill.) Tribune, Mar. 10, 1970]

DEMOCRAT RISES IN HEW

(By Willard Edwards)

WASHINGTON, March 9.—Another remarkable success story—a heartwarming tale of how to rise in government—is circulating in administration circles.

The hero of this account is Robert R. Aptekar, 28, who has been appointed director of the division of child and family services, Community Services administration, social and rehabilitation service, department of health, education, and welfare.

The position carries a grade 14 rating, commensurate with its impressive title, and a salary of approximately $17,500.

The appointment startled a number of officials acquainted with Aptekar's earlier record and activities as a grade 13 specialist [$14,000] with the title of assistant to the director, program development division office of program policy, community action program, office of economic opportunity [OEO].

These officials thought Aptekar was on his way out of the OEO as the result of his "disruptive" operations. They found that he had, indeed, left the OEO, only to emerge with a sizable increase in authority and salary in HEW.

Government files give this chronological account of Aptekar's rapid advance in government service:

Born in Detroit, educated at Wayne State university where he was vice president of Young Democrats in 1961, he became a government employe in 1966 under the Johnson administration.

He never concealed his partisan fervor and his antagonism to the Nixon administration when it took over in January, 1969.

He took a leading role in support of the Oct. 15 and Nov. 15 moratorium activities last year. He passed out literature within and outside the OEO headquarters and set up microphones and platforms outside the building for speeches against the President and his Vietnam war policies.

Even for OEO, which is extremely broad-minded about the activities of its employes, Aptekar's operations were considered beyond the rules. He was dubbed "a leader in disruptive actions of OEO summer employes in 1969."

The chief and assistant chief, career development branch, OEO personnel office, said that they would not recommend him "for a position of trust" in government.

Despite these obstacles, on Dec. 8, 1969, Steven Simonds, commissioner, Community Services administration, HEW, a Democrat, announced Aptekar's choice as his new director, child and family services.

Subsequent inquiry revealed that no other candidates had been considered altho the post was supposed to be advertised for a period as open to all interested applicants.

On Jan. 26, 1970, Patrick Gray, executive assistant to HEW Secretary Robert Finch, announced his disapproval of Aptekar's appointment. It was withdrawn.

On Feb. 1, Frederick V. Malek, deputy undersecretary of HEW, took over some of Gray's administrative duties, including jurisdiction over the Aptekar matter. He was provided with the adverse information on Aptekar and advised that he had been twice rejected by HEW.

On Feb. 12, Malek approved the appointment.

As Aptekar's supporters hailed this triumph, one high official commented bitterly in a filed protest: "I regard this as among the worst personnel decisions made to date and in the face of adequate warning."

The moral was not lost on government career men. In an administration where Democratic holdovers remain powerful they noted, it certainly does not hurt and indeed, it may be helpful to be known as a foe of the President's policies.

[From the Washington (D.C.) Evening Star]

SOCIAL SECURITY POLICY SABOTAGE IS CHARGED

(By Joseph Young)

The chief actuary of the Social Security Administration charges that Democratic holdovers and career employes are sabotaging the Nixon's administration's "moderate" policies and substituting their own "expansionist" policies.

Robert J. Myers, a GS-18 career employe who entered civil service in 1934 and has been social securities chief actuary since 1947, appears to place the blame for the situation on Health, Education and Welfare Secretary Robert H. Finch who, he implies is trying too hard to please the Democratic Congress. Myers earns $33,000 a year.

"Wilbur Cohen (HEW secretary under former President Lyndon B. Johnson) might just as well still be secretary as far as any change in attitude is concerned," Myers said.

SABOTAGE CHARGED

Myers made his "moderates vs. expanionists" views known in a speech before the American Pension Conference and later expanded on them in an interview.

Myers charged that Social Security career employes twisted policy and sabotaged Social Security programs during the Eisenhower administration.

He said some of the top career people would write the testimony for the various HEW secretaries to present to Congress, then would slip questions to Democratic congressmen on the House Ways and Means Committee designed to "rip holes" in the testimony.

Regarding the present situation under Finch, Myers noted that both the commissioner and deputy commissioner of Social Security are holdovers from the Johnson administration.

DRASTIC EFFECT SEEN

He said the Nixon administration's policy of moderation in Social Security—that the Social Security System be kept up to date with changes in economic conditions and that any weaknesses or deficiencies which show up be remedied—is being shunted aside by careerists and political holdovers who he said embrace the "expansionist" philosophy.

Myers said the "expansionists" want to provide full economic protection when an earning loss occurs. They also advocate that the government should provide a level of income for retirees and disabled persons which is virtually as high as income before retirement, Myers charged.

If the expansionists have their way, Myers asserted, it would have a drastic effect on the nation's economy, greatly reducing private savings and pension plans, reducing investments funds for private industry to expand economic-productivity activities, and would ultimately result in increased government regulation and control "and even ownership of productive activities."

Myers said civil service career employes should be limited to carrying out impartially the policies of the administration in power.

"In the policy-planning field, however, the top policy officials should have staff members working for them who are fully sympathetic to their views nad approaches," Myers said. "Too much civil service and too little flexibility in filling top personnel posts can easily hamstring any administration in a particular area."

"For example, if the high-ranking civil service technical employe is of the same conviction as a public advocate of the 'out' party, how can it be expected that he will produce a vigorous, air-tight rebuttal for his political superior to an attack on administration proposals by such an advocate?" Myers asked.

There have been a lot of rumblings among some top Nixon appointees in recent months that career government employes in their departments and agencies have been thwarting their programs.

But none have been willing to be quoted until now when, ironically, Myers, a career official, made the charge against his colleagues.

LEGISLATION TO ASSIST IN CERTAIN CRIMES AFFECTING FINANCIAL INSTITUTIONS

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

Mr. WIDNALL. Mr. Speaker, on December 4, 1969, the Banking and Currency Committee began hearings on a bill which was intended to assist in the investigation and prosecution of crimes in which foreign bank accounts were utilized to thwart our enforcement agencies. Despite the fact that the administration has been wholeheartedly in favor of legislation in this area it has been crucified by the press for withholding support of the initial bill (H.R. 15073) which had been drafted virtually without any consultation with the various kinds of financial institutions which would have to operate under the measure.

I commend the administration for not allowing itself to be stampeded by the press or political pressure into support for bad legislation. I commend it too for the thought and effort which it has put into the development of legislation which is both stronger and more workable. I have introduced this legislation today (H.R. 16444) which is the administration bill. I want to point out that this is the first administration seriously to study this problem and I think the enactment of this bill will prove in time that given proper study, sound legislation can be developed.

H.R. 15073 imposes excessive burdens upon the American public while insufficiently attempting to improve law enforcement effectiveness fostered by the United States and foreign financial transactions. H.R. 15073 is unacceptable principally because—

First. It imposes recordkeeping requirements on financial institutions which I believe are wasteful and counterproductive and which would impose undue costs upon the American public and the American economy. No justification has been made in our hearings for imposing these requirements as set forth in the bill;

Second. H.R. 15073 sets forth purposes totally inconsistent with the stated purpose of H.R. 15073 to curb the illegal use of foreign bank accounts. By comparison, H.R. 16444 provides a relevant standard for the Secretary of the Treasury to apply in establishing recordkeeping requirements; namely, those records which "are likely to have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings"; and

Third. H.R. 15073 contains unnecessary recordkeeping and reporting requirements upon all persons engaged in foreign transactions. This provision is especially unrealistic in light of the fact that the Internal Revenue Service will require the disclosure of interests by U.S. taxpayers in foreign bank accounts on the 1970 income tax forms.

In the letter of March 12, 1970, to the chairman from Mr. Rossides it was pointed out that what I can now refer to as this administration bill, H.R. 16444, would maximize assistance to law enforcement and minimize the burdens upon the public and economy. H.R. 15073, by contrast, does the reverse—it maximizes these burdens while minimizing enforcement effectiveness. H.R. 16444 offers the further advantages of brevity, clarity, ease of application and flexibility not shared by H.R. 15073.

Appended herewith is the transmittal letter received this morning from Assistant Secretary of the Treasury Rossides which points out the differences between the two bills. I ask that they be put in the RECORD.

THE DEPARTMENT
OF THE TREASURY,
Washington, D.C., March 12, 1970.

Hon. WRIGHT PATMAN,
Chairman, Banking and Currency Committee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Transmitted herewith is a draft bill which would carry out the recommendations made in my testimony before this Committee on March 2, 1970. The Treasury Department believes this draft will better achieve the stated objective of H.R. 15073, to curb the use of foreign financial transactions in connection with tax evasion and other crime by U.S. citizens and residents without imposing upon the public and the economy the unwarranted burdens that would result from enactment of the current version of H.R. 15073 (Committee Print dated

March 11, 1970, which is the latest version which has been made available to us).

The Treasury draft would maximize assistance to law enforcement and minimize burdens upon the public and economy. H.R. 15073, by contrast, does the reverse—it maximizes these burdens while minimizing enforcement effectiveness. Our draft bill offers the further advantages of brevity, clarity, ease of application and flexibility not shared by H.R. 15073.

We have undertaken to prepare and submit this alternative draft because of the failure of our representatives to reach any reasonable accord with the Committee and House staff in amending H.R. 15073 to accommodate the points raised in my testimony on March 2, 1970. The failure to reach an accommodation surprised me especially in light of the favorable reaction of yourself and the other Committee members to that testimony.

Because of the tight time schedule set by the Committee, our technical experts have been compelled to work upon this legislation, consult with the Committee staff, and at the same time conduct a full week of day-long discussions with representatives of the Swiss government concerning the possibility of a treaty germane to the subject matter of this legislation. These facts have been made known to the Committee.

At this time, I would like to point out to you and the members of the Committee the principal reasons why H.R. 15073 should be amended by substituting the attached Treasury draft bill.

1. MANDATORY RECORDKEEPING

Section 21(d) of the revised Committee print of H.R. 15073 would require the mandatory photocopying at least one time and perhaps more (due to the lack of clarity of the language) of every check which passes through the American banking system, the overwhelming percentage of which are entirely domestic transactions without any connection to foreign bank accounts and which are of minimal interest in domestic law enforcement. At a minimum, this would require copies be made annually of over 20 billion items. This figure would increase in the future with the rapid expansion of banking facilities in the United States.

As pointed out in my testimony, this kind of record-keeping is wasteful, duplicative and counterproductive.

On the other hand, the Treasury bill would authorize the Secretary to require these records (as well as other records) if, and to the extent, he determines they are likely to have a high degree of usefulness in criminal, tax or regulatory investigations or proceedings. The Treasury approach would give the needed flexibility to require those records be kept which are in fact deemed necessary.

Section 101 of H.R. 15073 contains exactly the opposite stress from that which the Treasury Department has concluded to be correct at this time. Whereas the Treasury Department in its testimony indicated the precise types of records that should be kept with respect to international transactions, we concluded that there was insufficient knowledge at the present time as to which additional records should be required of domestic transactions. By comparison, H.R. 15073 requires the photographing of all checks drawn on domestic banks without regard to any international connections, and as a secondary matter establishes authority for the Secretary of the Treasury to require such other records as he may prescribe. This latter provision is presumably intended to allow requirements for records of international transactions.

2. STATED PURPOSES OF BILL AND STANDARDS FOR ADMINISTRATIVE ACTION

Sections 21(a)(1), 21(f), 411(a)(1), and 411(f) of H.R. 15073 when combined give the Secretary of the Treasury a highly questionable type of authority and one which is clearly not relevant to the ostensible purpose of H.R. 15073 indicated by the Committee to curb the illegal use of foreign bank accounts. These sections would permit the Secretary of the Treasury to require insured banks and savings institutions to maintain any records and evidence which he considered would facilitate the supervision of the businesses of banking and savings institutions.

Similarly, Section 202 of Title II of H.R. 15073 states that two of the purposes of this Title are to facilitate the supervision of financial institutions properly subject to Federal supervision, and to provide for the collection of statistics for the formulation of monetary and economic policy. General Federal supervision of the types of businesses subject to reporting requirements under this Title is unrelated to the need to curb the illegal use of foreign bank accounts or the need to improve law enforcement in general.

By comparison, all three operative sections of the Treasury bill provide a very relevant standard for the Secretary to apply in considering the types of records financial institutions should be required to maintain and the types of reports which must be filed, namely, those which "are likely to have a high degree of usefulness in criminal, tax or regulatory investigations or proceedings."

3. TYPES OF FINANCIAL INSTITUTIONS SUBJECT TO RECORDKEEPING REQUIREMENTS

Whereas Section 123(b) of H.R. 15073 limits the types of businesses which could be subject to recordkeeping requirements, Section 102(g) of the Treasury bill would permit the Secretary to extend these recordkeeping requirements to other types of institutions as he may specify. This gives the Secretary necessary flexibility to carry out the objectives of the Treasury legislation.

4. ENFORCEMENT OF PROVISIONS FOR REPORTS OF EXPORTS AND IMPORTS OF CURRENCY

The provisions of H.R. 15073 which are relevant to enforcing the requirement for reports of exports and imports of currency are seriously deficient.

First, there is no clear delegation of authority to the Bureau of Customs to undertake the necessary enforcement. The Treasury bill would authorize Customs to do this to the extent necessary.

Second, it would be of considerable advantage to treat the points of export and import the same as for customs duty purposes. This would permit coordination with the customs duty program by the Bureau of Customs. However, Section 231(a)(1) of H.R. 15073 establishes the boundaries for this purpose as "any place subject to the jurisdiction of the U.S." Such boundaries are not the boundaries for customs duties purposes which are restricted to the fifty states, the District of Columbia, and Puerto Rico. By comparison, the Treasury bill permits uniformity of treatment.

5. FLEXIBILITY WITH RESPECT TO REPORTS OF EXPORTS AND IMPORTS OF CURRENCY

In addition, Section 231(a) of H.R. 15073 fixes specific $5,000 individual and $10,000 annual minimum figures for reporting exportations and importations of currency. By comparison, the Treasury bill does not fix any minimum figures, but permits the Secretary to have the necessary flexibility to set the minimum reporting figures at the optimum levels for both individual and annual amounts of currency transported.

Section 231(b) of H.R. 15073 sets forth the specific information which must be reported in connection with exports and imports of currency. This provision does not contain even sufficient flexibility to permit the Secretary to require individuals filing these forms to give their Social Security numbers, which are vital for the Internal Revenue Service to relate the information of the currency transportation to the income tax record of the reporting individuals or their principals.

By comparison, Section 302(c) of the Treasury bill is broad enough to give the Secretary sufficient flexibility to require all necessary information on these reports.

6. RECORDS AND REPORTS BY INDIVIDUALS AND CORPORATIONS OF THEIR FOREIGN TRANSACTIONS

The Treasury Department believes that Sections 241 and 242 of H.R. 15073 should be deleted as these Sections provide for much unnecessary reporting and recordkeeping. Section 241 would permit the Secretary to require reporting or recordkeeping of transactions by U.S. institutions which deal with foreign financial institutions on behalf of customers, as well as by the individuals and corporations which directly deal with foreign financial institutions. The existence of a possibility that this Section could be used to require reporting of all transactions with foreign institutions is totally unnecessary.

On the other hand, as stated in my testimony, it is believed the most effective information in this area would be knowledge of the maintenance of the direct or indirect interest in a foreign bank account or other account in a foreign financial institution. The disclosure of such information could be most effectively accomplished in conjunction with the filing of the annual tax return. In light of this fact, it would be more reasonable and more effective for this necessary reporting requirement to be made part of the Internal Revenue Code or to be implemented through regulations pursuant to existing statutory authority. I am pleased to inform the Committee that the Internal Revenue Service will require the disclosure of this information on the 1970 income tax forms. With such a disclosure requirement where information on transactions of particular persons is required, this can be obtained under existing procedures.

To summarize, the Treasury bill would maximize enforcement and minimize the imposition of burdens on the public and economy. H.R. 15073, by contrast, does the reverse—it maximizes the burdens while minimizing enforcement effectiveness.

Therefore, we urge that you and the Committee substitute for the present version of H.R. 15073 the draft bill transmitted to you with this letter.

This action, combined with the action which we hope that the Ways and Means Committee will take on the Treasury presumption proposals discussed in my testimony of March 2, 1970, and which we plan to submit shortly to that Committee, will make us better able to combat organized crime and white collar crime in their use of foreign banks to achieve criminal objectives.

Sincerely,

EUGENE T. ROSSIDES.

SPEECH BY DR. JACK EARLY

(Mr. BERRY asked and was given permission to extend his remarks at this point in the RECORD and to include an address.)

Mr. BERRY. Mr. Speaker, one of the finest speeches I have had the pleasure of hearing in a long time was recently given by Dr. Jack Early, present president of Pfeiffer College in North Carolina and formerly president of Dakota Wesleyan University, Mitchell, S. Dak., before the Conference of Grand Masters of Masons of North America here in Washington, D.C. on February 24, 1970.

So that my colleagues may have the opportunity to read it, I include it in the CONGRESSIONAL RECORD:

SPEECH BY DR. JACK EARLY BEFORE THE CONFERENCE OF GRAND MASTERS OF MASONS IN NORTH AMERICA, FEBRUARY 24, 1970

Thank you, Brother Hooks. Distinguished Head Table Guests, Members of the Con-

ference of Grand Masters of Masons in North America, Congressmen, Senators, and ladies and gentlemen, after this very flattering introduction by Brother Hooks it reminds me of an experience of one of our American GIs during World War II who decided, on a weekend pass, that he would check into a hotel in London, England. He came to the hotel clerk and signed his name and noticed that every man who had signed his name had some appropriate title, such as Esquire, PhD, or something similar, so in order to be one of the boys he signed his name, John Smith, MD, DD, LLD. The hotel clerk was very much amazed. He said, "Sir, you are the most distinguished guest we have ever had in this hotel. What does all this mean?" And the GI said, "MD, DD, LLD—Mares edoates and does edoates and little lambsy edivey."

A moment ago, when we heard from this lovely soloist, I was very happy that Mr. McIntosh, in extending an invitation for me to be here tonight, did not ask that I would sing because at age 12 my parents thought this might be the thing I should do, so after having a series of lessons we had our annual recital and in order to be appropriate, I selected as my number, "Carry Me Back to Old Virginia." At about half way through my number I looked down front and the little lady began to cry. The next thing she did was to take her handkerchief from her purse and began to wipe the tears. Being only 12 years of age, rather young and naive about the whole matter, I didn't know what to do, but after the program was over I went down to her and I said, "Excuse me, mam, but you must be from Virginia." She said, "No, young man, I am a musician."

While I think Brother Hooks was very complimentary in his introduction, I had the privilege some time ago of speaking at a civic luncheon and the man who introduced me evidently didn't have the same biographical data because he did know that I had been a minister at one time and, so in order to introduce me, he simply said on this occasion that he had heard of a bridegroom and his bride who were on their way to get married. They were traveling at a very high rate of speed in a new automobile. They came to a rather treacherous curve in the highway and the car overturned and both were killed instantly, whereupon they were immediately sideswept into the heavens and they were met at the pearly gates by St. Peter. The bridegroom said, "Now listen—we'd like to get married." And St. Peter said, "I am sorry, but you will have to wait for a thousand years." So they waited for a thousand years and became terribly discouraged and despondent about the whole matter, but after having waited for a thousand years they finally return again and the bridegroom said, "Now listen, we have been here a thousand years and we still want to get married." And St. Peter said, "I am sorry, but you will have to wait 500 years longer." So they waited 500 years longer and they became even more discouraged and more despondent and finally the bridegroom got up courage and he went to St. Peter and said, "Listen, we've been here for 1,500 years—we still want to get married." And St. Peter said, "I'm sorry, but you'll have to wait 500 years longer." So the bridegroom said, "Now listen, this is going too far, we have been here 1,500 years, and we'll wait 500 years longer, but please tell us why we have to wait." And St. Peter said, "I am sorry, but you'll have to wait until we get a preacher up here."

No reflection on the man that gave the invocation—this was about me.

It is a high honor that I have this evening in sharing with you in this program. I would like to very briefly visit with you about the subject, "Questions Are Important."

In one of his books G. K. Chesterton suggested to a young man searching for lodging in a strange city that he inquire of his prospective landlady about her idea of God. Knowing this, Mr. Chesterton thought the young man would have a sure guide as to the treatment he would receive from his prospective landlady. It is my personal conviction that Mr. Chesterton was far more whimsical than wise in this suggestion, because you and I can have one idea of God that may be completely removed from our every day behavior and conduct. On the other hand, I submit to you tonight it is just as important to ask the right question as it is to find the right answers. Inquiry becomes the hallmark of the discerning Mason.

As one ancient philosopher so aptly said, "An unexamined life is not worth living." I know one college professor who evaluates his students, not so much on the basis of the kinds of answers they give to examinations, as well as the kinds of questions they ask inside and outside of the classroom. Of course, the danger is that we ask the wrong kinds of questions and inevitably get the wrong kinds of answers.

In "The Saturday Review" some time ago, an anecdote illustrates this very vividly. A man watched a little boy as he was pushing a baby carriage down the street. Becoming quite curious, the man went over to the little boy and said to him, "What is your brother's name?" To which the little boy replied, "If the baby were my brother, his name would be John, but since the baby is my sister, her name is Sue."

You see, you ask the wrong kind of questions—you inevitably get the wrong kinds of answers.

I would submit to you tonight as members of this Conference of Grand Masters of Masons of North America that there are at least three questions that to me seem to be relevant and appropriate at this particular banquet.

The first question I would ask of you, as I ask of myself, is this. What are your values? What are the most important priorities that you have established for yourself as Masons, as Congressmen, as Senators, as members of this society in the latter third of the 20th century?

There has been a shift to be sure from values to techniques and useful skills during the past part of our experience. President Hoover's Commission on recent social trends in 1933 pointed out that there was an unbalanced culture in America. We have made remarkable progress in terms of science, technology, and industry, but there has been a corresponding lag in terms of values, morality, heart, and religion. We call this a cultural lag.

The sociologists would say that in terms of our material culture America and other nations have made remarkable progress, but in terms of our nonmaterial culture, values, ideas, and ideals there is a void. It seems to me that we who are the inheritors of the great tradition of Masonry and of this free society need to recognize that what we ought to do today is to understand our priorities—our values. Every person makes value judgments and every person must determine what to him is most important.

The youth of our nation today, in America particularly, seem to be telling us that somehow our values have become distorted. I believe that across America, and even in other parts of North America, there has been a distortion, as it were, of those youth that I know so well on many of our college and university campuses who are not revolutionaries, who are not a part of the hard core radicals, but are young men and women who are idealists, and I would have it no other way.

But this large majority of students that I call decent and law abiding do not make the headlines—they do not get prime time on television—they become somewhat of the silent majority as far as the news media is concerned. Instead we have taken the two percenters on our college and university campuses and we have greatly distorted the fact that this seems to represent the youth of America and of the world. I do not believe it.

The young people that I know are concerned about problems that all of us are concerned about, and if we are true to our calling we will capitalize on the idealism of the youth in this latter third of the 20th century. We will endeavor to challenge them as they have never been challenged before.

I think this is what America needs. This is what all of North America and other parts of the world need so desperately today—a challenge to a sense of moral greatness, and I would hope that we would ask ourselves tonight the questions, "What are my values as a Mason? What are my values as a member of the society in the latter third of the 20th century?"

Arthur Miller in his Pulitzer prize-winning play entitled, "Death of a Salesman" described Willie Loman, a salesman, in the throes of dying. At the end of that play Willie Loman is finally buried, and Biff, the elder son, as he is leaving the cemetery with his mother, turns around and says to her, "Mom, you know the trouble with Dad was he had the wrong kind of dreams—he dreamed of success in terms of wealth, popularity, and prestige." These values may be indigenous with our society—they may be important—but it seems to me that we who know what it means to be Masons realize that there needs to be a call today—a challenge made to a moral greatness and our priorities ought to reflect that call to moral greatness.

Dr. Norman Vincent Peale of the Marble Collegiate Reformed Church in New York City told a very interesting story in Iowa when I was in that state a few years ago. He said one day Carl Erskine, who at that time was a baseball pitcher for the Brooklyn Dodgers, came to him quite disturbed. He said, "You know, Dr. Peale, the doctors tell me I am losing the effectiveness of my pitching arm. Can you do something for me?" And Dr. Peale said, "Well, Carl, I am just a minister—what can I do?" And Carl said "Well, couldn't you pray for me?" And Carl Erskine was a very humble man, a very dedicated man, and listened as Dr. Peale prayed. And Dr. Peale said, "Lord, Carl Erskine is a baseball pitcher—this is all he has ever known, this is all he has ever done—he's losing the power of his pitching arm. Heal him. Amen." And before he could finish his prayer Carl Erskine said to Dr. Peale, "I wonder if I could not pray." Dr. Peale said, "Why, of course, Carl." And Carl said, "Lord, what Dr. Peale said is true. I am a baseball pitcher, and I am losing the effectiveness of my pitching arm, but, Lord, if you will show me your will and your way for my life, this is what I want to do. Amen." And Dr. Peale said, "You know, I think Carl prayed a better prayer that day because he did not pray selfishly nor arrogantly, but he prayed that somehow God's will would be done."

As I look at our society today, and after having gone through my experiences in Masonry, I would say to you, as I say to myself, that somehow in this day nations ought to be true to their sense of values and moral judgment to the point that they will be called to a sense of moral greatness. This I believe is what our society needs. This is what I believe that our youth today will respond to if we are willing to challenge them at the level of their idealism.

In the second place I would ask the question: "What are your motives?" "What is it that gives you the most excitement as a person?" "What is it within you that compels you to want to do something?"

The sociologists say there are four reasons why persons are called to certain levels of incentive: More money, recognition, achievements, and causes.

I believe that there is a fifth—and that is that we are motivated to serve. This is precisely, it seems to me, this brotherhood of which we are a part. We are called today to serve in whatever capacity that we might serve, to take that which we know to be philosophically sound, that which we know

to be reasonable, and attempt to put into action in every day relationships this degree of service to our fellow man.

All across the world tonight are the various problems that people are facing—we talk in America about poverty and certainly there may be pockets of poverty—we have our ghettos, we have our pollution problems. In Latin America the average annual income is $300.00—fifty per cent of the boys and girls who finish elementary school in most cases will never enter a secondary school because the schools are not available for them to enter. Africa, one of the emerging nations in this latter third of the 20th century, has a very high illiteracy rate. Between 80 to 85 per cent of the Africans can neither read nor write. But the real tragedy, it seems to me, is in Calcutta. As you and I tonight enjoy the bounties of our society of this great America, in Calcutta there are 250,000 persons who will have no place to go tonight, or tomorrow morning, and tomorrow night, or even the tomorrows, except to spend their time on the city streets.

I say to you tonight that somehow we need to be challenged today, to recognize that in all parts of our country and in all parts of our world we need to serve—not that we give these people, but that we help them so that they in turn can help themselves. This I believe is my philosophy—whether it be in America or other parts of the world. I believe its the kind of philosophy that we need to put into action if we are to meet the needs of the people in our society in this latter third of the 20th century.

People are motivated for different reasons. It is said that when Mr. Disraeli became the Prime Minister of England, one of his colleagues came to him one day and said to Mr. Disraeli, "It is remarkable that you have become the Prime Minister of our country." And Mr. Disraeli rather cynically replied, "Yes, I have climbed the top of the greasy pole."

Later when Mr. Gladstone achieved the same prominent position of Prime Minister one of his colleagues made a similar observation and Mr. Gladstone rather humbly replied, "Yes, the Almighty seems to sustain and spare me for a purpose of his own."

I would ask you then, wherever you are, and whatever capacity that you are called to serve: "What are your motives?" As a member of Masonry, as a member of the United States Senate, the United States House of Representatives, or in your respective communities, it seems to me that in America today there is a need for us to be challenged beyond this level of mediocrity and commonplaceness to a time of moral greatness.

What are your values? What are your motives?

And third, and finally, the question I would ask you, as I ask myself, is the question: "Who are you?"

From the early days of childhood, you and I who are gathered in this banquet ballroom tonight, have been asked the question by a parent, by a relative, or by a friend, the question: "What are you going to be now that you have finished elementary school, or high school, or college?"

It seems to me that we have been asking premature questions and we have been getting premature answers. The question is not the question "What are you going to be?" But the most important question that we can ask the youth of our nation, and even ourselves, at this level of our development, is the question; "Who am I?"

In the Old Testament literature we find these very interesting and remarkable words, "God created man in His own image, breathed into man the breath of life, and man became a living soul—a living reality." God did not create puppets, or marionettes. But God created man in His own image, giving man a free will to choose among alternatives, and as man chooses he becomes like the choices or decisions that he makes. This gives him dignity and words as a human being.

And yet in our time we have taken a quality of being and equated this with quantitative factors, for who in this audience tonight is not known more by number than by name?

We have zip code numbers, telephone numbers, license plate numbers, hunting license numbers, and IBM numbers. And yet it seems to me that what our youth are saying to us tonight is precisely this: "We do not want to be viewed as simply numbers, but rather as individuals, as human beings." And, I would hope that our Masonry will never lose the concern for the individual and for the human qualities of man, the dignity and word that every person ought to have.

This I believe is fundamental if we are to meet the needs of our Lodge, of our society, in the latter third of the 20th century.

Six years ago I had the privilege of representing the state of South Dakota at the meeting of the National Association of Manufacturers in New York City. We heard many excellent speakers on that occasion. On December 7 of that year we had as our luncheon speaker the former President of the United States, that great American, the late Dwight D. Eisenhower. Before Mr. Eisenhower was introduced to this august body of educators, business and industrial leaders from the United States, the West Point Glee Club, under the direction of Colin Kelly, III sang a medley and after they finished singing Mr. Eisenhower was presented to this distinguished body. He said to those of us who were there that day, "I am sure that young Kelly will not mind my saying this, but you will recall that it was his father who was one of the first aces to be killed following the attack on Pearl Harbor December 7, 1941."

He said it was understood that when young Kelly was eligible for a formal United States Military Academy appointment at West Point the President of the United States would make that recommendation. He said it was my privilege to be President when young Kelly was eligible for that appointment. He said, 'I wrote him a letter and I said, 'Dear Mr. Kelly, It is a privilege to recommend you for an appointment to the United States Military Academy at West Point.' " He said, 'A short time later I received a special delivery letter from young Kelly, and he said, 'Dear Mr. President, I thank you for your letter and your recommendation to the United States Military Academy at West Point, but, Sir, in all fairness to myself and to my country I would like to receive an appointment on the basis of my own merits.' " Mr. Eisenhower said, "young Kelly's response epitomizes the faith, hope, and courage of the American people."

If you and I, who are here tonight, with inquiring minds, can develop a sense of values and priorities, if we can be motivated not only to achieve in a secular sense, but in terms of our own dedicated service, if we can understand who we are as persons created by God in his image and his dignity—I believe that we too will represent the faith, hope, and courage, not only of the American people, but of all of free Masonry in North America and in the world.

THE DILEMMA OF THE DISTRICT TRIAL JUDGE IN PRETRIAL BAIL CASES

(Mr. NELSEN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include certain articles.)

Mr. NELSEN. Mr. Speaker, I shall include in full below the case decided August 20, 1969, by the U.S. Court of Appeals for the District of Columbia Circuit Court.

It illustrates perhaps better than any other persuasive argument that could be made the dilemma that the District of Columbia trial judge is placed in who sees the danger to the community in releasing individuals who jeopardize the safety of the community and yet is faced with the provisions of the Bail Reform Act of 1966 which, as interpreted by the circuit court, call for the release of such dangerous criminals.

It is also my belief that this case is an excellent example of why there is need for amendment of the Bail Reform Act of 1966, especially as it relates to the District of Columbia, so as to provide for pretrial detention in certain pretrial cases.

H.R. 16196, a bill to reorganize the courts of the District of Columbia, to revise the procedures for handling juveniles in the District of Columbia, to codify title 23 of the District of Columbia Code, and for other purposes, was reported out of the District of Columbia Committee recently and will be scheduled for floor action soon. The bill is also referred to occasionally as the District of Columbia omnibus crime bill of 1970, and is a comprehensive piece of legislation containing nearly 450 pages. Subchapter II of title II of the bill relates to "pretrial detention," an amendment of the law in the District of Columbia concerning bail which is sorely needed if we are to make the streets of this city safe for residents, tourists, and employees from the neighboring metropolitan area.

It is interesting to note that in capital cases the standard of "danger to any other person or to the community" was in the Bail Reform Act of 1966—18 U.S.C. 3148—and that traditionally Federal courts have had the authority to deny bail in capital cases—18 U.S.C. 3148. Yet the eighth amendment to the Constitution, which opponents of the pretrial detention portions of the District of Columbia omnibus crime bill point to as their basis for objection, says nothing about discriminating between capital and noncapital cases for bail.

The pretrial detention portion of the District of Columbia omnibus crime bill contains the provisions for detaining individuals where safety of the community is endangered by release, and where it appears that a person charged with a violent crime may be a drug addict.

The need for legislative reform in this area is perhaps best illustrated by a short recitation of the law as it is and as interpreted by the local U.S. circuit court—see the reprint of the Alston case following my remarks.

The Bail Reform Act of 1966—18 U.S.C. 3146–3152—provides in pertinent part in 18 U.S.C., section 3146(a) as follows:

> Any person charged with an offense, other than an offense punishable by death, shall, at his appearance before a judicial officer, be ordered released pending trial . . . unless the [judicial] officer determines, in the exercise of his discretion, that such release will not reasonably assure the appearance of the person as required. (Bracketed material supplied).

I believe it is important for the Members of Congress to know how the Bail Reform Act is being interpreted in the U.S. circuit court and for that reason I

include the Alston decision in full in the RECORD:

[U.S. Court of Appeals for the District of Columbia Circuit, No. 23,102]

UNITED STATES OF AMERICA *v.* DAMON ALSTON, JR., APPELLANT.

APPEAL FROM AN ORDER OF THE DISTRICT COURT DENYING A MOTION TO AMEND THE CONDITIONS OF PRE-TRIAL BAIL

Decided: August 20, 1969.

On Appellant's Motion to Reconsider this Court's Order of June 19, 1969, and Release the Appellant on his Personal Recognizance.

Before: BAZELON, *Chief Judge*, and LEVENTHAL, *Circuit Judge*, in Chambers.

PER CURIAM: This is the second time that this case is before us. On December 16, 1967, appellant was accused of armed robbery and jailed to await trial. Bail was set at $5,000, and appellant, an indigent, has been unable to produce the $280 necessary for a $5,000 bond. He asked the District Court to reduce the bond and establish nonfinancial conditions of bail to assure his presence when required. The District Court refused, and the accused appealed to this court.

We remanded the case to the District Court for further consideration in light of our recent decision in *United States* v. *Leathers*, No. 22,816 (April 17, 1969). In our order we directed the District Judge to do three things:

1. To reconsider his ruling in light of offers of Bonabond and appellant's former employer for employment upon release, in light of appellant's opportunity to reside at the Shaw Residence House, and in light of the appellant's opportunity to enroll with the Alcoholic Rehabilitation Clinic.

2. To explain why nonfinancial conditions would be inadequate, if the District Judge should conclude that they were.

3. To report on appellant's inability to meet the $5,000 bond, if the District Judge should conclude that financial conditions were necessary, and to explain why financial conditions would be superior to nonfinancial conditions.

The District Court's failure to comply adequately with our directive [1] moves us, reluctantly, to reverse and to establish our own conditions for release.[2]

The Bail Reform Act of 1966[3] provides for pretrial release, even of persons who are not model citizens, if there is reasonable assurance that the accused will appear when required.[4] The law requires reasonable assurance but does not demand absolute certainty, which would be only a disguised way of compelling commitment in advance of judgment. To set $5000 bail for this appellant, who is indigent, is also merely another way of compelling pretrial commitment. We think the mandate of the law requires his release, because of the several factors which indicate that there is reasonable assurance that appellant will appear for trial if he is released subject to nonfinancial conditions of supervision.

Appellant is a resident of the District of Columbia and has been for 28 years, since he was a child. He has been assured of entry into the Shaw Residence if released. Bonabond would obtain employment for him and sponsor him, and his old employer has offered to take him back—with a raise. The director of the Alcoholic Rehabilitation Clinic at 14th and Q, where the accused was enrolled when his arrest took place, has stated that the accused may re-enroll upon his release. The D.C. Parole Board will not revoke the accused's parole from an earlier offense if he is released on bail and required to stay at the Shaw Residence. The Offender Rehabilitation project has worked out a plan of release, and the Bail Agency has recommended release to a suitable custodian.

The District Court, in its memorandum, dealt only briefly with the items mentioned above, and instead concentrated on other factors, such as the accused's prior convictions. These convictions are relevant under the Bail Reform Act of 1966, 18 U.S.C. §§ 3146–52 (Supp. IV, 1965–1968), to the extent that they bear on the likelihood of his appearance in court when required. It is not the purpose of the bail system either to punish an accused again for his past crimes, or to punish him in advance for crimes he has not yet been shown to have committed. Past crimes would be material if proceedings incident thereto showed an accused had violated conditions of a bail or release order. The prosecutor makes no such claim here.

A District Court cannot fairly take past convictions into account, as showing tendency to flight, unless he at least makes inquiry whether in the prior proceedings the accused had failed to comply with bail, release, or other orders. The statute requires that the court take into account the accused's "record of appearance at court proceedings or of flight to avoid prosecution or failure to appear at court proceedings." See *Wood* v. *United States*, — U.S.App.D.C.—391 F.2d 981, 984 (1968): "We do not think that under the Bail Reform Act a determination that money bail is required is appropriate unless the court at least ascertains the conduct of defendant when previously released on conditions, and whether the defendant previously abided by conditions imposed on him in prior proceedings. Consistent appearance when flight is possible is an important indicator of whether a defendant is likely to appear once again. . . . While appellant's record is by no means felicitous, it may be that he poses little risk of flight."

We are disturbed by the reference of the District Judge to the possibility of a life sentence under 22 D.C. Code 3202 (Supp II, 1967–1969). The length of the sentence to which the accused is subject is relevant in determining the conditions of bail; the prospect of a long imprisonment certainly reduces the probability that a suspect will remain in the jurisdiction. But this must be taken into account as part of a balanced judgment, and that judgment is diluted when a judge refers to the possibility of a life sentence for armed robbery. In modern times, at least, a life sentence for robbery, even armed robbery, occurs so rarely as to be fairly described as a transparent rather than substantial consideration.

The District Court also referred to the "brazen act perpetrated in the instant case." This was a determination on an issue that was not noticed for hearing, a finding based solely on the claimed testimony of prosecution witnesses. No one may be confined on the ground that he has committed an offense when the determination is void of the protections that are the essentials of Anglo-American jurisprudence.

It is true, of course, that 18 U.S.C. § 3146 (b) requires the court to take into account "the nature and circumstances of the offense charged [and] the weight of the evidence against the accused," but the statute neither requires nor permits a pretrial determination that the defendant is guilty. It is important to observe rather than obliterate the fundamental precepts of our jurisprudence. This is not merely a matter of the proprieties, though that is itself not unimportant for judicial actions. If one bears in mind that one is examining only the evidence against the accused, for purposes of considering prospect of flight, one is more likely to guard against the impermissible course of reaching some kind of partial determination of guilt and of beginning what is in substance a mandate of punishment.

II

The real dispute in this case is not over whether or not the accused should be admitted to bail; it is what the terms and conditions of bail should be. The District Court, in its more recent memorandum, stated that "[i]f anything could detain him [the accused], it would be the forfeiture of bond money." The District Court did not otherwise respond to our request to be advised of its basis for concluding that money bail would better insure appearance for trial than nonfinancial conditions. This bare assertion runs the risk of holding a pauper without any bail because he lacks the funds to make money bail. We conclude that the mandate and intent of Congress require use of the wide variety of techniques available to provide reasonable assurance that the accused will present himself when required. Our form of order attached sets forth a program which combines financial and nonfinancial conditions in a manner that we think fulfills the fundamental policies of the statutory system for bail. We remand to the District Court to enter a specific order, not inconsistent with this opinion, filling in blanks, and inserting additional conditions as it may be advised.

ORDER

Ordered by the court that appellant shall be released on his personal recognizance on the following conditions:

1. Upon the representation of counsel that appellant Alston has obtained regular employment within the Washington Metropolitan Area, he shall be released.

2. Appellant's employer shall report immediately to _____ upon appellant's failure to present himself for work at the proper time, and _____ shall report that failure to counsel for the United States, counsel for appellant, and the Criminal Clerk's Office of the United States District Court for the District of Columbia.

3. Appellant shall re-enroll in the Alcoholic Rehabilitation Clinic, at 14th and Q Streets, N.W., and participate in a satisfactory manner in the prescribed program.

4. Appellant shall reside at the Shaw Residence, 1770 Park Road, N.W.

5. An appropriate official of the Shaw Residence is to report immediately to _____ upon appellant's future to return to the residence by curfew time, or upon appellant's failure to abide satisfactorily by the rules and regulations of the Shaw Residence. The District Court shall, upon advice of counsel, determine the appropriate Shaw Residence official.

6. Appellant shall not leave the Washington Metropolitan Area, and shall not leave the District of Columbia except as his employment may necessitate, without the permission of the District Court.

7. Every pay period, appellant shall deposit 10% of his net earnings, unless and until this sum reaches $500, with the Clerk of the District Court as security for his appearance, to be returned in full when appellant appears for trial, or to be forfeited in whole or in part, as directed by the District Court, should he fail to appear. Permissible variation: The sums shall be deposited with counsel, instead of the Clerk, who shall hold them subject to order of the District Court, but if the sum reaches $500, counsel shall transfer forthwith to the Clerk. If appellant should violate the terms of his release before such deposit is made, that portion which has already been deposited with his attorney shall be forfeited. Appellant shall remain subject to all criminal penalties, including fines, for failure to fulfill the conditions of his release.

8. Appellant shall sign a statement indicating his understanding of the conditions set forth above and promising his compliance with them.

FOOTNOTES

[1] The District Court's Memorandum is set out in full below:

"This memorandum is written pursuant to the remand order of the United States Court of Appeals, filed in this Court on June 19, 1969, and is supplementary to this Court's

Footnotes at end of article.

memorandum of May 14, 1969. The facts are again recited as follows:

"The defendant is charged with armed robbery, robbery, assault with a dangerous weapon, and carrying a dangerous weapon, and he is being held on a bail of $5,000.

"The United States Attorney has informed the Court that the defendant and co-defendant approached the driver of a beer distributing truck as he stopped at an intersection, and defendant Alston called out that he wished a ride, meanwhile opening the truck door. He then demanded the driver's money while the co-defendant pointed a gun at the driver. The driver handed the money to defendant Alston, who, in turn, handed it to the co-defendant and then Alston proceeded to reach in the driver's pocket and took his wallet, after which he said to the gunman, "Shoot him". The co-defendant remonstrated and the two turned to leave the scene. They had been observed from a distance of less than 50' by two police officers, who immediately arrested them and all the money was recovered.

"The defendant was on parole at the time he was arrested, and if convicted, the parole is likely to be revoked. He could be sentenced for life on this case.

"The Court considered in the first instance, and has now reconsidered, the offer of Bonabond to supervise the defendant, of his former employer to rehire him, of the Shaw Residence House to house him, and of the Alcoholic Rehabilitation Clinic to receive him for rehabilitative treatment. None of these agencies can assure the Court that the defendant would not flee once he is released from incarceration. When released, he would have freedom to travel to and from the places of his residence and employment. There would be no constant supervision of him, and once he is permitted to mingle among the populace, he is also able to roam about somewhat at will. Other than his promise, the restraint placed on him is minimal in the proposed offers, and his past conduct does not reveal a person whose character is that of a man bound by a promise.

"Counsel for the defendant states that the defendant is unable to meet the $5,000 bail set, so that he cannot afford a monetary bond.

"The order of remand requires that this Court advise the appellate court why a "money bond, if available, would be more effective in minimizing the risk of flight than the non-financial conditions of release proposed".

"This defendant has pursued a criminal career since 1957 and has been convicted seven times. Considering such a course of conduct and also considering the brazen act perpetrated in the instant case, it is this Court's opinion that no reliance could be put on his promise to adhere to the non-financial conditions of release. If anything could detain him, it would be the forfeiture of bond money, for this Court knows of no other way, except incarceration, which would be a restraint on him."

This Court's order of May 14, 1969, will stand.

[2] Because of the length of time that appellant has already spent in jail, and because the District Court has already once had the opportunity to consider the factors which we discuss in this opinion but has failed to do so (no report was provided, for example, on the appellant's inability to meet the $5,000 bond, other than the memorandum's bare statement that counsel reported appellant's inability to pay), we think that it would be unfair and of little use to require appellant to remain jailed through a second remand.

[3] 18 U.S.C. §§ 3146–52 (Supp. IV, 1965–1968).

[4] 18 U.S.C. §§ 3146(a) provides in part:

"Any person charged with an offense, other than an offense punishable by death, *shall*, at his appearance before a judicial officer, be ordered released pending trial . . . *unless the [judicial] officer determines, in the exercise of his discretion, that such a release will not reasonably assure the appearance of the person as required.*" [Emphasis added.]

THE FAILURE OF "BAIL REFORM" IN NEW YORK CITY GIVES NEW YORKERS A TASTE OF WHAT HAS BEEN IMPOSED ON WASHINGTON, D.C., FOR 4 YEARS

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

Mr. NELSEN. Mr. Speaker, there are certain recent developments in New York City which ought to be called to the attention of the House.

I am informed that several weeks ago, Mayor John Lindsay issued a memorandum on the crowded conditions in the city's jails. The memorandum was interpreted by judges as an order to release felony defendants prior to trial whenever possible. As a result, one judge released on personal recognizance a holdup suspect who had been captured during the robbery of a shoe store. Another judge released on $10 bond a defendant accused of beating a 50-year-old woman, robbing her of $40, and sending her to the hospital with injuries. See reprinted below two reprints from the New York Daily News of February 26, 1970.

New Yorkers were shocked.

District Attorney Frank Hogan said he was "outraged." See reprint from New York Daily News dated February 27, 1970, entitled "Hit on Low Bail."

Brooklyn District Attorney Eugene Gold said he was "flabbergasted."

Edward Kiernan, president of New York's Patrolmen's Benevolent Association, said:

> The misguided effort to relieve overcrowding in city jails by releasing dangerous criminals on low or no bail can quickly turn our streets into a shambles.

Police Commissioner Howard Leary said that—

> Recidivism is and always will be a problem. But turning these criminals out into the streets within hours after arrest, with little or no bail set as a guarantee for return to trial, is almost begging for trouble.

The New York Daily News declared:

> It's little wonder the prosecutors are hot under the collar. And if the public values its safety, it will send up a deafening howl against such judicial foolishness.

This outcry prompted a clarification from Mayor Lindsay. Through a spokesman the mayor said:

> The mayor has asked that our courts review only the cases of those who, without danger to the community, might be released on bail in order to ease the severe overcrowding of the city correctional facilities. It has never been suggested that suspects involved in a serious crime and thought to be dangerous should be released under conditions that do not insure their appearance in court.

The point of this recital is very simple: The public indignation which followed the easy pretrial release of two dangerous defendants in New York parallels the anger of people in Washington. The difference is that, under the Bail Reform Act, easy pretrial release for noncapital defendants has been the law in this city since 1966.

Not two but literally hundreds, perhaps thousands, of dangerous defendants have been released before trial in the Nation's Capital because the Bail Reform Act forbids local judges to consider danger to the community in setting conditions of pretrial release. This factor has contributed significantly to the unprecedented wave of crime in Washington.

Because of the serious problems which have resulted under the Bail Reform Act, the District Committee has proposed an amendment to the act to authorize the limited pretrial detention of dangerous defendants in the District of Columbia. We believe this legislation is fair and reasonable. We believe, for example, that it affords considerably more protection for the individual defendant than the bail legislation in New York. In that State, since colonial times, bail has been discretionary in all felonies—see N.Y. Code Crim. Proc. §§ 552, 553.

Thus, courts in New York are permitted to deny bail in serious cases. See reference to David Critchlow in newspaper excerpt reprinted below dated March 2, 1970.

Another device is to set bail at a prohibitive figure, thereby effecting detention. Two recent narcotics cases in New York illustrate this point. See two excerpts from the New York Daily News, one dated February 14, 1970, and one dated March 2, 1970, reprinted below.

This device is not countenanced in the District of Columbia because it inevitably discriminates against the poor. Yet danger to the community cannot be used to retain defendants either.

Mr. Speaker, people in the District of Columbia are just the same as people in New York. They are justifiably uncomfortable and fearful when dangerous men are released prior to trial. They do not particularly like to be robbed or raped or assaulted by defendants loose on bail.

This House has the responsibility of doing its utmost to protect citizens in the Nation's Capital. That is why the District Committee, after careful deliberation, voted its endorsement of pretrial detention.

I quote in full four articles and one editorial from the New York Daily News, and ask unanimous consent to have them printed below:

[From the New York Daily News, Feb. 26, 1970]

DAs RAP LOW BAIL IN FELONIES "TO EASE JAILS"

(By William Frederici and Joseph McNamara)

Top law enforcement officials in the city yesterday blasted the release of alleged felons in little or no bail, following Mayor Lindsay's edict of last week aimed at easing the crowding of jails.

District Attorney Hogan said he was "outraged" by a Manhattan Criminal Court judge's releasing in his own recognizance a suspect seized while holding up an East Side shoe store with two guns. After his release, the suspect asked the property clerk for return of the two pistols, Hogan declared. He did not get them.

Brooklyn District Attorney Eugene Gold said he was "flabbergasted" by the release in $10 bail of a suspect accused of severely

beating a 50-year-old woman and robbing her of $40. The woman was hospitalized.

Protests came also from Edward J. Kiernan, president of the city's Patrolmen's Benevolent Association, and Joseph Balzano, president of the Housing Authority's PBA. Both Kiernan and Balzano said there are indications that the cases cited by the DAs are not isolated ones.

"The men are skeptical, frustrated and disgusted with the way the courts are turning out men who have committed heinous crimes, felonies, with little bail or on parole in their own recognizance," said Balzano.

He said he believes the judges have misinterpreted the mandate of the mayor.

Said Kiernan: "The misguided effort to relieve overcrowding in city jails by releasing dangerous criminals on low or no bail can quickly turn our streets into a shambles."

He said there have been many instances in recent days that "make a mockery of police protection."

"MAY REQUIRE BARRICADES"

"Unless this dangerous practice is stopped," Kiernan stated, "New Yorkers will have lost their only defense against rampant crime, and decent citizens will have no choice but to barricade themselves in their houses."

Late in the day, Mayor Lindsay issued a statement clarifying his position. Through a spokesman he said:

"The mayor has asked that our courts review only the cases of those who, without danger to the community, might be released on bail in order to ease the severe overcrowding of the city correctional facilities.

"It has never been suggested that suspects involved in a serious crime and thought to be dangerous should be released under condition that do not insure their appearance in court."

District Attorney Gold, speaking of the "willy-nilly release without bail or in low bail," said that "by no means can anymore believe that $50 or $10 is going to stop anyone from running away, especially in case of a felony."

COPS SAW HOLDUP IN PROGRESS

In the holdup of the shoe store, Wise's, at 767 Lexington Ave., two radio cops of E. 67th St. station saw the heist in progress. One entered from the front, the other the rear, with guns drawn. The suspect reportedly faced off one patrolman until he realized the second had the drop on him.

In this case, the assistant DA asked the court for bail of $20,000. Instead, the suspect was freed without bail on grounds that he had roots in the community.

Hogan said the only determining of "roots" was a phone call to ascertain that the man lived where he said he did.

[From the New York Daily News, Feb. 27, 1970]

"OUTRAGED" AND "FLABBERGASTED"

"Outraged" and "flabbergasted"—were two of the choicer terms used by local district attorneys in reaction to the super-leniency the courts are showing in setting bail for suspected felons.

Low bail or no bail has become the rule since the judges agreed last week—at Mayor John V. Lindsay's urging—to reexamine bond requirements in an effort to relieve overcrowding in the city's jails.

Lindsay and the judges are now at odds over who should take the blame for giving desperadoes the run of the city regardless of how grave the charges against them.

Brooklyn District Attorney Eugene Gold tells of a thug who robbed a woman and beat her so severely she was hospitalized. The man was set free on $10 bond.

But Manhattan DA Frank Hogan can top that. A two-gun bandit caught red-handed in a midtown holdup was released without bail by a kindly judge.

It's little wonder the prosecutors are hot under the collar. And if the public values its safety, it will send up a deafening howl against such judicial foolishness.

[From the New York Daily News, Feb. 27, 1970]

HIT ON LOW BAIL, JUDGES RAP "TURNSTILE" JUSTICE

(By William Federici)

Angered over an attack by top law enforcement officials for the release of two felony suspects in little or no bail, two Criminal Court judges lashed back yesterday—not at their critics but at "turnstile" justice.

Brooklyn Criminal Court Judge Charles T. Drago denied any misinterpretation of overreaction to Mayor Lindsay's edict last week, aimed at easing the critical overcrowded conditions of the city jail, when he released a robbery suspect in $10 bail.

"I was following an edict and a memorandum," Drago said. "I was following the pleas of the wardens of our jails and the Correction Department. Everybody is right, but we are fast approaching a time of turnstile judges. And the judge ends up holding the bag."

ADMITS IT WAS A RISK

"It was a risk, the $10 bail, I admit," Judge Drago said. But I have every reason to believe he will be here for trial. It was important for me to bring this situation to the public's attention.

The judge, who was appointed to the bench in January 1969, complained that "everyone is right. The mayor, the district attorneys, the police and the jailkeepers. But they are all pulling in different directions. I don't like the idea of a felon walking the streets either."

In Manhattan, Judge William Suglia—severely criticized for releasing a prisoner in his own custody in an armed robbery case, also defended his position and lashed out at the court system.

"I HAVEN'T A NICKEL"

Judge Suglia maintained: "I received a memo from Judge (Edward) Dudley (the administrative judge) explaining the mayor's edict and the crisis in our jails. They played an important part in my setting this man free. When I asked how much bail he could make, he said: 'I haven't a nickel.' "

Suglia also explained that despite a suggestion from the district attorney's office that bail of $20,000 be set, "the parole report indicated this man had deep roots in the community and recommended parole pending trial."

Wryly, the judge remarked, "If I hadn't followed the recommendation, my instructions call for a detail report as to why."

Even as the judges defended their positions, Police Commissioner Howard Leary spoke out on the crisis. "Recidivism is and always will be a problem. But turning these criminals out into the streets within hours after arrest, with little or no bail set as a guarantee of return for trial, is almost begging for trouble."

ASKS "END OF FOOLISHNESS"

The commissioner said he was fully aware of the overcrowded jails but demanded "an end to the foolishness of allowing felons to walk the streets because we don't have room in the jails."

Protests continued to pour into the offices of Joseph Balzano, president of the Housing Authority Patrolmen's Benevolent Association, and city PBA president, Edward Kiernan. Both expressed strong opposition to the judge's actions.

Balzano protested yesterday: "The men want the problem solved. The prisoners are walking out faster than the police are."

Kiernan expressed similar thoughts.

The mayor has maintained he asked only "that our courts review only the cases of those, who, without danger to the community, might be released on bail in order to ease the severe overcrowding of the city jails. It has never been suggested that suspects involved in serious crimes, thought to be dangerous, be released under conditions that do not insure their appearance in court."

[From the New York Daily News, Feb. 14, 1970]

COPS NET $9 MILLION IN NARCOTICS—TWO ARE HELD IN $250,000 BAIL

(By Gerald Kessler and Arthur Mulligan)

Two of three men arrested in one of the biggest seizures of narcotics in U.S. history—$9,150,000 worth on the illicit market—were held in $250,000 bail each in Queens Criminal Court yesterday at the urging of Queens District Attorney Thomas J. Mackell. The third suspect was held in $10,000 bail in Manhattan Criminal Court.

Mackell, making his first personal appearance at an arraignment since he took office in January of 1967, told Judge Neal P. Rottiglieri the arrests were part of a continuing investigation of an international narcotics ring and that he feared the two defendants would jump bail if it were fixed at a lesser amount.

SUSPECT WANTED BY FEDS

He said one of the suspects, Rafael Martinez, 38, of 80-15 41st Ave., Elmhurst, Queens, was a Cuban national who was also wanted by federal authorities.

Mackell said the other man, James Cohen, 37, of 42-25 80th St., Elmhurst, was a naturalized citizen who came to this country 11 years ago from Argentina and was reputed to be one of the leaders of an international dope ring.

HEARING IS SCHEDULED

Bottiglieri granted the district attorney's request for the high bail and set a hearing date of Feb. 27.

The third suspect, meanwhile, was arraigned in Manhattan before Judge William F. Suglia and held in $10,000 bail for a hearing March 3. He was Frank Hughes, 56, of 274 W. Kinney St., Newark, said by police to be a top dope supplier for the Newark area.

PREDICTS DOPE PANIC

Mackell said that the dope seizure, $5.4 million worth of pure heroin and $3,750,000 worth of pure cocaine, would start a panic among addicts and send the price of the drugs spiraling.

The arrests were made Thursday night by police of the special investigation unit, headed by Detectives Douglas Reid and Mario Martinez, and federal narcotics agents.

Hughes was arrested as he left an apartment rented by Cohen at 301 W. 45th St., Manhattan. Police said Hughes was in possession of 1.1 pounds of heroin and Cohen, who was in the apartment, was carrying $7,400 in cash, proceeds of a sale he had just made to Hughes.

HEROIN FROM FRANCE

At Cohen's Elmhurst apartment, where he lives with a common-law wife and three children, according to police, the cops said they found 18.7 pounds of heroin in a suitcase.

In Martinez' apartment, police said they found 11 pounds of cocaine in a black attache case. Martinez also had $3,500 in cash.

Mackell said that the heroin originated in France and had been shipped to this country via Argentina. He said he believed most of it had been shipped through Kennedy Airport.

Earlier this week Attorney General John Mitchell said that a major U.S. airport was controlled by mobs and heavily involved in crime. He did not name the airport but it was widely speculated that he meant Kennedy Airport.

[From the New York Daily News, Mar. 2, 1970]

FIVE DOPE RING SUSPECTS SLAMMED WITH $1.5 MILLION BAIL

(By Robert Kappstatter and Edward Benes)

Five alleged members of a narcotics ring were held in the staggering total of $1.5 million bail yesterday by Bronx Criminal Court Judge Louis Fusco, who said "the possession of a large quantity of narcotics is just as bad as killing and, based on the allegations here, the amount seized is more than sufficient to kill."

The suspects were collared in two raids Saturday night by detectives of the special police narcotics investigating unit operating in the Bronx. The cops seized an estimated 24 pounds of heroin and cocaine with a retail value of $10 million.

Armed with "no-knock" warrants, the cops raided a private residence at 466 E. 136th St. and a store at 816 E. 149th St., which specializes in selling "spiritual and religious" articles to Spanish-speaking people.

WOMAN ARRESTED

In the house, the cops arrested Maria I. Tearson, 29, and said they uncovered five kilos of heroin and about 5,000 envelopes ready for sale.

Fusco held her in $500,000 bail for a hearing Thursday. Four arrested in or near the store were held in $250,000 bail each for a hearing the same day.

They were Louis Mangual, 30, of 898 Thompson Dr., Bay Shore, L.I.; Jose Carrion, 40, of 2009 Turnbull Ave., Amado Sanchez, 28, of 530 Tinton Ave., and Renaldo Maristany, 29, of 84 W. 176th St., all Bronx. A sixth defendant, David Critchlow, 40, of 279 Hancock St., Brooklyn, was held without bail because of a long previous record.

In the store, known as "botanica," police said they found five more kilos of heroin and cocaine and about 6,000 glassine envelopes ready for distribution.

Assemblyman Manuel Ramos (D-Bronx) described a "botanica" as a place where Spanish-speaking people, especially natives of Haiti and the West Indies, go for peace of mind when something bothers them. He said there are four or five such stores in his assembly district.

One of those arrested, Carrion, is known as a "priest" to those who believe in voodoo. "If this ring was preying on the people who went there for spiritual guidance, then this is one of the most despicable, heinous crimes I've ever heard of," Ramos said.

TRIBUTE TO CONGRESSMAN JAMES KEE

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

Mr. SLACK. Mr. Speaker, last evening I attended a reception and tribute in honor of our dedicated and hard-working colleague from the Fifth West Virginia District, Congressman JAMES KEE. The assembled group included our Speaker, the majority leader, Mr. ALBERT, the majority whip, Mr. BOGGS, numerous Members of the Congress, the new Democratic National Chairman Larry O'Brien, and a strong representation from the business and organized labor community.

My friend JIM KEE is unique among those of us who serve in the House. I believe he is the only Member serving today, and perhaps the only Member in our history who is the son of a Congressman and a Congresswoman, and who has then himself gone on to be elected. The continuous service of the Kee family in Congress goes back over a period of more than 30 years, through depression and war and postwar expansion. The problems faced by Congress during those years have been almost infinite, but whatever the nature of any problem, the people of the Fifth West Virginia District have enjoyed devoted and knowledgeable service and representation for their interests.

I was greatly pleased to note the way in which that record of service was recognized by the assembled group last evening. The tribute was both fitting and highly deserved.

LEGISLATIVE PROGRAM FOR THE BALANCE OF THIS WEEK AND FOR NEXT WEEK

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

Mr. GERALD R. FORD. Mr. Speaker, I have requested this time for the purpose of asking the distinguished majority leader the program for the remainder of this week and the schedule for next week.

Mr. ALBERT. Mr. Speaker, will the distinguished minority leader yield?

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. Mr. Speaker, in response to the gentleman's inquiry, we will adjourn over upon the completion of the program for today. There is no legislative program in order unless one resolution might be called up from the Committee on House Administration by the gentleman from Maryland (Mr. FRIEDEL). I do not know at this moment whether the gentleman from Maryland plans to call it up.

Mr. Speaker, the program for next week is as follows:

Monday we will have the call of the Consent Calendar, and there are six suspensions as follows:

H.R. 15143, to provide the grade of lieutenant general for the Chief of the National Guard Bureau;

H.R. 1187, to amend Cape Cod National Seashore Act;

H.R. 14896, to amend the act establishing a program for the preservation of historic properties;

H.R. 15689, to increase the authorization for the Missouri River Basin;

H.R. 15700, to authorize appropriations for the saline water conversion program; and

S. 743, to authorize the Touchet division, Walla Walla project, Oregon-Washington.

Tuesday we will have the call of the Private Calendar.

Also on Tuesday there will be the consideration of H.R. 15694, the Coast Guard authorization for fiscal year 1971, under an open rule with 1 hour of general debate; and

S. 858, the Tulelake area Durum wheat allotments, under an open rule with 1 hour of general debate.

For Wednesday and the balance of the week:

S. 952, to provide for the appointment of additional district judges, subject to a rule being granted;

H.R. 15728, to authorize the extension of certain naval vessel loans, under an open rule with 1 hour of general debate;

H.R. 16196, District of Columbia Reform and Criminal Procedure Act of 1970, subject to a rule being granted; and

H.R. 15628, Foreign Military Sales Act Amendments, subject to a rule being granted.

As I have indicated, we have listed these last four bills for Wednesday and the balance of the week. I would advise that there may be an adjustment in the order in which they are called up, as some of the committees are presently in discussion as to which of the bills might be called up first.

This announcement is made subject to the usual reservation that conference reports may be brought up at any time, and any further program may be announced later.

Mr. Speaker, I might also advise that an important conference report on H.R. 6543, concerning cigarette smoking, from the Committee on Interstate and Foreign Commerce, will be called up next week. I am not sure of the date as yet, but it will be called up either Tuesday, Wednesday, or Thursday of next week.

ADJOURNMENT TO MONDAY, MARCH 16

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO HAVE UNTIL MIDNIGHT, MARCH 13, TO FILE A REPORT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight, Friday, March 13, to file a report.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

DISPENSING WITH BUSINESS IN ORDER UNDER THE CALENDAR WEDNESDAY RULE ON WEDNESDAY NEXT

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule may be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FAILURE OF REPUBLICAN ECONOMIC POLICIES

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

Mr. ALBERT. Mr. Speaker, the Commerce Department-SEC survey of pro-

jected business investment in new plant and equipment released yesterday is dramatic evidence of the utter failure of the administration's so-called anti-inflation policy. Spending by big business has been a prime cause of our current rampant inflation. The administration's prescription for curing that inflation, tight money and high-interest rates, has now been proven incapable of coping with this inflationary engine. Large semimonopolistic corporations are all but immune from the effects of restrictive monetary policy. Because of their gigantic internal financial resources and the advantageous relationship they enjoy with the large banks, they are virtually free to expand at will. In sharp contrast, tight money chokes off small business, housing construction, and raises havoc with the efforts of local governments to raise the capital necessary for the expansion of much needed public facilities. The depression forced on the home construction industry during the past year is the most vivid illustration of the gross inequity inherent in the tight-money, high-interest rate policy.

Mr. Speaker, I call upon the administration to put an end to its primitive economic bloodletting. As the medical profession has long since abandoned the practice of bleeding a patient to death, so to has modern economics developed definitive cures for different strains of the inflationary virus. Let the President release the shackles of economic restraint from this Nation's homebuilding industry so we may attain our long established goal of a decent home in a suitable living environment for all our citizenry. Let him remove those letters which are denying needed credit to small business. If he does not, the only result can be a further concentration of economic power in the hands of fewer and fewer giant corporations. Let him act to make available the funds which our local governments direly need to build the schools, sewage treatment plants, mass transit, and other community facilities mandatory to make existence livable in our increasingly urban society.

Let the President then take those steps which he alone can do to apply the proper antitoxin to our present inflationary malady. First, he should utilize the authority which this Congress gave him last year to establish credit controls. The utilization of this authority would enable us to allocate available credit to areas of high national priority such as low- and moderate-income housing and badly needed modernized public facilities. Second, I again call upon the President to invoke the great symbolic and moral power of the Presidency, to be in effect the consumer's chief advocate, against the price raising policies of the large semimonopolistic corporations. During the administrations of Presidents Kennedy and Johnson, these giants were all on notice that the jacking up of prices was in disfavor at the White House. Because of this, they were under strong constraint to curb their greed. President Nixon by way of contrast has disdained the role of the public's guardian against consumer exploitation. Quite the contrary, he has given the monopolists a green light to raise prices. As a result the cost of living has skyrocketed by over 6 percent during the past year.

OCEANOGRAPHY

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

Mr. ROGERS of Florida. Mr. Speaker, more than a year ago a distinguished panel of outstanding authorities under the chairmanship of Dr. Julius Stratton, submitted a study on this Nation's involvement in oceanography and recommended that we increase our activities because of the vast resources which we would receive from exploring and exploiting our marine environment.

But instead of action, we have seen various spokesmen for the administration call for more studies, more reports, and less activity. In fact, we have seen various departments maneuver to bolster their marine involvement because they know that the oceans will soon play an important part in this Nation's economic, social, technical, and military picture.

The committee headed by Dr. Stratton recommended a single ocean agency—the National Oceanic and Atmospheric Agency—NOAA—to combine our efforts from its now splintered framework. But instead of proceeding along these lines, another study was called for and the existence of mini-NOAA's was preserved, each of more than 20 departments and agencies keeping their own ocean programs.

Secretary of the Interior Hickel, according to testimony, is against the NOAA concept. Indeed, his department has pushed hard for as much control of ocean-related programs as is possible. And Dr. Lee DuBridge, the President's Science Adviser and the man who is overseeing the Ash Committee, which is conducting studies, does not appear to be at all enthused with the concept of a NOAA.

But according to a Washington Post editorial, neither has read Dr. Stratton's report: "Our Nation and the Sea."

This is a perfect example of how Government bureaucracy and departmental fiefdoms are maintained to the exception of the best interests of this Nation.

And according to the Post editorial, Dr. DuBridge, has stated that he feels the ocean is not being polluted, "except in very local areas."

I find this statement startling on its face and doubly so for a man of science to espouse such a statement. This would appear another of DuBridge's making a statement without reading a few reports.

For instance, we have seen reports that Cuba is dumping as much as 100,000 gallons of raw sewage into the Gulf Stream each day. This, of course, travels right up the Gulf Stream along the Eastern Seaboard. And if more evidence is needed, I would call to Dr. DuBridge's attention the "dead area" around New York and New Jersey in the Atlantic Ocean where sludge has been dumped. And I think that if he studies reports of ocean outfalls in just the States of Florida, California, New Jersey and New York, he will find ample examples of ocean pollution, not to mention hundreds of oil spills which have resulted in the pollution of beaches and ports on both coasts.

Indeed, it would appear that in addition to his obvious built-in prejudice against this Nation's need for increased ocean activity, he also refuses to recognize the need for an immediate program to halt ocean pollution.

Unfortunately, this entire matter points to the administration's apparent lack of foresight and enthusiasm for a unified and effective national ocean program.

I would certainly hope that both Secretary Hickel and Dr. DuBridge would take the time to read the report compiled by the Stratton committee. This would lend some credence to any statements they would make on this very important subject. Thus far, Dr. DuBridge's record in the area of marine science and ocean pollution is unbelievably poor and unimaginative. And it is most disconserting to think that the President depends on his recommendations in this field.

At this time, I would like to submit for the RECORD, the editorial from the March 8 edition of the Washington Post:

MUD IN THE WATERS

If Interior Secretary Walter Hickel is any indication of the administration's attitude on marine affairs, then the future of American oceanic programs is even worse than already imagined. Last week, Mr. Hickel, in testimony before the Senate Commerce subcommittee on oceanography, opposed a bill to establish the National Oceanic and Atmospheric Agency. NOAA, widely supported by informed oceanists and expressly recommended by the congressionally prompted Commission on Marine Science, Engineering and Technology, would pull together such ocean and water programs as the Coast Guard, the Environmental Science Services Administration, the Sea Grant College Program and other agencies. Despite the damage it would do to countless princes, knights and dukes in some bureaucracies, NOAA is essential if this nation is to have a comprehensive and long range program of research, development, technical services, exploration and use of our marine and atmospheric environment.

The astonishing part of Secretary Hickel's testimony before Sen. Ernest Hollings' subcommittee involved the commission's well-known and widely distributed report, "Our Nation and the Sea," which recommended NOAA in the first place. Pressed by Senator Hollings, Mr. Hickel admitted he had not even read the report. Were it not for Senator Hollings being a mild man, who is more dismayed than angered by bureaucratic indifference, the Secretary might easily have been shown to be more inept than he actually seemed. The White House science adviser, Lee DuBridge, was not much more help under questioning; not only did he admit that he had not read the report, but he expressed the incredible opinion that the ocean is not being polluted, "except in very local areas."

Obviously, Secretary Hickel and Dr. DuBridge have not done their homework and there is nothing unique about this; public officials, like everyone else, must grapple with priorities. The danger is that the wisdom and guidance of informed men like Julius A. Stratton, John H. Perry, and hundreds of others in marine science who support NOAA, will be lost in the bureaucratic shuffling.

THE SENSELESS BOMBINGS IN NEW YORK

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

Mr. PUCINSKI. Mr. Speaker, the senseless bombing of three buildings in New York last night, the continuing brutal attacks on individual citizens and the alarming rise in crimes of violence all over America, should call our attention to the fact that there is a growing problem of mental health which must be dealt with on a crash basis by Congress.

I am sure that when the person responsible for the bombings in New York last night is apprehended, we will find that it is a sick and demented mind that would lead a person to commit the kind of attack on those buildings and the people in them.

It appears to me as we discuss priorities for our Nation, we ought to put the growing problem of mental health on the very top of the list.

I share the deep concern about pollution, and I share the deep concern about all of the other problems besetting our country. But I am most deeply concerned with the recent National Institute of Mental Health report which shows that three out of 10 Americans suffer from some form of emotional instability to a lesser or greater degree. When you talk about figures of "three out of 10" that does not startle you. But when you take a nation of 210 million people and recognize that some 70 million people have an emotional problem that needs help and attention, then indeed we can say that mental health becomes one of the most serious problems of our society.

I am very concerned about a recent statement made by Charles Lindberg when he asked:

> Why it is that since intellect has gained dominance over instinct, man has become the most destructive of all living creatures?

So it seems to me that mental health ought to get the highest priority in funding and appropriating programs to deal with this problem. Perhaps the administration itself may want to suggest an effective program for dealing with mental health as one of its top priorities. Surely when we contemplate the serious statistics by the Institute of Mental Health, we realize the enormity of the problem.

The damage, the destruction, and the wanton violence will continue until we recognize the fact that there is no deeper problem in our society than dealing with the problem of mental health.

JOINT COMMITTEE ON CLASSIFIED INFORMATION

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

Mr. ADDABBO. Mr. Speaker, I have today introduced legislation to create a Joint Committee on Classified Information. The purpose of such a committee would be to protect the right of the public to have access to information, the disclosure of which will not endanger U.S. security.

A joint committee with appropriate authority to study classification procedures would safeguard the public's right to information concerning Government activities and could prevent abuse of the Government's power to withhold information in the national interest.

The Laos situation is a good illustration of the need for some congressional control over the unlimited power of the Pentagon to hide behind the classified label. The power to classify information is too easily and too often abused.

I have attended as a member of Defense Appropriation Subcommittee secret briefings on a number of military matters and many times I read about these facts the same evening or the next morning. In my opinion a large percentage of the facts given at these briefings could be made public without endangering U.S. security.

The present situation in Laos may well become another open-ended commitment which will further divide the United States. If we allow the Pentagon to hide behind the cloak of classified information, we will just provoke dissent and protest. The public is entitled to know all the facts which will not jeopardize our security and a congressional committee should have the responsibility to make the determination of what should be classified.

My resolution would establish a joint committee with representatives of the House and Senate Committees on Foreign Affairs, Armed Services, and Defense Appropriations and three other House Members and three other Members of the Senate serving as a screening board to limit the volume of information which is placed in the category of classified by the Defense Department. I am convinced that until Congress acts, the temptation to abuse the power to classify information wil outweigh the responsibility to keep the public informed. This is too important a decision to leave in the exclusive control of the Defense Department.

Mr. Speaker, I submit the text of my Resolution at this point in the RECORD:

H.J. Res. 1131

Joint resolution creating a Joint Committee on Classified Information

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of Congress that the public's right to information relating to the activities of the Federal Government may be restricted only in the case of information the disclosure of which would endanger the common defense and security; but it is also the policy of Congress that security classifications may not be used within the Government as a means for suppressing information on governmental affairs about which the public does have a right-to-know and that means to discover and eliminate misuses of information classification procedures should be established.

SEC. 2. (a) There is hereby created a Joint Committee on Classified Information (hereafter referred to in this joint resolution as as the "joint committee"), to be composed of—

(1) the Chairman and the ranking minority member of the Armed Services Committee of the Senate and of the House of Representatives;

(2) the Chairman and the ranking minority member of the Foreign Relations Committee of the Senate;

(3) the Chairman and the ranking minority member of the Foreign Affairs Committee of the House of Representatives;

(4) the Chairman and ranking minority member of the Defense Appropriations Subcommittee of the Appropriations Committee of the Senate and of the House of Representatives;

(5) three other members of the Senate appointed by the President of the Senate; and

(6) three other members of the House of Representatives appointed by the Speaker of the House of Representatives.

(b) Vacancies in the membership of the joint committee shall not affect power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection.

(c) The joint committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship shall alternate between the Senate and the House of Representatives with each Congress, and the chairman shall be selected by the Members from that House entitled to the chairmanship. The vice chairman shall be chosen from the House other than that of the chairman by the members from that House.

SEC. 3. (a) The joint committee shall make continuing investigations and studies with respect to (1) the practices and methods used in the executive branch to classify information in the interests of the common defenses and security, and (2) suspected uses of such classification procedures within the executive branch for purposes contrary to the public welfare.

(b) The joint committee (1) shall at such times as it finds classification procedures being used for purposes contrary to the public welfare, initiate such action as it deems appropriate in order to prohibit such misuse; and (2) may publicly disclose any classified information the classification of which the joint committee considers not to be merited in the interests of the common defense and security and the disclosure of which the joint committee considers to be in the public interest.

(c) The joint committee shall report to the Senate and the House of Representatives, from time to time, the results of its investigations and studies, together with such recommendations as it may deem desirable. Any department, official, or agency engaged in functions relative to investigations or studies undertaken by the joint committee shall, at the request of the joint committee, consult with the joint committee from time to time with respect to such functions or activities.

SEC. 4. (a) In carrying out its duties, the joint committee or any duly authorized subcommittee thereof is authorized to hold such hearings and investigations; to sit and act at such places and times within the United States, including any Commonwealth or possession thereof, whether the House or the Senate is in session, has recessed, or has adjourned; to require, by subpena or otherwise, the attendance of such witnesses and the production of such books, papers, and documents; to administer such oaths; to take such testimony; to procure such printing and binding; and to make such expenditures as it deems necessary. The joint committee may make such rules respecting its organization and procedures as it deems necessary. No recommendation may be reported from the joint committee unless a majority of the committee is present. Subpenas may be issued over the signature of a cochairman of the joint committee or by any member designated by him or by the joint committee, and may be served by such person or persons as may be designated by such chairman or member. A cochairman of the joint committee or any member thereof may administer oaths to witnesses.

(b) The joint committee may appoint and fix the compensation of such clerks, experts, consultants, technicians, and clerical and stenographic assistants as it deems necessary and advisable; and, with the prior consent of the heads of departments or agencies concerned and the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate, to utilize the reimbursable services, information, facilities, and personnel of any of the departments or agencies of the Federal Government, as it deems advisable. The joint committee is authorized to reimburse the members of its staff for travel, subsistence, and the other necessary expenses incurred by them in the performance of the duties vested in the joint committee other than expenses in connection with meetings of the joint committee held in the District of Columbia during such times as the Congress is in session.

(c) All committee records, data, charts, and files shall be the property of the joint committee and shall be kept in the offices of the joint committee or such other places as the joint committee may direct under such security safeguards as the joint committee shall determine to be in the interest of the common defense and security.

SEC. 5. The expenses of the joint committee shall be paid one-half from the contingent fund of the House of Representatives and one-half from the contingent fund of the Senate upon vouchers signed by the chairman of the joint committee.

GENOCIDE TREATY—A PITFALL TO FREE PEOPLE

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

Mr. RARICK. Mr. Speaker, 2 weeks ago I addressed the House on the dangers inherent in American ratification of the Genocide Convention, proposed by the United Nations Organization—RECORD, February 25, page 4884.

Today I again arise for that purpose.

Because we are a nation of law, and because under our Constitution a treaty entered into under the authority of the United States actually becomes the law of the land—enforceable domestic law, binding the judges of all the courts, both State and Federal, treaty ratification is far more than international propaganda for us.

In my State, we use the honored term "learned in the law" to designate those attorneys whose judgments and opinions are widely respected by their peers. Such a distinguished attorney, and one truly learned in the law in the most profound sense of the phrase is the Honorable Eberhard P. Deutsch, of New Orleans.

I am pleased to include in my remarks, for the information of our colleagues, Mr. Deutsch's unassailable argument that the United States avoid the pitfalls of the Genocide Convention, as delivered by him at the midwinter meeting of the House of Delegates of the American Bar Association:

ADDRESS BY EBERHARD P. DEUTSCH

The conscience of the entire civilized world is revolted by the concept of mass genocide, as stated by this Association in 1949, because it is "contrary to the moral law and . . . abhorrent to all who have a decent regard for the dignity of human beings, regardless of the national, ethnical, racial, religious or political groups to which they belong".

But the humanitarian fight against genocide will not be furthered by a treaty between the United States on the one hand, and such countries as Ghana and Bulgaria on the other.

The Genocide Convention arose out of a UN Declaration adopted in 1946, denouncing genocide whether "committed on religious, racial, *political* or other grounds".

When this Declaration was transmuted into a draft convention, the word *"political"* was omitted at the insistence of the Communist nations.

Mr. Katzenbach has told you that the United States agreed to elimination of "political" from the definition in return for Communist agreement to insertion of "ethnical". Since "racial" was already in the formula, the United States received only a stale cracker for a warehouse full of fine hams in that unfortunate transaction.

Today, none of the 70-odd states-parties to the Convention is prohibited by that treaty from permitting its nationals to commit genocide on political grounds—or on grounds which they assert to be political.

At the drafting of the Genocide Convention, the representatives of the United States made every effort to have the definition of genocide require that it be "committed with the complicity of government", as in the case of the Nazi persecution of the Jews which gave rise to the concept of genocide in the first instance.

This demand, which would legitimately have made an international offense of genocide, was rejected by the Communist nations. Under the Convention, as drafted, the offense can be committed only by individuals; although governments may be called to account before the United Nations for genocide committed by their nationals.

The position of the Soviet Union, in charging the United States with hypocrisy for not ratifying the Genocide Convention, is the same as its position under the Forced Labor Convention which it has consistently refused to sign because it prohibits imposition of forced labor for political activity opposed to government.

It can hardly be suggested that if pre-Hitler Germany had been party to a Genocide Convention, there would have been no mass extermination of Germany's Jews by the Nazis.

Can it be suggested with any less naiveté that Soviet Russia was deterred from her rape of Czechoslovakia, by the nonaggression provisions of the United Nations Charter to which she has been a party since its inception?

How can it be suggested that United States citizens may not be tried, under the Genocide Convention, in foreign courts, when Article VI of the Convention expressly provides that persons charged with violation of its provisions "shall be tried by a court of the state in whose territory the act was committed," and that genocide is to be considered an extraditable offense under extradition treaties?

President Tito of Yugoslavia and the Government of Hanoi have charged that United States forces in Vietnam have been guilty of genocide in that country.

Are we to enter into a convention which would sanction trial of our prisoners of war on charges of genocide, or under which we must permit members of our military forces to be extradited for trial in Vietnam or elsewhere, without the constitutional guaranties for the preservation of which they have risked their lives, and their buddies have made the supreme sacrifice?

Are we to be compelled to try the members of our own security forces for commission of genocide, on charges made to the United Nations by counsel for the Black Panthers, pursuant to demand under Article VIII of the Genocide Convention, by Byelorussia, Albania, Upper Volta, Mongolia or the Congo—all parties to that treaty?

The Genocide Convention seeks to metamorphose peoples who have no idea as to the meaning of freedom and human rights, into judges of the freedoms of the people of the United States of America.

Genocide by individuals is a matter of domestic concern. This was conceded by Professor Sohn and the late Grenville Clark in their work on "World Peace Through Law", even when committed with government participation, as to conditions in South Africa.

They even advocated amendment of the Charter's prohibition of interference in domestic affairs to enable the Organization to take action to combat genocide in South Africa.

A convention which applies to individuals charged with commission of common-law crimes, and which may be invoked to demand international adjudication, would cause more friction between governments than is now caused by the evil itself, and would tend to provoke war rather than to preserve peace among nations.

In 1949, the American Bar Association resolved not to make matters which are of exclusively internal concern to the United States, the business of other nations by ratification of the Genocide Convention.

Let us now again resolve that this nation, under God, shall remain steadfast in its adherence to the ideals upon which it was founded, and in which it still leads the world along the paths of justice and freedom.

MENINGITIS EPIDEMIC AT FORT LEONARD WOOD

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

Mr. HALL. Mr. Speaker, a few days ago I journeyed to Fort Leonard Wood, Mo., not only as an interested Missourian, but also as a member of the House Committee on Armed Services. It was my desire to be assured that everything possible was being done in the unfortunate epidemic of meningitis that had struck.

While there, I talked with the men in the Fort Leonard Wood Hospital who have meningitis, and I found that neither they nor their families were dissatisfied with their treatment. I also assured myself personally as well as professionally that everything necessary has been done by the post medical personnel, and that the post commander had exerted the proper leadership as far back as last October 1, 1969.

While inspecting Fort Leonard Wood, I learned from the Surgeon General of the Army's member on the Nation's Epidemiological Board, Lieutenant Colonel Winters, MC, USA, that my old friend and comrade in arms, Brig. Gen. Stanhope Bayne-Jones had passed away in the past fortnight at the age of 81.

I enclose herewith a bibliography of this unusual physician who worked in civilian life, as well as in the military services, to prevent disease, as well as remedy them. Of personal pride is the fact that while I was in the executive branch as Chief Personnel Service, Office of the Surgeon General during World War II, I handled General Bayne-Jones' initial commission in the Army of the United States for General Steve Simmons, the Chief of the Preventive Medicine Branch, and the Surgeon General.

We were fast friends, during and after World War II, bound together in part by this Nation's total medical mobilization.

It was always a joy to clasp hands and renew our friendship through the ensuing 25 years.

Obviously, from his biography he contributed very much to military medicine, as well as to civilian medicine and the general betterment of mankind. Col. Charles J. Simpson the current executive officer of the historical unit, Walter Reed Army Medical Center, put it so well when he said, "Not only did he write history eloquently—over the years he had made it, as well." We regret the passing of "B-J" and extend our heartfelt sympathy to his loved ones who honored him as a man, a warm friend, a husband, and family man, as well as, servant above self to the people of the United States—even the world.

The bibiliography follows:

BIOGRAPHICAL SKETCH, STANHOPE BAYNE-JONES

Born in New Orleans, Louisiana, November 6, 1888.

DEGREES RECEIVED

MILITARY

B.A., Yale University, 1910.

M.D., Johns Hopkins University, 1914.

M.A., Johns Hopkins University, 1917.

M.A. (Hon.), Yale University, 1932.

Sc.D. (Hon.), University of Rochester, 1943.

Sc.D. (Hon.), Emory University, 1954.

LL.D. (Hon.), Tulane University, 1955.

L.H.D. (Hon), Hahnemann Medical College, 1959.

LL.D. (Hon.), Johns Hopkins University, 1960.

Sc.D. (Hon.), Ohio State University, 1960.

DECORATIONS AND MEDALS RECEIVED

Military

U.S.A.: Distinguished Service Medal, Silver Star (with 2 oak leaf clusters), Army Commendation Ribbon, United States of America Typhus Commission Medal, Decoration for Exceptional Civilian Service, Department of the Army.

British: Military Cross, Order of the British Empire (Honorary Commander).

French: Croix de Guerre.

Civilian: Chapin Medal (Public Health) from the Rhode Island State Medical Society, Bruce Medal (Preventive Medicine) from the American College of Physicians, Passano Foundation Award—presented on June 10, 1959.

ACADEMIC AND ADMINISTRATIVE POSITIONS HELD AT VARIOUS TIMES

1914–1924: Various positions on faculty of the Johns Hopkins University School of Medicine from Instructor to Associate Professor of Bacteriology and Pathology.

1924–1932: Professor of Bacteriology, University of Rochester School of Medicine and Dentistry.

1932–1947: Professor of Bacteriology, Yale University School of Medicine.

1924–1932: Director, Rochester Health Bureau Laboratories, Rochester, New York.

1932–1933: Chairman, Division of Medical Sciences, National Research Council.

1935–1940: Dean, Yale University School of Medicine.

1932–1933: Master of Trumbull College, Yale University.

1937–1947: Director, Board of Scientific Advisers, The Jane Coffin Childs Memorial Fund for Medical Research.

1939–1941: Member, Board of Scientific Advisers, International Health Division, Rockefeller Foundation.

1939–1954: Member, Board of Directors, Josiah Macy, Jr. Foundation.

1939–1957: Member, Advisory Medical Board, Leonard Wood Memorial (American Leprosy Foundation).

1952 to date: Member, Board of Governors, Gorgas Memorial Institute of Tropical and Preventive Medicine.

1948–1952: Member, Committee on Public Relations, New York Academy of Medicine.

1949–1951: Chairman, Committee on Public Health, Medical Society of the County of New York.

1947–1952: Member, Scientific Advisory Board, Public Health Research Institute of the City of New York.

1930–1947: Member of editorial boards of several scientific journals.

1950–1952: Member, Board of Hospitals, New York City.

1942–1952: Member, Board of Managers, Memorial Hospital for Cancer and Allied Diseases, New York City.

1947–1953: President of the Joint Administrative Board of the New York Hospital-Cornell Medical Center.

1929–1930: President of the Society of American Bacteriologists.

1930–1931: President of the American Association of Immunologists.

1940–1941: President of the American Association of Pathologists and Bacteriologists.

1914 to date: Member of numerous medical and scientific societies, including the American Philosophical Society.

1950–1952: Member, National Manpower Commission, Columbia University.

1951–1954: Member, Commission on Financing of Hospital Care.

1955–1956: Member of the Corporation of Yale University.

1957–1958: Chairman of the Secretary's Consultants on Medical Research and Education, Office of the Secretary, U.S. Department of Health, Education, and Welfare.

1961–1962: Chairman, Board on Cancer and Viruses, National Cancer Institute, National Institutes of Health.

1962–1964: Member, Surgeon Generals (PHS) Advisory Committee on Smoking and Health.

1941 to date: Author of about 75 scientific and medical papers, and addresses on various subjects. Coauthor with Doctor Hans Zinsser of a revision and new edition of "A Textbook of Bacteriology."

Medical and Scientific Member of: American Medical Association; Medical Society of the District of Columbia; Academy of Medicine of Washington, D.C., American Cancer Society, American Association of Immunologists; American Association of Pathologists and Bacteriologists; Society of American Bacteriologists; American Philosophical Society; American Public Health Association; etc.

MILITARY RECORD

1917–1919: Served as Captain, later as Major, MC, in World War I, in France, Belgium, Italy, and Germany. From January to June 1919, was Sanitary Inspector of the 3rd U.S. Army (Army of Occupation) in Germany.

1942–1946: During World War II served on active duty in the Office of The Surgeon General, U.S. Army, in Washington, D.C., in grades of Lt. Colonel to Brigadier General, as—

Deputy Chief, Preventive Medicine Service;

Administrator of the Army Epidemiological Board, (1942–1945);

Director of the United States of America Typhus Commission;

Special Missions to England (1943) and Egypt (1944);

Promoted to Brigadier General on 25 February 1944; Retired in grade 31 December 1949; Recommissioned Brigadier General, Reserves, Army of the United States, 7 May 1953.

1946 to date: Member, Armed Forces Epidemiological Board (President, 1946–1947).

1953–1956: Technical Director of Research, Office of The Surgeon General, Department of the Army.

1954 to 1963: Member of the Army Advisory Scientific Panel. Member of the Advisory Scientific Board, Walter Reed Army Institute of Research.

1955 to date: Chairman of the Advisory Editorial Board, History of Preventive Medicine in World War II, Medical Department, U.S. Army.

FREEDOM'S CHALLENGE

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

Mr. BROYHILL of North Carolina. Mr. Speaker, this week is has been my pleasure to meet with representatives of the Veterans of Foreign Wars during the occasion of their annual congressional dinner in the Nation's Capital. One of the fine public services of the VFW has been its annual, nationwide Voice of Democracy program in which over 400,000 students participate.

This contest stimulates patriotism and analytical thinking among these great numbers of young people. In this way, a new evaluation and appreciation of the guarantees of freedom which our Nation enjoys is made by young people who are about to assume the responsibility of citizenship in our country.

This year, the contest in North Carolina was won by the essay of L. Lyndon Key, Jr., the son of Mr. and Mrs. L. L. Key, Sr., of Hickory, N.C.. This young man's thoughtful and challenging statement upon the nature of freedom in our society is worthy of the highest commendation. I want to commend it to the Members of the House for its ringing dedication to the highest principles which motivate our people. The essay, entitled "Freedom's Challenge," is as follows:

FREEDOM'S CHALLENGE

What is this thing which we call freedom? Is it merely a feeling? Is it merely a set of written rights? Is it a way of life? Is anyone truly free?

If one would stop to ponder his own freedom, these are some of the questions which he might discover within the folds of his heart. The sad thing about freedom, however, is that in all too many men it causes a sense of complacency to develop where a zeal and desire should exist. Too many people who have freedom do not appreciate their blessing and when they stop appreciating their freedom, they come all too close to losing it. The challenge of freedom then is to know what freedom is and live with an awareness of it always.

What is this thing which we have chosen to name freedom? Freedom is the right to think and to express the beliefs which arise from this thought. Each type of freedom which one can name falls under this definition—freedom to worship, to speak, and the freedom to live. Freedom lives in the minds of men, and as long as the minds of men choose to think for themselves, it shall always live. The challenge then goes out to every man to think and to stimulate others to think also. Ah, thinking is easy, one would be prone to give as a rejoinder: but thinking constructively and individually is not quite so easy a task. Each person in the world can think on an idea which someone else gives him, but turning over the ideas of others is not freedom. This is the major basis for Communism and Totalitarianism. Get the masses thinking the thoughts which we want them to think. Do not allow them to formulate their own thoughts. These people are then made ideological slaves.

Is anyone truly free? Yes, a person is truly free as long as he can still think his own thoughts, make his own kind of music as the

popular song says. A person then can be free while subjugated or a man can be a slave when he is legally free. The challenge then comes forward once again for each of us to use our minds. Is thinking the ultimate challenge however? No. Thinking must be followed up by action. It is obvious that people in a country where individual rights do not exist can only formulate concepts of freedom without acting, but men who live in the nations of the world where man can express his beliefs must do more than just think—they must live their freedom. Each man must live his freedom, not only for himself, but in the way that will insure freedom for those around him and that will help the subjugated peoples of the world find freedom and fight for it. Freedom is not always cheap and sometimes one must fight in order that his ideas may live.

The ultimate challenge then is to live with freedom pulsing in our veins, with freedom radiating from our lives and freedom being shouted from our lungs. To the man who thinks, freedom is his life. If it is in danger, he may have to serve it, with his death. Listen all men, freedom is calling.

STABILIZATION WORK ON THE MISSOURI RIVER BETWEEN GARRISON DAM AND BISMARCK

(Mr. KLEPPE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. KLEPPE. Mr. Speaker, I am introducing a bill today authorizing an additional $6 million for bank stabilization work on the Missouri River between Garrison Dam and Bismarck.

Identical legislation is being introduced in the Senate by Senators MILTON R. YOUNG and QUENTIN N. BURDICK.

The legislation would permit the Corps of Engineers to continue bank stabilization and rectification projects it has been conducting for several years. The corps has utilized nearly all the funds for which it has authorization.

Although the additional $6 million authorization is slightly above the amount the corps has indicated it can support, it is not excessive when we consider inflation and rising construction costs.

Critical bank erosion is continuing along the Missouri River. Some areas are particularly threatened and need attention at the earliest possible time, including the banks near the Interstate Highway No. 94 bridge between Bismarck and Mandan, the Standard Oil pipeline north of the bridge, and valuable agricultural lands.

A sudden break in the pipeline would cause oil pollution of the proportion that has plagued many other areas of the United States.

FISCAL INEBRIATION

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

Mr. KYL. Mr. Speaker, a number of years ago, on the second day of January, I met on the street a friend who worked for the city in our little community. He did not look well.

It turned out that most of the merchants, in appreciation for the kind of job he had done, had given him many different kinds of spiritous beverages in considerable quantity, and since they had given it to him for New Year's, he thought he had to drink it all on New Year's Day. He said he had had sauerkraut and wieners for supper and then he went to bed. About midnight he woke up, quite uncomfortable. He went to the kitchen and drank a quart of milk.

The next day, in explaining it to me, he said, "You know, JOHN, that milk almost killed me."

Our Nation has been engaged in fiscal inebriation for about 30 years. We are now engaged in a sobering-up process, and some of the hangover is a little painful.

Now the majority leader comes to the floor and claims that the milk is making the economy sick.

These are simply the meanderings of the majority party in trying to explain away this 30-year inebriation in which they have been engaged.

HEW ATTEMPTING TO INTERFERE WITH COURSES, FACULTY, AND STUDENTS

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

Mr. BUCHANAN. Mr. Speaker, one of the greatest educational assets of my State of Alabama is its fine system of junior colleges and technical schools. Two of these are located in my congressional district and would be most adversely affected by a recent proposal of the Department of Health, Education, and Welfare.

Wenonah State Junior College, located in the western sector of my district, has for 20 years served as a junior college and technical school for a predominantly black student body, and it continues to serve with distinction.

HEW would remove the trade school from this school and transfer it elsewhere.

Jefferson State Junior College has for 5 years existed in the eastern sector of my district with a present enrollment of 5,500 students. Like Wenonah, it has operated from the outset with open admission policies, and is approximately 85 percent white and 15 percent black in its student composition. Jefferson State operates fine schools of nursing and of data processing, among other functions. These HEW would seek a court order to close, with the court requested to order the faculty, students, and functions transferred to Wenonah State College.

Mr. Speaker, I vigorously protest a Federal agency seeking to direct what courses a college may or may not teach, or students what college they may or may not attend. The young people involved are enrolled as tuition-paying college students attending schools with free admission policies, and schools of their own choice. There can be no question of their right to do so, or of the absolute wrongness of this Federal attempt to deny both them and the schools they attend fundamental rights and freedoms.

PROPOSED UNITED NATIONS OFFICE AND LIVING SPACE EXPANSION

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

Mr. MICHEL. Mr. Speaker, I note that the United Nations is planning a massive expansion of its facilities, at the same time that its influence and effectiveness have hit a new low. The proposed new buildings would include offices and living quarters and would constitute a landgrab comprising two blocks of choice Manhattan property. The office and apartment hotel complex would cost $300 million. If the past is any precedent, the United States will be called upon to foot a large share of this bill. This expansion would provide 4.2 million square feet of office and living space. By comparison there are only 3 million square feet of offices in the Pentagon. In addition, 700 families would be put out of their homes so that U.N. employees could live and work in the same building. There is some question in many minds as to just what the U.N. does, except come to the U.S. Treasury periodically for more money. Just a few years ago we bailed them out to the tune of $200 million. Yet, many nations fail to pay their share of U.N. dues and assessments while continuing to use this debating society as a propaganda outlet for their nationalistic propaganda. When we are seeking to trim our own domestic budget to combat inflation, further U.S. investment in the U.N. of this magnitude is foolish and wasteful. I would hope that this Congress would move to inform the U.N. that we do not intend to finance their skyscraper, or any part of it; $20 million has been earmarked in the 1971 U.N. budget to begin this expansion of the "Tower of Babel." This Congress can perform a distinct service to the taxpayers by eliminating whatever portion of the cost which the generous leadership of that body has assigned to the United States.

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

Mr. MICHEL. I am happy to yield to the gentleman from Iowa, my friend, who similarly opposes the expansion of the great Tower of Babel up in New York.

Mr. GROSS. Mr. Speaker, the gentleman is on House Appropriations Committee, the proper committee to do something about that, and I am confident he will. President Nixon has put $20 million in his budget, and that is first the well-known foot-in-the-door for this plush expansion of the U.N. which the gentleman from Illinois properly describes as a debating society.

Mr. MICHEL. I just want to make it clear to the gentleman from Iowa by my remarks today where the gentleman in the well stands on the subject.

ENVIRONMENT TEACH-INS RESOLUTION

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

Mr. McCLOSKEY. Mr. Speaker, the executive board of the Communications Workers of America recently adopted two resolutions indicating their concern about the environment.

The first resolution endorses the day of environmental study and discussion planned for April 22 throughout the

Nation's colleges and schools and pledges the cooperation and participation of local unions.

The second resolution suggests specific steps that this Nation should take to achieve the goal of a "new quality of life in America" as called for by President Nixon in his state of the Union address, and as strongly supported by the union's president, Joseph A. Beirne.

I submit for inclusion in the RECORD at this point the two resolutions adopted by the Communications Workers' executive board and add my personal commendation to the Communications Workers of America for their leadership in this field:

ENVIRONMENT TEACH-INS RESOLUTION

The era of indifference which saw the pollution of our air and water and the defiling of our cities and countryside can be brought to an end if the people of the nation join together in pushing good environmental programs to the forefront of our national priorities. We, the Communications Workers of America, acting as citizens and as Unionists, accept our responsibility to participate in this effort for the betterment of our lives and the lives of our children.

A method of participation for CWA has become available through the announcement that a nationwide program of teach-ins on environment will be held on many college campuses on April 22. Sponsored by Senator Gaylord Nelson, a Democrat, and Rep. Paul McCloskey, a Republican, the teach-ins are non-partisan, and are designed to develop community awareness of the great risks and great costs of continued lack of improvement in the environment. Those participating in the teach-ins will select issues which are of importance in their particular area, and devise procedures to implement correction of area environmental problems. Therefore, be it Resolved: That the Executive Board of the Communications Workers of America endorse the teach-ins to be held on college campuses, and urge all Locals to participate in the teach-ins. And be it further

Resolved: That Locals participate in helping organize the teach-ins, conduct the teach-ins, follow through on necessary post-teach-in programs to secure environmental improvements, and publicize their participation. And be it further

Resolved: That Locals not located near a campus which is the site of a teach-in aid in this effort for a better environment by informing elected officials in their communities and states, members of the Congress, and the news media, of their support for measures to improve the environment, by noting situations in their areas which need correction. And be it further

Resolved: That the President's office endeavor to obtain and distribute a list of the campuses where teach-ins are being held so that contact may be facilitated by the Locals. And be it further

Resolved: That Local officers call the membership's attention to the extensive coverage of environment in the March issue of the CWA News, and that Local officers use this information as the basis for developing arguments on behalf of environmental improvements.

If the Nation's goal is to become more than another set of slogans coined for political purposes, full commitment must be made—and honored.

While it is impossible to find anywhere in this land a single individual who says he prefers polluted air and water, junkyards on the streets, traffic congestion, ravage of the natural resources, and any of the other indices of a breakdown of the environment, there are natural and artificial sources of inertia which would prevent action. Therefore, be it

Resolved: That the Executive Board of the Communications Workers of America wholeheartedly endorse efforts by the Administration and the Congress to take all needed steps to achieve "a new quality of life in America"; and be it further

Resolved: That this Executive Board express this Union's sense of urgency in the following aspects of the national goal:

1. Definition of the problems of the environment, especially those which require legislative action.

2. Enactment of the most stringent of Federal laws with clear standards, providing adequate funds for the strictest enforcement, and setting criminal penalties against individuals who refuse to obey the law.

3. Permitting the public at large by "class actions" in Federal courts of competent jurisdiction, to secure its rights to an unpolluted and otherwise undefiled environment.

4. Unification of the jurisdiction of Federal agencies and Committees of the Congress in environmental matters.

5. Establishment of a policy that city streets are to be used primarily for the movement of traffic, not vehicle storage.

6. Taxation of slum properties on a formula that favors maintenance and penalizes those who traffic on misery.

7. Expenditure of Federal and other public funds for more useful and practical purposes than up to the present.

8. "Open Spaces" programs meaning more than shopping centers and parking lots.

ENVIRONMENTAL QUALITY—MORE THAN SLOGANS NEEDED

The United States is encountering severe problems in the quality of its environment. The problems are largely due to the tremendous success of our mass production-high consumption economy.

Concepts currently prominent in the thinking of government and other public bodies and the information media include "ecology," "total environment," "quality of life," "urban decay" and "pollution." The magnitude of these concepts is at long last being recognized.

The scope of the problem has not been adequately defined. It must include air and water pollution, the ever-growing masses of solid wastes, the abuse of natural resources, and the inability of the individual citizen to do more than protest.

Advances in technology and increases in the Gross National Product have not been accompanied by sufficient efforts to ensure that they are truly forward steps.

For instance, the coming of a paper mill or chemical plant is an event often welcomed by a community, because of the many financial benefits. But the price subsequently exacted on the community can be high—in ravaging of the landscape and waters, in noxious discharges into the air, in congestion.

DDT and other toxic chemicals have greatly reduced the number of insects which have plagued mankind through history. However, these substances are not selective: Bees, birds, fish and other animal life also have been threatened, and there is medical evidence that human health may be harmed by the continued use of these chemicals.

A drilling accident in the Santa Barbara Channel and the wreck of the tanker *Torrey Canyon* in the last two years fully illustrated the dangers inherent in the petroleum industry, and the substantial economic losses by individuals and businesses not directly involved.

For a final instance, the installation of a nuclear power plant can be a source of adequate electricity for a large area. But the price paid by the area can be hazardous radiation, thermal pollution of large expanses of publicly owned waters, and difficulty in disposing of radioactive nuclear wastes.

Heretofore, the individual or local group alarmed at water and air pollution by local industries has been in danger of being an outcast because of "anti-business" attitudes. Opposition to strip-mining has been viewed as somehow "anti-American," because the protester would be denying a company the use of its own minerals. Questioning the "unquestionable assumptions" of the use of nuclear energy has been equated to impeding progress. Open advocacy of modern and adequate mass-transit systems can be offensive to the gigantic automotive industry and its natural allies—the oil industry, tire makers and paving contractors.

In his first State of the Union Message, President Nixon focused attention on the goal of "a new quality of life in America." While the message lacked specific steps to reach that goal, the President promised to send the Congress "the most costly and comprehensive program in this field in the Nation's history."

TAKE PRIDE IN AMERICA

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

Mr. MILLER of Ohio. Mr. Speaker, today we should take note of America's great accomplishments and in so doing renew our faith and confidence in ourselves as individuals and as a nation. The United States is the world's largest producer of cheese. In 1967 the United States produced 868,000 metric tons. France was second with 645,000 metric tons.

AT LEAST ONE NEWSMAN TELLS IT LIKE IT IS

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

Mr. WAGGONNER. Mr. Speaker, it is highly refreshing to find that there is at least one man in the news industry willing to admit to the bias and prejudice which exists among the commentators who dominate the dissemination of news on the television networks. He is Howard K. Smith, Washington-based anchor man for the ABC network.

His admission made not a ripple in the liberal press or on television where it should have made the lead story on the day he spoke these truths. But his comments were carried in TV Guide magazine and reprinted in Human Events of March 14.

Just to set the record straight and make a permanent record of the fact that things are not what the liberal majority would have us believe, I would like to insert this story from Human Events here in the RECORD:

AT LEAST ONE NEWSMAN TELLS IT LIKE IT IS

On Nov. 12, 1969, when the liberal media were angrily aboil over Vice President Agnew's blasts at the liberal left and its frequently violent crusades, a quiet voice on ABC–TV declared: "Political cartoonists have that in common with the lemmings, that once a line is set, most of them follow it, though it lead to perdition. The current cliche shared by them and many columnists is that Spiro Agnew is putting his foot in his mouth [and] making irredeemable errors. . . . Well, . . . I doubt that party line. . . . There is a possibility it is not Mr. Agnew who is making mistakes. It is the cartoonists."

One week later, on Nov. 19, 1969, when the liberal media were even more violently aboil over the climactic Agnew speech blast-

ing bias in network news, that same quiet voice on ABC-TV once again was heard: "I agree with some of what Mr. Agnew said. In fact, I said some of it before he did."

The speaker was Howard K. Smith, ABC's Washington-based anchor man, ex-CBS European correspondent, and winner of a constellation of awards for foreign and domestic reporting. Mr. Smith had, indeed, said some of what Mr. Agnew said before Mr. Agnew had said it. For several years, despite his respect for network news departments and their achievements, he has been criticizing his colleagues—on the air and off—for falsifying U.S. political realities by means of biased reporting.

Mr. Smith is by no means an unqualified supporter of Mr. Agnew, and he has reservations about The Speech. To name the two most important: "A tone of intimidation, I think, was in it, and that I can't accept . . . Also a sense that we do things deliberately, I don't think we do them deliberately."

Mr. Smith, however, says: "I agree that we made the mistakes he says we made." And he himself levels charges at the network news departments.

In fact, according to Howard Smith, political bias in TV reporting is of such a magnitude that it fully justifies the explosion we have seen. Here is this insider's analysis of the problem.

His candor begins at the very base of the network news operation—namely, with the political composition of the staff. Networks, says Mr. Smith, are almost exclusively staffed by liberals.

"It evolved from the time when liberalism was a good thing, and most intellectuals became highly liberal. Most reporters are in an intellectual occupation." Secondly, he declares that liberals, virtually by definition, have a "strong leftward bias": "Our tradition, since FDR, has been leftward."

This is not to say that Mr. Smith sees anything wrong with being a leftist—"I am left-of-center myself." But he sees everything wrong with the dissemination of an inflexible "party line"; and this, he charges, is what liberal newsmen are doing today:

"Our liberal friends today have become dogmatic. They react the way political cartoonists do—with oversimplification. Oversimplify. Be sure you please your fellows, because that's what's 'good.' They're conventional, they're conformists. They're pleasing the Washington Post, they're pleasing the editors of the New York Times, and they're pleasing one another."

He says a series of cartoonlike positive and negative reflexes are determining much of the coverage.

He names a series of such negative reflexes—i.e., subjects which newsmen automatically cover by focusing on negatives. Herewith, excerpts from his comments:

Race: "During the Johnson Administration, six million people were raised above the poverty level. . . . And there is a substantial and successful Negro middle class. But the newsmen are not interested in the Negro who succeeds—they're interested in the one who fails and makes a loud noise.

"They have ignored the developments in the South. The South has an increasing number of integrated schools. A large part of the South has accepted integration. We've had a President's Cabinet with a Negro in it, a Supreme Court with a Negro on it—but more important, we have 500 Negroes elected to local offices in the Deep South! This is a tremendous achievement. But that achievement isn't what we see on the screen."

Conservatives: "If Agnew says something, it's bad, regardless of what he says. If Ronald Reagan says something, it's bad, regardless of what he says. Well, I'm unwilling to condemn an idea because a particular man said it. Most of my colleagues do just that."

The Middle Class: "Newsmen are *proud* of the fact that the middle class is antagonistic to them. They're proud of being out of contact with the middle class. Joseph Kraft did a column in which he said: Let's face it, we reporters have very little to do with middle America. They're not our kind of people. . . . Well, I resent that. *I'm* from middle America!"

The Viet Nam War: "The networks have never given a complete picture of the war. For example: that terrible seige of Khe Sanh went on for five weeks before newsmen revealed that the South Vietnamese were fighting at our sides, and that they had higher casualties. And the Viet Cong's casualties were 100 times ours. But we never told *that*. We just showed pictures day after day of Americans getting the hell kicked out of them. That was enough to break America apart. That's also what it did."

The Presidency: "The negative attitude which destroyed Lyndon Johnson is now waiting to be applied to Richard Nixon. Johnson was actually politically assassinated. And some are trying to assassinate Nixon politically. They hate Richard Nixon irrationally."

If this is a sampling of the liberal reporters' negative reflexes, as seen by Howard Smith—what then are the positive reflexes? He provides an even more extensive set of examples—subjects on which, he says, his colleagues tend to have an affirmative bias and/or from which they screen out negatives. Again here are excerpts from his comments:

Russia: "Some have gone overboard in a wish to believe that our opponent has exclusively peaceful aims, and that there is no need for armaments and national security. The danger of Russian aggression is unreal to many of them, although some have begun to rethink since the invasion of Czechoslovakia. But there is a kind of basic bias in the left wing soul that gives the Russians the benefit of the doubt."

Ho Chi Minh: "Many have described Ho Chi Minh as a nationalist leader comparable to George Washington. But his advent to power in Hanoi, in 1954, was marked by the murder of 50,000 of his people. His consistent method was terror. He was not his country's George Washington—he was more his country's Hitler or Stalin. . . . I heard an eminent TV commentator say: 'It's an awful thing when you can trust Ho Chi Minh more than you can trust your President.' At the time he said that, Ho Chi Minh was lying! He was presiding over atrocities! And yet an American TV commenator could say that!"

The Viet Cong: "The Viet Cong massacred 3,000 Vietnamese at Hue alone—a massacre that *dwarfs* all allegations about My Lai. This was never reported on,"

Doves: "Mr. Fulbright maneuvered the Gulf of Tonkin Resolution through—with a clause stating that Congress may revoke it. Ever since, he's been saying: 'This is a terribly immoral thing.' I asked him. 'If it's that bad, aren't *you* morally obligated to try to revoke it?' He runs away! And yet Mr. Fulbright—who incidentally has voted against *every* civil-rights act—is not criticized for his want of character. He is beloved by reporters, by everyone of my group, which is left-of-center. It's one of the mysteries of my time!"

Black Militants: "A few Negroes—scavengers on the edge of society—have discovered they're riding a good thing with violence and talk of violence. They can get on TV and become nationally famous."

The New Left: "The New Left challenges America. They're rewriting the history of the Cold War. Some carry around the Viet Cong flag. Some shout for Mao—people who'd be assassinated in China! They've become *irrational!* But they're not portrayed as irrational. Reporters describe them as 'our children.' Well, they're not *my* children. *My* children don't throw bags of excrement at policemen. . . .

"If right-wing students had done what left-wing students have done, everyone, including the reporters, would have called in the police and beaten their heads in. But we have a left-wing bias now, that has 30 years of momentum behind it."

What do Mr. Smith's examples of negative and positive biases add up to, politically? He says: "The emphasis is anti-American." In fact, as he portrays the pattern, it is a dual emphasis: This coverage as described by Mr. Smith is anti-American in that it tends to omit the good about America and focus on the bad. And it is also biased in favor of the attackers-of-America by tending to omit the bad about them and focusing on the good. Mr. Smith has actually reconstituted here a loose variant of the New Left line. And New Left attitudes are influencing newsmen, he says. "The New Left," says Smith, "has acquired a grave power over the liberal mind."

This is not a new charge—it is the essence of the public outcry against network news, and it's the essence of the long-standing conservative charges against the newsmen.

Mr. Smith himself, although he's been described as a "conservative" because he supports the war, is, as he says, a leftist—indeed, a semi-Socialist who shares many views with economist John Kenneth Galbraith. He has been one of TV's most ardent fighters for civil rights—too ardent, Smith says, for CBS's tastes, which is one reason why, he adds, he is at ABC today.

He is generally in disagreement with political Conservatives on virtually everything. And, for that matter, he finds it psychologically easier to defend TV news departments than to criticize them. But on this issue of anti-American, pro-New-Left bias in the network news departments, his observations are identical to those coming from the right.

His explanation of the causes of this pattern, however, are quite different from those which emerge from the right. Where conservatives are often inclined to see this pattern as a deliberate, conscious and intellectually potent conspiracy, Mr. Smith sees it as the opposite—as a largely unconscious phenomenon, stemming from intellectual impotence, from such qualities as "confirmism," "hypocrisy," "self-deception" and "stupidity."

One of the chief conformist patterns, he says, is the automatic obedience to a convention of negativism in journalism itself, often for self-serving reasons. "As reporters, we have always been falsifying issues by reporting on what goes wrong in a nation where, historically, most has gone right. That is how you win a Pulitzer Prize. This gears the reporter's mind to the negative, even when it is not justified."

But how about the opposite form of bias—a chronic omission of negatives and the unremitting focus on the good in our country's enemies? Here Mr. Smith tackles the New Left influence head on. He attributes it to a mental vacuum in the liberal world:

"Many of my colleagues," he says, "have the depth of a saucer. They cling to the tag 'liberal' that grew popular in the time of Franklin Roosevelt, even though they've forgotten it. They don't know what 'liberal' and 'conservative' mean any more! They've forgotten it because the liberal cause has triumphed.

"Once it was hard to be a liberal. Today it's 'in.' The ex-underdogs, the ex-outcasts, the ex-rebels are satisfied bourgeois today, who pay $150 a plate at Americans for Democratic Action dinners. They don't know what they stand for any more, and they're hunting for a new voice to give them new bearings."

The search for a "new voice," he says, has catapulted such men into the arms of the New Left: "They want to cling to that thrill of the old days, of triumph, and hard fighting. So they cling to the label 'liberal,' and they cling to those who seem strong—namely, the New Left. The New Left shouts tirades, rather than offering reasoned arguments. People bow down to them, so they have come to seem strong, to seem sure of themselves. As a result, there's a gravitation to them by

the liberals who are not sure of themselves. This has given the New Left grave power over the Old Left."

It is this New Left "power" over many of the nation's liberal reporters, he says, that underlies an anti-American and pro-radical bias in network coverage—and that underlies public anger.

What is the solution to this problem, as envisaged by Mr. Smith?

Let public protest rip, he says. He experiences a twinge of discomfort over the fact that his solution is identical to Mr. Agnew's: "There have been very unpleasant, even threatening, letters," he reports. "But quite literally, what Mr. Agnew suggests is all right."

Public protest, he thinks, will knock these men back into contact with U.S. political realities.

"The networks have ignored this situation, despite years of protest, because they have power. And you know what Lord Acton says about power. It subtly corrupts. Power unaccountable has that effect on people. This situation should not continue. But I wouldn't do anything about it. I would let public opinion and the utterances of the alleged silent majority bring about a corrective. The corrective? Just a simple attempt to be fair—which many people have thrown aside over the last few years."

REPORT ON THE ESTUARY PROTECTION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-274)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Merchant Marine and Fisheries and ordered to be printed with illustrations:

To the Congress of the United States:

In accordance with Public Law 90-454, the Estuary Protection Act, I submit herewith a report forwarded to me by the Secretary of the Interior. This report, which is the first volume of a seven-volume study prepared by the Department of the Interior, documents the importance of estuaries of our country and the severity of their modification by man. It demonstrates the urgent need for prompt enactment of the bill for a comprehensive Coastal Zone Management System which the Secretary of the Interior submitted to you on November 13, 1969.

RICHARD NIXON.

THE WHITE HOUSE.

TO IMPROVE ADMINISTRATION OF THE GOVERNMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 91-275)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Government Operations and ordered to be printed:

To the Congress of the United States:

We in government often are quick to call for reform in other institutions, but slow to reform ourselves. Yet nowhere today is modern management more needed than in government itself.

In 1939, President Franklin D. Roosevelt proposed and the Congress accepted a reorganization plan that laid the groundwork for providing managerial assistance for a modern Presidency.

The plan placed the Bureau of the Budget within the Executive Office of the President. It made available to the President direct access to important new management instruments. The purpose of the plan was to improve the administration of the Government—to ensure that the Government could perform "promptly, effectively, without waste or lost motion."

Fulfilling that purpose today is far more difficult—and more important—than it was 30 years ago.

Last April, I created a President's Advisory Council on Executive Organization and named to it a distinguished group of outstanding experts headed by Roy L. Ash. I gave the Council a broad charter to examine ways in which the Executive Branch could be better organized. I asked it to recommend specific organizational changes that would make the Executive Branch a more vigorous and more effective instrument for creating and carrying out the programs that are needed today. The Council quickly concluded that the place to begin was in the Executive Office of the President itself. I agree.

The past 30 years have seen enormous changes in the size, structure and functions of the Federal Government. The budget has grown from less than $10 billion to $200 billion. The number of civilian employees has risen from one million to more than two and a half million. Four new Cabinet departments have been created, along with more than a score of independent agencies. Domestic policy issues have become increasingly complex. The interrelationships among Government programs have become more intricate. Yet the organization of the President's policy and management arms has not kept pace.

Over three decades, the Executive Office of the President has mushroomed but not by conscious design. In many areas it does not provide the kind of staff assistance and support the President needs in order to deal with the problems of government in the 1970s. We confront the 1970s with a staff organization geared in large measure to the tasks of the 1940s and 1950s.

One result, over the years, has been a tendency to enlarge the immediate White House staff—that is, the President's personal staff, as distinct from the institutional structure—to assist with management functions for which the President is responsible. This has blurred the distinction between personal staff and management institutions; it has left key management functions to be performed only intermittently and some not at all. It has perpetuated outdated structures.

Another result has been, paradoxically, to inhibit the delegation of authority to Departments and agencies.

A President whose programs are carefully coordinated, whose information system keeps him adequately informed, and whose organizational assignments are plainly set out, can delegate authority with security and confidence. A President whose office is deficient in these respects will be inclined, instead, to retain close control of operating responsibilities which he cannot and should not handle.

Improving the management processes of the President's own office, therefore, is a key element in improving the management of the entire Executive Branch, and in strengthening the authority of its Departments and agencies. By providing the tools that are needed to reduce duplication, to monitor performance and to promote greater efficiency throughout the Executive Branch, this also will enable us to give the country not only more effective but also more economical government—which it deserves.

To provide the management tools and policy mechanisms needed for the 1970s, I am today transmitting to the Congress Reorganization Plan No. 2 of 1970, prepared in accordance with Chapter 9 of Title 5 of the United States Code.

This plan draws not only on the work of the Ash Council itself, but also on the work of others that preceded—including the pioneering Brownlow Committee of 1936, the two Hoover Commissions, the Rockefeller Committee, and other Presidential task forces.

Essentially, the plan recognizes that two closely connected but basically separate functions both center in the President's office: policy determination and executive management. This involves 1) what government should do, and 2) how it goes about doing it.

My proposed reorganization creates a new entity to deal with each of these functions:

—It establishes a Domestic Council, to coordinate policy formulation in the domestic area. This Cabinet group would be provided with an institutional staff and to a considerable degree would be a domestic counterpart to the National Security Council.

—It establishes an Office of Management and Budget, which would be the President's principal arm for the exercise of his managerial functions.

The Domestic Council will be primarily concerned with *what* we do; the Office of Management and Budget will be primarily concerned with *how* we do it, and *how well* we do it.

DOMESTIC COUNCIL

The past year's experience with the Council for Urban Affairs has shown how immensely valuable a Cabinet-level council can be as a forum for both discussion and action on policy matters that cut across departmental jurisdictions.

The Domestic Council will be chaired by the President. Under the plan, its membership will include the Vice President, and the Secretaries of the Treasury, Interior, Agriculture, Commerce, Labor, Health, Education and Welfare, Housing and Urban Development, and Transportation, and the Attorney General. I also intend to designate as members the Director of the Office of Eco-

nomic Opportunity and, while he remains a member of the Cabinet, the Postmaster General. (Although I continue to hope that the Congress will adopt my proposal to create, in place of the Post Office Department, a self-sufficient postal authority.) The President could add other Executive Branch officials at his discretion.

The Council will be supported by a staff under an Executive Director who will also be one of the President's assistants. Like the National Security Council staff, this staff will work in close coordination with the President's personal staff but will have its own institutional identity. By being established on a permanent, institutional basis, it will be designed to develop and employ the "institutional memory" so essential if continuity is to be maintained, and if experience is to play its proper role in the policy-making process.

There does not now exist an organized, institutionally-staffed group charged with advising the President on the total range of domestic policy. The Domestic Council will fill that need. Under the President's direction, it will also be charged with integrating the various aspects of domestic policy into a consistent whole.

Among the specific policy functions in which I intend the Domestic Council to take the lead are these:

—Assessing national needs, collecting information and developing forecasts, for the purpose of defining national goals and objectives.

—Identifying alternative ways of achieving these objectives, and recommending consistent, integrated sets of policy choices.

—Providing rapid response to Presidential needs for policy advice on pressing domestic issues.

—Coordinating the establishment of national priorities for the allocation of available resources.

—Maintaining a continuous review of the conduct of ongoing programs from a policy standpoint, and proposing reforms as needed.

Much of the Council's work will be accomplished by temporary, ad hoc project committees. These might take a variety of forms, such as task forces, planning groups or advisory bodies. They can be established with varying degrees of formality, and can be set up to deal either with broad program areas or with specific problems. The committees will draw for staff support on Department and agency experts, supplemented by the Council's own staff and that of the Office of Management and Budget.

Establishment of the Domestic Council draws on the experience gained during the past year with the Council for Urban Affairs, the Cabinet Committee on the Environment and the Council for Rural Affairs. The principal key to the operation of these Councils has been the effective functioning of their various subcommittees. The Councils themselves will be consolidated into the Domestic Council; Urban, Rural and Environment subcommittees of the Domestic Council will be strengthened, using access to the Domestic Council staff.

Overall, the Domestic Council will provide the President with a streamlined, consolidated domestic policy arm, adequately staffed, and highly flexible in its operation. It also will provide a structure through which departmental initiatives can be more fully considered, and expert advice from the Departments and agencies more fully utilized.

OFFICE OF MANAGEMENT AND BUDGET

Under the reorganization plan, the technical and formal means by which the Office of Management and Budget is created is by re-designating the Bureau of the Budget as the Office of Management and Budget. The functions currently vested by law in the Bureau, or in its director, are transferred to the President, with the provision that he can then re-delegate them.

As soon as the reorganization plan takes effect, I intend to delegate those statutory functions to the Director of the new Office of Management and Budget, including those under section 212 of the Budget and Accounting Act, 1921.

However, creation of the Office of Management and Budget represents far more than a mere change of name for the Bureau of the Budget. It represents a basic change in concept and emphasis, reflecting the broader management needs of the Office of the President.

The new Office will still perform the key function of assisting the President in the preparation of the annual Federal budget and overseeing its execution. It will draw upon the skills and experience of the extraordinarily able and dedicated career staff developed by the Bureau of the Budget. But preparation of the budget as such will no longer be its dominant, overriding concern.

While the budget function remains a vital tool of management, it will be strengthened by the greater emphasis the new office will place on fiscal analysis. The budget function is only one of several important management tools that the President must now have. He must also have a substantially enhanced institutional staff capability in other areas of executive management—particularly in program evaluation and coordination, improvement of Executive Branch organization, information and management systems, and development of executive talent. Under this plan, strengthened capability in these areas will be provided partly through internal reorganization, and it will also require additional staff resources.

The new Office of Management and Budget will place much greater emphasis on the evaluation of program performance: on assessing the extent to which programs are actually achieving their intended results, and delivering the intended services to the intended recipients. This is needed on a continuing basis, not as a one-time effort. Program evaluation will remain a function of the individual agencies as it is today. However, a single agency cannot fairly be expected to judge overall effectiveness in programs that cross agency lines—and the difference between agency and Presidential perspectives requires a capacity in the Executive Office to evaluate program performance whenever appropriate.

The new Office will expand efforts to improve interagency cooperation in the field. Washington-based coordinators will help work out interagency problems at the operating level, and assist in developing efficient coordinating mechanisms throughout the country. The success of these efforts depends on the experience, persuasion, and understanding of an Office which will be an expediter and catalyst. The Office will also respond to requests from State and local governments for assistance on intergovernmental programs. It will work closely with the Vice President and the Office of Intergovernmental Relations.

Improvement of Government organization, information and management systems will be a major function of the Office of Management and Budget. It will maintain a continuous review of the organizational structures and management processes of the Executive Branch, and recommend needed changes. It will take the lead in developing new information systems to provide the President with the performance and other data that he needs but does not now get. When new programs are launched, it will seek to ensure that they are not simply forced into or grafted onto existing organizational structures that may not be appropriate. Resistance to organizational change is one of the chief obstacles to effective government; the new Office will seek to ensure that organization keeps abreast of program needs.

The new Office will also take the lead in devising programs for the development of career executive talent throughout the Government. Not the least of the President's needs as Chief Executive is direct capability in the Executive Office for insuring that talented executives are used to the full extent of their abilities. Effective, coordinated efforts for executive manpower development have been hampered by the lack of a system for forecasting the needs for executive talent and appraising leadership potential. Both are crucial to the success of an enterprise—whether private or public.

The Office of Management and Budget will be charged with advising the President on the development of new programs to recruit, train, motivate, deploy, and evaluate the men and women who make up the top ranks of the civil service, in the broadest sense of that term. It will not deal with individuals, but will rely on the talented professionals of the Civil Service Commission and the Departments and agencies themselves to administer these programs. Under the leadership of the Office of Management and Budget there will be joint efforts to see to it that all executive talent is well utilized wherever it may be needed throughout the executive branch, and to assure that executive training and motivation meet not only today's needs but those of the years ahead.

Finally, the new Office will continue the legislative reference functions now performed by the Bureau of the Budget, drawing together agency reactions on all proposed legislation, and helping develop legislation to carry out the President's

program. It also will continue the Bureau's work of improving and coordinating Federal statistical services.

SIGNIFICANCE OF THE CHANGES

The people deserve a more responsive and more effective Government the times require it. These changes will help provide it.

Each reorganization included in the plan which accompanies this message is necessary to accomplish one or more of the purposes set forth in Section 901(a) of Title 5 of the United States Code. In particular, the plan is responsive to Section 901(a)(1), "to promote the better execution of the laws, the more effective management of the Executive Branch and of its agencies and functions, and the expeditious administration of the public business;" and Section 901(a)(3), "to increase the efficiency of the operations of the Government to the fullest extent practicable."

The reorganizations provided for in this plan make necessary the appointment and compensation of new officers, as specified in Section 102(c) of the plan. The rates of compensation fixed for these officers are comparable to those fixed for other officers in the Executive Branch who have similar responsibilities.

While this plan will result in a modest increase in direct expenditures, its strengthening of the Executive Office of the President will bring significant indirect savings, and at the same time will help ensure that people actually receive the return they deserve for every dollar the Government spends. The savings will result from the improved efficiency these changes will provide throughout the Executive Branch—and also from curtailing the waste that results when programs simply fail to achieve their objectives. It is not practical, however, to itemize or aggregate these indirect expenditure reductions which will result from the reorganization.

I expect to follow with other reorganization plans, quite possibly including ones that will affect other activities of the Executive Office of the President. Our studies are continuing. But this by itself is a reorganization of major significance, and a key to the more effective functioning of the entire Executive Branch.

These changes would provide an improved system of policymaking and coordination, a strengthened capacity to perform those functions that are now the central concerns of the Bureau of the Budget, and a more effective set of management tools for the performance of other functions that have been rapidly increasing in importance.

The reorganization will not only improve the staff resources available to the President, but will also strengthen the advisory roles of those members of the Cabinet principally concerned with domestic affairs. By providing a means of formulating integrated and systematic recommendations on major domestic policy issues, the plan serves not only the needs of the President, but also the interests of the Congress.

This reorganization plan is of major importance to the functioning of modern government. The national interest requires it. I urge that the Congress allow it to become effective.

RICHARD NIXON.

THE WHITE HOUSE, *March 12, 1970.*

INCREASING THE NUMBER OF POSITIONS OF OFFICIAL REPORTERS TO COMMITTEES AND POSITIONS OF EXPERT TRANSCRIBERS TO OFFICIAL COMMITTEE REPORTERS

Mr. HAYS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 91–905) on the resolution (H. Res. 865) increasing the number of positions of official reporters to committees and positions of expert transcribers to official committee reporters and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 865

Resolved, That, effective upon enactment of this resolution, there shall be paid out of the contingent fund of the House, until otherwise provided by law, compensation for the employment of two additional official reporters to committees of the House of Representatives and two additional expert transcribers to official committee reporters, to be appointed in the same manner, and to receive the same rate of compensation, as the other official reporters to House committees and other expert transcribers to official committee reporters.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

IN DEFENSE OF THE AMERICAN FARMER

The SPEAKER pro tempore (Mr. GIAIMO). Under a previous order of the House, the gentleman from Wisconsin (Mr. OBEY) is recognized for 30 minutes.

Mr. OBEY. Mr. Speaker, I am rising in this House today to speak on a subject of great concern to me, and of the greatest importance to the American people and to this Nation's economy. I am speaking because I am not only concerned, but because I am worried. And, I am worried because there seems to be a growing misunderstanding and lack of appreciation—by the public and the present administration—for the role America's farmer's play in the growth of our country.

There has been much discussion recently about the farm problem, and some of my colleagues and certainly many of their constituents seem to feel that a solution to the farm problem is to withhold Government payments from our farmers. This in turn—their story goes—would save the Government billions of dollars and substantially lower the housewives' cost of groceries.

I would like to point out to my colleagues, that this simple solution—ending farm payments—is no solution at all; Americans are getting a bargain in food purchases in comparison with other nations; and that an end to our present farm programs would bring chaos to rural America and eventually to our economy as a whole.

FARMING OUR BIGGEST INDUSTRY

I say this first of all because although some urban residents undoubtedly do not realize it, the fact is that agriculture is still our Nation's No. 1 industry. It employs 5 million workers and its assets total $298 billion, equal to about two-thirds of the current assets of all corporations in the United States.

To be sure our farm population today is only slightly over 5 percent of our total population. But farmers are responsible for buying about $37 billion in production goods and services per year. The commercial farmer buys about 5 percent of our total steel production, about $1.6 billion of our petroleum products or 11 percent of the total sold. He buys enough rubber for his cars and tractors to put tires on 7.5 million cars, and it has been estimated that his purchases are the basis for about 6 million jobs in machinery, chemical and other supply industries. And his products, in turn, are the basis for processing and marketing industries which provide an estimated 14 to 16 million jobs.

DO NOT BLAME FARMERS FOR INFLATION

While the farmer's importance to our economy is generally underrated, his relationship to our increasing cost of living is certainly overrated.

Today the consumer spends only 16.5 percent of his take-home pay to buy food, compared with 20 percent in 1960. In Western Europe the comparative figure is 25 percent to 30 percent, and in the Soviet Union 45 percent to 50 percent. In Asia the consumer pays 75 percent to 80 percent of his disposable income for food.

But it is too often the farmer who is blamed for the increase in the price of bread, or cornflakes or hamburger. It is almost like a litany.

"Who pays for the price increase?" we're asked.

"The consumer," we're told.

"But who gets the blame," I ask.

"The farmer—almost always the farmer."

And what of the prices our farmers are receiving?

Today less than 5 cents of every dollar we spend on everything goes to the farmer for food, as against 10 cents as recently as 1949.

The farmer's share of the retail food dollar was 39 cents in 1968. That compares with 47 cents in 1950. He sells his wheat at 1942 prices and his livestock at 1952 prices.

The true story of course is that it is not the farmer but the "middleman" who is gaining most from any increase in food prices. The farmer provides our consumers with food. It is the middleman who transports it, and wraps it and displays it in tune to the demands of the consuming public.

COST-PRICE SQUEEZE

Every beginning course in general economics uses agriculture as the classic case of "inelastic demand," consumer demand which does not change significantly in response to increases or decreases in price. I think they would be

far better off using our farm sector as the classic example of an industry caught in a cost-price squeeze.

In 1947 the realized gross farm income was $34.1 billion, and the realized net income was $17.1 billion.

In 1968 the realized gross farm income was $51 billion, but the realized net income was only $14.7 billion, almost $3 billion less than it was about a quarter of a century ago.

The U.S. Department of Agriculture Handbook shows that the farmers have been caught in a vicious cost-price squeeze since 1953. In the past 10 years interest rates have gone up 300 percent and taxes about 200 percent. The parity ratio which describes the relationship between the prices paid by farmers and the prices received by them is equal to its lowest level since 1933.

Anyone would be hard pressed to show from these figures, Mr. Speaker, that the farmer is getting rich on either government subsidies or anything else.

The parity ratio I mentioned above is about 75 percent. In what other area—industry, labor, the professions or government—would people work for 75 percent of what they are worth.

I think we can safely say in no other industry are we likely to find this situation. And in no industry, including agriculture, should workers have to accept such a disparity. So it is time that we all pay respects to the tremendous job that our farmers are doing in supplying the food and fiber for the Nation, and indeed for a hungry world.

I think it is up to us in Congress and other elected offices throughout the country to periodically remind our citizens that they cannot continue to take their abundant supply of quality food for granted. More importantly, we in Government cannot act as if we could ignore the importance of the farming industry in this Nation.

Food shortages, world hunger, and malnutrition in this country, and even the ever-present pictures of busy, overcrowded, and polluted cities are a daily reminder that we must continue to support our farm industry and encourage our farmers to remain in business.

Does the shopper realize how high prices would rise if large numbers of family farmers decided to "hang up their spikes," and food production were concentrated in the hands of a few growers.

Do our businessmen realize how beneficial the farmer is to our balance of payments? Do they realize, in fact, that the only thing which keeps our balance of payments from going even more heavily in the red is the exportation of food, grown by 5 percent of our population?

Do our city officials realize how their already burdensome problems would be multiplied if larger numbers of farmers decided to migrate to our overcrowded cities?

Do our citizens remember that the Great Depression of 1929 was preceded by an agricultural depression and that the recession of 1957–58 was also preceded by a depression in agriculture?

Do they realize that taking huge amounts of land out of production as some have suggested would probably reduce farm income more than it would reduce Federal expenditures for farm programs? This income drop would cause untold chaos in rural America.

And, if Government support programs were ended, do they realize that farm income would be reduced a full 20 percent, precipitating just the kind of rural depression which caused this Nation severe economic difficulties in the past?

And why, Mr. Speaker, are payments in support of our farmers considered "subsidies" when Federal payments to airlines or railroads or publishing houses are not?

How can the farmer and farm programs be used as whipping boys in attempts to correct excessive Government spending when we are spending billions of dollars for a supersonic transportation airplane, for space shots, and to finance pork barrel projects in our foreign aid program?

What we should be doing is taking positive steps to assure farmers some stability in their business, and at the same time assure the consumer that he will continue to have an adequate supply of quality food.

And it is at this point, Mr. Speaker, when we must look at just who is doing what for the farmer.

COALITION FARM BILL

In the Congress more than 50 Members of the House and Senate, including myself, have cosponsored the so-called coalition farm bill, a bill supported by 27 different farm organizations which includes some income improvement provisions and extends the commodity programs authorized by the Food and Agriculture Act of 1965. Never before have so many farm organizations spoken with one voice. And they are speaking with the experience of many years in agriculture. This bill is not the result of bureaucrats who are trying to tell the farmers what works and what does not.

ADMINISTRATION NEGLECT

When we look at the Executive, the record of the past year is a mixed one at best, and I am sure the farmers are going, and have a right, to expect far better treatment in the years ahead. In fact, in some cases the record of the administration is absolutely dismal. For example:

DAIRY PRICE SUPPORTS

The administration did not raise dairy price supports for manufacturing milk to 90 percent of parity as authorized by law on April 1, 1969.

That decision not to raise the $4.28 hundredweight price support which is now about 78.5 percent of parity to the full 90 percent will cost dairy farmers an estimated $400 million in a 12-month period. While raising the price support for milk would not be inflationary because prices paid for milk are now above the support level, it would put a floor on the price for milk and prevent a deflationary impact on dairy farmers when prices go down during the spring and early summer months. I have asked the Secretary of Agriculture to raise the support level in the past, and I again urge him now to rectify the decision which he made last April 1.

ADVANCE PAYMENTS

The administration decided to eliminate advance payments under the feed grain program.

Just as I did not support the original proposal by the Johnson administration to reduce the advance payment rate from 50 to 25 percent in 1969, I strongly object to the decision of the present administration to abolish advance payments completely in 1970. This move will cost farmers many thousands of dollars in interest if they seek money from lending institutions to buy seed, fertilizer, fuel, and other items for spring planting which they were previously able to purchase with nearly $400 million they received as advance payments. The elimination of advance payments was a budgetary gimmick used by the administration to shove money from one fiscal year to another and come up with a "paper cut" in the budget. The result of this decision has been a 14-percent reduction from a year earlier in the number of signups for the feed grain program. It will undoubtedly impose a hardship on many farmers. Because I believe the decision was an unwise one, I have introduced legislation to require the Secretary of Agriculture to make advance payments to producers under the feed grain program.

IMPORT QUOTAS

The administration has not stopped the evasion of the import quotas which our Nation has for dairy products.

This is a longstanding problem. Dairy products have been subsidized by foreign governments importing cheese into this country. At the present time New Zealand is importing large quantities of Monterey cheese to this country although many persons believe it is just another variety of an American-type cheese. Farmers do not expect the Government to cut off all dairy imports, but certainly we should move swiftly to enforce our present laws and prevent evasion of it, evasions which have allowed large amounts of chocolate milk crumb, Monterey cheese and imports selling for just over 47 cents per pound to squeeze American dairy products out of the market.

TAX-LOSS FARMING

The administration has not come to grips in any way with the tax loss and hobby farmer or with the corporate invasion of agriculture.

Hobby and tax-loss farmers are in farming to avoid taxes, not to make a profit. They milk the Treasury for upwards of $600 million per year by claiming tax losses on farming operations. Many of these Hollywood farmers are accepting grants-in-aid payments from the U.S. Department of Agriculture as if they were legitimate farmers, when they are only in the business for tax purposes. I have introduced legislation and believe with its passage Congress could take a first step in protecting the family farmer from the unfair competition he now faces from large corporations which are looking for tax breaks. My bill would make the tax-loss hobby

farmers ineligible to receive agricultural grants-in-aid or farm price support program payments. It would not penalize the family farmer who may legitimately incur losses, but it certainly will affect the so-called farmer who loses at least $30,000 in a 5-year period and who cannot show that he is in farming with an expectation of making a profit. The legitimate farmer who must make a profit in order to survive should not be expected to compete against the tax-loss farmer who has no intention of making a profit—especially if that tax-loss farmer is given a built-in advantage by our own tax laws.

COOPERATIVES

The administration and some segments of the Congress show antipathy toward cooperatives at best, and downright hostility at worst.

During the congressional debate on the Tax Reform Act, some persons attempted to include provisions which would have required cooperatives to return part of their dividends in cash, and would have forced them to redeem all dividend certificates in cash after 15 years. While a number of us from rural districts were able to ultimately eliminate these provisions completely, there was no indication from the Treasury or Commerce Departments that this move was an unwise one and potentially harmful, if not fatal, to many cooperatives throughout rural America. The taxation of cooperatives was carefully reviewed by the Congress in 1962. But, while some cooperatives need reforming, we should not destroy the cooperative movement in the process. Before any new action is taken in this area, I would hope that more research could be done and all concerned persons would have an opportunity to present their views to their elected officials.

ACP AND SPECIAL MILK PROGRAMS

The administration has presented a budget for the next fiscal year which eliminates the ACP and special milk programs, and may even decrease farm income.

Just when the importance of preserving our natural resources is becoming fully recognized, the President has proposed the elimination of all funds for the ACP or agricultural conservation program. Water erosion is a great environmental hazard, sending large amounts of silt flowing into streams and lakes with much resultant damage. How can we expect farmers to be stewards of the soil by themselves. Our farmers already pay thousands of dollars out of their own pockets for terracing, contour farming and other erosion practices. While the President is calling in his environmental message for more cropland to be used for open space and recreation and for the reforestation of idled farmland, it is ironic that he is calling for the abolishment of a program which helps our farmers to conserve our soil and water and wildlife.

The President's budget also eliminates a program which last year provided milk for some 17 million schoolchildren. I am in total and complete disagreement with the President's recommendation in this matter. I know President Johnson proposed the elimination of this program a year ago, but President Nixon is just as wrong in proposing it now as President Johnson was then. When food, nutrition, and health are uppermost in our minds, and when studies show that even children from the wealthiest of families have been found to be nutritionally deficient, it is hardly the time to eliminate programs which help to meet the nutritional needs of millions of schoolchildren at a cost of $104 million, less than half the subsidies the President has requested for the SST this year.

And lastly is the educated concern by some persons that budget reductions of $150 million in the feed grain program and $386 million for "other price-support operations" may decrease farm income by as much as $1 billion. The U.S. Department of Agriculture itself states that its activities in 1971 will be directed only toward "maintaining" farm income, not increasing it. How much longer can the farmer afford to just maintain, let alone have a decrease in his income when inflation and increasing costs are constantly taking their toil.

So, Mr. Speaker, while we do not have a farm program before us in the Congress which the President and the Secretary of Agriculture are willing to call their own, we can judge them best on their actions in the past. And I think the actions I attempted to outline for you are clear justification for concern by those of us who care about our farmers and rural America.

I am not saying there is a concerted attempt by the President to institute policies which are harmful to the 5 percent of our population in agriculture. Secretary of Agriculture Hardin realizes, as he said a few months ago, that "rural and small town America offers opportunity and hope for a better life for all of us."

But perhaps it is because their numbers are relatively small or their problems so easily misunderstood that our farmers always seem to bear the brunt of Government actions when our economy is in trouble.

In the next few months we will be giving consideration to various but significant proposals pertaining to agriculture. I think the Congress and the Executive will do well to look at these proposals not as a means to end the farm problem but as an opportunity to look at our farmers' problems and to seek ways to help those farmers gain a larger share of the wealth of this country.

And I make this appeal especially to my urban colleagues.

Just because there are abuses of the farm program, such as large diversion payments to certain individuals, we cannot use this as an excuse to throw out the whole farm program. To do so would be as irresponsible as ending medicare which helps all elderly people because we are having serious administrative problems with it. I do not think we would be willing to do that, and I do not think we should be willing to scuttle the whole farm program either.

City legislators say, and rightly so, that all Americans are responsible for helping to solve city problems. I ask them to remember that it is also true that every Member of this House has a similar obligation to those in rural America. I ask you not to use the farmer as the whipping boy for the shortcomings of Government in many other areas. There are too many legitimate targets for you to do so.

Just as a start, in meeting our obligations to rural America, the Government should take the following actions:

First. Raise the price support for milk to the full 90-percent parity. And I have once again asked the Secretary of Agriculture, in a telegram today, to do so.

Second. Require the Secretary of Agriculture to make advance payments to producers under the feed grain program, and make the program permanent.

Third. Take adequate measures to stop the evasion of our dairy import regulations.

Fourth. Pass legislation to deal with the tax-loss and the hobby farmer.

Fifth. Assure the maintenance of viable cooperatives in rural America.

Sixth. Appropriate adequate funds for the agricultural conservation program.

Seventh. Make the school milk program permanent.

Eighth. Strengthen the farmers' bargaining position.

Much more than this must be done, but this is the absolute minimum required of the Congress and the administration and it is required now.

POLLUTION: THE PLUNDERING OF OUR ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Ohio (Mr. VANIK) is recognized for 15 minutes.

Mr. VANIK. Mr. Speaker, on April 22, students in practically every institution of higher education and millions of students in secondary schools throughout the Nation will be conducting a day of study and discussion on the overwhelming pollution problems which threaten to reduce the livable areas of our modern world. Discussions are scheduled to be held at Case Western Reserve University, Cleveland State University, Notre Dame College, Ursuline College, and Kent State University.

At University School, the Cleveland Council of Independent Schools, including Laurel, Hathaway Brown, University School, and Hawken, will convene at a conference on April 22, to inform the students of the problems that man is creating in his own environment and, secondly, make students aware of what they can do to help this deteriorating situation. The program will include participants from industry, science, and government.

On March 24, John Carroll University is sponsoring a full day conference on the "Environmental Problems of the Lake Erie Basin" which will include the keynote address by Edwin J. Skoch, assistant professor of biology at John Carroll University and conference coordinator. Other speakers will include: I. M. Korkigian, hydraulic engineer, U.S. Army Corps of Engineers, Detroit, Mich.,

who will speak on "Physical Factors of Lake Erie"; Leonard T. Crook, planning director, Great Lakes Basin Committee, Ann Arbor, Mich., who will speak on "Land and Water Usage"; Herbert E. Allen, chemist, Limnological Research Laboratory, U.S. Commercial Fisheries Bureau, Ann Arbor, Mich., who will speak on "Chemical and Biological Quality."

A discussion and summary will be chaired by Luna Leopold, ecologist, U.S. Geological Survey, Washington, D.C., and will include on the panel: Mr. Korkigian, Mr. Crook, and Mr. Allen. The dinner speaker will be the Honorable James R. Smith, Assistant U.S. Secretary of the Interior.

Those "concerned" about this problem should include every American. It is not surprising that the efforts to fight pollution are substantially organized by American youth. The young people of America realize that pollution of all types is closing in on the environment which we once believed was unlimited.

No part of America is secure and safe from environmental destruction. The future growth of California is clouded by the cruel smog that has already devastated the San Fernando Valley and has moved halfway up the San Joaquin. Inversions in desert areas between mountains have contaminated large desert areas in Arizona and New Mexico.

The dead waters of pollution which fill Lake Erie threaten to spread their blight. Paper and petrochemical pollution have ruined vast portions of the Gulf of Mexico. Biloxi and Gulfport are has-been resort places. San Francisco Bay vies with the Santa Barbara Channel in oil and industrial pollution. The great rivers of America—the Hudson, the Susquehanna, the James, the Mississippi, the Ohio, the Sacramento—are open sewage drains into the sea. Our own Cuyahoga River ranks among the most filthy of America. The pollution density of the Cuyahoga River is just about the highest in the world.

Pollution is rapidly closing in on the last places in America where the air is clear and the water is good.

The alarm has been sounded, but all is not yet lost. I am among those who believe we can control the encroachment of pollution and reverse its course in time to save the land and the waters of America before we are overwhelmed. While we are confounded with the awesome problem of Lake Erie pollution, our geography is more encouraging on the problem of air pollution. Since we are on the Great Lakes Plain, the prevailing westerly winds disperse and scatter our polluted air—except for occasional stationary inversions which suffocate.

EARLY EFFORTS

My interest in these problems goes back almost 30 years when I represented in city hall those citizens of Cleveland who lived on the east bank of the Cuyahoga River and suffered almost inhumane conditions of industrial air pollution which etched window glass within 2 years, which eroded the Clark Avenue Bridge several times over. Through community action groups, we cried for help and support which never came. We hired our own experts while city authorities ratified and approved existing levels of pollution as "tolerable and acceptable." The Academy of Medicine heard our complaint and dutifully filed it. We knew there would be no real chance for relief until pollution spread into the countryside.

RESPONSIBILITY DIVIDED

Although responsibility for these problems is a multigovernment responsibility, it becomes increasingly apparent that State and local governments are not effective in meeting the problem. The municipal pollution of the Great Lakes is the result of apathy and inadequate planning at the State level. Industrial pollution of Lake Erie and the Great Lakes has substantially resulted from State protection. The State of Ohio has granted permits to pollute which have prevented cities and local governments from interfering to save their environments. Local governments have vacillated, weighing pollution control enforcement against the industrial threat of plant shutdown with resulting unemployment. There are and there have been sufficient local laws and authority to restrain every form of pollution abuse. As far as industrial pollution is concerned, the threat to move away from a community which is vigilant and alert on air and water pollution can be made real as long as there are other communities in America which are hospitable to pollution.

PROFITS IN POLLUTION

Competitive advantages in production based upon a community's indifference to pollution is unfair. Profits generated through pollution are dirty profits and the polluters must be exposed for what they do to the Nation and its people.

Until recent years, practically nothing has been spent to meet the pollution problem. Local governments provided surveillance services with practically no enforcement. If Cleveland attacked a polluting industry, it could always threaten to move to another place. Only recently did the State of Ohio recognize the water pollution problem by loaning funds to local governments from the $100,000,000 set-aside for water pollution control in the State bond issue adopted several years ago.

AIR POLLUTION

Congress has been legislating on the air pollution problem since 1955, the year I came to Congress. The law was considerably amended in 1963. The Air Quality Act of 1967 first established a program of State standards with Federal criteria. Federal spending which totals $330 million to date was primarily directed toward research and State action. The January 20 hearing which I addressed in Cleveland was a State hearing to develop State standards. At this hearing, I advocated Federal air quality standards and opposed the establishment of pollution zones of lesser standards. I also advocated the establishment of new Federal authority to approach the industrial pollution problem on an industry-by-industry basis. Under this plan, the same requirements would apply to a steel mill or an oil refinery or a paper mill—wherever located. This is the only way to eliminate the profit in pollution and the competition between communities based on lax antipollution enforcement.

WATER POLLUTION PROBLEMS

In the water pollution effort, the Federal Government has done considerably more. Federal expenditures up to the present time have exceeded $2 billion. As of December 31, 1969, Federal grants have totaled $1.5 billion for 9,807 public waste treatment projects. Congress has appropriated $800 million for this fiscal year for which the President requested only $214 million. Despite urgent needs, the administration has announced it will only spend $450 million of the $800 million provided by Congress. At the present time, there are over 7,535 new applications for Federal assistance for water pollution control. These desperately needed projects represent a backlog of $9.2 billion.

In response to this need, the President has recommended a $4 billion Federal assistance program which is no more and, in fact, less than what Congress is presently willing to do.

Present Federal programs consist of research and grants for local public waste disposal systems. Nothing has been allocated for removal of existing pollutants in critically contaminated bodies of water like Lake Erie. The lake bottom is filled with slowly dissolving pollutants which continue to contaminate the fresh water flow. These pollutants must be removed either by flushing them out to sea—or by the slow, costly process of dredging or aeration.

BREAKTHROUGH

Last year, I was successful in obtaining congressional approval for the first legislative recognition of the disastrous Lake Erie pollution problem. Both the House and the Senate have approved a $20 million authorization for Lake Erie and the Great Lakes problem. A House-Senate conference is seeking to resolve the appropriation.

The first Federal moneys for the Great Lakes problem was, in a significant measure, the result of the splendid testimony before the House Public Works Committee of the 22d Congressional District high school students from Shaker Heights, Cleveland Heights, Laurel, Hawken, Hathaway Brown and University School on March 4, 1969—the first successful teach-in to occur on this subject in America.

THE FEDERAL POLLUTOR

As a result of the first water pollution conference in Cleveland in May 1965, I was the first Member of Congress to protest the Federal Government's own contribution to pollution by the dumping of dredged material into the Great Lakes. At that time, I charged that the Army Engineers were helping to foul Lake Erie while other Federal agencies, such as the Public Health Service, were spending millions to investigate the source of lake pollution. "When these materials, including undissolved pollutants, are dumped, the contamination spreads throughout the lake."

The Corps of Engineers first denied that these dredgings contributed measurably to the lake pollution problem.

A United States Public Health Service study confirmed my protest. A limited diking program to contain only 38 percent of the dredged materials was begun in 1967 in an area adjoining the Burke Lakefront Airport. In 1968 the diked area was considerably expanded to include all dredged materials through 1971, at which time the diked area will be filled.

It has been my intention that the White House order all Federal agencies to take the lead in abating pollution including a total nationwide diking program for dredged materials.

In my study of the President's 1971 budget, I was distressed to find no mention of any funds allocated for the construction of any dikes. If we are to solve this problem, the essential resources must be included in the supplementary budget.

CALL TO ACTION

The massive Federal program to build new public waste treatment facilities must be matched with vigorous enforcement against municipal and industrial pollutors. The action of the Chicago Federal grand jury indicting pollutors under an 1899 Federal law indicates what can be done under existing law when there is a will.

To save Lake Erie, I have proposed the establishment of a water pollution disaster fund with 25 percent of all Federal pollution control funds earmarked specifically to meet the problem of high-density pollution, which is interstate and beyond the capacity of local governments. Without this type of funding and special national attention to our dying resource—Lake Erie will not be saved.

To control water pollution by industry, I am proposing legislation which will authorize the Water Pollution Control Administration to set strict standards and specifications for industrial water use. This agency must be empowered to certify uniform water pollution control processes on an industry-by-industry basis. The people of America must be certain that industrial waters are made safe for reuse. I propose that the same authority be granted to control industrial air pollution on an industry-by-industry basis.

The Ways and Means Committee of which I am a member adopted language which I advocated in the tax reform bill of last year which provides for accelerated depreciation of industrial expenditures for pollution control. Wise taxation policies contribute to the establishment of a balanced pollution control program. Every tool must be used in this fight.

The preservation of our environment begins in the neighborhoods of our community. The networks of freeways which riddle our land must be screened by verdant trees and plantings which can absorb noise and noxious fumes. In this way, through intelligent planning, we can marshal the forces of nature to combat our immediate problem of noise and air pollution. Every technique must be used against every form of pollution.

I share the feelings of frustration of those who are tired of rhetoric. Over the past 32 years, I have labored on this problem. I rejoice in the swell of interest which currently exists. This may be our last chance. This time we must win.

RHODESIA—WHY IS RECOGNITION A CRISIS IN U.S. FOREIGN POLICY?

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

Mr. RARICK. Mr. Speaker, it is time for a careful and intelligent review of the policy of the United States in granting or withholding recognition of the governments of foreign powers. Except for the diabolical few who wish to destroy the United States in favor of a world Soviet, all Americans would agree that the primary consideration should be the self interest of the United States.

Basically, where it is in our interest to deal with a foreign government the experience of mankind has shown it to be expedient to exchange diplomatic envoys with such a government. This amounts to diplomatic recognition.

What is a government? Obviously it is necessary that a government—to be recognized as such—must wield an actual and effective sovereignty over the territory it purports to govern. Fictitious sovereignty is not enough, except for the purposes of influencing opinion either at home or abroad.

For example, the United States still recognizes and maintains diplomatic relations with the Baltic republics of Estonia, Latvia, and Lithuania, although they have been seized and incorporated by force into the Soviet Union. As a gesture of disapproval toward the Soviet, this is fine. It has even served the purposes of local politicians seeking an ethnic vote.

But let us not kid ourselves. We could enter into the most ceremonious agreement, bedecked with gold seals and all manner of red ribbons, with the mythical government of Latvia, and still the invited arrival of U.S. Marines at its capital of Riga would be opposed by the Red army of the Soviet Union, which exercises de facto sovereignty over that real estate.

In addition to actual sovereignty, diplomatic recognition requires something else. It implies faith that the effective leadership which controls the land and the people can and will abide by its international agreements, and can and will give the usual safe conduct and protections to citizens of other powers who may be traveling in its domain. In other words, if a territory is firmly controlled by a gang of bandits, there is absolutely no purpose in entering into diplomatic relations with the bandit chief, because he either cannot or will not do what is expected of civilized sovereigns in international relations.

Against this background, we should examine the Republic of Rhodesia.

That its government exercises absolute sovereignty over its territory is beyond dispute. As a self-governing colony it did so for decades, and as an independent nation, recognizing the titular sovereignty of the queen it has done so for years.

The Smith government has won the unquestioned loyalty of the great majority of Rhodesians, of all races, and has maintained under difficult conditions a civilization which is the envy of much of the world. Like the United States, the Republic of Rhodesia represents the continuing growth and development of the English system of freedom under law which has made us the very model of freedom under law.

There is no question about either its desire or its ability to fulfill its role as a civilized government of a civilized nation. Agreements made will be kept. Obligations incurred will be honored. American citizens traveling in Salisbury will be safer than in Washington.

I know, for I have seen both.

We are given three basic reasons for refusing to grant diplomatic recognition to Rhodesia, all of them false, as I will demonstrate.

First, we are told that we must honor the sanctions on that country which were imposed by the United Nations organization. Let us look honestly at these sanctions, from either the point of view of objective evaluation of their validity or from the point of view of the interest of the United States.

Objectively, the sanctions were either the conniving of the Soviet, manipulating the black puppets of the 42 so-called emerging nations which make up a significant and controllable bloc in the General Assembly, or they were the petulant pouting of spiteful children who are going to spit on the pie if they cannot have it to eat.

The idea that peaceful Rhodesia—nonaggressive and with no announced threat to its neighbors—is a threat to world peace—because some other nation may make an aggressive attack on Rhodesia—is the kind of poppycock that thinking Americans are sick of hearing. This is like saying that a law-abiding home is a dangerous threat to law and order in the community because some criminal may rob or burglarize it, therefore, to preserve public peace it must be burned down.

From the point of view of the United States, and although our treaty obligations are the law of the land under our Constitution, the actions of the United Nations organization or any of its organs, no matter how prestigious, are binding on us only if we choose to be bound. In some instances it suits our domestic political purposes or our international relations to be bound, and we ratify the U.N. organization decree by our acceptance. In other cases, where it does not fit the policy of the United States, we have many convenient ways of avoiding the impact of U.N. organization mandates.

For example, Israel is in violation of repeated mandates by the Security Council to withdraw within its own borders and cease its aggressive military operations against its neighbors. As a member of the Security Council as well as of the United Nations Organization, we should apply the same standards to the violation of these mandates as to any other, but instead we are aiding and abetting their repeated daily violation. Not only

do we give financial support to Israel, through tax-free bonds enjoyed by no other nation, but we actually manufacture and sell to the Israelies the weapons with which to continue their transgressions against U.N. organization authority.

It has been suggested by some critics of our very elastic interpretation of our obligations to the United Nations organization that the Rhodesians would fare better if there were more Rhodesians voting in New York. I offer no opinion on this idea.

Nor is Israel the only such example of our highly variable standard.

Red China is actually at war with the United Nations organization—or with the United States if you desire to pierce the thin veil of illusion. Remember Korea?

But in Warsaw, our Ambassador chatters happily over tea with Mao's Ambassador, while we seek some way to work out an acceptable—to the Soviet Union, that is—method of diplomatic recognition.

Second, we are told that we must not offend the United Kingdom by granting recognition to a former colony whose independence does not meet with British Government approval—at least with the dictates of the Socialist Party presently in power.

There may or may not be a good reason for being the rubberstamp endorser of British colonial policy. If there is, it has never been even suggested to the American people or to their representatives in the Congress, much less explained to any of us. I, for one, have had enough of the British willingness to fight to the last American, whether in Rhodesia or elsewhere. I believe the majority of the American people share this view.

We do not find our British brethren anywhere near as solicitous of our feelings as they desire us to be of theirs. While Americans die in combat in Vietnam, ships flying many of the flags of the British Commonwealth sail in and out of the port of Haiphong, trading with the enemy and supplying him with the necessary materiel for his slaughter of Americans. Despite the threat to the United States from the presence of Soviet missiles and missile bases in Castro Cuba, our Canadian friends, a nation of the British Commonwealth, carry on a sustaining trade with Havana.

Third, it has been drummed into American ears for years that there is something bad about the Government of Rhodesia, and about the Government of South Africa, because these nations are ruled by civilized white men rather than savage Negroes. A false corollary of this propaganda line is that something must be wrong with the "democracy" in these lands, since where the savages manifestly outnumber the civilized men, a one-man one-vote situation would obviously result in a savage and not a civilized government.

A recent report from UNESCO announced that 97 countries of the world have illiteracy rates of 50 percent—and in 20 countries 95 to 99 percent of the inhabitants are illiterate. And, according to UNESCO, the situation contrary to public opinion has grown worse in some countries.

In short, we are urged not to recognize a government using the criterion of whether or not its internal political processes accord with some intellectual's theories of "democracy."

Let us examine our foreign policy from this angle, and demolish once and for all this totally inane and dishonest argument.

If we were to honestly accept this as a standard of whether or not we recognize a foreign government, we should at once withdraw our Ambassadors from half the nations of the earth. Diplomatic relations should be broken at once with the Soviet Union, as well as its satellites Poland, Czechoslovakia, Hungary, Rumania, Bulgaria, and even Yugoslavia and Albania. If we listen to the complaints of certain dissidents in Northern Ireland, we might even have to withdraw our recognition of the United Kingdom because of the suppression claimed by the Irish.

Any government which resulted from a coup—or for that matter, from an election not to our liking—would be beyond the pale and diplomatically ostracized.

Examining the continent of Africa is indeed revealing.

Dealing with the African nations generally credited with being the oldest and most stable, Ethiopia and Liberia, let us examine their government policies, and the welfare of their inhabitants. Incidentally, these are two particuarly good nations to commence our tour of Africa, since they are the plaintiffs before the World Court in the case of the Southwest Africa dispute, where they were thrown out of court for having no case, a matter referred to by the leftist press as a technicality.

Ethiopia is the private preserve of a little chief who won all of the marbles in the game by winning a tribal war when the former chief passed to his ancestors. He thereupon acquired such typically African titles as "King of Kings" and even "Lion of Judah"—a title which arises from a long legend of a bastard sion of the Biblical Queen of Sheba, a gift from the Biblical Solomon.

Ethiopia is an absolute monarchy. Not too long ago, some of the subjects attempted to change this situation during the absence of their monarch. Their attempted takeover was led by one of the sons of the little Emperor. It was a fatal error, because he dashed home and settled the demonstration by a prompt and efficient hanging—without trial—of all of the dissenters from the palace walls. He spared his son, for reasons not entirely clear, since the son will not inherit the crown. He will have to fight for it with the other tribal chiefs, as did his father. The spoils of political victory in Ethiopia go only to the leader of the strongest gang.

Ethiopia is a favorite of the United Nations organization and furnished troops in its war on the non-Communist Christian, Moise Tshombe, of Katanga. These Ethiopian troops were guilty, by the sworn eyewitness testimony of numbers of Catholic priests, mostly Irish, of atrocities on helpless civilians which even made the bloodthirsty Congolese look moderate. They are accused now of atrocities against the Somali, whose territory they were given by the United Nations organization, but these accusations receive no consideration, since the Somali are not of Negro extraction.

Of course, we recognize Ethiopia, furnish it with money by the barrel, with modern fighters—and bomber aircraft—and with all of the other weapons of land warfare. The peace-loving Israelis, due to their historic fondness for the Queen of Sheba myth, furnish the tactical advisers to train both the Ethiopian Army and its Air Force.

Liberia is a stepchild of the United States—created by another generation of intellectuals—the abolitionists—the civil rights leaders of a century ago and their fuzzy-headed followers.

The idea that Negroes who desired to return to Africa should be permitted to do so was good then, and it is good now. The thought that they would take with them the benefits of an education and an exposure to civilization which their race had never before known was a happy thought. The ultimate dream that these civilized free Negroes would then civilize the natives and build a happy and civilized black country simply did not mature.

Liberia has been economically propped up by the United States since its inception. Like their brethren who did not return to Africa, the Liberian Negroes found the continued and ever-increasing demand for such charity far preferable to work as a way of life. Therefore, they did not work. And we have not shut off the dole.

The returned natives did know one thing, however. They kept firm control of Liberia. They established their own aristocracy, and did not mingle with the indigenous black population. Neither did they permit any white person to become a Liberian citizen.

So Liberia is a pure racist state—a state which denies not only the right to vote, but citizenship itself to anyone who is not a Negro. Is it not strange that this kind of racism does not make it immoral to recognize, and even support Liberia?

Liberians have another accomplishment to their credit. The indigenous population, as was embarrassingly demonstrated to the world before the World Court by the South African lawyers, is the most illiterate in all of Africa. The natives are far more abused by their aristocratic high yellow overlords than their brethren ever were by any colonial European power.

The Bishop of Liberia—American born—was just murdered. It seems that a demented native mistook him for some of the ruling aristocracy. But there is a compensation. The current President of the General Assembly of the United Nations organization is a female Liberian. This is the coming Soviet World.

Of course, Africa in the past decade must include a cursory visit to the Congo—the Belgian Congo, that is.

Here the advent of independence was the advent of total and bloody anarchy. An orgy of rape, murder, and looting led to the secession of the only viable part of the nation, Katanga. This province was led by a Christian—a friend of Western civilization—so the United Nations organization went to war. The carnage was unbelievable. Not only did the blacks of the Congo revert to savagery, but the so-called civilized African armies which

operated under the blue banner of the U.N. organization did the same.

During the years of bloodshed many Americans died. Most of them were Christian missionaries—some of them Catholic nuns. The natives particularly liked nuns, who afforded all kinds of sport before they were butchered. The frequent technique applied here was gang rape, followed by butchery, and then by a community feast on the remains. Well-authenticated eyewitness stories of living white women being sawed apart on a buzz saw exist—as well as the then enjoyed sport of throwing priests to the crocodiles to be eaten alive.

But the Government of the United States recognizes and aids the Congo—whose government is now run as an absolute possession of a former sergeant of the gendarmerie who could read and write. This qualification, uncommon among his fellows, made him the commanding general of the army when independence came. The army, of course, made him President. These details do not interfere with our recognition of this government.

Ghana, a former British colony which was a showcase at the time of its recognition as an independent member of the Commonwealth, is a good example of savages turned loose with the tools of civilization.

A Communist jailbird, partially educated in the United States, became top dog. Although his official title was only President, with typical African imagination he concocted for himself the more impressive title of "Redeemer" and insisted on being venerated as a deity. Kwame Nkrumah had remarkably little difficulty with dissidents—after he jailed the opposition by the hundreds without the slightest formality suggesting a trial.

Under this kind of leadership—apparently highly to be desired on the sole ground that it was neither white nor civilized—wealthy Ghana promptly went bankrupt. Of course, it seems that certain of its gold reserves wound up in numbered accounts in Swiss banks, and the Redeemer lived in the style to which he aspired. Gold-plated Cadillacs, pleasure yachts, and even golden beds for his favorite mistresses ate rather heavily into the assets with which this emerging nation had emerged.

The Minister of Justice of this regime—like the Liberian today, became President of the General Assembly of the United Nations organization, apparently a status symbol highly sought among these toy states and tolerated by the members of responsible governments under the rationale that as representatives of smaller countries they can easier create an image of impartiality.

While the Redeemer was on a state visit or a party confab to Communist China, the army took over the country, only to find the treasury already empty. The Minister of Justice, ex-President of the U.N. organization General Assembly was jailed in his palatial estate. He counted himself fortunate that he was not eaten.

We still recognize Ghana, and maintain diplomatic relations with one of its near neighbors, Guinea, to which the Redeemer sought sanctuary, became "Co-President" and busily plans for the subjugation—with American arms, money, and men—of such places as Rhodesia, South Africa, Angola, and Mozambique, so that he can attain his destiny of being "Redeemer" of all of Africa—unless Jomo Kenyatta or Haile Selassie has the opportunity to exploit a white army first.

Nigeria was the richest of the British colonies whose independence was recognized by London, its government being black enough to suit the politicians in power at the time.

It has been in the news recently—a little matter of a war or a rebellion or a civil disorder in Biafra. The current high chief of Nigeria is one Major General Gowon—a major general because he promoted himself to that rank after he had led a successful coup. He is politely referred to by the liberal press as the "chief of state" rather than as a dictator, nor is his government called a dictatorship.

The embarrassing reports by civilized observers of the typical African orgy of looting and rape in conquered Biafra, as well as the tales of massive starvation were promptly denied by Gowon—and the Communist Poles on the observation team. It should be understood that these denials are not dishonest from the point of view of the Nigerian natives—it is just that they feel the white men take an un-African view—a racist attitude—of such orgies.

When Gowon overthrew his predecessor, one Major General Ironyi, poor Ironyi was actually eaten by the victorious tribe. He, too, had become a major general by his own order after he had overthrown, but not eaten, his predecessor.

Another former British colony, now an independent and emerging nation with the blessing of the government in London, is Kenya—the land of the Mau Mau.

Most Americans remember the Mau Mau for their wholesale murders and their obscene oathings. Robert Ruark's book, Uhuru, is a highly accurate account of these goings-on. Many of our people also remember that the head Mau Mau was one Jomo Kenyatta, who was convicted of these crimes under British justice, and imprisoned.

Upon independence, he was pardoned and returned to the land, where he is now President Kenyatta—a moderate. But an unfortunate thing happened to the opposition on the way to the last election—its leader was murdered, and Kenya is now a one-party emerging dictatorship. Maybe this is British revenge.

The unfortunate Asians who by hard work have earned things which the natives want are relentlessly persecuted, the land is a police state, and the Mau Mau are again oathing in the jungle.

We recognize Kenya, grant Kenyatta foreign aid, and even occasionally make sorry little sounds when the British refuse to let the Kenya Asians, now British subjects, enter Britain—not because of their race, but simply because they are Asian.

Our tour of Africa takes us next to Tanzania—which is Communist from the word go. It began its independent life by a total bloody slaughter of literally thousands of Arabs on the island of Zanzibar—simply because they were Arabs. Its capital is the staging area for communism in East Africa, and from there the Red terrorists move to their assaults on Rhodesia, South Africa, Angola, and Mozambique.

Surprisingly, Tanzania is not regarded as a threat to world peace by the United Nations organization. It is the resisting victim, not the assailant, who is responsible for the ensuing violence. If this sounds like Marxist logic, it is.

Zambia is Rhodesia's northern neighbor—and one of the bases from which the terrorist assaults on her people have been launched. In Washington this week, the Ambassador of Zambia, in a letter to the editor of a local newspaper, claimed very boldly that if the British were to make a military attack on Rhodesia, they could win handily. He demanded such an attack.

This sabre rattling would be serious if it came from a nation which owned a sabre. This is a land where it takes 7,000 employees to misrun some 600 miles of railroad—and where the drunken employees pose such a problem that there are more breath analyzers than there are trains.

Zambia has a little trouble in organizing itself. Sitting on the world's richest copper deposits—run by a hand-picked, former bank employee—this country suffers such great unemployment, it has been forced to import Red Chinese coolies for a labor force.

Throughout this entire Gilbert and Sullivan comedy runs the same theme. In Africa, full diplomatic recognition, huge sums of American tax dollars, and kowtowing and scraping are accorded the comic opera tribal states, totally incapable of anything but a tribal existence. Civilized nations—Christian, and the inheritors of Western culture and civilization—are held up to scorn and ridicule.

If this were not serious, it would be humorous. But it is deadly serious. The location of southern Africa makes it one of the geographical keys to today's world. The mineral wealth of the continent makes it a key to the future of man. And the domestic tranquillity of these United States is the key to the survival, not only of American civilization and liberty, but to the entire concept of freedom which is the accomplishment of Western, Christian man.

That our Government is on a suicidal course is not an accident.

That we alter that course is imperative.

If our present leaders fail to do so, their successors will.

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. VANIK, for 15 minutes, today; to revise and extend his remarks and include extraneous matter.

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

Mr. FARBSTEIN, for 30 minutes, today.

Mr. GONZALEZ, for 10 minutes, today.
Mr. RARICK, for 30 minutes, today.

EXTENSION OF REMARKS

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

(The following Members (at the request of Mr. SCHADEBERG) and to include extraneous matter:)

Mr. LANGEN.
Mr. STEIGER of Wisconsin in two instances.
Mr. GUDE.
Mr. STEIGER of Arizona.
Mr. ASHBROOK in two instances.
Mr. TAFT in two instances.
Mr. BROWN of Ohio in two instances.
Mr. SCHERLE in two instances.
Mr. HUNT.
Mr. HALL.
Mr. NELSEN.

(The following Members (at the request of Mr. OBEY) and to include extraneous matter:)

Mr. MOLLOHAN in two instances.
Mr. JACOBS.
Mr. EDWARDS of California in two instances.
Mr. ROSENTHAL in five instances.
Mr. OTTINGER.
Mr. ANNUNZIO in six instances.
Mr. MONTGOMERY.
Mr. FISHER in four instances.
Mr. GRIFFIN in two instances.
Mr. FLOOD in two instances.
Mr. O'NEILL of Massachusetts.
Mr. THOMPSON of New Jersey.
Mr. MATSUNAGA.
Mr. GONZALEZ.
Mr. RARICK in four instances.
Mr. RYAN in two instances.
Mr. SCHEUER.
Mr. HELSTOSKI in two instances.
Mr. KOCH.
Mr. TUNNEY.

ADJOURNMENT

Mr. OBEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 43 minutes p.m.), under its previous order, the House adjourned until Monday, March 16, 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:

1770. A communication from the President of the United States, transmitting proposed supplemental appropriations and other provisions for the fiscal years 1969 and 1970 (H. Doc. No. 91-272); to the Committee on Appropriations and ordered to be printed.

1771. A communication from the President of the United States, transmitting proposed supplemental appropriations and other provisions for the fiscal years 1969 and 1970, together with amendments to the requests transmitted in the budget for the fiscal year 1971 (H. Doc. No. 91-273); to the Committee on Appropriations and ordered to be printed.

1772. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to amend the act of July 22, 1969, to increase the limitation on fiscal year 1970 budget outlays; to the Committee on Appropriations.

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. HAYS: Committee on House Administration. House Resolution 865. Resolution increasing the number of positions of official reporters to committees and positions of expert transcribers to official committee reporters (Rept. No. 91-905). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Affairs. H.R. 10138. A bill to amend section 211 of the Public Health Service Act to equalize the retirement benefits for commissioned officers of the Public Health Service with retirement benefits provided for other officers in the uniformed services (Rept. No. 91-906). 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. BROOKS:

H.R. 16443. A bill to amend the Federal Property and Administrative Services Act of 1949 in order to establish Federal policy concerning the selection of firms and individuals to perform architectural, engineering, and related services for the Federal Government; to the Committee on Government Operations.

By Mr. WIDNALL:

H.R. 16444. A bill to require that certain financial institutions maintain certain records, and file certain reports, require the persons exporting or importing large amounts of currency or the equivalent file reports, and for other purposes; to the Committee on Banking and Currency.

By Mr. DINGELL:

H.R. 16445. A bill to amend the Fish and Wildlife Coordination Act to prohibit the issuance of Federal permits authorizing water resources development by non-Federal public and private agencies until such agencies reimburse the U.S. Fish and Wildlife Service for related investigations required by such act; to the Committee on Merchant Marine and Fisheries.

H.R. 16446. A bill to amend the Fish and Wildlife Coordination Act, as amended, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. DOWNING:

H.R. 16447. A bill to authorize a program of exploratory fishing for the purpose of assisting in the development and utilization of species of fish suitable for industrial uses, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. FRASER:

H.R. 16448. A bill to establish a National Metropolitan Development Bank to provide an alternative source of credit to State and local governments for the purpose of financing public and quasi-public facilities of all types, and for other purposes; to the Committee on Banking and Currency.

By Mr. KLEPPE:

H.R. 16449. A bill to modify the comprehensive plan for the Missouri River Basin with respect to certain bank protection and rectification works; to the Committee on Public Works.

By Mr. McDADE:

H.R. 16450. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Government Operations.

H.R. 16451. A bill to authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes, to extend the provisions of the Solid Waste Disposal Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16452. A bill to amend the Clean Air Act so as to extend its duration, provide for national standards of ambient air quality, expedite enforcement of air pollution control standards, authorize regulation of fuels and fuel additives, provide for improved controls over motor vehicle emissions, establish standards applicable to dangerous emissions from stationary sources, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 16453. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16454. A bill to amend the Federal Water Pollution Control Act, as amended; to the Committee on Public Works.

H.R. 16455. A bill to establish an Environmental Financing Authority to assist in the financing of waste treatment facilities, and for other purposes; to the Committee on Public Works.

H.R. 16456. A bill to amend the Federal Water Pollution Control Act, as amended, to provide financial assistance for the construction of waste treatment facilities, and for other purposes; to the Committee on Public Works.

By Mr. MELCHER:

H.R. 16457. A bill to amend title 5, United States Code, to prohibit the sale or other distribution to the public by the Secretary of the Treasury of lists of names and addresses under his jurisdiction and control, and for other purposes; to the Committee on the Judiciary.

By Mr. CHARLES H. WILSON:

H.R. 16458. A bill to amend section 4005 of title 39, United States Code, to restore to such section the provisions requiring proof of intent to deceive in connection with the use of the mails to obtain money or property by false pretenses, representations, or promises; to the Committee on Post Office and Civil Service.

By Mr. ADDABBO:

H.J. Res. 1131. Joint resolution creating a Joint Committee on Classified Information; to the Committee on Rules.

By Mr. ALBERT (for himself, Mr. PUCINSKI, Mr. SAYLOR, and Mr. PATTEN):

H.J. Res. 1132. Joint resolution to establish a Joint Committee on Environment and Technology; to the Committee on Rules.

By Mr. MORSE:

H.J. Res. 1133. Joint resolution to repeal legislation relating to the use of the Armed Forces of the United States in certain areas outside the United States and to express the sense of the Congress on certain matters relating to the war in Vietnam, and for other purposes; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CLARK:

H.R. 16459. A bill for the relief of George Nicolaros; to the Committee on the Judiciary.

By Mr. EDMONDSON (by request):

H.R. 16460. A bill for the relief of the estate of Maj. Gen. William P. T. Hill, deceased; to the Committee on the Judiciary.

H.R. 16461. A bill for the relief of Eliza Backwater Proctor; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

414. The SPEAKER presented a petition of Ray Ward, New York, N.Y., relative to redress of grievances, which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

USDA FIGHTS POLLUTION

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. PRICE of Texas. Mr. Speaker, Secretary Clifford Hardin and the Department of Agriculture have been making concerted efforts to bring the great resources of the Department to bear on the problems of environmental pollution. In this connection I am pleased to inform my colleagues that USDA activities have begun to pay real dividends in the solid waste disposal area.

Just this morning, I received a most unusual letter from Edward P. Cliff, Chief of the Forest Service in the U.S. Department of Agriculture. I say unusual, because I have never seen a letter quite like it. The paper the letter was printed on was, in large part, composed of recycled solid waste materials.

In my judgment, the Department's activities constitute a most significant contribution to the continuing public and private effort to cope with the ever increasing amounts of solid wastes generated by our affluent society. The possibilities this creates for innovative uses of solid wastes are boundless. They challenge the ingenuity and abilities of the free enterprise system, and provide a means by which solid waste disposal problems can be ameliorated.

At this time, I would like to commend the Department's letter to the attention of my colleagues. In my view, this USDA activity represents a praiseworthy example of government at its best, government working to meet the human needs of America.

The letter follows:

U.S. DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, D.C., March 9, 1970.

Hon. ROBERT PRICE,
House of Representatives,
Washington, D.C.

DEAR MR. PRICE: This sheet of paper is a matter of particular pride to me and to the research staff of the Forest Service. Thirty percent of the fiber in this sheet came from the city dump in Madison, Wisconsin. We have reclaimed refuse that is an eyesore and pollution problem in most American communities.

The red-dyed wood fibers that give this sheet its pink color came from that dump; the remaining 70 percent from a kraft pulp commonly used in papermaking. The transformation from rubbish to paper was made at our Forest Products Laboratory in Madison. This seeming alchemy is part of our research on reclamation and recycling of urban solid wastes.

The supply of fiber in rubbish is enormous. About half of the rubbish collected by cities is wood fiber, none of which is being reclaimed. Successful recycling of the wood fibers in waste could mean more paper like this, as well as newsprint, building materials, coarser papers, and even new products. It would also mean reduced pulpwood demand, more raw material for industry, less air pollution from burning rubbish, and less cost for waste disposal.

To get the knowledge we need to utilize fiber in solid wastes, we are cooperating with others. The City of Madison, Bureau of Mines, and Bureau of Solid Wastes Management are all concerned and participating in the exploratory research.

President Nixon in his message on the environment ordered "greater emphasis on techniques for recycling materials." We proudly present this sheet of paper as an example of what the Forest Service is doing. The President's budget for 1971 provides for an acceleration of this effort. We believe this is a significant step in learning to re-use resources and to enhance the quality of the Nation's environment.

Sincerely,

EDWARD P. CLIFF,
Chief.

CAN OUR FEDERAL AGENCIES MEET THE CHALLENGES OF THE SEVENTIES

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I include an article from Business Week magazine which analyzes the effectiveness and efficiency of Federal agencies in regulating American business. This study warns that meaningful reforms are needed if our regulatory agencies are going to meet the challenges of the decade.

The article reads as follows:

THE REGULATORS CANNOT GO ON THIS WAY

American business holds these truths to be self-evident: that this nation operates under an economic system of free, private enterprise, that competition is the greatest good, that government intervention in the affairs of business is an unmitigated evil.

The words still have that old, stirring ring. But businessmen know that they are simply not true, that they have not been true for many years, and that any lingering doubts on the matter will be finally dispelled over the next few years.

More than 100 federal agencies exercise some measure of regulation over private economic activities. The production and distribution of energy, the conduct of wired and electronic communications, the operation of the transportation system, and the practices of the banking and securities businesses are substantially regulated in incredible detail. In fact, it has been estimated that at least one-quarter, and maybe more, of U.S. commercial activity is involved only marginally in any form of free, competitive enterprise that Adam Smith would recognize.

The other three-quarters does not exactly run wild, either. Consider, for example, a large manufacturer of electrical equipment. It happens to be General Electric Co., but any other manufacturer would do as well. Just off the top of his head, without doing any research, one official ticks off 11 agencies that have a direct regulatory impact on the conduct of GE's affairs, from the Federal Communications Commission (GE has TV and cable TV properties) to the Atomic Energy Commission and the Defense Dept.

In addition, there are bills working their way through Congress, with what corporate lawyers consider startling rapidity, that could expand the federal regulatory role. Some areas: product safety, insurance rates, credit cards, product warranties, food price labeling, package size standards, trading stamps, door-to-door sales, electric power reliability, gasoline octane ratings, and reindeer meat inspection.

Most of these new regulatory areas will simply be ladled into the existing alphabet soup of agency acronyms already so abundant in Washington. Moreover, most of the new areas are significantly different from those the regulators dealt with years ago. The emphasis has shifted from controlling monopoly pricing—a knotty problem in itself—to dealing with what the economists call "externalities," things like product performance and the effect of transportation on pollution.

CAN THE AGENCIES DO MORE?

The major question of regulation in the 1970s is whether the existing agencies, or even the new ones that inevitably will be created, can take on new burdens and satisfy the requirement to serve the public interest. The evidence, based on their current and past performance suggests that they cannot, especially without real leadership on national policy from the President and Congress. The agencies, burdened with the administration of makeshift, piecemeal laws, and with only fitful support from the White House, do not work that well, and past reforms have fallen short.

Like other ecologies, the ecology of regulation is a delicate balance of forces. In 1946, Congress worried that claimants before the regulatory agencies were being denied a full and fair hearing, which went against the American grain. So an act was passed which hedged the regulators with the full trappings of the judicial process. The result has been little short of disastrous. Instead of a speedy resolution of controversies, which the regulators were set up to supply, cases drag on for years, and only the richest companies can afford to wait it out.

As one veteran observer of the Washington regulators says: "We no longer hope for a fair decision. We just hope for any decision at all."

Such paralysis is especially dangerous at a time when technological, social, and economic change is outrunning the regulators' capacity to respond:

The FCC, an agency created to bring order from chaos in the radio spectrum and to control a telephone monopoly, is faced with problems that it never could foresee: cable television, satellite communications, computers that act like telephones and telephones that act like computers.

The Federal Power Commission is an agency structured to regulate the rates of hydroelectric plants built on navigable waters, a relatively tidy matter. But the FPC is now in the business of approving the rates of thousands of gas producers at the wellhead—hardly a tidy monopoly situation.

The Interstate Commerce Commission in 1887 protected farmers from extortionate charges by monopolistic railroads; now it protects railroads from truck competition.

Even the Securities & Exchange Commission, long a model of flexibility and foresight in anticipating the problems of the securities market, is having trouble keeping up with the technological and economic changes in its industry. The SEC is a hair behind schedule in deciding what to do about public ownership of brokerages, levels of commission rates in a market dominated by big-block traders, and the probable effect of computerization on the markets.

In other words, something has gone wrong at all the great agencies with the delicate feedback from the economic organisms under regulation. The thermostat is stuck, and businessman and consumer alike will soon feel the heat. In at least three areas—communications, transportation, and energy—the lack of real leadership in the regulatory agencies is critical to the future of the nation. These three hot spots await the development of coherent national policies. The real question is whether anything can be done in the context of the American political system.

REALITY: THE LIMITS OF POWER

Not long ago, Peter Flanigan, one of President Nixon's White House assistants, leaned back in his chair and began to talk about the federal regulation of business. The burden of his comments was that perhaps competition was a better way to guarantee the public interest in some cases, that in any event the regulators had failed to solve a good many problems in important areas, and that the White House intended, with the help of newly appointed and responsive agency chairmen, to take the initiative in developing broad regulatory policies.

Flanigan was obviously both sincere and optimistic. The trouble was that his office was, figuratively speaking, cluttered with the ghosts of sincere and optimistic men.

At the beginning of every new national administration, the scene has been much the same. A bright and energetic young Presidential assistant always leans confidently back in his chair in his freshly furnished quarters in the west wing of the White House, and says much the same things:

The regulators have been allowed to decay. The former chairmen, now replaced with "better" men, were either subservient to the interests—or insanely zealous. The White House is taking the initiative; it believes it has responsibility for shaping the broad national policies of regulation. The revitalized agencies, happily reminded of their duties, are going to be responsive.

Sooner or later, a task force in one regulatory area or another is set up; a reorganization plan is offered to the Congress, and we are off and rolling.

Unhappily, the roll is likely to be downhill, just as it always has been. The plain fact is that a change of administration guarantees almost nothing. Commissioners and chairmen come and go, but the permanent staffs go on forever. The Federal Trade Commission was a more active agency under Eisenhower than under Kennedy; the FPC was all but paralyzed during the same Republican Administration. The SEC slept peacefully under Truman. The ICC has gone its own dogged way no matter who occupies the Executive Mansion.

The regulators simply are not important enough to engage much of the President's attention, and the men he appoints, especially as chairman, are inclined to be less responsive to his wishes as his Administration wears on.

Aside from the threat of withholding reappointment, which by and large is empty since the average commissioner resigns well before his statutory term is up, the White House attempts to exercise some control through the Bureau of the Budget. The bureau has two important powers: Agency budgets must be filtered through it, and it must approve any special economic studies launched by the agencies that would require replies from more than 10 individuals or businesses.

There is very little evidence that the Budget Director has used this second power in any way except those it was designed for: to make sure that the same expensive data are not being collected by two agencies ignorant of each other's work, and to make sure that studies which cost respondents enormous time and expense are not not launched needlessly.

As for the budget power itself, it is hard to pin down. In the 1950s, it was alleged that FTC's request for more money to police deceptive practices was turned down. But negotiations between agency head and budget juggler are generally oral, not written, and no one likes to talk about it. The consensus is that the Budget Bureau has enormous power but uses it sparingly. The funds involved are, after all, minute in comparison to the total U.S. budget, averaging less than $25-million apiece for the independent agencies for salaries and administration.

At any rate, Congress always makes sure the agencies do not get too much money. In fact, those wise in the ways of Washington believe that the legislators who have a say in these things like the agencies just the way they are—arms of the Congress and rather stubby arms at that. Nor is the Congress inclined to launch vast investigations of how its offspring function. The last such major series of hearings occurred in the late 1950s, when the House of Representatives decided to take a look at the independent agencies, under the prodding of Speaker Sam Rayburn. But the committee made the mistake of hiring as chief counsel an unassuming New York law professor named Bernard Schwartz. With the best intentions in the world, the presumably "safe" Schwartz managed to turn the hearings into a circus the like of which had not been seen for years. Before he was finished, one FCC commissioner had resigned amid charges of having accepted gifts in return for his vote on a TV license award, and Presidential Assistant Sherman Adams had left the White House with his vicuña coat and expensive rug.

The experiment has not been repeated. Instead, Congress gets what it wants by indirection. Every commissioner, and indeed nearly every high-ranking staff man has some political sponsor in his background. During the late 1930s, the FTC was the private fief of the Crump machine of Memphis, Tenn. The agency, incidentally, still has a distinctly Southern cast, Robert T. Bartley of FCC was Sam Rayburn's nephew; Kenneth Cox, one of the best of the FCC commissioners, is close to Senator Warren Magnuson (D-Wash.); Nicholas Johnson is allied with Senator Harold Hughes (D-Iowa); Albert B. Brooke, Jr., FTC, was long an aide of Senator Thruston B. Morton (R-Ky.); Frank W. McCulloch, outgoing chairman of the National Labor Relations Board, was an aide to former Senator Paul Douglas (D-Ill.).

The political alliances really say nothing about the quality of the commissioners; they are simply a fact of Washington political life. Almost equally irrelevant is whether the appointee is a politician or an "expert" on his industry. As former FCC Chairman Newton Minow says, "expertise is much overrated. On broad questions, what you want is a generalist." John W. Bush of the ICC has a thoroughly political background, but ranks as an effective commissioner, representing the interests of the shipper rather than the carrier; Lawrence J. O'Connor, Jr., is an "expert" on the FPC, and his views pretty much coincide with those of the oil and gas industry.

GOOD PALS TOGETHER

What happens is something a good deal more subtle than any resolution by a commissioner to be "liberal" or "conservative," tough or lax, broad or narrow. Instead, he simply gets absorbed by the industry he regulates. The process starts even before his appointment and goes something like this:

First, the White House usually queries an industry for nominees for a commission vacancy, and when that industry has been a heavy campaign supporter, its views are given special consideration.

Even when the industry is not consulted first, it has important influence behind the scenes at Senate confirmation time.

Once on the job, the commissioner is immediately visited by industry representatives "just to get acquainted." The representative normally offers to help the fledgling commissioner understand complex questions and announces that he stands ready to talk to him at any time.

Very quickly, the commissioner is invited to address the industry's conventions. At cocktail parties, the industry reps are extremely solicitous of the new man.

Next come the invitations to participate in the rich social life of the Washington lobbyist, from weekends by the shore to hunting trips. There are summer jobs for the children, a bottle of booze at Christmas and invitations to the better country clubs. To the commissioner's wife, a whole new social world has opened up.

Industry associations can often arrange for favorable articles in trade publications.

In the long run, there is the pleasant prospect of a good job in the regulated industry once the commissioner's term is up.

The same treatment is accorded to top staff men, especially the man who carries the title of executive assistant or staff director. He is the aide of the chairman, who has most influence over the agency's agenda.

Before anyone realizes it, the process of absorption is complete, and everyone is good pals together. One eminent jurist once suggested a scholarly study to be called "The Influence of the Car Pool on Administrative Adjudication."

A CURIOUS ORGANISM

Nick Johnson, who is one of the commissioners who does not play ball and who consequently is thoroughly isolated, calls the system the agency subgovernment. This curious organism, he claims, is composed of a trade association and an influential trade publication, both of which serve to keep industry members frightened and mobilized; the section of the Washington bar that most often practices before the commission; the agency and one or more of its staff bureaus; a handful of congressmen and committee staff men.

"The subgovernment has a sociology," Johnson says. "It has a subculture, so that the people in it have a loyalty to the subgovernment rather than to the organizations which formally hire them. It's incestuous. People swap jobs among various parts of it. It exists in the agencies where big money is available either from the government directly or from the general economy by government approval or license, and where a small group of companies or individuals dominate the regulated industry."

The system may be pernicious, but it is not always sinister. Very often, the trade association has the largest pool of expert talent available in Washington for drafting complex bills, many of whose provisions are utterly noncontroversial. For example, the Air Transport Assn. did the major drafting job on the early version of the act that established the Federal Aviation Administration, at the invitation of then Senator Mike Monroney (D-Okla.), and it is considered a minor masterpiece of legislative art.

Of ourtright corruption, not much has been heard since the scandals of the 1950s. The lure of a good job at the end of an appointive term, a political poll discretely conducted by an influential regulated company just before election time for a senator on a key committee—these are all one can put a finger on.

But, says Ralph Nader, "the action is at the bottom, not the top. If you have to pay off at the top, you've lost the first three battles. It's cheaper and less visible at the bottom. Bank loans are arranged; staff men are given stock tips." Meat inspectors, according to Nader, are bribed in a curious way. Under Agriculture

Dept. rules, inspectors' overtime is paid by the packing plant, in order to discourage willful obstruction of the inspection process. What really happens, though, is that the companies encourage unlimited overtime, a sort of bonus for something less than 20–20 vision.

"The corridor creepers," says one veteran Washington lawyer scornfully, "are always with us."

It has been said that under the system of competing interests struggling to be heard, regulatory agencies invariably turn out to be either monsters or slaves. Perhaps that is why the regulators have so far been unable to cope with the rapid changes in vast areas of American economic and social life.

COMMUNICATIONS: A TANGLED WEB

The Federal Communications Commission has bad luck:

It regulates, or attempts to regulate, the world's largest corporation, American Telephone & Telegraph Co., and the most powerful medium of communication—television.

It attempts to allocate one of the nation's scarcest natural resources—the frequencies available on the radio spectrum.

It tries to stay abreast of the most dynamic technology of modern times—telecommunications.

Its decisions can affect the political fortunes of members of Congress (ugly opponents when roused) and the delicate constitutional prerogatives of the news media.

It has about $20 million a year to do it all. Notes one commissioner: "The Navy spends $100 million to design a communications system for the Polaris missile."

The worst is yet to come. The FCC sooner or later must answer a set of questions of unparalleled complexity: Is a private computer that switches messages from one phone line to another subject to tariff regulation? Is a domestic satellite system a natural monopoly like a telephone system? Can a cable TV wire send printed facsimiles, and should it accommodate a two-way data-transmitting computer terminal? And, notes one official, "The FCC cannot give one interest anything without taking it from another."

ALWAYS A BEAT BEHIND THE TIMES

The FCC's weapons for dealing with its task are in no way adequate. It spends most of its time processing two-way radio licenses, radio and TV license renewals by the thousands. It almost always operates on the assumption that it is merely a passive judicial forum for settling competing claims. Thus, its process is a slow and painful one of hearings, testimony, comment, and decision.

Yet the commission has been accused repeatedly of being arbitrary. In license proceedings, thousands of pages of public records are produced, to the tune of perhaps $250,000 expense to each applicant. Petitioners, says former FCC Chairman Minow, "think of hearings as a form of punishment." And despite periodic policy statements or decisional guidelines, no one is really sure why the FCC grants a license.

In respect to the Bell System, even the adversary system that is at the heart of federal regulation breaks down. At any time, more than 50 active dockets on telephone matters are on file. The chance that an outsider can find his way through the maze and make a case against telephone rates or practices is slight.

A general investigation of Bell System rates was launched in 1965. A phase covering interstate and foreign services lasted until 1967. And an investigation into the interrelationships of computers and communications has been in bureaucratic limbo for two years. Domestic satellite policy has remained unresolved since 1965.

Because of the FCC's procedures, problems, and workload, the commission is invariably a beat behind the times. The agency failed, for example, to anticipate the enormous growth of television, and locked commercial TV into the 12 narrow channels of the VHF spectrum (2–13). UHF operators (channels 14–83), licensed afterward, quietly went bankrupt. It took an act of Congress, belatedly sponsored by the FCC early in the 1960s, to get TV manufacturers to equip sets with UHF tuners.

Moreover, Nicholas Johnson, who joined the FCC after a short and stormy career as Federal Maritime Administrator, believes that the commission's approach works against the best interests even of the regulated groups apparently most satisfied with the FCC. His prime example is AT&T's famous dislike of incurring long-term debt. The FCC, Johnson argues, had a duty to push Bell toward a higher debt-equity ratio when cheap money was available. He claims that its failure to do so has resulted in higher telephone rates for consumers, as well as a lower return on capital for shareowners. Not until the general rate investigation of 1965 did the FCC push Bell's debt goals as high as 40%. By then, interest rates on bonds had doubled.

The wonder of it is that the FCC has been as responsive and flexible as it has. Despite charges it is controlled by broadcasters and such legislators as Senator John O. Pastore (D–R.I.), the FCC has accepted citizen challenges to TV license renewals and has even revoked a Boston station's license. New conservative members, Chairman Dean Burch and Commissioner Robert Wells, may try to swing the commission back toward a protectionist position. But the door to controversy, once set ajar, is not easily closed.

In the common carrier area, the decisions have been even more remarkable. In 1969, the FCC decided two landmark cases which broke the hold of AT&T over significant areas of telecommunications, and at least pointed the way toward a limiting regulatory power in favor of competition.

Where larger companies are often unwilling to fight, Thomas Carter of Carterphone and John Goeken of Microwave Communications, Inc. (MCI) fought their cases through to the end. The Carterfone decision ruled that the telephone operating companies could no longer prohibit the attachment of "foreign" or customer-supplied devices to telephone circuits. Affected is everything from an antique French telephone plugged into a home telephone jack to specialized commercial telephone networks.

In the MCI case, the FCC permitted the first competition to AT&T in long-lines communication, which has been the only truly national monopoly this country has known.

The MCI victory, it is true, is not total. The ruling gave the company the right to operate as a common carrier between St. Louis and Chicago. Michael Bader, MCI's attorney, claims that AT&T intends to challenge any new links and force MCI to file the same arguments all over again.

Still, the MCI ruling ranks as a considerable achievement for the hidebound FCC. Not the least of it was the ability of the FCC's Common Carrier Bureau to work its way through the technical aspects of the case. Considering that it is up against no less a scientific entity than Bell Labs, the bureau is woefully short of the money and personnel to provide the countervailing technical and economic data the commissioners need to make a decision.

ENERGY: THE RELUCTANT DRAGON

Some regulators are born regulating, some achieve regulation, and some have regulation thrust upon them. The Federal Power Commission ranks with the last group.

By Washington regulatory standards, the FPC is a modest, even unassuming, agency, slow to grasp power, even slower to exercise it. It is only a slight exaggeration to say that year by year the FPC has had to be pushed by technological and economic change to assume more power.

It is almost a certainty, for example, that the commission will sooner or later be made formally responsible for the reliability of interstate electric power grids, whose failure caused the great Northeast blackout of November, 1965. The FPC is not anxious to acquire that responsibility.

Its powers of resistance are illustrated by one of the most curious episodes in the history of federal regulation. The FPC was set up in 1930 to pull together several overlapping jurisdictions then controlling the production of hydroelectric power on navigable rivers. In 1935, the FPC's authority was extended to cover all interstate utilities and, through subsequent court decisions, virtually all private generator of electric power for sale to the public. In 1938, still another form of utility was added to its stable: natural gas pipelines.

From the very beginning, the FPC resisted regulating the gas men and the prices they could charge their customers. Throughout the 1940s and early 1950s, there were charges of foot-dragging, undue industry influence, and a growing backlog of unresolved rate cases. More than once, the commission tried to get out of gas regulation through legislation.

It is easy to see why. Gas pipelines may be monopolies subject to orthodox regulation, bue their industrial economics have nothing in common with, for example, that of a telephone company. The pipelines depend for their produce on hundreds of independent producers in the Southwest, so their costs are not controllable.

The FPC failed to assert regulatory authority over wholesale pricing of gas at the wellhead on the ground that it was totally inadequate to the task of passing on rate cases one by one. The commissioners also doubted that they had the legal power.

It fact, the FPC ruled in the Phillips Petroleum case that it had no jurisdiction. What happened next surprised everyone. The state of Wisconsin, concerned about the delivered price of natural gas, sued the FPC to force it to reverse the Phillips decision. In 1954, the Supreme Court upheld Wisconsin.

Over the next few years, the FPC was literally buried by rate filings from gas producers, and the commission methodically began plodding through them. But the FPC was not finished yet. It set out to get a law passed exempting it from wellhead price regulation.

In the meantime, it routinely granted price increases, with the understanding that if by some remote chance the law failed, producers would make refunds to consumers.

The law, as it happened, did fail. On Feb. 3, 1956, Representative Francis Case (R-S.D.) arose in the House and declared that proponents of the bill had tried to influence his vote with a campaign contribution. The bill passed, but President Eisenhower vetoed it on the ground that the episode affected the "integrity of governmental processes."

Despite subsequent attempts to get rid of gas rate regulation, the FPC was stuck with it. But not until 1960 did it develop a workable method of coping with the problem: areawide rates rather than case-by-case determinations.

In 1961, with a change in national Administration, Joseph C. Swindler hit the FPC like a streak of greased lightning. On rate refunds, Chairman Swidler settled with the producers by simply splitting the difference—half refunded, half retained. He pushed area pricing proceedings, although not even Joe Swidler could galvanize the FPC on that one. The first area rate case was settled only two years ago, and there are 22 to go.

Nixon's new chairman, John N. Nassikas,

is in the great tradition of the FPC. He doesn't much like regulation and he makes no secret of it.

Reluctance might merely be prudence, because activism has its risks. When Swidler joined the FPC in 1961, he launched the vast National Power Survey, which eventually recommended an ambitious system of interconnection and coordination among the nation's electric utilities. At the same time, Swidler began a personal campaign to persuade the utilities to start tieing into power grids.

The risks were substantial. Not only did the FPC have no statutory power to force interconnection, but it was almost certain that at some transitional point between independent power generation and integrated regional pools something bad would happen. It did, in November, 1965, shortly before Swidler's term of office expired, when the Northeast blacked out.

Swidler came out of it all with his reputation intact, but the great blackout has remained a grim reminder of the risks of regulating. They will be even greater if and when the FPC receives statutory power to regulate electric power system reliability.

THE ATOM AND THE ENVIRONMENT

The same problem exists at the Atomic Energy Commission, which to some extent shares responsibility for energy regulation with the FPC. The AEC is in an uncomfortable position. It is charged not only with promoting the use of nuclear fuels for power generation, but with making sure that those fuels are used safely. In the early days, when the rush to build atomic energy plants was starting, it was assumed the AEC had safety well in hand, and the emphasis was on promotion.

But the commission has run smack up against the tremendous surge of interests in pollution, environment, and life quality. Many states have already indicated they want to set radiation stndards much tougher than the AEC's and accuse the Commission of being too much the atom's promoter and not enough its regulator. The states' right to preempt the AEC on standards will have to be decided in court. Minnesota now has such a case pending, which is expected to go all the way to the Supreme Court. Until it is finally resolved, the AEC will be in a quandary and the economics of nuclear power generation will be impossible to pinpoint.

TRANSPORTATION: MIND-BOGGLING TRIP

In the waning days of the Eisenhower Administration, a volume of 732 closely printed pages was delivered to the Senate Commerce Committee. It was entitled *The National Transportation Policy*, and it was the result of some two and a half years' labor by a large and expert staff.

The study was the last real effort to make some sense out of the nation's vast transportation network. A few dog-eared copies, bound in bilious green blotting paper, are still owned by the kind of people likely to read ICC rate cases for diversion. Otherwise, the report is virtually forgotten.

Meanwhile, rail passenger service has all but disappeared, urban mass transit deteriorates, highways proliferate, automobile traffic increases, and airports get bigger and harder to reach. Every mode of common carrier transportation from trucks and buses to trains and planes is plagued with chronic overcapacity. Transportation experts complain that prices are too high and service is inadequate. No mode of transportation is getting rich, and rates of return are not high.

The future is even gloomier. The standard forecast is that transportation companies will be forced to double their facilities over the next decade, and no one knows how they will be able to attract the private capital to do it.

The old-line independent regulators, specifically the Interstate Commerce Commission and the Civil Aeronautics Board, are squarely in the middle of one of the biggest messes in modern economic life. The mere size of their jurisdictions is mind-boggling. The ICC regulates railroads, long-distance buses, moving vans, the common carrier truckers, some barge lines, and oil shipment by pipeline. The CAB has all the commercial airlines.

To do the regulators justice, neither has had much control over the situation. They are up against something akin to a force of nature: money spent for transportation facilities without much regard for the consequences.

Other agencies come into the picture from all directions. There is the Bureau of Public Roads, which is in the Transportation Dept. but not really of it. The bureau, independently financed by some $5-billion annually from gasoline and other user taxes, has built a system of highways that has remade the face of America, nurtured the automobile, and fed the trucking industry. Unfortunately, the highway system has also wrecked urban mass transit, nearly destroyed intercity passenger rail service, and seriously impaired the railroads' share of high-value freight tonnage.

Then there is the Army Corps of Engineers, which administers with single-minded enthusiasm the annual rivers and harbors appropriation, considered in Washington a Congressional pork barrel second only to the allocation of Defense Dept. installations. The engineers build canals and dredge rivers for barge traffic, and the barges pay no tolls. Barges now carry eight times the amount of freight they hauled in 1940, and most of it came from the railroads.

In short, there is no rational policy governing the national transportation system. Says one veteran ICC staff man: "How can you expect us to have a policy until the country has one?" The result is that each agency continues to operate as if nothing else existed, approving routes, rates, and subsidies for its regulated industry without regard to the financial well-being of competing modes of transportation. Even so, the agencies frequently fail to balance things out in their own bailiwicks.

FLYING BLIND AT THE CAB

The CAB, for one, has been struggling with this problem for years. In 1955, the board apparently decided that competition between airlines on a large number of routes was desirable. But it settled it in a typically chaotic manner. It granted all the route applications before it, even though several of the lines had filed simply to demonstrate the consequences of too much competition.

The 1955 decisions reduced the industry's return on investment drastically and still failed to fulfill at least the objective of offering service to passengers at lower cost.

Normally, the CAB's major policy decisions run behind the technology. The 1955 route awards, based on the economics of propeller-driven planes, came less than a year before the first jets, with their need to fill more seats to operate profitably, were ordered. Similarly, the new round of competitive route awards in 1968 and 1969 was announced on the threshold of the age of jumbo jets. Says one industry observer: "It will take 10 years to undo the damage."

The problems are endless. Congressional pressure dictates that smaller communities as well as big cities get airline service. That is the function of the so-called "second tier" local feeder lines. But the jet age, coupled with interstate highway competition, makes it tough for the feeders to make a profit on such low-traffic short hops.

Faced with the choice of allowing them to go under or continuing to pay huge subsidies to keep them going, the CAB has chosen to grant them longer, more profitable routes. Secondary cities such as Peoria, Ill., and Albany, N.Y., are getting nonstops to Washington. One result: The major trunk lines are starting to feel the competition, while the feeder lines are now trying to abandon the small towns.

The next step in the process is the "third tier" service, the commuter and taxi aircraft, which are supposed to feed passengers from small cities and towns to major airports.

As long as the weight of the planes is kept below 12,500 lb., the taxi operators are exempt from much economic regulation. And low weight meant short, uncomfortable hops to the suburbs. But in the last couple of years, faster, higher-capacity aircraft have been developed within the weight limitations, and the operators are extending their operations. So the CAB is reviewing the weight limitations.

There is some evidence that the CAB may be about to throw up its hands at the insoluble task of keeping every airline in business while forcing them to complete with each other. It is beginning to encourage mergers among the lines, which may or may not solve the problem.

The merger solution is also a way out for the ICC, whose problems are even more severe.

The ICC is a 19th Century regulator, administering a tangle of statutes that reflect economic conditions which existed from the age of the robber barons to the time of the Great Depression. Anything more modern is unthinkable.

Take, for example, the controversial minimum-rate power. In 1920, the ICC was granted the right not only to regulate rate increases, but also decreases. The object was to prevent the railroads from hurting competitors by "predatory pricing" subsidized by profits on monopoly routes.

In most cases, the railroads were required to price on a basis not only of out-of-pocket costs, but on at least a portion of the immense cost of maintaining their rights-of-way. Other freight haulers—truckers and barge lines—have their roads and canals built by the government. Huge segments of water and road transport are not regulated at all.

As a result, wherever competing modes meet head-to-head, the regulatory umpire permits just enough of a cut to meet competition, but no more. The whole point is to maintain each competitor's precise share of the available freight.

In a sense, the ICC fears the real power of the transportation companies to change the economic landscape. In 1958, the Southern Ry. conceived the idea of building a giant hopper car that could move grain from elevators in the Midwest to flour mills and animal feedlots in the Southeast at drastically reduced cost. If rail rates declined, so would competitive barge and truck rates.

In 1961, the first Big John cars were delivered, and the Southern began a four-year battle in the ICC and the courts to make its rate cuts stick.

The Southern finally won, and the victory changed the face of the grain milling and packinghouse business. Direct shipment of grain to the South hastened the decline of the Midwest's mightly flour mills; the South became a major producer of meat animals and poultry. The consumer apparently benefited from lower prices for bread and meat.

But minimum rates are not considered the real problem of transportation now. If freight haulers were allowed to price their services freely, some experts think freight rates would go higher, not lower. In the long run, though bigger revenues would help the carriers afford the technical improvements which would drop competitive rates.

Sometime this spring, Transportation Sec-

retary John A. Volpe will submit to the President a report trying, once more to rationalize the chaotic system of policies and nonpolicies in transportation. The recommendations are not expected to produce much in the way of results.

As one experienced transportation lawyer puts it: "We don't have a total transportation policy, and the Transportation Dept. can't make one as long as the regulatory agencies exist and won't pay any attention."

CHALLENGE: IS THERE A BETTER WAY?

Chicago's Midway Plaisance is a long way from Pennsylvania Avenue. But this bleak and windy promenade that slices through the campus of the University of Chicago is, in a very real sense, an arena in which the major philosophical battles over regulatory policy are being fought.

To the north, in one of the undistinguished mock-Gothic quadrangles, is the office of Professor George J. Stigler, one of that group of stern, free-market economists whose best-known member is Milton Friedman. To the south, tucked away among the fifth-floor bookstacks of Chicago's cold and cavernous new law school, is Professor Kenneth Culp Davis, perhaps the most widely known student of the regulatory process and author of the *Administrative Law Treatise*—all four volumes of it.

Stigler and Davis represent the outer limits of reasonable thought on how—or whether—the federal regulatory machinery can work. Stigler thinks the regulators should have far less responsibility than they now do; Davis thinks they should have far more.

What these men think is important. Stigler, after all, was chairman of the task force on productivity and competition commissioned by President Nixon before his inauguration. Davis is a leading light in that freemasonry of law professors and eminent judges who exert enormous influence on the incredible tangle of statutes and rules in the regulatory field.

Stigler's position very broadly is that regulation is basically anticompetitive and thus does not serve the national interest. "I no longer look on regulation as a means by which the public protects itself," he says. "I think regulation is sought by business."

What outrages Stigler's tidy economist's mind is that much of the regulatory panoply of the last 80 years has been nourished on a thin gruel of faith and politics. "The most shocking thing is that no one knows the operative effect of the agencies. No one has ever studied, by and large, the successes and failures of the regulatory process."

Stigler's solution for the evils of regulation is, substantially, to deregulate, and throw the major responsibility for promoting competition and the public interest back into the Antitrust Div. of the Justice Dept. Ironically, John F. Kennedy also argued that competitive market forces should replace regulation in his unsuccessful attempt to strip the ICC of some powers.

Davis agrees that the regulators regulate too much, but has an entirely different basis for his belief. He would relieve them of some of the minutiae that occupy so much of their time, so they could concentrate on substance.

Davis' main preoccupation is not to move responsibility for national policy concerning business into the Justice Dept., but to push it further into the regulatory agencies.

"The central problem," says Davis, "is control of discretion; the biggest power of all is not to prosecute. At the FTC, the crucial moment is not the cease-and-desist order, but the choice of which cases are investigated."

In other words, Davis wants everything out in the open and on the record. A neat, unequivocal record requires decisions to be made on some rational basis: First the general rule, then the specific decision resting on it, and not the other way around. Davis looks to the federal courts to force the agencies to do it this way, by tossing back decisions brought to them on appeal that appear capricious.

So far, Davis admits, he has little on which to base his reliance on the courts, which customarily have upheld the regulators' decisions. But he sees some encouragement in several cases that appear to have little to do with, for example, the grant of television broadcasting licenses. In one, a California court questioned the right of the state liquor authority to lift the license of a go-go joint on the ground that the topless waitresses impaired the public morals, without first having stated formally that waitresses wearing nothing above the belt do, indeed, impair the public morals.

HOW TO SALVAGE THE SYSTEM

The ultimate projections of the Stigler and Davis schools of thought would be to ask nothing of the regulatory agencies or to ask everything of them. But in between lies a range of informed opinion that fills volumes—often slighted tomes that have put generations of law students to sleep.

A lot of lawyers—and their clients—are paying attention these days, however, if only because some reform is overdue for a system that seems to work to no one's advantage.

Some of those overdue notes are already in the process of being called, by Ralph Nader, for one. In a report published in book form not long ago, Nader's Raiders destroyed whatever was left of FTC's reputation. Nader's team of young crusaders has just completed a similar critique of the FAA and air safety; it is working on air and water pollution control enforcement, the Agriculture Dept., and several other agencies that have regulatory or enforcement powers. "Every agency is being challenged," Nader says.

Nader thinks these studies will provide the documentation on how regulated industries really operate and how they respond to—or fail to respond to—regulation. What is done with that knowledge is something else again.

Nader accepts, by implication, the judgment of one veteran Congressional committee staffer: "There is no public interest; there are public interests, and the agencies act as honest brokers among them." Nader simply would like to add the public interest—principally the consumer interest—to the others struggling to be accommodated in the regulatory process.

Nader holds that the regulatory framework is salvageable. "It's just like a city machine when it turns corrupt," he says. "People don't say get rid of city government." In light of this conviction, Nader must be classified among the optimists. So must Judge Henry J. Friendly, once general counsel for Pan American World Airways and now a federal appellate judge with a national reputation. In 1962, Friendly laid out the regulators, warts and all, and then proposed a persuasive program for reform. The problem, in his view, lay in the unwillingness of the commissions to construct, from the vague directions of Congress, "standards sufficiently definite to permit decisions to be fairly predictable and the reasons for them to be understood."

Today, says Friendly, "I would be somewhat less optimistic than I was in 1962 with respect to the various transportation agencies' engaging in useful planning activities. I should think that here the hope lay rather in the newly created Dept. of Transportation."

Friendly is not alone in redirecting his hopes. The proposal "to break up the agencies" or bypass them is an old one. In 1959, Florida lawyer Louis J. Hector resigned from the CAB after two not very happy years. In parting, he wrote a lengthy letter to President Eisenhower that acquired celebrity as The Hector Memorandum. In 1963, Newton N Minow, President Kennedy's FCC chairman, similarly resigned, and wrote a similar, though shorter letter.

The two men held that the agencies do not do any of their assigned jobs well, and that they are essentially bankrupt. Matters of broad policy affecting the national interest should be decided by the White House. The endless details of cases, renewals, licenses, certificates, and rule infractions should be handled by the civil service in the Executive branch. Major "adjudicative" matters contested by a regulated interest should be assigned to some sort of administrative court.

Both men's views, but especially Hector's, raised a storm of indignation. Friendly's book rejected the proposals, as did a book by William L. Cary, former SEC chairman and now a Columbia University law professor. Cary argued that leaving policy to the "White House" essentially meant leaving it to assistants of scant experience.

If the experts disagree on most recipes for improving regulation, on one thing they agree: The agencies need better men. Testifying last September before the Joint Economic Committee, Nicholas Johnson was asked what qualities should be expected in a regulator. Replied Johnson: "My standards are really very modest in terms of selecting commissioners for regulatory commissions. In the FCC, I wouldn't say a man needed to be an expert necessarily in communications policy or anything that esoteric.

"I would start by saying he probably ought to have an IQ of at least 110, somewhere along in there. I think he ought to be able to read and write. If you could find one who actually likes to read and write, so much the better."

GENERAL PRACTICE SECTION

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HUNGATE. Mr. Speaker, as one who formerly engaged in the general practice of law, I believe the following article from the February 1970 Illinois Bar Journal concerning the frequent trials and occasional triumphs of great practitioners will be of interest:

GENERAL PRACTICE SECTION

I am not sure that the idea of a General Practice Section [see The Scratch Pad, 58 Ill. B.J. 330 (Jan. 1970)] is one that can be supported by much logic, since there is doubtless an existing Association committee that gives attention in depth to each area of concern to the general practitioner. Nonetheless, I like the idea and I suspect that such a group might be worthwhile.

For one thing, participation in such a Section might do a lot for the mental health of the run-of-the-mine G.P. who for years has served uncomfortably on committees in the shadow of giants in the fields of taxation, negligence, drainage and levee laws, and the like.

For another, he might get to take part in the Section's activities and perhaps voice a thought now and then without fear of having to have his foot extracted by a superstar who sounds for all the world like Lee Bailey—or David Brinkley, depending on the type of committee he is on.

Come to think of it, I guess I have longed for a committee where I could chuckle knowingly at the wry good humor of the current events chairman, after 25 years of chuckling nervously and at the wrong time because I had not heard of the exciting developments that were about to emerge from some suit the chairman had tried last month.

General practitioners also have little problems in social adjustment. If you're not one, you haven't known the terror that grips a G.P. at cocktail parties when he feels that "And what type of law do you practice?" question coming on. You blurt out something like "Why, we have a rather general practice in our little shop" and then shrink back into the woodwork as your dinner partner catalogs you as a guy who handles collection work, traffic cases and small estates and moves quickly off to join some matrimonial lawyer there without his wife, or a brain surgeon who will probably spill his drink on her. Rather than become known as an unspecialist, a G.P. will sometimes conceal his profession from casual acquaintances for long periods just so he won't have to answer The Question and suffer the ensuing agony of a silent put-down. He may be known as "that quiet fellow with the mysterious interests"—and that is no way to pick up a little collection business from friends. (In desperation, I once gave some thought to billing myself as an expert on commodity exchanges after helping handle a case in Washington involving some soybean traders. I rejected the idea when I decided that it's possible to be *too* specialized.)

A General Practice Section could have subcommittees that really meet. I have been on one committee for six or seven years and I don't even know the subcommittee chairmen, some of whom haven't been around that long. I have been assigned to ten or twelve subcommittees over those years, but only once was a meeting ever held, and I was in traffic court that day and could not attend. Not only does this put me at a disadvantage when asked about pending legislation, but I am totally ignorant of the status of Association lectures. Actually, even if a subcommittee had a meeting I would not go and risk being unmasked as a spy who never tried a case in that committee's specialty in his life.

Like it or not, general practice is a sort of fact of life in our profession. I see no harm in recognizing that fact by establishing a section in its honor. I know the effect on the egos of G.P.'s would be significant, and it might even benefit the profession and the public, too, although that certainly isn't to be insisted on.

I like the idea and I would like to join up.

I'll go even farther. I look forward to the day when there will be an American Academy of General Practitioners with Fellows and everything. That would *really* kick the old neurosis in the head. I will join even if they don't have their annual convention in the North Beach area or Waikiki or someplace.

And by the way, the material that has been distributed by the General Practice Section of the ABA is about the best I have ever received from any group of the ABA, ISBA or CBA, to say nothing of the American Judicature Society.

J. R. BLOMQUIST.

LESTER MADDOX'S "PICKRICK DRUMSTICK"

HON. FLETCHER THOMPSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. THOMPSON of Georgia. Mr. Speaker, if my memory serves me correctly, there has been recently a controversy concerning pick handles which Members and restaurant employees were taking out of a box in the lobby of the House dining room.

Today, I received from the Governor of the State of Georgia the history of these "pickrick drumsticks" and thought that for the edification of the Congressmen it should be inserted in the RECORD for all to see and I include it at this point:

THE TRUE STORY OF LESTER MADDOX'S "PICKRICK DRUMSTICK"

The wooden sticks picked up by a few customers at the former Pickrick Restaurant in Atlanta, Georgia were not "axe handles."

The sticks were "Pick Handles."

What was the purpose of "Pick Handles" at the Pickrick Restaurant? Pick handles were a part of the decorative pattern of the Pickrick. Other items included a rock garden, waterfall, pond, old spinning wheels, a player piano, carvings of stage coaches, steam locomotives, horses and many other items, all within the dining rooms, and a large and beautiful fireplace surrounded by many items, including hickory wood for burning—and one small wooden keg on each side of the fireplace containing a total of twelve "Pickrick Drumsticks" (Pick Handles—that were identified to the world as "Axe Handles").

The "Pick Handles" (Pickrick Drumsticks) were selected because of the meaning of the word "pick" in the name of the Pickrick Restaurant. In most of our newspaper ads and on our printed menu we carried the definition of the word "Pickrick."

Pick—To pick out, to select, to choose, to make careful selection or fastidiously chosen.

Rick—To pile up, to heap or to amass.

And we always advised our customers, "You Pick it out, we'll Rick it up, and that makes "Everything Pickrick".

The "pick handle" was also selected because it has more of the appearance of a chicken leg than any other available item—hence—"Pickrick Drumstick". Any person offended by the "Pickrick Drumstick" has to be misinformed.

The "Pick Handle" is a symbol of hard work, of progress and of what helped to build America. Lester Maddox's "Pickrick Drumstick" is a symbol of good fried chicken, a reminder of a good restaurant.

LESTER MADDOX.

OIL SPILLED AGAIN

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. KEITH. Mr. Speaker, hardly a week passes that I do not find myself on my feet in this Chamber, decrying yet another oil tragedy. This week's disaster is taking place off the coast of Louisiana, where an off-shore oil drilling rig is spewing forth uncontrolled oil at the rate of 1,000 barrels a day. Some of the most productive shellfish areas in the Nation are threatened, and the experts say that it will be at least 5 days before they can even hope to cap the leaking wells.

This latest accident is further proof—if any is needed—of the desirability of protecting our offshore resources from such despoilation. In 1967 I filed a bill to do just that, through the creation of "Marine Sanctuaries" in areas where ecological and economic interests were too valuable to be left vulnerable to what is happening today in Louisiana. If it had been passed then, the Santa Barbara tragedy, and possibly this one, might well have been avoided.

As it happened, in this particular case the Chevron Oil Co. has assumed the financial responsibility of controlling and cleaning up the mess their drilling created. But this only goes to point up more clearly than ever the necessity for the public works conferees to come to an agreement on the pollution bills that they have been considering for so long. For in most cases, the offender is not so quick to claim responsibility as Chevron has been. And unless a strict and clear liability law is on the books, the current system of unclear responsibility and inadequate means of cleanup will continue—and so will the devastation of our coastliness.

Knowing the House conferees, and Mr. GROVER and Mr. CRAMER in particular, I am sure that the end result of this committee's efforts will be a bill that will effectively cope with the complex problems of liability and cleanup. I am encouraged by reports that the House conferees are insisting on very strict enforcement and heavy penalties against those responsible for oil spills.

Under H.R. 4148, a revolving fund would be established, so as to permit speedy and effective action by the Federal Government when an oil spill occurs. This is a vital necessity, for in most oil spills the perpetrator is not immediately identifiable, and the Government has to assume the lead role in cleaning up the spill.

Under an Executive order of President Johnson, the Coast Guard and the FWPCA have been designated the lead agencies in coping with such spills. Both agencies, however, are sadly underequipped to handle this responsibility.

When the Coast Guard authorization comes before the House next week, two amendments will be offered that would increase this agency's capability in this vital area.

The first increases the number of helicopters authorized from six to eight. These are desperately needed for the Coast Guard to patrol our coastlines watching for oil slicks. The second would provide for acquiring two of the new transportable oil storage systems the Coast Guard has developed, instead of one.

Total cost of restoring these items—which the Coast Guard had originally requested before the Budget Bureau cut them back—is approximately $5.7 million. In our view, this is a small price to pay for the protection such added equipment would produce. If even one major oil spill is detected and prevented from reaching our coasts, its expense will be more than justified.

I am hopeful that these amendments will succeed—and that they will be only a beginning of much more research and much more development of oil control technology.

At this point, I would like to draw my colleagues' attention to the recent trip of my friend and colleague (Mr. MCDONALD) who went to Louisiana and saw personally the dimensions of this disaster. Such a journey should be required of us all, to fully understand the dimensions and gravity of this problem.

NIXON VOLUNTARISM A GLARING FAILURE

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HUNGATE. Mr. Speaker, the Washington Post of Sunday, March 8 carried an interesting article written by Joseph R. Slevin which follows:

NIXON VOLUNTARISM A GLARING FAILURE

(By Joseph R. Slevin)

When it comes to voluntary cooperation and government by example, the Nixon administration is about as mixed up a group as you are likely to find.

Voluntarism was a big thing during the 1968 presidential campaign but it didn't survive election night and is one of the glaring failures of Nixon's first 13 months in the White House.

The President still talks occasionally of voluntarism even as he talks of "new federalism" and of turning power back to the people. Yet his attention-grabbing pollution program calls for imposing a web of new controls on the states and local governments.

One of the country's crying needs is for voluntary wage-price restraint but Nixon blew his chance to unite the country in an effective anti-inflation campaign at his first press conference when he said labor and business leaders have to be guided by self-interest rather than by the national interest.

The President marched part way back in October. He belatedly started a jaw-boning campaign against inflationary wage and price boosts by warning businessmen that it would be self-defeating to give excessive wage increases because economic activity was slowing down.

Secretary of Labor George Shultz still doesn't think much of jawboning, though. He denounced such voluntary appeals in New York just the other day as a "policy of twisting arms or getting people to do something they would not otherwise do."

The way some administration officials talk about jawboning you would think it was a dastardly Democratic plan instead of a national policy that was initiated by President Eisenhower to slow cost-push inflation in the late 1950s.

But even as Shultz was protesting against voluntary wage-price restraint in New York, Nixon's Treasury was rounding out a week of urging pension funds and other big investors to support the administration's homebuilding drive by voluntarily making more mortgage loans to contractors and homebuyers.

The unhappy financial men heard suggestions that they may lose tax benefits or be subjected to "voluntary" credit controls if they do not play ball.

The pension funds put all of their money into loans that pay more than the return they can earn on mortgages. They do not consider it in their self-interest to make mortgage loans any more than Nixon's labor leaders and businessmen considered it in their self interest to settle for less than the biggest wage and price increases they could jam through.

It has not escaped notice here or around the country that Nixon, equally inconsistently, spent the taxpayers' money to buy 150 fancy comic opera uniforms for the White House police at the same time that he was exhorting his cabinet to hold down government spending. It is remembered, too, that Uncle Sam had to foot more than half a million dollars in bills for work around Nixon's plush Florida and California estates only shortly before he cut federal construction contracts and begged local communities to curb their own outlays.

All of which proves that what is sauce for the goose is not always sauce for the gander or, as Attorney General Mitchell injudiciously advised a civil rights group last summer: "Watch what we do instead of listening to what we say."

NEW YORK TIMES DISCUSSES POLITICS AND PETROLEUM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HAMILTON. Mr. Speaker, under leave to extend my remarks in the RECORD, I wish to bring to the attention of my colleagues in the House the following New York Times Magazine account of the U.S. petroleum industry's fight to maintain favorable tax benefits and a continuing import quota system:

[From the New York Times magazine, Mar. 8, 1970]

THE OIL LOBBY IS NOT DEPLETED

(By Erwin Knoll)

WASHINGTON.—On Thursday evening, Nov. 6, 1969, the Governors of three states met over a quiet dinner at the Tavern Club in Washington with Frank N. Ikard, a former Texas Congressman who is now president of the American Petroleum Institute, the trade association of the nation's largest oil companies. There is no public record of what the four men discussed, although—by coincidence or otherwise—the same three Governors and a fourth were at the White House early the next morning to urge the Nixon Administration to retain the 11-year-old system of oil-import quotas, which costs consumers more than $5-billion a year in higher prices for petroleum products.

The Tavern Club tête-à-tête and the subsequent White House session are examples of the close and continuing contacts between oil and politics—an intimate relationship that has prompted some critics to describe the oil industry as "the fourth branch of government." In recent months those contacts have intensified, for the industry's privileged status is being attacked with unprecedented ferocity. Under the benign patronage of such influential figures as the late Senator Robert Kerr of Oklahoma, who rejoiced in being known as "the uncrowned king of the Senate"; the late House Speaker Sam Rayburn of Texas; the late Senate Minority Leader, Everett McKinley Dirksen of Illinois, and former President Johnson—all of whom shared a profound and undisguised commitment to the industry's welfare—the petroleum producers enjoyed decades of virtually limitless power in Washington. Their strength probably still surpasses that of any other special-interest group. But with the departure of their most prominent and effective champions, their critics are for the first time emerging as a force to be reckoned with.

In one of the few genuine, although limited, reforms to survive the byzantine machinations that produced the final version of the Tax Reform Act of 1969, both houses of Congress voted decisively to reduce the sacrosanct oil-depletion allowance from 27.5 per cent to 22 per cent. The reduction—acquiesced in by a reluctant executive branch—constituted an acknowledgement that many Americans had come to regard depletion as the most flagrantly objectionable abuse in the loophole-riddled tax code.

In a statement that some of his colleagues thought was tinged with exaggeration, Senator Thomas J. McIntyre of New Hampshire declared that the vote to cut the depletion allowance signified that the Senate had "once and for all rejected its role as the bastion of the oil industry." The Senator was among those who had unsuccessfully sought a more drastic reduction to 20 per cent. "But the important thing," he said, "is that we have finally made a crack in oil's protective shield. If others develop in the days to come, American consumers and taxpayers may yet get a fair shake at the hands of this much-pampered industry."

The depletion allowance, which stood inviolate for more than four decades, has allowed an oil or gas company to deduct 27.5 per cent of its gross income from its taxable income, providing the deduction does not exceed 50 per cent of taxable income. With lesser depletion percentages provided for almost 100 other mineral products, depletion has cost the Treasury about $1.3-billion a year in lost revenues—a sum comparable to the "inflationary" spending increments that President Nixon cited as the reason for veto-ing the Labor-H.E.W. appropriations bill for fiscal 1970. Special provisions in the tax laws also permit oil and gas producers to deduct many of their intangible costs for exploration, drilling and development, including offshore drilling and production in many foreign countries. And oil companies are allowed to deduct against their United States taxes most of the royalties they pay to foreign powers—an arrangement cloaked in the convenient fiction that such royalty payments are "taxes."

The result of these privileges, according to Treasury Department calculations, is that oil and gas companies save in taxes 19 times their original investment for the average well. In 1968, American oil companies paid less than 8 per cent of their income in taxes, compared with more than 40 per cent for all corporations.

Clearly, the tax laws have played an important part in making the oil industry the formidable economic and political force it is. The industry's annual sales total more than $60-billion. Among the 2,250 largest American companies surveyed last April by the Economic Newsletter of the First National City Bank of New York, the 99 oil companies alone accounted for more than 25 per cent of the total profits. The industry's average profit of 9 per cent (based on net sales) is about double the average for all manufacturing companies; only one other industry—drugs—maintains a higher profit level. The 20 largest oil companies amassed profits of $8.1-billion in 1968 and paid 7.7 per cent of the net in taxes, according to U.S. Oil Week, an independent oil-marketing publication. Thanks to the generosity of the tax laws, one oil company—Atlantic-Richfield—avoided all Federal tax payments from 1964 to 1967, and actually managed to accumulate a Federal tax credit of $629,000 while earning profits of $465-million. Atlantic-Richfield's case is not unique.

A tax structure that lends itself to such egregious inequity is obviously worth defending. In Washington (and at state capitals across the country) the industry's interests are served by a costly and complex but closely coordinated lobbying apparatus. Among its principal components are these groups:

The American Petroleum Institute, whose membership roster of 400 companies and 8,000 individuals represents about 85 per cent of the total production, refining and marketing volume in the oil and gas industry. Despite its broad membership, A.P.I. is regarded as primarily the spokesman for the "Big Seven"—Standard Oil of New Jersey, Mobil, Shell, Standard Oil of Indiana, Texaco, Gulf and Standard Oil of California. Among these, Standard of New Jersey is the dominant force.

The institute's annual budget is a closely

guarded secret, and its quarterly reports to the clerk of the House of Representatives on lobbying expenditures are incredibly modest—a total of $39,119 for 1968. Industry sources report that the institute spends between $5-million and $10-million a year, much of it for "research." It has a staff of more than 250 at offices in New York, Washington, Los Angeles and Dallas.

The chief A.P.I. lobbyist is former Congressman Ikard, who represented Wichita Falls, Tex., from 1952 to 1961 and was a protégé of the late Speaker Rayburn. When he resigned from the House to join the institute—a move that he said was "a question of economics"—Ikard was praised by Lyndon Johnson, then Vice President, as "a heavy thinker and a heavy doer." Under his direction, says a Congressional source, the institute has been "a pace and precedent setter . . . vigorously seeking to adapt its positions and attitudes to the wave of the future."

The Independent Petroleum Association of America, with some 5,000 members representing about 60 per cent of the independent oil producers. Its "experts"—a professional staff of six operating out of an impressive Washington office suite—were highly visible among the oil men who flitted in and out of the back door to the Senate Finance Committee's offices while the committee, in sessions closed to the public, considered the oil provisions of the Tax Reform Act. The immediate past president of the association, Harold M. McClure, the Republican National Committeeman from Michigan, has acknowledged making "personal" campaign contributions totaling $90,000 in 1968. He recently testified before a Federal grand jury investigating allegations of political bribery.

The same Congressional source who admires the A.P.I. for its flexibility describes the Independent Petroleum Association as "sticking to the traditional line that the existing state of oil privileges is essential to the national defense and must remain sacrosanct."

The National Petroleum Refiners Association, composed of domestic refining companies and representing about 90 per cent of the refinery production in the United States. Donald O'Hara, the association's executive vice president, was formerly a registered lobbyist for the Petroleum Institute, with which he maintains close liaison.

The Independent Natural Gas Association of America, representing major pipeline companies. Its executive director is a former Texas Representative, Walter E. Rogers. He served in Congress as Chairman of the House Subcommittee on Communications and Power, which handles gas-pipeline legislation. He gave up his Congerssional seat in 1966 and registered as a lobbyist in 1967 to represent 12 pipeline companies in a vigorous—and successful—effort to water down a pending bill that would have established strict Federal safety standards for the nation's 800,000 miles of gas pipelines.

A formidable array of regional and state groups—among them the Mid-Continent Oil and Gas Association, the Western Oil and Gas Association, the Texas Independent Producers and Royalty Owners Association and the Kansas Independent Oil and Gas Association—augments the national contingent. Executives of these organizations are frequent visitors to Washington, and they can draw on the talents of the capital's most prestigious law firms for missions of special delicacy. Individual companies also mount their own lobbying efforts; John Knodell, a genial and knowledgeable lawyer who worked the Congressional beat until recently for Humble Oil, was credited with establishing a new beachhead for the industry in the last year or two by opening lines of communication with liberal members of the House and Senate. He is now assigned to Humble's legal department in Houston.

By pooling their efforts, the companies are able to marshal formidable forces. In the carefully orchestrated campaign against reducing the depletion rate, for instance, one concern urged all its stockholders to write to members of Congress; another focused on mobilizing its retired employes; a third concentrated on service-station operations; a fourth sent brochures to its credit-card holders. The companies claimed all these efforts as deductible business expenses, but the Internal Revenue Service is, at the request of Senator William Proxmire of Wisconsin, examining those claims.

Instances of disarray in the ranks of oil are relatively rare—and when they occur, the dominant companies usually manage to muffle the dissenters. Last year, the small independent producers in the Kansas Independent Oil and Gas Association broke ranks to support a proposal by Senator Proxmire that would have instituted a system of scaled depletion allowances—a plan emphatically resisted by the majors. The Kansas oilmen were unable to persuade even their own state's Senators to support the Proxmire plan. When two executives of the Kansas group flew to Washington to enlist one Senator's assistance, he kept them waiting in an outer office while a representative of Standard Oil of Indiana delivered the pitch for retaining full depletion. "The local boys just don't understand the situation," the Senator later said.

Depletion and tax preferences are hardly the only—or even the most significant—prerequisites the industry is eager to protect. In fact, some Congressional critics suspect that the oilmen were not entirely displeased when Congress voted to reduce the depletion allowance, since they hope that this action will ease the pressures against other oil privileges now under attack.

Chief among such privileges is the import-quota system—the topic the four Governors took to the White House on Nov. 7. Their meeting took place in the office of Peter Flanigan, a Presidential assistant who has special responsibility for financial affairs and who serves as the President's staff expert on oil. The Governors present, representing the Interstate Oil Compact Commission,[1] were Preston Smith of Texas, Robert B. Docking of Kansas, Stanley K. Hathaway of Wyoming and Richard B. Ogilvie of Illinois; they brought with them telegrams of support from the chief executives of 13 other states. Among the Administration officials assembled to hear the Governors' views were Secretary of Labor George P. Shultz, who heads President Nixon's Task Force on Oil Import Control, and several key members of the task force—Secretary of the Treasury David M. Kennedy, Secretary of the Interior Walter J. Hickel and Secretary of Commerce, Maurice H. Stans.

"This meeting," Senator Proxmire told the Senate on Nov. 17, "was clearly the result of a planned campaign of pressure by the oil industry through the Interstate Oil Compact Commission. Even a cursory examination of the telegrams from the Governors who could not attend the meeting shows they are almost all in identical language. . . .

"The pressure on the Governors must have been fierce. The most interesting example of this is a telegram sent [by the State Commissioner of Conservation and Natural Resources] on behalf of Gov. Nelson Rockefeller of New York. The telegram assures the White House that Governor Rockefeller supports oil-import quotas, though Mayor Lindsay has shown that the quotas cost New York City consumers a minimum of $95-million a year in increased prices and that the cost might go as high, just for New York City, as a quarter of a billion dollars."

Whether Governor Rockefeller was, in fact, subjected to "fierce pressure" is problematic; as a member of a family that founded its fortune on Standard Oil, he is presumably not entirely unsympathetic to the industry's point of view. But Senator Proxmire's reference to a "planned campaign of pressure" in behalf of the import-quota system was no exaggeraiton.

About the time the oil-state Governors were meeting at the White House with members of the President's task force, Michael L. Haider, the retired chairman of Standard Oil Company (New Jersey) and retiring chairman of the American Petroleum Institute, had a private audience with President Nixon. He emerged, according to the industry's trade journal, The Oil Daily, "feeling more optimistic about the handling of petroleum-industry problems in Washington." After a "very good conversation" with the President, the report said, Haider "believes Nixon has a good grasp of the problems surrounding oil-import controls and is more confident that the outcome will be favorable."

In the same interview, Haider offered a glimpse of the relative equanimity with which the industry viewed the reduction in the depletion allowance. "Of course we can live with the new taxes," he said. "We obviously aren't going out of business." The Petroleum Institute has estimated that the Tax Reform Act will cost the industry $550-million to $600-million a year.

The import-quota system, on the other hand, has been estimated by reputable economists to be worth between $5.2-billion and $7.2-billion a year. Using the more conservative projection of the quota system's cost, experts have calculated that the average family of four in New York State pays an excess of $102.32 a year for gasoline and heating oil. In Vermont, a family of four pays an additional $195.92. The comparable figure for Wyoming is $258.

President Eisenhower established the oil-import-quota system on March 10, 1959, as a "national security" measure designed to reduce American reliance on foreign petroleum production. In taking this step, Sherman Adams recalls in his memoirs of the Eisenhower Administration, "the President had to go against the principles that he had fought for in his foreign-trade policy." According to Adams, the departure was made necessary by "the unpredictable human factor . . . the men who headed two large oil-importing companies that refused to join in voluntary restraints and to heed the warning of the Government of what would happen if they failed to do so. Oil was coming into the United States from foreign fields at such a rate that the American oil-producing centers were being forced into desperate straits." Adams, who served as "deputy President" in the early Eisenhower years, candidly dismisses the notion that the national security was at stake: "The imposing of import quotas on oil was primarily an economic decision brought about by an economic emergency, but the action . . . was based upon security considerations in accordance with the law."

The quota system restricts the entry of cheap foreign crude oil to 12.2 per cent of domestic production in states east of the Rockies. (The quota does not apply in the Western states because even a maximum rate of domestic production there cannot meet the demand.) The system operates in tandem with state laws that closely regulate month-to-month oil production on the basis of demand estimates furnished by the major producers. The effect is to assure domestic companies of a demand for all production, and to push up the cost to American consumers. A barrel of Middle Eastern oil can be

[1] The Interstate Oil Compact Commission is supposedly charged with one responsibility, conserving oil and gas within the continental United States. In theory it has nothing to do with the oil-import program, but it has engaged in heavy lobbying for retention of the quota system.

landed in New York harbor for about $1.50 less than a barrel of domestic oil of the same quality.

"Import quotas have been instituted in order to insulate the domestic oil market from the challenge of foreign competition," Prof. Walter J. Mead, an economist at the University of California at Santa Barbara, told the Senate Antitrust and Monopoly Subcommitee last spring. "Given this barrier of free entry into the United States market, the price of crude oil in the United States is approximately double the free-market world pride." During the first half of 1968, Professor Mead said, Japan paid an average of $1.42 a barrel for Middle Eastern crude oil. The American price for a similar grade of crude was $3 a barrel.

A Department of the Interior study made public on Jan. 16, 1969—and challenged by some economists as too conservative—found that the removal of import quotas would cause a 95-cent-a-barrel decline in the price of crude oil east of the Rockies. John M. Blair, the Senate subcommittee's chief economist, estimates that the quotas "have cost the American public $40-billion to $70-billion in the last 10 years."

Among the quota system's bizarre byproducts is a complex of exceptions and evasions designed to suit the oil industry. In the interests of "national security," for example, Canadian oil imports, which can be shipped overland to the United States, are curtailed, while no limitation is placed on tanker shipments from Texas and Louisiana. Senator Russell Long of Louisiana, who has inherited Senator Kerr's mantle as the Capitol's chief spokesman for oil, once defended the Canadian restriction by invoking the likelihood of war between the United States and its neighbor to the north.

Another odd and costly arrangement exacts about $14-million a year from Hawaiian consumers because oil shipped to their state from Indonesia and Venezuela is refined in Hawaii, but priced as though it had been refined from more expensive domestic crude on the West Coast, then shipped to Hawaii in American vessels, which traditionally collect a top dollar for their services. "It seems hard to understand," said Prof. Morris A. Adelman, an M.I.T. economist, during the Senate hearings last spring. "If I looked into it, maybe I would find it even harder to understand."

Consumers and their Congressional spokesmen, however—no matter how loud their complaints against the quota system—can claim only modest credit for the current assault. The Presidential task force whose work has worried the industry and preoccupied its lobbyists in recent months came into being as a result of competitive pressures among the companies themselves, which prompted some major producers to seek special Federal benefits under the quota system. The first important breach in the system came when the Johnson Administration granted quotas to a Phillips Petroleum refinery in Puerto Rico and a Hess Oil refinery in the Virgin Islands. Then Occidental Petroleum, a relatively small but aggressive company, discovered vast oil pools in Libya and decided to seek increased access to the restricted American market by requesting a 100,000-barrel-a-day quota for a refinery to be built in a proposed foreign-trade zone at Machiasport, Me. To New Englanders, Occidental promised a reduction of at least 10 per cent in the swollen cost of home heating oil. To the major producers, however, Occidental's request raised the threat of a series of "Machiasports" around the country, dissolution of the import-quota system and substantial reductions in profits.

Confronted with strong and conflicting pressures, the Johnson Administration fumbled indecisively with the Machiasport application during its last year in office, then passed the problem on to its successor. On Feb. 5, 1969, Chairman Haider and President Ikard of the American Petroleum Institute proposed to Dr. Arthur F. Burns, the President's principal economic adviser, that a Presidential task force be appointed to review the quota system. Their intent, it seems clear, was to block the Machiasport project, but surprisingly the task force took on some aspects of a runaway grand jury. The industry has not recovered from the shock.

In a forceful submission to the task force, the Antitrust Division of the Department of Justice challenged the major rationale for the quota system, arguing that "the import quotas themselves do nothing to preserve this nation's domestic oil reserves. Reserve productive capacity is maintained, if at all, by state regulatory action aimed primarily at other objectives, such as conservation. The resulting hodgepodge of Federal and state regulation seems ill-adapted for achievement of a coherent program designed to provide this country with sufficient emergency oil reserves." The import program, the Antitrust Division also noted, "is a keystone in preserving a dual price system as between the United States and the rest of the free world. By insulating the domestic market from he competitive pressures of world oil prices, the program intensifies the effects of the existing lack of competitive vigor in various domestic oil markets."

Under the direction of Prof. Phillip Areeda, a Harvard economist, the task-force staff compiled what is generally regarded as a full-fair and thorough record (although some industry sources passed the word that the staff was dominated by a most dangerous element—"theoretical economists"). In assembling detailed position papers and rebuttals, the staff shunned *ex parte* contacts with the ubiquitous oil lobbyists and withstood formidable pressures, including a telegram from Representative Wilbur Mills of Arkansas, the Chairman of the powerful House Ways and Means Committee, who warned Professor Areeda against "tinkering with the matter of oil imports."

In its final report, the task-force staff found that the quota system has serious disadvantages, including "the hazards of fallible judgment, combined with the ever-present risks of corruption." These factors, the staff concluded, "counsel strongly in favor of getting the Government out of the allocation business as rapidly and as completely as possible." The staff recommended scrapping quotas in favor of a preferential tariff system for oil that would produce about $700-million a year in new Federal revenues and reduce prices by about 30 cents a barrel—a quarter to a third of the price reduction that might be realized by the total elimination of oil-import controls. Under a probable tariff schedule consumers might save a cent or two on a gallon of gasoline and about a cent on a gallon of heating oil.

Such a reduction would have a measurable counterinflationary effect. According to Paul W. McCracken, the chairman of President Nixon's Council of Economic Advisers, "with annual consumption on the order of 80 billion gallons, a 2-cent cut at retail would translate into a reduction of about $1.6-billion in the total national bill for gasoline. Such a cut would be equivalent to a reduction of approximately 6 per cent in the average retail price."

The task force held its last full meeting in December, and a majority—five of the seven members, led by Secretary of Labor Shultz—was prepared to accept the staff's conclusions. The two dissenters were Secretary of the Interior Hickel and Secretary of Commerce Stans, who insisted, in what several participants have described as an angry confrontation, on retention of the quota system.

Present for the first time at a meeting of the task force was Attorney General John N. Mitchell, who emphatically told Secretary Shultz, "Don't box the President in." Some of those present interpreted the remarks as a Presidential request for the retention of quotas. Following Mitchell's appeal, the task force tempered its recommendations, though it reached the basic conclusion that quotas should be scrapped in favor of a tariff schedule.

The broad conclusions of the task-force report leaked out long before it was officially made public, and the oil industry lost no time in stepping up its efforts to win friends and influence people. For many weeks it bombarded Congress and the White House with demands that the quota system be retained.

A retired oil executive who maintains close contact with the industry reported in a confidential memorandum early in February that representatives of the Independent Petroleum Association had made "quite an impression" in a meeting with Flanigan and Bryce Harlow, another Presidential aide. The memo continued: "Theme was—oil revenues are key to the prosperity and state budgets, such as schools (over 90 per cent in Louisiana), of the oil-producing states. Stall any decision until after the election and in this way the Republican party can capture the Senate. This policy will assure Republican Senators' election in questionable states of Alaska, California, Wyoming, New Mexico and Texas. Harlow assured the group that the President is well aware of all the facts and will act to the best interests of the country."

Even more reassuring to the industry was a report published Feb. 6 by Platt's Oilgram News Service, an "inside" newsletter for the industry, based on an interview with a "high Administration official known to be opposed" to the task-force majority's tariff recommendation. The official, whom industry sources identify as Interior Secretary Hickel, said he was convinced that the Administration would not permit "anything drastic" to happen to oil imports.

Secretary Hickel's prediction proved accurate. When the 400-page task-force report, with its recommendation that the quota system be abolished, was released by the White House on Feb. 20, it was accompanied by a Presidential announcement that no "major" change would be ordered now.

The President thanked the task-force members and staff for their "devoted and discerning effort," then announced the formation of a new Oil Policy Committee to conduct further studies. The only task-force member missing from the new group is Secretary Shultz, the original body's most vigorous critic of the quota system. He was replaced by Attorney General Marshall, who presumably will see to it that the President is not boxed in.

Understandably, the Petroleum Institute thought the President's action was "encouraging," while the Independent Petroleum Association declared that the move should "reassure consumers as to future supplies of both oil and natural gas at reasonable prices."

Meanwhile, the industry is reappraising its pressure tactics, assessing its past mistake and preparing for such future battles as the developing national crusade against automotive pollution. Former Congressman Ikard predicts "a pretty substantial change" in the industry's expensive image-building program. "We aren't dedicated to anything we are doing simply because we have been doing it," he says. An industry committee headed by Howard Hardesty, senior vice president of Continental Oil, has been conducting an intensive study of oil's public-relations efforts.

In a speech last fall that attracted sympathetic attention in the industry—it was reprinted in full in The Oil Daily—Michael T. Halbouty, a Houston oil producer, engi-

neer, banker and former president of the American Association of Petroleum Geologists, complained that the industry's trade associations had "simply failed to inform and educate the public properly."

"Frankly," Halbouty said, "all of us took it for granted that our little red house would never be blown down by those howling wolves. So we find ourselves behind the eight ball. We now see depletion being hammered down. We see serious attacks being made on other incentives. The mandatory import program is in trouble. . . . The shortcoming in our own case has been a lack of communication with the people who really count in this country—the people who vote.

"We have done little to tell the history of oil and gas or the industry or the men who have made it. We have said little about how this industry ignited and sustained the age of liquid fuel and thereby helped lift the shackles of toil from labor. . . . We simply haven't put this information out properly, without wrapping it in a package which had the sign 'support depletion' on the outside. The people would automatically support depletion if they knew what our industry means to them."

From a Washington perspective, Halbouty's apprehensions seem overblown, or at least premature. While the industry's critics are increasingly outspoken and have tasted a few small victories, they have also been subjected to large defeats. Though some of oil's most stalwart champions have been removed by the process of attrition, others remain, steadfast and loyal, in Congress and in the executive branch. Despite a few cracks in the solid front the industry was long able to maintain in its lobbying effort, it remains a potent force in the capital.

When the American Petroleum Institute convened in Houston in November, Administration officials on hand to deliver speeches included Treasury Secretary Kennedy, Interior Under Secretary Russell E. Train and John N. Nassikas, the new chairman of the Federal Power Commission. A few days later Interior Secretary Hickel, whose department has broad jurisdiction over matters of importance to the oil industry, was in Houston to inspect offshore drilling rigs and hold private conversations with industry leaders.

Hickel, the former Governor of Alaska whose intimate ties to oil were the subject of stormy confirmation hearings when he was named to the Cabinet, seemed for a time to fall short of the industry's glowing expectations. Mindful of his vulnerability to conflict-of-interest allegations, he appeared determined to stress his independence of the industry. When an offshore oil blowout in the Santa Barbara channel became a national pollution scandal, the Secretary issued relatively stringent controls on drilling procedures, and oilmen complained of official "overkill." Such industry complaints are no longer heard in Washington, however, and Mr. Hickel seems to have dropped his guard. It was reported recently that an Alaska investment firm owned by the Secretary and his wife and managed by his brother, Vernon, had received a $1-billion contract to build an addition to the building in which Atlantic-Richfield maintains its Anchorage headquarters.

President Nixon, too, was well acquainted with leading oil producers long before Michael Haider paid his cordial call at the White House in November. California oilmen were prominent contributors to the Nixon personal-expense fund that erupted into headlines during the 1952 Presidential campaign. In Congress, Mr. Nixon was a reliable supporter of such oil measures as the tidelands bill, which divested the Federal Government of the offshore petroleum reserves. As Vice President Nixon worked closely with Senate Majority Leader Lyndon Johnson in 1956 to block a sweeping inquiry into disclosures by the late Senator Francis Case of South Dakota that he had been offered a $2,500 bribe for his vote in behalf of a bill to exempt natural-gas producers from Federal regulation. The law firm with which Nixon was associated before his 1968 candidacy had its share of oil clients, and oilmen—including president Robert O. Anderson of rapidly growing Atlantic-Richfield—ranked high among contributors to Nixon's Presidential campaign.

No one knows precisely—or even approximately—how much money oil pours into politics through experts on campaign financing agree that the industry outspends all others. Official reporting requirements, which divulge only the tip of the iceberg, indicate that executives of oil companies and trade associations can be counted on for hundreds of thousands of dollars in contributions during Presidential campaigns—the bulk of it (except in 1964) to Republican candidates. The role of oil money in House and Senate campaigns is even more obscure, although occasional disclosures such as the 1956 charge of a bribe attempt and the more recent investigations of former Senate Majority Secretary Robert G. Baker indicate that money is easily—and bipartisanly—available to legislators who can be counted on to vote the industry's way. Baker, whose Senate mentors were Robert Kerr of Oklahoma and Lyndon Johnson of Texas, served as both collector and distributor of oil contributions funneled through the Democratic Senatorial Campaign Committee in the late nineteen-fifties and early sixties.

Periodic disclosures of political bribery, which have a remarkably transitory effect on public opinion and political morality, are probably less significant than the day-in, day-out "legitimate" relations between Congress and the powerful oil industry. As Robert Engler observed in "The politics of Oil," a classic study: "The spotlight here belongs more on lawmakers and respectable men with bulging brown briefcases entering the portals of government than on lawmakers and furtive men with little black bags using side entrances of hotels. Government policy on oil has increasingly become indistinguishable from the private policies of oil. . . ."

For some lawmakers, of course, the wheel of self-interest need not be oiled, even by political contributions. The late Senator Kerr who held a ranking position on the Finance Committee in the nineteen-fifties and early sixties and was always available to the oil industry, was simply advancing his own cause as a substantial shareholder in Kerr-McGee Oil Industries, Inc. "Why, hell," he said, "if everyone abstained from voting on grounds of personal interest, I doubt if you could get a quorum in the United States Senate on any subject."

Senator Long, who now presides over the Finance Committee and the loyal oil contingent on Capitol Hill, shares his illustrious predecessor's view. "Most of my income is from oil and gas," he says. "I don't regard it as any conflict of interest. My state produces more oil and gas per acre than any state in the Union. If I didn't represent the oil and gas industry, I wouldn't represent the state of Louisiana."

According to records of the Louisiana Mineral Board, Senator Long has received income of $1,196,915 since 1964 from his interests in four state oil and gas leases, and almost $330,000 of that income has been exempt from Federal income taxes because of the oil-depletion allowance. The Senator is also a trustee of family trusts that have collected $961,443 from holdings in state leases since 1964; and he has an interest in at least seven private leases whose royalty reports are not available for public scrutiny.

Few of his colleagues can match Senator Long's oil holdings, but many share his solicitous concern for the industry's welfare. Among those on whom the oil moguls can generally count for unstinting support are Senators John G. Tower of Texas, Gordon Allott of Colorado, Clifford P. Hansen of Wyoming, Henry L. Bellmon of Oklahoma, Roman L. Hruska of Nebraska, Robert J. Dole of Kansas, Peter H. Dominick of Colorado, Allen J. Ellender of Louisiana, Theodore F. Stevens of Alaska, George Murphy of California and Karl E. Mundt of South Dakota.

Most—but not all—of oil's fast friends in the Senate are stanch conservatives. Nonetheless, such liberal heroes as J. William Fulbright of Arkansas and Eugene J. McCarthy of Minnesota can usually be counted on to see oil's side. When a crucial vote on depletion came up in the Senate Finance Committee last fall and resulted in an eight-to-eight tie, Senator McCarthy, a member of the committee, was in a New York restaurant autographing copies of his book on the 1968 campaign, which includes a stern rebuttal of charges that he has favored the oil interests.

McCarthy, who voted consistently against oil privileges during most of his first Senate term, cast his first vote in favor of depletion in 1964 and has generally favored the industry's positions since. There were published reports in 1968 that he had raised about $40,000 for his Presidential campaign in one day at the Petroleum Club in Houston.

Senator Fulbright's unswerving loyalty to his state's oil and gas interests is perhaps more understandable, but he has occasionally carried it beyond mere routine support. When Senator Case of South Dakota disclosed the attempt to buy votes for the 1956 natural-gas bill, Fulbright accused him of being "irresponsible"; to jeopardize passage of the bill was "inexcusable," Fulbright explained.

In the House, the Ways and Means Committee, which writes the nation's tax laws, still has the essential make-up decreed for it by the late Speaker Rayburn, whose policy was to interview all candidates for assignment to the committee on issues relating to oil. (Former President Johnson exercised the same kind of control over the Senate Finance Committee in his days as Majority Leader.) Among those who passed Mr. Rayburn's test was former Congressman Ikard, who now serves as the industry's lobbyist in chief. With rare exception, the full House delegations from Texas, Oklahoma and Louisiana serve as the hard core of the oil bloc.

Those legislators who are not irrevocably committed to oil's interests can count on frequent, cordial contacts with the army of lobbyists the industry maintains in the capital. One aide to a Senator who is active in legislative matters affecting oil reports that he received about 20 calls and several visits a day from industry spokesmen. Written communication is rare.

And the oil lobbyists are doing more than socializing during those visits on Capitol Hill. As soon as the thrust of the task-force report on import quotas became clear, they moved decisively to protect the quota system. Already scheduled are two Congressional committee inquires designed to attack the task force's recommendations. In the House, the Interior Subcommittee on Mines and Mining plans an investigation of the "national security aspects" of the quota system under the direction of Representative Ed Edmondson of Oklahoma. "He is a Congressman representing an oil-producing and refining state," one of Edmondson's aides explains. "He feels the smaller independent operator gets squeezed first in this kind of issue." In the Senate, a planned investigation will, from the industry's point of view, be in equally reliable hands—those of Senator Long.

In his announcement that he would not immediately implement the task-force report, President Nixon said he expected that such Congressional hearings would produce "much additional valuable information."

As they make their cordial way through

the corridors of the Capitol, the oil lobbyists complain that things just haven't been going right lately. Some predict the most drastic consequences—not just for the industry but for the nation—if the quota system is scrapped.

But they don't really look very worried. The well is not about to run dry.

UNCOMMON COMMONSENSE

HON. GLENN R. DAVIS

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. DAVIS of Wisconsin. Mr. Speaker, many have expressed agreement with the stated views of the Vice President of the United States, who has repeatedly pinpointed biased or unbalanced reporting in some of the Nation's major news outlets. Recently, the Vice President suggested that "kooks, misfits, and bizarre extremists" should no longer be allowed to dominate entirely the front pages and the television screens.

The highly indignant, defensive reaction of some major news outlets was to be expected. However, I was pleased to see a recently published editorial in the weekly Dousman Index, a newspaper in the Ninth Congressional District of Wisconsin. Editor Jeanne Hill's reaction to the Vice President's statements is:

Perhaps it is time for the ivory tower journalists to ask themselves why the citizens agree with his remarks.

Her complete editorial follows:

COMMONSENSE IS NOT A COMMON THING

Vice-President Spiro Agnew is much admired by the media-dubbed Silent Majority. He talks sense, and sense is something modern day journalists seem to take pride in "putting down."

The Vice-President of our country is a plain spoken man . . . something the common folk (which most of us Americans are) find admirable.

Some of the large and small daily newspapers—and even a rare weekly newspaper—find Vice-President Agnew's spoken words a bit hard to take. His latest message is: "Kooks, misfits and bizarre extremists should be excluded from the front pages of the press and from television screens as part one of a figurative march back to normalcy."

The dailies in much of the United States find such talk reprehensible.

Freedom of the press is a wonderful part of our United States; however, some of us are perturbed by the "kooks, misfits and bizarre extremist" threats to take over our free government.

Apparently Vice-President Agnew shares these misgivings. He does not ask the press and television to use good judgment in its news, because such a request from him would bring accusations of "trying to control the press."

But the press of the United States—and television managers—would do well to take notice that the majority of the U.S. citizens agree with the Vice-President of the United States. Maybe it is time for the ivory tower journalists to ask themselves why the citizens agree with his remarks. Common sense citizens realize that Vice-President Agnew is in a position to see a threat to every freedom in our country, not just the loss of freedom of the press. This is why he speaks so forthrightly.

His words may not be soft and pliable to a liberal journalist's ears—but neither is the commands of a communist government.

THE CONSTANCY OF MRS. MINK MAKES US FACE UP TO THE REALITIES OF THE WAR IN VIETNAM

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. MIKVA. Mr. Speaker, we must overcome the temptation to despair about the pace of American disengagement from Vietnam. Desperation only promotes inaction. The time for American withdrawal has passed, and thus the time for political action to free us from the Vietnam quagmire is at hand.

At the present rate of withdrawal, we might well find ourselves fighting for 4 more years. Even then, the Secretary of Defense has indicated that a residual force of unspecified numbers would remain in Vietnam.

The madness of such a plan—Vietnamization—is plain to anyone willing to look at the realities of the situation. The cost of the war in terms of human suffering is almost incalculable. The drain on American resources similarly baffles the imagination—especially when our domestic needs cry out with such urgent pleas. The Vietnam war is a case of misplaced priorities at home, which has led to diminished respect abroad.

Continuing the madness in the cloak of Vietnamization can only exacerbate an already intolerable state of affairs. I am encouraged by those who have relentlessly sought to change this situation for the better. Among the longtime advocates of peace in Vietnam is our distinguished colleague, the gentlewoman from Hawaii (Mrs. MINK).

In spite of mounting frustration about prolonged American involvement, she continues to call for a cease-fire and rapid withdrawal of troops. For this I commend her and, in turn, commend to my colleagues the Congresswoman's remarks on Vietnam, as presented in a timely speech before the International Longshoremen's and Warehousemen's Union.

The text of the speech follows:

SPEECH BY REPRESENTATIVE PATSY T. MINK

I once saw a slogan posted on a car driven by someone who was obviously under 30. The slogan said, "If you aren't part of the solution, you're part of the problem."

People who don't actively take part in helping to solve our nation's problems are partly to blame for our inability to solve them. Usually it takes effort by a great many people to get anything done, and if everybody sat back nothing would ever be accomplished.

I was asked to talk today about Vietnam. This is a good illustration of the need to get people involved. As long as we ignore the Vietnam war, and as long as the vast majority of our people seem complacent about it, the war will continue.

I have long opposed this war. In 1966 I urged President Johnson to propose a cease-fire. I did so again in 1967, 1968, and with President Nixon, in 1969, and in 1970.

In talking about Vietnam I do not want to dwell on past history. Nearly all Americans are now agreed that we should not have become involved in the first place. The question is how do we end our involvement and restore Peace.

President Nixon said back in 1968 that he had a secret plan for ending the war. He has since announced three reductions of our troops totalling 110,000 men.

I think it is necessary for all of us as citizens to personally examine these policies to see whether they are directed toward Peace or only to a de-escalating stalemate. Peace is the goal and objective that must form our highest commitment. The question we must ask is, Will the President's policy achieve that goal? If not, we must seek something better.

Throughout my Congressional service, I have sought ways to end the war in Vietnam. I consistently urged President Johnson to take those steps which I believed could lead to peace in Vietnam, and now in examining the record of President Nixon I am pursing the same course.

Let us look at what has happened. When General Eisenhower left the White House in January, 1961, we had 685 military advisers in Vietnam and no combat troops. On the day President Kennedy was assassinated, we had 16,120 military advisers there and still no combat troops.

Subsequently, there was an immense build up of our forces in Vietnam. When President Nixon became President more than a year ago, there were well over 500,000 American troops in Vietnam.

By the end of the year, the President announced a reduction of that troop level by 60,000 men. Subsequently, he announced plans to withdraw 50,000 more.

If it takes a year to reduce the troop level from 535,000 to 425,000 men, then projecting that rate of withdrawal over the period ahead we can see that it would take the United States about four more years to get completely out of Vietnam.

But the President's plan does not involve complete withdrawal. Instead it is based upon the continued presence of a large force of American "support" personnel in Vietnam on a semi-permanent basis. It is reported that as many as 200,000 men would be kept in Vietnam in a supporting or non-combat role after the withdrawal of our combat troops. Their presence could be extended indefinitely, just as we have maintained a large "peacekeeping" force in South Korea for twenty years.

Our nation is tired of this war, and so are the South Vietnamese. Our large-scale involvement has lasted 4½ years, longer than any war in which we have engaged. Since the adoption of the Gulf of Tonkin resolution, more than 2,500,000 American combat soldiers, marines, airmen, and sailors have participated in this undeclared war. More than 47,000 young Americans have been killed in combat; 9,000 others of our armed services have been killed in accidents. Of course all of these men would be alive today except for the war.

More than 265,000 of our young men have been wounded, many horribly maimed or disfigured for life, and another 1,483 are missing—either killed or prisoners of war. This is the horrible toll of the war in human misery counting just our own forces. The toll would be even worse except for the fact that more than 20,000 of our wounded have been saved by almost immediate helicopter evacuation and superior medical attention that was not available in past wars.

In monetary and social terms, the cost has been equally high. We have spent $100 billion on the Vietnam war and the fiscal 1971 budget is still $22 billion despite the with-

drawal of 110,000 men. This is $22 billion a year that could otherwise go toward meeting the desperate needs of our people at home. We can count the list of social consequences—spiraling inflation, soaring interest rates and higher taxes, cutbacks in essential programs affecting human welfare and social justice.

Our urban development, education, air and water anti-pollution efforts, and other vital programs in health and social reform have been tragically neglected. All of these costs are the price we have paid and continue to pay for the Vietnam war.

This is not to mention the price in international good-will we have paid. Nor does it include the 300,000 Vietnamese civilians who have been killed over the course of the war. Nor does it include the 40 to 50,000 of our children who have left America, because of this war and are now living in exile. Nor does it count the future social consequence of our training 2,500,000 of our finest young men how to kill, brutalizing and compounding the tragedy of war with incidents like My Lai. It will be many years before we can measure the full impact of this war on our society. It could well be said that our teenagers have taken to dope to calm their anxieties over death on the battlefield in a war that is without glory and is everywhere regarded as a mistake!

By announcing troop reductions the President has reduced the public discussion of the Vietnam war. Senator Goodell says Mr. Nixon has "cosmetized" the war by putting a better face on it, without changing the realities of life and death for those involved. It should be obvious that the President's withdrawal actions do not offer any real solution to the war. In fact if enemy activity increases our withdrawal will stop. What are we doing to try to bring the war to an end? Have we taken new initiatives in Paris? President Nixon's policy simply envisions the South Vietnamese Army taking over and continuing the fighting until a military victory is achieved. The whole policy is designed to keep the war going. And we to continue as an accessory with a minimum of 200,000 men.

This is not a policy for peace. It means keeping a residual force of hundreds of thousands of our men there, and spending billions of dollars for the hardware and supplies that South Vietnam will need.

It represents an abandonment of our efforts for a negotiated settlement. We have pulled out our top negotiators from Paris, giving up all that the previous Administration gained by getting the talks underway through the unilateral cessation of bombing. And now the North Vietnamese are widening our war to Laos. Our B52's are bombing Laos daily.

If anything should be 'crystal clear' after our years of effort and suffering in Vietnam, it is that a military solution is not a satisfactory goal. If the South Vietnamese Army was unable to win with the direct help of 550,000 American troops, how can it possibly do so when this is cut in half? The simple arithmetic does not add up to a logical solution. Most of the South Vietnamese have little interest in fighting their own countrymen. It is clear that the villagers have not completely supported our efforts, for if they had, we could have 'pacified' the countryside long ago

The South Vietnamese Army has never been able to make much progress in this kind of situation. By giving them arms and support, we will only continue the killing. When a people are as divided as they are in South Vietnam, the only way to achieve peace is through political efforts. Unfortunately, President Nixon's "Vietnamization" of the war continues to rely on a military solution and thus stands in the way of peace.

The single thing blocking peaceful negotiations is our presence on Vietnamese soil. This was brought out last year in the ten points for negotiation listed by the North Vietnamese representatives at the Paris Peace Talks which we have all but abandoned. One point was the withdrawal of all our troops and bases from Vietnam. Until we agree to do this, serious negotiation cannot begin.

This is why I think it is desperately essential that we announce a fixed timetable for the complete withdrawal of our troops, a move which Mr. Nixon has rejected. The most recent statements by the North Vietnamese in Paris have made clear that their demand is not that we pull out *before* they will talk terms—but only that we *agree* to be out totally by a definite fixed date.

There is a precedent for taking their word on this matter. At one time they demanded a complete bombing halt before coming to peace talks at all. Yet, President Johnson's mere announcement of a timetable for cessation of the bombing was sufficient to get the Paris talks started. Thus, our biggest breakthrough for peace was achieved by such an announcement of a timetable for action. We can do so again by announcing a timetable for withdrawal, which would open the way for meaningful, realistic negotiations toward a freely elected representative government in Vietnam which both sides have already agreed to in principle.

In our negotiations, of course, one of the terms would be a cease-fire and strong provisions for its enforcement. Each side would be responsible for preventing any act of violence in its area of temporary jurisdiction.

There is no sound basis for believing the North Vietnamese would violate this agreement. Actually, we are in Vietnam ourselves only because we ignored the Geneva agreement of 1954, and refused to support free elections.

The danger that we face under the President's policy as carried out so far is that when the eventual negotiations are resumed, we may be in a much weaker position than we are now. The worst potential result would be the complete collapse of the South Vietnamese Army, requiring the emergency return of our forces in larger numbers.

The slow, token withdrawal of our forces begun by President Nixon has the same hazards as the slow, gradual build up of our forces which brought us to the present problem. Again, the enemy is being given the opportunity to renew and strengthen his forces as we slowly de-escalate. He has no incentive to bargain for peace. For he knows that by simply waiting, his relative strength will increase. He can simply re-equip and train his troops at leisure, waiting for an opportune moment to strike. When sufficient American troops have been withdrawn, he can move swiftly to gain control over cities and large sections of the countryside as was done in the Tet offensive of 1968. Then, with a greatly increased bargaining position, he can announce to the world his willingness to negotiate.

Even more dangerous, the President's actions have left the initiatives on the war entirely in the hands of the other side. In his speech last November, announcing hopes for withdrawals but no timetable, Mr. Nixon said the pace of American withdrawal depends on three factors: progress at the Paris peace talks, developments on the battlefield, and the ability of the South Vietnamese Army to shoulder a larger share of the burden of the war.

Note that each of these factors involves Vietnam—how hard North Vietnam fights, its attitude at the peace talks, and the ability of the South Vietnamese Army. According to Mr. Nixon's prescription, then, the fate of our hundreds of thousands of American servicemen in Vietnam is out of our hands and depends entirely on what somebody else does. I hope you will all join me in urging President Nixon to take the initiative and announce a timetable for the complete pullout of our forces. I honestly believe, as I did when I urged the halt in bombing, that these steps will yield the Peace which we all want so fervently.

President Thieu last October told his National Assembly that his country was prepared to accept the complete removal of American men by the end of December, 1970. I had hoped that President Nixon in his most recent speech on Vietnam, last November 3, would reaffirm President Thieu's statement as our own objective. Yet, as of now, we still lack a specific timetable for withdrawal and the way is open for our involvement to continue through this entire decade of the 1970's.

It is so easy to accept gradual withdrawal on faith and believe that it will eventually all go away. Such are not the realities however. If we could have faced the realities in 1965 we would not have become involved. Let us not be blind to them again in 1970.

OGDEN, UTAH, CHAMBER OF COMMERCE OUTLINES OBJECTIVES

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. BURTON of Utah. Mr. Speaker, Richard K. Hemingway, a distinguished banker in Ogden, Utah, is presently serving as president of the Greater Ogden Chamber of Commerce. Recently he outlined to its members a broad and comprehensive program of action for 1970 in which he urged total membership participation. I believe this program may be of interest to other chambers in the country and I submit it, therefore, for their consideration:

PRESIDENT HEMINGWAY SETS OBJECTIVES FOR 1970

President Dick Hemingway, taking the helm in his hands, has set a course of action for the Greater Ogden Chamber of Commerce that will attempt to attain 12 objectives in 1970.

With an eye on industry, government, downtown development, education and community affairs, President Hemingway has spelled out the specifics of his program as follows:

1. Develop a strong cooperative program with the Weber County Industrial Bureau, in an effort to encourage industrial expansion, site locations, and creation of job opportunities in the Greater Ogden area.

2. Continue a close working liaison with our military and government bases, offering community and Chamber support when needed.

3. Actively support and promote our multimillion dollar livestock industry with emphasis on retaining a minimum of its present level.

4. Continue the efforts of our Downtown Development committee, and bring the N.D.P. program to a satisfactory conclusion.

5. To increase Chamber activity in the area of higher education, specifically Weber State College. To offer objective guidance in finance, curriculum, and future planning for all educational systems.

6. Promote Golden Spike Inc., and assist in the establishment of workable guidelines to finance tourist-convention business in the four county areas.

7. Encourage reasonable development and

modernization of the Ogden City Airport. Prepare studies and recommendations.

8. Expand the Small Business Coordination committee to provide assistance through the S.C.O.R.E. program and S.B.A. for small business men who require management and financial guidance

9. Take a positive position in traffic-highway and transportation problems. Create a closer relationship with the Utah State Road commission. Continue to oppose unreasonable tariffs on in-transit freight traffic.

10. Develop a more sophisticated "Plan Room" facility for use of the building and construction trades to insure their participation and opportunity to competitively bid with other communities.

11. To establish closer liaison with our Washington delegation (congressman and senators) in an effort to assure the business community of total representation and to continue our valuable association with State legislators to accomplish with State legislators to accomplish the objectives on a State level.

12. Motivate Chamber members to participate in community, offering counsel, assistance and involvement in county-city government, health, welfare, employment and general well-being of the community.

President Hemingway has repeatedly emphasized the importance of total members participation in attaining the above objectives, and is particularly anxious that all members serve on at least one of the 19 Chamber committees.

CALENDAR OF THE SMITHSONIAN INSTITUTION, MARCH 1970

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the calendar of the Smithsonian Institution for the month of March 1970.

Once again the Smithsonian Institution has scheduled outstanding events which I urge my colleagues and the American people to visit.

The calendar follows:

MARCH AT THE SMITHSONIAN

SUNDAY, MARCH 1

Jazz Concert, featuring McCoy Tyner and the Tony Williams Lifetime Experience. National Museum of Natural History Auditorium, 5:00 p.m. Tickets $2.00 may be purchased at the door. Presented by the Smithsonian Division of Performing Arts and the Left Bank Jazz Society. For information call: JO 3-9862 or 581-3109.

WEDNESDAY, MARCH 4

Smithsonian film theatre: *Time of Man.* Man and his world is the subject of a far-ranging film that explains disruptions in the balance of nature brought about by man's technical achievements, adaptations of life to varying environments, and the interrelationships of living organisms. 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History. Introduction by Dr. Helmut K. Buechner, Senior Ecologist, Smithsonian Institution Office of Environmental Science.

Informal concert with Peter Gott, folk musician from North Carolina who will play the banjo and fiddle. He also will discuss mountain music. 4:30 p.m., Hall of Musical Instruments, Museum of History and Technology.

THURSDAY, MARCH 5

The creative screen: *Monument to a Dream.* Charles Guggenheim's award-winning poetry of engineering. Free film is shown on the half hour from noon until 2:30 p.m. At the National Collection of Fine Arts.

Smithsonian film theatre: *Time of Man.* Noon, auditorium, Museum of History and Technology.

FRIDAY, MARCH 6

Paintings from Chile. Artist Hector Herrera has created for this sales exhibition (his first in the United States) a series of paintings on linen depicting his private world of birds, mothers and other beloved objects. Accompanying the paintings is a selection of the traditional black pottery of Quinchamali, Chile, Arts and Industries Building. Through March 29.

SATURDAY, MARCH 7

The creative screen: *Monument to a Dream.* See March entry for details.

SUNDAY, MARCH 8

Lecture: West, Copley, and the Origins of Modern Painting, by Robert Rosenblum, New York University Institute of Fine Arts. At the National Collection of Fine Arts. Lecture Hall. 4:00 p.m.

TUESDAY, MARCH 10

Encounter: *The Role of Government in Changing the Environment.* Panel discussion with audience participation. Program Chairman: S. Dillon Ripley, Secretary of the Smithsonian. Panel members: Senator Clifford Case, New Jersey; Rep. Paul N. McCloskey, California; Rep. Henry S. Reuss, Wisconsin; Charles C. Johnson, Jr., Administrator, Department of Health, Education and Welfare. 8:30 p.m., auditorium, National Museum of Natural History. Sponsored by the Smithsonian Associates and directed by William Aron, Head, Smithsonian Oceanography and Limnology Program.

WEDNESDAY, MARCH 11

Smithsonian film theatre: *Population Problems of U.S.A.: Time for Decision.* An analysis of population from the colonial period to the present, with emphasis on the increasing number of younger persons and senior citizens in the United States and the resulting national problems. 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History. Introduction by Larry Mason, Sociology Department, American University.

THURSDAY, MARCH 12

Smithsonian film theatre: *Population Problems U.S.A.: Time for Decision.* Noon, auditorium, Museum of History and Technology.

SATURDAY, MARCH 14

Perceptions: *The Concept.* Back by popular demand. A powerful drama created and performed by ex-drug addicts from the Daytop Village in New York City. 8:30 p.m., auditorium. National Museum of Natural History. Tickets: $3.50 for Smithsonian Associates and $4.50 for the general public. Cosponsored by the Smithsonian Division of Performing Arts and the Smithsonian Associates. For ticket information call 381-6158.

Princeton chamber orchestra, Nicholas Harsanyi, music director and conductor, with Helen Kwalwasser, violin, and Janice Harsanyi, soprano, soloists. 3:00 p.m., auditorium, National Museum of Natural History. Tickets: $3.75, $2.75, and $1.75. Cosponsored by the Smithsonian Division of Performing Arts and the Washington Performing Arts Society. For further information call 393-4433.

SUNDAY, MARCH 15

Model T Ford. An exhibition of the famous automobile, accessories, and its background. National Museum of History and Technology. Permanent.

Perceptions 2: *The Concept.* Repeat. See March 14 entry for details.

WEDNESDAY, MARCH 18

Informal concert with The Russell Family, traditional Folk musicians from Galax, Virginia, who will play guitar, dulcimer, and baritone ukelele. 4:30 p.m., Hall of Musical Instruments, National Museum of History and Technology.

Smithsonian film theatre: *So Little Time; The River Must Live; The Redwoods.* Urgent challenges for conservationists are presented in a trio of films that examine the plight of North American waterfowl, illustrate with microphotographic proof the effect of pollution on streams, and report on the threatened grandeur of the Redwood forests in northern California. 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History. Introduction by Dr. I. E. Wallen, Director, Smithsonian Institution Office of Environmental Sciences.

THURSDAY, MARCH 19

The creative screen: *Generation,* kinetic rhythms of the kaleidoscope; *John Marin,* the dean of American watercolorists transforms nature into art. Free films shown on the half hour from noon until 2:30 p.m. At the National Collection of Fine Arts.

Smithsonian film theatre: *So Little Time; The River Must Live; The Redwoods.* Noon, auditorium, Museum of History and Technology.

Lecture by the Audubon Naturalist Society. Auditorium, National Museum of Natural History. 5:15 p.m. and 8:30 p.m. For information call DU 7-6062 or 562-0188.

FRIDAY, MARCH 20

The Armand Hammer Collection. Through April 30 in the Art Hall, National Museum of Natural History. A brilliant collection of some 90 paintings, drawings, and sketches put together in the last few years by Dr. Armand Hammer will be given its first exhibition in the country. The collection focuses on the French Impressionists in particular and the School of Paris in general, although it includes works by a number of other masters. Many of the paintings are small in size. Gaugin is represented by six drawings, and Renoir by six works. Also represented are Matisse, Roualt, Vlaminck, Dufy, Utrillo, Modigliani, Pascin, Chagall, Bonnard, Vuillard, Van Gogh, Toulouse-Lautrec, Monet, Degas, Sisley, Redon, and Pissarro. There are a number of Corots in the collection, and single works by Rubins, Rembrandt, Goya, Courbet, Boudin, and Sargent. A Winston Churchill is included. Many of the paintings in the collection have already been given to the Los Angeles County Museum of Art. Following its exhibition in Washington, the collection will be sent on a national tour by the Smithsonian Institution Traveling Exhibition Service.

Concert by the United States Air Force Band. 8:30 p.m., auditorium, National Museum of History and Technology.

SATURDAY, MARCH 21

Illustrated lecture: The Smithsonian Annual Kite Carnival—History and Design of Kites, by Paul E. Garber, Ramsey Research Associate, National Air and Space Museum, 3:00 p.m., auditorium, National Musuem of Natural History.

The creative screen: Generation and John Marin. See March 19 entry for details.

TUESDAY, MARCH 24

Master class for singers: Hugues Cuenod, tenor, 2:30 p.m., Hall of Musical Instruments, National Museum of History and Technology.

WEDNESDAY, MARCH 25

Concert: Hugues Cuenod, tenor: Flore Wend, soprano; Albert Fuller, harpsichord.

Music of Scarlatti, Purcell, Campra, Rameau, and Clerabault. 8:30 p.m., Hall of Musical Instruments, National Museum of History and Technology.

Smithsonian film theatre: The Voice of the Desert. Joseph Wood Crutch—author, naturalist, teacher, philosopher—presents a magnificently filmed essay on desert life in Arizona showing the beauty of the land and the fascinating variety of wildlife found there, and focusing as well on one man's love for the land. 2 p.m., auditorium, Museum of History and Technology; 8 p.m., auditorium, Museum of Natural History. Introduction by Dr. Helmut K. Buechner, Senior Ecologist, Smithsonian Institution Office of Environmental Sciences.

THURSDAY, MARCH 26

Smithsonian film theatre: *The Voice of the Desert*. Noon, auditorium, Museum of History and Technology.

SATURDAY, MARCH 28

Concert: *Composition*, an experience with Lloyd McNeill, artist-musician. 3:00 p.m., at the National Collection of Fine Arts.

Prints and drawings by Lovis Corinth. An exhibition through April 26 in the Arts and Industries Building. The 64 etchings, drawings and lithographs in this collection are taken from all stages of the German artist's creative life, from some sketches Corinth made as a boy, to some of his last works. Ranging from members of the artist's family, to mythological scenes, to religious subjects to scenes at Walchensee, the lake in Bavaria where Corinth painted some of his most famous landscapes, all the works are a clear reflection of Corinth's powerful strength and vitality as an artist. Circulated by the Smithsonian Institution's Traveling Exhibition Service.

Last Saturday Jazz: Art Blakey and the Jazz Messengers. National Museum of Natural History auditorium, 8:00 p.m. Tickets at $2.00, may be purchased at the door. Presented by the Smithsonian Division of Performing Arts in cooperation with the Left Bank Jazz Society. For further information call: JO 3-9862 or 581-3109.

TUESDAY, MARCH 31

Arms—an historical account, illustrated lecture by Dr. Arne Hoff, Director of the Royal Arsenal Museum, Copenhagen. Sponsored by The Smithsonian Associates, 8:30 p.m., auditorium, National Museum of History and Technology.

RADIO SMITHSONIAN

You can listen to the Smithsonian every Sunday night from 7:30 to 8:00 p.m., on radio station WGMS (570 AM & 103.5 FM). The weekly Radio Smithsonian program presents music and conversation growing out of the Institution's exhibits, research, and other activities and interests. Program Schedule for March:

1. *Ensembles Musical de Buenos Aires*. The distinguished Argentine orchestra under Pedro Ignacio Calderon. Broadcast of the concert at the Natural History Building, presented by the Smithsonian Division of Performing Arts and the Washington Performing Arts Society. Included are *Tangazo—Variations about Buenos Aires* by Astor Piazzola, and *Symphony in Bb Maj.*, by J. S. Bach.

8. *China and the Porcelain Trade*. Dr. John Pope, Director of the Freer Gallery of Art, discusses China's ability to make porcelain for 1000 years, before any European country discovered the secret, and how she traded it for ivory and frankincense, etc., from the seventh century onward.

Reading is Fundamental. Young recipients of books, usually underprivileged, gain new pleasure in owning them. They are eager to learn, but lack reading skills. Mrs. Robert McNamara, Chairman of the national program, tells of growing success in matching good books with city youngsters.

15. *The National Zoological Park*. Zoo Director, Dr. Theodore H. Reed, is among the guests. The program tells what makes the National Zoo different, how animals are selected and protected, some special problems with younger animals, and surveys some of the current programs.

22. *Laser-10*. The first ten years of laser technology are reflected in talks with contributing scientists, artists and engineers. The program is based on the exhibit, Laser-10, in the History and Technology Building. Hear about lasers in medicine, industry, commerce, and on the moon. Guests include Dr. Arthur Schawlow, Dr. Henry Lewis, and others.

29. *"Smithsonian."* An interview in which Edward K. Thompson, editor of "Smithsonian," the new magazine, comments on the magazine, its appeal, and its future.

The Collection of Meteorites. Roy Clarke discusses meteorites, what they are, and where they came from. An actual account of the *Lost City Meteorite* which fell on January 3d, 1970, in the United States, and was tracked, photographed and recovered through the prairie network and of the Smithsonian's role in the picture.

FOREIGN STUDY TOURS

The Smithsonian has organized several special tours concerned with archaeology, architectural history, art museums, private collections, and natural history.

1. Nepal, East Pakistan, Thailand, Cambodia, Hong Kong, Taiwan, & Japan: departing March 11th.

2. Classical Greece: July 6–27; a tour designed for first-time visitors to Greece. (itinerary available, but waiting list only).

3. Mediaeval Greece: July 6–27. Dr. Richard Howland will accompany a group of 22; Byzantine churches, Salonica, Mt. Athos, and Patmos are included; 7-day cruise on private yacht "Blue Horizon." $1,575, of which $350 is tax-deductible (itinerary available).

4. Decorative arts & textile tour: England, centering in Oxford and Cotswolds; emphasis on needlework, weaving etc., with lectures and visits to public and private collections under the direction of Mrs. W. L. Markrich. Leaving September 10th, for two weeks, with a third week free for members' arrangements at will in Europe.

5. Northern Italy: Palladian Tour of Venice, Vicenza, Verona, and Padua. Leaving September 14th for two weeks, with a third week free for members' arrangements at will in Europe. $1,250, of which $350 is tax deductible.

THE NO-TOUR TOURS

a) *Air France Excursion*—(Boeing 707) Dulles-Paris-Dulles: May 1–22 $257. Make your own arrangements for three weeks of travel in Europe.

b) *BOAC Excursion*—(Boeing 707), Dulles-London-Dulles: October 2–23, $247. Make you own arrangements for three weeks of travel in the British Isles of Europe.

Please note: These special fares quoted may be subject to airline change or regulations beyond our control.

1971—Negotiations are under way for a unique cruise/tour aboard the new ship "Explorer," from Sydney, Australia, via the Thursday Islands, Penang, Ceylon and the Seychelles Isles, to Mombasa, East Africa. This will take place in March, with S. Dillon Ripley aboard as lecturer on ornithology.

A late Spring tour to Asiatic Turkey; an inexpensive Irish tour will concentrate on Georgian architecture in June; another Latin American tour will take place in the late Summer, and possibly one to Alaska later.

For reservations and details contact: Miss Kennedy, Smithsonian Institution, Washington, D.C. 20560, or call 202-381-5520.

CONTINUING EXHIBITIONS

Malay Archipelago. Through mid-April. National Museum of National History. Foyer Gallery.

Eikoh Hosoe: Man and Woman, and James B. Johnson: A New Perspective of Washington. Through April 14. National Museum of History and Technology, Hall of Photography.

Apollo Art. Arts and Industries Building, through March 29.

Laser 10: The First 10 Years of Laser Technology. National Museum of History and Technology, through May.

Charles Fenderich: The Washington Years. National Portrait Gallery, through August 31.

Thomas Alva Edison: Sound and Light and Elisha Kent Kane. National Portrait Gallery, through April 1.

Landscapes and Seascapes by James McNeill Whistler. Freer Gallery of Art, closing indefinite.

Energy Conversion. National Museum of History and Technology, through March 31.

SMITHSONIAN RESIDENT PUPPET THEATRE

Hansel and Gretel, marionettes created by Bob Brown for the production of the play with music by the Smithsonian Division of Performing Arts. Performances are at 10:30 and 12:30 Wednesday, Thursday and Friday and at 10:30, 12:30 and 2:30 Saturday, Sunday and holidays. Third floor, National Museum of History and Technology. Admission: $1.00 for adults, 75 cents for children; special 50 cent rate in groups of 25 or more (for advance reservations for school groups on weekdays call 381-5241).

MUSEUM TOURS—NATIONAL COLLECTION OF FINE ARTS

Daily tours at 11 a.m. and 1 p.m. Weekend tours 2 p.m., Saturday and Sunday. For advance reservations and full information, call 381-5188 or 381-6100; messages 381-5180

NATIONAL ZOO

Tours are available for groups on weekdays 10 a.m. to 12 noon. Arrangements may be made by calling—*two weeks in advance*—CO 5-1868 Extension 268.

Visitors may purchase animal artifacts and specially designed souvenirs and books at the Kiosk, which is operated by Friends of the Zoo volunteers as a public service and to raise funds for educational programs. Open daily 11 a.m. to 4 p.m.

MUSEUM OF HISTORY AND TECHNOLOGY

Free public tours of the National Museum of History and Technology during weekends are sponsored by the Smithsonian and operated by the Junior League of Washington. They will be conducted on Saturdays and Sundays through May 1970.

The tours begin at the Pendulum on the first floor, and each tour lasts for approximately one hour. Saturday tours begin at 10:30 and at noon, and at 1:30 and 3:00 p.m. Sunday tours begin at 1:30 and 3:00 p.m.

Tours are available to anyone who wants to join the docent stationed at the Pendulum at the above-specified times. However, if you would like to plan a special group tour, call 381-5542 to make arrangements.

NATIONAL PORTRAIT GALLERY

Tours are now available for adults and children at 10:00 a.m. and 1:00 p.m. Presidential Portrait tours on Friday by appointment. For information on adult tours call 381-5380; for children's tours, 381-5680.

Smithsonian Museums are open to the public 7 days a week. Hours: 10 a.m. to 5:30 p.m. daily.

Cafeteria: Open 10:00 a.m. to 5:00 p.m. (Located in the History and Technology

Building, 12th Street and Constitution Ave. N.W.)

HOURS AT NATIONAL ZOO

Gates open 6 a.m., close 5:30 p.m.
Buildings open 9 a.m., close 4:30 p.m.

MUSEUM SHOPS AND BOOK SHOPS

(*Open to public during all regular hours*)

Museum Shops #

1. National Museum of History and Technology—Rotunda.
2. Natural History Building—Constitution Avenue Entrance.
3. Arts and Industries Building—Mall Entrance.
4. Freer Gallery of Art—Mall Entrance.
5. National Museum of History and Technology—Mall Entrance.

Book Shops # #

1. National Museum of History and Technology—Constitution Avenue Entrance.
2. Natural History Building—Mall Entrance.
3. National Collection of Fine Arts—Main Floor, 8th and G.
4. National Portrait Gallery—F Street Entrance.

ADDRESS TO AMERICANISM EDUCATIONAL LEAGUE BY ADMIRAL SHARP

HON. BOB WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. BOB WILSON. Mr. Speaker, in recent months there has been much comment on our "entangling foreign alliances." In the heat of discussion, we tend to lose sight of some of the important overriding factors which have gone into the formulation of our post-World War II foreign policy. Adm. U. S. Grant Sharp, former commander in chief of the Pacific, is eminently qualified in the field of Asian affairs and his experienced analysis puts into sharper focus the present foreign commitments controversy. I am very pleased to share with my House colleagues Admiral Sharp's recent address to the Americanism Educational League:

ADDRESS BY ADMIRAL SHARP

One of the objectives of this fine organization is to help build and maintain a stronger America. Part of the strength of America is in our overseas alliances, for through these alliances we contribute to the freedom and well being of the Western World, without them many smaller countries might be overwhelmed by Communist aggression. Today we are in the midst of a reappraisal of our worldwide treaty commitments. I think it is time that our citizens and some members of the Congress consider the commitments of the United States, the reason for these commitments and the advantages that we gain from them. Too many important people are proposing what appears to be the easy way out—pull back, leave Asia to the Asians, let them defend their own countries, the United States should stop being the world's policeman—you have heard all of these trite comments. It is all part of a desire by some to promote "isolationism" as a cure for domestic problems without regard to the effect that policy would have on the international situation.

Both President Nixon and Vice President Agnew have visited our allies in the Western Pacific and have said that we will abide by our commitments, but we will expect them to do more to protect themselves. This is a very logical policy and one that our allies have seemingly accepted. As a result of these two visits there seems to have been a restoration of confidence in the minds of our allies. I suggest that those hardheaded Asian leaders will be better convinced by action than by words. I'm sure they will make their judgments based on what happens in the Vietnam war and the general trend of United States foreign policy in the years to come.

Meanwhile there is an undercurrent of displeasure being expressed in this country over the assistance we received from our allies in the Vietnam war. They say the members of the Southeast Asia Treaty Organization, called SEATO, did not assist as they should have, our Nato allies gave no help, and other countries with whom we have mutual defense treaties were unresponsive to our request for assistance. They want to cut back on our commitments because of this unenthusiastic response of our allies.

Tonight I would like to review our defense alliances in the Pacific, including how we came to make them, examine how much assistance we actually received, and analyze what help we could logically expect from our various allies. Then I'd like to discuss briefly the Vietnam situation as I see it today.

During my four years as Commander in Chief Pacific, from 1964 to 1968, I had a unique opportunity to observe the effect of our alliances and how they produced in war time. I was the United States Military Adviser to the Southeast Asia Treaty Organization and participated in eight meetings of the Military Advisers and four meetings of the Council. I was also the United States Military Representative to the Philippines—United States Mutual Defense Board and to the Australia-New Zealand-United States Council called ANZUS. In addition, I was Military Adviser and Member of the United States-Japan Security Consultative Committee.

What are our commitments in Asia, and how did they come about? Following World War II, we became a member of the United Nations in the hope that nations of good will would work together for peace, and if necessary, impose sanctions on aggressors. Then as the cold war became more intense, and it became apparent that the United Nations was not going to be very effective, American foreign policy placed increased emphasis on mutual defense alliances. Our new policy undertook to make our strength felt in the international arena when disputes were in the early stages, rather than becoming involved only after the war started. Thus we hoped to be able to avert war by letting our enemies, as well as our friends, know that they would have United States power to contend with. Under this policy we aligned ourselves with those who might become victims of Communist aggression. These collective self-defense pacts had their genesis in Europe. This trend of American foreign policy was one of containment, committing us to the defense of weak nations on the theory that regardless of distance or geographical location, if these nations fell under Communist control, it would be an indirect threat to our security. If the Sino-Soviet block should gain control of all of these countries, we would be completely isolated in a Communist dominated world—and the Soviets have made it quite clear that their aim was, and still is, world domination.

Later the principle of collective self-defense was extended to Asia through numerous alliances, so that today the United States has bilateral and multilateral agreements for collective defense with a total of forty-two countries. One of these, the Southeast Asia Collective Defense Treaty, was created by eight nations at Manila in 1954. It provides for collective action to resist Communist armed attack and to counter Communist subversion. The major purpose of the pact is to give the peoples of the SEATO countries the security they need to live in peace and freedom, and to push forward with economic and social development. A protocol to that treaty included Laos, Cambodia and South Vietnam under Articles III and IV of the treaty, which among other things provides for economic and military assistance—the latter in case of armed attack and only at the invitation or with the consent of the government concerned.

The SEATO treaty reinforced the position taken by the United States earlier the same year at the Geneva Conference that we would view any renewal of aggression in violation of the Geneva Accords as a serious threat to international peace and security.

In October of 1954 President Eisenhower told the President of South Vietnam that the policy behind U.S. aid was to assist the Government of Vietnam in developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means. In 1959 the Communist party in Hanoi announced that the time had come to liberate the South. Over the next few years the aggression developed steadily. I need not tell you that the evidence of North Vietnam's direct responsibility for the aggression in South Vietnam is well documented. The conflict was initiated by Hanoi and is supported by Communist China and the Soviet Union. Communist domination of all of Southeast Asia is their objective.

In our various treaty commitments our nation has made it clear many times that it will use its strength, when sought and properly matched by self-help, to prevent extension of Communist domination by force. This policy has been quite successful. Our power, our commitments and our determination to live up to those commitments have served as a shield behind which many free nations have been able to preserve their independence and move forward. There could have been much greater erosion of free world security, to the ultimate jeopardy of *our security* and *our welfare*. Instead, the years have seen a gradual development of free world political, economic and military strength and cohesiveness. Today in Southeast Asia the United States has one basic objective—to insure that the small nations of the area are permitted to survive and not be overwhelmed by militant Communist neighbors.

Now let's review the participation in the Vietnam war by the members of the Southeast Asia Treaty Organization—SEATO. Since the organization was set up in 1954 expressly to provide collective defense in Southeast Asia, we might expect full cooperation from these countries. Australia, France, New Zealand, Pakistan, the Philippines, Thailand, the United Kingdom and the United States are members.

Australia sent troops to Vietnam in 1965 soon after we introduced combat forces. Their strength increased from 1,350 in 1965 to 8,500 in 1969.

France, under DeGaulle's myopic leadership, ceased participating in Seato in 1965, and as would be expected, contributed no combat troops.

New Zealand sent a small force to Vietnam in 1965 with the Australians, and had about 550 men there in 1969.

Pakistan ceased participating in Seato for all practicable purposes in 1965, gave no help to us in Vietnam.

The Philippines sent a civic action force with its own defensive unit to Vietnam and at peak strength had about 1,500 men there.

Thailand, faced with the threat of Communist aggression in their own country, still has about 11,500 troops in Vietnam.

The United Kingdom was not a supporter of our position in Vietnam and did not send help.

I can't agree with those who suggest that the members of Seato that did help did so

reluctantly, only after great pressure by the United States, and not to their full capability.

Australia, with a total population of only twelve million, has only 84,000 in her armed forces. In 1965 she had even less and had to adopt a very controversial first peacetime draft in 1966 in order to get troops in the numbers needed to man her force in Vietnam. Prime Minister Harold Holt pushed through the draft law over much opposition specifically to help the South Vietnamese in their fight for freedom. Australia has always been a strong member of Seato and a great friend of the United States.

While New Zealand's force in Vietnam is small we have to remember that the population of New Zealand is less than three million and her total defense establishment only totals some thirteen thousand. New Zealand is also a strong member of Seato and a good friend of the United States.

The Philippines military services only total 30,000 and they have trouble supporting that many, so that their contribution of 1,500 was not a small one for them. However, they did pull their unit out last year. Our bases in the Philippines are of great value in support of our forces in Vietnam.

Thailand, with total armed force strength of about 140,000, and having to deal with Communist infiltration in their own northern provinces, still contributed a full division, 11,500 troops to Vietnam. They also supplied air bases for us in their own country and gave us strong support in many ways.

So in summary I believe that the contribution made by Australia, New Zealand, and Thailand has been in line with their national capacities and as much as we could realistically expect. The support of the Philippines could be characterized as less than optimum. The United Kingdom has been a disappointment since that country had the capability to contribute but did not. France and Pakistan are to all intents and purposes no longer members of Seato.

Now let's look at three other allies in Asia, who, while not members of Seato, do nevertheless have mutual defense agreements with the United States. I refer to Korea, the Republic of China and Japan. Korea, with over 50,000 troops in Vietnam, certainly has contributed as much as we could expect in view of the threatening attitude of North Korea. The time and money that the United States has spent training and equipping the South Korean armed forces has paid off handsomely in Vietnam. The Republic of China would have contributed forces if we had asked for them. We didn't ask for them because of an apprehension about Communist China—a controversial subject upon which I won't comment. Japan could not contribute armed forces because of her constitution. Yes, her constitution could be changed, but it would take years to accomplish.

So it's my conclusion that our Asian allies did about as much as we could expect and that Seato can remain a viable and useful organization if we will support it.

Our European allies were certainly much less responsive. Membership in Nato does not obligate a country to come to our aid in Asia. Great Britain and France of course are special cases—they are members of Seato and they did not come to our assistance. While both of them had problems I wonder how they would react if we left *them* in the lurch when the chips were down.

I have discussed our Asian commitments and the response of our Asian allies in Vietnam because I think it is important for the American people to realize that our defense alliances in Asia have been fairly successful and have contributed to the general stability and prosperity of the area. It is essential that we continue our alliances in Asia. Without our pledge of assistance, the Communists would feel free to take over those countries at will. It is most unfortunate that we have senators and congressmen denouncing our overseas commitments and suggesting a program of general retreat. They would withdraw our forces from Europe and the Far East, renounce our commitments and set policies which would compel us to avoid becoming involved again at almost any cost. It is important that our people be made to understand the dangers of isolationism and I don't believe that our government is doing an adequate job of informing the citizens of this country.

Now let's look at the situation in Vietnam. It is here that we will prove to our allies that we will stand by our commitments—or we will convince them that we cannot be depended upon.

For over a year we tried to settle the war by negotiation. In an attempt to get Hanoi to the conference table we gave up all bombing of North Vietnam, a step that was considered a victory by the North Vietnamese. So we are permitting the Communists to continue their aggression, but now they are operating from a sanctuary and we are fighting a defensive campaign in South Vietnam. We are attempting to negotiate from a position of weakness and, of course, it hasn't worked. The only way to negotiate with Communists is from a position of strength and you should continue strong military action while they negotiate—we should have learned that lesson in Korea but unfortunately we didn't. After nearly two years of haggling in Paris the progress toward a negotiated peace has been zero—the North Vietnamese are completely intransigent. That effort has been an utter failure.

Now we are trying a different approach—Vietnamization. We are concentrating on increasing the capability of the South Vietnamese to assume the combat role. They are being supplied with modern weapons as rapidly as they can learn to use them. They have increased the size of their armed forces to about the maximum and are making a great effort to take over the ground battle as rapidly as possible. We have pulled out a large number of combat troops and more are being removed in the near future. We hear optimistic reports that the Vietnamization program is working well and that perhaps we can speed up the withdrawal of our forces. The American people should realize that there are risks in this procedure. Can the South Vietnamese really take over the fighting as rapidly as is now proposed? Are the Communists becoming weaker or are they pulling back to wait until more of our troops are withdrawn? What if the South Vietnamese were overwhelmed, would we order troops back to Vietnam? Are we going to give our support forces in Vietnam proper protection? Aircraft squadrons, helicopter companies and other support troops will have to remain for a long time if we are to give the Vietnamese the support they need. Can you imagine what would happen to the morale of our support forces if they found themselves left behind without adequate protection?

If the Vietnamese can take over the fighting successfully as our troops withdraw and can continue to hold off the aggression from the North, so that their country can remain free, then we will have gained our objective. If, on the other hand, we withdraw before the South Vietnamese are capable of defending their country, then that country and the rest of Southeast Asia may be lost to Communism and Vietnamization will be a failure.

On the third of November, President Nixon made a major pronouncement of Government policy on the Vietnam war. He said that we would fulfill our commitment to South Vietnam; that there would *not* be an abrupt withdrawal of U.S. troops. He noted that precipitate withdrawal would be a disaster of immense magnitude—that a nation cannot remain great if it betrays its allies and its friends. President Nixon said that only two choices were open to us—he could order an immediate withdrawal, or we can persist in our search for a just peace through negotiations if possible, or through Vietnamization if necessary.

I have said on other occasions that I believe there is a third alternative. If Hanoi continues to stall the negotiations and fights on in the South, we should give them an ultimatum. Tell them that if there is no progress at the negotiating table in two weeks, we will take strong measures against North Vietnam. If we started heavy air attacks against the North I believe there would be a sudden desire in Hanoi to get on with negotiating a peace. It is my belief that this course of action would get the war over in the shortest possible time and with the least number of casualties. However, this may not be a feasible course of action from a political point of view.

No matter how this war is concluded, by negotiation, by a military victory, or by Vietnamization, it is essential that it be *successfully* concluded. We are committed to protect South Vietnam from Communist aggression. The other nations of Asia, and indeed, friend and foe alike throughout the world, watch with great interest to see if the United States, the leader of the Free World, has the determination to abide by her commitments. If we withdraw from Vietnam in a way that permits an early Communist takeover of the country, the credibility of the United States will be open to serious question throughout the world. The validity of our many mutual defense treaties will be questionable.

Since World War II United States foreign policy has been based on a concept of resistance to efforts by militant Communist powers to expand their territory by force. It has been our belief that to tolerate aggression only invites more and greater aggression in the future. This strategy is designed to bring about peace and reconciliation in Asia as well as in Europe. It has been reasonably successful in Europe, but in Asia the Communists still seem determined to attempt to add to their empire by militant aggression. We cannot permit them to succeed if the small nations of Asia are to remain free. That is why our various mutual defense treaties that I have discussed with you tonight are so important. Are we going to sustain and carry forward polices which have served us well for over two decades, or will we permit ourselves to be deflected from those policies?

We have the military strength to gain our objectives in Vietnam. But we need more than military strength. We need moral strength and willpower. We need determination, conviction and dedication. This kind of strength and power has to come from the hearts and minds of the citizens of this country—from you and from me. It is the kind of strength that made our country great. It is the same kind of strength that we will need in the days to come.

SOVIET HUMANISM—JURIST IMPRISONED 20 YEARS WITHOUT TRIAL

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. RARICK. Mr. Speaker, there is an old saying to the effect that one never misses the water until the well runs dry. I am continually awed by the sharp

insight of those Americans whom we loosely classify as the ethnic groups into the machinations of tryanny. Liberty is most appreciated by those who have lost it.

Having seen it abroad, and bearing its scars, they—our foreign born Americans—are quick to recognize its symptoms in this land of the free. It would serve us well if we Americans of native birth were just a bit less trusting of some of the glittering promises of the demagogs—and of the international propaganda displays which emanate out of New York and the United Nations Organization.

This year is dedicated to Lenin—the "great humanitarian" according to the international propagandists. We are also urged to sign all kinds of beautiful sounding agreements with anyone and everyone to guarantee to our citizens rights and privileges which they already enjoy, but which those subject to Red slavery will never know.

A dedicated American of Ukrainian lineage has been kind enough to supply me with an accurate translation of the very enlightening appeal of Dr. Volodymyr Horbovyy, imprisoned in a Soviet concentration camp since 1949 without trial. All of us should understand that this is the system contributed to mankind by the humanist—which simply means atheist—and humanitarian V. I. Lenin, whom the international phonies of the United Nations Organization are honoring at our people's expense in 1970.

I include the appeal for justice in my remarks along with an appeal from Americans for Freedom of Captive Nations to expose Soviet Humanism:

DR. VOLODYMYR HORBOVYY'S APPEAL

My name is Volodymyr Horbovyy. I was born on January 30, 1889 in the town of Dolyna, Galicia, formerly Austro-Hungary. My nationality is Ukrainian. My citizenship was first Austrian, then Ukrainian, afterwards Polish, and in 1947 I became temporarily a Czecho-Slovak citizen. I was never a Soviet citizen and I never lived in the USSR. Before World War II, I was a member of the Lviv (Lvov) Bar Association. During the war I was a judge at the Polish Court of Appeals in Cracow. After the war I was a legal consultant at the Ministry of Agriculture of the Czecho-Slovak Republic.

My imprisonment is not legally justified. I was deprived of my freedom following an accusation by the Government of Poland in July 1947. I was declared a "war criminal" for alleged collaboration with the Germans during the war. Consequently, following an extradition request by Polish authorities, I was arrested in Prague on August 1, 1947 and extradited to Poland on August 7, 1947. The official statement issued by the Polish Government said that I would have to stand trial. Unfortunately, the trial was never held and could not have been held, since a whole year of persistent investigation failed to produce any incriminating evidence. On the contrary, I was able to prove that I had been critical of Hitler's political course and, in general, I was not guilty of any crime. In addition, I also was able to prove that the "document" which contained the argument in support of the demand for my extradition was ineptly fabricated. The Polish authorities were embarrassed. Yet, instead of being sent back to the Czecho-Slovak Republic, I was turned over to Soviet authorities in Warsaw. Another fabricated "document" was produced in which I was accused of being a Ukrainian nationalist.

In the USSR, the investigation process described above was repeated. Another year of dramatic investigation failed to produce the desired results for the MGB (Ministry of State Security—Tran.) The atmosphere prevailing at that time within the MGB is a well known fact. Instead of giving me an opportunity to return to the CSSR and continue my peaceful occupation there, I was sent to the forced labor camps for a term of 25 years. It was done by an administrative order which was based on a closed-door decision of the Special Conference of the Ministry of State Security of the USSR (No. 2906–49) dated July 6, 1949 under Articles 54–2, 54–11 of the Criminal Code of the Ukrainian SSR. The Ministry of State Security does not exist any more and its "special conferences" also have been formally abolished. However, the strange decisions adopted at those conferences continue to carry legal force.

In order to provide a characterization of the legality and justice here, I want to quote the following facts

a. The Soviet Criminal Code and the UN Declaration of Human Rights (which was signed by the Soviet Union) permit the punishment of an individual only on the basis of a verdict by a court of law and, at the same time, guarantee the accused a right to legal counsel. Unfortunately, in the USSR the above stated legal principles are propagandistic in nature and not applied in reality. In my case, there was no trial, no sentence and no opportunity to defend myself. Yet I have been suffering imprisonment for the last fifteen years (22 years by 1969—Translator).

b. According to a decree of March 24, 1956 the commission responsible for the investigation of cases involving individuals who are serving terms for political, violation-of-duty, or economic crimes, should have reviewed the reasons and justifications on the basis of which each prisoner was sentenced. I was summoned and interrogated by that Commission on October 1, 1956. However, a negative verdict had been already reached beforehand on September 29, 1956. On October 1, 1956 the Chairman of the Commission formally informed me that my case was being scheduled for additional investigation.

c. My petition regarding my case (dated May 22, 1960) was reviewed by the Prosecutor General's Office of the Ukrainian SSR. Their decision, (No. 01–20776/60) was that "the Prosecutor General's Office of the Ukrainian SSR can find no basis for protesting the decision of the Special Conference of the Ministry of State Security of the USSR (No. 2906–49), because the Committee of State Security declares that the accusations have been confirmed." Officially, the Prosecutor General's Office should watch over the activities of the security organs and not vice versa.

d. Between July 2, 1960 and November 22, 1960 I spent time in the solitary confinement of the KGB in Kiev, Ukrainian SSR. It meant that my case was being investigated. According to the provisions of the Criminal Procedure Code, an investigation can end either in an indictment and subsequent trial, or in the suspension of the investigation and the release of the arrested. Neither provision was applied in my case.

e. In 1955 the Soviet authorities formally agreed to repatriate all foreigners from the USSR, but in practice they did not make it possible for the concerned to take advantage of that opportunity. I demanded to be returned.

f. The decree of September 3, 1955 and the order of the Ministry of Internal Affairs (No. 0323), dated August 10, 1956 regarding the release of disabled prisoners have not been applied in my case, even though I have been an invalid since January 11, 1952.

g. The ChK, GPU, NKVD, and KGB are various names of one and the same institution which is represented by one and the same element. Therefore, it would be unusual if the same people and the same institutions now worked for the restoration of the so-called socialist legality which they themselves have discredited. It is not difficult to imagine what this "restoration of legality" means in reality.

I declare, that never in my life did I commit any crime or was engaged in any illegal activity. My only blunder was that I, injudiciously, trusted Soviet propaganda about Soviet humanitarianism and legality and remained within the reach of Communist authorities.

As early as 1921 I became interested in jurisprudence. I have many years of experience in the field of law in which I hold a degree of Doctor of Jurisprudence. Reading the statements made by representatives of Soviet justice about the genuine renewal of socialist legality in the USSR, or listening to statements made by political leaders of that state to the effect that there are no longer any political prisoners there, and comparing it all with the situation of persons like myself, I cannot help but wonder about the deceptive and malicious Soviet morality which I am unable to comprehend. I wish to remark that true information about the condition of political prisoners in the USSR could be obtained only by an impartial committee which would inspect places of confinement and question the prisoners (like myself) directly.

I would be grateful if someone became interested in the condition of political prisoners in the USSR. As far as my case is concerned, I would be immensely grateful if someone would help me to avail myself of the rights to which I am entitled as human being and a citizen and, most of all, to help me to be released from illegal imprisonment, to enjoy freedom of movement and obtain a redress.

AMERICANS FOR FREEDOM OF CAPTIVE NATIONS,

Los Angeles, Calif.

Hon. JOHN R. RARICK,
House of Representatives.

DEAR SIR: Point One of the Gromyko resolution for a world security system, presented to the United Nations on September 19, 1969, calls for withdrawal of all troops from occupied territories and discontinuation of all measures to suppress liberational movements. If, the U.S.S.R. is the freedom loving nation she professes to be, then she should set the stage and practice what she preaches.

It is time for the United States of America to go on the offensive and unmask the true imperialists and colonialists by exposing the Soviets for what they are.

The rights of the Captive peoples to self determination and free election should be steadfastly supported by the United States government, of which you are a legislative member. These rights are in line with the Atlantic Charter and other international agreements. The United States government should continue to make clear to the rest of the world that the violations of these agreements by the Russian Communists are a major cause of world tensions today. The United States government must be more than anti-communist minded; the United States government must be positive and affirmative in opposition to the basic philosophy, politics, and practices of communism.

We ask you to put forward every possible solution which would lead to the liberation of the Captive Nations.

Both major political parties have committed themselves to the liberation of the subjugated nations. But, unfortunately, the word "liberation" is used more as an electioneering slogan than as a carefully thought-out foreign policy that is vital to the United States' own national security. In reality, what the United States says and does encourages or discourages the spirit of liberation.

We ask you now to act on behalf of the rights of the enslaved nations now illegally dominated, exploited, and controlled by the Russian Communists—those enslaved nations listed in the Congressional Record. Worldwide attention has been diverted from the plight of the Captive Nations. As a consequence, the enslavement of the Captive Nations is being accepted as the status quo on a de facto basis.

Due to the failure of the United States and the Free World governments to insist that the status of the enslaved peoples be included in the United Nations agenda, the Russians are winning a victory to maintain the status quo by default.

The Russian Communists are trying to break the will to resist of the people of the subjugated countries. We must not, by default, or in any other manner assist the Russian Communists in their determined efforts to break the will to resist of the enslaved peoples.

Ponder the words of Andrei Gromyko, Soviet Foreign Minister, in a speech to the Supreme Soviet, July 10, 1969:

"To take a more sober view is to recognize that it is impossible to keep foreign areas seized as the result of aggression and that they should be returned to those to whom they belong."

We urge you to speak up for the enslaved people and hope that you will speak for the sake of freedom in Eastern Europe, Cuba, and elsewhere in the world so that the true freedom respecting citizens of the world will no longer have to hear the empty words of all the Gromykos all across the world.

Millions of Americans await your action.

Very truly yours,

AVO PHRISILD,
Executive Secretary.
BERNARD W. NURMSEN,
President.

ICC ISSUES NEW RULES ON HOUSEHOLD GOODS MOVING

HON. JACK H. McDONALD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. McDONALD of Michigan. Mr. Speaker, in view of the public's interest in gaining fuller protection in its dealings with the household goods motor carrier industry, I submit for the RECORD the recent announcement by the ICC of the adoption of a comprehensive series of rules in reference to household goods movers, scheduled to go in effect on May 1, next.

The Commission's announcement of March 5 reads as follows:

WASHINGTON, D.C., *March 5, 1970.*

ICC ISSUES NEW HOUSEHOLD GOODS RULES TO EASE HOUSEHOLDER-MOVER FRICTION

The Interstate Commerce Commission today announced the adoption of a comprehensive series of rules—scheduled to become effective May 1, 1970, in time for the peak moving season—designed to afford fuller protection of the consuming public in its dealings with the household goods motor carrier industry. The proceeding, instituted on the Commission's own motion in June of last year reflects the ICC's continuing concern over the practices of some household goods carriers. Today's ruling is designed to minimize the increasing consumer-carrier frictions which have come to the Commission's attention in recent months.

For many people, moving has been an experience of frustration and disappointment since some carriers often have failed to match their promises with performance. The Commission, although emphasizing it was not pointing to any one carrier, stated that "the average householder, shipping his most valued possessions, is not experienced with transportation practices; is not knowledgeable in protecting his rights; is at a disadvantage in his dealings with the carrier, particularly if he is in transit during the move; and is, therefore, in need of all the protection this Commission can afford."

The rules announced today are intended to create an atmosphere of full disclosure between the mover and the householder throughout the entire course of the move. The Commission expressed the hope that such regulations will enable shippers to understand more fully the problems involved in the movement of their possessions and help the carriers in accomplishing moves in a more efficient manner.

A survey, designed in cooperation with the Commission's Bureaus of Economics and Operations, was conducted to yield statistical measures of interstate shipments of household goods, the proportion of shipments occurring in the peak and off-peak seasons, the extent to which delays in pickup and delivery occur, and the extent to which carriers underestimate or overestimate the cost of shipment. On the basis of the survey, it was estimated that during 1968 the total number of shipments transported were 1,433,100, of which 1,216,350 (85 percent) were interstate shipments. Of those, about 743,000 (61 percent) were picked up during the peak season between May 1 and October 31. Many problems, it was determined, are generated by this seasonal traffic concentration, not all of which are the fault of the customer or the carrier alone.

In general, the new rules and the modifications to existing rules include:

Reasonable dispatch.—The new rules require that shipments be handled with reasonable dispatch as defined in the revised regulations. Shippers generally are one-time shippers, and they therefore are not familiar with the problems associated with the transportation of their possessions. The purpose of defining and requiring reasonable dispatch is to urge the carrier and the shipper to disclose fully their respective problems in order to reach a mutual understanding and to agree on dates or periods of time within which the transportation service is required to be performed. A prudent and ethical carrier, prior to agreeing to perform the service on specified dates or during specified periods of time, will consider all the relevant factors involved in the shipment and will fully disclose these considerations during the negotiations preceding the booking of a shipment. At the same time, the shipper has a similar obligation to make a full disclosure to the carrier of all of the pertinent facts relating to his particular transportation requirements. If after such disclosures the parties are unable to agree, the customer will be able to continue his search for a carrier which can fulfill his requirements.

Notification of delay in pickup or delivery.—New rules require the shipper to be notified that his goods will not be picked up or delivered on the date or within the period of time promised by the carrier, the reason for the delay, and when the pickup or delivery was made. The carrier also is prohibited from giving false or misleading information as to the reasons for the delay in picking up or delivering shipments.

Estimating.—The carrier is required to give an estimate, if requested by the shipper, and the estimate is required to be made on a standard form so that the shipper can make an intelligent comparison in choosing the carrier to perform his move. The new rule and estimating form require that the shipper be informed not only of the amount of the estimated cost of his move, but also of the maximum amount of money on a C.O.D. shipment that the customer must have in order to require the carrier to unload his shipment. Thus the shipper will know before the move begins that if a carrier gives him an estimate of $400, the maximum amount he must have on delivery will be $440 (the estimated cost plus 10 percent). The shipper must still pay for the total tariff charges, but he now can request at least 15 days credit for any amount by which the total tariff charges exceed the estimate by more than 10 percent.

Orders for service.—The new regulations require that an order for service be prepared. Orders for service or similar documents have been in use in the industry for a number of years, but the only reference to them in the former rules was in a provision forbidding carriers to mention estimated charges on an order for service. Now the new rules not only require an order for service to be prepared, but the carrier must show the estimated charges and the amount needed by a shipper to require delivery of a C.O.D. shipment if an estimate was made. The order for service contains information which will be incorporated into the contract of transportation—that is, the bill of lading.

Bill of lading.—The bill of lading must show the agreed dates of periods of time required by the reasonable dispatch rule, the estimate of charges and specification of the maximum amount required for delivery as embodied in the rule on estimating, and the entry of the tare weight on the bill of lading before that document is executed.

Determination of weights.—All rules pertaining to weights, obtaining weight tickets, minimum weights, and constructive weights are now under one heading. The former requirement of a driver's weight certificate has been eliminated, but the intent of that rule—the recording of weights—has been incorporated into a new rule which requires the maintenance of a vehicle-load manifest for every vehicle utilized in a carrier's operations. The weights of all shipments loaded on a vehicle will be recorded by a one-time entry on the manifest which will serve as a record of the shipments transported by that vehicle as well as a form of performance report on compliance with the requirements of the rule on reasonable dispatch. From the manifest it will be apparent to carrier management whether shipments are being transported in compliance with the requirements of the new regulations. In addition, the use of constructive weights (weights based upon volume as opposed to actual weighing of the shipment) is strictly limited and must be reported to the Commission.

Claims.—No language releasing the carrier from liability may be contained in the delivery receipt. In addition, carriers now must notify the Commission periodically of the status of *all* pending loss and damage claims—not just those which are pending "for reasons beyond the control of the carrier" as required by the existing rule—and the reasons for the delays in the processing of those claims.

Early delivery.—To protect the shippers' interests and at the same time to enable the carriers to keep their equipment in service to the fullest extent possible, the Commission adopted a regulation prohibiting the tender of a shipment for early delivery except as requested or agreed to by the shipper, and enabling the carrier, at its option and subject to certain conditions, to place the shipment in storage for its own account and at its own expense in a warehouse located in close proximity to the destination point of the shipment until the agreed delivery time.

Finally, the Commission issued a revised booklet of general information—combining two bulletins formerly required to be given prospective shippers—which the carrier is required to furnish the shipper prior to the time arrangements made for the move. The new booklet informs the shipper in under-

standable language what he may expect from the mover, and what the mover expects of him. The adopted regulations and the booklet are printed in full in Appendix III.

The proceeding is docketed at the Commission as Ex Parte No. MC-19 (Sub-No. 8), *Practices of Motor Common Carriers of Household Goods*, and also embraces Ex Parte No. MC-1 (Sub-No. 1), *Payment of Rates and Charges of Motor Carriers*, reopened on the Commission's own motion in the report.

A NEW REGIONALISM—II

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. ROSENTHAL. Mr. Speaker, I include below the second part of a paper on a reorganization of our States into new governmental units more consistent with the problems and resources of the 20th century. The first part of this paper, which was prepared by Piers von Simson of the Center for the Study of Democratic Institutions, Santa Barbara, Calif., appeared in yesterday's RECORD.

The second part follows:

PART II.—THE METHODOLOGY OF REGIONALIZATION: THE STRUCTURE OF THE REPUBLICS

I. INTRODUCTION

Having hopefully convinced erstwhile supporters of Chief Justice Chase's "indissoluble union of indestructible states," that to preserve the union, the states should be recast into Republics, it is now necessary to consider exactly what form these Republics should take. The aim is to steer a judicious course between the dangers and inefficiencies of a wholly centralized power in so large a country as the United States, on the one hand, and the chaos and inefficiencies of fifty different jurisdictions on the other.

The aim must be to deal with the problem through genuine regionalism and not mere sectionalism, to see the regional areas from the point of view of the nation, rather than the nation from the point of view of the areas. The aim must be not to attempt to define areas capable of economic self-sufficiency and autonomy, a kind of "provincial economy," a process difficult, if not impossible in a civilization dependent on such localized resources as rubber, iron, copper and petroleum. Instead the aim must be to achieve a balanced economy but also a specialized one, an area within which physical resources naturally group themselves in such a way that human adjustments and maladjustments to them can be readily isolated and dealt with; in which agriculture, the extractive industries, manufacture and trade can be coordinated. In such a region, with good planning, its homogeneity and its differentiation from neighboring regions, and yet its dependence on the other parts of the national whole, could be fostered, taken advantage of, and ultimately serve to increase national cohesion.

II. MINIMUM STANDARDS

To this end, it is possible to establish some minimum standard the Republicans must meet if they are to serve their intended purpose.

Firstly, and fairly obviously, the territory of a Republic should be as contiguous and compact in outline as possible, rather than being fragmented.

Secondly, one may postulate that it should display the maximum possible degree of homogeniety, this homogeniety ideally being centered at the core of the region becoming progressively diluted towards the periphery so that the boundaries themselves are transition zones rather than sharp lines.

Thirdly, the Republic should contain all territory containing a major combination of resources, it should be an economic-natural unit in general terms.

Fourthly, it is clear that the region should include whole problem areas and not partial areas, for that is its very *raison d'être*.

A fifth requirement is that it should be so delineated as to conform to existing regional consciousness and sentiments, that it should possess a real degree of regional identity.

Finally, it should be of the fairly large size made feasible by technological mechanisms.

A moment's reflection will reveal the inescapable fact that in some instances some of the minimum standards will have to a certain extent be sacrificed to others. It may be impossible, for example, to include whole problem areas in every region unless the whole country is considered to be a region. Similarly, the requirement that the Republics should contain a major combination of resources may have to be placed above the need for a strong sense of regional identity. At least part of its population will not have this sense. In short, a perfect region is impossible, and some compromises will have to be made.

III. A CONCEPTIONAL PROBLEM

The major guidelines, however, should help in answering some of the questions, the unsatisfactory answers to which, as Odum and Moore (12)[1] have rightly pointed out, have tended to retard regional realism in America. How can we define adequate regions, acceptable as frames of reference for research and portraiture, as basic divisions for administration and planning, and as fundamental, yet flexible units in the totality of the nation? What is the nature and size of those regions best suited to the largest number of purposes, and how may they be determined? What are the limitations of regions too small and too numerous or too large and too few? What are the limitations of the incidental regions chosen for convenience or for political ends?

What, finally, are the limitations of regions which rest primarily upon physiographic character and ignore the units of states as legally constituted administrative and fiscal entities? The spectrum to be covered involves the whole range of physical, biotic, economic, human, and institutional resources, including, at the very least, the following list:

a. Land resources and use.
b. Water resources and use.
c. Mineral resources and use.
d. Commerce and commercial assets.
e. Manufactural resources and development.
f. Transportation facilities and patterns.
g. Urban formations and their problems.
h. Recreational needs and resources.
i. Population and human resources.
j. Social conditions and institutions.
k. Local government and public services.
l. Public works needs and programs.

Faced with this awe-inspiring list, the natural tendency of any would-be reorganizer is to turn to those who have preceded him. He will find if he does this, that proposals to abolish the existing states and replace them with larger regions have often been made in the past. Professor James M. Young of the University of Pennsylvania (13), Professor Roy Peel of Indiana University (14), Professor Patten (15), Professor Leland of the University of Chicago (16), Messrs. James Beck (17), William Kay Wallace (18), William Elliott (19), E. M. Barrows (20), Burdette Lewis (21), Representative E. J. Jones of Bradford (22), and Representative Benjamin Rosenthal of New York (23), have all made such proposals. Of these distinguished advocates, most have even ventured to suggest an ideal number of such regions. Peel favored nine, Beck preferred four, Jones suggested twelve, Wallace nine, Elliott twelve, Barrows eight, and Lewis six. But none really came to grips with the problem of designating the area that a region should have in a manner acceptable for present purposes. Some failed altogether to explain why they made their elections, others wrote vaguely of "natural" regions, the unsatisfactory nature of which will be discussed below. The most explicit was Elliott, who simply adopted the regions of the Federal Reserve System. A cursory inspection of the System's divisions, shows that one single monolithic region is created out of the states of Washington, Oregon, Idaho, Nevada, Utah, Arizona and California. This may be defensible for the single-function purposes of banking, but within it there cannot possibly be the degree of homogeneity and sense of identity required for a single Republic.

IV. FEDERAL PRACTICE

Nor are the administrative areas established by the Federal Government's agencies more useful, because they are all single-function regions like the Federal Reserve System. An article by James Fesler in the *Political Science Review* (24) contained an excellent, if by now outdated, survey of Federal Administrative Regions. It is cited despite its vintage in the certainty that the problem has increased, rather than diminished, since it was made and that a similar survey made today would simply result in a still greater proliferation of regions. Fesler found that 72 federal agencies had territorially defined the jurisdictions of their field agents. Since some agencies performed several functions, for each of which they divided the country differently, there were 106 schemes in use for federal administration. From this he was able to concoct a rather interesting table, which revealed that apart from the natural proclivity towards using existing states as regions, there was little consensus on the ideal number. Thus nine agencies used twelve regions each, two used thirteen, one used fourteen, two used fifty-four, and one even used eighty-three. It should be remembered that this analysis merely concerned the *number* rather than the area of regions used, so that, for example, although nine agencies used twelve regions, these would probably have different territorial limits.

The deficiencies of such single-function regions for present purposes can be illustrated by examining what is probably the best known regional arrangement—that of the Census Bureau. There are nine divisions of states: New England, Middle Atlantic, East North Central, West North Central, South Atlantic, East South Central, West South Central, Mountain and Pacific. There is little to be said for the arrangement, other than for the purposes of gathering census data, because it lumps together the grazing and cattle country of Wyoming and Montana with the deserts of New Mexico and Arizona, the Mormons of Utah with the fleshpots of Nevada, all under the appellation "Mountain." Similarly, Delaware and the District of Columbia are lumped with South Carolina and Georgia, a division which gives them a southern character they do not possess. The same argument applies to even the most basic planning functions. The territories involved in planning for water, minerals, forest use, recreation, agricultural production and other aspects of economic life rarely coincide. They could perhaps be made to coincide under the Republics if some concessions and compromises were made, but the divisions used by the Federal Government with no incentive to make regions coterminous, are of no practical use for the purposes of dividing the country into Re-

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[1] References (1) through (11) appear in part I, CONGRESSIONAL RECORD, Mar. 10, 1970.

publics, which must by definition be multi-function regions.

V. WHAT IS NATURAL?

The so-called "natural" regions used by most writers on regionalism, simply dividing the country into such classifications as "spring wheat region," "interior mixed farming region," and "Appalachian upland region," suffer from similar defects. They simply center on one aspect of the problem, allowing geophysics to exclude other considerations. To take but one illustration: all schemes which divide the country into geographic regions consider the Appalachian Mountain region to be a region unto itself. Yet, this is wholly unsatisfactory from a socio-economic point of view: it comprehends in New England, in New York and in Pennsylvania many of the highest indices of civilization and wealth at the same time that the lower reaches include some of the most isolated and backward areas of the whole country. To this must be added great contrasts in climate, great distances in travel, great contrasts in culture and in history, so that by any test of homogeneity it cannot be considered an administrative and planning unit from human, cultural, political and economic ends.

There is in short a region for every purpose: a geographer's region, an ecologist's region, a social scientist's region, an anthropologist's region, an economist's region, a political scientist's region, and so on. There is even a division of the country for social psychologists. Thus Professor Giddings claimed to have found that the nation could be divided according to the preponderance of four personality types: *forceful*, along the seaboards, Atlantic and Pacific, in the Ohio Valley and in the Great Plains area; *convivial*, the southeastern portion of the nation; *austere*, along the New England Coast and Westward just south of the Great Lakes into Iowa and Kansas; and the *rationally conscientious* type, confined to the large cities (25).

Somewhat more reasonable is metropolitan regionalism, or the creation of city states. Under this proposal, of which Professor Charles Merriam is the most notable proponent, states would be made out of the metropolitan areas surrounding large cities. It is based on the very reasonable claim that, for example, the Philadelphia area really includes not only the city and county of Philadelphia, but also the adjacent suburban counties in Pennsylvania, much of Southern New Jersey from Trenton down, and Northern Delaware as far south as Wilmington. Similarly, in the New York area, it is argued that socially and economically, northern New Jersey and southwestern Connecticut are integral parts of the greater city of New York.

VI. METROPOLITAN REGIONS

Taking the major metropolitan areas and examining the pattern of newspaper circulation (and hence metropolitan influence) around them, the National Resources Committee constructed a map showing seventeen regions. But such a scheme, like the others discussed above, proceeds from one interest: the admittedly vast problem of urban crisis. It totally ignores the broader aspects of resources, economic patterns and regional interests. The region under such a scheme would merely be an extension of the city. The Committee's report concludes: "It is by no means certain that planning has not arisen at least in part out of the necessity of preserving local rural culture and resources against chaotic economic and social forces emanating from the city. Even were cities themselves carefully planned, this would still be true, for the city is an organism whose very nature places its nutritive processes above larger regional considerations" (26).

A very similar proposal is that of regions based on administrative convenience. In such a scheme, ten to twenty cities would be selected as subnational centers, and a unit of territory arbitrarily assigned to each. The criterion would be administrative convenience, which when closely examined reveals itself to consist of accessibility by rail, road and air, and of proximity to federal field offices. Such regions would, however, not be regions in any chorographic sense, but would simply resemble those now used by federal departments and bureaus, wherein the regionalization has been for departmental convenience. In them composite factors which create regionality are ignored.

This scheme, like the city-states proposal, weights metropolitan influence heavily. This is because the transportation and communication facilities of a place are usually commensurate with the size of its population. Consequently the larger cities would invariably be the centers of regions based on administrative convenience. The areas naturally tributary to such cities are not, however, regions in any real sense of the word. Moreover, in some areas there are no large cities. The absence of city-creating factors in a given area does not diminish its regionality. For example, the Great Lakes Forest and cut-over region contains only one city, Duluth, neither very large, nor very conveniently accessible from other parts of the country. It is a clear-cut region nevertheless. Similarly, the hill region of Ozarkia and the southern Appalachians, and the forest and recreational region of northern New England do not possess any large cities at all. A division of the country on the basis of administrative convenience would not reflect the regionality of these areas, but would simply attach each of them as a whole or in several unrelated parts to the closest city or cities.

VII. GROUPING THE STATES

Regions based on river drainage basins suffer from the same defect. They are regions in one sense only. In other senses, there may be greater homogeneity between areas near the source of the great rivers creating the drainage basins, than between areas at the source and in the valley of the same river. In other words, the areas at the source of the Mississippi and Red Rivers, may well have more in common than they do with the Mississippi Delta Region and the city of Chicago respectively.

The final scheme of regionalization commonly discussed is that of a grouping of states. This, on all counts seems most useful, or at any rate, the least unsatisfactory. Its great advantage for the purposes of creating Republics out of the existing framework of states is that it is politically more realistic than any scheme which involves the wholesale violation of state lines. A Republic consisting of a combination of states is far more acceptable an idea than the total abandonment of present state boundaries. To be sure, such a scheme requires a massive compromise, and in many instances will perpetuate the very faults of which the existing scheme of states has been criticized. There will still be problems which cross the boundaries of the Republics, since the grouping of four or five states together for one purpose, may ignore a multitude of other purposes which would require a different grouping.

Thus Missouri, Illinois and Indiana might be grouped together with their northern neighbors to form a north central region. This would result from considering the characteristics of the northern portions of these three states. But if attention were focused on the characteristics of the southern parts of Missouri, Illinois and Indiana, an equally valid claim could be made for grouping the states with their neighbors in the South. Texas, to take another example, lies partly on the Great Plains and partly in the Cotton Belt, and is both western and southern in its characteristics. It is clear therefore that this very substantial compromise has to be made if the group-of-states scheme is used.

On the other hand, it has hopefully been demonstrated that no other regional scheme, even if it wholly disregards state lines, is any more able to satisfy every requirement. There simply is no such thing as the perfect region for all purposes. That being the case, the clear advantages of grouping states together and not violating state lines, in purely practical terms, would suggest that such a scheme should be employed. A clear gain is still made over the existing fifty states, in that the number of jurisdictions is drastically reduced, as are the number of boundaries, thus obviously reducing the number of social, economic and planning problems which transcend those boundaries. Moreover, while not solving every problem, it is possible to make a highly rational grouping which would result not only in internal benefits to each Republic, but also in greater balance between them as parts of the national whole.

VIII. MAKING A CHOICE

Since such a scheme does not involve a wholly chorographical selection of natural regions, but is essentially artificial, it leaves the reorganizer with a choice of numbers. None of the schemes already mentioned have suggested more than twelve. This latter figure, it is suggested, was dictated merely by the convenience of using the already established Federal Reserve System; and lower figures correspond to the number of "natural" regions which the authors of various schemes thought they could discern. The scheme to be outlined below proposes twenty Republics as a satisfactory number. This figure is dictated partly by a conviction that some such number is required to prevent the emergence of huge and self-sufficient regions able in certain instances to defy the central government and place their own interests above those of the nation, and partly by the fact that some states are sufficiently *sui generis* or sufficiently rich and populous to be regions to themselves. Alaska, Hawaii, and New York State are examples respectively.

It will clearly not be possible to achieve a complete balance of population and economic strength between the various Republics, both because this would ignore other factors, and also because it would inevitably be short-lived. Some balance is aimed at, however, and even if Alaska and Texas are hardly equal in size and population, on the whole the balance can be a great deal better than it is at present with fifty states. Basically, a population of between five and fifteen million is aimed at, so that large and densely populated states will not be grouped together, nor will tiny and sparsely populated states retain their autonomy.

Despite the selection of twenty as the number reached by an intuitive, perhaps, but not arbitrary approach, the selection must still be based on comprehensive regionalism. As Harry Moore put it:

"Such a view of regionalism takes it out of the province of any one field of thought and demands the co-ordination of all lines of approach. And it is just this correlating and co-ordinating of various factors which gives the regional approach its greatest value. It demands that the planner or investigator see the region as a whole. It is the interrelationships of various factors in regional analysis which give to the region its distinctive character, its way of life. Environmental and cultural factors hunt in packs; as has been remarked, the phenomena which mark a region are not simply assorted, but are also associated; they exist in interrelationships" (27).

IX. SIX REGION PLAN

The Republics must therefore approximate the largest possible degree of homogeneity, measured by the largest number and variety of indices or units of homogeneity for the largest number of purposes.

Perhaps the most comprehensive study of regionalism in America was made by Odum and Moore (28). In a volume some six hundred pages long a variety of indices and index groups are used in an attempt to define major societal group-of-states regions. The authors concluded that such a definition was indeed possible. They divided the country into six regions.

These regions consisted of:

1. The Far West, Washington, Oregon, Nevada and California.
2. The Northwest, Idaho, Montana, North Dakota, South Dakota, Wyoming, Utah, Colorado, Nebraska and Kansas.
3. The Southwest, Arizona, New Mexico, Oklahoma and Texas.
4. The Middle States, Minnesota, Iowa, Missouri, Wisconsin, Indiana, Ohio, Illinois and Michigan.
5. The South, Arkansas, Louisiana, Mississippi, Alabama, Tennessee, Kentucky, West Virginia, Virginia, North Carolina, South Carolina, Georgi.. and Florida.
6. The Northeast, Maryland, Delaware, Pennsylvania, New Jersey, New York and the six New England States.

The border lines of these regions were determined by contiguity, population movements, physiographic features, natural resources and indeterminateness of culture domination. As sub-headings of the five index groups, a variety of random miscellaneous indices were used for delimitation. Two criteria for the selection of these indices were applied: dependability and differentiation. Dependability includes not only accuracy and sheer correctness of figures, but also validity and reliability of data, proper sampling and proper labeling. The value of differentiation is obvious, since if no differences are shown, there is no reason to use more than one index in the group. On this basis, the following random indices were selected:

1. Population.
2. Rural population.
3. Urban population.
4. Area.
5. Racial balance of population.
6. Wealth.
7. Cotton.
8. Petroleum.
9. Iron.
10. Tenancy.
11. Swine.
12. Butter.
13. Wheat.
14. Horses and mules.
15. Tobacco.
16. Homes with radios.
17. All cattle.
18. Corn.
19. Number of farms.
20. Farm income.
21. Forest area.
22. Value of vegetables.
23. Railroads.
24. Cows milked.
25. Chickens.
26. Eggs.
27. Gallons of milk.
28. Illiteracy.
29. Value of mineral production.
30. Automobile sales.
31. Developed water power.
32. Gainfully occupied population.
33. Value added by manufacture.
34. Total value of manufactured goods.
35. Coal.
36. Savings.

X. SEVEN NEW REPUBLICS

From these indices, and for reasons which it took a six hundred page volume to explain, six major societal regions were established. The proposal for the selection of Republics is to respect these major groupings in their relations to each other, but to sub-divide them in order to obtain the number and the size of regions desired. The principal boundaries between the six regions, the lines separating the Far West from the Northwest and the Southwest, the Northwest and Southwest from the Middle States and the Southeast, the Southeast from the Middle States, and both from the Northeast, are respected with one very minor exception. The present scheme attempts to sub-divide the six major regions into seventeen Republics without violating the relations of the six regions to each other. The remaining three regions are Alaska, Hawaii and Micronesia, and Puerto Rico, together with the Virgin Islands, each of which must be a Republic unto itself, both because of distance and also because of racial, cultural and socio-economic factors.

The result of this sub-division is twenty Republics.

The first Republic consists of two Pacific Northwest states, Washington and Oregon.

The second of Northern California and Nevada. This division of California is the only instance in which a state line has been violated. It is felt that this is justified by the inherent differences in character between Northern and Southern California, a difference of which different climate, vegetation and divergent political orientation are but a few examples. The dividing line is drawn from the point where the California, Nevada and Arizona borders meet just north of Needles, diagonally across to a point on the Pacific coast near Morro Bay, just north of San Luis Obispo.

The third Republic consists of Southern California, Arizona and New Mexico, and is the only instance in which a dividing line of the six major societal regions previously discussed is violated. It is felt that this is justified, both by the similarity in outlook of the population of these states, and also by the desire to counterbalance the arid and unproductive areas of Arizona and New Mexico with some of the agricultural and industrial wealth of Southern California.

The fourth Republic consists of three mountain states, Utah, Colorado and Wyoming.

The fifth Republic of the cattle states of Montana and the two Dakotas.

The sixth Republic embraces two Great Plains states, Nebraska and Kansas.

Texas and Oklahoma as placed together to constitute the seventh Republic.

The dairy and farming states of Minnesota and Iowa join to form the eighth.

Illinois, Indiana and Missouri form a North Central Republic, the ninth.

The tenth Republic consists of the cotton growing states of Arkansas, Mississippi and Louisiana.

The eleventh of the industrial and farming states of Michigan, Wisconsin and Ohio.

The twelfth Republic comprises the tobacco and cotton states of Kentucky, Tennessee and Alabama.

The thirteenth the tobacco and fruit growing states of Florida and the Carolinas as well as the cotton state of Georgia.

The fourteenth Republic consists of the Virginias and Maryland.

The fifteenth consists of the states of Delaware, New Jersey and Pennsylvania.

The sixteenth solely of the state of New York.

The seventeenth Republic embraces the six New England states.

Alaska forms the eighteenth.

Hawaii, Micronesia, American Samoa and Guam the nineteenth.

Puerto Rico and the Virgin Islands the twentieth.

No claim is made that such a division is perfect. Indeed it has been suggested that perfection is hardly possible. It is suggested, however, that such an arrangement represents a substantial improvement over the existing fifty states. This is not only for the obvious reason that the absolute number of different jurisdictions is reduced, but also because the resulting Republics are more uniform in size and economic power. Furthermore an attempt has been made to group the states in such a way as to include within each Republic as much political, social and economic homogeneity as possible. Clearly some problems will still have to be solved by compromise between individual Republics, but it is hoped that they will be better able than the existing states to cooperate and function together as integral parts of a national whole.

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NAVY LEAGUE SYMPOSIUM

HON. CRAIG HOSMER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HOSMER. Mr. Speaker, it was my pleasure to participate in the Navy

League Oceanic-Maritime Symposium held at the Sheraton-Park Hotel in Washington on February 17. The symposium probed a theme of "Wealth and the World Ocean," and endeavored to examine the prosperity portent of the President's national maritime policy, providing incentives for the revitalization of the American merchant marine.

I should like to commend the Navy League for its conduct of this significant symposium relating directly to the national interest and the maritime objectives of the Nixon administration.

Two of the most stimulating papers prepared for presentation at the symposium were those by George Lowe, Maryland University lecturer and recognized writer on ocean strategy, and the Honorable James D. Hittle, Assistant Secretary of the Navy for Manpower and Reserve Affairs.

I am including these papers in the RECORD because of their national importance to all my colleagues within the Congress:

THE OCEANIC OPTION

Nearly 200 years ago William Henry Drayton, one of South Carolina's leading planters and also Chief Justice of the state's Supreme Court, made a prediction concerning the United States of America. This new national state, he wrote, "attracts the attention of the rest of the universe and bids fair by the blessing of God, to be the most glorious of any upon record."

Today, after nearly two centuries of independence, there is doubt and uncertainty concerning America's role in the world and concern for society and civility at home. Tomorrow, in fact, President Nixon is going to give the first annual State of the World address. Parenthetically, I am pleased that this overview comes from the President rather than, as in the past, from Secretary McNamara's posture statement. Obviously, the President will speak for himself, but it is my feeling that what we are witnessing is not, as many commentators fear, a return to isolationism. No, I think that the political-military policy that has been expressed in the Nixon Doctrine first ennunciated at Guam last summer is only the beginning of a great re-examination of America's role in the world. And out of this re-examination will come a new foreign policy, a new military policy, weapons systems, force levels, and the modified institutions to carry them out.

Everyone by now is familiar with the policy of Vietnamization, the gradual turnover of the burden of fighting the Vietnamese War to the South Vietnamese. In the months ahead I am sure we will hear more about the Europeanization of America's commitment to Western Europe. Thus on both edges of the great Eurasian land mass, American political-military policy is being re-examined, and it appears inevitable that the troops introduced into Eurasia as the result of World War II will be coming home. We are witnessing the beginnings of the Americanization of our foreign policy. The years 1970–1976 will most likely be the transition years between two very old policies that have competed with each other since the founding of our Republic—isolationism and interventionism.

It is entirely possible that history's verdict on the Cold War will be that we won it a decade ago. Unfortunately, we didn't realize it, and we went beyond our Cold War victories. In the sixties we fashioned a globalist policy, which in turn over-extended us abroad and threatened domestic tranquility at home.

The Marshall Plan was very successful. Western Europe was saved and is today stronger and more prosperous than ever in history. The Red Army has not moved one inch to the West since VE Day in 1945. And in Asia, Japan has become the third industrial power in the world and promises, in Herman Kahn's opinion, to become Number One by the year 2001 A.D. The unnatural situation of 1945, that is, only two great powers, is no longer true. Today we live in a world of multi-powers with the ever-present possibility of new powers or super-powers arising, i.e., United Europe, Brazil, Japan, and China. The central fact of international life in 1970 is that the world has changed tremendously since 1945.

The following factors must be considered as having permanently changed the immediate postwar climate: Chinese H-bomb and delivery system; Russian-Chinese border conflict; Vietnamese War and wars of national liberation; American-Russian strategic parity; the new strategic technology (ABM, MIRV); the new Europe (after de Gaulle); possibility of European deterrent; United States retrenchment after Vietnam; the continuing Mid-East crisis; the economic and political rise of Japan and Germany; the accelerating population explosion; the unequal consumption of the world's natural resources; growth of Soviet naval power; new balance of power in United States government (Executive versus Legislative); the growing argument over national priorities; rising anti-militarism in the United States; increasing urbanization of the United States and the world; decline of Britain east of Suez; and opening up of space.

During these years, 1970–1976, our policy-makers must digest this changed international reality. It also seems likely that these years will witness a slow disengagement from the continental aberrations made necessary by our victory in World War II over Germany and Japan and by the postwar aggressiveness of the Soviet Union. This disengagement does not have to and indeed isn't the same as the nationalism and isolationism of 1815–1917, 1920–1941, or the interventionism and internationalism of 1776–1814, 1917–1919, and 1941–1970.

As a part of this new re-examination I would suggest that the policy-maker consider the implementation of the oceanic option, for it is a concept whose hour has come. In a recent *Newsweek* article on the SALT talks, Stewart Alsop wrote about an idea circulating in high places: "to propose to the Russians the phased elimination of *all* land-based intercontinental ballistic missiles from the territory of both the Soviet Union and the United States."

1. This would mean the invulnerable thermonuclear deterrents to total war of both the super-powers would be hidden beneath the Great Ocean. Their great deterrents would have no fixed addresses. America's mobile deterrent would be on patrol far from continental America and her great cities. The incentive for an *open-ended quantitative* arms race would be over. A *selective or qualitative* strategic arms modification could begin.

2. On the political front there is also an advantage: baseless naval task forces keeping the peace on the rimlands, backing up a policy of limited liabilities, a policy that is tied into vital American interests as seen in the needs of a great insular nation moving into our third century of independence.

3. There is economic advantage as well: The fleet would guard the essential ocean lifelines of our post-industrial society and those of our allies. The fleet would guarantee that these lifelines are open to all in peace and to us in war.

4. A revived merchant marine will help the chronic balance of payments by hauling a greater per cent of the carrying trade (the historic keys to maritime wealth and greatness).

5. Our technology could produce a nuclear clipper ship era in the seventies and eighties, eventually leading to 100-knot, completely automated, ocean-spanning ships. These new vessels would do for our merchant marine and society what the clipper ship did for the 1850's or the Polaris subs did for America of the 1960's. Admiral Morison has written of clipper ship builder Donald McKay's great clipper ships:

"Never, in these United States, has the brain of man conceived, or the hand of man fashioned, so perfect a thing as the clipper ship. In her, the long-suppressed artistic impulse of a practical, hard-worked race burst into flower. . . . For a brief moment of time they splashed their splendor around the world, then disappeared with the sudden completeness of the wild pigeon."

Where are our new Donald McKays, men possessed of the unusual combination of "artists and scientists, of idealists and practical men of business?" Where are our new *Flying Clouds, Great Republics,* or *Glories of the Seas?*

6. The oceans can be, indeed, must be a source of food and raw materials for a resource-deficient nation and world.

7. Finally, there is also moral and spiritual vitality to be gained from a seaward turn. This last frontier has challenges aplenty for our youth, and by the efficiency of this oceanic option it will see America stronger at home as a greater proportion of our limited resources are redirected to health, education, control of pollution and improvement of the quality of American life.

The challenge then is can we fashion a new grand strategy to match the promise of our greatness? Judge Drayton, whom I quoted at the beginning of this paper as having a grand vision of this new great state of the West, also had some ideas on how to carry out the promise of American life. This early great enthusiast for naval power wrote in 1776:

"If America is to be secure at home and respected abroad, it must be by a naval force. Nature and experience instruct us that a maritime strength is the best defence to an insular situation. Is not the situation of the United States insular with respect to the power of the old world: the quarter from which alone we are to apprehend danger? Have not the maritime states the greatest influence upon the affairs of the universe?"

Indeed, one can argue historically that the South Carolina jurist was correct when he wrote that naval actions have decided the superiority of nations—of Greece over Xerxes, of Rome over Carthage, of England over France, and to update the judge's observations, England over Germany, and of the United States over Germany and Japan.

We are a part of a three milennia-long struggle of continental powers versus oceanic powers. The United States can be either. Alone of the great powers, America faces both Great Oceans, the Atlantic and Pacific. This elementary geographic fact gives the United States the oceanic option. It seems to me that the moment is at hand when we should carry out the implications of our splendid geographic position, our unexcelled oceanic heritage, and our superior naval expertise and technology. If the seventies are going to see America exercise her oceanic option, we will need the maritime forces to do it, and this means *ships* of all descriptions. These ships will enable us to carry out a new policy of national independence that is free, free at last, from French, British, German, Japanese interests and is dedicated to real, not imagined, *American interests* as they confront the international realities of the seventies and eighties—the power constellations in Western Europe, Central Europe, and Eastern Asia. We must scrap the illusion that America has inherited the mantle of the British Empire with all its global responsibilities.

This global pretentiousness began with President Truman's Doctrine in 1947 and reached its high water mark in 1968 with 548,000 American troops in Vietnam. This globalist policy has been slowly dissolved by the existence of invulnerable thermonuclear weapons and by the nationalist and Communist guerrilla. These two weapons have helped dismantle all empires in the last twenty years. What is needed is to admit to ourselves that this is so and devise a new policy. We must protect and perfect this great American nation, and the only way to do it without succumbing to a new isolationism is by adopting a new oceanic policy for America's third century.

As we voluntarily return, at least part way, to our insular status, and as we re-think our grand strategy, our aim should be to create a new and wholly American foreign policy for America's third century. It is my contention that American oceanic doctrine and strategy properly understood and implemented could carry out implications of this new foreign policy. They are, I believe, implicit in the Nixon Doctrine, which is meant to be applied not only in Asia but world wide. It will be interesting to apply the oceanic test to President Nixon's State of the World message tomorrow to see if there is any evidence of an oceanic shift. This may be one of the shortest lived prophecies of all time, but for our nation's sake, I hope not because I believe logic, weapons systems, geography, technology, and international realities all suggest that President Nixon will in the years ahead begin to implement the various pieces of the oceanic option. It is my optimistic belief that all the pieces of an oceanic renaissance are lying around in various stages of perfection just waiting to be picked up and synthesized by a new Mahan or Teddy Roosevelt. If this is to come about, certain institutional changes will probably be necessary:

1. The President should have a new oceanic advisor.

2. Because oceanic policy cuts across many of the great departments, it is perhaps advisable that all Cabinet officials be included in the deliberations of the National Security Council.

3. Congress should once again carry out the implications of Article 1, Section 8 of the Constitution, where the historic distinction is made between supporting armies and maintaining a navy.

In other words, for the oceanic option to have a viable chance, it will require a new partnership between the Legislative and Executive branches and an in-depth understanding by all elements of our people. Then and only then will America be set on the course implementing the promise of becoming a great maritime nation.

A billion years ago life came out of the oceans and settled on the land. Now man is returning to the seas for his security and sustenance. Perhaps we can realize a new sense of world community through oceanic cooperation now that Apollo has revealed earth life to be a blue-green island in a lifeless universe.

REMARKS BY HON. JAMES D. HITTLE

Traditionally, the United States Navy has provided the intellectual stimulation and the scientific spark for national progress on the oceans. The Navy's transition from sail to steam and from muzzle loading cannons to the nuclear tipped Polaris missile has been the result of naval progressiveness and innovation.

The scientific achievements of naval people are noteworthy in oceanography, meteorology, geophysics, geology and physiology. Rickover, in harnessing the atom for maritime propulsion initiated a revolution in waterborne transportation.

Without an expandable elite corps of professional seafarers, this nation can never tap—much less capitalize—on the vast wealth of the world ocean. Men are needed to man our fleets, to fish the waters; men are needed to explore the deep and for maritime research—basic and applied—to keep our seagoing base—both commercial and military—modern, efficient and competitive. These men must be educated. To be strong on the sea, a nation must know the seas.

Those that follow the seas seeking satisfying occupations are different from their counterparts who cling to the land. Their experience is different, their motivation is different, their education is different, their interests and attitudes are different. For the environment is different, and it requires different perspectives and differing skills—even a different kind of education.

Yes, if America is to regain its prowess on the oceans, first and foremost, there will be a greater need for the knowledge of these men who sail the seas to infuse the maritime thought derived from seagoing habits into the national bloodstream.

For progress, productivity, in an oceanic sense, we are utterly dependent upon people who generally cannot be considered the cross-sectional norm of the American people in our fast-moving world of the 20th Century. The Navy recognizes this fact, the maritime community also, but as yet, the nation does not.

Despite the naval and maritime background of some high ranking officials and educators, relatively few public and private leaders are truly maritime trained and educated to the full grasp of the maritime view. Consequently, there is a requirement for expanded education to give our people the perspective and the conviction as to our role on the world ocean.

Though often overlooked, the U.S. Navy is, in fact, one of the largest and most complex educational institutions in the United States. Naval leaders—civilians and uniformed alike—are becoming more aware of this reality daily. And, the fact is, we are constantly moving to expand this educative role. The Navy for years has been producing men who contribute to the repository of national seafaring knowledge and thus enable the nation to undertake its endeavor on the oceans.

Both in recognition of the technological needs of the new, modern Navy, and as a means for meeting the educational goals of the individuals in the service, a rapid expansion of the educative process is underway. There has been major emphasis placed upon broadening the educational curriculum of the Navy for several years.

Let me briefly touch on a few examples:

Certainly the length of Polaris patrols gave Navy men free time and attendant psychological problems of boredom, . . . motivation, . . . and on the positive side, . . . motivation to accelerate the Navy's emphasis on educational opportunities. In cooperation with Harvard University the Navy implemented the Program for Afloat College Education, (better known as PACE). The Pace program consists of four critical elements: (1) Introductory lectures are given by the college professors before the ship leaves on an extended deployment, (2) At sea, the students study applicable text material, which is supplemented by (3) A series of fifteen thirty-minute filmed lectures, (4) At the end of the deployment the professors again come aboard ship, give summation lectures, then final examinations.

There are now four schools that cooperate with the Navy in the PACE program.

1. Harvard University.
2. University of Hawaii.
3. San Diego State College.
4. University of South Carolina.

In fiscal year 1969, 3,100 men, aboard 98 ships participated in 202 courses. The cost to the Navy was $377,000. In addition, eight courses were given in Antarctica by two Harvard professors who wintered over with the party.

The aircraft carrier *John F. Kennedy* is also working with Old Dominion College in Norfolk, Virginia, on a similar education program. Certain officers on the *John F. Kennedy* have been qualified by the school to teach extension courses on board the carrier. The students are helped with their tuition and fees through the Navy's Tuition Aid assistance program.

The end is not education for education's sake, but rather to give depth to our program resulting in the provision of people well-versed in operations at sea to round out their disciplines and provide a maritime base for national endeavor and national thought pertaining to the seas.

The Navy man with long separations from home and a rigorous life at sea, has always been confronted with many moves and changes of station or duty. Since the naval life is exciting, arduous and self-satisfying, the men—for the most part—enjoy their service. They invariably are attracted to the seas as a masculine career that is intensely challenging. The wives, on the other hand, understandably, lack enthusiasm for their husbandless existence. They frequently win with their subtle strategies designed to gain a more stable home life. I would be less than candid if I didn't state that recent trends have resulted in fewer officers and men being attracted to naval careers. But whether our people remain in service for short terms or for a full professional career; as a general trend, the Navy provides people with a foundation of oceanic knowledge and experience from which the nation can build.

The Navy as a facet of leadership and concern for its people, in recent years, has placed ever-expanding emphasis on education. This has helped in motivation of the men who man the Navy and Marine Corps.

At the Naval Academy this trend has been particularly dramatic in recognition of technological change and the need within the Navy for officers with Masters and Ph. D. degrees. Though the mission and emphasis at the Academy must remain the production of naval officers, the transition to a broadened curricula has reinforced the prime result of producing a well educated, well motivated potential leader, capable of commanding our fleets or elements of the Navy.

The Navy Enlisted Scientific Education Program—accentuates this educational trend for enlisted personnel which enables them to receive a college education and go on to become an officer. 20th Century technology has broadened the base of the educational requirement and there are new fields for professional development in ship design and jet aircraft in the Navy. A whole new vista of occupations has unfolded with nuclear power and missile space development, broadening the professional horizons of all our citizens. Through these modern career opportunities the military services hope to induce greater stability of our people. The dilemma is, of course, that industry requires the men who have received special education and experienced training in the new fields. Though the Navy does not enthusiastically regard the termination of service for a career in industry, the nation gains either way—for the individuals concerned contribute to the national pool of seafarers, providing a hard-core of educated enlightened individuals who understand what the uses of the seas portends in terms of security and prosperity.

Perhaps a little degression along these same lines is in order. Though Navy tends to be technologically oriented—there are innumerable facets of oceanic endeavor. Sea power entails all elements of the nation's resources—the totality of the nation's endeavor is encompassed by national strategy and there must be academic and practical attention given to global geography, interna-

tional affairs, diplomacy, trade, commerce and the law of the sea.

The Navy encouraged education in these many fields to gain expertise in the disciplines that pertain to the sea. Additionally, our NROTC programs and Junior NROTC, which are oriented toward the sea and gaining people for the sea service, contribute essentially to the numbers of Americans who are aware of the oceans and their meaning.

These people the nation must produce in far greater numbers if we are to attain our objectives of using the oceans to the fullest and a primer of our prosperity and a means for insuring the security of the nation and the safety of our citizens. Both are a function of people, their education, their motivation and their goals in seeking a productive and satisfying way of life through contribution to society as seafarers.

FREEDOM'S CHALLENGE

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. HOGAN. Mr. Speaker, I am very pleased to report that a young constituent of mine, Miss Susan Busse, of Bowie, Md., has won the Voice of Democracy contest for the State of Maryland. This contest is sponsored by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary. The contest theme was "Freedom's Challenge."

Miss Busse's winning speech follows:

FREEDOM'S CHALLENGE

(By Susan H. Busse)

Today, more than ever, the words "Freedom's Challenge" have a significant meaning. Perhaps at no time in history has the challenge been so great!

In America, as well as in other parts of the world, people are crying out for their own freedoms: freedom to live without discrimination, freedom to speak out, freedom to resist the draft, freedom to protest—either for or against the government—and so on.

American citizens, in particular, are extremely concerned with their rights of freedom. We are proud that we have our freedoms, guaranteed by the Bill of Rights and enforced by the law. Both the "dissentor" and the "patriot" have a common ground: they each want their own freedom—the right to do as they please.

The "patriot" fears communism or fascism. These very words make him tense and filled with hate or fear—fear that through these forces he may lose his rights of freedom.

The "dissentor" feels that he will lose his rights of freedom too, but perhaps his fears are not so much for communism or facism but rather than he is losing his freedom to do as he pleases, perhaps not to fight if he desires.

I believe that we should fear division of our own people more than the outside forces such as communism or facism. For, if we are united, we will not fall to these forces, but we will overcome them—together.

Part of the great division in our country today is caused by large numbers of people acting in protest, while the silent *majority* are apathetic. We want our rights; we value our freedoms; but, some of us are not willing to sacrifice or speak out for them.

It is easy to condemn others—easy to say that others are doing nothing—but how about you?

Have you ever caught yourself merely reciting the pledge of allegiance without thinking of what you are saying? Or have you ever checked a box in front of a candidate's name—without being well versed concerning this man's views on controversial issues—and then even dismiss the action by saying, "One vote's not that important anayway." This is apathy. You see, it's not only *other* people.

We must overcome our apathetic feelings and replace them with enthusiasm. It is true that we have these rights of freedom now, but if we don't take the necessary precautions, we won't have them for long.

It is our generation's responsibility to retain our national heritage—to protect it. We must meet this challenge with determination and courage—the kind that is only developed when each individual searches his own soul for answers, then shares his answers with others.

This, in my opinion, *is* freedom's challenge. The challenge of uniting to cherish and protect the very freedoms we now enjoy.

WELFARE COUNCIL OF METROPOLITAN CHICAGO BACKS CIVIL LIBERTIES PROVISIONS FOR NEW ILLINOIS CONSTITUTION

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1970

Mr. MIKVA. Mr. Speaker, Illinois is now in the midst of a historic constitutional convention which will draft a new charter of government for our State. One of the most important areas of concern of the convention is the protection of individual citizens' liberties—liberties which placed in ever greater danger by fearmongering advocates of repressive anticrime legislation.

An important contribution to the convention's consideration of civil liberties issues has been made by the Welfare Council of Metropolitan Chicago. The council has adopted two important recommendations on the subjects of bail reform and invasion of privacy. I believe that delegates to the constitutional convention would be wise to consider carefully the recommendations which the welfare council has made.

Since the council's recommendations have some relevance to issues which will soon be coming before this House, I insert them at this point in the RECORD for the benefit of my colleagues.

The document referred to follows:

WELFARE COUNCIL OF METROPOLITAN CHICAGO

The Welfare Council of Metropolitan Chicago Takes the Position That: Every person should be eligible for admission to bail and should be released from custody upon his own recognizance while awaiting trial unless, after an examination of fact, the court deems financial surety necessary to assure his appearance at trial, in which case the person should be released upon deposit of ten per cent of financial surety set.

Therefore, The Welfare Council of Metropolitan Chicago Takes the Position that the Illinois Constitution Should Contain:

BILL OF RIGHTS

All persons shall be bailable. Financial surety shall be used only to assure the appearance of the accused at trial and shall not be excessive.

This Position Is Taken For The Following Reasons:

1. It is man's inalienable right to be judged innocent until proven guilty. This was regularized by William the Conqueror through the institution of "frank-pledge," whereby groups of ten men in every shire hundred became hostages for each other's good conduct. Further protection for the rights of the accused came with the Magna Carta when King John guaranteed every freeman from being taken or imprisoned but by lawful judgment of his peers of the law of the land.

2. Pre-trial imprisonment, through denial or release on bail, implies guilt. The presumption of innocence until proven guilty beyond a reasonable doubt, however, is the very foundation of the American concept of criminal justice. That presumption is all-pervasive; it is not qualified and does not hold that all men are presumed innocent until proven guilty beyond a reasonable doubt "except those accused of certain offenses." If any accused person has the right to bail, all accused persons must have such right.

3. Bail requiring financial surety should be used only to assure the appearance of the accused at trial. But the posting of such surety is not, in fact, a guaranteed deterrent from flight to those who have money. Individuals have forfeited the largest financial bonds to avoid income tax convictions. Factors other than financial surety are instrumental in bringing a man to his court date, *e.g.*, family ties, employment, and efficiency of modern police.

Under the ten percent of bail deposit rule, the court retains ten per cent of the amount deposited (or one per cent of the total) to cover costs. Release on bail eliminates the cost of maintaining the accused in jail while awaiting trial. These income-producing or money-saving aspects should not be taken into consideration in deciding whether financial surety is necessary, or in what amount, as they do not bear on securing the appearance of the accused at trial. By giving proper weight to the non-financial reasons a defendant has to reappear in court, this possible mis-use of bail is avoided.

Illinois Criminal Law (Ill. Rev. Stat. 1967, Ch. 38 § 110–2) declares in part: "when from all the circumstances the court is of the opinion that the accused will appear as required either before or after conviction, the accused may be released on his own recognizance," The right of indigent defendants to be eligible for release without posting financial surety was upheld in *Bandy* v. *United States*, 82 S.Ct. 11 (1961).

4. The imposition of "excessive bail" is prohibited statutorily, constitutionally, and by the rules of court procedure. Traditionally, however, the determination of what is "excessive" has been based primarily on the nature of the charges. This has brought about inequity, though unintended by the drafters of the principle. If two jurisdictions regard the same offense with differing degrees of severity, how might "excessive" be determined?

Presently, for many offenses, the amount of financial surety required is preset by rule of court according to the crime charged. Thus the arresting officer has a major role in determining the amount of surety required, then that amount is "excessive" for rest a man on a city charge of disorderly conduct, and the amount of surety required would be $25. If the officer chooses to make the arrest on a state charge of disorderly conduct, however, the surety would be $100.

If a person has not the financial means to pay ten percent of the financial surety required, then that amount is "excessive" for him. The present bail bond procedures discriminate against the poor since they are the ones who cannot pay the ten per cent deposit of financial surety now required in the State of Illinois. This is evidenced by the large number of men held in the Cook

County Jail awaiting trial. For them, bail is both "excessive" and punitive.

In a decision by the United States Supreme Court involving excessive bail, it was stated: ". . . Thus, the amount is said to have been fixed not as a reasonable assurance of their presence at the trial, but also as an assurance they would remain in jail. There seems reason to believe that this may have been the spirit to which the courts below have yielded, and it is contrary to the whole policy and philosophy of bail. This is not to say that every defendant is entitled to such bail as he can provide, but he is entitled to an opportunity to make it in a reasonable amount. I think the whole matter should be reconsidered by the appropriate judges in the traditional spirit of bail procedure." *Stack* v. *Boyle*, 342 U.S. 1, 10, 72 S. Ct. 1, 5 (1951).

5. In summary, the denial of eligibility for admission to bail to persons accused of certain offenses also denies a basic principle of our Democracy, that a person is presumed innocent until his guilt is proved. The misuse of bail requiring financial surety for any purpose other than to assure the appearance of the accused at trial, such as for preventative detention, retribution, or to sop the public ire, does not serve the ends of justice but subverts these ends. The ambiguity of the word "excessive," and the prevailing interpretation, have resulted in that the surety required is based largely on the charges filed rather than at the discretion of the court having determined what would be reasonable and not "excessive" according to the individual's means.

CONSTITUTIONAL CONSIDERATIONS

The Federal Constitution

The Eighth Amendment to the United States Constitution provides:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.

The "excessive bail" clause alone implies that there is a right to bail. But even before the Eighth Amendment was adopted, the Judiciary Act of 1789, enacted by the First Congress, guaranteed a right to bail in all non-capital cases, and made bail discretionary in capital cases dependent upon "the nature and circumstances of the offense and of the evidence and usages of law." * In the case of *Stack* v. *Boyle*, the Chief Justice stated: "From the passage of the Judiciary Act of 1789, * * * to the present Federal Rules of Criminal Procedure, Rule 46(a)(1), 18 U.S.C.A., federal law has unequivocally provided that a person arrested for a non-capital offense shall be admitted to bail. This traditional right to freedom before conviction permits the unhampered preparation of a defense, and serves to prevent the infliction of puishment prior to conviction.

* * * Unless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning." *Stack* v. *Boyle*, id., 4.

A recent comprehensive study of the constitutional history of bail concludes that the excessive bail clause of the Eighth Amendment "was meant to provide a constitutional right to bail . . ." ** In 1962, the "cruel and unusual punishment" clause of the Eighth Amendment was held to be binding upon the states under the due process clause of the Fourteenth Amendment. *Robinson* v. *California*, 370 U.S. 660, 82 S. Ct. 1417 (1962). The year after that decision, the Court of Appeals for the Eighth Circuit took it "for granted" that the excessive bail provision also applies to the states. *Pilkington* v. *Circuit Court*, 324 F. 2d 45, 46 (1963).

The present Illinois Constitution

The State of Illinois has, in its present Constitution and by its Supreme Court decisions, imbedded into Illinois law the precept that there is a right to bail. The 1870 Illinois Constitution states:

Article II, § 7. All persons shall be bailable by sufficient sureties, except for capital offenses, where the proof is evident or the presumption great; . . .

"Bailable" means only eligibility for admission to bail. It means that the court must give consideration to releasing a "bailable" person on bail; the court, in fact, may deny release of such person on bail if it is of the opinion that no surety will be sufficient to secure his reappearance for trial.

The present Illinois constitutional language provides that all persons shall be eligible for admission to bail except those accused of capital offenses "where the proof is evident or the presumption great." In other words, persons so charged are detained not because they may flee before coming to trial, but because they have been denied the presumption of innocence until proven guilty beyond a reasonable doubt. Thus the accusation itself in Illinois may be sufficient to imprison an individual before trial and before conviction, such being sanctioned by our present constitutional provision on bail.

Other State constitutions

A number of other state constitutions include provision relating to bail which are similar or identical to the language of the Eighth Amendment in the United States Constitution. An example is:

Michigan: *Article 1, Sec. 16*. Excessive bail shall not be required . . .

Many other state constitutional provisions on bail are substantively the same as Illinois', which limits the eligibility for admission to bail based on the charges brought. An example is:

Washington: *Article 1, Sec. 20*. All persons charged with crime shall be bailable by sufficient sureties, except for capital offenses when the proof is evident, or the presumption great.

There are a number of states which combine the two provisions, such as:

Alabama, Article 1, Section 16. That all persons shall before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required.

The proposed Illinois constitution

The present Illinois Constitution, despite the basic concept that a person is innocent until proven guilty, limits eligibility for admission to bail on the basis of the crime charged. This qualification should be eliminated.

The Eighth Amendment to the United States Constitution is concerned primarily with the term "excessive," which concept is not included in the Illinois Constitution but should be.

However, the term "bail," in its legal sense, refers to pre-trial release. In the past, it has also been used to denote the financial surety imposed as a condition to admission to bail. The advent of pre-trial release without requiring financial surety (Release on Own Recognizance) requires a distinction in language for these two concepts. Thus, the use of the term "financial surety" in the language proposed.

To assure that the imposition of bail requiring financial surety will not be used for preventative detention or as pre-trial punishment, a specific statement as to the purpose of requiring financial surety should be included.

A declaration that the sole purpose of requiring financial surety is to assure appearance at trial will eliminate the tendency to like the phrase "excessive" solely to the nature of the charge without considering the financial means available to the accused.

Therefore, The Welfare Council Of Metropolitan Chicago Takes The Position That The Illinois Constitution Should Contain The Following Provision:

ARTICLE —

Bill of Rights

Sec. —. All persons shall be bailable. Financial surety shall be used only to assure the appearance of the accused at trial and shall not be excessive.

Approved by the Board of Directors on December 12, 1969.

INVASION OF PRIVACY

The Welfare Council of Metropolitan Chicago takes the position that: Unreasonable searches and seizures of persons and property, and all interceptions of private communications should be prohibited.

Therefore, the Welfare Council of Metropolitan Chicago takes the position that the Illinois Constitution should contain:

BILL OF RIGHTS

Searches and seizures

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated by any person. No search warrant shall be issued except upon probable cause supported by oath or affirmation, and the place to be searched and the persons or things to be seized shall be particularly described in the warrant.

The right of the people to be secure against any interception of their oral or other communications shall not be violated by any person.

The right of the people to be secure against unreasonable arrest or detention shall not be violated; and no person shall be arrested or detained unless a warrant has issued or unless there is probable cause to believe that the person is committing or has committed an offense.

Evidence obtained in violation of the foregoing requirements shall not be admissible in any civil or criminal proceeding.

And, furthermore, that Section 6 in Article II of the present Illinois Constitution be amended to include the above provision.

This position is taken for the following reasons:

1. While the apprehension, prosecution and conviction of criminals require a governmental power to seize, search and acquire evidence of the commission of crimes, such unfettered power in law enforcement officers historically has resulted in unwarranted and, from the point of view of effective law enforcement, unnecessary official invasions of the person, of property, and of communications intended to be private.

The practice of issuing so-called "writs of assistance" to revenue officers, empowering them in their discretion to search suspected places for smuggled goods, prevailed in the American colonies and in England. There was a similar practice of issuance of "general warrants" for searching private houses for the discovery and seizure of books and papers that might be used to convict their owner for libel. The issuance of general warrants for indiscriminate search and seizure originated in the Star Chamber, where trial proceedings were held in secrecy.

2. Only unreasonable searches and seizures should be prohibited. A reasonable search or seizure, based upon a proper warrant or incidental to a lawful arrest, should be permissible.

Warrants must be issued by a judicial officer. The interposition between the government and the individual of an impartial magistrate and that the warrant may not issue except upon probable cause being established are central to the "reasonableness" of a search or seizure. "Probable cause" has been defined by the United States Supreme Court as follows:

"The substance of all the definitions" of

Footnotes at end of speech.

probable cause "is a reasonable ground for belief of guilt." . . . [T]his "means less than evidence which would justify condemnation" or conviction . . . [but] more than bare suspicion: Probable cause exists where "the facts and circumstances within [an officer's] knowledge and of which [he has] . . . reasonably trustworthy information [are] sufficient in themselves to warrant a man of reasonable caution in the belief that" an offense has been or is being committed.[1]

Likewise, "probable cause" has been required in order to make a lawful arrest.

The "reasonableness" of a search without a warrant but incidental to a lawful arrest lies in the necessity to (1) protect the arresting officer from potential injury by a concealed weapon, (2) deprive the prisoner of a potential means of escape, or (3) prevent the destruction of evidence within the immediate control of the arrested person. In the majority of today's criminal cases in which physical evidence was seized, the search was made without a warrant and incidental to a lawful arrest.

3. A recent development in the area of search and seizure has been the enactment of statutes in some states authorizing seizure of physical evidence without making a formal arrest. The so-called "stop and frisk" laws permit a police officer to temporarily detain a person for questioning upon "reasonable suspicion" or "reasonable grounds to believe" that a crime has been or is being committed. With some variation in terminology, these laws generally authorize a police officer to "frisk" or pat down the outer clothing of the detained person in order to detect, by touch, the presence of a weapon. If a weapon is discovered during such a "frisk," a formal arrest may then be made and a more thorough "search" is permissible incidental to such arrest.

Illinois has recently adopted a "stop and frisk" law which differs significantly from those of other states in that it also permits such action when the police officer believes that the person is "about to commit" an offense.[2] The constitutionality of this law has not yet been tested.

4. Both a "frisk" and a search incidental to a lawful arrest are conducted without issuance of a warrant, but the "frisk" is authorized without "probable cause" under circumstances which would not justify a formal arrest. Proponents of "stop and frisk" legislation maintain that because a "frisk" is less of an invasion upon an individual's person than is a "search" incidental to arrest, a less stringent criteria is permissible, *i.e.*, "reasonable suspicion," which seems to be more than mere surmise but less than "probable cause." (See *People* v. *Peters*, 18 N.Y. 2d 238, 244–45 (1966).)

The core of the matter, however, lies not in whether a less stringent standard should apply to justify a "frisk" than that justifying a "search," but rather in the fact that there is not any actual difference between a temporary detention and a formal arrest in terms of restricting the suspect's freedom of movement. (See *Coleman* v. *United States*, 295 F. 2d 555 (D.C. Cir. 1961)). A person temporarily stopped for questioning is as "arrested" in his ability to resist detention as if he had been formally placed under arrest and should therefore be subject to the same protection against violation of his civil rights. If a person has not acted in such a way as to constitute "probable cause" for a lawful arrest, then a "frisk" authorized upon only the police officer's suspicion is as abhorrent to the principles of personal liberty and security as were the 17th Century general warrants.

5. A mere prohibition of unreasonable searches and seizures has, in many instances, been found to be a hollow statement of a well-intentioned but unenforceable principle. Criminal sanctions against police officers who violate the legal safeguards have proved ineffective. Law enforcement officers are reluctant to take action against overzealous law enforcement. Experience has demonstrated that a prohibition against unlawful activity by law enforcement officers can best be enforced by prohibiting the use of evidence turned up by such unlawful search. If failure to observe legal rules will render fruits of police activity inadmissible as evidence in criminal proceedings, it is likely that the rules will be observed with care.

6. Modern technology, through the development of electronic surveillance devices, has permitted searches to take place which do not involve physical contact with a person or property. While there are technical and legal differences between wiretapping and other means of eavesdropping (such as through a variety of microphones and recording devices, detectaphones, subminiature radio transmitters, etc.), they may be treated together for purposes of comparison with the traditional concept of search and seizure involving physical intrusion.

Most proponents of electronic eavesdropping agree that controls should be imposed similar to those governing ordinary searches and seizures. The real controversy is whether there should be a total ban on electronic eavesdropping or whether it should be permitted under judicial supervision. Apart from their contention that eavesdropping is an essential weapon against crime, particularly in cases of kidnaping, organized crime and official corruption, advocates base their position on the premise that eavesdropping is but an extension of the physical search and seizure and should therefore be permitted under similar rules. They do, in fact, successfully counter many of the prevalent arguments against eavesdropping with analogous situations under lawful searches for physical evidence. For example, it is argued that wiretapping is offensive because it constitutes a "necessarily indiscriminate" electronic search, listening in on all elements of one or more conversations, however innocent. Advocates reply that in a search for physical evidence, a police officer may rummage through private papers and peer into closets, but that the incidental exposure of innocuous privacies does not vitiate an otherwise valid search. Likewise, the surreptitious nature of a wiretap is similar to a lawful conventional search warrant for premises in the absence of its occupants and in such a manner as to avoid subsequent detection.

7. Nevertheless, searches and seizures by means of electronic devices, as opposed to searches and seizures of physical evidence, have one major differentiating characteristic which does serve to legitimate the call for their prohibition, *i.e.*, that the evidence obtained is "testimonial" in nature, taken directly from the accused.

The Fifth and Sixth Amendments of the United States Constitution, as well as Sections 10 and 9, Article II of the Illinois Constitution, protect any person from being compelled in any criminal case to give evidence against himself and guarantee him the assistance of counsel. Evidence obtained by means of an electronic listening device, such as a recorded private conversation, and used or introduced to substantiate guilt of one or more parties to such conversation, may clearly be seen to constitute compulsory self-incrimination, taken without waiver of right to counsel.

8. Laws protecting individuals against unreasonable invasions of privacy originated in colonial opposition to unwarranted searches by revenue officers and customs inspectors, who were administrative rather than police officers. In today's society where there is substantially greater governmental regulation of the lives of individuals, it is ironic that these prohibitions generally do not apply to administrative as well as to law officers. For example, "midnight raids" by case workers seeking entry to determine eligibility of public welfare recipients have been well documented[3] and are undeniably as intrusive upon individual privacy as would be an unwarranted entry by a police officer.

9. Recent literature on invasion of privacy indicates that despite more public attention being focused on law enforcement activity, the most frequent, flagrant, and systematic invasions of privacy are committed by private citizens.[4] The use of private detectives for marital, industrial and labor espionage has been well substantiated.[5] All of the principles supporting a prohibition on unreasonable searches by governmental agents would require the same protection of an individual's privacy and personal freedom from actions by other private individuals.

10. To assist in the enforcement of a legal ban on unreasonable invasion of privacy by governmental administrative officials or by private parties, it is necessary to impose the "exclusionary rule" principle in a similar fashion as that designed to deter illegal activities by law enforcement officers. The proper adaptation of this principle would be to exclude evidence so obtained from admission into both civil and criminal proceedings, which would then include administrative hearings or investigations as well as civil suits.

CONSTITUTIONAL CONSIDERATIONS

The Federal Constitution

The United States Constitution provides in the Fourth Amendment as follows:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

A large body of Federal law has been developed interpreting the foregoing language and setting out rules which must be followed for a search and seizure to qualify as reasonable.

The decision of the United States Supreme Court in *Wolf* v. *Colorado* held that the Fourteenth Amendment's due process of law clause had made the above Fourth Amendment applicable to state action and, therefore, requires the states, in matters of searches and seizures, to adhere to standards which previously had been imposed on Federal law enforcement agencies alone. *Wolf v. Colorado*, 338 U.S. 25 (1949). Accordingly, a single standard has evolved to which all law enforcement agencies must adhere in making searches and seizures.

The exclusionary rule, by which evidence illegally seized is inadmissible as evidence in criminal proceedings, has long been used in the Federal Courts as a method of enforcing adherence to constitutional safeguards. Following *Wolf* v. *Colorado*, the Supreme Court also applied to the states the exclusionary rule through Fourteenth Amendment incorporation. *Mapp* v. *Ohio*, 367 U.S. 643 (1961).

The Fourth Amendment search and seizure provision has recently been expanded in a holding by the United States Supreme Court which bans unauthorized or warrantless electronic eavesdropping or "bugging," or "bugging" authorized by insufficient warrants, as well as unauthorized wiretaps on telephone conversations. *Katz* v. *United States*, 389 U.S. 347, 88 S.Ct. 507 (1967).

In discussing constitutional protections governing search and seizure, a major area

Footnotes at end of speech.

of issue is what constitutes an "arrest." The definition promulgated by a United States Circuit Court seems to set down the clearest statement:

. . . the term arrest may be applied to any case where a person is taken into custody or restrained of his full liberty, or where detention of a person in custody is continued even for a short period of time. *United States* v. *Scott*, D.C. D.C. 1957, 149 F. Supp. 837.

In the same discussion, the Court said that the essence of an arrest is ". . . a restriction of the right of locomotion or a restraint of the person." This definition would include "on the street detention," "stopping and frisking" and other police methods (road blocks, drag nets, etc.) of dealing with or seeking suspected persons. An officer may, of course, ask any individual a question or engage in conversation with anyone, so long as he does not confine or restrain the person without his consent. The hard question is whether the officer can "restrict the locomotion or restrain the person" for a brief period of time for the purpose of questioning him where grounds for arrest are lacking, and "frisk" him for a weapon where probable cause for an arrest does not exist.

In a key case on "stop and frisk," the Court upheld the conviction and said that in showing "probable cause" to justify the particular intrusion, the officer who does not have a warrant ". . . must be able to point to specific and articulable facts, which taken together with rationale inferences from those facts, reasonably warrant that intrusion." *Terry* v. *Ohio*, 88 S.Ct. 1868 (1968). But the Court, in another important ruling, reversed a conviction for possesssion of narcotics since the police officer had no "probable cause" to make an arrest or conduct a search. *Sibron* v. *New York*, 88 S.Ct. 1889 (1968).

Protections of the Federal Fourth Amendment were applied to actions of governmental officials not law enforcement officers by the California Supreme Court in holding that searches by social workers violated the constitutional rights of welfare recipients. The Court held that such raids, even though they were conducted to determine welfare eligibility rather than to obtain evidence for criminal prosecution, transgressed the constitutional limitations of the Fourth Amendment. *Parrish* v. *Civil Service Commission of the County of Alameda*, 425 P. 2d 223 (1967).

The fifth and sixth amendments

Another source of constitutional control of governmental invasion of individual privacy is the Fifth Amendment privilege against self-incrimination. Although the privilege traditionally has been confined to prohibit only the compulsion of testimonial communications from an accused, several justices of the United States Supreme Court have expressed the opinion that the Fifth Amendment, together with the Fourth, covers all private communications with a cloak of privacy that immunizes them from interception by all electronic eavesdropping devices. *Osborn* v. *United States*, 385 U.S. 323, 340–54 (1966) (Douglas, J., dissenting); *Lopez* v. *United States*, 373 U.S. 427, 463–71 (1963) (Brennan, J., dissenting). In another case in which a Connecticut statute prohibiting contraceptive devices for married couples was held to be unconstitutional, the Court identified a Federal constitutional "right of privacy" independent of, but which "emanate[s]" from the "penumbras" of the various provisions of the Bill of Rights. *Griswold* v. *Connecticut*, 381 U.S. 479 (1965). Although the Court did not clearly articulate a constitutional theory of privacy outside the realm of marital intimacies, one commentator has suggested that the rationale of *Griswold* "could be advanced to establish that 'emanations from the Bill of Rights forbid wiretapping and electronic eavesdropping." [6]

The import of the Sixth Amendment right to legal counsel was affected substantially by the United States Supreme Court rulings handed down in the landmark *Miranda* v. *Arizona* decision. The Court declared that before the police may interrogate a person "taken into custody or otherwise deprived of his freedom of action in any significant way," certain warnings must be given which include informing such person of his rights to remain silent and to have benefit of legal counsel during interrogation. The Court pointed out that:

. . . a heavy burden rests on the government to demonstrate that the defendant knowingly and intelligently waived his privilege against self-incrimination and his right to retained or appointed counsel. *Miranda* v. *Arizona*, 384 U.S. 436, 475–76 (1966).

A fundamental principle of the American adversary system is that the prosecution must bear the entire burden of proving guilt. To prevent a suspect from becoming the instrument of his own conviction, *Miranda* contemplates "roughly equivalent adversaries" in the interrogation process by making available to the defendant the tactical advice of counsel.

Though *Miranda* was not directed toward pre-arrest investigatory practices, the principles established, particularly that governing the protection of a defendant from unknowingly becoming the instrument of his own conviction, have great implication on the use of electronic eavesdropping devices to obtain oral evidence for criminal prosecution.

The present Illinois Constitution

The 1870 Illinois Constitution contains the following provision:

Article 11, § 6. Searches and Seizures. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated; and no warrant shall issue without probable cause, supported by affidavit, particularly describing the place to be searched, and the persons or things to be seized.

The 1818 Illinois constitutional provision on searches and seizures was readopted in 1848 without change. It provided that: (1) people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and (2) general warrants authorizing search of suspected places without evidence of the fact committed, or seizure of any person not named whose offenses are not particularly described and supported by evidence, are dangerous to liberty and "ought not to be granted."

The 1870 provision, above, substituted "effects" for "possessions," introduced specifically the "probable cause" and affidavit requirements for issuance of warrants, and mandated that warrants particularly describe the place to be searched, and the persons or things to be seized, eliminating the somewhat innocuous and ambiguous phrase that general warrants "ought not to be granted."

While the Illinois Constitution is silent on the subject of electronic eavesdropping, the same had been in the past prohibited by statute, but is now permitted with the consent of one party and at a state's attorney's request, but without requiring a warrant. (Ill. Rev. Stat. 1969, Ch. 38, § 14–2).

The absence of specific constitutional provisions specifying circumstances when arrest is authorized has placed the subject within the scope of legislative action. As mentioned earlier, Illinois' "stop and frisk" law has not yet been constitutionally tested.

The so-called "exclusionary rule" by which evidence illegally seized is inadmissible in evidence has long been used in Illinois Courts as a method of enforcing adherence to constitutional safeguards, although there is no Illinois constitutional provision on this.

Other State constitutions

State constitutions, generally, as is the case in Illinois, contain provisions similar or identical to the Fourth Amendment to the United States Constitution. The only constitutions which contain provisions on wiretapping or electronic eavesdropping are those of New York and the Model State Constitution, promulgated by the National Municipal League. These provisions are:

New York: Article 1, Sec. 12. . . . The right of the people to be secure against unreasonable interception of telephone and telegraph communications shall not be violated, and ex parte orders or warrants shall issue only upon oath or affirmation that there is reasonable ground to believe that evidence of crime may be thus obtained, and identifying the particular means of communication, and particularly describing the person or persons whose communications are to be intercepted and the propose thereof.

Model State Constitution: Article I, Sec. 1.03(b). The right of the people to be secure against unreasonable interception of telephone, telegraph and other electronic means of communication, and against unreasonable interception of oral and other communications by electric or electronic methods, shall not be violated, and no orders and warrants for such interceptions shall issue but upon probable cause supported by oath or affirmation that evidence of crime may be thus obtained, and particularly identifying the means of communication and the person or persons whose communications are to be intercepted.

Sec. 1.03 (c). Evidence obtained in violation of this section shall not be admissible in any court against any person.

In 1968, Maryland proposed a revised constitutional provision which integrated requirements for electronic eavesdropping with existing protections against unreasonable searches and seizures of physical evidence:

Maryland: (Proposed) Article I, Sec. 1.08. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures and in their oral or other communications against unreasonable interceptions shall not be violated. No search warrant shall be issued except upon probable cause supported by oath or affirmation, and the place to be searched, the persons or things to be seized, or the communications sought to be intercepted shall be particularly described in the warrant.

Hawaii, in adopting a new constitution in 1968, did not include a provision on wiretapping or eavesdropping. It should be noted, however, that Hawaii has a statute which is an absolute prohibition of wiretapping and eavesdropping in the state, applying to private persons as well as law enforcement officials and with no exceptions for search warrants.[7]

The proposed Illinois Constitution

The continued use of the same basic language as employed in the Fourth Amendment to the United States Constitution, and in the present Article II, Section 6 of Illinois Constitution, would eliminate the need for new and possibly different legal interpretations of what conduct is permitted and what conduct is prohibited relating to search and seizure.

However, the inclusion of language specifically applying such legal requirements to

Footnotes at end of speech.

actions by other than law enforcement officials is necessary. Likewise, a specific prohibition of the interception (electronic or otherwise) of communications would make clear that such techniques are not included within the scope of conventional search and seizure.

The pre-"stop and frisk" arrest statutes have proved over the years to permit effective law enforcement while affording protection to persons from unreasonable searches, seizures and detention. The requirement of "probable cause" relating to searches and seizures is constitutionally guaranteed at both the Federal and state levels and has been applied to arrests by the Supreme Court. Since state legislatures have circumvented this protection to some extent by authorizing "temporary detention" or "stop and frisk" on less than "probable cause," basic ground rules specifically relating to arrest and detention, therefore, need to be included in the constitution.

Express inclusion of the "exclusionary rule" prohibiting use in evidence of fruits of illegal searches would strengthen and make more meaningful and enforceable the constitutional safeguards themselves. The language has been drafted so as to prohibit use by any person in any civil or criminal proceeding of the fruits of violation of such constitutional safeguards.

Therefore, The Welfare Council of Metropolitan Chicago Takes The Position That The Illinois Constitution Should Contain The Following Provision:

ARTICLE —.

Bill of Rights

Searches and Seizures.

Sec. —. The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated by any person. No search warrant shall be issued except upon probable cause supported by oath or affirmation, and the place to be searched and the persons or things to be seized shall be particularly described in the warrant.

The right of the people to be secure against any interception of their oral or other communications shall not be violated by any person.

The right of the people to be secure against unreasonable arrest or detention shall not be violated; and no person shall be arrested or detained unless a warrant has issued or unless there is probable cause to believe that the person is committing or has committed an offense.

Evidence obtained in violation of the foregoing requirements shall not be admissible in any civil or criminal proceeding.

And, furthermore, that Section 6 in Article II of the present Illinois Constitution be amended to include the above provision.

Approved by the Board of Directors on January 21, 1970.

FOOTNOTES

*1 Stat. 91, Sec. 33 (1789).

**3 Foote, *The Coming Constitutional Crisis in Bail*, 113 U. Pa. L. Rev. 959, 987 (1965).

[1] *Brinegar* v. *United States*, 338 U.S. 160, 175–176 (1949).

[2] *Ill. Rev. Stat. 1967, Ch. 38, § 107–14 and § 108–1.01.*

[3] See generally Reich, *Midnight Welfare Searches and the Social Security Act*, 72 Yale L.J. 1347 (1963). A recent survey of a Negro ghetto of an industrial city showed, for example, that while nearly 90 percent of the welfare recipients interviewed believed that there are laws which give a person the right to refuse entry to anyone who does not have a search warrant, only half of them had any conception of themselves as "rights-bearing" citizens with the power to challenge entries of a social worker on a night visit. Briar, *Welfare from Below: Recipients' Views of the Public Welfare System*, 54 Calif. L. Rev. 370, 382 (1966).

[4] *N.Y. Post*, January 3, 1967, p. 35, col. 1.

[5] See generally Dash, Schwartz & Knowlton, *The Eavesdroppers* (Rutgers University Press, New Brunswick, New Jersey: 1959).

[6] McKay, *The Right of Privacy: Emanations and Intimations*, 64 Mich. L. Rev. 259, 278 (1965). "If there is a right to marital privacy in the home, why should there not be as well a right of privacy in the home or place of business against the unwelcome intrusion of uninvited participants in conversations intended to be private?" *Ibid.*

[7] *Hawaii Constitutional Convention Studies, Article I: Bill of Rights* (University of Hawaii, Honolulu: July, 1968) pp. 75–6.

MY PERSONAL BUILDING

HON. SAM STEIGER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. STEIGER of Arizona. Mr. Speaker, in this day when many Americans are inclined to generalize and decry U.S. youth, Miss Karyn Lawrence submitted an impressive statement to the Veterans of Foreign Wars Voice of Democracy contest. The maturity and sense of personal responsibility displayed in "My Personal Building" are indeed telling rebuttals to those who would shortchange our youth's qualities.

Miss Lawrence's entry follows:

MY PERSONAL BUILDING

(By Karyn Lawrence, Flagtaff High School, Flagstaff, Ariz.)

I am part of a vast organization, engaged in the construction of a single building. I am building myself. The type of government under which I operate has given me this building permit. The strong foundation of education was made possible by the society in which I live. I am protected by government guarantees.

Thus far my growth has been guided in keeping with social standards. My development has been encouraged to expand along certain ideals. My building materials have been provided and sometimes even placed for me as I watched on discovering how and why. As my knowledge enlarged, so did my responsibility to secure my own materials and direct my own growth. I have the ability now to build my future, and I have the freedom.

Each day's existence is a manifestation of this. Where I am living, whom I associate with, what I am saying, what I am reading, what I am writing, what I am thinking are all by my own choice.

The freedom of growth and change are also mine. I am exposed to or I may search myself to find old, new, and conflicting ideas and beliefs. I then decide whether or not to incorporate such ideas and beliefs into my structure.

The contract that I have with my organization protects my individual right. But with this contract are also my unwritten obligations and the responsibility of forming my own codes. It is up to me to be well informed and to understand the public issues. I can prepare myself for the future role of a full pledged citizen by involving myself now in youth organizations. As a member of these groups, I am able to help raise funds for worthwhile projects, and become part of a stronger voice in community affairs. As a person, I know that it is possible for me to bring attention to needed improvements in my school and community, and suggest ideas for their betterment. By being fair and courteous and by trying to prevent injustices within my own circles, I will set sturdy examples for others around me.

My life has been bought with credit. I owe a great deal to those who purchased my future by paying with their lives. I am and always will be in debt. Now that our country has been paid for, it is my job, and the job of my generation, to insure its future so that later generations will continue to prosper.

Each of us has his own responsibility to defend his way of life, to build his own building. His own building can survive only with the protection of all. We must acknowledge our obligations as citizens, and live up to them.

As a citizen, and as a person, I have not yet reached my potential. My building is still incomplete. But whether or not I attain what I am striving for, I hope that my building will serve as a model for others, and that others will benefit from my having lived.

I must recognize and appreciate what I have, and be willing to defend this inheritance. I must fulfill my obligations as a citizen and as a person.

Then perhaps one day in my life I shall reach the completion of my personal building begun for me in my youth. Perhaps with the help of the freedoms my country has given me, and the protection it has provided, and the challenge that freedom constantly hurls at all young Americans, perhaps then, I can finally say, "At last, I am!"

RECOGNITION OF INTERNATIONAL EXPERT

HON. PAUL J. FANNIN

OF ARIZONA

IN THE SENATE OF THE UNITED STATES

Thursday, March 12, 1970

Mr. FANNIN. Mr. President, recently, in consideration of the international trade question I have encountered, by reputation, a very outstanding man of impeccable credentials who has studied our international situation, with regard to commerce, exhaustively.

Dr. Walter Adams has often consulted with committees of Congress and appeared as an expert witness before those committees. He is an outstanding author and internationally recognized authority in his field of economics and has most recently served as president of Michigan State University.

As an interesting sidelight, Dr. Adams was petitioned by the student body at his school to stay on as president, even though he had indicated he was taking the job only on an interim basis. In a day when college presidents are resigning because of student body action, this is indeed a welcome note.

I find also, Mr. President, that Dr. Adams was accorded a singular tribute by the Michigan Legislature last December. I ask unanimous consent that the resolution be printed in the RECORD.

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

STATE OF MICHIGAN, JOURNAL OF THE SENATE, 75TH LEGISLATURE, REGULAR SESSION OF 1969

Senate Chamber, Lansing, Thursday, December 18, 1969. 10:00 a.m.

A message was received from the House

of Representatives transmitting House Concurrent Resolution No. 304.

A concurrent resolution for President Walter Adams, Michigan State University.

Whereas, Dr. Walter Adams, Distinguished Professor of Economics and who served as Acting President of Michigan State University from April 1 to December 12, 1969, was named the thirteenth President of the University by the Board of Trustees in recognition of his superior leadership. President Adams will serve until the president-designate, Clifton R. Wharton, Jr., takes office January 1, 1970; and

Whereas, A further tribute was tendered Dr. Adams December 12, with his appointment as Distinguished Professor to become effective January 1, 1970, when he resumes his post as economics educator; in 1960 he was awarded a Distinguished Faculty Award, the highest honor the University bestows on a faculty member, and received outstanding teaching awards from Excalibur, a student honor society, and from the MSU Veteran's Club; and

Whereas, Dr. Adams, an educator in the field of economics for a quarter-century, was a member of the faculty at Yale University in 1945 and joined the Michigan State University faculty in 1947. A nationally known economist and regular consultant to the Federal Government in both chambers of the Congress of the United States, Dr. Adams was the appointee of two Presidents to the U.S. Advisory Commission on International Educational and Cultural Affairs; and

Whereas, The author of several books, three of which have been translated into foreign languages, his most recent study is "The Brain Drain"; and Dr. Adams has contributed numerous articles to professional journals, including the American Economic Review, the Quarterly Journal of Economics, the Yale Law Journal and others; and

Whereas, Born August 27, 1922, Dr. Adams was educated in New York City's New Utrecht High School, in Brooklyn College to receive the B.A. degree magna cum laude in 1942 and at Yale University received the M.A. degree in 1946 and a year later, the Ph.D. degree when he was twenty-four years of age. His graduate studies had been interrupted by World War II service in the U.S. Army in 1943–1945, and he was commissioned on the battlefield, to complete combat service as aide-de-camp to the Commanding General of the 11th Armored Division, participated in the Battle of the Bulge and among other awards, received the Bronze Star Medal for heroic conduct; now therefore be it

Resolved by the House of Representatives (the Senate concurring), That by these presents Dr. Walter Adams, Thirteenth President of Michigan State University, be unanimously accorded tribute to express a portion of the immense affection and esteem so widely held for him by colleagues, students and The Michigan Legislature.

The message informed the Senate that the House of Representatives had adopted the concurrent resolution; in which action the concurrence of the Senate was requested.

Pursuant to rule 32 the concurrent resolution was referred to the Committee on Senate Business.

FIFTY-SECOND ANNIVERSARY OF LITHUANIAN INDEPENDENCE

HON. DANIEL J. FLOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. FLOOD. Mr. Speaker, it gives me great pleasure to insert in today's CONGRESSIONAL RECORD translated excerpts from the speech delivered by the Honorable Joseph Kajeckas, Charge d'Affaires of Lithuania, on the occasion of the 52d anniversary of the declaration of Lithuania's independence at a commemoration held at the Hotel Washington, Washington, D.C., on February 15, 1970.

Excerpts follow:

EXCERPTS

Today is the fifty-second anniversary of the twentieth-century proclamation of the Lithuanian will to be independent and free.

Though the flowering of Lithuanian freedom was thwarted at the beginning of the Second World War and thereafter by the armed might of the Soviet Union and its lust for territorial gain and human vassals, we see on this occasion that there have been many things which have altered the world situation since Lithuania was enslaved in 1940.

History teaches many lessons, and one of the principal ones with regard to government is summed up in the phrase "sic semper tyrannis." It can, in other words, be reasonably assumed that the urge to tyranny is doomed to failure because of mankind's urge to be free and unfettered by artificially contrived systems and ideologies.

It is almost amusing to note, after so many years of Communist history, that the Soviets and the Red Chinese cannot live together amicably. This fact has to stand, I think, as one of the century's major comic surprises—but I suppose we could have been prepared for such a sweeping conflict by the internal struggles within the Soviet Union itself. Where is Stalin's body today? Exhumed from the Lenin tomb and dumped at the base of the Kremlin wall. Where is Stalin's daughter? Living in a land which her father's successor, Khrushchev, promised to bury. For that matter, where's Khrushchev? Where's Bulganin? Where's Beria? And where will Kosygin be tomorrow? I think we can safely say that, when Russian and Chinese soldiers end up shooting at each other across the glacial mists, the rigid and brave optimism which many of us have maintained through the chilling and difficult years of the cold war has been fully justified. There are surprises in history, and they tend to work in favor of people who love freedom and labor steadfastly to insure its survival.

Although all the men who signed the Lithuanian Declaration of Independence on February 16, 1918, have died, their descendants, people of the bravery and devotion to duty of the late Alexander Stulginskis, have continued to safeguard the tradition of freedom to which those original signatories pledged their whole being. An outstanding example of Lithuanian patriotism is present in our midst in the person of Kazys Skirpa. As we honor him on his seventy-fifth birthday, we pay tribute to all those who have inspired him and who have drawn inspiration from him in the service of his native country.

The friends and fellow-patriots of Alexander Stulginskis provided a fitting example to the loyalties of men who were to follow in their footsteps. They insured the success of the democratic enterprise in Lithuania between 1918 and 1940.

When the brutal and genocidal forces of the Soviet state viciously put an end to one of the most ennobling chapters in eastern European history, there were men in my homeland who remembered Alexander Stulginskis, who remembered Kazys Skirpa, who remembered Vytautas, and Myronas, and Msgr. M. Krupavicius. It can indeed be said that such noble Lithuanians who have been exemplars in their steadfastness in the cause of liberty have provided an abiding reminder to all of those blessed with the Lithuanian heritage that, in the words inscribed on the Lithuanian Liberty Bell, "Those who are not willing to fight for freedom are not worthy of its blessings."

On this occasion, Lithuanians everywhere are deeply indebted to their American friends for continuing to espouse the rightful aspirations of Lithuanians to regain freedom and independence. We are especially grateful today to Secretary of State William P. Rogers for his expression of support of America for these just aspirations of my people.

As the Secretary put it to me in a letter I received several days ago:

Americans sympathize deeply with the Lithuanians' desire to determine their own destiny. By its policy of non-recognition of the Soviet Union's forcible incorporation of Lithuania, the United States Government affirms its continuing belief in the right of the Lithuanian people to self-determination.

The Lithuanian people, grateful to their friends and dedicated to their ancestral inheritance of freedom, readily take an example from the people of ancient Judea, who wished only to return to Jerusalem. We wish only to return to free Vilnius.

REGIONAL WATER MANAGEMENT

HON. FRANK E. MOSS

OF UTAH

IN THE SENATE OF THE UNITED STATES

Thursday, March 12, 1970

Mr. MOSS. Mr. President, in the accelerating dialog on how to improve the quality of our environment, we are hearing a great deal about how to turn back the tide of pollution in our air and our water, how to relieve population pressures through the location of new cities, and how to stop the decay of our countryside generally.

All of these are of great importance. But we have heard very little about the importance of overall water management in the environmental crusade. This, as Senators know, has been of particular concern to me, and I have long been an advocate of continentwide water management, the so-called NAWAPA concept, and of interbasin water transfers in this country; that is, of the transfer of domestic water from water-surplus to water-short areas.

I have also held that efficient management of our water resources, and of all of our other natural resources, could not be achieved on a Federal level until all programs relating to all of our natural resources were brought into a single Department of Natural Resources and the Environment.

It was my privilege recently to discuss continentwide planning on water resource development in Ottawa, Canada, on the TV program, "Encounter," where I tried to make these points.

I was very much interested, therefore, when I received a paper written by Mr. Lewis G. Smith, a water resources consultant in Denver, Colo., which discusses population dispersal in terms of regional water supplies and land use, and refers to some of the plans now under consideration to use some of the Arctic-flowing waters in Canada and Alaska as a practical way to help solve environmental problems in this country.

I ask unanimous consent that the article by Mr. Smith be carried in the Extensions of Remarks.

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

REGIONAL WATER MANAGEMENT KEY TO IMPROVING THE NATION'S QUALITY OF ENVIRONMENT

(By Lewis Gordy Smith)

"Improving the quality of the environment" has become a maxim of the 70's. It must remain our prime obsession from now on.

The roots of environmental stress lie deep in our own human nature. Abuse of the natural environment springs from the same callous mentality which engenders abuse of our fellow man. An element of modern refined barbarism prevails in both cases. Environmental reform calls for no less than a reform in the individual's whole attitude and concern for his exterior world which sustains him and makes life meaningful for himself and for his fellow men everywhere.

Long term improvement in the quality of environment in our nation, where over 90% of the inhabitants are addicted to urban living, means, for most of us, improving the qualities of our cities. It means a new direction in the way existing cites are allowed to grow and new cties are built. Proper environmental care is just good housekeeping on a larger scale. Today's good housekeepers need to look out the window more to see what is happening to their larger home: first, the city; then, the region; the continent; and, finally, the spaceship "Goodearth."

Urbanism is here to stay but, hopefully, not entirely in its present form. Perhaps the greatest indictment of most large cities is that of sheer size which, after a point, becomes self-defeating. At some point the diseconomy of scale enters in, imposing impossible financial burdens on city budgets and a compounding of social ills. Statistics show that excessive urbanism has its dementing effect on persons: more crime, mental illness, dropouts, and suicides, are spawned in the older city centers than in the suburbs or countryside. Population dispersion into smaller optimum-size cities, many of them preplanned and built new, seems to be a substantial part of the solution.

A strong case for new cities is made by Gus Tyler. In his excellent analysis he says:

"We cannot juggle the 70 percent of the American people around on 1 percent of the land area to solve the urban mess. We are compelled to think in terms of new towns and new cities planned for placement and structure by public action with public funds. 'All of the urbanologists agree,' reported Time amidst the 1967 riot months, 'that one of the most important ways of saving cities is simply to have more cities.' The National Committee on Urban Growth Policy proposed this summer that the federal government embark on a program to create 110 new cities (100 having a population of 100,000 and ten even larger) over the next three decades. At an earlier time, the Advisory Commission on Intergovernmental Relations proposed a national policy on urban growth, to use our vast untouched stock of land to 'increase, rather than diminish, Americans' choices of places and environments,' to counteract our present 'diseconomics of scale involved in continuing urban concentration, the locational mismatch of jobs and people, the connection between urban and rural poverty problems, and urban sprawl.' "

Along with such proposals for large numbers of future new cities consideration must be given to their systematic location with respect to water supplies and the whole present interwoven complex of land, air, and water defilement.

Looking to a more viable urban environment, our goal for all America should be some practical combination of city and countryside, to enable the administrative, cultural, business, and social functions of municipalities to be retained, along-side the more nature-oriented rural open spaces. This could mean more of the "Garden Cities" of Ebenezer Howard. But if we were to build new cities at the average rate of one per month, each to accommodate 250,000 persons, just to keep abreast with our present population growth, most of these cities must have a generous number of multiple-story buildings in order to minimize the cannibalization of farm land as we steer down the century ahead.

The foremost imperative, now widely recognized, in an approach to quality environment for all, is population growth suppression. Our new quality environment in the cities has to be built from basic mineral, water, and plant-life resources of the countryside. An ever-expanding population through the years will bring on an increasing disparity between numbers of persons and available resources, tending ultimately to lessen the average per capita share. This could lead to reduced standards of environment. Thus, long term enhancement of the environment requires an interrelated program aimed at population stabilization and population dispersion. Even if the population were stabilized today, population dispersion would be a worthy national goal just to alter conditions in the existing larger cities. But stabilization could be a long way off even under present drives to limit family size. Dr. Daniel P. Moynihan stated on a CBS television program, January 25, 1970, "There is no government in history that has ever had any effect whatever on population." Might competition between ethnic groups for progeny and control tend to offset stabilization programs?

A fact which must be reckoned with is that many additional numbers of persons will be added before our U.S. population can, hopefully, be stabilized. We can expect an additional 100 million persons 30 years from now. Even at greatly reduced population growth rates there might be some 300 million additional persons 100 years hence. If quality of environment is to have meaning for these, our immediate progeny, we must become concerned for them *now* from the standpoints of water, air, food, fiber, and desirable living space. A question here is, are we as a species going to arrive, through political and technological accommodation, at some sort of permissive balance between numbers of people and availability of resources, renewable and otherwise, with some recycling of resources; or are we going to continue blindly down the dinosaur trail of expansion to the point where the species is reduced or obliterated naturally by repressive environmental situations which the ecologists tell us operate ultimately to halt the expansion of any continuously growing organism within the ecosystem? This question has, of course, its continental and world wide implications.

Population pressures are already generating a growing interest in and need for *regional land use zoning*. The aim is to avoid perpetuation of past and present land use practices, particularly with regard to the manner of locating cities in ways which contribute to the present water quality and environmental dilemma. In times past it was expedient and acceptable, from a standpoint of water supply, industry, and transportation, to locate successive cities near the banks of rivers, and in the flood plains, and to use the river as a common sewer. The proliferation of this practice has come to haunt us today. Gene Bylinsky, writing in Fortune Magazine, makes a penetrating analysis of the water pollution problem. He estimates that two-thirds of all water degradation comes from manufacturing, transportation, and agriculture.

These riverine cities, particularly those near the lower end of a large river system, are having to cope with increasing loads of water pollutants in gaining their water supply. Today, where water is removed directly from a stream for city use, much of the sludge, from both the initial water treatment and from the later treatment of the city's sewage, eventually finds its way back into the water course.

The sludge from water treatment has to be placed on the land, where part of its nitrates, phosphates, and other minerals can be recirculated in the food-waste cycle; but some will be redissolved by rainfall and flushed back into the stream. Even if the sludge were dried and incinerated to produce heat energy, the combustion products in the air eventually return by rain to the soils and finally into the streams. Because of the general eastward movements of air masses the air pollutants tend to build up in the east so that eastern streams would stand, in general, to reap more fallout from air pollution than the western streams.

The above statement also relates to proposed desalting or demineralization of inland waters under water reuse programs. Where are the removed salts and minerals going to be placed? Will they be transported by rail and dumped into the sea, stacked in bins to defile the landscape, recycled as much as possible, or allowed to leach back into the water course further downstream? Such demineralization and desalting of existing inland waters for reuse will probably become necessary soon as the more immediate means of extending fresh water availability in many areas, even if the products removed have to be hauled to the sea. There is, however, a limit to water reuse under recleaning as a means of augmenting the supply: in addition to the sludge disposal problem mentioned above, approximately one-third of the water, on the average, is lost to the atmosphere on each use.

Thus, in the long pull, despite all the push to "clean up the water," the cities on the lower reaches of streams will have continual water quality problems, particularly as the population of human beings and farm animals increases upstream. This is the inexorable consequence of rainfall on uncontrolled sources of pollution such as city streets and animal feed lots. It has been estimated that in the U.S. waste from farm animals is ten times that of human waste. Some of the wastes can be recirculated in the food-waste cycle, but not all, particularly those wastes from concentrated sources (such as feed lots) lying adjacent to streams. The present water quality impasse in the lower reaches of river basins points up the fact that we are beginning to come face to face with the reality of the exponential equations or laws of compounding effect.

Ultimately, in some of the river systems of the nation we may have to establish points which mark a transition from the upper, less polluted section providing the water supply function, with water supplied to cities by means of man-made aqueducts taking from the stream, and the lower section performing the natural sewer function of last-time disposal of excess and unwanted effluents deriving inevitably from mass human habitation.

The ideal, but certainly not the most practicable, arrangement regarding the future locations of cities with respect to water supplies on a regional basis would be to have a minimum of habitation in the head-waters of a river system and to have the purer head-waters conveyed in a closed aqueduct system to lines of new cities located as much as possible on the higher land of the terrain rather than close to the streams. This arrangement would allow the nutritive wastes from the cities to be placed for recycling in part on the agricultural land lying between the cities and the low points in the regional drainage.

Present patterns of habitation in head-water areas of river basins in the U.S. preclude, for the most part, the preservation of head-waters in pristine purity. Only in the steeper mountain ranges themselves do we find, generally, streams pure enough to be used without treatment. We need to preserve even more of our areas in head-water wilderness and wild streams, not so much so that a few vigorous outdoorsmen can occasionally enjoy an inviolate natural sanctuary, but so that many persons can enjoy a less violated water supply further downstream. About the only real opportunity to separate the water supply function from the drainage and effluent disposal function, *on a regional basis,* is to look to a part of Arctic-flowing waters in Canada for regional augmentation—from source areas which are not now populated and which possess climatic and land conditions which are not conducive to future mass habitation. Regional water augmentation concepts for the west and midwest regions, based on bringing Arctic-flowing water southward for use in Canada and the U.S., were advanced by the author in 1968.

In the western half of the U.S. we find large tracts of land suitable for new cities, lands which lie in a sort of middle ground, not in the headwater collecting areas, not at the lower end of rivers, and not valuable farm land which should be preserved against the encroachment of cities. But at the same time these western lands do not have access to the water needed to make them usable for other than range land. There are vast areas of magnificent open plains and valleys, in the states of New Mexico, Utah, Nevada, Arizona, Wyoming, southeastern California and eastern Colorado, which were more or less passed over during the western migration because of a simple lack of water. The greater mass of contiguous under-used land lies on the High Plains east of the Rockies in the heart of the nation. Also, in some areas, such as the High Plains of west Texas and the Phoenix area of Arizona, lands were occupied in the westward movement because of once abundant ground water, but are in real trouble today as the ground water approaches exhaustion. Where the groundwater extraction exceeds the replenishment by nature or by artificial means, it cannot be considered as a long-term supply.

Given dependable water supplies, these western dry areas would make ideal locations for new farming and light industrial communities under the new emerging concept of rural-urban symbiosis.

A regional water augmentation system could be arranged where water would be fed from closed aqueducts to new cities on higher ground and on valley rims, with the nutrients from city wastes, along with municipally used water, applied to agricultural lands downslope where some of the waste nutrients could be recirculated. Much of the imported water would be used for "environmental irrigation" in the cities. The skeleton of a regional aqueduct system must come first, to provide the framework for the location of the new cities on a regional basis. This amounts to an attempt to separate as much as possible the fresher water from the waste-laden water on a regional basis, similar to our separation of fresh water from sewage in a city. The aqueduct water will not necessarily be potable, however, and may require some treatment before it can be safely used municipally.

These new western communities could assist greatly in a national movement toward population dispersion, absorbing a new wave of migration from eastern areas. Such communities would also have the special advantage of being near (but not in) the great scenic and recreational grounds of the Rockies and the Colorado Plateau. At the same time they could assist in relieving the rapidly compounding eastern environmental problems by a reduction in the concentration of people. In other words, western water augmentation for the specific objective of new cities would be for the benefit of the east and west alike, as long as we have freedom of movement across state lines.

Already serious considerations are being made of ways to collect and convey southward some of the Arctic-flowing water for the future needs of the Canadian Prairies and western United States. An initiative for this undertaking is being generated in Canada where there is a growing awareness of the great economic self-interest involved in Canada's selling a portion of this great *renewable* resource: it might make even more long-term economic sense than the exportation of her exhaustible resources of coal, oil, and gas.

Contrary to popular belief, new water supplies might come less expensively, and in the magnitude required, from the Arctic-flowing fresh waters of northwest Canada, than from desalting seawater and conveying it inland. The apparent advantage of fresh water transfer over desalting, as the next major augmentation measure, is better than ten to one. Furthermore, the waste heat from the 238-odd nuclear desalting and power plants, with fresh water capacities of 150 million gallons per day, required to desalt the same amount of water as imagined for importation, would create severe coastal ecological problems. Finding suitable locations for such plants in a way to enable systematic distribution to the inland west would be an even greater problem.

The Liard River System, in northeast British Columbia and in the Yukon and Northwest Territories, is looked upon as the source area most likely to be shared by Canada. This is because the river's size and strategic location would enable it to supply water, in the simplest way, to both the Canadian Prairie Provinces and western United States. It has an annual flow of some 60 million acre-feet at its mouth where it joins Mackenzie River which, in turn, discharges over 300 million acre-feet, annually, into the Arctic Sea.

Canada, and principally British Columbia, could benefit in many ways under this joint undertaking. The main economic attraction would be the simple sale of surplus, renewable water and power resources from the remote areas of northern British Columbia and the Territories—a region which does not lend itself as do other areas of Canada for permanent *mass* human habitation. The sale of these resources, under Canadian control at all times, would provide Canada the necessary long term capital to develop better and faster these same resources for her own use. While these raw resources might leave the country, the wealth from them would flow back into Canada, and to the extent required, into the specific region of origin.

The construction in Canada of the necessary dams, power plants, pump plants, transmission lines, construction communities, airfields, and access highways, under a systematic preplanned network of total long range but flexible planning, would open these remote areas of resource origin for other development, encouraging the growth of a development corridor extending from present inhabited areas of Canada to Alaska. The present Alaska highway would become only a part of a network of highways within the development corridor.

This new development corridor to Alaska would tend to encourage much more overland tourist and commercial travel through Canada between the lower 48 states and Alaska. This would mean more U.S. tourist and commercial traffic dollars for western Canada.

Arctic-flowing waters from the same areas of origin as considered for export to the U.S. could also be diverted southward for expanded use on the Prairie Provinces. New water will be needed there in the future for the same objective of population dispersion as in the U.S. They will need additional water for environmental irrigation in connection with municipal growth, cooling water ponds for fossil fuel power plants, ordinary municipal and industrial use, some agricultural irrigation, perhaps in covered, climatically-controlled areas using waste heat from thermal power plants to extend the growing season, and for future use in connection with the hydrogenation of coal to produce petroleum products synthetically. A joint financing of the development of the source areas would enable Canada to achieve these objectives with less financial strain. Revenue from the sale of water and power could help finance the new infrastructures on the Prairies.

It appears that the most expedient route for conveyance of Arctic-flowing water southward for the Prairies, under an exchange system, and for export to western United States, is the Rocky Mountain Trench. By deep dredging and the construction of low-head lift plants, a smooth water surface, to be no higher than existing flood levels, could be created in a scenic setting unmatched on this continent. This could become a magnet for tourist dollars, both Canadian and U.S. This entire valley should be dedicated to scenic and recreational values, with no commercial navigation permitted, such as would attract industry tending to pollute the water, the atmosphere, and the scenery.

Water from the Liard diverted southward through the Trench would enable a higher consistent operating power head on the existing Bennett power plant on Peace River and on the Mica power plant under construction on the Columbia.

Some water from higher elevations from the Laird might be lifted in the name of pumped-storage power, and passed down through all the existing plants on Columbia River to provide additional Canadian entitlement to downstream benefits on the Columbia within the United States.

More water passed down the Columbia would sooner justify the construction of Downey and Revelstoke dams and power plants on the Columbia, the power from which, when in surplus, could be sold to the United States for pumping needs in the United States in connection with the water export plan. British Columbia would find a ready market for any hydroelectric power she could generate for export.

Some Canadians have questioned whether their best interest lies in exporting some of these basic resources or holding them against the day when they might want to use them within the country to produce finished industrial products, thus upgrading the raw materials through the addition of human skill. Basic to such a long-term consideration would be the question, do the climate and terrain, say of British Columbia (which is mostly mountainous and the prime source area) lend themselves ecologically to an influx of people and industry, recognizing that both bring environmental problems? Would not their land, from an overall continental land-use zoning consideration, be better off in many respects if its economy were based principally on tourist attraction, in which it is without parallel, and on the export of some of its raw natural resources including water and hydroelectric power?

The water distribution system imagined for the western states under Canadian export contemplates providing new water supplies to each of the seventeen "reclamation" states, even to the Columbia River basin states whose supplies are generally adequate today but may not be in the future. A large pump-storage element in the concept could be attractive to the Pacific Northwest power systems.

A main storage reservoir, at the head of

the entire distribution system in the western states, might be located in Centennial Valley in southwestern Montana. From this reservoir, water could be distributed systematically to those areas of greatest need and potential, making maximum use of existing river channels where possible in headwater areas, even to the extent of enlarging them in places to provide greater carrying capacity. This main reservoir, with an active capacity of about 50 million acre-feet, would be at elevation 7,000 feet, and could be utilized as a means of storing periodic excesses of power in the region by pumping water to this higher elevation. About two thirds of this pumping energy could be recouped as the water passed through power plants at water-drops within the distribution system. In any event, a certain amount of pumping would be required simply to get the water to flow.

In conjunction with the water system, a major electrical transmission system could be tied in with new large dual-purpose thermal power generating plants looking, hopefully, for a breakthrough on nuclear "fusion" energy. Greater operating efficiency of the aqueduct system would be obtained by performing much of the pump lifting during off-peak hours of the connected power system, and passing the water through the power falls during the peak hours. Many large and small reservoirs located enroute sections of the aqueduct could provide operating flexibility, enabling operating "breaks" in the aqueduct system. Operation could thus be segmented but all could be under central control. About two year's water supply could be contained in all the many holding reservoirs within the system.

Rainfall in much of the west takes wide cyclic swings, both seasonally and annually. During the wetter periods we are lulled into a sense of false security, forgetting that the dry years will surely come again. We need to build a regional system which not only insures against the seasonal dry periods but against the dry years, which could come several in a row. The present wet period was predicted back in 1954, based on sun spots. At the same time a devastating drought was predicted for 1975. The water collection and distribution system imagined in the concept presented here would serve mankind well over a thousand years, through many wet and dry periods.

Thus, the time has arrived for conflicting sectional water interests in the west to combine forces under wide regional planning and land use zoning. The old custom of Congressional horse-trading on western-water developments is grossly inadequate for present and future needs. The aim would be to supply additional water to those areas of most pressing need and to those more attractive valleys and plains which have potential for population absorption in the national interest under a variety of economic endeavors, based on increased water use. The water needs must be approached with the same drive and dedication which characterized the space program in the 1960's.

We have reached the point in our civilization on this continent where some serious decisions must be made regarding our future tenancy, and hopefully for improvement of that tenancy. We are on a downhill course that must be changed. It is becoming increasingly obvious that we cannot continue in the older parochial patterns of development from a standpoint of water and waste management: but must face our land, water use, and waste problems on a wide regional and even continental basis, if we are to build toward order in the future. This will require some tough redirections and an expansion in scale in our thinking and approach, but on a scale not out of proportion to the problems this society will face if we do not change. The question is not, can we afford the change? Rather, can we afford not to change?

We can afford to change better than we can afford voyaging to other planets. For less than the estimated cost of putting a man on Mars we could have the main lines of the western water import scheme.

All evidence points to the validity of the belief that population dispersion into smaller communities where individuals can have closer daily contact with nature should be one of the new national goals as the panacea for our growing urban crisis and its present compounding of human ills. Many of these new places of living, in the west, will be where nature has been improved upon by the large transfer of water such as is suggested in the present concept, and, to the extent possible, by the systematic separation of the fresh water from the degraded water on a wide regional basis.

A VIEW OF CONTINUING TASKS

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. FARBSTEIN. Mr. Speaker, a world convention of former concentration camp inmates and Jewish fighters against the Nazis was held in Israel this week. This reunion of survivors of the holocaust convened to celebrate the 25th anniversary of their liberation from Nazi oppression and to demonstrate their support and commitment to the national existence of Israel.

A delegation of these survivors who now reside in and are citizens of these United States, who are members of the American Federation of Jewish Underground Fighters Against Nazism, also attended this convention. The group's president, Mr. Seymour Robbins, and Mr. Tovia Bielsky, its vice president and partisan hero who was responsible for saving over 1,200 Jewish men, women, and children, headed up the federation's delegation.

Dr. Simon R. Perlmutter, a consultant to the Office of Education, Information and Public Affairs of this American organization, has furnished me with the text of a speech he prepared for delivery at that convention by Mr. Seymour Robbins.

Mr. Speaker, the speech, entitled "A View of Continuing Tasks," is more than just a personal pledge and commitment by these people in support of Israel's existence. It is a sobering and encouraging attestation of faith and allegiance to our Nation and a genuine tribute to my colleagues and to the American people. It is a passionate, humane appeal for peace and freedom in the Middle East, void of rancor and substantivally full of cogencies which I would like to call to the attention of my colleagues who are also partisans of peace and understanding. Extracts from the speech follow:

A VIEW OF CONTINUING TASKS

(By Seymour Robbins)

A quarter of a century has passed since our liberation from Nazism. For each of the millions involved, there was a different story. A different ending or a new beginning.

In 1945, when hardly a German could be found who would admit to being a pro-nazi, the historians and statisticians found one and one half million Jewish survivors in Western Europe. I was one amongst that number. We had options. We could either migrate to those countries that would accept us, return to our homelands, those nations from which we have been driven, or stay in the refugee camps which had been set up as temporary havens.

Many of you tried by legal or illegal means to migrate to the land of our fore-fathers. The British and Arab policy of exclusion must have made you question the meaning and significance of Mankind's victory over Hitler's Germany. Your forced detention and confinement in Cyprus was a bitter and bestial topping to the years you spent in the Nazi concentration camps or in the forests of Europe where you fought so valiantly to preserve Jewish life. You twinged with pain and frustration and had good cause to become distrustful of the Christian and Islamic societies that held the mandate over Palestine and blocked your return to Zion. Your indomitable courage and fortitude enabled you to withstand those torments and humiliations and in time you reached your destination.

Many of us found refuge in the United States, Canada, Mexico or in one or another of the friendly nations throughout the world. From our safe vantage points, we began to pick up the pieces and carved out a new beginning for ourselves. We kept abreast of your whereabouts and our heavy hearts grew ebullient whenever we learned that some of you had landed safely on these shores. We watched with sadness as the inventory of survivors was taken and each of us hoped and prayed that the one amongst them might be one of our relatives. When we learned that it wasn't one of our closest of kin we allowed ourselves the luxury of temporary dejection. Then, we became a vibrant part of the world opinion which was finally galvanized into action. We were overcome with joy and enthusiasm as a half million of you streamed out of the European refugee camps and migrated to Israel.

By then, a good number of us have recovered sufficiently enough so that we could join our brothers and sisters in our respective Jewish communities, and make our contributions to your practical needs. But it was your consideration, your dedication, your labor that began to turn the sands of this land into flowering oases. And still, as you labored, you were faced with the continuing task of eternal vigilance and sacrifice—the need for which, all of us had hoped would be over after our triumph over Hitler.

It was on your shoulders that the continuing and gigantic task of securing the Jewish homeland had been placed. We controlled our fears and repressed our tears lest you sense our weakness and in turn weaken. We thought of the struggle you still faced and of your continuing courage and sacrifice. In turn, we regained our courage and determination and from our safe havens, we became ashamed of our doubts for your survival. You inspired us and instinctively the world Jewish community knew that your aspirations were theirs as well. We all knew that until such time as your life and safety were no longer threatened, we ourselves could not live in true peace—no matter how insulated we were from the dangers you faced every day and night. It was you therefore, that came here via Cyprus and from the refugee camps of Europe, who gave all of us former concentration camp inmates and fighters against nazism, our second wind.

Yes—it was your sweat, your blood, your tears, your spirit and your dedication which has helped make the age long Jewish dream of a return to Zion, a reality. I can only say that I am humbly grateful to you for all

that you have achieved for yourselves and for the Jewish people. But your achievements are not to be measured by your contributions to our people alone. Many emerging African nations have already benefited from your vast warehouse of "know-how". It staggers my imagination when I think of what could be done if the major difficulties were removed.

There is much encouragement to be taken from these difficulties. As safe and peaceful relations are established between the Jewish and Arab peoples you will be able to answer the call and provide even greater service to the peoples of these emerging and undeveloped nations. Once a secure peace is established, yours will be the opportunity of developing the still untapped and virgin riches of this land. Yes, the obstacles and difficulties are awesome. The toughest obstacle of all is the demagogery and political expediencies of Messrs. Nasser and Kosygin. However, these obstacles must and will be overcome. I can envision that in time, both the Arab and Black people of Africa will be calling on you to provide them with the scientific and technological know-how and tools so that their sands can be turned into flourishing, peaceful and humane oases as well. There is always a big potential for man in peaceful co-existence. You will reap the harvest which a secure and safe peace will bring, so will your Arab neighbors.

For those of us who come to this convention from other lands,—there is a singular satisfaction that by our actions in the past, we saved more than one Jewish life, who is today active in the building and safeguarding of this land. For those of us who are no longer faced with the task of standing a 24 hour a day vigil, or faced with the 24 hours a day dangers which you have been facing for over a quarter of a century, there is the satisfaction that those who took our place in the front lines of Jewish survival are more brave and more dedicated than we were.

For the Jewish people, the past twenty five years is but the latest chapter in the story of our people's escape from cultural death and annihilation. The dream of returning to the land of our fore-fathers or as you would say, "Shivat Zion," (Return to Zion) infused us with a life-giving force during the thousands of years of our dispersion. It was this dream, this force, which enabled us to keep up the struggle and live through the horrors of concentration camps. It was this force that impelled us in our fight for survival as partisans. It is the same spirit and force which enabled our people to survive the decline and death of many civilizations. It was this force which in essence was transmitted through Talmud and Torah which gave us the spirit to survive and which will guide you into a just and lasting peace with your Arab neighbors. We must never forget that it was this spirit of Talmud and Torah which enabled us to contribute to Mankind's intellectual and spiritual heritage for over 4000 years. It is time that we were allowed to live in peace in this land of our people and we salute all of you Israeli citizens who are seeing to it that the time is now.

A few months from now, the State of Israel will celebrate its 22nd birthday. And a few months ago, as a prelude to both this convention and the forthcoming birthday of the State of Israel, our Federation members convened and celebrated our own deliverance and final victory over Nazism. We paid special tribute to the 300 Jewish partisans who under the leadership of Yichel Greenspan, engaged the might of Hitler's panzer units long enough to divert them from the allied armor which finally broke the back of the nazi foe in that sector of western Poland called Ostrowce. We also paid public tribute to our own Tovia Bielsky, a vice-president of our Federation, who emerged from the forests of the eastern sector of Poland with over 1,200 Jewish survivors.

We paid tribute to all the valiant allied soldiers and particularly to those from the United States of America, the country which served as the world arsenal of democracy and gave the weaponry, and the essentials of life, including the Russians, and made the job of securing a victory and peace possible. We stood in silent prayer to the memory of all Jewish, Christian and Islamic people who had fallen victim to Hitlerism. We vowed then, and we again re-affirm here today, that we will re-double our efforts to bringing the true facts before the people of the world so that the myths spun by today's best known mythologists,—Messrs. Nasser and Kosygin, will be shown to be the hollow rantings which are without fact and without foundation.

Deflating myths is a time-consuming job. It took over 1900 years before the Vatican disavowed the charge that Jews killed Christ. Yet, despite the official change in Christian theology, the Oberammergau Passion Players of Western Germany still depicts the Jews as guilty of deicide. We pray that it will not take that long to expose the web of myths that are being spun this very minute before the peoples of the world, by those story-tellers, Nasser and Kosygin. We pray that they will come to their senses and follow the golden rule of live and let live. The time of Christian Crusades has long passed and in this modern day the Communistic Crusade is duplicating the same chaos and destruction of the antiquarian proponents who searched for the holy grail. Yes, we take on this time-consuming job and at the same time we pledge you the moral and practical support required in your continuing task of building and securing this land of freedom and democracy.

As former partisans, we know that Nazism began with a myth and that the mass murders followed because no one wanted to adhere to the literal meaning inherent in the mythologists words. The world did not believe Hitler when he promised to annihilate the Jewish people. Learned men with great deliberation explained that his bellicosity stemmed from political aspirations and that all he wanted was to achieve greater economic concessions and opportunities for his people. Humorists interpreted his spoutings as a Do-It-Yourself Manual which would take him from paper-hanger and corporal to General or Diplomat. Diplomats became his apologists and advocates of statesmanship became the appeasers and the liaison links between him and the banking and industrial community of Europe. Communist countries who espoused a dislike for the philosophical concepts of nazism and fascism became his allies. Political expediency became the altar on which much of mankind was sacrificed. No one believed him and all wanted to do business with him.

There is a parallelism in Nasser's stated intent and promise to annihilate the State of Israel and its Jewish populace. The hatred that he has inculcated into the minds and hearts of the Arab people is no less intense than that which Hitler exerted on the German people. Mr. Chamberlain is no longer alive but Mr. Kosygin is acting out his script. The same pressures which Hitler brought to bear on the international banking and business community is being flaunted by Mr. Nasser. Apologists and appeasers of Nasserism are being entrenched in the councils of the United Nations. The fury that Hitler whipped up with Reichstag fire are stirred up by the fire in the Al Aksah Mosque. The orthodoxy of hatred for the free enterprise system by the advocates of a differing philosophy in the Kremlin is so great that for the second time in their fifty years of existence, the Kreminologists have made pacts with the mythmaker.

Mr. Hitler, when he wanted political concessions, addressed his grievances to the diplomatic community and through them to the industrial and banking community of Europe. He pleaded, threatened, cajoled. Mr. Nasser follows suit. He advises them and particularly the business and banking community in the United States, that if they do not want their holdings and investments expropriated, they had better bring some pressure to bear on the United States Government to change the American policy of friendship and support towards Israel. He pleads, cajoles and threatens that unless the political climate in America is changed, the Arab people of all Arab lands will be forced to conclude that Americans are their enemies. Lately, he advanced a timetable in which he tightened the political screws by telling the United States Investors that they will lose all their economic interests in Arab lands within the next two years.

Yes, the pages of history are replete with similar Hitlerian annotations. The political paralysis that followed Munich enabled Hitler to embark on his own policy of imperialistic expansion and brought on the world holocaust. Perhaps, Mr. Nasser is not aware of the antipodal differences between Stalin's pro-Hitler support and American friendship of Arab people. He must well understand what American investments in Arab land has and can do in helping the Arab people build a better society. However, he is too busy spending the royalty money to bolster his own regime and too occupied with spending millions on armaments and propaganda to really be concerned with the welfare of his own people. The United States policy of guaranteeing Israel's sovereignty is not predicated on hostility towards the Arab people. Mr. Nasser and Mr. Kosygin know that even though they would like to have the world believe otherwise.

Of course, the threat of economic expropriation is a powerful weapon. Blackmail always is if the victim acquiesces. However, Mr. Nasser must reckon with 200,000,000 Americans whose democratic form of government makes their power greater than that of any vested interest. And through their elected Senators and Congressmen, the American people, those with investments as well as those without investments in Arab lands agree that the deterrent strength of Israel must not be impaired. In a recent advertisement in the New York Times, 64 Senators and 243 Representatives in the House of Congress declared that it would not be in the interests of the United States or in the service of world peace if Israel were left defenseless in face of the continuing flow of sophisticated offensive armaments to the Arab nations. This then, is the American answer to the blackmail of expropriation. But it is more than that, it is a call to Mr. Nasser to meet the opportunity for peace:—An opportunity for the people of Arab lands to take on the task of wiping out the scourge of disease, poverty and illiteracy.

The mythologists in the Kremlin and in the Arab lands know the falsity of their tales. Their puppets and allies in Poland are anti-semitic hooligans whose excesses of inhumane decorum makes us shudder when we think back to the time when our Jewish partisans helped them re-establish their society. The Soviet despots prevent our Jewish bretheren from free and open worship and from migrating to Israel or to other democratic lands. The equally frantic and despotic Arab leaders subjugate their own people and then turn the job of turning them into photostatic copies of Hitler's Storm troopers. Their state supported terrorists carry on an unceasing guerrilla campaign designed to whip the normally peaceful Arab people into a conquering horde, bent not only on annihilating the Israeli people but inadvertently becoming the catalysts that keep their people in a straight jacket and detour them from the tasks of fighting their owr poverty, disease and illiteracy.

We are told by many of our Arab and Russian friends that there are multitudes in those lands who silently cry out, "Enough! Enough! Let's start on the road of developing a peaceful and humane life. Let's start living like human beings instead of like animals." Apparently, their big brother guardians hear them, for we read about them being hung from public squares, of being banished from political life and of their imprisonment. Yes, our continuing task is a gigantic one but we must and will awaken world public opinion to these truths and injustices.

It is only when world public opinion is paralyzed that tyrants can run rough shod over people. We witnessed the silence that preceded Hitler's rise to power and similarly we witnessed the silence of Russians whenever Arab terrorists bombed an Israeli village, shelled an Israeli Kibbutz or village, fired on Israeli airplanes. Most recently, we see how that silence is broken by the Russians the moment the Israeli forces begin knocking out the major Arab terrorist and military installations. It is then that they begin to scream and denounce the Israeli defensive measures as "barbarous aggressive actions."

When in 1947, the United Nations partition resolution established an independent Arab and Jewish State, Jerusalem was set up as an international city. The Jordanians invaded and annexed the West Bank and East Jerusalem and by force of arms denied the Jewish people access to our holy sites. The Soviet Union that is now using the most vituperative language in describing before its people and the people of the world, the defensive measures employed by the Israeli Government and labelling them as "criminal and aggressive", kept silent then. We wonder if that silence was a rehearsal for their subsequent quietness which prevailed when they marched into Hungary and in most recent time into Czechoslovakia.

For over 19 years, the Kingdom of Jordan conditioned world opinion that those boundaries were a legal and historic part of Arab lands. In all that time the Jewish people only petitioned for permission to visit the holy sites. When in 1967, the Jordanians again attacked Israel and were quickly ousted from both the West Bank and from East Jerusalem, the Arabs set up a new cry. The Russians joined them in the chorus. "This was Israeli imperialism which had been fathered and bolstered by American imperialism."

The tune was picked up by the pro-Arab nations and gave rise to a resolution in the Security Council of the United Nations on Nov. 22, 1967, which called on the Israeli to withdraw from Arab territory captured in 1967.

When the Israelis entered East Jerusalem and found that the Jordanians had desecrated the Jewish cemeteries and had used the headstones to build bunkers and latrines, Mr. Kosygin and the Soviet Press said nothing. When the cease fire agreement is broken by the Arabs, the Soviets remain silent.

But as soon as the Israeli air force began to knock out Arab military installations, Mr. Kosygin told his people and the people of the world that Israel's continuation of its present course "expands and deepens the conflict in one of the most important areas of the world." Not one public statement is on record to indicate that he told the Arabs to observe the cease fire agreement. Instead, his statement goes on, "It is impossible to force the Arab states into reconciling themselves to aggression and to seizure of their territories. The situation calls for Israel's immediate discontinuation of dangerous armed attacks and raids against the United Arab Republic and other Arab States." Again, not one word to the Arabs to observe the cease fire agreement of 1967.

Yes, our continuing tasks are gigantic ones but no greater than our struggle for survival through the era of Nazism. Our quest for life and peace finally prevailed then and with the awakened and united support of the Jewish people of the world and the enlightened peoples who profess other faiths. We will yet witness in our lifetime, the realization of the Peace which the Israeli people are striving for.

I am emotionally overcome by the joy of seeing so many former Jewish Fighters against Nazism gathered here from all parts of the world. Our convention here is in essence a re-dedication to our continuing tasks which are still before us in our various countries. It is also an avowel to the Jewish people of the State of Israel who carry the major portion and brunt of this task, that we are with them and part of that struggle. It is a dramatic presentation to the whole world that our forces are geared not for conquest and kill, but to Peace and Life. Shalom.

THE GATES COMMISSION REPORT ON ALL-VOLUNTEER FORCES—PART II, CHAPTERS 9 AND 10

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. STEIGER of Wisconsin. Mr. Speaker, chapter 9 of the Gates Commission report deals with force requirements for the Reserve Forces and the recruitment of manpower for such forces. Chapter 10 is concerned with the standby draft. The texts of the two chapters follow:

CHAPTER 9—RESERVES

INTRODUCTION

The Commission recognized from its first meeting the need for special attention to the problem of the reserve forces. Surveys indicate that perhaps 75 percent of the enlisted personnel fulfilling their initial six-year military service obligation in the reserves are there only because of the draft. If conscription is eliminated, how are these forces to be manned? Research directed to that question indicates that planned reserves can be maintained on an all-volunteer basis at reasonable levels of compensation. Analysis of the reserve problem, however, suffers seriously from a lack of data. Even though special care was taken to provide against errors of estimation, the assessments of what is required to maintain an all-volunteer reserve force are much more tenuous than those for the active duty force.

U.S. reserve forces have two primary functions: first, to supplement the active duty forces as needed; second, to help maintain domestic peace and assist in time of civil disaster. The latter is largely the responsibility of the National Guard.

Currently, about one million officers and men in the Ready Reserve receive pay for participating in reserve training—two-thirds of them are in the Army Reserve (USAR) and Army National Guard. More than 80 percent of the men in the paid reserve are organized and trained as units which are designed to fit into the structure of the active forces. Should these men be called to active duty, it is intended that they perform in their respective units. The remaining 20 percent, about 165,000 men, can be called as individuals to augment active forces. In addition to paid reservists, there are 1.3 million unpaid reservists in the Ready Reserve pool who may be called up as individuals.

DISCUSSION

In an emergency the President is authorized to call to active duty as many as one million Ready Reservists (10 USC 673). Reserves in the Standby and Retired categories can be called only with the approval of Congress. Table 9–I shows how reserve manpower (less mobilized strength still on active duty) was allocated into recall categories on June 30, 1969. Table 9–II summarizes the major units which that strength provided in FY 1969.

RESERVE FORCE REQUIREMENTS

The impact of planned reductions in active duty forces on reserve force manning requirements is still very uncertain. Four projected active duty forces have been analyzed, spanning the range that is generally considered reasonable, from 2.0 million to 3.0 million men. A similar procedure has been followed in analyzing the reserves. We have associated a reserve force, by service, with each of the four active alternatives. The projected strengths shown in columns 3 and 4 of table 9–III are based on the relationship between active and reserve forces prior to Vietnam.[1]

TABLE 9-I.—DEFENSE DEPARTMENT RESERVE FORCES[1] JUNE 30, 1969

[Thousands]

Paid drill Ready Reserve	Officers	Enlisted	Total
Army National Guard	30.4	358.5	389.0
Army Reserve	32.2	229.1	261.3
Naval Reserve	19.0	113.7	132.7
Marine Corps Reserve	2.7	46.4	49.1
Air National Guard	10.3	73.1	83.4
Air Force Reserve	10.1	34.9	44.9
Total DOD	104.7	855.7	960.4
Other paid Ready Reserve	19.3	37.7	57.0
Total paid status	124.0	893.4	1,017.4
Unpaid Ready Reserve	98.3	1,189.0	1,287.3
Standby Reserve	103.7	322.2	425.9
Retired Reserve	323.8	205.0	528.8
Total not on active duty	649.8	2,609.6	3,259.4

[1] The U.S. Coast Guard Reserve is administered in peacetime by the Secretary of Transportation with the concurrence of the Secretary of the Navy. On June 30, 1969, it included 17,800 Selected Reserve (paid drill) and 9,800 reinforcements. Because of time limitations, we have not specifically considered Coast Guard problems.

TABLE 9-II.—MAJOR RESERVE UNITS, JUNE 30, 1969

Army Reserve	Naval Reserve	Air Force Reserve
13 training divisions. 3 brigades. 2 maneuver area commands.	35 destroyers and destroyer escorts. 28 boats and craft. 36 air squadrons.	14 wings (45 squadrons). 8 military airlift. 6 tactical airlift.
Army Guard	**Marine Reserve**	**Air Guard**
8 divisions. 18 brigades.	1 division. 1 air wing.	21 wings (92 squadrons). 12 fighter. 3 reconnaissance. 2 air refueling. 7 military airlift.

[1] The reserve analysis omits the Navy's "2x6" program from strength and enlistment calculations. It is included in the analysis of the active forces. Its strength ranges from 18,000, at the 2 million level, to 24,000 at the 3 million level.

TABLE 9-III.—ALTERNATIVE ACTIVE AND RESERVE STRENGTH LEVELS

[Thousands]

Active duty		Reserves			
		Unmodified enlisted strength [1]		Modified enlisted strength [1]	
Total force level	Enlisted strength	Mixed force	Volunteer force [2]	Mixed force	Volunteer force [2]
(1)	(2)	(3)	(4)	(5)	(6)
2,000	1,697.1	628.3	639.5	554.9	558.5
2,250	1,902.7	707.5	712.4	624.8	632.3
2,500	2,107.8	786.0	785.5	694.1	696.3
3,000	2,581.1	838.8	829.8	740.9	734.9

[1] Excludes the "2 x 6" program in the Naval Reserve.

[2] The alternative reserve requirements estimates shown use the concept of equal effectiveness discussed in chapter 4. Like the active forces, the reserves will experience savings accruing from reduced personnel turnover. However, not much reduction in turnover will result from lengthened first enlistments which are now predominantly for 6 years. The principal source of reduced turnover will be higher reenlistment rates in the first 6 to 10 years of service. The effect on reserve manning requirements is attenuated, however, because most reserve trainees receive their initial training from the active establishment.

In addition, the reduction in turnover from higher retention is offset by a decline in the number of prior-service reserve enlistments owing to lower turnover in a voluntary active force. Recruits from civilian life must make up the shortfall, and they enlarge the share of noneffectives in the force. The net result is that the higher proportion of civilian enlistments outweighs the gain from higher retention at levels up to about 2,500,000.

There is reason to doubt, however, that there was a real requirement for the pre-Vietnam levels of paid-drill strength. The public record is clear that the Army was reluctant to accept the minimum strength levels mandated by Congress. The Air Force was similarly pressured into higher levels than it had requested, although the Air Force found useful work for much of the excess strength, largely in part-time support of the active force's mission. The tenuous nature of the pre-Vietnam reserve requirements is also evident from independent research undertaken by the Commission staff, which confirms that reorganization of the reserve forces could eliminate approximately 113,000 men in paid drill status ("spaces") without significantly affecting reserve effectiveness.

Because of these apparent overstrengths, we have prepared a second set of alternative reserve force levels to be associated with the four alternative active levels. This second set modifies the first by removing from the current level 110,000 Army and 2,800 Air Force paid-drill spaces; (16,300 officer and 96,500 enlisted spaces). Proportional modifications are made in each representative force level and are presented as "modified" levels in table 9-III.

These force levels are set forth here to emphasize that shortfalls from present levels in the reserves are not a serious threat to national security. We believe that the recommended pay increase for the active duty component (which is automatically effective for the reserves) will provide enough reserve enlistments to meet the larger requirements in table 9-III. If that turns out not to be true, or if transitional problems develop, reserve strength could decline moderately from the unmodified levels in table 9-III without posing a serious national security problem.

RESERVE NON-PRIOR SERVICE ACCESSIONS

The critical variable in determining the feasibility of a voluntary reserve force is the number of enlistments from civilian life that will be required annually. That number depends on: (1) annual reserve losses (which depend on the reserve re-enlistment rate), and (2) annual prior service enlistments (those who join the reserves after active duty). Columns 3 and 5 of table 9-IV show estimates of the number of civilian enlistments required annually to maintain each of the forces shown in columns 2 and 4 on a stable basis.

TABLE 9-IV.—ANNUAL CIVILIAN ENLISTMENTS REQUIRED FOR VOLUNTEER RESERVE ALTERNATIVES [1]

[Thousands]

Active force level	Unmodified enlisted strength [1]	Civilian enlistments required	Modified enlisted strength [1]	Civilian enlistments required
2,000	639.5	90.0	568.5	76.2
2,250	712.4	97.2	632.3	81.6
2,500	785.5	106.2	696.3	88.6
3,000	829.8	102.6	734.9	84.0

[1] Reenlistments are estimated to be 13 percent of force strength; prior service enlistments vary with active losses. The derivation of these estimates is described below.

For comparison, the annual number of civilian enlistments in the reserves (excluding the "2 x 6" program) averaged 122,000 during the last eight years.

THE SUPPLY OF RESERVE MANPOWER

Like the active forces, the paid drill reserve contains a mixture of true volunteers and men who serve chiefly or solely to discharge the military service obligation imposed by law. The proportion of men who willingly undertake regular drill training is strikingly different for officers than for enlisted men. According to a 1969 Defense Department survey of reserve personnel, 80 percent of officers drill voluntarily, but only 27 percent of enlisted men do. For this reason, our analysis has focused on the enlisted segment of an all-volunteer reserve force.

The prospect of securing volunteers for reserve service is surely related to pay levels. All too often it is said that drill pay is nearly irrelevant to a young man deciding whether to devote free time to unit activity. Yet almost one-third of men with less than six years of service describe drill pay as one of the most significant factors in their decision.

A typical reservist attends 48 training assemblies per year. Each assembly lasts four hours (a small percentage only three) and assemblies are usually "multiple": two on Saturday, or four on a weekend. On average, the typical reservist devotes one full weekend each month to unit training and trains for two weeks on active duty each year. His total investment of time is 312 hours. Counting basic pay alone, he earnes $462 a year if he is an E4 (corporal) with four years of service (about $580 if he has three years of service).

This is not a large amount compared to total family earnings: median income for an E4 falls in the $7,000–$8,000 range. But the more meaningful economic comparison is with part-time employment alternatives. Two-thirds of the E4's are married and more than half of them have working wives. Two-thirds of the E4's are 21–25 years old; and more than one-third have children. The typical E4, in other words, closely resembles the Department of Labor's portrait of the typical multiple job holder—"a comparatively young man with children who feels a financial squeeze." According to the Bureau of Labor Statistics, in May 1966, 5½ percent of 20–24 year-old working men held multiple jobs. They worked a median 14 hours on their second job. In a full 52-week year, they would work 728 extra hours.

For men who are interested in extra income, reserve activity does not offer the earnings potential of part-time civilian work because it is too infrequent. For some men it could become an attractive alternative as a second job. Certainly a necessary if not sufficient condition for voluntary reserve participation is a level of drill pay attractive enough to make military instruction preferable to other part-time activities. While the pay level in the early years of service has been too low to attract voluntarily the high quality of recruits which the reserves have enjoyed over the past ten years, our studies show that a more reasonable qualitative mix can be obtained voluntarily.

Drill pay is now directly linked to active duty basic pay. The present pay schedule is given in table 9-VI. In one drill period (usually four hours), a reservist earns an amount equal to a full day's pay for his regular service counterpart. His starting level, if he enlists directly from civilian life, is about $1.00 per hour. (The federal minimum wage is $1.60 per hour.) A man, who has served four years with the regular forces and has reached the E5 (sergeant) pay grade, can earn $2.75 per hour at drill training. At the career end of the scale, the rates are quite attractive. A First Sergeant with over 16 years of service earns $5.00 per hour.[2]

Our pay recommendations will increase these hourly rates significantly in the lower grades. In this first year of service, a recruit will earn $2.00–$2.50 per hour, approaching the pay that a sergeant now receives. Drill pay will be increased above the amount needed to maintain its present relation to civilian wages as shown in table 9-V.

TABLE 9-V.—*Drill-pay increase by length of service*

Years of service:	*Percent*
0–1	89.8
1–2	64.4
2–3	23.7
3–4	19.5
4–5	8.3
5–6	7.9
6–7	4.9
7–8	7.2
8–10	5.0

In addition to basic pay, certain special and incentive compensation, such as flying pay and parachute pay, is paid to those on inactive duty at the daily active rate. While on active duty, the reservist receives the same pay as the regular. Occupational differentials, such as proficiency pay and the variable re-enlistment bonus, are not paid to reservists on either active or inactive duty.

[2] Costs of travel to and from drill assemblies are borne by the individual.

TABLE 9-VI.—PAY RATES PER TRAINING ASSEMBLY (DOLLARS)

[Effective July 1, 1969]

Pay grade	Years in pay grade													
	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
O10														
O9														
O8	48.44	49.89	51.07	51.07	51.07	54.88	54.88	57.47	57.47	59.85	62.47	64.85	67.46	67.46
O7	40.24	42.99	42.99	42.99	44.90	44.90	47.50	47.50	49.89	54.88	58.66	58.66	58.66	58.66
O6	29.81	32.77	34.91	34.91	34.91	34.91	34.91	34.91	36.11	41.80	43.94	44.90	47.50	51.53
O5	23.84	28.02	29.94	29.94	29.94	29.94	30.87	32.51	34.69	35.04	39.43	40.61	42.04	
O4	20.12	24.47	26.13	26.13	26.59	27.78	29.68	31.34	31.42	34.20	35.16			
O3	18.70	20.89	22.31	24.71	25.88	26.83	28.27	29.68	30.40					
O2	14.98	17.80	21.38	22.09	22.55									
O1	12.88	14.25	17.80											
O3 [1]				24.71	25.88	26.83	28.27	29.68	30.87					
O2 [1]				22.09	22.55	23.27	24.47	25.42	26.13					
O1 [1]				17.80	19.00	19.71	20.42	21.13	22.09					
W4	19.04	20.42	20.42	20.89	21.84	22.80	23.74	25.42	26.55	27.55	28.27	29.20	30.17	32.51
W3	17.30	18.78	18.78	19.00	19.24	20.65	21.84	22.55	23.27	23.97	24.71	25.66	26.59	27.55
W2	15.15	16.39	16.39	16.86	17.80	18.78	19.49	20.18	20.20	21.61	22.31	23.02	23.97	
W1	12.63	14.49	14.49	15.68	16.39	17.10	17.80	18.53	19.24	19.95	20.65	21.38		
E9							21.63	22.12	22.64	23.13	23.64	24.11	25.39	27.85
E8						18.15	18.65	19.15	19.65	20.15	20.63	21.14	22.39	24.88
E7	11.40	13.66	14.17	14.68	15.17	15.66	16.15	16.67	17.41	17.91	18.41	18.65	19.90	22.39
E6	9.82	11.93	12.43	12.93	13.44	13.92	14.43	15.17	15.66	16.15	16.41			
E5	8.49	10.46	10.95	11.44	12.19	12.69	13.18	13.66	13.92					
E4	7.13	8.95	8.44	10.19	10.69									
E3	5.16	7.20	7.71	8.20										
E2	4.25	5.96												
E1	4.10	5.46												
E1 <4 mos. 3.83														

[1] Commissioned officers in the grade of O1 through O3 credited with over 4 year's active enlisted service.

Reservists are also entitled to pensions. Full retirement credit is given for years served on active duty; partial credit is given for years on inactive service. Retired pay is contingent upon completion of twenty creditable years of service and begins at age 60, at the pay scale then in effect.

Proposals are advanced from time to time to permit payment of retired pay at age 50. If this were done and benefits were not reduced, the cost of the retirement benefit would double. Since retirement pay has little attraction for young men whose primary job is in the civilian sector, this added expenditure would do little to solve the recruitment problems of the reserves.

Currently, about 850,000 enlisted men are in paid-drill reserve status. If men temporarily called to active duty are included, the paid-drill total averaged 836,000 over the eight years prior to June, 1969. To maintain this level the reserves have required an average annual inflow of 262,000 men. Of these, 153,000—nearly 60 percent—were men who entered directly from civil life.[3] The remaining 109,000 were personnel with prior service.

Three sources of manpower are available to an all-volunteer paid drill reserve:

1. Re-enlistments—new commitments by those already in the reserves. Re-enlistments affect losses and thereby the level of accessions required to maintain a given force;

2. Prior service enlistments—enlistments by those who have been on active duty; and

3. Civilian enlistments—first enlistments by civilians.

RE-ENLISTMENTS

Reserve re-enlistments are a primary factor in determining the number of new accessions required each year. Re-enlistment rates may be expressed as a proportion of average strength. Measured in this way, re-enlistment rates during the FY 1962–69 period are shown in table 9-VII.

These data imply that if the re-enlistment propensities of the FY 1962–65 period could be re-established, a 20 percent improvement (from 7.2 percent to 8.6 percent) in re-enlistments would result. Since FY 1962 and 1963 were very poor years owing to the crises in Berlin and Cuba and subsequent reorganizations of the Army reserve components, the improvement might well be greater.

TABLE 9-VII.—PAID-DRILL STRENGTH, RE-ENLISTMENTS, AND RE-ENLISTMENT RATES FISCAL YEAR 1962–69

[In thousands]

Fiscal year	Strength	Reenlistments	Rate (percent)
1962	851.6	54.3	6.4
1963	820.3	59.5	7.3
1964	799.7	88.3	11.0
1965	818.7	81.1	9.9
1966	833.5	[1] 80.9	9.7
1967	863.2	[1] 68.4	7.9
1968	856.4	[1] 51.5	6.0
1969	856.7	[1] 43.3	5.1
1962–65	3,290.3	283.2	8.6
1966–69	3,409.8	244.1	7.2

[1] Includes estimated 1.9 for Marine Corps.

The conventional and more useful way of analyzing re-enlistment rates is to examine the proportions of separating men who continue in service at a series of "decision points" along the career path. Because actual rates are not available, we used statements of continuation intentions provided by the 1969 attitude survey to approximate them. Table 9-VIII displays re-enlistment intentions classified by length of service and by obligated and voluntary drill categories. As one would expect, interest in drill participation is higher in the voluntary category; and it is markedly higher after the sixth year of service.

TABLE 9-VIII.—MEN IN 48 DRILL PROGRAMS STATING FIRM INTENTION TO CONTINUE PAID-DRILL PARTICIPATION, 1969

Years of service	Required to drill (percent)	Voluntary drill (percent)
Less than 6	3.4	12.4
3 to 4	3.0	8.2
5 to 6	4.3	13.5
6 to 10	19.2	50.7
6 to 8	15.5	46.9
8 to 10	52.2	57.6

What would have been the effect on re-enlistments if the 1969 reserves had been composed entirely of volunteers? Using re-enlistment intentions as proxies for re-enlistment rates, we have estimated that "conversion" to a volunteer force would have added nearly 33,000 re-enlistments, an increase of three-fourths over the number who actually did re-enlist in FY 1969. The re-enlistment rate, expressed as a percentage of average strength, would have improved from 5.1 to 8.8 percent. (About half of this estimated gain occurred in the under-6 year portion of the force, where the convention re-enlistment rate—percent of men separating—rose from 6 percent, in the mixed force, to 16 percent in the all-volunteer force.)

This comparison suggests that a shift to voluntarism would raise the 7.2 percent re-enlistment rate of recent years to 12.7 percent of average strength. The best-re-enlistment experience in the eight years examined was FY 1964, when 88,000 re-enlistments equalled 11 percent of a mixed volunteer/obligated force. Given the striking differences in re-enlistment attitudes between volunteers and non-volunteers, the estimate that a voluntary force will attain re-enlistments at that level seems quite conservative.

One might assume an additional increase resulting from re-establishment of the pre-1965 environment. If this were the case, the re-enlistment rate would become 15.2 percent of average strength. We did not make that assumption; because the earlier force included a larger proportion of volunteers and the shift to voluntarism was, thus, already partly taken into account.

We then estimated the effect which our proposed pay increases would have on re-enlistment behavior. Survey responses indicate that modest increases in re-enlistment will occur. Higher pay will induce proportionately more re-enlistments among men who now have the lowest inclination to continue in reserve service. For instance, our studies show that among those persons required to drill with from four to six-years of service, a pay increase of 10 percent would be likely to increase the re-enlistment rate from 3.6 to 4.3 percent, an increase of 20 percent. Re-enlistment rates for those who drill voluntarily would rise from 15.2 to 16.4 percent, only an 8 percent improvement. Volunteers with six-to-ten years of service now tend to re-enlist at very high rates—

[3] Includes over 35,000 in the Navy's "2x6" program.

50.7 percent according to survey statements. A 10 percent increase in their pay would raise their re-enlistment rate to 52.3 percent, a 3 percent improvement.

We propose to increase enlisted drill pay 6 percent after the sixth year of service, when most decisions to continue in the reserves are made. This increase will have both immediate and longer-term effects on re-enlistments. The immediate result will be to provide a moderate rise in re-enlistments of those in the first six years of service. Such men now usually leave the reserves, but they are more responsive to pay changes than their older colleagues. As volunteer enlistees gradually replace draft-motivated men over the six years following conversion to an all-volunteer force, re-enlistment rates will improve at accelerating rates until a higher stable rate is reached. Our calculations indicate that, in an "all-volunteer" 1969 reserve, re-enlistments as a percent of strength would have risen from 8.8 percent (after conversion) to 9.1 percent (after the pay rise); and half of this gain would be realized in the under-six year component of the force.

The recommended pay increase should improve the position of reserve drill duty vis-a-vis other part-time employment opportunities. If relative pay is maintained at the recommended level in an all-volunteer situation, we estimate that the combined effect of moving to a volunteer system and increasing pay will increase the re-enlistment rate from the current 7.2 percent to 13 percent, an improvement of 80 percent.

PRIOR SERVICE ENLISTMENTS

The man who separates from active service is a highly prized candidate for service in a reserve unit. He has had two or more years of training and experience which qualify him not only for immediate assignment to fill a unit vacancy, but often for a leadership role as well. Under present rules, geography prevents full exploitation of this enlistment potential. Unless a unit with a vacancy matching his grade and skill qualification is convenient to his home and regular occupation, a veteran is unable to participate. Because unit assignment specifies location, many prior-service enlistments have been lost.

In the eight years spanning FY 1962–69, 4.8 million men left active service. The reserve components recruited fewer than 900,000 of them into paid drill status. That total includes substantial numbers who were obligated to join, some through training "pay-back" agreements entered into during their active service, but more through involuntary assignment (in the Army Reserve) to achieve programmed strength levels. The number of enlistments would have been still smaller had not the Navy assigned a large fraction of reservists to paid-drill, individual mobilization billets rather than to actual crews. Nearly 80 percent of paid-drill Naval reservists attend regular training sessions during the year and report to a crew assignment for two-week summer training. The Navy's experience demonstrates that it is not necessary to forfeit reserve enlistments because of the self-imposed limitations of unit structure.

Prior-service recruitment experience between FY 1962 and 1969 deteriorated sharply except in the Navy, where the "2x6" program provided a degree of stability. The drop was sharpest in the Army components, especially the USAR, whose recruitment rate fell from nearly 23 percent in the first four years to 6 percent in the last four. This decline is attributable chiefly to wartime and the accompanying sharp rise in the number of inductees separated: 70 percent of 1960–67 inductions were released in the 1966–69 period. Another factor depressing USAR recruitment was a ruling by the Defense Department in June 1967 that involuntary assignments into paid-drill units were to be used only if programmed strength could not otherwise be attained.

Since the 1962–65 period approximates a non-war recruiting situation, we have chosen that period as the basis for estimates of enlistments in a post-Vietnam environment. As a matter of policy, the reserves accepted prior-service men only on a voluntary basis during that period, except the USAR. Even so, survey responses in 1964 show that fractions of the men in the other components also regarded their service as involuntary. These responses may be only the results of retrospection, but they suggest that estimates of potential recruits ought to be discounted for involuntary assignment in all components. The adjusted rate is the number of enlistments multiplied by the fraction who volunteered, the product then divided by the number of separations from the parent service. Table 9–IX presents the unadjusted and voluntary (or adjusted) rates which we applied to projected active separations in order to estimate reserve gains from that source. The high level of voluntarism in the National Guard, and to somewhat lesser degree in the Navy, is striking.

TABLE 9–IX.—PERCENT OF ACTIVE SEPARATIONS ENLISTING IN RESERVE COMPONENTS, FISCAL YEAR 1962–65

Reserve component	Percent of active loss into paid drill	Voluntary proportion	Voluntary enlistment rate
Army National Guard	8.5	0.944	8.0
Army Reserve	22.8	.257	5.9
Naval Reserve	31.5	.811	25.5
Marine Corps Reserve	10.1	.404	4.1
Air National Guard	4.7	.943	4.4
Air Force Reserve	6.0	.601	3.6

Projected losses from the 2.5 million all-volunteer force are 342,300 in the 1977–79 period which would provide 47,800 prior service enlistments for the reserves. Projected losses from the 2.25 million all-volunteer force of the 1977–79 period are 302,500. We estimate that the reserves will be able to recruit about 42,400 of them.

Substantially higher gains can be expected during the early years of transition to an all-volunteer force owing to high separations from the active force. For instance, active separations from a 1971 all-volunteer force are predicted to be 665,000. We estimate that the reserves could voluntarily enlist 92,000, or nearly double the number expected after the active force is stabilized at 2.5 million. Table 9–X consolidates active separations and projected gains into the reserves.

TABLE 9-X.—PROJECTED ACTIVE SEPARATIONS AND PAID DRILL GAINS, ALL-VOLUNTEER ACTIVE AND RESERVE FORCES, SELECTED YEARS

[In thousands]

Component	Rate (percent)	1971		1972		1973		Average 1977–79	
		Separation	Gains	Separation	Gains	Separation	Gains	Separation	Gains
2,500,000,000 ACTIVE FORCE									
Army National Guard	8.0	406	32.5	322	25.8	296	23.7	148	11.9
Army Reserve	5.9		23.9		19.0		17.5		8.7
Naval Reserve	25.5	99	25.3	103	26.4	111	28.4	75	19.0
Marine Corps Reserve	4.1	71	2.9	69	2.8	42	1.7	34	1.4
Air National Guard	4.4	89	3.9	99	4.3	102	4.5	85	3.8
Air Force Reserve	3.6		3.2		3.6		3.7		3.1
Total		665	91.7	593	81.8	551	79.5	342	47.8
2,250,000,000 ACTIVE FORCE									
Army National Guard	8.0	406	32.5	322	25.8	296	23.7	121	9.7
Army Reserve	5.9		23.9		19.0		17.5		7.2
Naval Reserve	25.5	99	25.3	103	26.4	110	28.0	70	17.9
Marine Corps Reserve	4.1	71	2.9	69	2.8	42	1.7	33	1.3
Air National Guard	4.4	89	3.9	99	4.3	102	4.5	78	3.4
Air Force Reserve	3.6		3.2		3.6		3.7		2.8
Total		665	91.7	593	81.8	550	79.1	303	42.4

CIVILIAN ENLISTMENTS

In the presence of the draft, reserve service has provided an attractive opportunity for young men to minimize the personal cost of fulfilling their military obligation. Indeed, it has come to be preferred by so many that queues of prospective enlistees have formed which at times are longer than the entire annual flow of enlistments. The reserves, unable to accept all applicants, have exercised a high degree of selectivity. Table 9–XI compares the educational attainment of reserve and active duty personnel. In 1969, 94 percent of the paid drill reservists had completed high school, over one-half had attended college, and 16 percent had been granted college degrees. This is a much higher level of educational attainment than for the active duty force. Only 1.6 percent of paid-drill reservists were Negro, as compared to 10.5 percent in the active forces. At the same time fewer than 5 percent of paid drill reservists, but 15 percent of active duty enlisted men, were under the age of twenty. Table 9–XII compares reserve and active distribution by age.

TABLE 9–XI.—EDUCATIONAL ATTAINMENT OF ENLISTED MEN—FISCAL YEAR 1969

[Cumulative percent]

	Paid drill reserves	Active duty
College graduates	16.1	2.2
Some college	54.4	21.5
High school graduates	93.9	82.7

TABLE 9-XII.—AGE OF ENLISTED MEN—FISCAL YEAR 1969

[Cumulative percent]

	Paid drill reserves	Active duty
Under 19	1.2	5.6
Under 20	4.8	15.2
Under 22	19.1	47.8
Under 24	40.9	66.9
Under 26	62.2	75.0

Men of this age and educational level are almost certain to have little real interest in reserve service. The 1969 survey found that three-fourths of the paid-drill reservists serving their initial six-year obligation entered military service because of the draft. Five years earlier the proportion was two-thirds. (Among 17–21 year olds in the 1969 survey, the proportion was 55 percent.)

Evidence of strong draft motivation among reservists has been interpreted to mean that a voluntary system will not work. These draft motivation data, however, significantly overstate the magnitude of the problem. As table 9–XIII shows, draft motivation is strongly related to education and age: the younger and less educated the reservist, the lower the draft motivation. If recruitment is focused on a younger, less well-educated group; the flow of volunteers will be substantially larger than is implied by the draft motivation of the present force.

TABLE 9-XIII.—PERCENT DRAFT MOTIVATED BY EDUCATION ATTAINED AND BY AGE, FISCAL YEARS 1964 AND 1969

Educational attainment	1964	1969
College graduate	90	91
2-4 years' college	77	83
Under 2 years' college	60	73
High school graduate	43	70
Less than high school graduate	24	64
Age:		
21	83	85
20	70	76
19	55	78
18	41	65
Under 18	26	54

In estimating the number of civilian men who can be recruited for reserve service, we have noted the large waiting lists for reserve vacancies. These lists were built up because the ability of the services to accept reserve enlistments has been limited by their budgets and by the capability of the active forces to provide initial training. At the same time, the services' needs for new enlistments are governed by losses which follow a complex cyclical pattern, with crises such as Berlin influencing losses in later years. The size of the queues has fluctuated as capacity and needs varied, and it has not been possible to estimate satisfactorily the additional number of volunteers who might have been recruited if enlistments had been unlimited. Table 9–XIV shows the size of waiting lists annually since 1965 (the first year for which data are available) and the number of enlistments which occurred in the corresponding fiscal year.

While our estimates do not use data on the queue explicity, we have used the existence of the queues to justify basing our estimates on recruitment in a high pre-war year—1964.

TABLE 9-XIV.—NUMBERS OF MEN AWAITING RESERVE ENLISTMENT ON JAN. 1 AND NUMBERS ENLISTED FISCAL YEAR 1965-69

[In thousands]

	1965	1966	1967	1968	1969	1970
Waiting	236.9	153.2	272.2	125.2	81.9	148.2
Enlisted (REP)	117.9	204.7	96.3	61.9	112.7	.....

As shown above, educational attainments and mental qualifications have been inflated in the reserves under the pressures of the draft. The reserves do not require such an educationally rich force. Peacetime recruits should come predominantly from among high school graduates and not from those with some college experience. According to the 1964 survey: 43 percent of the high school graduates in their first term of reserve service were draft-motivated enlistees; 55 percent of those 17–21 in the first term were draft motivated; 67 percent of those 17–24 were draft motivated; and 70 percent of the last-named group, excluding the "2 x 6" program, were draft-motivated. Even though that group contained far more college men than is desirable for good retention, we have used a draft motivation factor of 70 percent in projecting enlistments. In 1964, 175,000 men enlisted from civil life. If 30 percent were true volunteers, the true volunteers represented 0.7 percent of the 17–21 year old pool. For our projections we have assumed that at current levels of relative military/civilian pay, civilian reserve enlistments each year would be 0.7 percent of the 17–21 year pool. Our estimates take no account of the fact that entry-level drill pay rose substantially more than earnings of civilian production workers in the five years following 1964, and therefore err on the conservative side.

We have no data from which to estimate the results of pay increases on reserve enlistments. Our analyses of the problem of recruiting into the active forces indicate that a pay increase of one percent will produce a 1.25 percent increase in enlistment rates; our estimates of reserve re-enlistments suggest that a one percent pay increase will generate only 0.8 percent improvement in re-enlistments. Table 9–XV portrays projected enlistments under each of these assumptions and at an intermediate value.

TABLE 9-XV.—PROJECTIONS OF NON-PRIOR-SERVICE RESERVE ENLISTMENTS, FISCAL YEAR 1970-80

[In thousands]

Fiscal year	Manpower pool, age 17 to 21	Number of enlistments		
		(1)	(2)	(3)
1970	9,253	86.1	92.5	101.8
1971	9,451	87.9	94.5	104.0
1972	9,715	90.3	97.2	106.9
1973	9,941	92.5	99.4	109.4
1974	10,171	94.6	101.7	111.9
1975	10,343	96.2	103.4	113.8
1976	10,485	97.5	104.9	115.3
1977	10,673	99.3	106.7	117.4
1978	10,726	99.8	107.3	118.0
1979	10,781	100.3	107.8	118.6
1980	10,791	100.4	107.9	118.7

[1] Manpower pool multiplied by (0.00696) × (1.436). The increase in drill pay is 43.6 percent in the first 4 years.
[2] Manpower pool multiplied by (0.00696) × $(1.436)^{1}$.
[3] Manpower pool multiplied by (0.00696) × $(1.436)^{1}$.

TABLE 9-XVI.—RESERVE STRENGTHS AND REQUIRED AND PROJECTED CIVILIAN ENLISTMENTS,* FISCAL YEAR 1977

Active force	Volunteer reserve	Required enlistments	Modified reserve	Required enlistments
2,250	712	97	632	82
2,500	786	106	696	89

*Reserve strength scaled to active strength; "modified" strength is after possible reductions discussed in requirements section. Strengths and enlistments omit the "2×6" program.

Projected enlistments:

(1)	99
(2)	107
(3)	117

[1] If enlistment rate is $(0.00696)\times(1.436)^{0.8}=0.0093$.
[2] If enlistment rate is $(0.00696)\times(1.436)=0.0100$.
[3] If enlistment rate is $(0.00696)\times(1.436)^{1.25}=0.0110$.

SUMMARY

Table 9–XVI shows required reserve force strengths and enlistments for stable forces corresponding to the 2.5 and 2.25 million men active forces. Table 9–XVI also shows three projections of voluntary enlistments for the reserve forces. The projected enlistments appear to be adequate for the reserve forces associated with the 2.25 million force and 2.5 million man active forces. Given the uncertainty which surrounds projections of reserve enlistments and losses, however, further steps beyond the recommended pay increase may be necessary. Any further steps should await the results of experience with higher pay during the next few years.

In that transition period, recruiting potential for the reserves will be substantially enhanced by the large flow of servicemen being separated now. Prior service enlistments, as we saw in table 9–X, are expected to be significantly higher in the 1971–73 period than they will later be for the stabilized force. As a result, the requirement for civilian enlistments will be well within recruiting capabilities in the early years.

This can be seen in FY 1972, for example, when extremely high losses are expected. The currently planned reserve enlisted strength for FY 1971 is 865,000 in the paid-drill category. That strength is higher than the largest force level considered in our analysis, but our study indicates that even that level could be maintained in FY 1972 with volunteers. The re-enlistment rate is expected to reach 9.2 percent by that year, so that an estimated 79,600 men would re-enlist. Prior-service gains would number 81,-800. Losses are estimated at 243,000. To maintain level strength would therefore require 81,600 civilian enlistments (losses less re-enlistments and prior service gains). Using the most conservative evaluation of the effects of the proposed pay increase, we have estimated that 90,300 civilians can be persuaded to enlist.

CHAPTER 10—THE STANDBY DRAFT

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 recommends 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 instantaneously; 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 sizes 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 descretion 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 foreseeable 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.

MAXIMUM SIZE OF AN ALL-VOLUNTEER FORCE

No estimate has been attempted of the maximum size of a force that could be provided on a voluntary basis. When it is posed in this general form, the question of maximum size is not a meaningful one. The number of individuals who will serve voluntarily depends on a variety of factors, more or less subject to control, which change over time. One factor is the specific set of circumstances which dictate the expansion of forces. When the threat to national security is clearly serious, as it was after Pearl Harbor, volunteers will be plentiful. For a limited conflict in a distant and alien land, there will be less enthusiasm. Willingness to volunteer also depends on the character and terms of military service, on casualty rates, and on the public esteem such service enjoys. Most importantly, the flow of volunteer depends upon the level of military compensation.

Pay is important because it leads to more relevant questions regarding the size of the voluntary force which can be sustained. Other things being equal, if it is indeed true that higher military compensation will result in more enlistments, the question of the maximum size of a volunteer force becomes one of how high the level of military compensation should be. Ultimately, each of us faces the question: how heavily are we willing to tax ourselves to pay for a volunteer force? The question of the maximum size of a volunteer military force is at bottom political and not economic. Conscription cannot produce more manpower than already exists. The constraint is political, and it is imposed by the reluctance of voters generally to incur higher taxes even though they want forces large enough to guarantee their security.

Whatever the ultimate limitations on the size of a voluntary force, some relatively large forces have been assembled on such a basis—for example, the Union forces in the Civil War. By the middle of 1862, the North, without conscription, had raised a force of approximately 670,000 men, the vast majority of whom had made three year commitments. This was 15 percent of the estimated male population, age 18 to 39, of the Union States. During World War I, Great Britain relied on volunteers until 1916. By that time, England had raised an active duty force of nearly 2.7 million men, or 35 percent of her age 18 to 40 male population cohort.

Such examples are by no means conclusive, but they do suggest that conscription is not necessarily required for conflicts comparable in scale to those the United States has fought since World War II. The maximum active duty force levels reached during the Korean and Vietnamese Wars were 3.7 million and 3.6 million respectively. The Korean War force represented 15 percent of the male population age 18 to 39 in 1952, and the Vietnam War force represented 12.4 percent of the male population age 18 to 39 in 1968. In prosecuting those wars with conscripts, the nation imposed a heavy tax on a small segment of the population. In all, 5.8 million men saw service during the Korean War and 6.0 million during the Vietnam War. In neither case was a serious attempt made to expand the forces with volunteers, and in the Vietnam War little use was made of the Reserves.

Historically, whenever conscription has been used, military pay has fallen further behind comparable civilian earnings and, as a result, enlistments have inevitably been discouraged. The more conscription is used, the less incentive there is to maintain military pay (especially for those in the lower ranks) at levels sufficient to attract volunteers. This inverse correlation between conscription and military pay (and therefore volunteerism) is illustrated by the data in table 10–I which compares military pay and allowances to manufacturing earnings at different dates in our history.

In the future, serious consideration should be given to steps which would facilitate the expansion of forces through voluntary means before invoking conscription. In particular whenever expansion of forces is required to meet a limited emergency. Congress and the President should give serious consideration to enacting significant permanent or temporary increases in military compensation.

TABLE-10-I.—COMPARISON OF ANNUAL MILITARY EN' LISTED EARNINGS WITH AVERAGE ANNUAL EARNINGS IN MANUFACTURING

Period	Annual military pay and allowances [1]	Manufacturing earnings [2]	Ratio	Percent of forces drafted
Civil War (1865)	[3] $427	$410	1.041	2
Spanish-American War (1898)	444	394	1.127	0
World War I (1918)	870	980	.888	59
World War II (1945)	1,587	2,469	.643	61
Korean war (1952)	2,584	3,721	.694	27
1960	3,034	5,020	.604	15
1965	3,567	6,130	.581	16

[1] Figures include basic pay and value of quarters, food, and clothing but not medical care, insurance benefits, special pays or income tax exemptions.

[2] Sources:

Civil War—Long estimates average annual earnings in manufacturing in 1860 at $297 (table 14, p. 42) and a 38-percent increase in average daily wage rates by 1865 (table 7, p. 25) See Long, Wages and Earnings in the United States, 1860–1890 (New York: National Bureau of Economic Research, 1960).

Spanish-American War—See table 10 (p. 33) in Rees, Real Wages in Manufacturing, 1890–1914 (New York: National Bureau of Economic Research, 1968).

World War I—Average Annual Earnings of Manufacturing Wage Earners (Historical Statistics, series D 605).

1945–65—Average annual earnings per full-time employee in manufacturing, adjusted for unemployment.

[3] This figure does not include the large bounty payments or payments rendered for substitutes.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 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?"

Communst North Vietnam is sadistically practicing spiritual and mental genocide on over 1,400 American prisoners of war and their families.

How long?

TRIBUTE TO PAUL CHRISTMAN

HON. DURWARD G. HALL

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. HALL. Mr. Speaker, ask anyone in the Nation to list the giants of football and the chances are very good that included among the Grange's, Nagurski's, the Thorpe's, and the Baugh's, will be "Pitchin' Paul."

"Pitchin'" Paul Christman was instrumental in putting the University of Missouri on the football map, and in recent years distinguished himself as an honest and highly informative commentator of professional football on national television.

Dave Gregg, of the Joplin News Herald in Joplin, Mo., recently composed a moving and eloquent tribute to Paul Christman, whose untimely death at the age of 51, has left an unfillable void in the ranks of those who love the game of football.

The article follows:

[From the Joplin (Mo.) News Herald, Mar. 3, 1970]

SO LONG, PAUL . . .

(By Dave Gregg)

If you danced to the smooth swing music of Charley Fisk in Gaebler's Black and Gold; jelly-dated in the uncomfortable booths of the Campus Drug; drank beer in The Shack and The Dixie and "purple passion" when somebody was crazy enough to make it; froze those bleak, bone-chilling winters walking under the tower on the way to class at Jesse hall; gamboled on the banks of Hinkson creek in spring, and sweltered in summer school—if you were around at the tag end of the 30s and at the birth of the new decade at Missouri U., you lost something yesterday.

Paul Christman wasn't just another athlete at M.U., he was the fellow who pushed the sleepy little town of Columbia into the 20th century. When Pitchin' Paul passed the Tigers to victory over New York U., the Missouri football team was discovered by The East. The blond crewcut with the merry eyes, the dimples and the slow grin became Missouri's first All-American. But he was even more than that to us. He was the guy we'd all have liked to have been in our little Walter Mitty lives.

Paul Christman was larger than life on the football field; standing back there in a sea of opposition; disdainfully sidestepping would-be tacklers; holding the ball until the last possible second, and then uncorking one of those incredible aerials of his.

Sure, he had to throw it away on occasion; and there were times when he had to eat the ball. But even in these ignominious situations, Paul was never ignominious. He had that rarest of rare qualities: Class, had it in everything he did. Paul Christman put Missouri on the football map, he was profiled in national magazines. He was, in short, a star; but he never thought so. Nobody, his teammates, his fraternity pals, even his casual acquaintances didn't put the knock on Paul. He never had a bit of trouble with his hat.

After graduation and World War II service, he became a star all over again, this time with the Chicago Cardinals. Not just a great passer, the kid from a St. Louis suburb had a marvelous football mind. He was a great pro. In recent years, his TV football commentary was a pure delight. No Polyana, if somebody missed a key block. Paul pointed it out. He never talked down; condescension was no part of his makeup. And if a game was a bore, you didn't hear Paul doing the gee whiz bit.

When death came to him Monday at 51, he was at the top of sportcasting. Paul never did anything poorly. He made up for a whole lot of short-comings in a lot of us. And he never forgot M.U. either. If the school needed a plug or a personal appearance, Paul Christman was there. Once, years ago, the writer did an eminently forgettable piece on Paul Christman. Some overly enthusiastic alum sent it to the Christmans, and a warm thank-you letter came from Mrs. Christman. Inez couldn't have remembered me. I was a face in the crowd when she was the campus queen being courted by everybody's hero, Paul Christman. I did a sophomoric thing: Wrote and asked Mrs. Christman if she'd have her husband autograph a picture for me. I still have that picture, and I'll always keep it, a memento of one of the nice things to come out of sports hacking, the biggest Walter Mitty dodge of all.

Those of us who were fortunate enough to bask in the Christman charisma lost a great deal yesterday. But you have to figure we were lucky to have had a Paul Christman, not every generation does.

DOES THE PEACE CORPS REPRESENT THE UNITED STATES?

HON. JOHN E. HUNT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. HUNT. Mr. Speaker, appearing in the Evening Star of March 6, 1970, was what I believe a particularly perceptive column by Richard Wilson on the political activism of the Peace Corps. Hidden behind this activism is perhaps what can best be described as the burning desire of our young revolutionaries not only to destroy the institutions of our own society, but to remake the governments of the world in their own "image" and conception of what they think is the "right" way to operate a society.

According to Richard Wilson:

Activities of Peace Corpsmen in a dozen countries have held up to public calumny the policies of a country they are supposed to represent. . . . In some cases, such as Ethiopia, the corpsmen have fanned youthful discontent with existing governments, protested the existing social order and, in general, have placed a heavy strain on American relations with host governments.

Not only do I agree with his observation that "no harm would be done to U.S. policy abroad if a move for a sharp cutback in funds for operation of the Peace Corps were to arise in Congress," but I would suggest emphatically that as a matter of policy, our Government should not stand idly by until our Peace Corpsmen are asked to leave a country in no uncertain terms. For the information of all the Members, the full text of the column follows:

ADMINISTRATION WORRIED BY PEACE CORPS ACTIVISM

(By Richard Wilson)

The President, the vice president and the secretary of state have now had enough experience with the high spirits of the politically turbulent Peace Corps to wonder if this experiment in spreading America's youthful idealism over the world has not gotten badly off the tracks.

To be quite blunt about it, Secretary of State William P. Rogers and Vice President Spiro T. Agnew have been acutely embarrassed abroad by demonstrations of Peace Corpsmen against U.S. policy.

The result is that there would be no great sense of disappointment or deprivation in the executive branch if Congress were to lop off $20 million, $30 million or $40 million from requested funds of $98 million for the Peace Corps in 1970–71, and reduce its political activism accordingly.

Activities of Peace Corpsmen in a dozen countries have held up to public calumny the policies of a country they are supposed to represent. They have done so in Ethiopia, Liberia, Tunisia, Afghanistan, Chile, Peru, Kenya, Niger, Turkey, Brazil, Thailand, Togo.

In some cases, such as Ethiopia, the corpsmen have fanned youthful discontent with existing governments, protested the existing social order and, in general, have placed a heavy strain on American relations with host governments.

Rogers returned from his recent African trip badly out of sorts over the behavior of Peace Corpsmen who had exposed black armbands, snorted their disapproval, and turned their backs on him as he expounded American policy at the U.S. Embassy.

Agnew was cross-examined by Far Eastern statesmen on whether or not the Peace Corpsmen, as representatives of the U.S. government, were expressing hostile attitudes hidden beneath the surface of American friendship and cooperation.

A strange theory, supported by a federal district court decision in Rhode Island, underlies political activism in the Peace Corps. The corpsmen, by this doctrine, are not government officials or representatives, but volunteers financed by the U.S. government and entitled to all the rights and privileges of private citizens.

If they wish to protest the Vietnam war, the pace of integration, the military-industrial complex, the ABM or Spiro Agnew, they cannot be disciplined because their constitutional rights would be denied. If they wish to condemn the government of the country in which they are serving, agitate among its youth, denounce its leaders, that is no concern of the Peace Corps.

Either of these forms of political activity is flagrantly in violation of the rules of the Peace Corps and has been from the beginning. The era of permissiveness began with the original director, Sargent Shriver, and has steadily grown worse. Shriver also suppressed critical investigative reports of the Peace Corps administrative operations.

The present administrator, Joseph H. Blatchford, is trying to weed out the young activists and slowly convert the corps to a more stable and responsible condition with people who are older and have skills useful to the economic and social structure of developing countries.

But it is a hopeless task. The corps has a huge overlay—90 percent—of liberal arts idealists, mostly teachers of English, and cadres of protest-minded youth whose ideas are incompatible both with U.S. policy and the policies of the countries where they serve.

The Nixon administration is not of a mind to liquidate the Peace Corps. Some of the

original idealism is regarded as valid. The general idea is appealing and has been politically popular in the past, although today's young are disenchanted with this kind of public service, evidently preferring active duty on the streets and campuses to the relative safety of a tropical jungle.

No harm would be done to U.S. policy abroad if a move for a sharp cutback in funds for operation of the Peace Corps were to arise in Congress. This would afford an opportunity for a new beginning or a worldwide shakedown of the corps to make it a more useful instrument of U.S. foreign policy, or at least not a disruptive influence.

There is something to be said, too, for going back to the purposes and methods of the old Point IV program, which originated in the Truman administration, to give technical aid and support in the development of emerging nations.

The idea that the Peace Corps would be an outlet for the idealistic drive of American youth, their high spirits, dedication and sacrifice spreading light into places of darkness, seems pathetically innocent in today's world—not so much because the world has changed as because youth's concept of its mission has changed.

ANOTHER PROMINENT VISITOR ROBBED ON THE STREETS OF THE DISTRICT OF COLUMBIA

HON. ANCHER NELSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. NELSEN. Mr. Speaker, I will insert following my remarks an article that appeared in the Washington Post for March 11, 1970, stating that Mayor James N. Corbett of Tucson, Ariz., was robbed of $450 early Saturday morning.

Once again we are reminded by this incident of the danger to all tourists, not only prominent citizens such as the mayor of Tucson, in coming to the District of Columbia where crime, or fear of crime, is ever present.

The District crime bill, H.R. 16196, will, I am informed, soon be considered by the House. In my opinion, this bill is a good and comprehensive measure attacking crime in the District of Columbia and deserves the wholehearted support of those in this body, who are interested in making the streets of the District of Columbia safe not only for the tourist and important visitors that come to the city, but for the residents of the city and those in the surrounding metropolitan area who are employed in or shop in this city.

I strongly urge all the Members to become acquainted with the bill and the committee report when it is filed. I also strongly urge all my fellow Members of the House to give to the law enforcement officials, prosecutors, and judges of this city the tools that are needed and are contained in this bill to permit them to conduct a meaningful and successful fight against crime.

The article follows:

LOSES $450, CREDIT CARDS: TUCSON MAYOR ROBBED HERE

(By Paul W. Valentine)

Mayor James N. Corbett of Tucson, Ariz., here last weekend for a municipal convention, was robbed of $450 early Saturday morning by two thugs who pulled him from a taxi in which he was riding.

Corbett, according to police accounts, reported that he hailed a cab at the Gramercy Inn on Rhode Island Avenue near Scott Circle NW at 1:15 a.m. and asked to go to the Washington Hilton Hotel, 1919 Connecticut Ave. NW, where he was a registered guest.

The taxi drove to 19th and S Streets NW near the hotel and stopped. Two men jerked him from the cab, took $450 in cash, plus a number of credit cards and struck him on the head, Corbett said.

Corbett, 45, could not be reached yesterday for comment. He was here for a National League of Cities congressional conference but had left for San Juan, Puerto Rico yesterday, his office in Tucson said.

Tucson Assistant City Manager Ken Burton said Corbett planned to stay at the San Juan Hotel, but hotel spokesmen said no one by that name was registered or had a reservation.

Donna Reilly, an accounting assistant at the National League of Cities office here, said she saw Corbett the evening after the robbery, and he gave an account somewhat at variance with the official police account.

She said Corbett and Las Vegas, Nev., Mayor Oran K. Gragson hailed a cab from the Washington Hilton, not the Gramercy.

The two mayors were sitting in the back of the cab, and the driver and an apparent companion were in the front seat, she said Corbett told her.

The cab went to an unspecified address, she said, where Gragson got out. Corbett then asked to be taken back to the Hilton, she said.

The taxi drove within three blocks of the hotel, then stopped, she said she was told. Corbet was ordered out of the cab by the two men in the front seat and then robbed and struck above his left eye, she said.

The mayor fell unconscious, and when he recovered, he was standing in front of the hotel, she said Corbett told her.

"I know that's the way he told it to me," she said. "I bet Jim told me the story a hundred times . . . It sure was a terrible thing."

AMERICAN FARMERS

HON. ODIN LANGEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. LANGEN. Mr. Speaker, as one who has had firsthand experience with the problems facing American farmers, I find particularly interesting and worthwhile the remarks offered at a congressional breakfast yesterday by Mr. John Thomsen, president of Western Wheat Associates, U.S.A., Inc.

In particular, Mr. Thomsen offers a number of suggestions near the end of his statement which are relative to further expansion of U.S. wheat exports:

STATEMENT OF JOHN THOMSEN

I have been asked to say a few words this morning on behalf of Western Wheat Associates and Great Plains Wheat.

The two organizations were founded by wheat producers in a self-help effort to develop and expand export markets for U.S. wheat. We are regionally oriented because of our natural export market outlets. Western Wheat Associates in the Asian market and Great Plains Wheat in Latin America, Europe and Africa. During the past 13 years of operations, we have learned that we must promote every class of wheat in each market to do our job. While both organizations maintain their regional identity and market promotion areas, we cooperate very closely in meeting our overall objectives.

Foreign wheat market development is a joint effort between all of us here today. We producers contribute our own dollars through local and regional organizations. The U.S. government contributes foreign currencies generated by PL 480, which are administered by the Foreign Agricultural Service of U.S.D.A. Secretary Hardin, Assistant Secretary Palmby and other Department decision makers have supported our market development efforts as a matter of policy. The necessary actions that have been taken by the Export Marketing Service, Commodity Credit Corporation and the Foreign Agricultural Service have been extremely beneficial in maintaining our markets abroad.

Last year we reported the serious imbalance of the world wheat supply and demand. I am sorry to report that this situation has improved very little. The combined supply of wheat available for export and carry-over as of January 1, in Canada, Australia, Argentina, the European Economic Community and the United States (the major exporting countries) stood at 3.6 billion bushels. This is well above the 3.1 billion of last year. Current world-wide import requirements are only between 1.7 and 2.0 billion bushels.

Recent production estimates put this year's world wheat crop at 10.8 billion bushels, down 5 per cent from last year's record crop. World wheat acreage is off slightly but further reductions to more closely approximate requirements is needed. Significant progress is now being made in this direction. A program to limit wheat exports was initiated several months ago by Australia. Canada has recently announced a plan to reduce their wheat production. It is encouraging to note that the U.S. is no longer expected to shoulder this responsibility alone.

The continued liberalization of U.S. trade policies will be extremely helpful in expanding markets for U.S. wheat. The President of the Chicago Board of Trade recently stated that "the agriculture sector of our own country has always been in the forefront of the movement to liberalize our trade policies. This is readily understood when one looks at the impact of exports on agriculture products throughout the United States." Every one of our states, except Alaska, exports agricultural products. Crops from one out of every four acres in production are exported. In states where wheat is the major crop this ratio runs much higher.

U.S. agriculture exports are a big exchange earner. During the 1960's, agriculture—through its export earnings—contributed significantly to the favorable balance of trade. Wheat plays a significant role in the trade balance. Even last year, when exports were down, total export sales on all wheat and wheat products was 830 million dollars.

Agriculture exports last year totaled 5.7 billion dollars compared to the 1961–1965 annual average of 5.5 billion dollars. Recent projections indicate that they will reach 6.1 billion dollars in fiscal year 1970. The U.S. balance of payments, often in the red in recent years, would be in much greater trouble were it not for the helpful black ink offsets made by American agriculture. We as wheat producers would like to contribute further to the balance of trade. Further expansion of export markets is one way this can be accomplished. Another would be improved for wheat in world markets.

Now I would like to talk about a program that is very important to us, PL 480. PL 480 has been a useful tool in developing cash markets. As a concessional sales country progresses toward cash purchases, it tends to maintain established trade relationships. Recipient countries have developed a liking for our quality wheat and they have grown

to appreciate our marketing system. In addition, PL 480 sales generate income just as do cash sales.

Senator Dole recently reflected our view when he asked for greater use of the Food for Peace program. He called it "a great basic tool of foreign aid" and said that it generates better farm income and tax receipts, ups employment, reduces government farm program costs, improves nutrition in developing countries and improves peace prospects. A recent study using Kansas data for 1950 to 1969 concludes that, on the average, $1 of farm income generates $3.33 of total income, whereas $1 of non-farm income generates only $1.46.

In the area of PL 480, we have two concerns. One is the extension of the law beyond 1970 and the other is the adequate appropriation of funds for fiscal year 1971. Although we primarily direct our efforts toward expanding cash markets, about 50 per cent of our wheat exports move under concessional sale programs. Reduction of PL 480 funds in time of both national and world surpluses would further undermine our marketing structure. The resultant reduction in sales would compound an already serious economic problem by further increasing total supplies and would subsequently lower export prices while they are already more than 50 percent below parity.

The U.S.D.A. budget for PL 480 for 1970–71 is 118.4 million dollars less than for the current year. The cut-back on major commodities are projected at 69.3 million dollars and over half of this reduction (35.6 million dollars) is wheat and wheat products. The proposed expenditures for five commodities—cotton, feed grains, vegetable oil, dairy products and tobacco—are higher. Our projections for wheat indicate little reduction in the *needs* of recipient countries. We actually foresee a slight increase in requirements because of current crop and economic conditions since adjustments have already been made to offset increased production in recipient countries.

In summary, *the real future for the U.S. wheat producer lies in further expansion of export markets.* To accomplish this objective, all of us here must work together to multiply and perfect the tools we have to work with. These implements are part of a total package, each segment dependent or related to the other. They are:

(1) An aggressive, expanded, well-conceived market development effort between wheat producer organizations and the U.S. Department of Agriculture;

(2) Adequate quantities and qualities of wheat readily available to the world market at competitive prices;

(3) Stronger efforts by major exporting countries to improve world prices and to bring supplies into closer relationship with demand;

(4) Further liberalization of trade policies by both the U.S. and importing countries; and

(5) The continuation and adequate funding of PL 480.

If all of us here today cooperate to accomplish these objectives, America's wheat industry will survive and its contribution to the balance of payments and to the total welfare of our country will be significant.

YOUNG AMERICANS

HON. JOHN V. TUNNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. TUNNEY. Mr. Speaker, I would like to commend to the attention of the Members of the House, the zest, purpose, and ideals of the 36-member troop of talented young entertainers who are giving people abroad a true picture of what it means to be young and alive in these United States. This group of young people, many of whom I am privileged to represent from the 38th Congressional District of California, is known as the "Young Americans."

They travel in many nations of the free world demonstrating that this country produces and trains skilled performers in music and the dance. More important, they protray our teenagers as modern, bright, and lively, individuals who in the face of fast-moving change maintain a strong hold on our traditional and abiding beliefs in love of country and of fellow man and in the American adherence to morally high standards of human behavior. It is refreshing when we are confronted by reports depicting some elements of our young people as violent, discordant, dissolute, to salute these Young Americans and know that they represent the ideals and achievements of the vast majority of Young America.

I call attention to the accomplishment of these Californians today because tonight over the nationwide network of the American Broadcasting Co., the "Young Americans" will present their first full hour television special program. I hope it will be the first of many by these talented entertainers. I further commend the good taste and thinking of Corning Glass Co. in electing to sponsor a program which will bring laughter, liveliness, and enlightenment to millions of people.

TRANSFER OF NERVE GAS

HON. FRANK THOMPSON, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. THOMPSON of New Jersey. Mr. Speaker, my attention has been drawn to the possibility that a quantity of nerve gas, now stored in Okinawa, is to be transferred for storage in Oregon. Understandably, there is a good deal of concern among the people of that State with respect to this proposal. In the hope that the following material will provoke public debate on the subject, I take the liberty of placing before the House the accompanying fact sheet and press articles:

PROPOSED NERVE GAS TRANSFER, OKINAWA TO OREGON

WHAT IS NERVE GAS?

Nerve gas is a odorless colorless substance which can kill a human in quantities of 1/50 of a drop. Two forms, VX and GB are involved in the proposed shipments.

HOW MUCH IS IN THE PROPOSED SHIPMENT?

Four to five ships would be required to move the gases to Bangor, Washington which is across the Puget Sound from Seattle, Washington. From that point approximately 600 to 750 railroad cars would be needed to complete the journey to Umatilla Army Depot at Hermiston. Hermiston is approximately 175 miles east of Portland on the Columbia River. No exact figures have been released, but it is estimated that approximately 3,000,000 pounds of nerve gases (excluding explosives and containers) are in the planned shipment.

WHY IS IT BEING MOVED?

In July of 1969, the press reported an accident occurred in Okinawa which required the hospitalization of 24 Americans. This was the first time that Okinawans knew that the nerve gases were stored there. Reaction was immediate and vigorous. Within four days after the announcement, the Army had promised to remove it.

WHAT ARE THE HAZARDS OF TRANSPORTATION?

The gases are enclosed in containers which are attached to explosives. These explosives are designed to spread the toxic agents around over a wide area upon detonation. Certain forms of these munitions which contain the nerve gases are suceptible to shock, fire or the impact of the bullet of a high powered rifle. Tests have shown that sympathetic detonations may then occur and this would make it impossible to stop the spread of the gases throughout the surrounding vicinity. Depending on weather conditions, this could bring death to all forms of human and animal life over a wide area.

ARE THE GASSES NEEDED FOR MILITARY SECURITY?

Recent releases have stated or implied that these chemical weapons are necessary to our national security. However, when the announcement of the planned shipments was first made a different picture was presented. On December 1, 1969, Undersecretary of the Army, Thaddeus Beall met with Oregon's Governor, Tom McCall and told him that the army considered the gas to be surplus. Again on December 3, 1969, Secretary of the Army, Stanley Resor restated this same position to Gov. McCall.

WHAT ARE THE ALTERNATIVES?

Following the removal of the explosives (demilitarization) the nerve gases can be readily detoxified through the use of relatively simple and low cost procedures. They could be burned or neutralized by mixing with a strong base or acid. Neutralization with a base would require chemicals costing approximately $130,000.

WHERE DO THE PEOPLE OF THE NORTHWEST STAND?

Over 115,000 people have signed petitions supporting detoxification in Okinawa. Scientists, physicians, clergymen and many elected officials have voiced strenuous objections. It is felt that the attached newspaper clippings, which are only a small fraction of the large quantity of coverage, accurately reflect the concern of the citizens on this issue.

[From the Oregonian, Jan. 17, 1970]

NATIONAL PANEL URGED TO PROBE GAS MOVE

EUGENE.—A group of University of Oregon scientists Friday urged the reactivation of a national committee to investigate the Army's plan to store nerve gas in Oregon.

The urging came from nine chemistry and biology professors, who called a press conference to make their proposal known.

The professors asked that the Kistiakowsky subcommittee of the National Academy of Sciences be reactivated and charged "with the investigation of the situation created by the proposed large scale transport of GB and VX nerve gases into Oregon."

The subcommittee, headed by Professor George B. Kistiakowsky, professor of chemistry at Harvard University, was the one which recommended against transporting bombs and rockets containing nerve gas last June from Colorado to the East Coast, to dump the gases in the Atlantic Ocean.

The Army subsequently withdrew its proposal for ocean burial of the weapons, a reported 27,000 tons of obsolete nerve gas munitions stored at arsenals in Colorado, Alabama and Kentucky.

REPORTS SOUGHT

In their statement the professors said, "We urge the governor and other state officials to determine whether in fact the findings of the Kistiakowsky committee . . . do not apply equally (or with greater relevance because of the greater toxicity) to the proposed Oregon shipments.

"We recommend that the National Academy panel be reconvened to examine the feasibility of the present transport law and determine whether the objections to the previous proposal (which were accepted as valid by the Pentagon) do not also apply in this case."

The professors also said findings of the subcommittee, if it is reconvened, should be made public.

The professors also said the Department of Health, Education and Welfare and the surgeon general's office should "determine, as required by law, whether the transport of these poisonous gases to Umatilla creates a serious hazard to the population and environment of the areas along the route." These findings should also be made public.

The nine who signed the statement were John Baldwin, professor of chemistry; Sidney Bernhard, professor of chemistry; Virgil Boekelheide, chairman of the university's department of chemistry and member of the National Academy of Sciences, Stanton Cook, associate professor of biology; Edward Herbert, professor of chemistry; Marvin Lickey, assistant professor of physiological psychology; John Menninger, assistant professor of biology; George Streisinger, professor of biology and cochairman of the UO Department of Biology; and Pete Von Hippel, professor of chemistry and director of the UO Institute of Molecular Biology.

VIEWS SHARED

The professors made it plain they were speaking as individuals and not as representatives of the university. They said their sentiments are shared by numerous other personnel at the university.

"We advocate the destruction of the gases where they are now stored rather than transporting it anywhere," Baldwin said.

Cook and others stressed the number of times the munitions would have to be handled in loading, unloading and transporting them from Okinawa to Umatilla.

Such handling, Cook said, could result in accidental detenation of the weapons if the fusing mechanisms and explosive charges attached to the munitions are in a state of advanced decay.

He said the sensitive fuses of the munitions stored in Colorado, Alabama and Kentucky apparently played a part in abandoning plans to transport them to an ocean disposal site.

"It would appear," said Bernhard, "that these bombs have been put together in such a way that no one ever considered taking them apart."

[From the Oregon Journal, Jan. 22, 1970]

PORTLAND STATE UNIVERSITY PROFESSORS ASK STUDY OF NERVE GAS DANGER

A petition asking that the National Academy of Sciences study the shipment and storage of nerve gas at Hermiston is on its way to the President; the U.S. secretary of health, education and welfare, and Gov. Tom McCall.

The petition, signed by 43 doctorate-rank scientists and professors at Portland State University, was announced Thursday at a news conference in Koinonia House. It requests that the academy is reactivated and given full access to all of the data pertinent to the handling of the controversial gas.

Gordon L. Kilgour, chairman of the PSU chemistry department, read a statement citing the report of the academy regarding an earlier proposal of shipment of nerve gases from Denver to the East Coast. The report indicated, he said, that "Transportation through populated areas is an indefensible risk when the incredibly toxic and volatile GB and VX gases are involved."

He declared that "the combination of overaged explosive charges and massive quantities of gas involved in the Hermiston shipment pose a hazard to the people of the Northwest unparalleled in history."

Kilgour's statement noted that "A single bomb containing 100 pounds of GB or XV has been estimated to provide at least 5 million lethal doses—more than enough to wipe out life in Seattle and Portland and most of the territory between.

"But there are tons being shipped, not pounds. The net effect is not unlike the risk of allowing someone to truck a live hydrogen bomb with a defective fuse through the downtown area of every city within 50 miles of the train route."

Kilgour said none of the PSU petitioners is an expert on nerve gas as such, but all are members of the physics, chemistry and biology departments and qualified to speak on the subject.

He said he sees no insurmountable problems in detoxifying the gas. "None of these gases are such that they can't be detoxified unless the army has come up with a whole new range of gases we don't know about.

Malcolm S. Lea, assistant professor of biology, commented that "It doesn't take a biologist, chemist or physicist to understand the dangers of nerve gas. If you get a drop of this stuff on you, you're dead."

[From the Oregonian, Feb. 1, 1970]

FOES SAY DETOXIFICATION CHEAPER THAN HAULING NERVE GAS TO STATE

(By Harold Hughes)

Tons of deadly nerve gas can likely be detoxified in Okinawa for less than the shipping costs to Oregon, the Portland City Club was told Friday.

Peter von Hippel, chemistry professor and director of the Institute of Molecular Biology at the University of Oregon, and Don Waggoner, an industrial engineer who heads up the Citizens Committee to Stop the Nerve Gas, reported on their research into the nerve gas issue.

They said the government had "boxed itself in" on the controversy and was rapidly establishing a "credibility gap" in statements made to Oregon political leaders, such as Gov. Tom McCall.

(In a statement concerning rumors of plans to move the gas to Colorado, Sen. Mark Hatfield's office said Army Undersecretary Thaddeus Beal reported there were no facilities on Okinawa or the West Coast that could be modified readily to neutralize the gas. Hatfield's spokesman said the "last word" is that objections to shipments to Umatilla have been considered and overruled.)

The chemical process of detoxification is relatively simple and cheap, Von Hippel told the club, drawing on his own knowledge and reports from the National Academy of Science which successfully opposed a similar shipment from Colorado to the East Coast on the grounds the risks were far too high.

Von Hippel said chemicals need to split the nerve gas molecules in a hydrolysis reaction would cost only $130,000, based on estimates of the known quantities of the gas. This would take, using a "shelf item" chemical mixer, only about 24 days, not counting defuzing operations.

The liquids can also be burned in high temperature furnaces, likely a six-month process, he said, mentioning an Oregon firm that builds such furnaces.

If twice the estimated tonnage is actually on Okinawa he said, the costs would still be under the $500,000 estimated shipping costs.

Four or five ships will be used to haul the gas to the Naval Ammunition Depot at Bangor, Wash., from which it will go by rail through Washington to the Army Ordnance Depot at Umatilla, Ore., the Pentagon has reported.

TRAIN ROUTE TOLD

A Northern Pacific Railway official gave the route following a trial run conducted by the Army. It would pass near 20 Washington communities, including Bremerton, Shelton, Centralia, Vancouver, Camas, Washougal and Pasco before crossing the river into Oregon.

Von Hippel noted that a slide recently derailed several cars along the Columbia River on this route.

He said if the clusters of gas bombs, or "bomblets as the Army calls them," fell into the Columbia River and broke open, all animal and fish life downstream and out into the ocean near the mouth would be destroyed, including any exposed person.

He said the gases, which are liquids in aerosal bombs such as paint spray cans, have a 600 hour half-life in water. After this period, half of the material would still remain and so on, in a downward progression.

The biochemist said death is not instant, but it is "definitely unpleasant" as the doomed victim is fully conscious, drowning in his body fluids as the gas attacks the enzymes that transmit nerve signals to the muscles.

"You can watch yourself asphixiate," he said.

There are antidotes, he said, but these must be given immediately in huge doses that would be lethal if the victim has not been contaminated with the gas.

Both Von Hippel and Waggoner said "time is running out" on any campaign to stop the shipment, which is their goal at this time rather than immediate destruction of other nerve gas bombs at Umatilla, where they are relatively safe.

The ships can't leave Okinawa until the U.S. surgeon general gives approval. Von Hippel said he hopes the surgeon general's findings will be passed on to scientists for evaluation as was done in the East Coast shipment proposal.

The gas, he said, has been in Okinawa since the early 1960s. The containers, even those stored in this country, deteriorate at a rate faster than the gas, so eventually all stores will become dangerous to handle or ship. "It won't get any safer with age," Von Hippel said.

"Twice the Army has officially said the gas on Okinawa is surplus," but other officials have said it is in the national interest to move it to Oregon.

Waggoner said 45,000 Oregonians have signed petitions for the governor and to be sent to the President opposing the shipment, while only 1,800 have favored the plan. "That's 25 to 1 against," he said.

Forty-three scientists in Oregon have signed a statement saying the shipment poses a hazard "unparalleled in history."

The government has the technology developed to take the bombs apart, Von Hippel said, noting that 2,200 were defuzed and neutralized in Colorado last year when they began to leak.

The speakers, who fielded questions from the club and then got a good hand from members, said it won't be easy to stop the shipment as the government has wasted considerable time since it promised the Okinawans to have the gas out by April.

They said the gas is not being rushed out of Okinawa because the United States is giving the island back to the Japanese in 1972, but because of mounting public pressure there to get rid of the dangerous gases.

Now the government is "boxed in," having little time left to neutralize the gas in Okinawa and is taking the admittedly "easy

course" of sending it to Oregon, they contended.

The club had planned to ask Umatilla Depot officials to appear on the program but learned they recently refused to make public appearances on the controversial matter.

[From the Oregonian, Feb. 21, 1970]

NERVE GAS NOT WANTED; 63,000 PERSONS SIGN PETITION

TACOMA, WASH.—A half-mile-long petition bearing the names of some 63,000 persons opposed to shipment of military nerve gas through the Northwest was sent to the White House Friday by a Tacoma late-nite television personality.

The petition is the two-week-project of Bob Corcoran, host of a nightly talk show on Tacoma television station KTVW.

"The station owners and management let me have an open hand," Corcoran said. "I solicited on the air for people opposed to the shipment to send in their names and addresses and phone numbers."

"They came in from every hamlet in the Northwest—Bremerton, Olympia, Centralia, Chehalis, Shelton, the Longview-Kelso area, plus Tacoma and Seattle and even Victoria, B.C.," he said.

Corcoran said he became opposed to the shipment of nerve gas—in a fluid form—from Bangor, Wash., to Hermiston, Ore., after talking to Oregon Gov. Tom McCall and researching the gas with help of Dr. Gordon Kilgare, head of the chemistry department at Portland State University.

The Defense Department has not set a date for the gas shipment, which will originate in Okinawa.

The bulky petition was sent by air freight late Friday to the Washington office of Sen. Warren Magnuson, D-Wash. Corcoran said Magnuson will deliver the petition to the White House.

[From the Oregonian, Dec. 30, 1969]

FOES OF GAS PLAN ACTION; DRIVE SCHEDULED FOR SIGNATURES

Opponents of the Army's plan to transfer nerve gas stocks from Okinawa to Hermiston, Oreg., remained active on two fronts Monday.

The Oregon Committee to Stop the Nerve Gas, a citizens group active since the Army plans were first made public, announced a new major effort to seek petition signatures.

Committee Co-chairman Robert Kindley told The Oregonian the group will meet at Centenary-Wilbur Methodist Church at 10 a.m. Saturday, Jan. 10, pick up petitions and then fan out across the city to gain signers in shopping centers and downtown.

Volunteers who would like to join in the new drive are welcome, Kindley said.

Meanwhile Umatilla County Dist. Atty. R. P. (Joe) Smith huddled with a group of lawyers in Portland with whom he has been exploring possible legal channels to block the nerve gas transfer in court.

Smith was slated to meet with Gov. Tom McCall's legal counsel, Robert Oliver, at the state capital Tuesday afternoon.

Oliver said he was uncertain as to the meeting's agenda, except that it concerned the gas question.

The governor's office reported Monday that support for McCall's position against the gas transfer to Umatilla Ordnance Depot in Hermiston continued to grow.

The number of petition signers and letter writers now exceeds 10,500, a spokesman said, and that doesn't include newspaper poll results in Salem and Eugene.

A poll in the capital city showed 68 per cent of those responding oppose bringing the gas stocks into Oregon. The anti-gas forces in Eugene provided a 7-1 margin in the poll there.

Brig. Gen. Robert Concklin, deputy chief of information in the Defense Department, told The Oregonian Monday there had been no change in the Army's plans to start transferring the gas in January.

The stocks are being removed in accordance with a Japan-U.S. agreement under which Okinawa will revert to Japanese sovereignty.

[From the Oregon Journal, Feb. 21, 1970]

GAS, GERM WARFARE HIT BY CHURCHMEN

(By Watford Reed)

Opposition to the storage of nerve gas in Oregon or anywhere else is voiced by the board of directors of the Greater Portland Council of Churches.

The deadly gas, which is to be shipped from Okinawa, should be made harmless, the board said.

"In the name of God and humanity," it said in a letter to President Nixon, "we further ask that you look again at the subject of our nation's use of all chemical and biological weapons with a view to renouncing their use once and for all time.

"We were relieved when last November on our behalf you renounced the use of bacteriological weapons and called upon the Senate to ratify the Geneva protocal of 1925 (outlawing chemical and biological warfare).

"We shall not be satisfied until our nation has done what more than 80 other nations have done and ratified the protocol without reservations, thus renouncing the use of all chemical and biological weapons, the use of which weapons we believe to be immoral, whether used by others or by us."

The board then quoted from Deuteromomy 30:19, "Let us lead the world by our example, 'choosing life rather than death, blessing rather than cursing, good rather than evil,' that we and all the world's people may continue to live."

[From the Oregonian, Jan. 17, 1970]

LOCAL FIRM SURE IT CAN DESTROY NERVE GAS

(By Wally Marchbank)

SHERWOOD.—Executives of a suburban firm that makes industrial incinerators see no reason why they could not build a furnace to destroy nerve gases.

While government officials from Oregon and Washington have protested the planned shipment of nerve gas from Okinawa to a storage depot in Eastern Oregon, the Sherwood firm has been contacted by the Army to bid on a furnace to decontaminate containers that once held the same type of gas.

Vernon L. Burda, vice president of Wasteco, said his firm bid on a furnace for the Rocky Mountain Arsenal. The furnace will be used to "demilitarize" the gas containers.

In Burda's opinion, his firm could easily build a furnace that could destroy large quantities of gases awaiting shipment from Okinawa to Oregon.

There are a few questions that should be answered, however, Burda said. They are: How much gas are we talking about? How long do we have to destroy it?, and, Does the government really want to get rid of the gas?

Burda said the answers to these questions have evaded him in his contacts with the Army concerning the furnace project.

"If the government really wants to get rid of the gas, why don't we do it in Okinawa, or on a ship anchored at sea?" Burda asked. He said his firm already has built one incinerator that is used on Okinawa to destroy confidential papers.

Burda emphasized that his firm has no political ax to grind, but "we could get the job done." Burda's position is supported by a letter to the firm from Big. Gen. James Hebbeler, director of Chemical, Biological, Radiological and Nuclear Operations, Washington, D.C.

In the letter Gen. Hebbeler discussed a method of destroying nerve gases in a high-temperature furnace and said it appeared to him that the process was feasible.

Burda said he has never been told if the Army is removing gas from containers, but the call for bids to demilitarize the containers would indicate the gas had been removed. Apparently the means to empty the containers is available in the Colorado arsenal and could be made available in Okinawa, he said.

Burda said the Army should get an outside consulting firm to which all facts would be furnished, and make a feasibility study of destroying the gases.

[From the Oregon Journal, Feb. 21, 1970]

NERVE GAS PETITIONS SIGNED BY 115,000

More than 115,000 residents of Oregon and Washington have signed petitions against U.S. Army plans to ship nerve gas from Okinawa to Eastern Oregon.

The Citizens' Committee to Stop the Nerve Gas said petitions bearing 38,000 signatures have been sent to Gov. Tom McCall of Oregon, who has forwarded them to President Nixon. Petitions bearing another 17,000 signatures have been sent to Nixon by other Oregon groups, the committee said.

Spokesmen for the committee announced the figures after reports that more than 60,000 signatures have been gathered in the Seattle-Tacoma area. These have been forwarded to Sen. Warren Magnuson, D-Wash., who will give them to President Nixon.

At the same time the committee said it has learned that nerve gas stored on Okinawa leaked five times before the mishap last July which sent 24 American servicemen to the hospital and aroused a storm of protest which led the Army to announce plans five days later to remove the gas. These nerve gas bombs, it said, are the containers which the Army plans to ship to Umatilla.

[From the Oregon Journal, Feb. 27, 1970]

GAS MOVE RISK SEEN AS "HIGH"; "NO WAY SAFE", EX-OKINAWA EXPERT SAYS

MEDFORD.—The Army's former safety director in charge of nerve gas on Okinawa said Friday there is "absolutely no way" to move the munitions safely to Oregon in active form.

"The hundreds of human and mechanical factors involved in a proposed shipment of this magnitude makes the potential for an accident very high," said Jack E. Doughty, 62.

Doughty, who was safety officer on Okinawa from 1948 to 1963, helped write many of the Army's present procedures for handling nerve gas. He said it began arriving on the island in 1956.

"I don't see how this gas can be moved at all without violating literally hundreds of the Army's own safety rules," said Doughty. He also said he believed trainloads of nerve gas would violate rules of the Interstate Commerce Commission prohibiting hazardous concentrations of explosives.

"The risk isn't confined just to the people of Oregon," said Doughty. "I am concerned that a mishap may occur before they even get the gas out of Okinawa. I'm not sure the Okinawa authorities understand the nature of the risk, but I'm writing to Chobyo Yara, the chief executive of the Okinawa government to explain it to him."

Doughty, who was also in charge of safety for nuclear weapons on Okinawa and most of Southeast Asia, said the dangers of transporting hydrogen bombs don't compare with transporting nerve gas.

"The gas is in missiles which are easy to detonate and in containers which are easy to rupture. Any mishap wouldn't kill just a few people. It would kill thousands and would possibly be one of the worst disasters in the history of the country."

RESOR DUE PROTESTS

WASHINGTON.—Gov. Tom McCall planned Friday to present 3,000 letters from students at the University of Oregon to Army Secretary Stanley Resor in his protest about nerve gas shipments to Umatilla Army Depot.

McCall said 98 percent of the letters were in opposition to the proposed shipment of the gas from Okinawa to Umatilla.

[From the Oregon Journal, Dec. 17, 1970]

GAS PERIL WORRIES MULTNOMAH DOCTORS

The executive committee of Multnomah County Medical Society expressed concern Tuesday "over possible dangers of transporting and storage of toxic nerve gas in Oregon."

Dr. John Bussman, society president, expressed support for Gov. Tom McCall in bringing the situation to the attention of President Nixon.

"We share Gov. McCall's concern over the potential dangers of toxic substances, including nerve gas, to Oregonians," said Dr. Bussman.

"If we are to receive and store this gas in Oregon, we urge that every possible precaution be taken," he added.

Meanwhile, an apparent communications snarl between federal and state authorities continued unabated late Tuesday.

Gov. McCall's Washington, D.C., office said Secretary Robert Finch of the Department of Health, Education, and Welfare had given assurances that any gas shipment plans would be submitted to Oregon's chief health officer, Dr. Edward Press.

However, Press's office here expressed surprise at the alleged HEW statement and said no gas plans had arrived.

Sen. Robert Packwood's office offered information that HEW and the Pentagon were meeting to check safety factors in the plan.

An aide to Sen. Mark Hatfield, R-Ore., tried to cut through red tape in HEW to learn whether Finch was considering a public hearing on the gas question.

Mary Thomas, information officer at the Umatilla Army Ordnance Depot near Hermiston, said she still was trying to find out which HEW department was checking the plans.

Phone queries to the regional HEW office in Seattle ended up in the U.S. Food and Drug Administration, which pleaded ignorance of the whole affair.

[From the Oregon Journal, Dec. 23, 1970]

OREGON SOLONS ASK NIXON TO DESTROY GAS

(By Tom Stimmel)

WASHINGTON.—The Oregon congressional delegation prepared separate Christmas Eve letters to President Nixon Tuesday. Each urged him to destroy deadly nerve gases on Okinawa rather than ship them to Oregon.

Republicans in the delegation signed one letter, with a space for the signature of Gov. Tom McCall. The two Democrats in the delegation, Reps. Edith Green and Al Ullman, wrote the other.

Originally one letter was to have served the purpose, first introduced by Mr. McCall in a conference telephone call last Thursday.

Sen. Bob Packwood drafted the letter, which urged flatly that the nerve gas be destroyed.

"In view of the hopes raised by your new policies," Nixon was told, "you could create deep confidence in your initiative and build a position of true world leadership and respect," by destroying the gas.

Such language was too strong for Democratic tastes, even at Christmas time, so Mrs. Green and Ullman wrote their own note.

They "commended" Nixon for deciding to eliminate stockpiles of biological weapons and suggested that if the same standards of analysis were applied to nerve gases, "the conclusion would support their elimination as well."

Mrs. Green and Ullman asked Nixon to order such an analysis and to halt shipment from Okinawa to the Umatilla Army Depot until the analysis was completed.

If the gas has to be removed from Okinawa immediately, they wrote, then it should be destroyed or neutralized on the site.

The Republicans' letter proposed out-and-out destruction. "To allow these gases to be shipped from Okinawa to Oregon would serve no useful purpose," they wrote.

"A more useful purpose would be served if plans were made to destroy all lethal gases."

Both letters deplored the existence of nerve gases. Neither letter made even a secondary case for storing them in Oregon.

LACK OF UNDERSTANDING BY LIBERALS

Hon. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. MONTGOMERY. Mr. Speaker, once before I have shared with my colleagues a column written by Dr. W. A. Leavell of Belfast, Maine, entitled "Keep Off the Grass." I would again like to commend to the Members of the House a column by Dr. Leavell. This one concerns the lack of understanding often exhibited by those of liberal persuasion. I think everyone will find the article most interesting and enlightening. It reads as follows:

KEEP OFF THE GRASS

(By W. A. Leavell, Ph. D.)

It might seem that I pick on liberals a lot, because I do. It doesn't bother them because I have found that most dedicated liberals have a common fault, they don't listen. You can hammer at them all day long and it doesn't bother them. I must say that they disregard the false just as easy as they do the truth.

You could prove, beyond a shadow of a doubt, that every super liberal program and dream won't work and it wouldn't cause a good liberal to blink an eye. No sir, when they swallow the liberal bait, they go all the way.

As an example, take the little story a reader sent me recently. It is about a little red hen. It has a very good point but a super liberal would never see it. See if you can appreciate the story.

Once upon a time, I am told, there was a little red hen. She was an industrious little cluck and decided to plant some wheat to make bread.

She has some friends who said they'd be glad to eat the bread. But when the time came to plant the wheat and to water it and reap it, her barnyard friends had a lot of excuses.

Let us look in on the barnyard scene in the early 1970's, soon after the wheat ripened and was ground into flour.

When it came time to bake the bread, "That's overtime for me," said the sow. "I'm a dropout and never learned how," said the duck. "I'd lose my welfare benefits," said the pig. "If I'm the only one working that's discrimination," said the goose.

"Then I will," said the little red hen—and she did.

She baked five loaves of bread and held them up for her neighbors to see.

"I want some," said the cow. "I wan't some," said the duck. "I want some," said the pig. "I want my share," said the goose.

"No," said the little red hen. "I can rest for a while and eat the five loaves myself."

"Excess profits," cried the cow. "Capitalistic leech," screemed the duck. "Company Fink," screamed the goose. "Equal rights," said the pig.

They hurriedly painted picket signs and marched around the little red hen, singing, "We shall overcome." And they did.

For when the owner came to investigate he said, "You must not be greedy, little red hen. Look at the oppressed cow, look at the disadvantaged duck, look at the underprivileged pig, look at the less fortunate goose. You are guilty of making second-class citizens of them."

"But-but-but . . . I earned the bread," said the little red hen.

"Exactly," said the owner. "That's the wonderful free enterprise system: anybody can earn as much as he wants. You should be happy to have this freedom. In other barnyards you would have to give all five loaves to the owner. Here you give four loaves to your neighbors."

And they all lived happily ever after, including the little red hen, who smiled and clucked, "I am grateful, I am grateful."

But her neighbors wondered and wondered why she never baked any more bread!

If you got the message of the story, you might ask, "What can I do to protect the little red hens of our society." Goodness knows they need protecting and you can do a lot.

You are important as an individual. You are more important as a group. Your most important strength is in your vote. The right of secret ballot is worth all the lives it has cost to win and it is worth fighting for again, if necessary. By your vote, you can make the mighty humble and the humble mighty. Vote, Vote, Vote!

AN ERA OF RETREAT ON CIVIL RIGHTS?

HON. HENRY HELSTOSKI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. HELSTOSKI. Mr. Speaker, in the past decade we, as a nation, made great strides toward reaching the constitutional and certainly moral goal of providing equal justice and opportunity for all people in our 50 States.

At times we have faltered, but overall the record of accomplishment has been firm and good as we strive to reach the plateau set for us by our Founding Fathers in freeing our Nation from virtual bondage and oppression.

Yet, there is much more to do that is good and right if all of our people are to have equal justice and opportunity, but we apparently have entered an era where there has been serious retreat from the goal by some in important places in the Federal Government.

The backsliding posture is best explained in the following editorial delivered over WCBS–TV on February 24, 1970:

WCBS–TV EDITORIAL

At any point in time, it is tempting to look back to another age, to see parallels, to draw the easy conclusion that history repeats itself.

This tendency to see definite cycles and repetition in history is very strong in America today. Little more than a century ago, the Civil War was fought; the slaves were freed. Emancipation was followed by Reconstruction, by the attempt of the Radical Republicans in Congress to assure citizenship to the Negro freedmen. By 1877, radical reconstruction had failed. President Rutherford Hayes, a Republican, had surrendered control of the South to white Southern Democrats, an accommodation that fostered the establishment of patterns of racial segregation that would survive for 100 years.

Now, it seems to some, history is repeating itself. The great civil rights revolution of the 1960s, a movement that recaptured the spirit of radical reconstruction a century ago, is in danger of failing. Another Republican, Richard Nixon, is in the White House, and he, too, according to this analysis, seems to be moving toward an accommodation with white racism in the South, just as Rutherford Hayes did. It all seems to be a neat, if not tragic, case of history repeating itself, of racism triumphant once again.

This is what it seems to be, but let us point out some key differences. The first is that the Negro freedman of 1877 is not the black man of 1970. Black America today is more self-assured, self confident, and proud. There is a growing and sophisticated black middle class well able to watch out for itself.

Racial attitudes have changed, too. Many of the leaders of the Radical Republicans a century ago were white supremacists. Today, there are few national leaders, North or South, who profess such racist views.

Now this is not to minimize the threat posed by racist reactionaries in America. They do exist, and they do support the backsliding posture of the Nixon Administration. But it seems to us that the decision last week of the U.S. Senate to call for uniform standards of school desegregation, North and South, does not of itself herald the revival of white supremacy in the United States, even if some of its sponsors intend it to do that.

It could begin a new period of national frankness in attempting to solve the Nation's racial division; it could mean the end of Northern hypocrisy in regarding racial bias as a Southern peculiarity.

A major factor in determining which way the country goes—whether toward a revival of white supremacy or toward a new national commitment to solve the racial problem on grounds of equality—is the office of the President. To date, the President has given the impression of retreat and evasion of racial equality, and this in our opinion is unacceptable.

The die is in the process of being cast, and it is time now for the Nixon Administration to help form it by enunciating a firm commitment to the goal of equal justice and opportunity for all.

IMPROVING POLICE-COMMUNITY RELATIONS

HON. GLENN M. ANDERSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. ANDERSON of California. Mr. Speaker, what may be achieved when law enforcement agencies and the community join hands in common effort? Many of the positive answers were provided by former Torrance, Calif., chief of police, Walter Koenig, who was recently honored for his years of achievements in police and community relations with the American Civil Liberties Union's annual "Courage of Convictions" Award.

Chief Koenig earned the respect of the people of Torrance by applying his convictions in developing positive police-community relationships and, with the assistance of an editorial by Los Angeles television station KHJ-TV, shared some of his wisdom with the Southern California community.

I take great pleasure in inserting a copy of the editorial, broadcast February 1 through February 6, 1970, into the RECORD so that the chief's observations may be shared with my colleagues and serve as an inspiration for improved police-community relations.

The editorial follows:

POLICE COMMUNITY RELATIONS

We recently attended a meeting of the ACLU at which the former chief of police of Torrance, Walter Koenig, was presented the annual "Courage of Convictions" award. In explaining his outstanding success in the field of police-community relations Koenig used two words: First, "sympathy", which he defined as a feeling we have *toward* others. Second, "empathy", which he described as a feeling of being *with* someone.

We hope that our Los Angeles 9 viewers will take time out to consider the significance of that thought, and to support the efforts of our police and other officials who are sincerely seeking solutions to community problems.

Koenig in closing, told of the 3-year-old boy, lost in the woods. A search for him failed. Then, late in the afternoon everyone in town joined hands in a sort of human chain and swept through the woods. Half way through they found him, face down at the bottom of an abandoned well. One grief stricken man dropped to his knees and seemed to say a prayer. Another asked "What did he say", and the one next to him replied—he said "Oh God, why did we not join hands sooner?"

WHEN THE ACLU GOES INTO COURT

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. ASHBROOK. Mr. Speaker, a recent column of Jenkin Lloyd Jones, publisher, syndicated columnist, and present head of the chamber of commerce, updated some of the more recent causes which the American Civil Liberties Union is pushing in the courts. His column entitled "When the ACLU Goes Into Court" appears in the February 28 issue of Human Events, and I include it in the RECORD at this point:

WHEN THE ACLU GOES INTO COURT

(By Jenkin Lloyd Jones)

There used to be an old vaudeville gag involving a pair of shoes nailed to the stage. The parting curtain would reveal the comedian unloading his line of patter and gradually he would lean farther and farther to the side until he passed far beyond any point of equilibrium. The humor lay in his bland pretense that he was standing upright.

I have been down to the national headquarters of the American Civil Liberties Union on lower Fifth Avenue, New York, looking over the literature. Those shoes are really nailed.

Once in a sapphire moon the ACLU, to the squeal of fifes and the ruffle of drums, comes to the aid of some ultra-right-wing superpatriot, usually the nuttier the better. These instances are carefully recorded and are periodically trotted across the stage to prove that the ACLU is evenhanded. The case book tells a different story.

For example, here's a sampling of recent ACLU legal interventions:

In behalf of a civilian Air Force instructor who had been fired for spending part of classroom time discussing America's wrongs in the Vietnamese war.

Supporting the showing of the movie *I Am Curious (Yellow)* which had been declared obscene by a Maryland court.

Challenging the conviction of a defendant who had burnt his draft card on the grounds that this was merely a "symbolic protest" against war.

Arguing the unconstitutionality of the Customs Act which prohibits importation of obscene materials from abroad.

Supporting the right to make political speeches, conduct demonstrations and distribute leaflets on military bases on the grounds that these include "public areas."

Supporting the Yippie defendants on trial in Chicago for riots during the Democratic convention on the grounds that "the anti-riot act violates the constitutional rights of freedom of speech and travel."

Supporting as a constitutional exercise of free speech eight Grinnell College students who took all their clothes off during an open meeting.

Supporting Prof. Angela Davis, avowed Communist philosophy professor at UCLA, against efforts to remove her.

Applauding the victory of the ACLU unit in Oregon in getting local courts to order the removal of a 51-foot illuminated cross in a public park overlooking the city of Eugene. Apparently, a publicly paid professor preaching communism on public property is preferable to a donated silent cross.

Battling federal legislation that would remove tax exemptions from private foundations, like the ACLU, engaged in political activities.

Asking the Colorado Supreme Court to declare possession of marijuana legal.

Supporting a former Peace Corps volunteer who was dismissed for sending a letter to a Chilean newspaper protesting that he had not been allowed to make statements on Viet Nam. Also supporting him for his subsequent refusal to answer a draft call.

Demanding that the University of Wisconsin readmit 90 black students who were expelled after they had seized the president's office and destroyed property.

Challenging the arrest of Yippie leader Abbie Hoffman when he appeared at a hearing of the House Committee on Un-American Activities in a shirt made of stars and stripes. The ACLU has challenged all statutes that would prohibit burning or desecration of the American flag on the grounds that "the state has not right to protect official symbols in a manner that restricts freedom of expression."

Recommending that all church property be fully taxed even when used exclusive for religious purposes.

The ACLU and its subsidiary, the Roger Baldwin Foundation, are, of course, tax-free.

In the most recent audit of the Roger Baldwin Foundation, the New York firm of auditors, Soll and Aronin, adds Footnote A:

"It is impracticable to ascertain that all liabilities of special projects incurred by project personnel have been recorded on the books. However, management does not believe that such unrecorded liabilities, if any, could be substantial."

"Management does not believe"? What "special projects"? What kind of an audit of a tax-free institution is this?

Kind little old ladies, still giving money to the ACLU under the impression that it is

protecting the liberties of us all, might step down to 156 Fifth Avenue and riffle through this outfit's highly selective outrages. They'd have a fascinating afternoon.

MASSIVE PUBLIC SENTIMENT FOR RELEASE OF INFORMATION ON AMERICAN PRISONERS OF WAR

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. GRIFFIN. Mr. Speaker, I commend American newspaper editors who are keeping before the public the plight of our American prisoners of war. Such an editorial was published Monday, March 9, by Louis Cashman, Jr., editor of the Vicksburg, Miss., Evening Post.

I urge all Members of the House and those in the news media to continue to show North Vietnam that it should live up to its responsibility under the Geneva Convention by providing humane treatment and the release of information on American prisoners.

Under leave to extend, I include Mr. Cashman's editorial. It follows:

"BIG DEAL"

In the vernacular of the present, the announcement from Hanoi of the list of 27 American fliers shot down in the Vietnam war, is indeed a "big deal". What of the other 1300 prisoners of war held by the North Vietnamese? What of the refusal of the Hanoi government to abide by the articles of the Geneva Convention? What disposition has been made of those held prisoner of war in humane terms?

That 27 names have been made public is certainly welcome news to the families of those men, who have yearned for some word about their loved ones, and we rejoice with them that, at long last, they now know these men are alive.

But the manner in which these names were released was, in itself, a further insult to our country and to all of the men held prisoner by the North Vietnamese. The names were relayed through two agencies—the Swedish government and an American pacifist committee, headed by David Dellinger, one of the "Chicago 7" and by Mrs. Cora Weiss of Women's Strike for Peace. Neither of the latter groups is representative of our country, and the selection of them as the avenue through which the names were released is offensive in the utmost, and is but a continuation of the contempt showed by Hanoi for anything which is truly American.

The continued defiance of North Vietnam of its responsibility under the Geneva Convention, only emphasizes the necessity for a unified drive to bring about compliance, through the influence of world opinion. The propaganda machine of the North Vietnamese Reds has kept up an incessant barrage against our nation, and some of the organizations in our own country, of which the two mentioned above are shining examples, have swallowed the bait and have actually been of tremendous aid and comfort to an enemy which callously disregards every norm of decency in withholding information about American missing servicemen.

To that end, we earnestly urge that a short letter be sent to United We Stand, Box 100,-000, Jackson, Miss. 39205, urging Hanoi to give out information on those held prisoner. Such letters, by the tens of thousands, from all sections of the country, will do much to counteract the feeling on the part of Hanoi that American dissent and protest against the Vietnam war, as practiced by some organized groups, represents not the majority opinion in the United States, but only a small, and very small minority. Write today!

FAILING NEWSPAPER ACT

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. BROWN of Ohio. Mr. Speaker, the following editorials from the New Yorker and the New York Times for January 31, 1970, speak eloquently with reference to a matter under current consideration by the House Judiciary Committee after its passage in the Senate—the so-called Failing Newspaper bill S. 1520:

NOTES AND COMMENT

Every few seasons, a pickup truck marked in bold letters "Tree Preservation Service" pulls into a suburban street we know about and deposits three or four outdoorsy men with ladders and saws who spend an invigorating hour or so lopping off tree branches that grow out over the road. A couple of times, we watched this operation with indulgence, only dimly wondering how it preserved the trees to thwart their reach for light and air. Then, recently, we learned we had been anaesthetized by a title. The Tree Preservation Service is in the service of Con Edison, and its concern is less for preserving the trees than for preserving the overhead wires into whose air space the branches sometimes protrude. All this is by way of explaining a suspicion we formed, even before we knew its contents, of a bill that Congress has been mulling over for two years and that now has the support of the Commerce Department. The bill is called the Newspaper Preservation Act. The proposed act would allow supposedly competing newspapers to violate the anti-trust laws by pooling their profits and fixing prices. Its ostensible purpose is to shore up shaky papers, but it is most probably not a newspaper-preservation bill so much as a publisher-preservation bill. Any newspaper that has to be preserved this way might as well be preserved in formaldehide. We are pained by the death of every newspaper, but an ad-hoc group that we are proud to be a permanent member of and that we like to think of is the Liberty Preservation Society believes the public is better served by a dead paper than by one mortally sick and given a semblance of health through the connivance of the competition that its voice should continually challenge and of the government about which it is duty-bound to speak the truth.

PRESERVING PRESS DIVERSITY

The Senate has overwhelmingly passed the Newspaper Preservation Act. But, even before the bill goes to the House, the need for any such measure has been rendered extremely dubious by Federal Court approval in Tucson of a joint publishing arrangement for the separately owned morning and afternoon papers in that Arizona city.

The bill, sponsored by 33 Senators and endorsed by a majority of the Judiciary Committee, would grant immunity from the antitrust laws for joint operating agreements between competing newspapers if one of the papers was in danger of failing.

The measure's aim is to help keep alive diversity of editorial expression and news presentation in a period when astronomic increases in all the costs of publication, plus the inroads on circulation and advertising of television, news magazines and other media, have brought monopoly journalism to many large cities.

In 22 other cities rival publishers have pooled their commercial and printing operations to cut costs while retaining independent editorial and news departments. The legality of these arrangements was brought into question when the Supreme Court, in a 7-to-1 decision last March, invalidated an agreement worked out by the two Tucson dailies.

The Court held that the new corporation these papers had formed to handle publishing, advertising and circulation violated antitrust rules against price-fixing, profit-pooling and illegal market control. The bill now up for debate would, in effect, repeal the Supreme Court's ruling by easing the definition of what constitutes a "failing" newspaper and then granting a broad exemption from restraints against monopoly to joint arrangements entered into by such a paper.

However, the joint publishing order agreed to by the Tucson publishers and signed last week by Federal Judge James A. Walsh makes it plain that the Supreme Court decision leaves open considerable latitude for unified operation without any necessity for a new law. The order sanctions a single printing plant for the two papers, unified billing and distribution services and issuance of a joint Sunday paper. The limitations the order imposes in other directions appear far from suffocating. The entire arrangement confirms our previously expressed conviction that the Supreme Court ruling did not doom joint publishing ventures. On the contrary, it laid down healthy guidelines for insuring that a device intended to guard against a monopoly in news and opinion was not perverted into one that fostered monopoly.

While respecting the considerations that have made many publishers endorse the Newspaper Preservation Act, we consider it foreign to the spirit of the freedom of the press, as guaranteed by the First Amendment, for Congress to pass a law granting the press immunity from the rules all other enterprises must obey to insure healthy competition.

Far from encouraging a free and independent press, such immunity could become a shield to established publishers against the entrance of new journalistic competitors. Even without that effect, the sheltered environment of a carefully divided market is a poor spur to editorial ingenuity or creativity. Worst of all, provisions in the bill for prior written consent of the Attorney General introduce an element of political review that would be chilling in any Administration.

The compact just authorized in Tucson indicates that the Supreme Court decision affords newspapers in genuine economic trouble all the scope they need for negotiating joint operating arrangements on a basis that will permit them to survive and at the time preserve for their readers the diversity of editorial and news presentation a democracy has the right to demand.

DR. STANHOPE BAYNE-JONES

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. TAFT. Mr. Speaker, on February 20, 1970, a very quiet but very great American passed away. Known to his friends as "BJ"—his full name was Dr. Stanhope Bayne-Jones and he was a brigadier general, retired, in the U.S. Army Medical Corps. His long and distinguished career and his many honors were so numerous that I am attaching them as a part of my remarks.

But beyond the statistics and the official achievements stood a truly great character who contributed as much personally to those who knew him as he did in a professional or official capacity. My personal acquaintanceship came from the fact that he was a classmate and lifelong friend of my father's, one of the closest and most trusted of all. Their acquaintanceship grew from Yale College days when they both were undergraduates in the class of 1910, and it continued through many years and many times of challenge and achievement on the national scene in connection with Yale University and otherwise. Self-effacing and quiet, but at the same time, warm and direct, he combined rare virtues and a grand sense of humor. A towering figure in the public health field, he was never too busy to give his personal attention and advice to any and all who sought it.

We shall miss him, but his life must be an inspiration to all who knew him. To his widow and his family, we extend our deep sympathy.

Mr. Speaker, under unanimous consent to revise and extend my remarks and include extraneous matter, I include the following biographical sketch of this outstanding man:

BIOGRAPHICAL SKETCH, STANHOPE BAYNE-JONES

Born in New Orleans, Louisiana, November 6, 1888.

DEGREES RECEIVED

B.A., Yale University, 1910.

M.D., Johns Hopkins University, 1914.

M.A., Johns Hopkins University, 1917.

M.A. (Hon.), Yale University, 1932.

Sc. D. (Hon.), University of Rochester, 1943.

Sc. D. (Hon.), Emory University, 1954.

LL.D. (Hon.), Tulane University, 1955.

L.H.D. (Hon.), Hahnemann Medical College, 1959

LL.B. (Hon.), Johns Hopkins University, 1960.

Sc. D. (Hon.), Ohio State University, 1960.

DECORATIONS AND MEDALS RECEIVED

Military

U.S.A.: Distinguished Service Medal, Silver Star (with 2 oak leaf clusters), Army Commendation Ribbon, United States of America Typhus Commission Medal, Decoration for Exceptional Civilian Service, Department of the Army.

British: Military Cross, Order of the British Empire (Honorary Commander).

French: Croix de Guerre.

Civilian: Chapin Medal (Public Health) from the Rhode Island State Medical Society. Bruce Medal (Preventive Medicine) from the American College of Physicians. Passano Foundation Award—presented on June 10, 1959.

ACADEMIC AND ADMINISTRATIVE POSITIONS HELD AT VARIOUS TIMES

1914–1924: Various positions on faculty of the Johns Hopkins University School of Medicine from Instructor to Associate Professor of Bacteriology and Pathology.

1924–1932: Professor of Bacteriology, University of Rochester School of Medicine and Denistry.

1932–1947: Professor of Bacteriology, Yale University School of Medicine.

1924–1932: Director, Rochester Health Bureau Laboratories, Rochester, New York.

1932–1933: Chairman, Division of Medical Sciences, National Research Council.

1935–1940: Dean, Yale University School of Medicine.

1932–1938: Master of Trumbull College, Yale University.

1937–1947: Director, Board of Scientific Advisers, The Jane Coffin Childs Memorial Fund for Medical Research.

1939–1941: Member, Board of Scientific Advisers, International Health Division, Rockefeller Foundation.

1939–1954: Member, Board of Directors, Joseph Macy, Jr. Foundation.

1939–1957: Member, Advisory Medical Board, Leonard Wood Memorial American Leprosy Foundation).

1952 to date: Member, Board of Governors, Gorgas Memorial Institute of Tropical and Preventive Medicine.

1948–1952: Member, Committee on Public Relations, New York Academy of Medicine.

1949–1951: Chairman, Committee on Public Health, Medical Society of the County of New York.

1947–1952: Member, Scientific Advisory Board, Public Health Research Institute of the City of New York.

1930–1947: Member of editorial boards of several scientific journals.

1950–1952: Member, Board of Hospitals, New York City.

1942–1952: Member, Board of Managers, Memorial Hospital for Cancer and Allied Diseases, New York City.

1947–1953: President of the Joint Administrative Board of the New York Hospital-Cornell Medical Center.

1929–1930: President of the Society of American Bacteriologists.

1930–1931: President of the American Association of Immunologists.

1940–1941: President of the American Association of Pathologists and Bacteriologists.

1914 to date: Member of numerous medical and scientific societies, including the American Philosophical Society.

1950–1952: Member, National Manpower Commission, Columbia University.

1951–1954: Member, Commission on Financing of Hospital Care.

1955–1956: Member of the Corporation of Yale University.

1957–1958: Chairman of the Secretary's Consultants on Medical Research and Education, Office of the Secretary, U.S. Department of Health, Education, and Welfare.

1961–1962: Chairman, Board on Cancer and Viruses, National Cancer Institute, National Institutes of Health.

1962–1964: Member, Surgeon Generals (PHS) Advisory Committee on Smoking and Health.

1914 to date: Author of about 75 scientific and medical papers, and addresses on various subjects. Coauthor with Doctor Hans Zinsser of a revision and new edition of "A Textbook of Bacteriology."

Medical and Scientific Member of: American Medical Association; Medical Society of the District of Columbia; Academy of Medicine of Washington, D.C., American Cancer Society, American Association of Immunologists; American Association of Pathologists and Bacteriologists; Society of American Bacteriologists; American Philosophical Society; American Public Health Association; etc.

MILITARY RECORD

1917–1919: Served as Captain, later as Major, MC, in World War I, in France, Belgium, Italy, and Germany. From January to June 1919, was Sanitary Inspector of the 3rd U.S. Army (Army of Occupation) in Germany.

1942–1946: During World War II served on active duty in the Office of The Surgeon General, U.S. Army, in Washington D.C., in grades of Lt. Colonel to Brigadier General, as—

Deputy Chief, Preventive Medicine Service;

Administrator of the Army Epidemiological Board; (1942–1945)

Director of the United States of America Typhus Commission;

Special Missions to England (1943) and Egypt (1944);

Promoted to Brigadier General on 25 February 1944; Retired in grade 31 December 1949; Recommissioned Brigadier General, Reserves, Army of the United States, 7 May 1953.

1946 to date: Member, Armed Forces Epidemiological Board (President, 1946–1947)

1953–1956: Technical Director of Research, Office of The Surgeon General, Department of the Army.

1954 to 1963: Member of the Army Advisory Scientific Panel. Member of the Advisory Scientific Board, Walter Reed Army Institute of Research.

1955 to date: Chairman of the Advisory Editorial Board, History of Preventive Medicine in World War II, Medical Department, U.S. Army.

PRESIDENT NIXON PREACHES WHILE THE CORPS POLLUTES

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. MIKVA. Mr. Speaker, being against pollution is about as safe these days as being for apple pie and the American flag. The test, therefore, should be not what any public official says about pollution, but what he does about it. Letters from young constituents of mine, third-grader students at O'Keefe School, underline the difference between talking about pollution control and doing something about it. These students' letters ask why the Army Corps of Engineers continues to dump polluted dredgings into Lake Michigan after the President visited Chicago and "promised to save Lake Michigan."

That is a very good question. It is a question to which many of us would like to know the answer.

In an effort to obtain an answer for these young students and other constituents of mine who are equally concerned about the Government's continued pollution of Lake Michigan, I have written letters to Secretary of the Army Resor and Secretary of the Interior Hickel. Perhaps they can explain to me and other citizens of Chicago why it is necessary to keep polluting our lake after the President has announced his dedication to environmental protection. What I really hope is that the President will write a letter to Messrs. Hickel and Resor—or maybe even a phone call will do.

I would like at this time to read into the CONGRESSIONAL RECORD one of the letters from the third-grade students at O'Keefe School:

CHICAGO, ILL.
February 11, 1970.

DEAR CONGRESSMAN MIKVA: I am a little girl in third grade at O'Keefe School. I read the newspapers and listen to television. We know President Nixon came to Chicago and promised to save Lake Michigan. Why is he allowing the U.S. Army Corps of Engineers to dump millions of cubic inches of polluted dredging into our Lake Michigan? Does he really mean to save our lake? Please talk about this problem on the floor of the House and to Secretary of the Interior Hickel. Why don't you write a letter to President Nixon? We are.

THE SMALL INVESTOR GETS A ROUGH DEAL

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. FASCELL. Mr. Speaker, one of the principal issues during last year's hearings and debate on tax reform was the treatment of the middle-income taxpayer—the American who is a small saver and investor. It was shown that existing laws put an inordinately large share of the tax burden on this group. In effect, the various groups and wealthy individuals who paid little or no taxes were being subsidized by the little man. Congress responded to these obvious inequities with enactment of tax reform legislation which will take effect next year.

In my efforts in the Congress I have taken a special interest in attempting to see that our monetary and fiscal policies are fair to all. Last year's tax reform bill was clearly a step in the right direction, although more needs to be done by the Congress.

There are, of course, decisions which the executive branch could make which would better the positions of the investor and saver of moderate means. As it turns out, unfortunately, at the same time that the Congress has been trying to give him fiscal relief, the administration has been taking steps which make it harder for the small investor and taxpayer to try to cope with inflation through prudent investment.

Most of these steps are taken under the guise of meeting the critical housing problem by preventing the flow of money out of savings and loan institutions into Treasury and Federal agency securities. As I have been pointing out, the housing problem must be solved and solved right now. There are numerous other means of helping savings and loans, however, which do not discriminate against the moderate-income earner. Let us not put the whole burden of that load on those who through inflation and high taxes are already carrying more than their share.

Last week the distinguished business and financial editor of the Washington Post, Hobart Rowen, discussed the effects some of the administration's recent decisions will have in a column entitled "The Small Investor Gets a Rough Deal." I believe that it deserves the attention of every Member of the Congress:

THE SMALL INVESTOR GETS A ROUGH DEAL

(By Hobart Rowen)

The small saver and investor is taking it on the chin these days. Like the big boys, he suffers as the dollar depreciates through inflation: the consumer price increase of nearly 6 per cent in 1969 was no less for him than anyone else.

But when he places his dollar bill out for lending or investing, it doesn't seem to go as far. Even the New York Stock Exchange, which once prattled about "investing in a share of America," now wants to jack up commissions as much as 116 per cent for small trades and lower them as much as 60 per cent on the biggest transactions.

The latest step in this discriminatory process was taken by the United States Government itself by reserving the attractive interest rates paid on Treasury bills for larger investors.

Last week, after a battle inside the administration, the Treasury announced it would no longer sell Treasury bills in $1,000 lots—which had become popular with smaller savers—and that the minimum denomination would be $10,000.

The Treasury's plea was that the cost of processing a $1,000 bill was excessive, and that the small saver paying a fee to a banker or broker was losing part of his "real" return anyway.

"Treasury bills are a money market instrument," Secretary David Kennedy told the Joint Economic Committee. Better, the implication was, buy U.S. Savings Bonds which pay 5 per cent, than bother the Treasury for bills which recently have been paying 7 per cent, and paid as high as 8 per cent earlier this year.

Many experts think that the Treasury's plaintive note just doesn't wash. If it uses horse-and-buggy methods of issuing bills, each piece of paper may be costing too much money; but presumably, if computers can be used to trace a path for a rocket to the moon, they could be used to lower the administrative costs of borrowing money from the public.

The real reason for the change, as Secretary Kennedy has admitted privately, is that the savings and loan lobby brought terrific pressure for it. Much of the flood of orders for Treasury bills in $1,000 and $2,000 lots came from people who took their money out of the S & Ls.

That was tough on the S & Ls, which have been the backbone of mortgage support for the housing industry. But it made sense for depositors, who were limited for most of last year to 4¾ per cent on regular accounts and 5¼ per cent on savings certificates.

Recently, the rate structure was adjusted so that the S & Ls can pay 5 per cent on regular savings. And to get as much as 6 per cent, you have to have a minimum of $10,000, and leave it for 2 years. But if you can part with $100,000 for one year, 7½ per cent is now available at S & Ls.

It is little wonder, therefore, that Treasury bills proved so attractive: they paid more, for modest amounts, than available elsewhere. Large banks in this city used to buy them for regular customers as part of their service; more recently, they have put a $5, then a $10 charge on each transaction.

Investors who have direct access to Federal Reserve banks have been able to buy bills without any charges. It is also possible to buy bills directly on a mail-order basis; there is some red tape involved which the Treasury could simplify but doesn't choose to do.

Outside of the Treasury, the discrimination is readily recognized. "This issue is a live one," Economic Council Chairman Paul W. McCracken agrees. The problem as he sees it traces back to the artificiality of interest-rate ceilings at banks, originally intended to prevent the payment of interest higher than "sound" practices would warrant.

But then the ceilings became a device to help protect S & Ls from a massive loss of funds. That worked until it dawned on the small investor that he could "beat" the ceiling limitation by investing directly in Mr. Kennedy's market instruments."

Apparently, only the fatter cats are supposed to deal in these. In fact, just three weeks ago, the Farmers Home Administration (a government agency) sold $200 million worth of 8⅞ per cent 5-year notes and $150 million of 8.90 per cent 10-year notes. And guess the minimum unit? It was a cool $1 million each.

In New York the other day at a meeting of the National Industrial Conference Board, Federal Reserve Board adviser J. Charles Partee, asked whether the small investor was being treated unfairly in view of the new Treasury bill minimum, said:

"I think clearly we're discriminating against the small saver, and I think it's terrible. I think there's some logic for a difference (in rates) based on costs (of the transaction) and liquidity."

But the differentials between what is available to the large investor, and the smaller man have become excessive, Partee said, adding: "I would hope that we're moving toward (a situation) where the market would determine the differentials."

This ideal system, however, is a long way off: we are so locked into the system of ceiling rates that if they were removed entirely, the S & L industry would collapse while savers sought better returns.

For the moment, McCracken says, the government should be working "on something that will give the little saver a better break," perhaps through an instrument "more appropriate" than Treasury bills.

Clearly, something like this ought to be done. If the Farm Credit people can pay around 9 per cent for 5- and 10-year money, why should the average citizen accept 5 per cent for a 10-year U.S. Savings Bond? He shouldn't. Given the pattern of interest rates today, he's entitled to more. The return on savings bonds doesn't even match the rate of inflation.

If bills aren't the right "instrument" for the smaller investor, Secretary Kennedy ought to put his boys to work to find one.

ANOTHER AMERICAN LEARNS ABOUT RACE MIXING—THE HARD WAY

HON. JOHN R. RARICK

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. RARICK. Mr. Speaker, it has been some 4 months ago that I called to the attention of the House the most recent of the classical Putnam letters—this one addressed to the current occupant of the White House, President Nixon.

Neither a doctrine of fairness nor any standard of honesty in reporting applies to the news trust—which controls and pollutes our news.

When a distinguished American, renowned as a scientist, an attorney, a scholar, and an author, is compelled to buy full page advertisements in the leading daily newspapers to break through the curtain of silence and tell the American people the truth, it should concern all of us. When some of the leading liberal papers refuse to sell advertising space to tell their readers the truth, only because the truth does not agree with their own propaganda campaigns, it should begin to alarm all of us. This is the situation faced by Mr. Putnam in his one man quest for national sanity.

The American people are awakening. They have disliked for some time the activities of the "limousine liberals," but they were successfully deceived into believing that they were alone in their failure to appreciate all of the integration benefits forced on them from the left. Now they know that they are not alone—that they are the large and powerful majority in this land, and they are speaking out in tones which are unmistakable despite being smeared by the Communist-coined trigger word, "racist."

As Americans have personal contacts with the racial subculture of the Negro, they can no longer be deceived by the propagandists. Nor can they any longer

be convinced that it is somehow the fault of white America that the members of the Negro subculture behave as badly as they do.

In increasing numbers people are learning from their own sad experience the truth of the old adage that you can't make a silk purse out of a sow's ear—even by education, environment, or manipulated statistics. Americans who have known the facts for a long time, are now discovering that there are others, thoroughly respectable, who know the same facts.

I include in my remarks the letter received by Mr. Putnam from an obviously unbrainwashed American, and commend it to the careful perusal of our colleagues and of all other Americans who have not yet been exposed to the first hand experiences of its very experienced author. The letter follows:

FEBRUARY 21, 1970.

Mr. CARLETON PUTNAM,
The Putnam Committee,
Washington, D.C.

DEAR MR. PUTNAM: Referring to your full page advertisement in the Chicago Tribune for 12 February 1970, I feel it worth while to tell you, for whatever use you might want to make of it, the experiences I had while living in Chicago which have made me what the "liberals" like to call a "bigoted racist."

Ten years ago I was a firm believer in racial equality. I was an "integrationist" to the extent that I believed every man of whatever color should rise or fall according to his own ability. I lived in Chicago then, in a very nice area of white people, good homes and handsome apartment buildings within half a mile of an area "liberals" like to call a ghetto, both misunderstanding and misusing that term. When blacks began moving into the neighborhood, I had no desire to leave for that reason.

Six months later, the nice buildings were wrecks, the white people were gone and the area a social and physical shambles. Noise (24 hours a day), filth and garbage, immorality and crime were rampant, and white skins became the target of a malicious, blatant, organized black racism. When it became totally unsafe for whites to be in the neighborhood because of roving gangs of vicious killers, I moved my family to another area two miles distant.

Again, it was an excellent neighborhood, with handsome single-family homes in the $60,000 to $75,000 class (near the South Shore Country Club) and dotted with luxury apartment buildings, some of which were high rise skyscrapers. There I lived through precisely the same experiences I had had a short time previously, like seeing a movie a second time. Once again, the black tide came, spawning evil, filth, immorality and crime; once again, the roving gangs of black killers and vandals made the nights hideous with screams, yells, catcalls and smashing glass, and the days nearly as bad. I saw more than once blacks copulating in public, scarcely hidden behind hedges, standing in doorways, in cars parked along the curb, like animals in their indifference to public decency. I saw with my own eyes muggings and the stripping of autos; I saw vandalism that deserved shooting on the spot. I saw theft in grocery stores. I found piles of human feces in the foyer of our building, without toilet paper, and our janitor told me that this was a common occurrence wherever negroes lived in apartment buildings. In our three-story building, containing 120 apartments, it was a nightly occurrence to hear men (presumably, although it could well have been women) urinating from upper windows and daylight would reveal dripping, reeking stains down the walls in many places. Screaming sex orgies were a common occurrence in the apartment across the hall, with bloody fights and crashing glass and splintered furniture. Again, it became impossible to live amongst these filthophiles—they like it that way! Not once did I ever see black people attempting to clean up their environment; all I ever saw was black people dumping their garbage out of windows, breaking every glass bottle they saw, throwing old furniture into the street gutters, stuffing rags into broken windows and casting plastic containers and old papers to the four winds. They will have it no other way. Give these animals paradise, and in a month it will be a jungle fit only for animals.

Knowing by then that in due time we would be leaving Chicago permanently for New Mexico, but at some time then still undetermined, I moved a third time three miles further south, again to a decent neighborhood. Once again, for the third time, I endured the same scenario, line for line, cue for cue. I left Chicago finally, after ten years among the blacks, with a profound racial prejudice arising out of personal experience. The blacks had caused me to dislike them beyond all measure. For whatever it might be worth in this context, I would have exactly and precisely the same reaction to white people who acted and behaved as the black people did.

I came from a background of white poverty every bit as pervasive and humiliating as that of a black slum, but instead of turning to crime—like uncounted thousands of other white youth during the depression—I worked, and I worked hard, for the social respect I wanted and expected. I didn't go around whining, with my dirty hands outstretched for alms and charity, and neither I nor my neighbors in poverty ever turned to violence as an answer to our poverty. If we wanted something, we either worked for it, or did without it, and our standard of living then was in every respect Less than the standard of living now enjoyed by 95% of the black people in America today. Even in the midst of grinding poverty of Appalachia in the 1930's, my home and the homes of our white neighbors were clean. We lived decently amongst our neighbors, as our neighbors did. We tried mightily, and successfully, to be good citizens and good people. There was in our community no filth, no public immorality, no bastard children from the whores, no great neighborhood noise and racket, no gangs of sadistic killers and certainly no physical danger to our persons or our property. We slept with open doors in perfect safety.

Now your critics come along, mouthing the myth that the heavy black population of our cities is the victim of conditions there, not necessarily the cause of those conditions. They are wrong, as are all of those who spout this fallacious legend. They are 100%, utterly, completely, wholly, entirely, absolutely, massively wrong. They do not know what they are talking about, and if they were to undergo the experiences nearly all whites have had trying to accept a way of life that is not acceptable, they would not write what they have written, or anything like it. They would be writing what I am writing, whether they believe they would or not.

Black people may have lived among white people for generations, but the white ethos does not rub off on the blacks, any more than the black color rubs off on the whites. Black people whine, rant and rebel because white people don't like them, and will not accept them, yet blacks are unwilling or unable to behave themselves in such a way that white prejudice will be overcome by respect. These people want handed to them on a silver platter, without the condition of personal responsibility, what white people have worked hard for, for generations themselves. The black people riot, loot burn and kill because for 300 years, they whine, they have been "repressed" and "oppressed" by the white "establishment." The black males weep "tears" the size of golf balls because, they slobber, they have been "deprived" of their masculinity—they would eagerly and cheerfully destroy the "establishment" that has cared for them, their prostitutes and bastards since the black man has been on this continent. They would destroy this nation, cheerfully, in a racist holocaust the like of which white people would never even dream of. Among them rise organizations like the vicious black panthers, dedicated to overthrowing this nation by force, and when these liver-lipped —— are called to account by law and order, they whine "genocide," as if, for them, it wouldn't be a good thing. All the white racism in the United States put together cannot surpass or even equal the insane racism of the blacks. The jungle and its first law of nature is just under the black skin, even on the likes of senators, supreme court justices and "leaders" of the blacks.

When your critics write that blacks are not the cause of their social conditions, they obviously write without experience or knowledge on the subject. They are but repeating the myth so assiduously cultivated by the "liberals," who wrongly consider that because black people are in some ways physically like white people, there is no other difference than skin color. This is not only specious, but stupid. There is a difference, a profound, fundamental difference. Intimate contact with black people, in a black environment, would show these liberals those differences starkly and quickly. To perpetuate this lunacy of "equality" is to drive further into the heart of this nation the stake of racial conflict. Only when it is understood and accepted as fact that there are basic and fundamental differences between the two races will there ever be any kind of social tranquility again. The folly of "equality" is the tocsin of doom for America; how anyone can review what has happened since 1960 and not see that conclusion is incredible. How responsible journalists can encourage and perpetuate the monstrous notion that the black community is not responsible for its own condition is unbelievable. Instead of telling these people that white racism is the reason for black conditions, why not tell them that personal responsibility and public decency will go a lot farther towards social "equality" that rioting, crime and lawlessness. Why not tell black people that white people everywhere are (or ought to be) fed up to the eyeballs with loudmouth revolutionaries screaming obscenities and gangs of ruthless killers roaming the streets of cities at night. Why not, for just once, just plainly tell the black people that the best—if not the only—way to get the respect of white people is to earn it, by behaving like decent people instead of jungle animals.

It is not always the white who criticizes the black who is the bigot; to hold black people blameless for their own social filth and personal misbehavior is also bigotry, and every bit as bad if not worse.

Yours truly,

ROBERT B. MCCOY.

SCS WORK IN ENVIRONMENT CONTROL THREATENED BY BUDGET CUTS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. HAMILTON. Mr. Speaker, at a time when there is increasing attention to the quality of our environment, I am concerned that the President's 1971 budget request will limit the effectiveness

of the Soil Conservation Service's work to develop our natural resources.

I would like to bring to the attention of my colleagues an excellent letter I received from Mr. Harold Wilson, president, Indiana Association of Soil and Water Conservation Districts, concerning this situation. Following is Mr. Wilson's letter:

INDIANA ASSOCIATION OF SOIL AND WATER CONSERVATION DISTRICTS, INC.,

Peru, Ind., March 3, 1970.

Hon. LEE H. HAMILTON,
House of Representatives,
Washington, D.C.

DEAR MR. HAMILTON: In December of 1969 I was elected President of the State Association of Soil and Water Conservation Districts in Indiana.

The Association of Soil and Water Conservation Districts represents over 55,000 individual cooperators throughout the state.

I am writing not only in their behalf, but also in behalf of the 63,000 remaining farm landowners and operators who, too, need technical assistance. In addition, Soil and Water Conservation Districts have only scratched the surface in providing technical assistance to all of the land users in the state. There are in addition to the above, an estimated 200,000 units of miscellaneous land, other than farms, which have a potential need for technical assistance. Units of government in the state that have a potential need for assistance with regards to soil, water, and related resource planning and development, total 2616. The 455 elected and appointed supervisors of the 91 Soil and Water Conservation Districts in the state of Indiana are united in their urgent concern about the decline of the quality of our environment.

We simply cannot understand why in the face of mounting environmental problems affecting both rural and urban populations, our national government is not in tune with the needs for technical assistance to help solve these complex problems. And the SCS, working through Soil and Water Conservation Districts can help tremendously in improving the quality of the environment.

Technical assistance furnished by the Soil Conservation Service is simply not numerically adequate to meet the current and backlog requests for technical assistance.

The USDA Conservation Needs Inventory on agricultural land reveals that 30.4% (or 6,447,000 acres) of the agricultural land in Indiana is adequately treated. 69.6% (or 14,762,000 acres) remain in need of land use changes or application of conservation practices. Progress is being made at the rate of about 1½% each year under the existing programs. This is entirely too slow for such a vital need.

Current evaluation of staffing needs for SCS on a nation-wide basis show a shortage of 2,325 man years for a cost of $22,000,000. Demands for staffing new Conservation Districts have continued with no funds being provided for new Districts in 1969, 1970 or 1971. At present $2,000,000 is needed to fund new Districts. In Indiana alone we need an additional 71 man years of SCS technical assistance to cake care of current needs.

As you know, SWCD supervisors, including State Association Officers, serve without pay, and our interest in additional funding for SCS is to provide sufficient technical assistance to our cooperators, and your constituents, for the conservation of soil, water, and related resources, which can have a significant beneficial impact on the future of our country.

I am sure you recognize that time is of the utmost importance in providing needed technical assistance to groups such as in county-wide comprehensive planning and implementation. Detailed soils data is increasingly being used for site planning for non-agricultural land uses. Guidance in sediment control and water management for safe disposal is an urgent need in the state and there is too little technical assistance available to do the job at hand.

The Soil Conservation Service soil survey program in Indiana is in critical need of acceleration. Of the same 23,000,000 acres of land in Indiana, only about 50% has an up-to-date Soil Survey. With present staff it will take at least 26 years to complete the soil survey for the entire state. You can see that this will be too late. Land use decisions are being made daily in Indiana and many, many without the benefit of vital soils information. At the present rate of growth in Indiana we will see a tremendous amount of land going into permanent land uses in the next 10 years. Without adequate soils information costly and irrevocable mistakes can be predicted which will have a lasting effect on the total quality of the environment of our state.

Several counties in the state have, and the State of Indiana itself has, recognized the need for soil surveys. A total of 10 counties have provided some county funds to accelerate surveys. The State of Indiana, for the first time, last year provided financial assistance in 4 of the 10 above mentioned counties. These 4 were considered high priority from the standpoint of needs.

It is our urgent plea that the Federal government will provide additional funding to SCS in order that this among many other vital programs might be accelerated.

The State Association of Soil and Water Conservation Districts urges that the Congress appropriate the additional conservation operations funds which are needed to provide minimum technical staffing for each District to swing the tide from mis-use toward one of sound land use and treatment for the good of our people. This would mean an increase in the Conservation Operations 1971 Budget estimate from $128,435,000 to $140,000,000 plus a separately identified increase of $2,000,000 for the servicing of new Districts organized in 1969 and 1970, and those that will be organized in fiscal year 1971.

The current SCS personnel ceiling restrictions are also throttling our efforts. It does not make sense to so handicap an agency that can do so much toward improving our environment, especially at a time when the public is demanding more attention toward this serious problem. Why not provide more responsibility and funds to an existing agency that has the technical expertise to do the job?

The 1971 agricultural budget proposal includes an additional $3,000,000 for resource development and technical services to approved Resource Conservation and Development projects. We strongly support this level of funding for existing projects.

However, much to our dismay and disappointment, the budget as proposed for Fiscal Year 1971 provides for no planning authorizations for new projects. Is it good judgment to fail to include authorization for new projects when there is a critical need to improve the quality of the environment, conserve and develop the natural and human resources in the non-metropolitan areas? We believe a very serious mistake will be made if authorization for at least 15 new projects is not provided for in 1971. This is only three more than was authorized in 1970 and this level of authorization is needed to begin to reduce the backlog of almost 60 applications. We strongly believe RC&D projects have demonstrated beyond any doubt that they serve as the catalyst needed to help people help themselves. The "Lincoln Hills" Project in our state is a shining example of what can be done on a multi-county basis to bring about the orderly development of natural resources. Also, accomplishments in developing the human resources of the project area have made significant strides through the successful completion of Vocational Training classes in each county.

An application for a proposed Historic Hoosier Hills RC&D Project was submitted in September, 1968. Although the sponsors were very disappointed that their application has not been approved to date, they are proceeding to develop the action plan for their project area. We must give the needed support and encouragement to leaders like these who are persistently following a sound plan of attack toward solving their problems. Soil and Water Conservation District Supervisors from two other multi-county areas are also contemplating the submission of applications for planning assistance for RC&D projects in the near future.

I strongly urge you to support the RC&D budget as proposed and provide for at least 15 new project starts in 1971.

Indiana has been a leader in the PL–566 Small Watershed Program. Local people have recognized the need to do something about their conservation problems and now stand ready to carry out their responsibilities if the Federal government will provide funds for the federal portion.

A total of 205 potential watershed projects have been identified in Indiana. Annual flood damage runs well over $16,000,000 per year. With watershed protection, this can be prevented. With projects complete 6,000,000 tons of sediment would be prevented from polluting our streams and lakes.

Recreational facilities for more than 5,000,000 visitor days of recreation use each year could be provided. New jobs will be created.

To move these potential projects to the construction stage by the year 2000, we need to double the rate of planning and construction we are currently accomplishing. Our water development and land treatment needs are increasing, not diminishing. Now is the time to act to insure the final success of the plans and work of the local people in Indiana which has already been set in motion.

Accordingly, I recommend to you that the amount of funds for watershed planning be raised to $7,500,000.

Your strong support of the 1971 budget estimate for watershed works of improvement of $74,278,000 is needed. I would also urge removal of the administrative restrictions that cause delays in the development of small watershed projects under PL–566.

The State Association of SWCD's also urges Congress to keep up financial assistance to landowners and operators through the Agricultural Conservation Program for establishment of the soil and water conservation measures on the nation's agricultural lands.

It would be deeply appreciated by the 455 supervisors of Indiana's Soil and Water Conservation Districts and their many thousands of cooperators if you would take whatever action possible to secure a fiscal year 1971 budget for the following items and amounts:

Soil Conservation Service

Assistance to new SWCD's established in 1969, 1970 and 1971	$2,000,000
Assistance to SWCD's (Conservation Operations)	140,000,000
Watershed Planning	7,500,000
Watershed Construction	74,278,000
Resource Conservation & Development Projects	13,876,000

I thank you for your past support of our work. Your support of our present needs can help significantly to provide the kind of a nation we can be proud to leave to succeeding generations.

Sincerely,

HAROLD H. WILSON, *President.*

VOLUNTARY ACTION TAPS "GREATEST RESERVOIR"

HON. DANIEL E. BUTTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. BUTTON. Mr. Speaker, "Voluntary Action" will be the password of the 1970's. The Nixon administration has helped to launch the National Center for Voluntary Action—which has three main goals: Citizen motivation and recognition, community mobilization, and experience and expertise. I call your attention to an article in the Republican Congressional Newsletter of March 9, 1970, which explains the voluntary action program in detail:

VOLUNTARY ACTION TAPS "GREATER RESERVOIR"

One of the most promising missions thus far devised by the Nixon Administration got underway February 20 when 98 board members met in Washington to launch the National Center for Voluntary Action.

The National Center completes a "creative partnership" between public and private resources. It is the mechanism for stimulating and supporting the private sector on the matter of voluntary action. Together with the Office of Voluntary Action (which serves the Cabinet Committee on Voluntary Action) within government, the National Center rounds out the national program of voluntary action.

The program goes back quite a ways. In an Oct. 26, 1968, nationwide radio address, Mr. Nixon called the energies and spirit of the American people "the greatest reservoir of neglected resources in America today." He said that the nation needed to "enlist those millions of Americans who stand ready to serve and to help, if only they knew what to do and how." And he was clear on what government should do:

"I will expect Federal departments concerned with social problems all to be actively dedicated to the stimulation of new voluntary efforts—and I will expect the Secretaries of those departments to make this a personal responsibility."

Once elected, President Nixon wasted no time reiterating his intentions. He called for enlistments during his Inaugural, and on his 100th day in office he issued a comprehensive statement on voluntary action. It said:

"More than ever, America needs the enlistment of the energies and resources of its people—not as substitutes for government action, but as supplements to it. People can reach where government cannot; people can do what government cannot. Today, more than ever, America needs the hearts and hands of its people, joined in those common enterprises, small as well as large, that are the mark of caring and the cement of the community."

The President pointed out that, in the past, government has sometimes been the jealous competitor of private efforts. He vowed that, from that point on, government would offer encouragement and support. He took four preliminary steps:

1. Formed a Cabinet Committee on Voluntary Action. Secretary Romney (HUD) was named chairman. The Secretaries of Commerce, Labor, Agriculture, HEW, OEO and the Attorney General were also named members.

2. Requested Secretary Romney to establish the Office of Voluntary Action.

3. Appointed Max M. Fisher, Detroit industrialist and leader of voluntary-action efforts, as Special Consultant on Voluntary Action.

4. Directed Secretary Romney to establish a clearinghouse of information on voluntary programs, indicating that eventually the clearinghouse would be moved to the private sector.

Through the Office of Voluntary Action (OVA) staffed mainly by persons volunteering from the public and private sectors, beginnings of a national program were made. An information clearinghouse was started. A survey of federal programs capable of using or assisting voluntary action was made. Three national workshops on college-student volunteer programs were conducted.

Mr. Fisher, the Cabinet Committee and OVA also consulted with private citizens and hundreds of voluntary organizations on means for stimulating and expanding voluntary activities.

Then on November 4, President Nixon announced formation of the National Center for Voluntary Action. The Center was set up as a non-profit, privately financed, non-partisan entity. Max Fisher was named chairman; W. Clement Stone, Chicago insurance executive, chairman of the finance committee; and a nominating committee made up of leaders of the private voluntary sector was named to form a board.

On December 22, the President announced that Charles B. (Bud) Wilkinson would take on the key role in co-ordinating the Administration's voluntary-action program. Wilkinson is White House Co-ordinator for voluntary action and executive director of the National Center.

The National Center has three main goals:

Citizen Motivation and Recognition—Using the mass media as well as existing organizations, the Center will attempt to create a climate of national opinion favorable to voluntary action.

Community Mobilization—The Center will encourage and perhaps even assist communities to achieve a new level of voluntary action directed at meeting community needs.

Experience and Expertise—The Center will gather and disseminate best experience and expertise available for successful voluntary action.

The National Center For Voluntary Action has been deliberately set up to be a responsive organization. It does not plan to do much dictating. It does plan to listen carefully, evaluate what it hears from volunteers, and be guided accordingly.

The basic machinery is in place. The question now is how well it will fly.

There'll be another look six months from now.

THE IMPACT OF AMERICA'S INTERNATIONAL TRADE UPON WEST VIRGINIA

HON. ROBERT H. MOLLOHAN

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. MOLLOHAN. Mr. Speaker, it is inevitable that the various branches of a large government such as ours, will on occasion work at cross-purposes and that this will cause unforeseen and unwanted results.

One of these situations exists today in my State of West Virginia due to the trade policies of this administration and the previous administration. For on one hand, through the Appalachian Development Act and numerous other Federal programs, we have been investing substantial sums in West Virginia's basic economic development—roads, education, medical facilities, housing, and municipal sewage plants. The purpose for this accelerated investment is to aid West Virginia and other Appalachian States in their effort to catch up to the economic and social standards of the rest of the Nation. Many of these programs have been successful and when the present commitment of Federal programs reaches completion, West Virginia, will indeed have taken large steps toward the future.

But, what these Federal programs seek to secure—a public and private capital investment that can assure growth and stability—is being tragically undercut by the Government's trade policy. For it is West Virginia's economy that is suffering the effects of free trade while other parts of the country enjoy its benefits. More than 30,000 jobs in West Virginia depend upon six industries which have suffered a decline resulting largely from foreign importation.

These six industries lost more than 50,000 jobs across the country in 1966, the latest year for which complete Government statistics are available. The number has increased since.

In the steel industry, for example, the foreign trade deficit represented the equivalent of a loss of 27,000 jobs.

In flat glass the trade deficit meant a loss of 2,000 jobs. The surplus of earlier years has disappeared from the pressed and blown glassware industries.

The electronics field has suffered a comparative loss of 13,000 jobs due to the trade deficit in radio and television sets during 1966.

The importation of each set also brought a loss of employment in fields related to, and dependent upon, electronics so the absolute loss in employment was much greater.

In the footwear industry seven shoe factories in New England closed in the first half of last year. The high volume of imported shoes and boots is largely blamed for the failures of the American factories.

Since 1960 shoe imports have increased 600 percent and this equals nearly 28 percent of the total domestic production in 1968. The tanneries in West Virginia suffered accordingly because of a decreased demand for leathers.

The production of cellulosic manmade fiber suffered a comparative loss of some 600 jobs in 1966. This advancing industry is fast becoming important to West Virginia and the Nation, and is endangered by imported fibers.

Mr. Speaker, it is of crucial importance that this policy be changed. We in West Virginia realize that we cannot reverse the tide of foreign imports, and we seek through H.R. 16287 not to reverse our policy, but to bring it up to date. It is imperative that the President have the power to curb further inroads made by

foreign products upon the domestic market in certain industries. Otherwise, West Virginia's industrial base will decline and the investment made by the Federal Government to build a stable and progressive economy will be in vain.

The industries in West Virginia will face even stiffer economic storms in the near future for the slowdown in auto sales affects the steel industry; the drastic cutback in housing construction harms the glass industry, particularly the sheet glass industry which depends upon housing for 60 percent of its sales.

The electronics industry will almost certainly face a reduced market potential as the Vietnam war comes to an end, and the shoe manufacturing industry is very closely dependent upon the general welfare of the country for its sales.

It is axiomatic that a nation which wishes to gain the benefits of foreign exchange must be prepared to purchase foreign products as well. We realize that free trade is based largely upon a sense of equity between nations. The internal effect, however, is to aid some industries at the expense to others. While some industries benefit from increased sales to foreign buyers, other industries must face stiffer competition—the influx of foreign goods.

So in effect, West Virginia, under serious pressure to come from behind to share in America's abundance, is at the same time forced to accept the burdens of imports that make America's free trade program successful. This is a difficult and unfair burden to place upon West Virginia.

H.R. 16287 will give the President the tools to shift this burden. By giving him broad powers to limit imports through both tariffs and quotas, he can act effectively to distribute the burdens and benefits of free trade.

OIL IN ESCALANTE, UTAH

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. BURTON of Utah. Mr. Speaker, in the February 1970 Quarterly Review, published by the University of Utah's Geological and Mineralogical Survey, there is an article by Howard R. Ritzma, their petroleum geologist, concerning oil exploration in Escalante, Garfield County, Utah. The possibility of a big oil hit in this area is exciting news for Utah, and I include Mr. Ritzma's comments at this point in the RECORD:

OIL IN ESCALANTE

(By Howard R. Ritzma)

There's a new bustle along the streets of Escalante. Hard hats are almost as common as the broad-brimmed variety, and conversations at cafe counters may not be so much of cows and tourists as of drilling problems, well locations and the movement of oil tank trucks. And some of the accents may be more typical of south Texas than south Utah.

The difference is two or three years and the Upper Valley Oil Field discovered by Tenneco Oil Company in 1964 and now in its fifth and busiest year of development. Production in October 1969 was 142,263 barrels from 16 wells, an average of 4,590 barrels per day for the field and 287 barrels per day per well. The oil produced from the Kaibab and Timpoweap limestones of Permian age is 27° gravity (API), brownish black, asphaltic base crude with 1.75 percent sulphur content. This field is the only source of this type of crude oil in Utah.

Production of Upper Valley* is summed up as follows:

Year	Number of wells at year's end	Annual production (barrels)	Cumulative production (barrels)
1964	1	57,867	57,867
1965	2	126,611	184,478
1966	4	223,504	407,982
1967	5	431,592	839,574
1968	11	890,943	1,730,517
1969 [1]	13	748,002	2,478,519

[1] 6 months.

Production in October 1969 from 16 wells raised the total to 2,973,979 barrels, and projections indicate that the 3¼ million barrel mark may be reached by year's end.

Almost all oil from Upper Valley moves by truck tankers to Salt Lake City, an operation employing scores of drivers, maintenance men and personnel at loading facilities. Payrolls of oil field employees and of the companies engaged in drilling and servicing the wells have pumped a welcome surge of new dollars into the economies of Escalante and surrounding towns. Garfield County records show that the oil field's first tax bill in 1965 of $2,985 has grown to $33,717 in 1968, about ten dollars annually for every person in the county. Equally impressive is the distribution of royalties, 100 percent payable to Uncle Sam since the field is wholly on Federal land.

In 1968 alone, Upper Valley returned $214,777, 12½ percent of its gross income, in royalties to the Federal government. Following a complicated formula, 37½ percent of this found its way back to the county and state of origin. Ten percent of this, a little more than $8,000, was returned to Garfield County to finance county road work. The remaining 90 percent was distributed through the State Uniform School Fund to Utah's state-supported institutions of higher learning, elementary and secondary schools, and several educational and scientific agencies. Upper Valley's surging oil production in 1968 generated about $15,000 for the University of Utah and $1,300 for Southern Utah State College, to cite two examples.

Escalante's oil activity is far from boom proportions but the scent of big oil has had its effect. Seismic crews have fanned out far and wide across southern Utah as other companies eagerly but cautiously probe for a new big find in the relatively undrilled Kaiparowits Basin. There is talk of connecting Upper Valley to the pipeline 150 miles south in Arizona. Oil would then flow to the hungry California market.

Significant exploratory tests have been drilled and abandoned. More are drilling now and many more will spud in the months ahead. Any one of these could hit, set off the "big play," and give Utah another oil-rich basin to rival the Uinta and Paradox.

*Data from Division of Oil and Gas Conservation, State of Utah.

RECENT DEATH OF E. H. REES IS COMMEMORATED IN WELSH PRESS

HON. JOE SKUBITZ

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. SKUBITZ. Mr. Speaker, one of our beloved colleagues, the Honorable Ed Rees, of Kansas, died October 26, 1969. For 24 years he served the Fourth District ably and well before his retirement in 1960. His hometown newspaper, the Emporia Gazette, which is in my district, recently noted that the Welsh press commemorated the death of Mr. Rees, whose grandparents emigrated from Wales in 1871 to Kansas.

Because the article would be of interest to his colleagues, I insert it in the RECORD:

[From the Emporia (Kans.) Gazette, Feb. 28, 1970]

RECENT DEATH OF E. H. REES IS COMMEMORATED IN WELSH PRESS

The recent death of Edward H. Rees, Emporian who was a Kansas congressman for many years, was news in Wales, from where Mr. Rees' grandparents emigrated in 1871. A clipping from a newspaper in Neath, Wales, has been received by relatives in Emporia and was brought to The Gazette by Miss Margaret Rees.

The story, published under a headline reading "An American With a Welsh Heart," follows:

A close link with the United States in Washington and the Vale of Neath, has just ended with the death, at the age of 83, of popular Congressman Edward H. Rees, a vigorous reformer of the U.S. Postal Services.

"Ed Rees," as he was affectionately known to his constituents in Kansas, and to relatives in the Neath Valley, was genuinely proud of his Welsh background, which shone throughout his long political career.

He often spoke proudly about his paternal grandparents, William and Mary Herbert Rees who, together with their family, emigrated to the U.S. in 1871 from Glyngwilym Uchaf Farm (now in ruins) on the mountainside overlooking the village of Resolven. The people in the area who claim relationship with him are the Llewellyns, of Ty-du, the Williams of Llwyncoedwr and Cefn Gelli, and the Rees family of Hendre Owen.

During his 24 years as member of Congress, Republican Mr. Rees kept a regular "hot line" of letters explaining the measure and moves in the House, not only to his electorate, but also to his relatives in Wales.

His long battle for American economy was recognized in 1954, when he was named "Washington Man of the Year," by the 1,000 member Federal Club, for unselfish devotion to public service. Five years earlier his stand against unnecessary expenditure was illustrated when he travelled to Europe on a fact-finding tour, which was financed completely with his own funds.

Back in Washington, D.C., he was described by distinguished fellow Congressman William H. Avery as "a man who was never so much concerned with the popular position, as the position he believed was right in the past interests of his country."

Edward Herbert Rees—To give him his full name, was a long-serving Chairman of the Post Office and Civil Service Committee, and was instrumental in setting off improvements in postal administration, salaries and

benefits. He was the author of many bills before Congress—one of which changed November 11th each year from "Armistice Day" to "Veterans' Day."

Ed, who lived in an area teeming with people of Welsh descent, was a keen follower of the Eisteddfod and Cymanfa Ganu in the United States.

This ebullient Republican, who was looked upon as the prince of political orators in Kansas, was as American as the people who put him in power. But at heart, he was really Welsh.

His son, John Edward Rees, who is a lawyer at Wichita, recently visited Resolven to see the old ruined farmhouse from which his ancestors emigrated, and nearby Melincourt Chapel where they worshipped.

In addition to his son and family, Edward Herbert leaves a widow, and one sister, who is a retired school teacher.

ENVIRONMENT AND THE ECONOMY

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. OTTINGER. Mr. Speaker, I would like to draw the attention of my colleagues to a new publication and the cover story of its first issue. Pangolin magazine is published in New York City by a small group of young men who are interested in providing what they refer to as "an activist forum" for other young adults who are turned off to today's slick periodicals. The cover story I refer to is titled "Environment and the Economy," written by John G. Mitchell, editor-in-chief of the Sierra Club. Mr. Mitchell's article appears as the introduction to Ecotactics, a book published as a pocketbook by Simon and Schuster and the Sierra Club in April.

This article expresses the deep concern that many feel for what is happening to the earth. Distress over environmental problems is not the only concern of this new magazine, however. Not the least of Pangolin's other coverage is its keenly barbed political satire which many of my colleagues may find intriguing.

Pangolin is now being distributed to 40,000 young adults in the northeast region but will, I am told, go nationwide before the end of the year.

What is included in its pages may annoy or anger some, but I would suggest that the magazine should be read not only for the material of merit it contains but also as an insight into what interests and involves a growing number of our young citizens.

The article follows:

ENVIRONMENT AND THE ECONOMY

"When we try to pick out anything by itself," wrote wilderness wanderer John Muir, "we find it hitched to everything else in the universe." Thus did Muir, who founded the Sierra Club in 1892, become one of the first to define in 25 words or less what ecology is all about. At the time, perhaps, his simple eloquence was wasted on a generation that had devoted itself to the unhitching of North American species, including the Indian, and was now hell-bent on stoking the new fires of technology. Who but a bearded mountaineer, after all, had time to contemplate the adhesiveness of interrelationships in nature? Who then—in good conscience and patriotic spirit—dared challenge the rapid evolution of a singular society that would produce 10 million Babbitts even before Sinclair Lewis could coin the name? Of milk cartons and motor cars there would soon be plenty—more than enough to inspire Stephen Vincent Benet to observe wryly: "We don't know where we're going, but we're on our way."

We Americans have been so busily on our way for the past 50 years that we have only recently discovered all things are indeed interrelated. We now know, for example, that the salmon on our dinner plate is inextricably hitched to the farmer's south-forty. The hitch, of course, is DDT. We also know there is a hitch between the sonic boom and the psychic development of the human foetus, internal combustion and the living lung, waste disposal and water shortages, bulldozers and spiritual blight. We also possess the frightful knowledge that many of the ancient hitches, the natural ones, the links in the chains of life on this plant, are coming apart. We have not picked at them, as Muir would put it. We have wrenched.

By no accident the words *ecology* and *economy* are semantically hitched themselves. *Ekos*—Greek for house—is the root of both words. Our *ekos* is the Earth. Between the atmospheric roof of air above and the lithospheric cellar of rock below is our house and home, the biosphere. It is the only house mankind will even have, interplanetary exploration notwithstanding. And today this house is in a frightful mess. Man, the Master, sits amidst offal in the living-room, counting his short-term profits. Well, tomorrow's another day. We'll get to the housekeeping then. But in the United States, that kind of tomorrow never seems to happen. In fact, some people are beginning to suspect that "due to a lack of interest, tomorrow has been cancelled."

The American pioneer, for all his outstanding qualities, was a dreadful housekeeper. First he clear-cut the forest. Next he planted his crops. Then he failed to understand why the land went stale with erosion. So he moved on, beyond the western hills, and cut again and planted his fields and once more failed to understand. Yet Americans still cling to the pioneer ethic—even in this new age that has carried mankind at last beyond the frontiers of Planet Earth.

In his final speech as U.S. Ambassador to the United Nations, the late Adlai Stevenson delivered a statement that may well stand as the most significant of the 20th Century. He said: *"We travel together, passengers on a little spaceship, dependent on its vulnerable resources of air and soil; all committed for our safety to its security and peace; preserved from annihilation only by the care, the work, and, I will say, the love we give our fragile craft."* Stevenson was not, in the traditional sense of the word, a conservationist. Yet he was in the vanguard of those who recognize that the earth environment, like a spacecraft, is a closed system, dependent on that great life-support apparatus of Nature, with its carefully balanced mix of sunlight, water, green plants and oxygen.

Since our *ekos* is a spaceship, then our economy must become a spaceship economy in which no resource can ever again be considered without limits, including the resource of man himself. But as economist Kenneth Boulding so correctly points out, the U.S. has not yet accepted this principle. We still pursue what Boulding calls the cowboy economy. Growth and expansion must be celebrated. Nature must be subdued. Wilderness must be regarded with suspicion, for it is idle land. Cut, plant, mine the land and get out. Westward Ho!

Westward to where?

The American Cowboy, 1970-style, cuts a different figure than his granddaddy. This one wears a white collar and is the fence-rider of technology. He packs no six-gun. *His* holsters hold sliderules. The Technocrat-Cowboy tells us not to worry about anything. Nature, he says, isn't important anymore. Its gifts can be reproduced in a testtube, or by computers. And so we are promised a brave new world in which the cowboys will corral DNA, the building block of cellular life. Not only will man thus be made molecularly perfect but the world's food problems will be solved. Out of the testtube will come protein *a la algae*. Yummy.

The cowboys, of course, cannot dismiss the relevance of human evolution. Man can adapt, yes. To a remarkable extent he has adapted to a host of unnatural stimuli: poisonous air, malodorous water, demoniacal noise, oppressive overcrowding, and invasion of privacy. In some cities, some citizens have adjusted so well to these urban amenities that they seem, at times, to be non-participants in the process of civilization. Some 38 New Yorkers in 1964 ignored the screams of Kitty Genovese as she was hacked to death beneath their windows. No one even bothered to call the police. So man can adapt, to almost anything. But more than a few scientists are beginning to wonder: In adapting, at what point does man cease to be human?

Wisconsin botanist Hugh Illtis believes man ceases to be human when he totally loses touch with Nature. Illtis writes: "Every basic adaptation of the human body, be it the ear, the eye, the brain, yes, even our psyche, demands for proper functioning access to an environment similar, at least, to the one in which these structures evolved through natural selection over the past 100 million years. For millions of generations . . . any of our monkey ancestors whose faulty vision caused them to miss the branches they jumped for fell to the ground and failed to become our ancestors . . .

"We cannot reject nature from our lives because we cannot change our genes. That must be why we, citified and clothed apes though we are, continually bring nature and its diversity and its beauty into our civilized lives, yet without any real understanding of why we do so. We have flower pots and pedigreed pets in our homes . . . and even in our airplanes' "puke bags" with green beech leaves imprinted on the side to make us feel better, to alleviate boredom or sickness by tending to our largely genetically based appreciation of natural beauty."

The gene pool of nature is important not only to what we are but to what we may need to continue to be what we are. Nearly all organisms moulded by nature over millions of years have survived because of the range of variability built into their genetic structures. Thus, as climate or some other natural condition changes, a species can draw on a genetic variant—and survive.

We speak of saving a species—the whooping crane or the alligator—because it is rare, or because one species has no right to destroy another. But there's another reason to save the crane or the alligator, or the ecosystems of the Big Thicket, the Everglades, or the Grand Canyon. Each species or ecosystem may hold for us the answers to biological questions that have not yet been raised—man has not yet learned how to ask. Henry David Thoreau wasn't kidding when he proclaimed—and not too prematurely at that—that "in wildness is the preservation of the world."

In the cowboy economy, the opportunities for preserving unquestioned answers are disappearing fast. First, we are witnessing a rapid loss of unrenewable resources. Second, we are fouling our nest at an alarming rate and with a multitude of pollutants. And finally, on a global scale, we Americans are exporting our sliderule brainstorms, our double-edged sword of technology, our genius for destruction to promote the most massive modifications of the biosphere since the last of the glaciers retreated 10,000 years ago.

The unrenewable resources in greatest danger of depletion today are not the min-

erals that we gouge from the earth but our fellow-travelers on Spaceship Earth, those furred, finned, feathered and chlorophylled cousins of ours that evolved from our common colloidal soup. From our present perspective, one wonders now why Noah ever bothered to take aboard passengers in the Great Biblical Flood. Consider North America. Since the Pilgrims celebrated the first Thanksgiving, at least 22 species of mammals, birds and fishes have forever disappeared from this continent—which means, in most cases, from this Earth. They did not go the way of the Jurassic reptiles, by eating their own eggs. They were exterminated by man. And now, incredibly enough, with wolves, coyotes, hawks and other natural predators the bounty-hunter's prey in some jurisdictions of their limited range, another 59 vertebrate species are threatened with extinction. The gene pool has been further emasculated by the axe, and now the chainsaw and bulldozer. In the U.S., more than 80 species of plants are living on borrowed time.

Another great unrenewable resource that is disappearing in the U.S. is the land itself. New concrete is poured over nearly one and a half million acres of it every year. By 1975, the U.S. will be building 2.5 million new housing units annually, and half of them will be single-family homes on lots calculated by archaic zoning regulations to *waste* land. New residential living space alone will annually require a land area nearly half the size of Rhode Island. And new interior roads, not the big expressways but the little neighborhood streets that lead to the front door, will stretch out over 22,000 linear miles—*every* year. In a little more than a decade, developers will have poured enough concrete over New Suburbia to build a Walnut Street to the moon.

But why wait until 1975 to calculate the consumption of land by cars and roads and parking facilities? They already occupy more space in the U.S. than people do. In Atlanta, to cite just one example, the voracious motor vehicle has cannibalized 60 percent of that city's parkland. And the U.S. government, paying lip service to the need for mass transportation, still proceeds to extend the Interstate Highway System through wilderness and city alike. Perhaps the White House should be moved to Detroit. Perhaps the Vatican, too, with its curious attitude toward contraception, should be moved to Detroit. The late William Vogt once observed that the motor vehicle "has become an adjunct of reproduction and probably has had a significant effect on vital statistics since many of the 20 percent of American women who are pregnant before marriage . . . have undoubtedly been inseminated in automobiles . . ."

Though the modern cowboy might challenge Vogt's analysis of the auto as a mobile fertility lab, he can hardly deny the vehicle's major role in poisoning the air. Despite Detroit's less-than-best efforts to reduce vehicle pollution at its source, the number of cars proliferate faster than the contaminants can be contained. And that seems to be true of almost every kind of waste in our-all-consuming, waste-high society.

About every four seconds, the U.S. census clock ticks off a new American. In his expected 70 years of life, he will contribute to the Gross National Product by consuming 50 tons of food, 28 tons of iron and steel, 1,200 barrels of petroleum products, a ton and a half of fiber and 4,500 cubic feet of wood and paper. All of this material will pass through or around the new American, eventually winding up as waste—100 tons of it, wafting on the breeze, bobbing in mid-current or, along with his 10,000 "no deposit, no return" bottles, ploughed into some hapless marsh, there to pollute both the land and the sea. Nor does any of this take into consideration the consumption and subsequent waste involved each time the individual American throws an electric switch to light his private *ekos* or to shave the stubble from his chin. Clean energy, it seems, is a thing of the past, of muscles and water-wheels and wind-in-the-sail. Energy today comes from fossil fuels, which darken the sky; from nuclear reactors that overheat rivers, and from the turbines in high dams, which bury the rivers behind them under accumulated silt.

From an environmental point of view, no power system today is satisfactory. Nuclear power plants, for example, were initially hailed as "air cleaners." Their development allowed utilities to retire old coal and oil-burning plants. But soon the "nukes" were blamed for creating a new kind of thermal pollution that pours waste heat from the fission process into rivers, causing, in some instances, massive die-offs of fish. To solve that problem (and come up with a more efficient power plant, to boot) industry is now striving to develop a commercially feasible fusion reactor. And one of fusion's by-products is tritium.

Tritium, or radioactive hydrogen, is not found in nature. One man who wishes it weren't found anywhere is Frank W. Stead of the Geological Survey in Denver. "They can talk of clean power from fusion," says Stead, "but it's strictly a frying-pan-and-fire situation." The trouble with tritium is that no one yet knows how much of it man can tolerate. Though presumably not as dangerous as such other radioactive substances as iodine-131, tritium does emit beta radiation. Also, being hydrogen essentially, it has an affinity for water, and can follow water into the cells of the human body. Some scientists, notably La Mont Cole of Cornell, warns that man already receives much unavoidable radiation from the sun and even from X-rays. Since there is no human threshold for radiation, too must tritium conceivably could cause mutations or malignancies in future generations.

The tritium threat comes not only from fusion reactors but from Project Plowshare and other "peaceful" uses of fusion explosions. Stead, for one, is worried about what could happen when the nonproliferation treaty goes into effect, making fusion explosions available to any nation that might happen to want to dredge a new harbor, or get into the mining business atomically. Without an international agency to monitor tritium and other potentially harmful nuclear byproducts, says Stead, "We can hardly hand these things out like firecrackers."

Caution might also be exercised—but isn't—in the disposal of some of the highly toxic wastes the U.S. is currently flushing into deep, underground disposal wells. Pickling acids, pharmaceutical and petro-chemical byproducts, poison gases and other toxins—down they go, out of sight, out of mind. In the U.S. today there are some 130 such wells, and a full third of them are less than 2,000 feet deep in permeable sandstone or limestone strata laced with aquifers that feed eventually into waters on the surface of the earth. Scientists warn that the acids and poisons poured into these wells rarely stay put. "Once it gets into the drinking water," says Geologist David Evans of the Colorado School of Mines, "there's no way in the world you can clean it up. It may take 50 years to discover that it's on the march, and by that time, the whole countryside is poisoned for miles around."

While most Americans may be willing to run such risks, some Europeans are not. Southwest of Sicily, on the tiny island of Lampedusa, a party of Italian government officials landed recently to inspect the terrain for a new deep-well disposal site. In wrathful self-interest, the islanders drove them off by force. Later, a mainland professor commented that Italy might soon be forced to rocket its wastes into space.

Few of the world's peoples are as environmentally enlightened as the Lampedusans. After all, the U.S. and the Soviet Union made it through technology. Why shouldn't they? And so the undeveloped nations are taking a quantum jump into the 20th Century—a jump that has landed more than a few of them in a pile of ecological crises. Some examples:

Aswan Dam, the world's largest structure of its kind, was designed to reap the United Arab Republic a multitude of socioeconomic benefits: doubled electrical output, a 25 percent increase in cultivated land, the impoundment of 32 million cubic meters of water otherwise poured by the Nile River into the eastern Mediterranean. But already the Aswan account is in arrears. Aswan's giant Lake Nasser, not yet full of water, is beginning to fill instead with silt. The dam is also impounding natural minerals essential to the web of marine life in the Nile delta; since its completion five years ago, Egypt has suffered a $7-million-a-year loss in its native sardine industry. Now there are reports that the delta shrimp fishery is also drying up.

From Chad and the Sudan, Ecologist Raymond Dasmann reports that massive water development, intended to stabilize nomad herdsmen, has instead destroyed the region's groundcover. Over-grazing in fact, has drawn the Sahara south and turned parts of Chad and Sudan into agricultural wastelands.

Behind every ecological boomerang lurks the cowboy-technocrat. Not satisfied with the wonders he has wrought in Africa, he now eyes the Amazon Basin of South America. And what does he see? More dams, dams enough to create an artificial lake the size of East and West Germany combined, dams and dikes and canals enough to turn the rain forests into a hydroelectric-transportation network linking the world's greatest river with the Orinoco watershed. What the technocrat cannot see are the long-range effects of so massive a modification. A new inland sea in the Amazon, some scientists fear, might well throw the heat/moisture balance askew at the equator and inflict some rather vast and frightening effects on the world weather system. At the same time, stopping the Amazon's discharge of nutrients to the sea could destroy the Atlantic shellfish industry as far north as the New England Coast.

The other grand design is for a new sea-level canal to be dredged (by nuclear explosions, no less) across the Central American isthmus—at a point where the Pacific is higher than the Atlantic and Caribbean, 18 feet higher, in fact, when the tides are out of phase. Zappo! The cold Pacific floods into the warm Caribbean. Goodbye Gulf Stream. Goodbye bikinis at Key Biscayne. Hello, thermal underwear. Aye, *there's* a hitch.

So it all comes home again to the Great American pioneer ethic, to what one perceptive observer has diagnosed as a bad case of "frontier hangover." Still groggy after nearly two centuries of exploiting our own land, we now seek new exploitive challenges abroad—and if it can be done, the saying goes, do it, even as the ill-fated British mountaineer George Mallory had to climb Mt. Everest simply *because it is there.*

In his Pulitzer Prize-winning book, *So Human An Animal,* Rockefeller University microbiologist Rene Dubos cites Mallory's heroic statement as an expression of man's determination to accept difficult challenges. But Dubos offers his own challenges. "Dashing expressions," he writes, "do not constitute an adequate substitute for the responsibility of making value judgments."

How long, indeed, in this nation which allocates less than .005 percent of its Gross National Product toward environmental quality, which encourages ecologists to study lichens and water-fleas instead of people and ecosystems, and whose elected leaders choose to substitute rhetoric for action? It is as if we had embraced Benet's folk humor as national policy: not knowing where we're going, but sure-as-hell, damn-the-torpedoes, full-speed-ahead on our way.

Economist H. H. Landsberg once remarked that "if we choose to be plagued by big nightmares, we are entitled to offset them with equally big daydreams." Perhaps we indulge too much in the nightmares. Down the dark tunnel we see the fireballs of a nuclear holocaust. Or the new ice of a glacial era brought on prematurely because warmth from the sun can no longer penetrate the spoor of carbon dioxide high in the stratosphere. Or the spectre of too much heat if solar radiation should, after all, penetrate the veil of global pollution only to be trapped by its "greenhouse effect." And what makes these nightmares really big is that no one can know—at this time—if they'll ever come true. There is no certainty about the daydreams, either. In the light at the end of the tunnel, we see the recycling of wastes, the end of overpopulation, famine and pollution, the preservation of the species. We no longer see Babbitts, but Muirs and Thoreaus who know where they're going. And everything wrenched apart is hitched together again. It's possible. But simply dreaming of it will never make it so.

The gap between rhetoric and action was most recently revealed in President Nixon's State of the Union message, which promised a new crusade in the Seventies to end the war against nature. Mr. Nixon's only specific proposal was for a $10 billion program to provide the nation's cities with sewage disposal facilities. But it required only the most elementary arithmetic to determine that what Mr. Nixon proposed, spread over 10 years, would, in effect, commit the Federal government to spend less on municipal water pollution than was budgeted for this purpose in 1969.

TASK FORCE HEARING

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. BUSH. Mr. Speaker, the Republican Task Force on Earth Resources and Population of which I am chairman, has been conducting hearings on the effects of the mineral shortage problem. The summary of our first set of hearings regarding this subject was published in the RECORD on February 26. We will continue weekly hearings on this matter, and I will publish the results in the RECORD for the benefit of my colleagues.

On March 4, we were privileged to have Mr. W. W. McClanahan, Jr., executive vice president; Mr. B. L. Thompson, staff economist; Mr. W. A. Raleigh, Congressional and Government Relations; and Mr. Claude D. Curlin, information director of the National Coal Policy Conference, Inc., appear before our task force. The hearing was a most productive one for the task force, and we greatly appreciated the opportunity to hear the testimony of experts from the private sector. During the course of the hearing Mr. McClanahan presented a very lucid and informative statement that described many of the major resource problems facing our nation. Mr. McClanahan's remarks were extremely helpful, and I include them in the RECORD at the conclusion of these remarks:

ENERGY AND FUEL OUTLOOKS THROUGH 1990

Those of us working in the energy area must recognize two basic facts.

First, the people of this Nation have made a commitment to an improved environment. This includes cleaner air and water.

Second, the increasing demand for electric power, which is doubling every 10 years or less, must be satisfied or the industrial development of the Nation will be slowed down or reversed.

The industrial complex for which I speak—the producers, transporters and consumers of bituminous coal—believe these two objectives, which in many respects are will be reconciled. It will not be easy. It will cost a lot of money. It will require new technology. It will demand of industry a recognition that it must play a key role in bringing to a growing population the benefits of a highly industrialized society and it must do so in a manner that will contribute to an enhancement of the environment.

The dimensions of the problem the Nation faces in meeting this dual objective—a greatly expanded electric power generation capacity within the context of an improved environment—are great.

In 1968, the Nation's electric generation capactiy totalled 290 million kilowatts. Our economics department has made a projection of the needed generation capacity and how it will be fueled for both 1980 and 1990, based upon a set of assumptions which we believe are valid. According to this projection, a capacity of 571 million kilowatts will be needed by 1980 and 988 million kilowatts by 1990.

To produce this amount of power will require tremendous quantities of fuel—the equivalent of about 1.1 billion tons of coal in 1980 and 1.9 billion tons of coal equivalent in 1990, as compared to 557 million tons of coal equivalent in 1968.

Based upon a very careful analysis of trends and developments affecting the various sources of power, our projection concludes that, if the future electric power requirements are to be met, the use of coal will have to increase from 297 million tons in 1968 to 432 million tons in 1980 and 719 million tons in 1990.

There are so many factors that will eventually affect the availability of oil for utility electric power production that it is almost impossible to project with any semblance of accuracy what share of the utility market residual oil will hold in the next two decades. The President now has before him recommendations which suggest a drastic change in the oil import program. There are proposals being kicked around by very serious people suggesting that we move to find some other form of motive power for automobiles as an air quality control measure, and, of course, at some point we must certainly reach a level of dependence on foreign fuel beyond which we do not dare go. It should be noted that a major portion of all residual oil now used in the United States is from foreign sources and there is no reason to think this will change, since domestic refineries find a much more profitable market in this country for the lighter weight, higher grade petroleum products.

In 1968, residual oil burned by utilities was the equivalent of 45 million tons of coal and this was equal to 8.1 percent of all electric utility fuel, so for the sake of having some basis on which to estimate, let's assume that this 8.1 percent of total utility fuel continues through 1990, although, as I have said, it seems improbable to me that we would dare risk that much of our electric production on insecure foreign sources. But if we assume this percentage will hold, then we can say that in 1980 oil will supply 86 million tons of coal equivalent in utility fuel, and in 1990 it will supply 150 millions of coal equivalent.

Natural gas is likewise difficult to project, particularly in view of increasing warning that we are facing shortages in this country. However, we assume that for several years there will continue to be an increase in natural gas used by utilities, particularly in the Southwest and other major gas-producing areas, and our economic projection has estimated that this will increase from 120 million tons of coal equivalent in 1968 to 146 million tons (C.E.) in 1980 and 153 million tons (C.E.) in 1990. I might point out that this is consistent with recent projections made by the Federal Power Commission.

There are likewise quite a number of uncertainties that will affect the growth of nuclear power, including if and how soon the fast breeder reactor is developed. However, in this study we have assigned to nuclear power, which provided the equivalent of about 5 million tons of coal to electric generation in 1968, some 265 million tons of coal equivalent in 1980 and 705 million tons in 1990. This, of course, assumes that the nuclear power industry grows at the optimistic rate which the AEC has predicted for it, and it is reasonably in line with projections which have been made by that agency.

There will also be small increase in both hydro power and power from internal combustion, largely for peaking purposes.

From this jumble of statistics, one fact emerges. The Nation will have to rely primarily upon coal and the atom to meet the Nation's growing power demand, particularly in the decades immediately ahead of us. This is a conclusion with which Atomic Energy Commission officials agree. Eventually, the atom may dominate electric power generation, particularly when and if a safe, economical breeder reactor is developed, and coal will find a market outlet as a liquid or gaseous fuel. But during this transition from a coal-based to a nuclear-based power industry, I do not see how it will be possible to meet the increasing demand for power without burning coal in amounts indicated above.

There is no question about the availability of coal. Reserves are estimated at anywhere from 800 billion to more than one trillion tons. The technology is available to produce it.

The real question, then, is this: Will the air pollution control program which is becoming nationwide in scope and which would be speeded up by the program outlined by the President this week, permit the burning of coal in the amount required?

At the present time, air pollution control officials are concerned with two pollutants from the burning of coal under power plant boilers, sulfur oxides and particulate matter. It is technically feasible to control the particulates from power plants and other large boilers, although it requires the installation of expensive electrostatic precipitators, dust collectors and the like. Sulfur oxides are another matter. To reduce SO_2 emissions, almost all control agencies are placing limits on the amount of sulfur in the coal which may be burned. In many areas it is as low as 1% and the sulfur limit will be reduced even further in the future. Higher limits have been imposed in other areas. However, in every instance, the sulfur limit is significantly lower than the sulfur contained in the coal historically burned in those areas for power production.

This has forced a widespread change in fuel purchasing patterns by many utilities. Low-sulfur coal is in extremely short supply. As an alternative, a number of utilities have shifted to low-sulfur residual fuel oil or to natural gas. At best, these are short-term expedient measures. The low-sulfur residual fuel oil has to be imported and for the most part its availability is limited to the East Coast, although just recently, efforts have been made to obtain special quotas to import residual for the first time into the interior of the Nation via the Mississippi River. Natural gas is already in short supply and pipeline and distributing companies are experiencing difficulties in meeting increased consumption from present consumers.

We are deluding ourselves if we think either imported residual fuel oil or natural gas will be available in anything like the amount needed to replace coal as an electric utility fuel in the decades ahead.

It seems to me to be obvious that we must use another approach to reducing SO_2 emissions if the electric power we know we are going to have to have will be available in 1980, 1990 and later years.

The best approach is to remove the SO_2 from the stack gases before it is emitted into the atmosphere. A number of large industrial firms say they have developed the technology to do this. Whether the claims they make for their processes are valid, I am not in a position to say. But when a company such as Monsanto takes a full-page ad in trade publications to advertise its process, and to guarantee performance, they have to be taken seriously.

At any rate, it is extremely important to determine whether we now have sulfur removal processes which are economically and technologically feasible, a condition specified in the Clean Air Act relating to the setting of emission standards. We have addressed a letter to Secretary Finch of the Department of Health, Education, and Welfare, requesting that he appoint a competent, impartial panel to make a study of the processes now available and to report if they do meet these qualifications. If such is the case, then we have requested that the HEW publication entitled "Control Techniques For Sulfur Oxide Polution" be revised to point out that this is an acceptable alternative to limiting sulfur content of fuels. If the panel should determine that the problem has not yet been solved, which I must say some utilities believe, then we have urged that HEW take the leadership in a crash program of research and development to see that the technical problems involved in controlling sulfur oxide emissions from stacks using high sulfur fuel is developed and made commercially available in the shortest possible time.

Up to now, the application of this new SO_2 removal technology has been distressingly slow. Commonwealth Edison Company of Chicago opted for importing residual fuel oil from Venezuela, at an additional cost for fuel of about $5 million per year, rather than installing one of the available processes. A number of utilities on the East Coast have switched to imported oil.

This reluctance on the part of utilities to apply the technology, and the failure of air pollution control officials, thus far, to insist that this approach be tried is a matter of grave concern to the coal industry.

We are losing markets in the utility industry, and we will lose other markets as long as the method for controlling SO_2 emissions is confined to regulating the amount of sulfur in the fuel.

The implications of this approach go far beyond any effect upon coal markets. It relates directly to the ability of this Nation to produce the power it will need in the decades ahead.

What I have said boils down to this:

This Nation cannot meet its electric power demand without the use of coal in increasing amounts.

Under the present approach to controlling sulfur dioxide, most of the Nation's coal reserves will be barred as a utility fuel.

Thus, the Nation's future electric power supply is in grave danger.

As I have stated, the answer lies in applying the technology to remove the sulfur dioxide from stack gases after the coal has been burned—not in limiting the amount of sulfur in the coal which may be burned. If the present SO_2 removal processes which are being offered for sale by a number of large companies do not satisfy the utilities, then let us get on with the job, under a priority equal to the urgency of the problem, of developing the needed technology.

Recently, I presented Health, Education and Welfare Secretary Robert Finch a suggested course of action. A copy of the letter has been made available to you.

As far as our air pollution control program is concerned, I think the matter of sulfur oxide emissions is probably the most serious problem we face.

At stake is the adequacy of the Nation's supply of electrical power.

EXPERIENCE IS A GREAT TEACHER IF WE KEEP OUR MINDS OPEN TO ITS LESSONS

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. CUNNINGHAM. Mr. Speaker, I have read in the newspaper that Army medical officers in Vietnam have just about eliminated the tourniquet from the battlefield. They have learned from recent experience that to do so saves not only lives but limbs.

And so another so-called fact of first aid has become a battlefield casualty. Experience is a great teacher, provided we keep our minds open to its lessons.

A case in point is the recent news of an 8-year study of twins. The findings should be unsettling to those who are convinced, as a result of incessant antismoking commercials, that cigarettes are hazardous. Among identical twins, the new study reports, neither young nor old smokers showed any tendency to lung cancer or coronary disease as a cause of death. Among unlike twins, the older smokers were similarly free of fatal effects. Among young unlike twins, the smokers appear to be slightly more durable than the nonsmokers.

I do not cite this new evidence to defend tobacco. My interest is to alert Congress to similar threats now hanging over many industries with legal products that some pressure group or other considers to be objectionable. Dairy products, pharmaceuticals, airplanes, and many others are vulnerable to the same kind of propaganda attack.

Mr. Speaker, I include recent news accounts of this important scientific research so that my colleagues may read it—and remember the tourniquet:

[From the Omaha (Nebr.) World Herald]

TWINS ARE WATCHED IN SMOKING STUDIES

ROME.—A Swedish-American study on pairs of identical twins showed Tuesday that the twins who smoked had no higher mortality rates than those who refrained from smoking.

And if this was true for twins, the report said, it probably would be true also for people in general. But it added that "only time will tell whether the trends found are stable."

The report by members of the National Institute of Public Health, Stockholm, and the National Research Council, Washington, D.C., was released after it was read at an international symposium on twin studies in Rome.

The scientists said they considered such research to be of immense value because twins provide ideal human examples for comparisons.

"In the identical twin pairs," the report said, "where one member smokes and the other does not, or in pairs that differ in smoking habits, no association between smoking and high mortality was found."

The report was prepared by Dr. Rune Cederlof of the Stockholm institute, Dr. Zdenek Hrubec of the National Research Council and their collaborators.

The study was based on the national twin registries maintained in Stockholm and in Washington. The Stockholm registry, the report said, was organized in 1961, mainly to study mortality in members of twin pairs with differing smoking habits.

"Symptoms of coronary heart disease," the report said, "were more closely related to such factors as drinking habits, physical exercise, change of employment and occupational adjustment than to smoking . . .

"An obvious association between smoking and lung cancer was reported, but there was no difference in the over-all prevalence of cancer between smokers and nonsmokers in twin pairs . . .

"The investigators believe their findings support the hypothesis that probably a substantial part of the higher disease and mortality rates among smokers reported in other studies is not caused by smoking, but by genetic, behavioral or other factors, which are associated with smoking."

[From the Philadelphia Inquirer]

ONLY TIME WILL TELL: EIGHT-YEAR STUDY OF TWINS DISAVOWS LINK BETWEEN SMOKING, CANCER

(By George Weller)

ROME.—The hall of the medical congress was only half filled. Many delegates were shaking hands in the corridors, packing bags in hotels and catching planes. The last of some 150 scientific papers was being read, as dryly and noncommittally as possible, by a Swedish professor. The applause when he finished was perfunctory and everyone ran for taxis.

But the final paper turned into a time bomb with a delayed action fuse. That was two weeks ago and the phones hardly stop ringing in the Gregory Mendel Institute of Medical Genetics and Geminology, a big squarish glass-walled research building in the heart of Rome, where the meeting was held.

The reason for all the fuss is that this final paper questioned much of world-wide research that indicates that people die of lung cancer simply because they smoke. They smoke and they die, but not because they smoke, the paper argued.

The study casts doubt on the arguments of government officials who have been trying to ban cigaret ads from television, newspapers that have refused to accept it and doctors who have denounced it.

The physician who lighted the fuse, Dr. Rune Cederlof of the National Institute of Public Health in Stockholm, prudently folded his manuscript, refused to allow it to be released and ran for his plane. Only a few quotes were authorized.

The study started in Sweden in 1961, when the National Institute of Public Health began to collect data on the lives of twins, mainly to find out how smoking affected them. They drew in the National Research Council in Washington, which pulled together the results from the largest of America's 14 "twin institutes."

Some of the American twin institutes are in Connecticut (24,000 pair), New York (25,000) and California (76,000).

As he fled and before the phones began to ring, Dr. Cederlof threw over his shoulder the cautionary remark: "My personal convic-

tions have nothing to do with the results of any researches." The other scientists echo him.

The prestigious National Institute of Public Health in Stockholm is the body that advises the Nobel Prize Committee about their choices for medical winners of the world honors. Four other Swedish doctors, all from the Karolinska Institute in Stockholm, signed their names to the result. The only American named is Zdenek Hrubec of the National Research Council.

The Swedes in their eight years have sent out questionnaires to 10,927 pairs of twins over 40 years old. Studies were also made of smokers in their 20s. But only 80 sets of twins had one twin with heart disease.

Among identical twins, neither young nor old smokers showed any tendency to lung cancer or coronary disease as a cause of death. Among unlike twins, the older smokers were similarly free of fatal effects. In the remaining group, the young but unlike twins, the smokers appears to be slightly more durable than the non-smokers.

The real reason smokers get coronary heart disease, say the scientists is "drinking habits, physical excess, change of employment and occupational adjustment."

The study concedes an "obvious" connection between smoking and lung cancer, but refuses to agree that the nicotine is the decisive blow. Where each of identical twins had different smoking habits, "there was no difference in the over-all prevalence of cancer."

When the healthier partners of several sets of twin are grouped apart from the less healthy and the two groups are compared, "there is no noticeable difference in smoking habits between them."

So far the cigaret companies have decorously retrained from joyously breaking down the institute's doors or smothering the Swedes in funds. Only one company, Philip Morris, sent a man to Rome in pursuit of the undivulged original text.

The real trouble is that not enough twins have died yet. "The number of deceased twins in pairs with differing smoking habits is small," the study says. "Only time will tell whether the trends found are stable."

[From the Medical World News]

COFFIN NAILS? NOT FOR TWINS

The murky debate over cigarettes and health has perhaps been further obscured by new evidence of a genetic factor in human response to smoking.

A study of identical twins presented by Swedish and American researchers at an international symposium in Rome this month concludes: "Where one member (of a twin set) smokes and the other does not, or in twins who differ in smoking habits, no association between smoking and high mortality was found." The report, prepared by Drs. Rune Cederlof and Lars Friberg of Sweden's National Institute of Public Health and Dr. Zdenek Hrubec of the U.S. National Research Council, focuses on the incidence of coronary heart disease among 4,311 sets of identical male twins, aged 45 to 55, registered in Washington, D.C., and on the mortality rate among some 8,000 sets of twins in the Stockholm registry. The scientists suggest that their findings in both categories "support the hypothesis that a substantial part of the higher disease and mortality rates among smokers . . . is not caused by smoking but by genetic, behavioral, or other factors associated with smoking."

Another hint in this direction was dropped at the International Conference on Congenital Malformations in the Hague this month, when a Mayo Clinic biostatistician reported that black women who smoke during pregnancy seem to run a far higher risk of miscarriage or still-birth than do white women smokers. Dr. William P. Taylor stressed that the more than 16,000 women covered in his eight-year survey were cared for "in the same prenatal clinic, the same hospitals and delivery rooms, and by the same medical staff."

Mr. Speaker, I also would like to cite the following testimony by physicians before committees of Congress:

[From the Omaha (Nebr.) World Herald]

ANOTHER POINT OF VIEW: "NO PROOF SMOKES CANCER CAUSE"

Hiram T. Langsten, M.D., professor of surgery, University of Illinois College of Medicine; chief surgeon, Chicago State Tuberculosis Sanitarium and president, American Association for Thoracic Surgery, April 28, 1969.

"It is distressing to me that governmental reports keep repeating those same studies which support their views, while ignoring reports or views or facts that might point to contrary opinions.

". . . I would like to submit that whereas I do not know the cause of cancer of the lung, I cannot accept the preachment that the use of tobacco in general or the smoking of cigarettes in particular causes this important disease. My conclusion is based on the many inconsistencies that I find between the statistical associations presented in support of their theory of causation and the clinical behavior of this tumor in the patients that I take care of.

"I therefore must raise my voice in opposition to the attitude of the United States government through the office of its surgeon general that the solution to this problem is so simple and so clear-cut that elimination of cigarette smoking will likewise eliminate the disease for all practical purposes.

"At the present time to accept cigarette smoking as the cause of cancer of the lung is to do so by edict only."

John P. Wyatt, M.D., professor and chairman of the department of pathology, University of Manitoba, April 28, 1969.

"Since autopsies are performed in only a small portion of cases throughout the country . . . we must conclude that the diagnosis of emphysema on a death certificate may often rest on dubious evidence.

"There is no evidence of which I am aware that constituents of cigarette smoke have the capacity to produce dissolution of lung tissue (emphysema)."

"Most authorities agree that emphysema represents a complex problem which awaits a scientific explanation."

Duane Carr, M.D., professor in surgery, University of Tennessee College of Medicine; a founder of the Southern Thoracic Surgery Association; and a member of the American Board of Thoracic Surgery, April 28, 1969:

"As of the present date, the cause of cancer remains unknown.

"Unfortunately, many supposedly well informed officials in the Public Health Service and certain voluntary health organizations have permitted their emotionalism and zeal to outdistance the actual scientific knowledge and proof.

"This has resulted in misleading the public into believing there is proof where none exists. A bandwagon effect has resulted even in the medical and scientific community where too many have accepted the pronouncements of dedicated zealots . . ."

Victor Buhler, M.D., Pathologist, St. Joseph Hospital, Kansas City, Mo.; associate clinical professor of pathology and oncology, University of Kansas School of Medicine; and former president of the College of American Pathologists, April 28, 1969:

"The cause of cancer in humans, including the cause of cancer of the lung, is unknown. No amount of speculation, no amount of suspicion, no amount of repetition of now familiar findings and no amount of emotion can alter this fact."

HAWAII'S PETE VELASCO NAMED TO VOLLEYBALL HALL OF FAME

HON. SPARK M. MATSUNAGA

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. MATSUNAGA. Mr. Speaker, I take pleasure in calling the attention of the House to the recent announcement that one of Hawaii's greatest athletes, Pete Velasco, has been elected to the Helms Volleyball Hall of Fame.

This recognition for Hawaii's All-American volleyball player is thrilling news to Pete's fans from all across the country, and indeed the world.

Among the Hall of Fame's greatest athletic feats were those he performed as a member of two U.S. Olympic volleyball teams. He captained the 1964 squad in the Tokyo Olympics, and also played in the Pan American Games in 1963 and 1967.

Pete, the father of seven children, is presently attending the Church College of Hawaii on an academic scholarship. Following his graduation from Church College and his postgraduate work, Pete has expressed the desire to work with and train young people.

The Honolulu Star-Bulletin took note of Pete Velasco's most recent athletic honor in an article from the March 6, 1970, issue of the paper. In the article, John Lowell, coach at Church College and the Outrigger Canoe Club, observed:

As important as his athletic ability, are his outstanding character and self discipline . . . He has been an ambassador of good will at the international games and probably has more friends than anyone else in the sport.

Pete will be inducted in the Helms Volleyball Hall of Fame during the U.S. Volleyball Association Tournament to be held in the Island State in May, in which some 90 teams from the Mainland United States will participate.

I know that the Members of Congress would wish to join me in saluting one of Hawaii's most famous sons, and an outstanding athlete who possesses those qualities which are worthy of emulation by our Nation's youth.

The article, "Velasco Named to Hall of Fame," from the March 6, 1970, issue of the Honolulu Star-Bulletin, follows for the RECORD:

[From the Honolulu Star-Bulletin, Mar. 6, 1970]

VELASCO NAMED TO HALL OF FAME

Pete Velasco, Hawaii's All-America volleyball player, has been elected to the Helms Volleyball Hall of Fame.

The Church College of Hawaii volleyers will be inducted into the Helms Hall of Fame during the U.S. Volleyball Association tournament here in May. Approximately 90 teams from the Mainland are entered in the tourney, so Velasco should get quite an audience watching him receive the honor.

Velasco, a member of two U.S. Olympic volleyball teams, captained the 1964 squad in the Tokyo Olympics. He also played in the Pan American Games in 1963 and 1967.

John Lowell, coach at Church College and the Outrigger Canoe Club, who has observed Velasco's playing for a number of years, feels that Pete is one of the two or three finest

athletes Hawaii has ever produced. (Velasco also starred in prep basketball and in the Armed Forces Basketball League).

"As important as his athletic ability is his outstanding character and self discipline," said Lowell. "He has been an ambassador of good will at the international games and probably has more friends than anyone else in the sport."

Velasco, 33, is father of seven children. He works nights at Pan American and attends classes during the day.

While he is a fine athlete, Velasco is attending CCH on an academic scholarship.

Velasco expects to graduate from CCH in 1971 and take graduate work at Brigham Young University in physical education.

"My hope," he said, "is to work with young people after I finish at BYU."

MASS TRANSIT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. ROSENTHAL. Mr. Speaker, my colleague, the gentleman from New York (Mr. KOCH), testified before the House Banking and Currency Committee last week on the subject of mass transportation. Mr. Koch is the initiating sponsor of legislation to establish a mass transit trust fund of which I am a cosponsor. His testimony urges adoption of the trust fund concept to insure more Federal funds for efficient and adequate mass transit for the urban areas of our country and an increase in the amount of funds to be made available for that purpose.

I commend his testimony to our colleagues for their consideration:

STATEMENT BY REPRESENTATIVE EDWARD I. KOCH, BEFORE THE HOUSE BANKING AND CURRENCY SUBCOMMITTEE ON HOUSING, ON THE MATTER OF MASS TRANSIT, MARCH 3, 1970

Mr. Chairman and Members of the Committee.

I appreciate your invitation to appear before you to speak on the subject of mass transit. It is this legislation which will determine whether or not we move ahead in providing efficient transportation for our country's urban dwellers that now comprise almost 80% of the population and by the year 2000 will represent 90% of our residents. In the sixties we accomplished extraordinary feats in outer space travel while back here on earth we poured a network of roads across the country linking our cities and towns with direct and fast auto travel and providing an economic boom for our rural areas. We spent $19.4 billion in the last decade to accomplish the first moon landing and we allocated $45 billion in federal funds since 1957 in the construction of the Interstate Highway System.

Today, I urge that we dedicate the 1970's as the decade of the urban dweller and working man's transportation—that we make the same commitment that resulted in delivering the astronauts to the moon to providing rapid, convenient and clean transportation for our commuters. We must advance mass transit technology so that it can fulfill its role in the nation's transportation scheme and effectively complement the automobile and airplane.

The automobile was a great invention. It mobilized our nation. But, its overuse as a commuting vehicle in our cities is inefficient and in fact counter-productive. Walter Reuther, President of the United Auto Workers, put the matter succinctly when on December 5, 1966 before the Senate Government Operations Subcommittee on Executive Reorganization, he said:

"I think it is absolutely ridiculous for 100,000 Americans living in the same urban center to try to go to the same place for the same purpose at the same time, as each drives a ton and a half of metal with him. I just think that this is utterly stupid from an economic point of view and from a human point of view."

It takes twenty lanes of highway to accommodate the same number of passengers carried by one pair of subway tracks.

Despite all the difficulties of parking and traffic jams, the American still loves his car. And if we are to woo him into using public transportation for commuter travel, we will have to provide him with service that is clean and efficient and is the technological equivalent of the automobile.

After having spent nearly $20 billion on the Apollo program to carry two men to the moon and $45 billion on highways, I propose that we now commit $10 billion in the next four years to mass transit. To do this I have introduced H.R. 7006, a bill which you have before you, to provide these funds and to establish an Urban Mass Transportation Trust Fund comparable to the Highway Trust Fund. The trust fund would be independently financed by the existing 7% automobile manufacturer's excise tax, just as the Highway Trust Fund receives its revenue directly from the 4¢ gasoline tax. In my bill I also propose that the limitation on federal participation in capital projects be raised from the current ⅔ to 90%.

I have re-introduced this bill eight times with House co-sponsors now numbering 105. The bill numbers are: H.R. 7006, 9661, 10554, 10555, 11080, 11081, 12897, 13198, and 13719.

S. 3154

I of course know of the Senate's action in passing on February 3rd of this year, S. 3154 providing for a total expenditure of $1.86 billion in the next five years with contract authority totalling $3.1 billion. I have decidely mixed feelings about the Senate bill. Surely, the distinguished Senator from New Jersey, Mr. Williams, is to be congratulated for his leadership in getting legislation passed which provides a measure of long term financing for mass transit. But, I feel that the dollar amounts provided in the Senate bill are inadequate. In addition its financing mechanism will again subject mass transit to the Appropriations Committees' annual paring, all of which will undermine the stability of the program, including its long term financing so essential if our country is to make a meaningful change in its public transportation picture.

The opening paragraphs of the Senate bill speak of the need for a $10 billion commitment in the next twelve years if we are to meet the needs of urban areas and "to permit confident and continuing local planning, and greater flexibility in program administration." But this is only rhetoric and no real commitment nor specific authorization for an expenditure of $10 billion appears in the bill. All we have in the Senate bill is $1.86 billion in hard cash for the next five years and $3.1 billion in contract authority. $1.86 billion to be paid out by the federal government for all the nation's mass transit needs during the next five years while we spend $4.5 billion on highways in one year alone. The rhetoric of the Senate bill—which is also the Administration's bill—is of the same character as the President's words in his budget for Fiscal Year 1971 when he declared, "This Administration is dedicated to achieving a balanced national transportation system," but then actually allocated to mass transit only 6% of what he gave highways.

It is true that money for the total cost of a project need not be immediately forthcoming. But even with the system of contract authority proposed, the Administration seems to be reluctant to go forth in making commitments beyond the FY 1971 appropriation. While the Administration has requested $105 million in contract authority during FY 1971, the commitments that will be carried forward in excess of the appropriation actually will amount to only $25 million since $80 million is being put forward for the liquidation of contracts during that year. This will subject the remaining monies available for contract authority to the scrutiny and possible limitations of the Appropriations Committees. Will mass transit suffer the same fate as urban renewal did in 1966 when after having incurred $3.5 billion in obligations, its contract authority was restricted so that it can no longer obligate more than it receives in appropriations?

I would bring to the Committee's attention the observation of Senator Proxmire on the Floor of the Senate during the Debate on S. 1354 just a few weeks ago that the Administration had indicated it would not immediately obligate the total $3.1 billion in the first year; therefore, the Committees in his words, "would have ample opportunity to restrict the use of contract authority in subsequent years if it developed that a higher level of spending could not be justified."

In the same colloquy, Senator John Stennis, Chairman of the Senate Appropriations Transportation Subcommittee, in assuring his colleagues that Congress has control over contract authority, noted that most recently in the 1970 Transportation Appropriations bill, the Congress placed four ceilings on contract authority that were lower than what the original authorization had called for. They were in programs not funded by the Highway Trust Fund, but by regular appropriations and are as follows:

1. $25 million for Highway Beautification was reduced to $16 million.
2. State and Community Highway Safety was reduced from $100 million to $70 million (after having gone through a similar reduction the previous year from $100 million to $75 million).
3. Forest Highways was put at $18 million instead of $33 million.
4. Public Land Highways lost half of its contract authority budget when it dropped from $16 million to $8 million.

Senator Proxmire, himself a Member of the Senate Appropriations Committee for six years stated in the Senate hearings that:

"When the President puts the squeeze on the budget that comes from all the pressures we live under to cut spending wherever we can, there would be tremendous pressure to hold down expenditures in this mass transit area and to cut them down far below the authorization level."

And the Senator from Wisconsin noted further "you won't have anything like the kind of assurance you have in the trust fund. Nothing like it."

During this same session, Secretary Volpe noted that restrictions can also be placed on expenditures from the Highway Trust Fund. But Senator Proxmire rightly replied:

"It could, but what has been the experience? What is the practical effect of the—"

Secretary VOLPE. "The experience has been that the Congress has continued the program at the levels that were set out in the original bill."

Senator PROXMIRE. "Exactly, the trust fund has been an assured regular source of substantial funding, far more I am convinced than it would be if it were under the Appropriations Committee annual appropriations with the contract authority. No comparison. There just isn't any question."

It is true that trust fund expenditures can also be limited, but with its source of funding being apart from the General Treasury, the pressure to do so is not so great because its funds cannot be easily shifted over to another program. Proof of the trust fund's long term stability and dependability comes in the Highway Trust Fund whose expenditures have matched the originally authorized level of spending. Without an assured source

of long-term financing, cities cannot make their plans and secure public approval of the required bond issues.

For this reason, I would urge you to give very careful consideration to the system of contract authority vis-a-vis the trust fund, and see what might be done to either report out a trust fund bill—which would be far preferable—or make the contract authority financing mechanism a more assured one.

NEED FOR MORE MONEY

Whatever financing mechanism this Committee does adopt the single most important responsibility the House has before it is to allocate more money to mass transit than has the Senate.

Even $3.1 billion does not offer metropolitan areas funds in sufficient quantity to give them the necessary support so that we are able to realistically plan and move ahead with comprehensive capital programs. Without the availability of sufficient funds and a system of assured long term financing, municipalities simply will not be able to develop plans and float bonds for projects of sufficient scope to have a substantial effect in modernizing local public transportation and equipping it to deal with current and future traffic.

To date the lack of federal assistance available and the want of assurance that any money might be forthcoming in the future, combined with the large commitment required from the municipalitiy, has caused plans to bog down in many cities across the country such as Atlanta, Seattle and Baltimore, just to mention a few.

Last year, The President of Atlanta's Transit system, Mr. W. P. Maynard wrote and told me that Atlanta's bond issue referendum to launch the city's plans for a $751 million mass transit capital improvement and expansion program was "defeated by a vote of 57% to 43%, primarily because there was no substantial long range federal help in view." Mr. Maynard continued:

"Even though the urgent need for a rapid transit system was recognized by the voters, there was a strong feeling that this was such a large financial undertaking that the total financing could not be borne locally."

And on the Floor of the Senate during the debate on S. 3154, the Senator from Maryland, Mr. Tydings, said:

"S. 3154, as it presently stands, is simply inadequate. For example Baltimore's $1.7 billion rapid transit system is stalled awaiting realistic federal commitment so it might move forward with its financing. More than anything else, we need this commitment. Here is a city with a serious problem that has been met with foresight, with planning, and with local commitment; but the continued failure of like action in Washington threatens to kill the whole program."

Let us for a moment translate the Senate bill's $1.86 billion into figures for our large cities. Perhaps I can best speak for New York.

The New York Metropolitan Transit Authority estimates that it needs $2.1 billion over the next seven years. The New York City area has received approximately 15% of the federal funds spent on capital facilities grants during the past five years. Assuming the same percentage for the next five years, New York City would receive approximately $465 million in contract authority, $280 million of which would be liquidated with federal cash. Thus, federal assistance would amount to no more than 20–25% of the total cost of mass transit development in the metropolitan areas. Other major cities with mass transit plans similarly would have to find non-federal funds equalling 80% of total development costs. But, our municipalities whose dollars are scarce and competed for by welfare, medical and educational needs as well as those of mass transit, simply do not have this kind of money.

My bill, H.R. 7006, provides a federal commitment of $10 billion over the next four years for mass transit projects. Such an expenditure would provide New York City with approximately $1.5 billion representing 70% of total development cost.

Some of the other metropolitan areas requiring large expenditures in the next decade include: Chicago, $2.2 billion; Baltimore. $1.7 billion; Southern California Rapid Transit District, $2.5 billion; Boston, $784 million; Bay Area Rapid Transit District, $1.8 billion. This does not begin to account for the many middle size cities and the hundreds of smaller cities also needing help that cannot be ignored.

A chart entitled, "1970–79 Capital Requirements of the Rapid Transit Industry—Preliminary Study" which was drawn up by the Institute of Rapid Transit, was introduced in the record during the Senate Floor debate. It included figures for transit needs during the coming decade for just 19 systems and came out with a grand total of $17.708 billion. And here we are talking about a commitment of $3.1 billion.

Furthermore, it should be noted that these figures do not take into account the continual rise in construction costs which increase on an average of 10% annually. Proof of this is found in the interstate highway system whose original cost was estimated at $26 billion, but whose actual cost will exceed two times this. We have already spent $45 billion on it and it is yet to be completed.

Time is of the essence. And were the government to provide a more substantial commitment we could get underway quickly and in the long run save the taxpayer billions of dollars, as well as many valuable man-hours now lost in slow and stalling systems. Savings too would come in the health of city dwellers and in the reduction of millions of dollars spent annually in cleaning up auto pollution.

It is remarkable to me that so many people in the past year have spoken of S. 3154 as though we were launching a new program needing only a small beginning. It is true that S. 3154 offers a new financing mechanism, but the concept of federal assistance for mass transit and the expenditure of large sums on mass transit is nothing new. To suggest that our cities are not equipped to get underway with mass transit construction is ludicrous. It is true that many cities have not made any plans, but it is equally true that many cities have plans that are ready for execution and are stymied for lack of federal funds and commitment. In fact, UMT Administrator Carlos Villarreal testified before the House Appropriations Committee last year that a backlog of applications for capital grant assistance in excess of $400 million would be carried forward into FY 1971.

People also justify the small level of appropriations by saying that experience shows that actual expenditures under these programs are fairly small in the first year or two. This is true—but still the long range commitment afforded by the $3.1 billion level in contract authority remains very small. And, as I noted before, the Administration plans to obligate only $25 million in excess of what it will liquidate in FY 1971.

In essence, the single most important thing needed is to bring the federal level of funding to a point which perhaps is most suitably called a "threshold for action," below which point funds are simply insufficient to enable our communities to undertake transit modernization and new construction.

I believe that such a threshold can be reached if a commitment of $10 billion is immediately made available for long term financing. While I continue to favor the trust fund approach, I have introduced H.R. 15468 which would provide $10 billion in contract authority and $6 billion in appropriations over the next five years. Should your Committee determine that it has no alternative but to authorize a system of contract authority, I would urge that you consider increasing the funding levels to the amounts put forward in H.R. 15468.

DISCRETIONARY FUND

My bill does not place a 12% limit on how much money can go to any one state. This limit does appear in the Senate bill and I know that S. 3154 as finally passed suffered a reduction in the discretionary fund given to the Secretary for his allocation of additional funds to states reaching the 12½% limitation. It is essential that this body restore the discretionary allowance to at least 15%. It is a necessary measure of administrative flexibility for the Secretary of Transportation so that he can place funds where they are most urgently needed. It should not be viewed as a windfall for a few of the larger states. Rather it is a vehicle for allocating added funds in one state in a year when it is needed and then extra money in another state another year.

I would point out that a uniform limitation is not found in the Highway program on the amount of money that can be poured into any one state in a year. Rather, the money is allocated by a formula based on need. This is what the Mass Transportation Administration should be doing—putting the money where it is most critically needed.

SEVEN PERCENT AUTO EXCISE TAX FINANCING OF THE MASS TRANSIT TRUST FUND

There has been some criticism over the fact that H.R. 7006 provides for the financing of the mass transit trust fund by the 7% auto excise tax. But, when in fact carefully considered, the use of an auto tax for mass transit is not without justification in as much as auto driving will be greatly enhanced if commuter traffic is diverted from the single passenger auto to the subways, trains and buses. In addition, if we do not do something to improve mass transit in our cities, traffic congestion will reach such a peak that cars will simply be banned from the central city. Already our metropolitan areas are immobilized by auto traffic and cars built to go 80 mph creep along at an average pace of 16 mph in many of our cities.

Those who do not own cars pay for city streets which are funded locally out of general revenues and far exceed the highways in mileage. We do not hear the argument that only those who drive on the streets should pay for them.

Mass Transit is not a competitor for the automobile; it is its complement. In relieving traffic congestion on the highways, we will enhance the potential as well as the enjoyment of driving an automobile as opposed to their being lined up on every highway, stalled as if in the most expensive open air garage.

NINETY PERCENT FEDERAL SHARE

While I realize that for many large cities an increase in the maximum level of the federal share would effect no real change in the federal government's contribution to the project cost, I believe that we should increase this limitation to 90%. If we are to ever place mass transit on a par with highways, we must offer communities the same ratio of federal funding for mass transit as they get for highways. Too often communities have chosen a highway over mass transit (which would more effectively meet their needs), because federal funds were available in the quantities needed only for the highway. Even with the levels of funding proposed by the Administration, 90% federal participation could benefit some cities and towns with modest mass transit project plans.

CONCLUSION

In conclusion I would like to repeat that the single most important task before us is to give mass transit a meaningful level of funding—one that will enable our communi-

ties to move forward with their construction programs.

Unfortunately, mass transit has yet to be given the status it deserves by the Administration. And thus, it is a mistake for the Congress just to follow after the President; instead, we should correct his priorities and lead the way.

Just one more indication of the President's cavalier attitude toward mass transit is to be found in his budget for FY 1971 submitted a few weeks ago. There, the $3.1 billion contract authority program is outlined, and one should note that the President has proposed that we deduct from the meager amount (considering the need) of $3.1 billion in contract authority the $214 million already appropriated in advanced funding for FY 1971, plus an additional $4 million to cover salaries and expenses, and the extra $80 million appropriation authorized in S. 3154, thereby reducing contract authority to $2.802 billion. Thus, while S. 3154 suggests a commitment of $3.1 billion in new money, $218 of this is in fact funds that have already been appropriated.

Gentlemen, you have it in your power to redress the inequitable appropriations that have been made in the past for mass transit. I urge you to do that by supporting the mass transit trust fund and providing the sum of $10 billion over the next four years to accomplish the goal. That goal is efficient and adequate mass transit for the urban areas of our country.

HOWARD W. FITZPATRICK

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. PHILBIN. Mr. Speaker, under unanimous consent to revise and extend my remarks, I include a copy of a resolution introduced by my able and distinguished friend, Senator Joseph D. Ward, of Fitchburg, Mass., in the Massachusetts State Senate memorializing the late Howard W. Fitzpatrick, sheriff of Middlesex County, an outstanding Democrat and humanitarian. I want to commend my esteemed friend, Senator Ward, upon his introduction of this resolution.

Howard Fitzpatrick was one of Massachusetts' greatest political leaders and most illustrious sons. He was a very close friend of mine for years, and we campaigned together when we first aspired for the public service. Howard Fitzpatrick was not only a great political leader, but a leader in business, charity, benevolence, and human causes, second to none.

In fact, he devoted the best years of his life to helping people and causes related to their interest, welfare, and well-being, to which he was so loyally attached.

His untimely passing was a great blow to me personally, and it was an irreparable loss to his family, his many friends, his district, our State, and the Nation. Men with the indomitable spirit, human qualities, unbounded generosity, and concern for human kind of Howard Fitzpatrick are rare indeed.

He will long be remembered by a grateful people, and his peerless service to so many causes, and his faithful, outstanding service to our people will long be gratefully recalled by the people of Massachusetts.

A great American has been called to his eternal reward, and his passing has left an irreparable void and deepest grief and sorrow in the hearts of his dear ones and the legion of friends and admirers who were so much a part of the great causes that he served with all his heart.

Our prayers and most heartfelt sympathy will be with his dear ones in their sorrow, and we join them in mourning the loss of a very dear friend, a peerless leader, and a truly great American.

May he find rest and peace in his heavenly home.

The resolution follows:

RESOLUTIONS ON THE DEATH OF HOWARD W. FITZPATRICK, SHERIFF OF MIDDLESEX COUNTY

Whereas, the Senate has learned with deep sorrow of the sudden death of Howard W. Fitzpatrick, sheriff of Middlesex County; and

Whereas, in a long and honored career in the public service during which he served as a member of the Massachusetts Port Authority and as the high sheriff of Middlesex County since 1949, Howard W. Fitzpatrick was distinguished as a public servant who was ever conscious of his obligations to the people he represented and fearless in the discharge of his duties, and will always be remembered as a genial and courteous gentleman who gave untiringly of his time and resources; and

Whereas, Sheriff Fitzpatrick was active in numerous civic, fraternal and political organizations, being the deserved recipient of an honorary degree of doctor of laws from the College of the Holy Cross, the Man of the Year award from the National Conference of Christians and Jews, a Knight of the Order of the Holy Sepulchre and an Official Knight of the Order of Merit of the Republic of Italy, to name but a few of the great honors that have been bestowed upon him; now, therefore, be it

Resolved, That the Massachusetts Senate hereby extends to the family of the late Howard W. Fitzpatrick its deepest sympathy and condolences in their bereavement; and be it further

Resolved, That an engrossed copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the sister and brother of the late Howard W. Fitzpatrick.

Senate, adopted, February 24, 1970.

MAURICE A. DONAHUE,
Senate President.

NORMAN L. PIDGEON,
Senate Clerk.

Offered by Senator Joseph D. Ward.

VOLUNTARY PUBLIC HEARINGS ON CLEAN AIR IMPLEMENTATION PLANS IN NEW YORK

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. KOCH. Mr. Speaker, on January 21, I introduced a bill, H.R. 15491, to provide for public hearings in the formulation of implementation plans for air pollution abatement. Under the Air Quality Act of 1967 public hearings are required before a State can submit its schedule of air quality standards to the Federal Government; and yet, no hearings are required during the second stage when implementation plans are devised.

States are currently preparing such regulations to meet a May 7 Department of Health, Education, and Welfare deadline for the control of sulfur and particulate matter.

On January 21, I also wrote to Gov. Nelson Rockefeller and urged him to direct New York to voluntarily go ahead with public hearings on the control of sulfur and particulates before submitting its implementation plan to the Department of Health, Education, and Welfare.

I am pleased to report that I have received a response from Governor Rockefeller and he tells me that the State's air pollution control board will be scheduling a public meeting for the presentation of the implementation plan for sulfur dioxides and particulates prior to May 7, although a definite date has yet to be announced.

Pending a change in the law, I hope that other States will similarly conduct public hearings before the May 7 deadline.

The Governor's letter follows:

STATE OF NEW YORK,
Albany, February 12, 1970.

Hon. EDWARD I. KOCH,
House Office Building,
Washington, D.C.

DEAR MR. KOCH: Thank you for your letter of January twenty-first concerning the introduction of your bill in the House of Representatives which would require states to hold public hearings on implementing regulations for the air quality control regions established under the Air Quality Act of 1967.

It has always been the policy of the State of New York, acting through its Air Pollution Control Board, to keep the public informed about its activities relating to air pollution control. Our Air Pollution Control Law requires that the Board hold public hearings, with thirty days prior notice, on proposed new or amended standards and regulations. The Board advises that it intends to schedule a public meeting for the presentation of the implementation plan for sulfur dioxides and particulates prior to May seventh. As yet, the definite day and time have not been established.

New York State has been in the forefront in establishing standards for ambient air quality and implementing regulations have been adopted to achieve these standards. Regulations for sulfur dioxide and particulates control have already gone through the hearing process. It does not appear likely that these regulations will have to be amended in order to achieve the standards which have been established for the Federal air quality control regions.

The requirement for rehearings on rules each time the Department of Health, Education and Welfare issues criteria for a specific contaminant, unless amendments are necessary, would seem to be wasteful of public funds and staff effort and tend only to delay rather than expedite the control effort.

Please be assured that we will continue to keep the public informed in regard to all our activities in this area.

Sincerely,

NELSON A. ROCKEFELLER.

U.S. FOREIGN POLICY

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. JACOBS. Mr. Speaker, Mr. Michael M. Stump has written a most eloquent letter expressing what I believe to be a

rather lucid approach to American foreign policy.

The letter follows:

INDIANAPOLIS, IND.,
March 7, 1970.

Mr. HENRY KISSINGER,
c/o White House,
Washington, D.C.

DEAR MR. KISSINGER: I am writing to you in an effort to fulfill a function in our representative democracy. It is my sincere hope that although you may never see this letter, the thoughts and feelings will at least reach you.

Having majored in Government and American History, I attempt to view foreign policy with a rather unemotional perspective. I would presume that the foreign policies of the United States are geared to the establishment and maintenance of international commitments which enhance our national objectives.

Among those objectives must be a concern for a healthy and stable world community which is becoming increasingly dependent on the strength of each nation state. Our American experience shows that the evolution of government to democratic forms is healthy both economically and morally to the fiber of the people. In the overview of world history, it must be recognized that the long term trend points toward the establishment of democratic institutions among all nations.

Based on this thought, how can the United States send men to Southeast Asia to be sacrificed for the defense of a dictator every bit as repressive as his communist foes. May I direct your attention to President Thieu's recent action against two members of the National Assembly of South Viet Nam, Hoang Ho and Tram Ngoc Chau. The style reeks of Franco, Hitler and Stalin. At least we are more sophisticated with the fate of Leon Panetta.

We are living in a house of cards if we believe this country has the power to hold back the downfall of political despots. Our country has nothing to fear from Communism as an economic force. Any fear we face comes from the political conduct of the major communist nations. The fear of totalitarianism is all we face. It makes no difference if it is on the so-called "left" or "right". It is still on the opposite end of the spectrum from Democracy.

My frustration comes from the apparent lack of concrete evidence from the President that our foreign policy goals have significantly shifted from those of previous years. When will we ever seek the end to totalitarianism and cease to be distracted by the narrow view of a solely communist threat.

I would appreciate a reply from your staff as to the final resting place of the contents of this letter.

I sit appalled when I think of the Chau arrest!

Sincerely,

M. M. STUMP.

LAND FOR POSTERITY

HON. GILBERT GUDE

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. GUDE. Mr. Speaker, the quiet, effective work of the Nature Conservancy has served well this Nation and those who would save its natural beauties as an endowment for the future. How the conservancy preserves these valued resources of forests, marshes, rocky and wooded islands is described in detail in an article which I commend to the attention of my colleagues as it appeared in yesterday's Wall Street Journal:

[From the Wall Street Journal, Mar. 11, 1970]

LAND FOR POSTERITY: GROUP WORKS TO KEEP CHOICE SITES UNSPOILED

(By Dennis Farney)

MASON NECK, VA.—The Potomac River ice creaks and groans beneath the January sky. Cardinals flit across the beige and white of the snowy cattail marsh, and crows caw from nearby woods of beech and oak. A great blue heron lifts away on three-foot wings.

Mason Neck on a clear, cold morning is placid, unhurried now. But only five years ago this 10,000-acre peninsula was threatened by the relentless spread of suburban Washington. Real estate speculators controlled the land; there were plans for asphalt streets through the woods, subdivisions near the restored mansion of a Colonial planter.

It didn't happen. And the main reason was the quiet work of an increasingly effective conservationist, the Nature Conservancy.

Three years ago, the Conservancy moved in and began buying up more than 3,000 acres here for about $5.6 million, checkerboarding its holdings to block development of most of the peninsula. It was another successful application of one technique that helps make the Conservancy unique among national conservation groups—unique in what it does as well as what it doesn't do.

MOUNTAINS, PRAIRIES, AND MARSHES

The Conservancy isn't the best-known national conservation organization. It rarely makes headlines with dramatic protests or last-ditch lawsuits. It doesn't sponsor wilderness outings and it doesn't publish beautiful books.

It just preserves land, the kind of land that can't be replaced: Virgin woods in New Jersey, islands off the Atlantic Coast, ancient California redwoods, prairies, marshes and mountains. The Conservancy is the only national conservation group that puts its total resources into land preservation. So far, it has preserved about 150,000 acres in 41 states and the Virgin Islands—most of this since it really got rolling in the early 1960s.

The Conservancy traces its lineage to a 1917 committee formed to acquire natural areas for scientific research. Today, however, the Conservancy is interested in outstanding examples of the American environment for other purposes as well. It buys such land itself or lends money to private groups that wish to do so; tax-exempt and nonprofit, it accepts bequests and donations of land or cash. It has helped preserve everything from a 10,500-acre island off Georgia (now a Federal wildlife refuge) to Ezell's Cave, the subterranean home of *Typhlomolge Rathbuni*, the Texas blind salamander.

BEATING THE BULLDOZERS

Both public and private efforts to preserve natural areas threatened by development often founder for the same reason: A lack of ready cash. By the time a government agency can secure its appropriation or a citizens group can launch a fund-raising drive, the bulldozers have come and gone. The Conservancy is trying to fill this gap with three programs:

From a revolving fund of more than $1.1 million, it makes quick loans to private groups, including its own chapters, organized for the purpose of acquiring specific areas. The groups may take up to three years to repay; the loans are interest-free for three months, then bear interest at an annual rate of 6½%.

A separate endowment fund of about $800,000 guarantees bank loans to such groups when the revolving fund is being used to capacity.

Under its newest program, which utilizes a $6 million line of credit guaranteed by the Ford Foundation, the Conservancy moves in fast to acquire tracts being sought (for parks or wildlife refuges, for example) by Federal state or local government agencies. It resells the land to the agencies when their appropriations come through.

Requests for help are keeping all three funds busy. A loan to a citizens group, for example, recently helped preserve Clausland Mountain, a wooded rampart on the Hudson River near New York City. The $237,500 loan clinched offers of more than $1.1 million in additional money from other sources. Area artists have raised some of the money for repayment with an "Art for the Mountain" benefit.

BROAD SUPPORT

The program using the Ford-guaranteed credit line has acquired more than 11,000 acres since early 1969, sometimes nailing down tracts that slower-moving government agencies might have lost. A good example is the 3,215 acres of Michigan forest recently acquired for the U.S. Forest Service. The Federal agency turned to the Conservancy because the tract was being marketed by a concern that needed to sell quickly, and it might have taken the Forest Service as long as 18 months to secure the necessary appropriation.

Such successes are winning the Conservancy support from figures as diverse as Laurance Rockefeller, Charles A. Lindbergh, Arthur Godfrey ("Boy, they do a job") and Marshall Field. Says a top Federal conservationist: "They haven't tried to branch out and get involved in all aspects of the environment. They've stuck to land preservation—and they're doing it damned well."

Conservancy officials praise the efforts of such better-known organizations as the Sierra Club, which attempts to rouse public opinion and sometimes hauls developers and polluters into court. But the Conservancy generally avoids such fights. "The measure of our success is not how well we propagandize for or against a given issue," says Thomas W. Richards, president. "It's in those acres, and in the quality of those acres."

So it's no accident that Conservancy headquarters in downtown Washington rather resembles a high-powered real estate agency. It's the kind of place where Mr. Richards may interrupt an enthusiastic description of a contemplated project (enclosing both banks of a portion of the Potomac in a "green sheath," for example), to answer the telephone and bargain for an island, a marsh or a forest. The atmosphere seems a little like that cartoon above the desk of Edward R. Kingman, vice president and treasurer. The cartoon depicts an exasperated executive who bellows: "Whattya mean we don't have any capital. . . . The acquisition's already been approved."

The cartoon notwithstanding, the Conservancy is at home in the world of finance. Mr. Kingman has been a bank vice president, a financial consultant and a real estate broker; Mr. Richards has nine years of experience as an IBM department manager. Other staff members include ex-real estate agents, a NASA administrative assistant and an industrial engineer—all recruited for their management skills.

"Conservation problems today are no longer solved by a guy hiking around in the woods," says Alexander B. Adams, an ex-FBI agent who helped lead the Conservancy through most of the 1960s. "They're solved by guys sitting behind desks, thinking." Agrees Mr. Richards: "To win a land conservation battle today, you've got to use the same skills private industry uses."

Last year, its biggest yet, the Conservancy helped preserve nearly 40,000 acres through 101 projects and donations. The year also marked ceremonial completion of a major phase of the Conservancy's most spectacular project to date: The addition of about 10,000 acres to Hawaii's Haleakala National Park.

Before the project, Haleakala Park occupied about 14,000 acres atop a long-extinct volcano. Soon the park will contain about 24,000 acres and extend from the mountaintop to the sea, an enlargement that one conservationist calls a "dream come true." It all began with a 1967 challenge from Laurance Rockefeller. He would donate a $585,000 piece of shorefront to the park—if the Conservancy could acquire the eight-mile-long Kipahulu Valley between the shore and the mountaintop.

Often veiled in fog or drenched in torrential rainfall, the valley is a lush remnant of Hawaii as it used to be. More than 100 waterfalls roar in a rain forest abundant with wildlife, including a bird species presumed extinct for 80 years. The upper valley is a wilderness scarcely penetrated by modern man. Not surprisingly, the Conservancy took the challenge and went to work.

HARD BARGAINING

As negotiator, the Conservancy dispatched Huey Johnson, its western regional director. In two weeks of hectic bargaining, Mr. Johnson reached agreements with the valley's three private landowners, then persuaded the state of Hawaii to donate about 3,000 additional acres it held.

The private owners eventually sold nearly 7,000 acres for $620,000, donating additional acreage valued at $300,000 as a tax-deductible contribution. A mail solicitation, three cocktail parties and a luncheon raised the $620,000, with about $375,000 coming from a gathering in New York's Pan Am building. Mr. Lindbergh addressed that gathering, and Mr. Godfrey did a persuasive job, too. He describes catching a departing donor in the elevator and emerging at the end of the ride with a pledge of $100,000.

In January 1969, the Conservancy donated more than 7,000 acres to the National Park Service under an agreement that will preserve the upper valley as wilderness for scientific research and open the remainder of the valley to the public. (The state is in the process of conveying its 3,000 acres to the Park Service.) Then the Conservancy launched the project's second phase: A campaign to raise about $750,000 to purchase several hundred additional shorefront acres highly vulnerable to development. If this phase succeeds, Gov. John Burns has indicated, he'll work for the donation of additional state land. Says Mr. Richards: "We want to do this thing once and for all, and do it right."

The scope and expertise of the Kipahulu project was a far cry from the Conservancy of 1960. That year the organization preserved only about 4,000 acres, had an operating deficit and only about $100,000 in its revolving loan fund, and was mired in an ill-planned project that threatened to bankrupt it. Adds Mr. Adams, then president: "We were like practically every other conservation group—trying to do everything at once, and not doing anything as well as we might.

Spurred by Mr. Adams, the Conservancy reorganized. It beefed up its staff with the help of Ford Foundation grants, formed the endowment fund and secured the Ford-guaranteed line of credit. And after what Mr. Adams calls "a long battle within the organization," it phased out activities unrelated to land acquisition.

This meant leaving public protests to other conservation groups, a decision that still has its critics. One, for example, asserts that "too much concern about what major contributors might think" sometimes inhibits Conservancy activities and was a major factor in the policy change.

This critic is particularly disturbed because in the early 1960s the Conservancy dropped an active role in opposing a controversial pumped storage hydroelectric plant proposed by Consolidated Edison for New York's Storm King Mountain. He maintains: "Many Conservancy backers are stockholders of Con Ed or are interested in other forms of economic development along the Hudson and might have been offended."

Mr. Adams disagrees. "I know of no instance where our policy has been affected by a donor, and I can say that absolutely flatly," he declares. He calls the protest against the Storm King plant "the kind of project that could be much better handled by other groups" and notes that another group did take over after the Conservancy dropped out. The intent, he says, was to "disengage from things other organizations were already doing and concentrate on buying land."

There's no doubt that Conservancy fortunes soared after the reorganization. In 1969, it either bought or received as gifts land valued at nearly $20 million, up from about $750,000 in 1960; by 1975, it expects this amount to rise to $50 million. During 1969 it transferred ownership of $7.2 million worth of land to various Federal, state and local institutions, including universities.

Increasingly, the Conservancy is going into large-scale projects that will protect complex life chains in broad areas. A top priority for the 1970's will be the acquisition of coastal marshes and wetlands to protect spawning grounds for marine life and refuges for migratory birds. Separate projects, already well under way, aim to establish "coastal reserves" of islands off Georgia, Virginia, Maine and Florida. Other priorities: The acquisition of virgin prairie, water-filled "potholes" (needed by migrating ducks and geese) in the upper Midwest, and desert springs and streams.

NEEDED: $31 MILLION

This year the Conservancy will spend $7.5 to $10 million for land acquisition—a record but about $31 million short of what it would like to spend, says Mr. Richards. He estimates he would need at least $15 million more, for example, to buy up "some of the most critical inholdings" (private land) within national parks and other public areas; $10 million more to fully execute a new project to protect threatened wetlands around San Francisco Bay; $3 million more for Gulf Coast Florida islands and wetlands; and $3.5 million for Atlantic barrier islands and salt marshes.

Meanwhile, additional requests keep coming in. Illinois is asking help in buying a $7.8 million piece of open space in Chicago, for example. And Sen. Ralph Yarborough (D., Tex.) has asked for help in preserving something of East Texas' Big Thicket, a beautiful forest of pines and hardwoods.

Private donations and fund-raising drives by Conservancy chapters and project committees brought in nearly $5.5 million in cash and securities last year. Donors also contributed about $12.5 million worth of land, including a 74-acre ridge in Connecticut and 361 acres of forest (valued at $1 million) in Florida.

"We're willing to go to almost any lengths for a donor," says John F. Jaeger, the staff attorney who processes most of the gifts and bequests of land. Some donors retain the right to live on the donated property for their lifetimes, for example. Others donate only a portion of the value of their land and sell the remainder to the Conservancy, or assign ownership to the Conservancy over a 20-year period.

The Conservancy is looking for help from another area: Business. Last year, in what Mr. Richards called a "breakthrough for conservation," the Conservancy accepted a gift of two-groves of California redwoods (worth about $6 million) from Georgia Pacific Corp., a concern that drew bitter attacks from some other conservation groups during the fight to establish the new Redwoods National Park. The gift, now a California state park, convinces Mr. Richards that business and the Conservancy can work together with mutual benefits.

"I'm anxious to work with other businesses, particularly the extractive industries," he says. "It's conceivable, for example, that a lumber company could assess its massive holdings and find some areas that aren't beneficial to it but which would be great from our standpoint. We could take management problems off their hands and enhance their public image in the process."

It's an irony of Mr. Richards' work that he seldom escapes his office to visit the landscapes he's helped preserve. (His most satisfying acquisition to date is a Georgia island he has yet to visit.) But he's an enthusiastic outdoorsman as a winter hike here on Mason Neck well indicates.

A jaunty beret on his head and field glasses swinging from his neck, Mr. Richards strolls across the iced-over marsh and into the woods, checking tracks in the snow and training the glasses on birds that wing by. "Boy, isn't that great!" he exclaims, focusing in on a flying woodpecker—red and white and black against the sky. Still watching, he quips: "Look at that body!"

He studies a distant treeline, the last known nesting area of the bald eagle on this stretch of the Potomac. (The marsh and nesting area, part of the acreage acquired by the Conservancy, will soon be a Federal wildlife sanctuary.

U.S. SCHOOL EXECUTIVES HONOR DR. KIRBY P. WALKER

HON. CHARLES H. GRIFFIN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. GRIFFIN. Mr. Speaker, it is a privilege for me to be able to pay tribute in this way to a great Mississippian and a great educator who was honored recently by an assembly of his colleagues. I am referring to the fifth annual meeting of the American Association of School Administrators and the educator is Dr. Kirby P. Walker of Jackson, Miss.

As superintendent emeritus of the Jackson public schools, Dr. Walker can look back on one of the most distinguished careers of service in the history of American education. Last year, this outstanding public servant and teacher retired after 47 years in the field of education, 33 of which were spent at the head of the Jackson city school system.

At the meeting of AASA held in February in Atlantic City, N.J., Dr. Walker was presented that organization's Award for Distinguished Service in School Administration. In making the presentation, Mr. Arnold W. Salisbury, president of the AASA cited not only Dr. Walker's outstanding service to the field of American public education, but to "his unique qualities as a humanitarian."

Mr. Speaker, it is for his wonderful service to Mississippi young people, to his community, his State, and his Nation, that I pay tribute to this man. As a part of my remarks, I include an article which appeared in the Jackson Daily News of February 26, 1970. It follows:

U.S. SCHOOL EXECUTIVES HONOR DR. WALKER

Kirby P. Walker, who retired last year after 47 years as an educator, including 33 as superintendent of the Jackson City Schools, has been presented an award for distinguished service in school administration by the American Association of School Administrators.

He is the first Mississippian to win the award.

The award—an illuminated manuscript—was presented to Dr. Walker by Arnold W. Salisbury, president of the AASA, at the fifth general session of the association at its recent convention in Atlantic City.

It cites his service to education and "his unique qualities as a humanitarian.

Five others receiving distinguished service awards were M. Lynn Bennion, superintendent of the Salt Lake City Schools; John Guy Fowlkes, emeritus professor of educational administration of the University of Wisconsin; Winifred H. Newman, assistant superintendent in charge of elementary schools, Kanawha County Schools, Charleston, W. Va.; Harold Spears, superintendent of the San Francisco Schools; and H. I. Willett, superintendent of the Richmond, Va. Schools.

The Mississippi Association of School Administrators proposed Dr. Walker for the award.

Dr. Walker in December received a lifetime membership in the Southern Association of Colleges and Schools, of which he was president in 1952–53.

The text of the manuscript follows:

"Teacher, administrator, businessman, philosopher, and humorist—a very warm and enthusiastic personality—thus Kirby P. Walker was characterized at the time of his retirement, by an appreciate member of his board of education.

"His career in school administration, spanning 47 years, encompassed the depression years of the 1930's, World War II shortages, building program expansions and integration crises. Under his wise guidance, covering more than three decades, the Jackson Mississippi, Public Schools—largest in the state—rose to increased heights of excellence.

"Especially valued has been his unusual capacity to listen with compassion to the concerns of people in search of reasonable solutions for their problems, believing that people generally are responsive to the weight of fact and logic even though all their concerns may not be resolved or their wishes completely granted.

"Because of his outstanding contributions to the betterment of public education, to the improvement of the profession of the school administration, and because of his unique qualities as a humanitarian, the American Association of School Administrators is pleased to bestow upon Kirby P. Walker this award for distinguished service in school administration.

THE EAGLE SCOUT AWARD

HON. HASTINGS KEITH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1970

Mr. KEITH. Mr. Speaker, on January 14 and February 15 of this year. I had the good fortune to address Eagle Scout courts of honor for two outstanding young men in my district—Mr. Jeff Anderson, of West Bridgewater, and Mr. Kerry Silva, of East Falmouth.

I regret my schedule does not permit me to personally congratulate all such young men who are successful in the Boy Scouts. I am therefore submitting for the RECORD the text of my remarks at both these occasions—largely written by a member of my congressional staff who is also an Eagle Scout. The appearance of these remarks in the RECORD is my tribute to the enduring contribution of the Boy Scouts of America to our national well-being and, specifically, to those young men who attain Scouting's highest honor: the Eagle Scout Award.

My remarks follow:

REMARKS BY CONGRESSMAN KEITH

Scouting has always seemed to me to be one of the best responses to the old saying that "As a twig is bent, so grows the tree." The duties set forth in the Scout oath apply as equally to the duties of a man. The virtues of fairness, honesty, diligence and compassion are needed more today than ever before in our history.

The Scout motto: Be Prepared, is also more appropriate than ever. Scouting prepares a young man to grow in both awareness and character. It recognizes that being truly prepared requires constant growth and development. The recent addition of merit badges for Atomic Energy, Computers, Electronics, Business, Oceanography and World Brotherhood point out Scouting's own development in recent years. These subjects do much to help a young man Be Prepared for today's complex world. Combined with the more traditional subjects of camping, citizenship at home, in the community and nation and the conservation of natural resources, Scouting truly "rounds a guy out." At no time in our history have we needed Scouting's teaching more than we do now.

From their very beginning, Boy Scouts have had a deep and lasting love for Nature—its grandeur and wonders. In this, the Scouts have always known what the rest of the world is just now learning: the great importance of conserving our natural resources. The whole world is finally waking up to the wisdom of the Boy Scouts. Scouting gives a man a lifelong appreciation of our rivers, forests, fields and mountains. As America is among the richest of nations in these resources, the Scouts have done much to make us similarly rich in our appreciation of them. You don't have to be a Boy Scout to love nature and know the importance of conserving it. However, if there had been more of you, we'd certainly have less of a problem now.

We all seem to be hearing more and more about pollution—I certainly am in Congress—about how man will turn his world into a wasteland within the next fifty years if something isn't done now to stop this pollution. And so, scouting may make its greatest contribution to the future through its oldest teaching—a love for nature and its conservation. As various political issues come and go, the always present issue of pollution and the quality of our environment is becoming America's and the World's biggest problem.

As parents, we of the older generation have been listening more than usual to our young lately. This may be in part because they have been shouting more, but also because they are saying some very good things. The young have always been both the hope and the weathervane of tomorrow. We should all be most encouraged by what was reported in my recent newsletter questionnaire. In addition to their concern about education, housing and poverty—concerns we all share—the pollution of our environment received greater attention than ever before. In answering questions about their ideas of the biggest single problem of the future, the quality of our environment was placed amongst those at the top of the list. This certainly gives all of us great hope for tomorrow. But much more than hope, I'm afraid, is needed today.

As I have said, the Scouts have always known about the need for conservation. Just recently we have seen people other than the outdoorsman, scout or long-time conservationist, getting the idea and joining forces. On a local level, the question of pollution is also of greater concern than ever before. You know we New Englanders are fortunate in having some of the most beautiful scenery in the world. The recent oil spillages that have threatened Old Silver Beach, Weymouth Harbor and other parts of the shorelines; the fact that people can no longer even swim in many of our harbors; the ever-increasing amounts of DDT being found in our shellfish; the fewer and fewer areas remaining where one can even dig for clams—these things, affecting all of us, are causing more wide-spread concern about pollution right here at home. We see the last few areas of open space around us being gobbled up by urban sprawl here in southeastern Massachusetts as well as nationwide.

On a national level, fear of pollution is no longer confined to our biggest cities. The average man in the street is being affected by it everyday. The air he breathes is being filled with exhaust fumes and factory smoke. There are fewer woods through which to walk or quiet places to be alone.

So, everyone seems to be catching on to what the Boy Scouts have always been saying.

The President has made the stopping of pollution a "major goal" of the Seventies. For the first time in 20 years: next year's Budget contains more for human resources than for defense spending. Over $10 billion is to be spent to clean up our water supply. The polluters—those in industry and elsewhere—are being called upon to pay much of the cost of this effort. As the President said in his recent State of the Union Message: "It is time for those who make maximum demands of society to make some minimum demands upon themselves."

We in the Congress have also been most active in this area. We have taken several important steps just this year. Last month we agreed to spend more than $800 million to start cleaning up our water supply. We have set up a Cabinet-level Council on Environmental Quality to work with the President on this whole problem. We will soon have new and tougher laws against the kind of oil spills that have occurred here. We are also cracking down on the boating sewage that is fouling our lakes and harbors.

State Governors from around the country are starting to join us in this fight. Here in Massachusetts, Governor Sargent has announced an ambitious new program to both save the state from further pollution and clean up what has taken place.

These are just the first shots in our long and bitter war against pollution.

I'm sure that you in Scouting have shared my own great frustration with those who have merely taken the beauty and natural resources of this country for granted.

Times are changing in this and those who are just waking up will look for guidance to those who have long been in the fight against pollution. I know the Boy Scouts will do their share. I'm also confident the Eagle Scouts will be the leaders in the conservation movement they have been in scouting. And so, I salute all of you in scouting—from Tenderfoot to Eagle. I hope that we in the Congress will accept the challenge that your examples have given us. And I hope, too, that all of you will continue to encourage other young men to join the Scouting movement—and upon joining, they will seek to win the Eagle Scout Award. By so doing you will all continue Scouting's great tradition of making our world a better place in which to live.

VA SEEKS RECORD BUDGET

HON. CHARLES M. TEAGUE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. TEAGUE of California. Mr. Speaker, following the generally excellent statement of VFW Commander in Chief Raymond Gallagher before the

House Veterans' Affairs Committee on the morning of March 10 in connection with the VFW's 1970 conference in Washington, D.C., I indicated to him that certain of the remarks might well be taken to indicate a belief on his part, and on the part of his organization, that the administrations of Presidents Kennedy and Johnson had a very generous record in the field of veterans' affairs while the Nixon administration was cold and penny-pinching in these matters.

I was pleased that Commander Gallagher asserted unequivocally that his criticism of VA medical program funding also could be leveled against previous administrations. In fact, he stated forcefully that there was "no question about it."

This setting of the record straight is absolutely necessary if the Congress and the House Veterans' Affairs Committee itself is to meet the challenge of improving the VA hospital system after a long period in which spiraling costs have burdened a fine system and made the delivery of quality medical care more difficult to perform for the dedicated doctors, nurses, and administrative personnel who staff what I consider to be the finest hospital system in the world.

I think it important that Congress, the public and veterans and their families understand what is being done today to insure that our veterans will receive medical care that is second to none. Donald E. Johnson, Administrator of Veterans' Affairs, spoke to the VFW Department Service Officers Conference a day or two ago. These are the VFW men in the field who are helping veterans and their families and who are doing an outstanding job.

Administrator Johnson has held office now for just over 8 months. His statement, portions of which follow below, outlines some of his accomplishments during this brief period. I think Don Johnson is doing a conscientious job for our veterans—and he has just begun. With the cooperation of all who are sincerely and primarily concerned with advancing the interests of veterans we can look for much progress in the months and years ahead.

Mr. Speaker, I submit for the RECORD, portions of Administrator Johnson's report to the National Conference of Department Service Officers of the Veterans of Foreign Wars of the United States, meeting in Washington, D.C., on March 11, 1970:

REMARKS OF VA ADMINISTRATOR DONALD E. JOHNSON

Commander-in-Chief Ray Gallagher, National Rehabilitation Service Director Norm Jones, distinguished National Officers, Department Service Officers, members and guests of the Veterans of Foreign Wars of the United States:

Please permit me to touch briefly on some of the highlights of the Veterans Administration budget which the President has requested for Fiscal Year 1971.

I think it is appropriate that I do so at this conference. Granted the indispensable importance of personal concern and compassion and dedication, by you members of the VFW, and by our employees in the Veterans Administration, money is still needed to make the wheels of service to veterans go 'round.

To begin with, the $8.635 billion in total VA appropriations which the President requested is the most money ever sought for veterans in the history of the nation. It is $347 million more than the appropriations for the Veterans Administration in the current fiscal year. Translated into specifics, this budget, if approved by the Congress, will provide: compensation payments totaling $31 billion to 2.5 million veterans and survivors of deceased veterans for service-connected disabilities and death; pension payments totaling $2.3 billion to 2.3 million disabled veterans and veterans' widows and children in financial need; combined compensation and pension payments in FY '71 will be up more than $142 million over the current fiscal year; increased education and training assistance for 1.5 million veterans and 68,000 sons, daughters, widows and wives of deceased or seriously disabled veterans, with readjustment benefits being increased by $139 million.

The $1.702 billion requested for the VA hospital and medical care program in fiscal '71 is also the highest appropriation request in the history of VA medicine. This sum is $160.5 million more than the original appropriation requested for VA medicine in the current fiscal year, and almost $281 million more than for fiscal 1969. This record budget, if approved, will add a number of pluses to the VA medical care picture. One concerns VA hospital construction. Following on the heels of an appropriation of less than $8 million in fiscal 1969, and the government-wide moratorium on most construction projects this year, we have asked for $59 million for construction in the next fiscal year. Coupled with unexpended funds carried over from this year, this request will enable us to obligate $120.4 million for construction in fiscal '71, thus assuring the largest volume of VA construction placed under contract in 21 years.

Of more immediate interest . . . is the approval which the VA received just last week to ask Congress for another $15 million to become available in the quarter starting this April 1. Some $9.8 million, or almost two-thirds of the approved amount, will be earmarked for our dental outpatient program. We will be able to complete 50,000 additional fee examinations and 45,000 more treatment cases . . . reducing our workload to a normal operating level considering the present, unprecedented demands. Another $3 million will go for specialized medical services. In a word, instead of waiting until the next fiscal year, this money can be devoted to fully staffing specialized units, including pulmonary function, alcoholism treatment, day hospital treatment and speech pathology units, as well as another spinal cord injury center, plus more than 600 coronary and intensive care beds.

Some $200,000 will help us beef up the staffs at our six existing spinal cord injury units by 71 full-time employees; $1 million will go into the home dialysis program, and another $1 million will help meet increased demands for drugs and medicines.

CAMPAIGN GM—II

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. ROSENTHAL. Mr. Speaker, on February 24, 1970, I included in the Extensions of Remarks of the RECORD an account of Campaign GM, an effort of the Project on Corporate Responsibility to engage the active participation of the General Motors Corp. in the issues of mass transit, air pollution, auto safety, and general corporate responsibility for its behavior in the economic and political societies in which it operates and which, to an important extent, it dominates.

Campaign GM submitted to General Motors a series of resolutions for consideration at the corporation's May 22, 1970, meeting. The organizers of the campaign are stockholders in the corporation as evidence of their willingness to abide by the rules of the corporate system in which General Motors operates.

Unfortunately, General Motors Corp. has flatly rejected the initiative of these stockholders as the following statement by the Project on Corporate Responsibility indicates. I am disturbed by this development which seems to reflect an unwillingness by General Motors to take proper account of a rising indignation by the public, including corporate stockholders, at the social and political irresponsibility of many elements of American business.

The statement of the Project on Corporate Responsibility follows:

STATEMENT BY CAMPAIGN GM, MARCH 5, 1970, WASHINGTON, D.C.

During the past few weeks the Project on Corporate Responsibility, a General Motors' shareholder, asked General Motors to give its shareholders an unprecedented opportunity to vote on nine proposals involving corporate decisions of vast importance.

Monday morning, we received General Motors' answer—management flatly rejected each of the proposals. In more than 300 pages of materials—including 71 pages of legal memoranda and more than 250 pages of what it calls "exhibits"—management declared that issues like air pollution and auto safety are no concern of shareholders.

Today we are taking the highly unusual step of releasing our opponents arguments to the press. We do so because General Motors has failed to go directly to the public itself. Reporters who have asked General Motors for these documents have so far been unable to get them. Management apparently continues to believe that it runs a private government where decisions of national importance can be made behind closed doors. Living in remote cubicles of power these decision-makers have become isolated and stale, their decisions unresponsive to public needs. We intend in this campaign to throw open those doors of power and expose the men who live there to the sunshine of public debate.

Shareholders, they say, can vote on complicated financial issues which practically no one understands—but not on corporate decisions which people really care about, such as safe cars and clean air. General Motors has been content to mesmerize its stockholders with the illusion of corporate democracy. For instance, in an unflagging reaffirmation of its faith in the common stockholder, the company annually submits the name of its corporate accountants for shareholder approval. In 1968, the Corporation submitted the following proposal for shareholder approval: to "Amend charter to provide limited waiver of right to subscribe to convertable obligations—for possible foreign financing." But now, the company refuses to submit a proposal which says that nothing the Corporation does shall be detrimental to the public health, safety or welfare, or violate any laws. Clearly General Motors is threatened by the possibility that, for the first time in its corporate history, stockholders will express an opinion on matters which really count.

In its materials, General Motors does not deny that it could allow shareholders to vote on these proposals. Clearly they could, if they wanted. They chose instead to omit the proposals and then to contend that neither state nor federal law can force them

to let shareholders vote on these proposals. In effect they say that there is no Voting Rights Act for shareholders. They may or may not be right. The laws have not been fully tested. We do not think much of the largest corporation in the world thumbing its nose at its owners and saying—look, we don't have to let you tell us what you think. No congressman, no senator, indeed not even President Nixon could say that to the public. Most of management's response strikes us as the long-winded work of high-priced lawyers from the best law schools who want to impress their clients and frighten their opponents with the sheer mass of paper, and their familiarity with corporate jargon which has worked in the past to secure their clients from public accountability.

But we are not impressed. We know about this junk. We all came out of the same legal community as General Motors' lawyers before taking our present jobs. We intend to fight in every available forum for the right of shareholders and the public to have an effective voice in making corporate policy.

Today, we are privileged to announce that Mr. Abraham Pomerantz of New York, one of America's leading advocates of shareholder rights, has agreed to represent us in this legal struggle. He will be assisted by our Washington counsel, Professor Donald E. Schwartz of the Georgetown University Law Center. (Ironically, General Motors' lawyers have referred to a book co-authored by Mr. Schwartz, *Manual for Corporate Officers*, in their memorandum.) They will be assisted by a team of lawyers in New York and in Washington. All of these lawyers have agreed to represent us free of charge because they share our view that these issues are so important that they must be litigated, and that public minded efforts such as ours cannot be discouraged for lack of available legal talent.

We have asked Mr. Pomerantz and Mr. Schwartz to begin negotiations with the Securities and Exchange Commission in an effort to require General Motors to include these proposals in its shareholder materials. These discussions are currently underway, and we hope they will soon be resolved. In the event the SEC does not require General Motors to include the proposals, our lawyers are prepared to take these issues to court. If need be, we will seek an injunction to postpone the May 22d shareholders meeting until these issues are resolved.

PROJECT ON CORPORATE RESPONSIBILITY,
Washington, D.C., February 17, 1970.

Mr. GEORGE W. COOMBE, Jr.,
Secretary, General Motors Corp.,
New York, N.Y.

DEAR MR. COOMBE: Enclosed please find copies of six resolutions which the Project on Corporate Responsibility, as a shareholder of record, intends to introduce at the annual shareholder meeting in May. Should management oppose these proposals, we would expect you to include the enclosed 100 word statements in support of the resolutions as is required by law.

These resolutions deal with issues of fundamental importance to the Corporation and the public: air pollution, auto safety, mass transit, car warranties, occupational health and safety, and equal opportunity.

We believe that you are legally obligated to include these resolutions in the proxy materials sent to our shareholders. Certainly, you have the power to do so. It is time that General Motors acknowledge the massive social consequences of its decisions and permit the shareholders, as owners of the company, to participate in making these decisions.

Sincerely,

GEOFFREY COWAN,
For the Board of Directors.

[Submitted by Project On Corporate Responsibility, Feb. 17, 1970]

RESOLUTIONS

Resolved, That General Motors announce and act upon a commitment to a greatly increased role for public mass transportation—by rail, by bus, and by methods yet to be developed.

STATEMENT IN SUPPORT

General Motors is publicly opposed to diverting to public transportation any part of the more than thirteen billion dollars annually generated in automobile-related taxes. While GM lobbies with the government, our cities are being destroyed by too much pollution, pavement, and traffic. With imaginative mass transit, travel would be faster, more convenient, and less costly to society. As the nation's largest transportation corporation, GM should take the lead in helping to develop new modes of mass transit.

Resolved, That, by January 1, 1974, all General Motors Vehicles be designed so as to be capable of being crash-tested—front, rear, and side—against a solid barrier at sixty miles per hours, without causing any harm to passengers wearing shoulder restraints.

STATEMENT IN SUPPORT

The National Highway Safety Bureau has already crash-tested domestically-manufactured vehicles with "marked modifications" at forty-seven miles per hour, without harming passenger, according to Robert Carter, chief of the Vehicle Structures Division. These cars, with much-strengthened frames, are not immediately marketable because of lead time required for design, Carter says. But the technology exists, and Carter expects successful tests at sixty miles per hour within one year. General Motors should have developed such a car itself. Now, it should at least make the necessary modifications on all its cars by 1974.

Resolved, First, that General Motors support and commit whatever funds and manpower are necessary to comply with, the vehicle emission standards recently recommended by the National Air Pollution Control Administration for the 1975 model year; and to comply with these standards before 1975 if in the course of developing the emission controls this is shown to be technologically feasible. Second, that General Motors commit itself to an extensive research program (with an annual budget as large as its present advertising budget of about a quarter billion dollars) on the long-range effects on health and the environment of all those contaminants released into the air by automobiles which are not now regulated by government. These would include, but not be limited to asbestos and particulate matter from tires. The results of this research would be periodically published.

STATEMENT IN SUPPORT

Experts in the National Air Pollution Control Administration consider its recommended standards technologically feasible by the 1975 model year; General Motors should do everything possible to develop the necessary devices, and to make sure they continue to control emissions after 50,000 miles, with one tune-up at 25,000, which their present cars often do not do. But the government's regulations cover only three pollutants—hydrocarbons, carbon monoxide, and oxides of nitrogen. General Motors is not known to have spent anything studying potentially serious pollutants not regulated by the government like asbestos, and tire particulate matter. GM should start regulating itself.

Resolved, That first, the warranty for all General Motors cars and trucks produced after January 1, 1971, be written to incorporate the following:

(1) General Motors warrants that the vehicle is fit for normal and anticipated uses for a period of five years or 50,000 miles, whichever occurs first.

(2) General Motors will bear the cost of remedying any defects in manufacture or workmanship whenever or wherever they appear, for the life of the vehicle. Neither time nor mileage limitations nor exclusions of successive purchasers nor other limitations shall apply with respect to such defects.

(3) General Motors accepts responsibility for loss of use of vehicle, loss of time, and all other incidental and consequential personal injuries shown to have resulted from such defects.

Second, General Motors raise its reimbursement rates to dealers on warranty work, making them competitive with other repair work.

STATEMENT IN SUPPORT

Inevitably, some cars are so bad that replacing parts won't help. At present, GM bears no responsibility for such "lemons." Under (1) GM would replace these cars. (2) and (3) are revisions of present warranty provisions, aimed at relieving the heavy burden now imposed on car owners through no fault of their own. The second part, on raising reimbursement rates, would make dealers less reluctant to take on warranty work than a 1968 FTC staff report indicates they now are.

Resolved, That General Motors undertake to monitor daily the in-plant air contaminants and other environmental hazards to which employees are exposed in each plant owned or operated by General Motors; that the Corporation report weekly the results of its monitoring to a safety committee of employees in each plant; that if such monitoring discloses a danger to the health or safety of the workers in any plant, or in any part of a plant, the Corporation shall take immediate steps to eliminate such hazard, and that no employee shall be required to work in the affected area so long as the hazard exists.

STATEMENT IN SUPPORT

For the most part, General Motors has been an industry leader in providing health and safety mechanisms to its employees. But often the need for safety improvements has been subordinated to the Corporation's concern for production and profit. To date, GM has given too little consideration to the affects of in-plant air contamination which may harm both workers and the immediate community near the plant. Employees must be informed of potential hazards in order to take effective action to help prevent or eliminate them. If adopted, this resolution will enable employees to participate directly in alleviating these health hazards.

Resolved, That General Motors take immediate and effective action to allot a fair proportion of its franchised new car dealerships to minority owners; furthermore, that General Motors act to increase significantly the proportion of minority employees of General Motors in managerial and other skilled positions.

STATEMENT IN SUPPORT

As of January, 1970, GM had seven nonwhite dealers out of an estimated 13,000. GM would have to increase this number sixty-fold—to over 400—to achieve the ratio of nonwhite businesses to all U.S. businesses. A fair proportion would be larger still—perhaps approximating the percentage of nonwhites in the population. Also, while GM in recent years has hired many more nonwhites proportionately than before for unskilled and semi-skilled positions, its record in skilled and managerial jobs remains poor. The most recent public study indicates that in 1966 GM trailed both Chrysler and Ford in these categories.

ISRAEL'S DEFENSE NEEDS

HON. WILLIAM F. RYAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. RYAN. Mr. Speaker, the administration's delay in reaching a determination as to the sale of jet aircraft to Israel is of increasing concern. The delay would appear to indicate that there is some question within the administration as to whether to respond affirmatively to Israel's request.

During his January 30 news conference, the President promised to make a decision "within the next 30 days." Yet, on March 1, the White House announced that no decision had yet been reached and that, according to an article appearing in the March 2 edition of the New York Times by Peter Grose, "all the options were before the President for a thorough review of the Arab-Israeli strategic balance." Still no decision has been forthcoming.

House Concurrent Resolution 511, in which I joined on February 18, calls upon the President to consummate the sale to Israel of the jets. While I have full confidence in the brilliant ability of the Israelis to defend themselves and to employ their strategic and military expertise expertly in defense of their very existence, I believe that Joseph Alsop, in his column in the March 11 edition of the Washington Post, states the case well and concisely:

> By shining courage and tremendous skill in combat, the Israelis today enjoy air superiority. But that cannot endure indefinitely, as the stock of aircraft dwindles . . .
>
> If Israel ever loses air supremacy, furthermore, all will be lost against the numerically superior Arabs. So the refusal the President is mulling over, if persisted in, amounts to a sentence of death at long term.

An immediate and affirmative response by the President is necessary to help insure Israel's survival.

Mr. Alsop's column follows:

[From the Washington Post, Mar. 11, 1970]

ISREAL'S CONTINUED SURVIVAL THREATENED BY SOVIET UNION

(By Joseph Alsop)

Unless the President's present inclination is changed by new developments, he will end by refusing to permit Israel to buy the American aircraft that Israel needs for survival.

As any Nixon-watcher can imagine, the refusal, if it comes, will surely be blurred. There will be a promise of a later review of the question. Or there will be an assertion that the planes are not needed immediately, but may be provided later if this is necessary to maintain a "reasonable military balance in the Middle East." But the betting is on a refusal, at least for now.

The sick climate causing the President to incline to turn down the Israeli request, has already been analyzed in the last report in this space. It remains to be seen why Israel's very survival will be endangered if the President sends a "no," however prettily wrapped up, to Prime Minister Golda Meir. There are two aspects, here.

First of all, few people in this country understand the vital importance to Israel of the forward policy of deep air penetrations, particularly over Egypt, that Israel adopted some time ago. This was, quite simply, the only possible response to Gamal Abdel Nasser's intoxicated proclamation of a "war of attrition."

Even in its first, more costly phases, the losses inflicted on Israel by Nasser's "war of attrition" seemed trivial to people in America. But it must be remembered that for little Israel, a weekly toll of 20 men on the Sinai front is precisely equivalent to a weekly toll of 1,800 Americans killed in combat.

If we had to choose between losing 1,800 men a week, or adopting a forward military policy against a hate-swollen enemy, we should not hesitate for an instant. That was the true nature of Israel's choice. The forward policy has also succeeded, reducing the losses from the supposed "war of attrition" to near zero.

Yet the forward policy also inflicts its own inevitable but quite different attrition—on Israel's slender stock of first class fighting planes. By shining courage and tremendous skill in combat, the Israelis today enjoy air supremacy. But that cannot endure indefinitely, as the stock of aircraft dwindles.

Hence, Golda Meir asked permission to buy more Phantoms and Skyhawks—a pitifully small number—in order to be sure of having a sufficient stock of aircraft a year and more from now.

If Israel ever loses air supremacy, furthermore, all will be lost against the numerically superior Arabs. So the refusal the President is mulling over, if persisted in, amounts to a sentence of death at long term.

As to this dark and tragic matter's other aspect, it concerns the Soviet role in the Middle East. The Arabs, it must be understood, are not the enemies Israel mainly needs to worry about. The real threat to Israel's survival is the Soviet Union.

By now, to begin with, the proof is clear that the Soviets were the sole instigators of the Six Day War. Nasser made the threatening moves that directly caused the war. But the puppet, Nasser, only moved because of false Soviet encouragements and grossly fabricated Soviet intelligence reports. These were motivated, in turn, by a wildly incorrect Soviet estimate of the Middle Eastern balance.

When the six day war ended, a true peace was within Israel's grasp. No doubt Israel did not grasp for peace as boldly as was desirable. Yet it was the Soviet Union which hastened to destroy all the conditions which made peace possible.

Like someone blowing poison gas into discarded balloons, the Kremlin re-inflated the Arabs militarily and politically. The Kremlin also approved Nasser's first breaches of the U.N. cease-fire—which Israel would still like to restore. And the Kremlin, once again, was certainly a party to the final, flagrant denunciation of the ceasefire as a deadletter, and the simultaneous declaration of the "war of attrition."

Today, moreover, the Kremlin is still pondering exactly how to deal with the success of Israel's forward policy. Nasser is already getting far more Soviet arms. But the Kremlin may go still further, beginning direct Soviet involvement in the fighting, by partly or entirely taking over Egypt's air defense.

If we ever see this particular thin end of the wedge, the peril to Israel will be dreadful indeed. Yet the policy of weakness, which the President is now thinking about, will actually invite Soviet insertion of the thin end of the wedge.

For the long pull, in fact, it is a matter of life or death to make the Soviets realize they are playing a deadly dangerous game. And that can only be accomplished by American strength and firmness, which we now need to show, to serve our own hard national interests.

FOR SPEEDY TRIALS, AGAINST UNLIMITED PREVENTIVE DETENTION FOR THE DISTRICT OF COLUMBIA

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. MIKVA. Mr. Speaker, the House will soon be called upon to consider the District of Columbia Court Reorganization and Criminal Procedures Act of 1970. That bill contains a number of so-called anticrime provisions of doubtful constitutionality and wisdom. By far the most doubtful on both counts is preventive detention.

I will offer an amendment when the bill, H.R. 16196, is considered on the floor of the House in order to insert a requirement for speedy trials in the District of Columbia, thus reducing the need for radical measures such as preventive detention.

Moreover, because preventive detention turns around the traditional presumption of innocence, historically so important a part of our criminal jurisprudence, and says in effect as to certain defendants "you are guilty until proven innocent," I believe we must limit our use of pretrial detention as much as possible. As we know, pretrial detention—denial of bail—is already possible in capital cases. My amendment will limit the sweeping preventive detention provision in the committee bill to coverage of only the most dangerous defendants—narcotics addicts, probation and parole violators, and defendants who threaten witnesses and jurors.

Because I did not have an opportunity to testify before the District of Columbia Committee or its subcommittees while preventive detention was being considered—although I requested such an opportunity—I would like to explain here the constitutional and public policy rationale against unlimited preventive detention and in favor of my amendment: Speedy trials and limited pretrial detention for only the most dangerous defendants.

THE COMMITTEE BILL

The subject of how most effectively to control crime by defendants released prior to trial is, indeed, a difficult one. I have read the committee bill H.R. 16196; I have read the Department of Justice's legal memo in support of preventive detention; I have read the Supreme Court cases interpreting the eighth amendment and discussing the role of bail and pretrial release in our criminal justice system. There is absolutely no question in my mind that preventive detention could never survive judicial scrutiny on constitutional grounds. To be entirely frank I am not even certain, based on the Court's decision in *Stack* v. *Boyle*, 342 U.S. 1 (1951), that provisions of the existing Federal Bail Reform Act can pass constitutional muster. As the Court said in that case:

> The right to release [not to bail, to release] before trial is conditioned upon the

accused's giving adequate assurance that he will stand trial and submit to sentence if found guilty . . . Bail set at a figure higher than an amount reasonably calculated to fulfill this purpose is "excessive" under the Eighth Amendment. (342 U.S. at 4–5.)

If assurance of appearance at trial is the only basis on which bail may be set, and if an amount in excess of what is required to provide such assurance is constitutionally unacceptable, then a fortiori, a restriction on a defendant's release prior to trial which goes even beyond setting of excessive bail would be unconstitutional.

CONSTITUTIONAL ARGUMENTS

A. THE EIGHTH AMENDMENT

It is difficult for me to understand how any lawyer who has read the case of Stack against Boyle could argue that preventive detention is constitutionally permissible. Perhaps the author of the Justice Department's memo did not read that case, since the memo relies primarily on a civil case relating to deportation of aliens—persons not even citizens of the United States, *Carlson* v. *Landon*, 342 U.S. 524 (1951). The Justice Department memo makes only one passing reference to Stack against Boyle, the controlling precedent interpreting the eighth amendment.

As to the appropriateness of inferring the need for high bail from the nature of the offense or the fact of indictment, the Court said "To infer from the fact of indictment alone a need for bail in an unusually high amount is an arbitrary act. Such conduct would inject into our own system of government the very principles of totalitarianism which Congress was seeking to guard against in passing the Smith Act under which the petitioners have been indicated." 342 U.S. at 6.

B. THE ERRONEOUS ASSUMPTION

Buried in the middle of a paragraph on page 2 of the Justice Department memo is a sentence which contains the crux of its constitutional argument on preventive detention. The memo asserts:

It is only reasonable to conclude that anticipated danger to other persons or the community was a substantial motivating factor in making these dangerous offenses, non-bailable.

Such a conclusion may be reasonable, but historically and constitutionally it is unfounded. Prospective danger of a released defendant has never been a part of the rationale of bail. The Court made this clear in Stack against Boyle, as do other cases to which I might call the subcommittee's attention. I have a legal memo in rebuttal to the Justice Department's memo which contains references to these cases clearly setting forth the rationale of bail.

C. THE DUE PROCESS CLAUSE

There are several reasons why the proposed preventive detention violates the fifth amendment's guarantee of due process of law. First, in the absence of statistics demonstrating the incidence of crime by defendants released prior to trial, it is impossible to show a rational connection between detention of certain defendants and the danger sought to be protected against. In the second place, the bill permits detention for some crimes, or alleged crimes, which are neither violent nor dangerous. Finally, since a pretrial determination would, in effect, be a small trial in which the judge must consider the likelihood of the defendant's guilt, any such procedure which did not meet the constitutional prerequisites for a guilt-determining procedure—that is, a jury trial—would violate due process of law.

The cases which the Justice Department memo cites to prove the due process acceptability of preventive detention are all inapposite. The central objection to attempting to import preventive detention into our system of criminal justice is that it is totally at odds with the basic tenet of that system—that we rely on the threat of the criminal sanction to deter crime. Preventive detention, by contrast, relies on prior restraint to prevent crime. The cases which the Justice Department cites are all situations in which the deterrent effect of the criminal law is no longer a consideration—such as when the defendant is insane, when he has already been convicted, when he has made threats against witnesses or jurors, and so on.

D. PRESUMPTION OF INNOCENCE

The Justice Department memo gives the presumption of innocence short shrift as "simply a rule of evidence." In fact, the presumption of innocence is far more than a rule of evidence; it is the spirit which underlies the entire system of American criminal justice; it is the cardinal principle of Anglo-Saxon jurisprudence. Not only would pretrial detention of accused defendants violate his right to assist in preparation of his defense, it would change the whole nature of our system of criminal procedure. It is hard to think of a principle which is more basic to that system than the idea that a man is not jailed until he is convicted by a jury of his peers.

Perhaps the layman's view of how our legal system works is more helpful here than the nice distinctions of the lawyer. Ask the man on the street what separates the American legal system from that of totalitarian societies. He will tell you, "It's because under our system a man is innocent until he's proven guilty; he can't be sent to jail until a jury finds him guilty." Thus, the presumption of innocence is far more than "simply a rule of evidence." As the Supreme Court has noted, preventive detention "would inject into our own system of government the very principles of totalitarianism which Congress was seeking to guard against in passing the Smith Act." The way we determine that a man must be put in jail under our system is called a jury trial; it is not a pretrial determination by an official of the State, based on fragmentary evidence about the man and the act of which he is accused.

But as fundamental to our system as the presumption of evidence has always been, the Justice Department bill reduces it to "simply a rule of evidence"; and then it goes even further and abolishes even that rule of evidence as to certain defendants. That is quite an accomplishment for one bill.

The Supreme Court summarizing nearly two centuries of Federal law has said, and the present Federal Rules of Criminal Procedure, approved by Congress, now say:

A person arrested for an offense not punishable by death *shall* be admitted to bail. Rule 64(a)(1) (emphasis added).

This is certainly more than "simply a rule of evidence."

Moreover, once preventive detention was established it would generate a momentum of its own which would erode the presumption of innocence even further. The judge faced with the necessity of making a determination on whether to release a defendant prior to trial would never know when he erred on the side of overcaution and incarcerated a man who would not have been dangerous if released. But every time a judge released a man that did commit another crime, he would hear about it. Thus the temptation would gradually become overpowering to always err on the side of overcaution, to always put a man away if there was the slightest doubt. After all, if a released defendant commits a crime, everybody screams—the public, the newspapers, the police. But when a nondangerous defendant is sent to jail before his trial, so the judge can protect himself from criticism for being too lenient, the only people who scream are the defendant, his family, and his lawyer.

Thus to enact preventive detention is not merely to contravene the presumption of innocence for a single time and for a limited group of defendants. It is to promote a revolution in the very nature of our criminal justice system.

THE PUBLIC POLICY ARGUMENTS

There are, of course, a number of reasons beyond the constitutional reasons that make preventive detention a bad policy. In the first place, if we were to recommend this device, and Congress were to enact it, we would have done so without the hard empirical evidence which one needs to justify so fundamental a change. Attorney General Mitchell has admitted that no one has accurate statistics on the incidence of crime by defendants released prior to trial. The constant resort to "commonsense" or "the experience of experts" simply covers up the absence of statistical data to tell us how serious a problem we are dealing with.

Then there are all the practical considerations, obstacles of time, manpower and facilities. The procedures in the committee bill might well require separate bail determinations and preventive detention determinations, for the simple reason that the information necessary to make a preventive detention determination would not be available soon enough to allow the defendant to be brought before a commissioner "without unnecessary delay," as required by rule 5 of the Federal Rules of Criminal Procedure. Thus there would be two hearings instead of one. Untried defendants detained prior to trial might well have to be kept in separate facilities to meet constitutional requirements, assuming that detention is allowed at all. Even if they were not, they would further overcrowd already overloaded jails and lockups. The additional administrative burdens on courts, bailiffs and mar-

shals—for which no provision is made in the bill—would be enormous. Moreover, the bill would allow detention for only 60 days. With no provision for implementing or even encouraging speedy trials, 60 days protection is as good as no protection since the defendant probably would not be brought to trial in that time anyway, even if his case were given priority.

Two examples which I culled from recent news reports will serve as instructive examples. A recent Philadelphia Inquirer article noted that a man arrested on January 23, 1969, for stabbing a victim was released on $2,000 bail. In November, 10 months later, he was again arrested for another stabbing. The police and the editoralists point to this as an example of where preventive detention is needed. But the Committee bill would have provided no protection here. That bill allows detention for up to 60 days. In Philadelphia, as in almost every jurisdiction in the country, it is impossible to bring a criminal case to trial in 60 days. With no specific requirements for speedy trials, 60-day detention will not provide any more protection than no detention. But speedy trial and a bail system with sufficient resources to administer it properly would.

A much reported case recently told of a man who was charged by neighborhood children of having placed razor blades in the apples he gave them on Halloween. The judge said to the defendant:

> We should put people like you in jail and throw away the key.

If that judge had had preventive detention at his disposal, he probably would have put that defendant in jail and thrown away the key—at least for 60 days. The catch is that it later turned out that the story had been completely fabricated by the children. But the judge did not know that, and he would not have known it at the time a preventive detention determination needed to be made. That kind of experience would become a commonplace if preventive detention was a part of our legal system.

But the most compelling "practical" consideration to me is related to the constitutional objections I voiced earlier. If we enact a scheme for preventive detention, I have absolutely no doubts that within 2 years—or however long it takes a case to get to the Supreme Court—we will have to start over again to deal with the problems of pretrial crime. In other words, preventive detention will last about as long as it takes a case challenging it to reach the Supreme Court. When that happens, 2 or 3 years hence, we will have to start all over again without being one whit the wiser about how much pretrial crime there is, what are workable ways to solve the problem consistent with the Constitution, or how we can speed the trial of criminal cases.

In my opinion we can use that 2 or 3 years much more valuably. We can insure that we have data at the end of that time. We can take concrete steps to help control pretrial crime. And we can do all this in a way which deviates far less than preventive detention will from what we already know is constitutional.

AMENDMENT TO COMMITTEE BILL

The basic problem which the committee proposal for preventive detention tries to solve is the unconscionable delay between a criminal defendant's arrest and his trial. This extended period between arrest and trial—between crime and punishment—has two harmful effects. First, it destroys almost entirely the deterrent effect of the criminal sanction, the very effect which we have traditionally relied upon to protect us against antisocial behavior. Second, the long delay between arrest and trial exposes society to the danger which a guilty defendant may present for an extended period, not days or weeks, but months and years.

The primary means which we should rely upon to remedy this fundamental defect in the functioning of our criminal justice system is a congressionally mandated requirement for speedy trials. Such a system would not only implement the sixth amendment's express guarantee of a speedy trial, it would help to provide Congress with the information we need to begin furnishing adequate resources to the District of Columbia courts. I will offer an amendment when H.R. 16196 is considered on the floor to establish a workable system of speedy trials, make some small substantive changes in the bail procedures in the committee bill, and narrow the coverage of preventive detention.

SPEEDY TRIAL

The amendment will establish a workable system of time limits within which criminal defendants in Federal courts would have to be tried. It would phase these limits in over a period of 18 months, and would at the same time require the District of Columbia courts to formulate plans to meet the time limits established. The limits for crimes of violence would be 60 days; for all other crimes 120 days. The limit for violent crimes would apply to all informations and indictments filed more than 6 months after the effective date of the District of Columbia Court Reorganization Act; the limit for all other crimes to those filed more than 12 months after such effective date. The effective date for speed trial requirements could be suspended by the Judicial Conference at the request of the chief judge of the court concerned. Such request, a copy of which would go to the Attorney General, would specify the additional personnel and other resources necessary to make compliance with the time limits possible. Within 12 months of the effective date of the act, the Judicial Conference would be required to submit to Congress a recommendation covering additional authorizations and appropriations required for full compliance.

The sanctions on which the scheme relies are citation for criminal contempt in the case of the defendant and/or his attorney, and dismissal of the case with subsequent prosecution forever barred in the case of the Government.

Thus, the speedy trial amendment provides not only for limits, but for a rational means of adjusting those limits where necessary, and a feedback to Congress which will tell us what is needed to make the limits realistic. We will have the benefit, at last, of a report from the men on the frontlines—the judges, the U.S. attorneys, the defense counsels, the marshals, the probation supervisors, and the rest—of exactly what they need in order to bring criminal cases in the District of Columbia to trial within a reasonable time. This bill relies, then, on restoring what we have allowed to erode away—speedy trials in a system adequately staffed and provisioned to insure that justice is both swift and sure.

LIMITATION OF PREVENTIVE DETENTION

Equally important to insure the constitutionality of provisions to reduce pretrial crime is the limitation of preventive detention. As included in the committee bill, a defendant's "dangerousness" could be considered in setting pretrial release conditions no matter who the defendant was, what his previous record was, or what relation the finding of dangerousness had to other factors making the defendant a bad risk of flight. The importance of tying "dangerousness" determinations to risk of flight determinations is that we know that risk of flight is a valid constitutional ground for imposing restraints on a defendant's liberty. On the other hand, prospective "dangerousness" has never been a part of the rationale of bail, either historically or constitutionally. My amendment would, therefore, limit the consideration of a defendant's "dangerousness" in setting pretrial release conditions to those characteristics which also make the defendant a bad risk of flight. As any judge knows, many of the same factors which make a man likely to flee also make him dangerous. My amendment would say that to the extent that "dangerousness" factors and "risk of flight" factors overlap, they may both be considered.

More important, my amendment would limit the all-inclusive sweep of the committee's preventive detention proposal. The committee bill applies preventive detention to: First, all defendants accused of dangerous crimes; second, violent crime second-offenders who are dangerous; and third, defendants who threaten witnesses or jurors. My amendment would limit preventive detention coverage by eliminating the first group—those accused of "dangerous" crimes—by limiting the second group to probation and parole violators charged with violent crimes and found to be "dangerous." The third group—juror and witness threateners—would still be covered.

In addition, under other provisions of the committee bill which my amendment would not change, narcotics addicts could be preventively detained for treatment, and all defendants released prior to trial would be subject to supervision and control of the District of Columbia Bail Agency. This latter provision for supervision of defendants during pretrial release means that for the first time in the District of Columbia, there will be some way to make really effective the conditions on pretrial release which judges impose on defendants—conditions which may include such restrictions as return to custody after certain hours.

Thus while the committee bill offers sweeping preventive detention and no guarantee of speedy trials, my amendment would guarantee that violent crime defendants are tried in a maximum of 60 days, perhaps much less; that they would be subject to supervision during the entire period of their release; and that narcotics addicts, probation and parole violators, and defendants who threaten jurors and witnesses can be preventively detained with appropriate procedural safeguards.

That is essentially the choice: sweeping preventive detention with no guarantee of speedy trials, or express speedy trial requirements with limited preventive detention directed at especially dangerous defendants.

RECOMMENDATIONS OF THE PRESIDENT'S CRIME COMMISSION

In 1966 the President's Commission on Law Enforcement and Administration of Justice completed what is probably the most comprehensive and thorough survey of our criminal justice system and its problems now in existence. In that report and its related task force reports, the President's Crime Commission discussed in detail the arguments for and against preventive detention. It specifically did not recommend instituting preventive detention. Instead it said:

> An intermediate position, short of a full system of preventive detention . . . [imposing] conditions on a person's release designed to reduce the likelihood of criminal acts pending trial should be tried. Task Force Report: The Courts, at p. 41.

While noting that such conditions might not prevent crime by persons committed to a life of crime—and we may assume that many of these would be detained anyway as probationers, parolees, or narcotic addicts—it offers great promise with respect to marginal offenders. The report continues:

> And while such conditions are by no means immune from constitutional challenge, they are less likely to be struck down on due process or excessive bail grounds than an authorization to incarcerate on the basis of predicted dangerousness." *Id.*

With respect to the pretrial release supervision such as would exist for the first time under the committee bill and which my amendment would retain—the Commission said:

> Experience with supervised release has been limited. . . . The potential for this method must be further explored. *Id.*

Finally, the Commission said as to speedy trials:

> Obviously an important step in reducing the danger of criminality by released defendants is to shorten the time between arrest and trial.

It may have been "obvious" to the President's Crime Commission, but the committee bill does not even hint at speedy trial. This important step is at the very heart of my amendment.

DISTRICT OF COLUMBIA CRIME COMMISSION RECOMMENDATIONS

In early 1967 the President's Commission on Crime in the District of Columbia made its report to the President. That report discussed at length the problems of defendants released prior to trial and the threat they present to society. It contained the closest thing we have to statistics on such crime—and even these statistics are incomplete. As three members of the Commission pointed out, these statistics demonstrate indisputably that while the rate of violent crime by men released prior to trial may be disturbingly high at 4.5 percent, there is absolutely nothing to indicate that the offense on release could have been predicted. We all agree that crime by persons released prior to trial is undesirable. But preventive detention assumes that it is also predictable. The District of Columbia Crime Commission's statistics show that this is not true for the District of Columbia.

The Commission made five recommendations for dealing with the problems of crime by defendants released prior to trial. Four of those recommendations—the only ones which were made unanimously by the Commission—are covered in one way or another by the committee bill as improved by my amendment:

First, that judges be allowed to consider danger to the community in setting pretrial release conditions;

Second, that additional penalties be provided for crime committed while on pretrial release;

Third, that speedy trials be guaranteed; and

Fourth, that provision be made for supervision during pretrial release and that modification or revocation of release conditions be allowed.

The only recommendation which I believe should be significantly limited is preventive detention, a recommendation made by a divided Commission which admitted the constitutional problems raised. The committee bill, on the other hand, does nothing about speedy trial, but accepts the Commission's questionable recommendation of preventive detention as the principal answer to the problem of pretrial crime. I submit that this is an indefensible reversal of priorities in following the Commission's recommendation. It puts the last recommendation first. It puts the recommendation of a divided Commission before two unanimous recommendations which, if implemented, might well make preventive detention unnecessary. It places principal reliance on a recommendation which is of very doubtful constitutionally over others far less subject to constitutional challenge.

SIGNIFICANCE OF HOUSE ACTION

This problem of what can constitutionally and wisely be done to control crime committed by defendants released prior to trial is not an easy problem, as all who have studied it admit. With only fragmentary or nonexistent data on which to base our decisions, we are asked to provide procedures which may very well change radically the nature of our whole system of criminal justice from what it has been for almost 180 years. I believe that all of us can agree that speedy trials are desirable. I believe that pretrial supervision by the District of Columbia Bail Agency can serve a tremendously useful purpose in providing us with further information on the nature and extent of crime by defendants released prior to trial. The fact is that we just don't have this kind of information now. Moreover, pretrial supervision by the District of Columbia Bail Agency can serve as an experiment in assessing the effectiveness of constitutional pretrial controls.

The issues with which we are dealing here are too important, too fundamental to the kind of society in which we live, to act without examination of all possible alternatives. If a change from the present procedures is necessary, and I tend to believe it is, then that change ought to be as small a deviation as it can be from the procedures which we know are constitutional—and still be effective.

The responsibility which we in this House bear is a heavy one. At issue are procedures and principles which have endured for almost two centuries. Nothing less than the basic policy of the Constitution and the federal government is at stake here. As the Supreme Court said in Stack against Boyle:

> From the passage of the Judiciary Act of 1789, . . . to the present Federal Rules of Criminal Procedure, Rule 46(a)(1), federal law has unequivocally provided that a person arrested for a non-capital offense *shall* be admitted to bail. This traditional right to freedom before conviction permits the unhampered preparation of a defense, and serves to prevent the infliction of punishment prior to conviction. . . . Unless this right to bail before trial is preserved, the presumption of innocence, secured only after centuries of struggle, would lose its meaning. 342 U.S. at 4. (Emphasis in the original)

MORE ON YOUNG AMERICANS IN CANADA

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. KOCH. Mr. Speaker, I continue to receive letters concerning my trip to Canada to learn about draft-age Americans who now live there. I thought it would be of interest to our colleagues to set forth some of the correspondence in the RECORD. Try as we might, this tragic problem cannot be ignored.

The letters follow:

COMMISSION ON INTERFAITH ACTIVITIES,
New York, N.Y., February 19, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I have been following with a great deal of satisfaction the reports in the press, as a result of your recent visit to Canada, where you indicated that it is imperative that there be discussion by Americans of the situation of our young people who have fled there and the reasons for their emigration across the border. Your urging of the end of the war in Vietnam, your advocacy of the ending of the cool draft, your request that there be established a selective conscientious objector provision that would allow men to apply for this status from wherever they may be—prison, Canada or military service—are as courageous as they are necessary and timely. It is unfortunate that the press has identified you almost totally with your concerns for amnesty. Urging legislation for amnesty while the war is still going on and isolating it from your entire report is a distortion which, unfortunately, does a disservice to the logic of your argument.

I write now not only to express my personal support for your position but to encourage you to continue the call to the American people for an open discussion concerning the plight of our young men in Canada. I hope that you receive many such letters of support and that you will not be deterred in your efforts by those who might not see how that what you ask for is to their own individual lives and freedoms.

Sincerely, do I remain.

Rabbi BALFOUR BRICKNER.

THE UNITED CHRISTIAN MISSIONARY SOCIETY,
Indianapolis, Ind., February 19, 1970.

Hon. EDWARD KOCH,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I have read with interest and sympathy your report of a visit to the draft-age young men who have emigrated to Canada to express their opposition to war in general and to war in Vietnam in particular. The problem which you speak of so eloquently is one faced by many local ministers and regional and national church bodies today. Hardly a day goes by when we do not receive letters or telephone calls from ministers indicating that their young men want to seek qualification as a conscientious objector to war or, having been decried this, are considering either refusing induction or possibly emigrating to Canada. Since we are not an historic peace church the expression of this kind of sentiment among our churches is all the more alarming since it indicates that many young men raised in our church are taking their religious faith seriously and indicating that they cannot kill or take part in the machinery of war.

I found your program for ending the war, eliminating the draft, establishing a selective conscientious objection provision in the draft law, and amnesty one which I could support whole heartily. Our denomination passed a resolution in Seattle, Washington last August asking for repeal of the draft, and a year earlier we expressed our judgment that any draft law that was in effect should make provision for selective conscientious objectors. We only recently became involved with the men in Canada through the personal experience of young men of our denomination who have gone there sometimes because they saw no alternative at this time. Whether we agree with these young men or not is hardly the question. The highest authorities in our own denomination have expressed the feeling that we are mandated by our faith to minister to these young men and their families who are here in the United States.

Therefore, we are grateful to you, as a member of Congress, for taking a courageous step in offering a program that provides a way of dealing with this complex problem. Please let us know of any way in which we can be of assistance.

Cordially,

ROBERT A. FANGMEIER,
Director, International Affairs.

OPERATION CONNECTION,
Santa Barbara, Calif., February 17, 1970.

Hon. EDWARD KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I have read with interest your speech made on Wednesday, January 21, as reported in the Congressional Record.

As an Episcopal bishop, I cannot overstate my gratitude to you for raising the need for sensible dialogue in tackling the growing problem of the exodus from the United States of so many young men. We do not like to think that we produce our own political refugees. Such an idea is an affront to our national ego. It produces, I realize, a reaction which often is very frightening because of its violence and hysteria.

The fact is, however, as you point out in your speech, that an infinitely larger number of young men than is generally realized have sought sanctuary in Canada. Whether we agree or disagree with their reasons, such young men are concerned about the issue of war and peace. Such concern is not likely to be abandoned or ignored. Most young men who go to Canada rather than have any part in what they regard as an immoral war represent some of our best educated potential for achieving a peaceful world. It is a fearsome thought that we think we can do without their contribution to the building of a more civilized society.

I hope that your concern will become reflected in more visits by Congressmen to meet with our young people in Canada. And I hope your concern will help generate much better information about why resisters to the war choose to go to Canada and sacrifice much of the American way of life for their convictions.

Above all, I hope that all of your well-stated proposals to end the war, to bring an end to the draft, and to establish selective conscientious objector provisions allowing men to apply for this status from wherever they may be at the present time, will be thoughtfully and rationally discussed by all concerned Americans.

Sincerely,

Rt. Rev. C. EDWARD CROWTHER.

UNITED CHURCH OF CHRIST, COUNCIL FOR CHRISTIAN SOCIAL ACTION,
February 13, 1970.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: I have read the report of your visit to Canada in the Congressional Record of January 21 and I wish to extend our heartfelt support for what you have done and are doing to help promote a better understanding of the plight in which these young exiles find themselves.

Our monthly magazine Social Action plans to devote its March issue to this important matter, entitled "The New Exodus". I am sure you will find it useful. We will send you a copy as soon as it is available. In the meantime, I am enclosing our February issue which, though dealing with Economic Justice for Blacks, contains a column of mine which attempts to help parents of exiles to understand what their sons have done. If you believe it to be of value, I would appreciate your putting it in the Congressional Record.

Members of my staff have been much interested in the draft exiles in Canada. We accompanied Dr. Robert V. Moss, the President of the United Church of Christ, as part of the visitation made to Windsor, Ontario, by a group of U.S. clergymen for a consultation with Canadian churchmen, sponsored jointly by the National Council of Churches and the Canadian Council of Churches early last December.

I am enclosing, also for your information, positions the United Church of Christ's General Synod has taken on matters related to the draft and selective conscientious objection.

Thank you for your interest and actions in these matters. Please do not hesitate to call on us if we can be of any service.

Very cordially,

LEWIS I. MADDOCKS.

CANADA TRIP

Excerpt: In regard to your Canada trip: As I said before, I am a lieutenant in the Army serving my two years of active duty, however, my sympathies and my ideological leanings are with the people you visited in Canada. I am very strongly opposed to the war in Vietnam and if I had followed the dictates of my conscience, I would probably be with them. I feel that my course was and still is by far the easier one to take. Thus, as you might expect, I was very pleased to hear of your trip to see these people and am completely in accord with your press conference statement, especially in regard to the eventual granting of amnesty. I am disgusted but not really surprised by the volume of hate mail you received on this matter and I wanted you to know that at least one of your constituents (who is in the Army besides) is 100% behind your actions.

Sincerely,

———.

U.S. ARMY TRAINING CENTER, INFANTY,
Fort Dix, N.J., January 1, 1970.

DEAR CONGRESSMAN: I have just viewed the evening television news and am elated to have seen an interview in which you put forth your views on the young men who have fled to Canada to avoid fighting in a truly immoral war. At long last someone of the legislative elite has seen fit to first-hand study this problem of conscience and moral conflict and further to intelligently propose a just (and, in fact, the only) solution. It is apparent that these emigrants had no alternative other than to follow the sagely advice of Albert Einstein who once said, "Never do anything against conscience, even if the state demands it."

As an American citizen, a member on active duty in the Armed Forces, and as an individual who heavily weighed all the alternatives to conscription, I wholeheartedly agree with your proposal and will, in turn, write to my own Congressman in an effort to solicit his support.

If I can in any way aid you in your fight for political amnesty, please feel free to contact me.

Thanking you for your concern, I remain,

Very truly yours,

———.

LEGISLATION TO REDUCE URBAN CRIME

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. FARBSTEIN. Mr. Speaker, no more urgent need faces our Nation than to provide the mechanism to help release our neighborhoods and communities from the grip of crime.

Crime is a danger that affects all segments of our society. Important as the actual physical danger it presents is the psychological fear which keeps our citizens off the streets at nights and away from public facilities even during the daytime.

Crime, however, is overwhelmingly an urban phenomenon. According to the task force report of the National Commission on Causes and Prevention of Violence, Crimes of Violence, the rate of violent crime in cities over 250,000 is seven times that of communities with a population under 10,000:

VIOLENT CRIME IN THE CITY—VIOLENT CRIME BY CITY SIZE (U.S. 1960 AND 1968)

[Rates per 100,000 population]

Cities	1960	1968
Over 250,000	293.7	773.2
100,000 to 250,000	154.0	325.3
50,000 to 100,000	104.3	220.5
25,000 to 50,000	70.1	150.8
10,000 to 25,000	57.3	126.6
Under 10,000	47.7	111.4
Suburban	(1)	145.5
Rural	(1)	96.5

1 Not available.

REPORTED URBAN ARREST RATES FOR VIOLENT CRIMES BY AGE

Rate per 100,000 population U.S. 1967	Age	Increase in rate 1958 to 1967 (percent)
123.0	10–14	222.0
408.2	15–17	102.5
222.1	10–17	138.8
436.1	18–24	45.5
127.3	25+	41.1
189.1	(1)	65.7

1 All ages (10+).

NOTES

Violet crime in the city is overwhelmingly committed by males.

Violent crime in the city is concentrated especially among youths between the ages of fifteen and twenty-four.

Violent crime in the city is committed primarily by individuals at the lower end of the occupational scale.

Violent crime in the cities stems disproportionately from the ghetto slums where most Negroes live.

The victims of assaultive violence in the cities generally have the same characteristics as the offenders: victimization rates are generally highest for males, youths, poor persons, and blacks. Robbery victims, however, are very often older whites.

Source: Task Force Report, Crimes of Violence (National Commission on the Causes and Prevention of Violence).

The Safe Streets and Crime Control Act was enacted by Congress in 1968 to do something about this problem. It provided Federal funding for planning of and execution of programs to upgrade the quality of law enforcement. Eighty-five percent of the money allocated under this program must go to the States, which are required to establish boards to allocate at least 40 percent of the money to local governments. The allocation among the States is based on population.

Local government witnesses before the House Judiciary Committee charged last week that very little of this money is getting to the crime-ridden urban areas. Only eight States allocate crime funds on the basis of local crime rates.

In addition to bringing low per capita funding to large cities, recent reports by the National League of Cities and the Conference of Mayors have found the present allocation procedure:

First. Places few urban representatives on State boards allocating Federal crime money;

Second. Siphons off much of the crime money to unnecessary layers of bureaucracy; and

Third. Leads to the allocation of funds for uses considered by urban officials to be of low priority.

To turn this situation about, I am introducing legislation to give large cities direct access to funding for law enforcement activities under the Crime Control Act.

The bill is predicated on the premise that large cities, for purposes of the Crime Control Act, should be treated like States. Under the terms of the legislation, cities over 100,000 would be eligible for direct crime control funding, provided they have a violent crime rate at least 50 percent above the national average. The level of grants would be based on population. The amount going to the rest of the State would then be recalculated, subtracting the city's population.

The problem of urban crime is too important to be left in the hands to hostile State administrations. Through the approach of this bill, the problem can be dealt with without having to bribe, beg, or bluff the States into passing some of the Federal money on to the cities. By so doing, the money will go where it can best be used to reduce the spiraling crime rate in this country.

The full text of the report of National League of Cities and the U.S. Conference of Mayors on the Omnibus Crime Control and Safe Streets Act of 1968 follows:

STREET CRIME AND THE SAFE STREETS ACT—WHAT IS THE IMPACT?

(An examination of state planning and dollar distribution practices under the Omnibus Crime Control and Safe Streets Act of 1968.)

Crime has always been a subject of public concern, but in recent years this concern has risen in some areas to a state of alarm with demands for action by all levels of government to restore a general feeling of safety to America's streets. In the past three years three separate Presidential Commissions have studied problems relating to crime and issued reports recommending substantial, and costly, courses of action to deal with crime and the social conditions which create it. Such close and continued coverage of a subject by Presidential Commissions is unprecedented in the history of America.

The most recent of these Presidential Commissions, the National Commission on the Causes and Prevention of Violence, reported in December of 1969:

"Violence in the United States has risen to alarmingly high levels. Whether one considers assassination, group violence or individual acts of violence, the decade of the 1960's was considerably more violent than the several decades preceding it and ranked among the most violent in our history."

Crime is primarily an urban problem. In 1968 approximately 3.8 million index crimes—85% of the national total—were committed within the nation's metropolitan area. There are over 2,800 crimes per hundred thousand population in metropolitan areas compared to less than 800 per hundred thousand population in rural areas. City officials are particularly concerned about crime problems, for it is upon them that prime responsibility for crime prevention and control rests and it is they from whom the people are demanding most immediate action to improve safety on the streets.

Enactment of the Omnibus Crime Control and Safe Streets Act of 1968 signalled the beginning of a major new federal grant effort to aid in solution of the urban crime problem. Local officials particularly welcomed this development as a valuable source of support for improvement in their law enforcement systems above the improvements already being supported from heavily strained local revenue bases. Local officials were concerned at the time of the enactment of this legislation, however, with amendments to channel all funds through state agencies. While they were encouraged by assurances that states would use funds responsibly to deal with the most urgent crime problems, they were concerned that traditional state dollar distribution patterns would reappear in this program with the result that substantial portions of funds would be channeled away from the most urgent crime problems in the urban areas.

The Safe Streets Act establishes a program of planning and action grants to state and local governments for improvement of their criminal justice systems. All of the planning grants and 85% of the action grants must be channelled through states according to a formula established in the Act. Fifteen percent of the action grants may be allocated directly to state or local governments as determined by the Law Enforcement Assistance Administration.

Several provisions of the Act seek to assure that local government will have a definitive role in planning and funding of the programs. Most important of these protections are sections which require that 40% of each state's planning funds and 75% of the state block grant of action funds be "available to units of general local government or combinations of such units" for local planning and action programs. The percentage for allocations of action funds between state and local governments was drawn from the breakdown of expenditures for the criminal justice system cited in the 1967 report of the President's Crime Commission. The Act also requires that local officials be represented on the state planning agencies and specifically directs the states to take into account "the needs and requests of the units of general local government" and to "encourage local initiative . . ."

Because of the great needs of urban governments for assistance in upgrading their criminal justice systems and the concern of many city officials that funds appropriated under the Safe Streets Act be spent effectively, the National League of Cities and the U.S. Conference of Mayors have followed closely the progress of this program.

In March of 1969 the National League of Cities completed a preliminary examination of the program and issued a report which raised some very serious questions about the early directions the program appeared to be taking. In the fall of 1969, as the state allocation of action funds to local governments are getting under way, Patrick Healy, Executive Vice President of the National League of Cities and John Gunther, Executive Director of the U.S. Conference of Mayors directed three staff members of NLC and USCM to undertake a substantial review of the first year fund allocation processes developed by the states. This report is the product of that study. The findings are a matter of concern because, essentially, they confirm the patterns identified as developing a year ago.

The program, as presently administered by most states, will not have the necessary impact vitally needed to secure improvements in the criminal justice system. The states in distributing funds entrusted to them under the block grant formula of the Safe Streets Act have failed to focus these vital resources on the most critical urban crime problems. Instead, funds are being dissipated broadly across the states in many grants too small to have any significant impact to improve the criminal justice system and are being used in disproportionate amounts to support marginal improvements in low crime areas.

A few states are operating programs which give promise of success, among these are Arizona, Illinois, New York, North Carolina, Washington and Wisconsin. But generally despite the great urgency of the crime problem, states are not acting responsibly to allocate Federal resources, or their own, in a manner which will be most productive in preventing and controlling the urban crime which was the target of the Act. In light of the findings, the Safe Streets Act must be amended to insure effective use of funds in

areas of greatest need by giving its dollar distribution pattern greater flexibility, permitting full support of state programs where state and local governments have formed a cooperative and effective partnership to fight crime, but preserving the option of dealing directly with the Federal government to those cities within states which have neither demonstrated a clear commitment to improve the criminal justice system nor used Federal funds entrusted to them most productively.

Specifically, the intensive analysis of state programs under the Omnibus Crime Control and Safe Streets Act concludes:

1. The planning process has not been effective in creating real, substantive state plans. Generally the state plans have focused on individual problems and solutions of varied and often unrelated impact without providing the guidance for coordinated improvements to the criminal justice system which is the most appropriate role of a state planning operation. Further, in many states there appears little relation between plans and actual distribution of funds for projects. The final result is that local governments are presented with generalized statements of problems and solutions which create only confusion among localities as to their immediate role in the program and give no indication of the future impact of system improvements at the local level. In addition to confusing statements of generalized goals, many state plans produced shopping lists of specific projects which frustrated any local attempts at comprehensive criminal justice improvements. Localities in such states were forced to split their programs into separate project categories fixed by the state and hope for funding of those parts of their program which related to the state lists on a hit-or-miss, project by project basis.

This conclusion of confusion in state planning processes is not held by NLC and USCM alone. Mr. James A. Spady, Executive Director of the New Jersey State Law Enforcement Planning Agency and President of the American Society of Criminal Justice Planners, in explaining the need for a good state plan, told a meeting of the New Jersey State League of Municipalities about some of the other state action plans:

"If you had seen some of the confused, contradictory, and unimaginative plans of some other states that I have seen you would know what I mean. You would know how difficult it must be for local officials in those states to decide just what is available under the plan, just what has to be done to get it, and just where is the whole thing headed."

2. The states in their planning processes, have generally failed to take into account the specialized and critical crime problems of their major urban areas. This failure goes to the very heart of the state programs—a crime planning process which neglects to take special notice of problems in those areas where 85% of the crime is committed can be judged by no other mark than failure. Significantly, this is a general defect in the plans recognized by LEAA itself whose Police Operations Division, after reviewing the state plans, noted with concern: . . . "the failure of those states having large metropolitan areas where from 25% to 60% of the state's crime is committed, to give separate treatment to the law enforcement situation in those areas."

3. Despite general statements in plans advocating improvements, most states in the allocation of action dollars have neither demonstrated any real commitment to improve the criminal justice system, nor have they concentrated funds on programs in most critical need areas. Instead of need and seriousness of crime problems, emphasis in dollar allocation appears to have been placed on broad geographic distribution of funds. Some states have established formulas for distribution of planning and action funds among local units or through regional units established for fund distribution purposes. Others have simply allocated funds in many small grants to local units. Few, if any, states have attempted to make difficult decisions which would enable them to allocate sufficient amounts of dollars to have any impact on the most urgent problems. Though LEAA guidelines are reasonably explicit in urging concentration of funds on crime problem areas and in requiring local consent if the local share of funds allocated under this Act is to be used by other than local governments, LEAA has not been very active in enforcing these requirements. Nor does it appear that LEAA has been very demanding in requiring a certain level of quality in state plans.

4. Though better coordination and program comprehensiveness is a stated goal in most plans, and was a goal of Congress in enactment of the legislation, in practice state dollar distributions have frustrated chances for coordination. The many grants to low crime areas, often served by small departments may preserve the fragmentation of the criminal justice system and frustrate efforts to improve coordination. Some small departments which would otherwise be forced to consider coordination or even consolidation because of local financing constraints are now able to continue maintaining an independence existence because of the subsidy provided from Safe Street funds. Also state programs often support separate regional training academies and development of new independent communications systems when these facilities could be operated more economically and improve coordination if they were tied into the existing training or communications facilities of major cities in the area. In some states which allocate dollars to regional units, coordination is also frustrated because jurisdictional lines for law enforcement planning regions have been drawn differently from jurisdictional lines for other existing multi-jurisdictional planning efforts.

5. Assignment of planning responsibility to regional planning units has often frustrated the capacity of individual cities and counties to gain expression of critical needs in the state plan and action program. These regions have been established, in most cases, at the direction of the state planning agency, often without the consent of and sometimes with the actual opposition of the local units assigned to the regions. In most cases these state established regions are supported from the 40% local share of planning funds. Allocations to such regions have resulted in no Federal aid being available for necessary planning in individual localities. The regions impair the ability of LEAA to oversee the fairness of dollar distribution at the local level. In addition they increase administrative costs and often times result in several duplicative studies of similar problems in different areas of the state. Regional units also restrict the ability of local governments to gain expression in the state level plans of their particular local needs and ideas for improvement of the criminal justice system, thus restricting local control over local programs. In many cases representation on the governing boards of regional planning units is not fairly apportioned among participating local units.

6. Finally, the values of the block grant approach stated at the time of enactment of the Safe Streets Act have generally not been realized in application.

(a) Instead of avoiding a proliferation of paperwork and bureaucracy the block grant approach has interposed two new and costly layers of bureaucracy between federal crime funds and their local application in most states, with a resulting confusion of planning boards, staffs, application timetables, guidelines, plan priorities, etc.

(b) The states have not filled their proposed role as agencies to coordinate programs and assure that funds are spent most effectively, rather state program directions have created much confusion for localities trying to define a role for themselves in the program and state dollar allocations have spread funds broadly across the state without regard to need.

(c) Delay in getting funds to local projects has increased, not reduced. A year and a half after the fiscal 1969 appropriation was approved, many states are still in the process of, or have just completed, allocation of fiscal 1969 action funds to their local governments. Regional and state approval must precede Federal program approvals and regional and state decisions to release funds must follow Federal decisions to release funds—compounding delay local governments face in filing applications and receiving determination on the funds they will receive.

(d) Though dispersal of program responsibility down through the levels of government was a stated goal of the block grant approach, the direction of the program has been toward increased concentration of power at the state level at the expense of cities and counties—the levels of government closest to the people and the problem. Many state programs are tending to limit the capacity of the local government and local citizens to affect their law enforcement systems, and the local say in state planning for local programs can often be best described as tokenism.

During the NLC and USCM examination of the Safe Streets program, LEAA officials have always been willing to discuss the issues of the Safe Streets program—its successes and failures—with an openness and candor which is refreshing. Though we have not always agreed with decisions made by LEAA, we believe that LEAA under the leadership of Administrator Charles H. Rogovin has been among the best of the Federal agencies administering grant-in-aid programs. The difficulties LEAA faces are primarily created by the restrictions imposed in the statute which limit LEAA's capacity to further stimulate expansion and improvement of programs in those states making a determined effort to upgrade state and local criminal justice programs, and deprive LEAA of sufficient flexibility to provide urgently needed assistance to cities in states which are failing to use Safe Streets funds responsibly to deal with their major crime problems.

Though review of the Safe Streets program indicates that serious problems exist in many states, several states appear to be acting responsibly in partnership with their local governments to improve their criminal justice systems. Programs in these states stood certain key tests in the NLC and USCM review of the Safe Streets program: (1) NLC and USCM staff identified no major flaws in the state's action plan; (2) No criticism of the state program was received from the largest cities in the state or from the State municipal league; and (3) No major criticisms of the state program were received from small and medium sized cities in the state. The states identified as a result of these tests were: Arizona, Illinois, New York, North Carolina, Washington and Wisconsin.

Generally, however, the picture has not been good. The necessary change in legislation should not, however, reject a major role in the Safe Streets program for those few states which are administering the program responsibility.

Cities are ready, willing and able to work closely with state government where state government demonstrates that it is willing to seriously commit itself to aid in solution to urban problems. Most states have not demonstrated that commitment today. Some have, and the Safe Streets Act should be restructured and program administration practices changed to recognize these differences among states, giving incentives for greater state involvement while at the same time

guaranteeing that the urgent needs of all urban governments will be met by direct Federal aid in those many states which have little demonstrated commitment to aiding the solution of urban problems.

The following specific program modifications are suggested:

1. In order that cities with serious crime problems will receive urgently needed assistance, the Safe Streets Act must be amended to assure that an adequate share of funds can be distributed directly to cities.

2. Concurrent with amendments allowing adequate amounts of grants to cities, the Safe Streets Act should be amended to give States incentives to deal responsibly with the crime problems of the major urban areas.

3. The LEAA must take a much more active role in overseeing state programs:

To demand that states give proper recognition to needs and priorities of urban governments in development of state plans.

To prevent states from using the local share of planning funds for what are essentially state purposes without first obtaining the consent of affected local governments.

To assure that states and their regional planning agencies in allocating planning and action funds concentrate support on improvement programs for areas with the most serious crime problems.

4. Once these basic substantive changes are made to assure more effective use of funds, the level of assistance available under the Safe Streets Act should be substantially increased and the program matching ratios reduced to allow comprehensive criminal justice improvement programs in all urban areas.

Study Background:

The NLC and USCM study of the first year state action plans covered a period of five months with a primary time commitment in January and February of 1970. The study included:

(a) A comprehensive analysis of 33 state action plans filed with LEAA and approved for funding during the summer of 1969. Action plans studied included those of:

Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Florida, Georgia, Idaho.

Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts.

Michigan, Minnesota, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Oregon.

Pennsylvania, Tennessee, Texas, Virginia, Washington, Wisconsin.

(b) Communications in person, over the telephone or by mail with local officials or state municipal leagues executives in 45 states. In this regard NLC and USCM wish to express particular appreciation to the city officials who composed two task force groups who met in Washington during January of 1970 to share their experiences and ideas relating to the Safe Streets program with NLC and USCM staff. A list of these officials is included in Appendix A.

(c) Discussions of problems relating to the Safe Streets Act with officials of the Law Enforcement Assistance Administration and several directors of state law enforcement planning agencies.

(d) A review of other studies of administration of the Safe Streets Act published during the last five months of 1969.

THE PLANNING PROCESS

Congress, in writing the statute, clearly expressed its intent that there be substantial local involvement in planning by requiring that 40% of the planning funds be available to local governments, that the state planning agency be representative of local governments and that the state plan "adequately take into account the needs and requests of the units of local government." Many states had promised this participation in grant applications filed with LEAA. Despite general statements in grant applications about the high degree of local government involvement in the planning effort, examination of the 1969 plan development processes indicated that in many states the actual degree of local involvement in the planning process can best be described as tokenism.

Local Representation:

Mayors, county commissioners, and other local elected officials with general policy responsibilities have not been deeply involved in the planning process which is dominated by functional specialists in the various fields in criminal justice.

In September of 1969 the International City Management Association published a survey which showed that only 13% of the members of all state planning bodies were local policy making officials, that 15% were classed as "citizens" and the rest were either state officials or functional specialists in the various fields of law enforcement. At the regional planning level, functional specialists predominate to an even greater degree, with some states including Florida and Louisiana having regional boards made up almost entirely of local law enforcement officials. California has recently added several local policy making officials to its state board, and Pennsylvania has made a major effort to broaden the local policy making representation on regional boards. There has also been some expansion of local officials representation in other states, but generally representation of local policy making officials on state and regional planning boards remains inadequate.

Adequate representation of local policy making officials on state and regional boards is an absolute necessity as these officials provide an overall view of the problems and priority decisions facing local governments which can aid in structuring state and regional planning to assure that the programs developed from these planning efforts can be easily integrated into the overall local governmental processes. Adequate citizen representation on state and regional boards is also necessary to give state and local planning processes and resulting efforts to implement law enforcement plans a degree of legitimacy among those elements of the community who believe they will be most affected by improved law enforcement activity.

Funds for Local Planning:

As NLC's 1969 study indicated, state practices in allocation of the 1969 planning funds severely limited local participation in the planning effort. The local share of planning funds was distributed in a manner which emphasized broad geographic coverage rather than the seriousness of local crime problems or the degree of need for planning assistance.

As a result, in many states a disproportionate share of the planning funds was allocated to benefit rural areas. Further, broad geographic distribution of funds resulted in many planning grants which were too small to have any significant impact in establishing and maintaining a competent local planning process. According to the ICMA survey, 24 states distributed the local share of their planning funds among local governments and regional planning units solely according to population while another 10 states made minimum allocations to regional planning units and then distributed the remainder of available funds to a formula basis.

Minimum allocations discriminate against heavily populated areas in distribution of funds. Superficially, such allocations can be justified as necessary to support a minimum planning competence. However, the manner in which most states drew the planning regions to receive the funds indicate that the regional dollar allocation structure may have been established to benefit the low density areas. Kentucky's plan notes that it has three major urban areas which account for 70% of the crime problems in the state, yet the state designated 16 law enforcement planning regions and allocated a $5,000 base grant to each region. The result: rural regions received twice as much per capita in planning funds as the Louisville area. Oregon has over half its population concentrated in two of its 14 law enforcement planning regions, yet each region received a base grant for both planning and action purposes. Colorado divided planning funds in $2,000 base grants among 14 regions, though more than half the state's population and 70% of its index crime is concentrated in the one region including Denver. As law enforcement systems are similar in many rural regions of individual states, it would appear that these rural regions could have been combined with no significant reduction in effectiveness of the basic planning effort, freeing a substantial amount of the funds to concentrate on planning for solution of crime problems in areas of greater need.

The Impact of Regionalization:

Involvement of individual cities and counties in the planning process has also been severely limited by state impositon of regional planning units to take charge of the local planning effort. In addition to the 50 state planning agencies required under the Safe Streets Act, approximately 40 states have designated regional planning agencies as a third level of bureaucratic activity for planning and the processing of local grant applications. There are currently between 350–400 of these regional law enforcement planning units in operation across the nation. Generally states have made the decision to establish these regional units, but most are supported by the 40% share of the planning funds which the Act requires be "available" to local units for their planning efforts.

Many of these state planning sub-units were developed specifically for the Safe Streets program, others had existed on paper without any source of support until Safe Streets funds were made available, and some of the regional planning agencies were already in operation when aid for the Safe Streets program became available. The ICMA survey indicated local councils of government were used in only 12 states as the agency for regional law enforcement planning. State planning districts were used in 7 states, and economic development districts in 11 states, with the remainder emphasizing mainly regional planning districts which may or may not represent the interest of their local government.

Where they exist, states place primary reliance on regional planning units for direction on what the needs and priorities of local government should be. This saves the state planning agency the trouble of dealing with many local units having differing needs and complicated law enforcement problems. However, it makes it very difficult for individual local problems to gain expression at the state level. The City of Norfolk, Virginia noted the problem it faced in this regard:

"Localities cannot report to the state planning agencies, instead they must refer all priorities to a regional planning commission for approval and new priorities formed, which will then be forwarded to the state planning commission."

Though regions are theoretically established to represent local interests, the ICMA survey indicated that 45% of its 637 reporting cities did not believe that regional planning operations would take city needs into account. The regional arrangements are particularly amicable and convenient for those states which control the staff and/or appointments to the regional boards. There the regional units first loyalty is to the state and not to the local governments it is designated to serve. Among the states in which local officials noted problems because the governor or another state agency controlled appointments to regional boards and staff were Alabama, Arkansas, Colorado, Georgia, Indiana, Kentucky, Oklahoma and South Carolina. One comment from South Carolina noted:

"The state of South Carolina has been di-

vided up into so called planning districts by the governor. The local legislative delegation from each county has appointed people to a 'planning commission' to plan under this Act."

A Georgia official noted that regional boards are picked by "political philosophy rather than competence." In Florida regional board members are chosen by the police chiefs and sheriffs of the particular regions. The governor then selects a board member as chairman. However, broadening of board membership to include local policy officials, private citizens, etc., has been foreclosed by the state decision that regions should be controlled by law enforcement professionals.

As a result of this emphasis on sub-state regions in planning dollar allocations, local governments have been unable to obtain their fair share of planning dollars for necessary local level planning. Cities in those states where all of the local planning funds are retained at the regional level have a much more difficult time to gaining adequate expression of their needs, particularly since there is no assurance that a commitment of substantial local resources to a locally funded planning effort will result in an action grant from the state agency. St. Paul, Minnesota, pinpointed these problems in its comments about the Safe Streets program:

"Under the Minnesota plan no monies are forwarded to the cities of St. Paul or Minneapolis for planning purposes. In lieu of that the state has designated a Metropolitan Planning Council as the recipient of the funds. We recognize that there is a need for area-wide planning. However, the development of a data base suggests the need for input of the local units of government. Yet, these local units of government will be required to donate time to the state agency which is fully funded. In view of the financial distress of the cities it seems somewhat unrealistic."

Pennsylvania controls the regional boards but pays the board from state funds, freeing the local share of planning funds for expenditures in developing plans for individual local units. All local applications must filter through the regional planning boards, but the availability of planning funds to local units allows them to better analyze their needs and develop a more comprehensive case for assistance to submit to the regional board.

Some states have recognized the problems regional units create and are backing away from them. Kansas abandoned a regional structure which relied on state Congressional districts because of difficulties in establishing the regions and the projected inconsistency of the regional effort with local planning goals. New Jersey modified an initial planning program which emphasized regions to allow direct grants to aid local planning efforts in major cities of the state.

There has been some confusion over the role of LEAA in supporting regional planning structures. In discussion with NLC and USCM staff, several state planning directors have indicated much the same view as expressed by the Utah State Planning Director when he told a January 1970 meeting of executive directors of western leagues of municipalities that LEAA is urging states to establish regional structures for local planning. A publication of the Indiana Criminal Justice Planning Agency indicated regions were established "as requested by LEAA."

The Act says that state plans should: "encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment." When complaints about regional structures are presented to LEAA, it takes the position, consistent with the statute, that while multi-jurisdictional arrangements should be encouraged, LEAA is not urging regionalization upon state law enforcement planning systems.

NLC and USCM agree that multi-jurisdictional arrangements would be of great benefit to many areas to secure improvements in the criminal justice system, provided means are preserved for expression of individual local needs and problems. However, review of the Safe Streets program operations indicates that regional planning structures are essentially grant review and approval mechanisms which provide little positive leadership in efforts to secure coordination of law enforcement and criminal justice systems.

In a number of cases imposition of regions is actually frustrating local coordination efforts already in effect. The cities which are the focus of the three leading city-county consolidation efforts, Indianapolis, Indiana; Jacksonville, Florida; and Nashville, Tennessee were placed in regions with a number of other independent local jurisdictions. The planner in charge of the law enforcement planning region including Jacksonville, Florida did not know of the existence of the Jacksonville-Duval County Planning Board in the early stages of the development of the Jacksonville region law enforcement council. Further, officials in Jacksonville are concerned that the law enforcement planning council is proceeding completely independently of all other planning activities done in the community and acting without regard to capital budgets, community improvement schedules and other factors essential to successful operation of local government.

Limited Local Participation:

The final result of these difficulties in the State planning process is that local governments are effectively excluded from any meaningful participation in the planning process for their state. An NLC and USCM official attending a February, 1970 meeting with mayors, managers and selectmen from 40 communities in Vermont discovered with surprise that none of the attending officials had been contacted by the state regarding the Safe Streets program. Officials of the cities of Savannah, Georgia and Dallas, Texas indicated that their cities were not consulted in the development of the 1970 action plan which their regional planning agencies were submitting to the state. In Dallas' case the officials stated that this lack of consultation really made no difference since the plan was so general it could accommodate anything Dallas wished to do within the program. (This being the case, the question arises: If the plan was so general that it could accommodate anything proposed by a city what was the purpose of the whole regional and state planning process?). North Carolina designated 22 units to do criminal justice planning, but 14 of them had not received any funding when the state plan was submitted to LEAA. Likewise in Pennsylvania, funds were not distributed to regional planning agencies until June, 1969, after the state plan had been filed. The Alabama state plan was submitted to LEAA before the regional committee ever approved the regional plans which were to provide the local element of the state plan. Kansas used the questionnaire approach in developing information for its plan, but drew up and filed the state plan at a time when only 47% of the needs and priorities questionnaires had been returned.

Besides Kansas, Idaho, Illinois, Indiana, Montana and Ohio placed some reliance on questionnaires in developing fiscal 1969 needs and priorities. Questionnaires are valuable to gain data, but the danger of the questionnaire approach is that in adding up all of the votes, general needs, particularly needs of more numerous low crime communities, tend to be emphasized while specialized problems and situations peculiar to one or a few communities are relegated to positions of lesser importance. For example, in March 1969, Ohio requested a letter from each community stating its needs and made a compilation of those letters the basis of the local element of its first year plan. In response to a complaint that major city problems had been overlooked in the Ohio plan, the Ohio planning director justified placing primary emphasis in allocation of action funds on basic training because "the vast majority" of localities had expressed a need for training and that, "one of the basic lessons we learned . . . is that there is a great need for funds to support a minimum standard of law enforcement in the state."

In some states, the time constraints imposed on the local planning process belied the possibility of development of any real local input. The sub-regional board to take responsibility for planning in the Los Angeles area was not established until two weeks before the March 15, 1969 deadline when the comprehensive criminal justice plan for the Los Angeles area was to be filed with the state for inclusion of the state plan. One local official from North Carolina made this observation regarding the time constraints faced in his state: "We are rushing too fast to take advantage of the funds available—for fear they will be lost—without adequate planning and without establishment of proper priorities." Rockville, Maryland was given only two days from original notice to filing deadline to prepare a project application for submission to its regional planning body. Grand Rapids, Michigan had three days to prepare and file its application, then waited nine months for a response from the state.

PLAN RESULTS

Priority Structure and Program Impact:

The allocation of action funds resulting from the first year planning process has created much dissatisfaction among the nation's cities. Even those few major cities relatively satisfied with their first year allocation are concerned at the structure of the program for they recognize that next year their particular projects aimed at satisfying most urgent needs may be sacrificed to appease some of the more stridant critics in other cities. These conflicts have developed because of a difference between needs and priorities perceived by cities and state governments. In a paper presented to the annual convention of the American Political Science Association, Douglas Harman, Professor of Urban Affairs at American University, pinpointed the basic problem of the Safe Streets Act: "There is a significant conflict between the goals of fighting immediate urban crime problems and a grant-in-aid system dominated by state governments."

Few of the city officials with whom NLC and USCM have discussed the Safe Streets program believe that the needs and priorities identified in the plans of their states adequately deal with the most urgent law enforcement needs of the major urban areas. One Texas official noted bluntly his belief that, "the state plan mainly aimed at solving problems in rural and suburban areas," while he recognized that there were needs in these areas, he said that the program emphasis was misdirected. He noted further that to get what they wanted most under the need categories set out in their state plan, cities had to play "phony games with words."

Often the plan results reflected state dominance and limited recognition of local needs in the planning process by emphasizing programs which created much concern among local officials. The Tennessee plan placed major emphasis on programs to establish general minimum standards for personnel, and uniform statewide systems in personnel, crime reporting and computer information, though local officials expressed concern at cost implications and other aspects of these programs and urged greater allocation of resources to deal with critical problems in individual jurisdictions. Local officials in Vermont believe that their greatest needs are for improved training and equipment. The Vermont League of Cities and Towns, reflecting these views, protested a proposal to put major emphasis on a statewide communications system and were told in defense of the com-

munications system: "But, that's what the governor wants." Kansas planned to retain $30,000 from the local share of action funds to establish a training academy though the League of Kansas Municipalities objected that localities had not been consulted about the projected use of local funds.

The city of Toledo, Ohio had four top priority needs in fiscal 1969: (1) modernization of its communications systems, (2) laboratory equipment to handle drug addiction, (3) improvement of a police training facility, and (4) an improved detention facility including a rehabilitation program. None of these were included in the priorities of the state plan. The only projects for which Toledo could apply for assistance under the fiscal 1969 plan were a closed circuit TV system, a mobile riot unit, or portable TV sets. Because the city had made complaints about the state planning process, it was encouraged to file an application. It did so, but the application was turned down because it was not in one of the three project areas set for assistance. Thus, Toledo did not receive a dime under the regular allocation of 1969 action monies, though it had received $21,000 for a community relations unit as part of the allocation of riot funds made available in August of 1968.

Another city noting problems with the state priority determination was Norfolk, Virginia:

"The states number one priority deals with law enforcement training, which we feel is not a critical priority in the larger metropolitan areas."

Denver, Colorado relating their dissatisfaction with program allocations stated:

"The action program for Colorado reflected emphasis on the Colorado Law Enforcement Training Academy over the Denver Police Academy, riot equipment funds for the State Police and the State Penitentiary over the Denver Police Department needs, funds for numerous state juvenile facilities and none for Denver, funds for community relations for cities other than Denver, etc."

Boulder, Colorado—the fifth largest city in the state—did not fair much better:

"Boulder's program request centered around crucial police-community relations and organized crime particularly in drug traffic . . . these program requests were rewarded with evaluation of priority 5 and priority 6. From a rating scale that ranges from 1 to 6, it is obvious that our program requests did very poorly . . . in view of this determination, the city of Boulder, is likely to receive no funding under the Omnibus Crime Control Bill in 1970."

Where did all the money go?

Difficulties a city faces in getting needs recognized at state level are compounded when it is placed under a regional planning structure with many other units of government with widely differing levels of needs and varying law enforcement capabilites. Los Angeles, California has been placed in a sub-region of a region which extends all the way to the Nevada border and includes part of the Mojave Desert. Grand Rapids, Michigan, a city of 200,000 population, placed in a rurally dominated law enforcement planning region has received only $188 of over $54,000 allocated to its region under the program. Grand Rapids city officials contributed time worth substantially more than the grant received to developing local action program applications and participating in the regional planning body.

Two of the nation's largest cities have been placed in regions with vote allocation patterns designed to shift power away from them. Cleveland, Ohio was placed in a seven county region in which the two urban counties get five votes each, and five rural counties get three votes each, result: urban interests and urban priorities outvoted 15 to 10. To avoid this structure Cleveland is attempting to establish a direct relationship with the state through a cooperative planning venture with Cuyahoga County. Houston, Texas contains two-thirds of the population in the council of governments which was responsible for developing its law enforcement plan, but it has only one-twelfth of the vote on the COG board. When time came for allocation of action dollars, Houston received a grant for $126,000 to tie in all suburban jurisdictions to Houston's computer. Superficially, this was a grant to Houston, but the suburban communities were the principal beneficiaries. Houston's operating costs may be increased because of the expanded maintenance requirements on its computer operations.

Though the plans generally did not deal adequately with the special crime problems of major urban areas, almost all plans reviewed by NLC and USCM placed major emphasis on providing basic training and equipment. Such programs will primarily benefit low crime areas serviced by small departments. In addition, many plans stressed broad geographic coverage as a goal to be achieved in allocating funds.

The Kentucky plan, for example, emphasizes that 75.65% of the state's action funds will be distributed among local governments on a "balanced geographical basis."

The Indiana plan often used the phrase: "appropriate geographic coverage will be stressed" in explaining how dollars would be distributed, and the Washington plan in aiming for broad geographic distribution stated: "certain other programs were chosen partly because of their suitability to rural areas."

States which have allocated funds among regions on a formula basis to assure that each region gets something and broad geographic coverage is achieved include: Colorado, Florida, Georgia, Michigan, Oregon, Pennsylvania, and Texas. California has taken a more hard-nosed approach at the state level, judging each local application on its merits with the result that, as of January 30, 1970 no projects in three of its predominantly rural regions had been funded.

The net effect of these two policies, emphasizing geographic coverage and basic standards, has been dissipation of millions of Safe Streets dollars in small grants to provide basic training and equipment for police operations in low crime areas. While the need for upgrading such police services cannot be questioned, its priority in most Safe Streets plans, in face of the urgency of the urban crime crisis, pinpoints again the basic conflict between urban needs and traditional state dollar allocation practices.

State programs which emphasize improvement of basic services discriminate against communities which, because they face major crime problems, already have committed resources to acquire basic equipment but badly need more sophisticated equipment and training techniques to deal with their crime problems.

As a Lancaster, Pennsylvania official noted:

"Under the present system, dominated by rural interests, those of us in the cities who have made substantial financial commitments on our own in the fight against crime will be subverted to the interests of those who have made little or no commitment and are using Safe Streets money as a substitute for local funds."

Essentially the same problem was recognized by Boulder, Colorado:

"Those agencies who do nothing to improve the most basic enforcement tools seem inevitably to benefit most by grant programs."

Spreading funds around the state in many small grants prevents concentration of a sufficient amount of funds in any one area to have any significant impact in improving the criminal justice system.

A communication from San Jose, California stated:

"Money allocated to the states for local use is being spread so thin as to make its effectiveness useless. This action ignores the mandate of the Act that priority should go to high crime areas: urban centers."

A representative of another California city asked: "What can you do with four or six thousand dollar grants?" And the City of Minneapolis indicated that though in total it has received a fairly substantial share of funds, the separate programs to which these funds were assigned by the state chopped them up into so many small pieces that their potential impact was minimized.

Commitment of large sums of money to support basic law enforcement services in low crime areas also contributes to continued fragmentation of the criminal justice system by providing a Federal subsidy for the continued independent operation of smaller agencies, which, without Federal support, would be forced by the economic pressures of rising costs to consider coordination or consolidation with agencies in neighboring jurisdictions. One Pennsylvania official stated that in several instances in his state grants had been made to establish independent county communications networks when combination with the communications system of the central city of the county would have been more economical and promoted coordination of law enforcement efforts.

Opportunities to foster interjurisdictional cooperation have also overlooked in establishment of many basic training programs. Funds have been allocated in 26 of the 50 states for regional training facilities to provide basic training for law enforcement officers. A large number of these regional facilities will be established for the first time under the Safe Streets Act. Local officials from Alabama, Georgia, Ohio, and Texas noted that in their states it would have been much more economical if the state, instead of using the local share of action funds to establish new regional training facilities, had supported expansion of existing training facilities operated by the central city of the region.

Local efforts to coordinate criminal justice systems were also frustrated in many states by the structuring of state plans which presented localities long shopping lists of projects from which the localities had to pick and choose without any particular relation to the priorities at the local level. While these shopping lists often gave the state plans a superficial appearance of comprehensiveness, their net effect was to frustrate comprehensive planning and structure local programs and application processes on an individual project by project basis. A city must split its project applications into the separate categories suggested in the state plan and file separate applications for each with the state. Some of these projects may then receive funds, others may not. The final result is approval of bits and pieces of the local program with each separate part approved having various degrees of relevance to the needs of the local government. The city only knows what it will receive at the end of a long process of formal and informal negotiations.

As noted before, Toledo, Ohio's inability to reconcile its locally developed priorities with the list of projects presented by the state prevented that city from receiving any assistance under Ohio's regular allocation of action funds. The Massachusetts plan presented localities a list of 27 projects for which they could apply to receive federal assistance. The list of projects covered the whole field of criminal justice and gave the Massachusetts plan an aura of comprehensiveness. However, the city of Boston noted that any development of comprehensive local programs was frustrated because separate applications were required for each of the separate items listed in the plan, and the application process was further complicated because different deadlines were assigned for applying for various items on the state list.

The 1969 Colorado plan presented a list of 31 projects. Of these, only 6 were to provide more than $10,000 in federal assistance, and 16 provided under $4,000 with one providing $450 and another $555 in federal aid. Eighteen of the twenty-nine projects listed in the Maryland plan called for federal aid of less than $10,000. The Maryland plan particularly gave the appearance that federal aid fund allocations had been spread around among many projects to give the appearance of comprehensiveness. In a number of cases the share of project costs provided from the federal assistance was well below the level required by the Act. The total Maryland plan called for expenditures of $1,321,348 of which only $457,528 was to come from the federal government. Considerable bookkeeping costs may have been saved without any reduction in the effectiveness of Maryland's plan if the federal assistance could have been concentrated on a few projects rather than spread over many to comply with the comprehensiveness requirement.

Fund Allocation Patterns:

Following are some examples of state priority systems and grant allocations patterns illustrating the defects discussed above:

Major goals stated in the Arkansas plan were:

Improving patrol equipment by replacing obsolete and private vehicles presently in use (These vehicles were mainly in smaller communities).

Improving training through use of mobile equipment and regional training centers, and

Development of a system of minimum standards for jails.

The Kentucky plan noted that there were 90 police and sheriff's vehicles in Kentucky without radios and consigned up to $25,000 in federal aid for use in providing basic equipment such as car radios and teletype hookups. The Kentucky plan also noted that ten smaller agencies would receive grants from $500 to $1000 to procure services of management consultants.

The Massachusetts and Nebraska plans both indicated a major effort would be made to expand coverage of state teletype networks by installing teletype terminals in many smaller communities.

Idaho planned to split $28,635 in federal aid into 32 subgrants ranging from $395 to $2,500 to provide basic communications equipment.

Alabama planned to use $64,167 to establish seven regional training centers to provide basic training and proposed to divide another $94,000 among 60 to 80 communities for police operations improvements.

Pennsylvania allocated at least 8 grants totaling $186,611 for broadening the basic coverage of several local communications systems.

Michigan placed 23 grants in 22 communities to provide radio equipment. Of these grants, 8 were in amounts of less than $750.

In Michigan, the city of Grand Rapids, with 200,000 population, and annual police expenditures of over $2,900,000, received $188 for a 75% share of two Polaroid cameras and a fingerprint kit while one community of 7,500 population received $1,650 for an infrared Varoscanner with accessories, $1,275 for a surveillance camera, and $2,400 for basic radio equipment. A rural county with a population of 38,600 and total police expenditure of $197,000 was granted $18,000 for basic radio equipment, and another rural county of 33,300 population won $15,100 for a probation services program.

In Oregon, $45,000 was allocated in $5,000 base grants to 9 rural regions. A two county rural area with 31,800 population and an annual police budget of $213,000 received a base grant of $5,000 in action funds, while the four county region including Portland, with 833,500 population and combined annual police expenditures of well over $13,000,000 received only $89,358.

In Pennsylvania, the city of Scranton with 111,143 population and annual police expenditures of approximately $1,000,000 received $5,000 while a rural county with 16,483 population and annual police expenditures of $12,000 received $22,236 for a basic communications system. The city of Philadelphia was allocated $207,536. To receive a comparable per capita allocation to that of the rural county, Philadelphia would have had to receive approximately $2,800,000. To receive a comparable share of its annual police budget, Philadelphia would have had to receive approximately $120,000,000.

There is every indication that allocation patterns which do not focus on areas of greatest need will continue in 1970. Pennsylvania has developed a complicated allocation formula involving crime index, defendants processed, incarcerated inmates and probationers, all related to population. Philadelphia is a region within itself and is assured of receiving one-third of the local share of action funds, or about $2.6 million in fiscal 1970. However, as the allocations across the state are still directed to regions there is no guarantee that regional boards will divide funds to focus on the most pressing crime problems.

Florida and Georgia are planning to allocate fiscal 1970 funds among regions on a population formula as they did in fiscal 1969. Within its region Savannah, Georgia with 150,000 population and an annual police budget of $1,500,000 will receive $132,000 while a rural community of 7,000 population and annual police expenditures of $24,000 will receive $8,400 for basic communications equipment and an additional $5,000 for hire of a juvenile officer.

For fiscal 1970, Denver, Colorado has been told it will receive $350,000 out of the state's total allocation of $1,800,000. This is about 20% of the funds though the city contains 30% of the population and must deal with 70% of the crime in the state. In fiscal 1969, Denver and the 8 counties in its state designated region received 23.6% of the state crime funds.

Red Tape and Delay:

The state and regional bureaucracies imposed between federal dollars and their application at the local level have also added a substantial element of delay and costly confusion in distribution of funds. Though all the states had received their action grants by June 30, 1969, funds did not begin to filter down to the local level until late fall. As 1970 began a substantial portion of the 1969 action funds remained to be distributed. Alabama did not begin allocating its fiscal 1969 action funds until the end of January 1970. Over $500,000 remained to be allocated in sub-grants from the local share of the state of California's $2.35 million action grant as of January 27, 1970. As of January 12, 1970 the state law enforcement planning region including Jacksonville, Florida had received only $13,500 out of its $34,500 allocation of fiscal 1969 action monies. Pennsylvania did not announce grant awards from its allocation of action funds until December 19, 1969.

The city of Boston has indicated that they expect the following schedule to apply with respect to allocation of the 1970 action funds: (a) The state plan is submitted to LEAA in April; (b) Money is expected to be received from LEAA around the first of June. Until the state receives money from LEAA, cities will get no comprehensive guidelines on how to go about getting federal funds; (c) After the money is received and cities get the guidelines, they will have approximately two months to develop project applications which will have to be filed with the state sometime in early August; (d) The state will then approve local project application by comparing it with the programs listed in the state plan. Grant awards to cities are expected to be announced sometime in September.

Much confusion and delay has been added to state programs because of a high rate of staff turnover and uncertainties of funding for necessary state staff services. In the nine months from November 1968 when planning processes began in earnest in most states to August of 1969 when allocation of fiscal 1969 funds was completed, responsibility for program direction changed hands in 30 of the 50 states. Between August 1969 and January 1970 as states were gearing up for the second year planning process, responsibility for program direction changed hands in 18 states. One observer in New Mexico noted: "In thirteen months we have had three state directors of the program and we are working with an acting director at the present. All of this, plus insufficient staff, has put the entire state process way behind."

A number of states including Indiana, Maine, Nebraska and Nevada face major difficulties because state legislatures were slow to authorize funds for staff to perform even the most essential state planning functions. In Indiana, the first planning agency director quit in frustration after eight months because of continuing inability to get staff under state cutback orders.

Several cities noted that difficulties attendant to direct federal-local financing were compounded when localities had to try to develop programs with regard not only to federal appropriations, application deadlines, and approval processes but also to these processes duplicated, often in a different time frame, at the state level. Following a request for assistance through the many levels involved in a block grant program can be an arduous task. One Southern California city in a sub-regional and regional structure noted:

"A unit of government interested in applying for an action grant must submit a request at the local level, and the request must receive approval from a regional task force, the sub-regional advisory board, a regional advisory board, a state task force operations committee, and finally, by the California Council on Criminal Justice before it may receive the money. In each case there is a possibility the action grants will be denied."

In addition to possibilities of denial, at each level the risk increases that the priority attached to a city's specific problem will become lost in more general consideration and that the end result will be grant allocations which favor only generally appreciated needs.

Administrative Costs:

Some has to pay for all the checkpoints in the grant process. To the extent that Safe Streets funds are being used to pay for program administration they cannot be used in action programs to combat crime.

Bookkeeping costs for this program appear to be substantially higher than in programs involving a direct relationship between the federal government and localities. Houston, Texas indicated there were four separate levels of paperwork in administration of its grant program: program substance and financial reporting requirements required by LEAA; another, and different set of requirements imposed by the state; paperwork involved with the regional planning unit, and entirely separate accounting requirements in effect at the local levels. Another Texas city noted that it did not believe that any grant under the Safe Streets program in an amount of less than $15,000 which was worth the effort. The city of Boston decided to turn down one grant of nearly $10,000 which had been offered to it because of the heavy bookkeeping and reporting requirement attached by the state. In addition, the state of Massachusetts has been withholding $21,830 out of the city of Boston's $31,830 allocation from under the special civil disorders program announced in August of 1968 because the city has been unable to comply with reporting re-

quirements imposed by the state. The following quotation from a letter sent to the city of Boston by the state indicates the information required:

"The following information is needed before further funds can be released. When are the police-school seminars to be held, who is to be involved, what is the program format to be, and what expenditures are to be involved? With respect to the tactical patrol force training program we require:

"1. A schedule of classes to be conducted including time, place and subject;

"2. Lesson plan outlines for all classes to be conducted; and

"3. Qualifications summaries of all instructors to be utilized.

"With respect to the equipment purchases, we need to know what equipment has been ordered, when, from whom, and when delivery is expected."

Many of the reporting requirements imposed by the state appear to be almost impossible to comply with before Boston received funds and began implementation of the project.

The question of bookeeping costs is of particular concern with respect to the myriad of very small grants being given out by state agencies. If a locality must prepare an application and follow it through the approval processes of the region and the state, and then prepare reports satisfactory to LEAA, the state and regional agency and the regular accounting and reporting procedures at the local level, it does not appear that grants of only a few hundred can add much value to a city's operation. Many state plans indicated small grants were planned. The Idaho plan noted that grants as small as $75 were contemplated. The state of Indiana allocated the city of Evansville two very small grants, one of $112 for drug abuse education and another $89 for drug detection kits. While many small grants such as these may satisfy the state goal of broad geographic distribution of funds, it is unlikely that such grants can be of any significant impact on the criminal justice system, and in many cases the heavy cost of bookkeeping may more than outweigh the value of the grant to the community.

Duplication of Effort:

Several consultants retained by LEAA noted with concern that a substantial amount of federal funds were being committed toward repetitive studies because of lack of coordination among the individual states.

Professor Harry I. Subin, of the New York University School of Law, after reviewing the state plans at the request of LEAA noted with concern: ". . . the heavy emphasis in many of the state 'action' grant proposals on 'study'." Professor Subin continued ". . . It would appear that, in view of the urgency—and age—of many of the problems facing the criminal justice system, the emphasis upon "comprehensive studies" contained in the plans is misplaced."

A review for LEAA by the National Council on Crime and Delinquency noted that regarding state training programs:

"Unless national direction and leadership is given to all these training activities, there may be needless duplication of effort substandard instruction and a training in self-defeating setting."

Loss of Local Control

Over the past year there has been developing a new protocol of federalism, strongly supported by many governors, which rests on a theory that direct federal-local contacts should be minimized and that all expressions of local needs and all federal actions to meet these needs should be channelled through the middle man in the state house. Mayors and other local officials are concerned at the growing acceptance of this protocol in the Administration because many believe, as this and other recent studies point out, that generally state government is not willing to respond to the most crucial urban problems and that lines of communication to Washington must be preserved as the only channel through which vital assistance can be gained. Reduced contacts between federal and local officials will make it more difficult for federal officials to understand local problems and gear federal programs to aid in solving these problems in a manner which makes most productive use of the taxpayers' dollar.

Attempts to limit the lines of access between the federal government and cities reached what the *New York Times* described as an "almost comic peak" in April of 1969 after President Nixon invited eleven mayors to the White House to discuss urban problems. Within a week a meeting of governors passed a resolution criticizing this meeting and urging the President to do his talking with governors, not mayors, when he wanted to learn about urban problems.

State House to sensitivity to direct federal contacts has been particularly marked in the Safe Streets program. After LEAA announced grants from its 15% discretionary funds to eleven major cities in May of 1969, a strong criticism of these direct grants was filed by the National Governors Conference through their designated spokesman on urban crime matters, Utah Governor Calvin Rampton. Governor Rampton's telegram to LEAA asserted that governors, "expressed concern about your proposal to grant discretionary funds directly to the nation's ten largest cities. We questioned the wisdom of population as sole criteria of need and confinement of funds to artificial city boundaries. Of greater importance is the departure from your commitment to deal through the state agency."

The point about population allocation of funds according to artificial boundaries is particularly interesting as this is precisely the allocation method which governors supported in amending the Act to provide a block grant approach, and it is an allocation method adopted by many states, including Utah, for allocation of part or all of the Safe Streets funds. In closing, Governor Rampton urged that all future discretionary funds be granted through state agencies, despite the legislative history of the discretionary grant section recently confirmed by a ruling of the General Accounting Office which clearly establishes that discretionary grants may be made directly to units of local government.

Although their authority to make discretionary grants directly to local governments is clear, LEAA is requiring that local applications to receive discretionary grants from fiscal 1970 appropriations receive a state certification of approval before the application is filed and that funds for the local governments under the discretionary grant program be channelled from LEAA through the state agencies to local governments.

This new attitude of federalism has created particular problems for some cities which have tried to communicate with the federal government about problems they saw developing with the program in their state. Mayor George Seibels of Birmingham, Alabama was severely criticized by Alabama state officials after he attempted to gain information about the program by meeting with LEAA officials in Washington. Mayor Seibels had previously been unsuccessful in attempts to obtain adequate information from state officials about ways Birmingham could participate in the program and had appealed to Washington because Birmingham, in the midst of a major effort to upgrade its law enforcement systems, needed indications of the type and level of federal assistance that could be expected. Because of his initiative in this matter, Mayor Seibels, in addition to being criticized, was excluded from membership on the regional board assigned to do local planning for the Birmingham area although Birmingham comprises two-thirds of the population of the region.

CORRECTIONAL REFORM IN INDIANA?

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1970

Mr. HAMILTON. Mr. Speaker, my Indiana colleagues, Mr. JACOBS, Mr. BRADEMAS, and Mr. MADDEN, join me in presenting for your consideration a four-part series recently appearing in the Christian Science Monitor on Indiana's efforts to reform its correction system.

The series is disturbing to us in that it clearly demonstrates the long road our correction systems have yet to travel before their rehabilitation efforts produce a significant downturn in present recidivism rates.

Current House Judiciary Committee hearings on amending the Omnibus Crime Control and Safe Streets Act of 1968 present the opportunity to emphasize the need to provide greater assistance for the reform of the correction system portion of the criminal justice process. During fiscal year 1969, 17 percent of $29 million in LEAA action grants benefited correction systems. This year, 34 percent of $183 million in LEAA action grants will do so.

The series follows:

[From the Christian Science Monitor, Mar. 4, 1970]

INDIANA UPDATES CORRECTIONAL SYSTEM REPORT—DOCUMENT SCRUTINIZED

(NOTE.—Like other states, Indiana is trying to reform its correctional system. Some of its problems were touched on last spring in this newspaper's series, "Children in trouble: a national scandal." This is the first of four articles updating the Indiana correctional situation.)

(By Howard James)

INDIANAPOLIS.—Last spring this newspaper published a series of articles under the heading "Children in trouble: a national scandal." Certain Indiana officials have characterized the portion dealing with the Indiana Boys' School at Plainfield and the State Reformatory at Pendleton as "unfair and inaccurate." In October, Gov. Edgar D. Whitcomb of Indiana, through his aides, asked that The Christian Science Monitor report on progress made under his year-old administration.

QUESTIONS REJECTED

This reporter spent months attempting to get reliable information. In mid-December Whitcomb administration officials finally agreed to answer more than 30 questions about the correctional system. Two months passed, and the questions remained unanswered. During that time this reporter and the Monitor's Boston office made frequent attempts to get the requested information.

Then in February, Governor Whitcomb called the Monitor's Boston office, stressed the difficulty of bringing about correctional reform, and said the questions submitted in December were in the "have you stopped beating your wife" category.

Typical of the questions asked were:

What is the Whitcomb administration's policy on the use of the strap? What was the precise date when use of the strap was suspended at Plainfield? What is the Whitcomb administration's policy on solitary confinement of inmates under 25—length of stay, and reasons for commitment to solitary? What is the policy on group punishment? What is the policy on probation subsidies for courts handling juveniles? What is the policy

on large vs. small correctional institutions? What are the qualifications for social workers in the institutions? What personnel cuts have been, or will be, made on the basis of the Governor's statement that such cuts would be possible?

REPORT DISPATCHED

Governor Whitcomb told the Monitor these questions would not be answered, then added that he would send a progress report compiled by the Department of Correction instead.

On Feb. 13 a 14-page report, dated Feb. 9, arrived at Monitor offices in Chicago and Boston.

While this document contained several valid items on progress made in Indiana correction in 1969, it appeared generally lacking in essential details—including dates, the number of people involved, and other basics. In addition, it seemed heavily padded with routine staff activities. Other items were unclear.

The Monitor asked this reporter to review the entire document, item by item, with correctional officials. This was done. Not all of the information requested was available—partly because of staff turnover in 1969 in the Department of Correction, partly because officials could not find supporting data, and partly because no single official in the department could (or would) discuss the document in its entirety.

PORTIONS SELECTED

The entire 14-page report, with necessary clarification and explanation by correctional officials, would fill several newspaper pages. Instead, the Monitor here offers representative portions of the progress report, with accompanying explanations where called for. Every attempt has been made to present a balanced picture of the document.

The first item in the Governor's progress report reads: "A new data-collecting instrument was designed this year. It not only provides volume information, but also adds individual information, which will provide a more accurate volume control as well as meeting the needs in program design and development. . . ."

Cloid Schuler, administrative assistant to the Correction Commissioner, and Jeff Schrink, classification director, said the "new data-collecting instrument" consists of sheets of paper—a form devised in 1969 on which to record data on those sentenced or committed to the Department of Correction.

At the moment there are neither funds nor staff to compile this data, the two men said. Mr. Schrink described the form and information they hope to collect to be "similar to data compiled by other correction departments around the United States." He added that "at the moment this is still in the planning stage" in Indiana.

MEETINGS SCHEDULED

The next two items discuss an effort to improve local probation. A series of eight meetings was scheduled, with experienced probation officers training those with less skill and experience. The first session was held Oct. 21, with 10 officers attending. Seven more meetings are planned around the state.

(Probation officers do not work for the state, and participation is voluntary. Continuation of the program appears to be dependent on local interest.)

Twelve local judges also have agreed to permit untrained probation officers to "come into their courts for instruction" in how to deal with youngsters.

The last item on this page of the report discusses a program that was started, according to Indiana Boys' School Superintendent Alfred R. Bennett, in October, 1968, before Mr. Whitcomb was elected Governor. Since that time 11 persons—4 judges and 7 probation officers (out of a state total of more than 300)—have taken part in three-day orientation programs at the school at Plainfield. The report says these programs were instituted because "the courts have had little firsthand knowledge about our institutions."

The next page mentions that a new manual is being provided to probation officers. There follows a long discussion of an inmate work-release program (a plan similar to a program developed 67 years ago in Wisconsin). The report shows three persons from the two institutions in question participating.

REPORT CHECKED

In checking, this reporter found 36 of the more than 2,000 inmates at the Indiana Reformatory were on work release, while only one of the more than 500 inmates at the Indiana Boys' School was involved in this program. Indiana officials hope to expand the program.

This section of the report notes that "approximately $20,000" in federal funds has been provided for work release. But officials say the Correction Department has not received the money because the Governor's budget agency has not released state matching funds.

The third page of the report discusses training of parole officers and rewriting of their manual and other matters that are routine in most state correctional agencies. Much of the fourth page also covers normal department operations.

Two items deserve mention. For the first time manuals on departmental policies and procedures are being developed. The first such manual—prepared by John Buck, one of several who left the department in 1969—is "coming out soon," the report states. The second and third are being written now.

INSPECTIONS MENTIONED

There also is mention of "periodic unannounced inspections of all the penal and correctional institutions." However, the reformatory has not been inspected since April 17, 1969, and no inspection has been made of the boys' school, Mr. Schrink told this reporter a few days ago.

Page 5 largely discusses training programs considered routine in most of the 50 states, including a "one-day training session for food personnel" using "resource personnel from industry and the State Board of Health." A $24,057 federal training grant is mentioned. But again the money is not available because state matching funds have not been released by the budget agency, according to correctional officials.

PROGRESS CITED

Much of page 6 involves the state prison, which was not discussed by this newspaper last spring.

The most meaningful progress is found on page 7, where the reformatory at Pendleton is discussed.

(Last Sept. 26 some 200 black prisoners were protesting conditions and rules at that institution by lying or sitting down on an open playing field. Rather than using tear gas or other methods of subduing the inmates, 11 white guards opened fire with shotguns. Two inmates died, 45 others were wounded.)

An inmate-staff council has been established since the September incident to narrow "the communications barrier between inmates and the staff." A literature review committee has been formed (black inmates complained they could not read books popular in the ghetto). Black staff members have been added to the board that passes on punishment for rule violations. Training of guards in use of weapons and methods of restraining outbreaks has been resumed. A citizens' advisory council has been formed. Management-training sessions were held for certain staff members. Certain staff members were organized into inspection teams to check on "safety, security, sanitation, etc."

George W. Phend, who took over as superintendent at Pendleton Aug. 1, says all of these changes were being planned before the September incident.

The reformatory section of the report also mentions the work-release program again and notes that group-therapy and individual-therapy sessions were started in 1969. This, the Monitor was told, was after the position of staff psychologist, vacant 1½ years, was filled.

ROOMS RENOVATED

Mr. Phend told this reporter that of the more than 2,000 inmates, a "conservative estimate" of the number involved now would be 12 in group therapy, 12 in individual counseling, with the therapist also spending part of his time in staff training.

Also in 1969 a trained recreational director was hired, but staff members say he needs more help. The report also notes that inmates renovated and remodeled various portions of the institution, providing seven classrooms and a food storeroom, and improving a dormitory, the chapel, and the dining hall.

The report discusses the state prison farm, pointing out among other things, a saving of $1,600 a year to the state, because the medical director doubles as psychiatrist.

The report notes that the 1969 Legislature passed a bill creating the Indiana youth authority within the Department of Correction. The report also discusses how 23 parole officers who once handled adults as well as children have been assigned to the youth authority.

OVERFLOW ACCOMMODATED

Next the report discusses the Indiana Youth Center. The institution is not officially open, although ground was broken in 1962. (An overflow of 70 boys from the Indiana Boys' School have been sleeping in one of the center's buildings for some time.) When the center opens officially, up to 200 younger inmates will be transferred from the Pendleton Reformatory to relieve overcrowding in that institution.

The report notes the many delays in opening the center, then adds: "We now can see the work of so many people nearing completion with only the formidable tasks of staffing, training, and documenting of programs to be completed."

STAFF REDUCED

The next page reports on changes at the Girls' School, including three new cottages, a staff reduction of 15, expansion of treatment programs, and a work-study program.

The report then devotes half a page to the Boys' School. The first item states that the vocational program was expanded in 1969. Yet, Robert E. Hardin, head of the Indiana Youth Authority, says this took place between 1964 and 1966.

The second item discusses revisions in the "diagnostic process in the orientation unit" and asserts that "the treatment process begins with the boy arriving at the Boys' School and extends through into the community with the inmates' families, by increased visitation and communication."

One official calls this "more of a dream than fact."

The Boys' School also added a psychologist, bringing the number to three. None of the three has a doctorate.

The report lists 40 staff-development sessions. Superintendent Bennett says the only qualified social worker at the school holds a training session each week. While counselors attend, Mr. Bennett says "line staff" decided to drop out.

The next item discusses volunter services. Officials say the chaplain has church members visiting smaller boys (age 10 and up) several times a week in their living unit. Also, townspeople come in for basketball games.

CAMP PROGRAM COVERED

The second half of the 11th page covers the youth rehabilitation facility—a youth

camp program. Progress in 1969, according to the report, included:

A work-release program at the Chain o'Lakes Youth Camp for 12 inmates; "expansion of community involvement," including the chartering of a youth Lions Club, "the first installation of such a body in any penal facility in the world"; and the chartering of a Jaycee chapter at the Chain o'Lakes Youth Camp.

The report notes that "the Rockville training center became a reality by law and is in median stages of development." Officials say they hope to transfer the smallest boys from the Boys' School to the camp—if staff funding is available and such a step is approved.

The report also notes that an operations manual has been completed for the youth rehabilitation facility (no date given), then adds that "revision and updating" are an ongoing process.

The fifth item shows group counseling programs have been started, although no dates or statistics are provided.

"FUTURE PLANS" LISTED

The final item notes that a vocational typewriter repair program has been initiated at the Chain o'Lakes Youth Camp "with no expenditure of funds from any source other than volunteers within the community."

The final three pages of the report list 18 items under the heading of "Future Plans." The 18 proposals include:

Reorganization of the Department of Correction; uniform records; an extensive staff-development program, including better pay; expanded work-release; expansion of the Indiana Youth Center to accommodate 450 youths; opening of a Rockville Training Center for boys 10–14 now held at the Indiana Boys' School; more contact between the Boys' School and the Girls' School for both inmates and staff; a search for alternatives to commitment, including use of more foster and group homes; inauguration of family counseling; improvements in the parole system, including use of volunteers (the report notes that "as many as half" the state's juveniles fail on parole); and provision of correctional staff members as speakers for civic groups.

Under the heading of "Shock Probation for Juveniles," the report proposes 30-day commitments to a juvenile institution for the "therapeutic value in the 'experience' of having been committed to an institution."

While most of the proposals are useful, Indiana correctional officials agree more is needed.

[From the Christian Science Monitor, Mar. 5, 1970]

PRESSURE BUILDS FOR INDIANA CORRECTIONAL REFORM FOR "CHILDREN IN TROUBLE"—HELP OR PUNISHMENT?

(NOTE.—Last spring, this newspaper published a series of articles on "Children in trouble." While reform came rapidly in several states, little happened in others. In Indiana, officials challenged the Monitor to support charges made in the series, and several months of dialogue ensued. This is the second of four reports updating the Indiana situation.)

(By Howard James)

INDIANAPOLIS.—Pressure for correctional reform is building in Indiana.

Gov. Edgar D. Whitcomb reports that his administration is pushing for needed reforms as rapidly as practicable. Specifically, state correctional officials say they are moving to stop staff brutality at the Indiana Boys' School at Plainfield and to make changes at the Indiana State Reformatory at Pendleton.

Robert P. Heyne, former superintendent of the Boys' School, and now State Correction Commissioner, told this reporter in a meeting in Mr. Heyne's office recently that he has instructed the present superintendent, Alfred R. Bennett, as well as Robert E. Hardin, executive director of the newly formed Indiana Youth Authority, to "clean up" the school. Mr. Heyne assured this reporter there would be "no whitewash."

For some time, most correctional officials, as well as some of Governor Whitcomb's aides, had denied that youngsters at the Indiana Boys' School were being mistreated.

EVIDENCE REQUESTED

State Rep. Harold Shick (R) of Muncie (brother-in-law of Donald Tabbert one of Governor Whitcomb's chief advisers) had written the Monitor last fall asking that this reporter provide evidence of beatings, solitary confinement, and other mistreatment of boys at the school as reported in the Monitor series "Children in trouble."

The breakthrough came in January of this year, when Mr. Shick accompanied me to the Boys' School. We visited boys at random in solitary-confinement cells. Some had nothing to read.

Mr. Shick also saw saucer-sized bruises on the buttocks of one youth who had been disciplined several days before with a heavy wooden paddle for running away. The boy was not permitted to sit on the bed during the day and was forced either to stand or sit on the cement floor.

Mr. Shick saw boys with shaved heads, a practice abandoned years ago in almost all other institutions in the nation.

NOTHING TO DO

He heard boy after boy tell of being "jacked-up" (physically assaulted) by staff members for various rule infractions. Boys, carefully questioned to assure accuracy, with stories cross-checked, told of being hit with fists, kicked, and otherwise attacked.

"The thing that affected me more than anything else," Mr. Shick said, "was when I saw the little kids—10 and 11 and 12—sitting in their pajamas after dinner with nothing to do. At least they could have some games or other activities. They should have more to do than watch television."

Mr. Shick heard both correctional officials and the boys themselves complain of a shortage of qualified staff and too little equipment for evening activities. Thus boys of all ages usually go to bed between 7:30 and 8 p.m.

"The purpose of the institution is to train and to try to help these kids who are in trouble, and not to inflict punishment in such a way as to cause them to be even more bitter toward society."

MEMO STRESSES DISCIPLINE

Nationally most correctional officials agree that it is difficult for a superintendent to learn of staff brutality—especially when inmates have no systematic methods of communicating with administrators. But they also assert that it is the duty of administrators to provide such channels of communication, to continuously check for possible brutality and to make it clear to staff that assaults on youngsters will not be tolerated.

The prevailing philosophy of the Indiana Boys' School seems best reflected in the disciplinary rules and procedures of that institution's academic school.

In a memo prepared by the principal and signed by the superintendent, rules for discipline and for "just and constructive punishment" are covered.

According to this memo, discipline "is the most important characteristic of the school's whole program." The memo explains how youngsters may be paddled "one to five 'licks'" if permission is granted by the principal.

Veteran observers say discipline, control, and punishment for years have been the overriding interest of many who work there.

At the same time, the vocational and academic programs at the school have been cited by experts as the "bright spots" of the institution.

1966 STUDY QUOTED

One study in 1966 by the National Council on Crime and Delinquency stated:

"The teachers are all certified by the State Board of Education and have salaries comparable to county public schools of similar size. The need to maintain established standards of the State Department of Education helps to ensure an acceptable school program.

"Other areas of the institution cannot even get necessities into their budget; yet the academic school has never been refused textbooks and necessary educational supplies. The State Department of Correction has generally respected the standards and requirements of the State Department of Education, but it has not, as yet, adopted recognized standards for the operation of its juvenile institutions."

The report adds that because of the nature of a training school, "the most skillful teachers should be sought, and at salaries considerably above salaries paid to teachers in community schools."

The majority of boys interviewed by this reporter said the academic and vocational schools are "the only good things" at the Boys' School and that most of the teachers are excellent.

TEACHER ADMITS SLAPPINGS

Yet, it is also accurate to say that boys complain that a few of the teachers hit them for minor infractions. One teacher admitted to this reporter that he slapped the boys and punished them in other ways.

Boys had reported that one teacher disciplined them by hitting them on the head with a half-inch wooden dowel. When I entered that teacher's classroom, I found a dowel on his desk.

A staff member told of other teachers assaulting youngsters.

In this newspaper's study of "Children in trouble" it was found that most leading experts agree the solution is not to use rigid or cruel controls or physical abuse, but rather to help the youngsters develop inner controls, improved attitudes, and self-discipline.

This is the basic philosophy at the highly acclaimed reform school at Redwing, Minn., throughout the innovative New York Division for Youth, and in other agencies and institutions with a high success rate across the United States.

"BRUTALITY" REPORTS DENIED

Last spring, in the "Children in trouble" series, I wrote of brutality in Indiana institutions. Later in the year I discussed this in two speeches delivered in the state. At that time Superintendent Bennett of the Boys' School at Plainfield told William B. Ketter, a reporter for the United Press International:

"We certainly do not know where he [Howard James] got the idea that brutality was part of our discipline, because it was not and is not. The accusations are without foundation . . . they are out-and-out falsehoods."

Yet, Mr. Bennett subsequently told this reporter—in the presence of a number of others on several occasions after Representative Shick visited the Boys' School on Jan. 17—that there is "more brutality here than we were aware of."

On several occasions in recent weeks, Mr. Bennett told this reporter he was doing everything in his power to eliminate brutality.

The difference of opinion appears to center on the degree of brutality. Mr. Hardin, head of the new Indiana Youth Authority, a few days ago agreed that "some" brutality exists "but not as much as you say."

PHYSICAL ASSAULT CITED

I found evidence that boys were hit, kicked, and otherwise assaulted by a number of employees at the Boys' School. Mr. Bennett admitted that he had "10 reports" of assault in the first half of January this

year and that a staff member was reprimanded for walking through a dormitory at night while boys were sleeping and kicking arms that dangled off beds.

There was also evidence last spring and as recently as January that group punishment is fairly common: Boys were forced to hold heavy chairs over their heads for long periods or to bend over and hold their ankles till they fell over, or to hold their bodies in a push-up position until they collapsed.

This reporter observed this form of punishment last spring. Staff members told him it was still going on at the Boys' School in January.

The heavy leather strap used to punish boys when I visited the school last spring now has been retired. But while the public was told by officials last fall that the strap was not being used, I found one youngster had been strapped in November. (The strap has been abolished in all but a handful of the nation's worst institutions.)

Mr. Bennett first told me there was "no paperwork" on the November strapping incident. But later, in a telephone conversation, he said he thought he could "probably find some paperwork."

PADDLE SUBSTITUTED FOR STRAP

Later he said that the last recorded strapping took place in October and added that a wooden paddle has been used since then. He says that all forms of corporal punishment are being "phased out."

It is interesting to note that his predecessor at the Indiana Boys' School, Mr. Heyne (promoted to Correction Commissioner last summer after the first man appointed by Governor Whitcomb was ousted), is quoted in the Indianapolis News in 1964 as saying that he and his then-assistant, Mr. Hardin, planned to phase out such punishment.

The article quoted Mr. Hardin as saying: "Of course, corporal punishment is not going to be done away with overnight. We cannot do away with the paddle until a suitable substitute is found."

Mr. Heyne and other officials asserted that certain references to Indiana in the Monitor series last spring were "untrue or misleading." They objected strenuously to the word flogging—used in the Monitor's original report—and preferred "spanking." More recently they have referred to it as "strapping."

The issue of brutality came up last fall, after an Evansville, Ind., attorney, Donna Ray Hagedorn, filed a motion in the local court asking that a youth not be sent to the Boys' School at Plainfield because it would "be detrimental to the emotional mental, and emotional stability of the child," because "the Indiana Boys School offers no constructive therapy or program for this specific child," and because the school "has reverted to a hideous and sadistic procedure and type of corporal punishment contrary to rehabilitation."

MOTION QUOTED MONITOR STORY

The exception/motion quoted from the Monitor of last April, and asked that the court "issue an order prohibiting any and all floggings, whippings, lashings, beatings, and/or striking of said minor child as a means of discipline and/or punishment while under the supervision of Indiana Boys' School authorities or staff."

Several weeks ago Superintendent Bennett had agreed to combat the problem of staff brutality. He told me I could return in two months to check on progress made at his school. But when other Indiana officials learned of this, the plan was scrapped, and I was banned not only from the school at Plainfield, but from the Reformatory at Pendleton as well.

Reasons given for the banning varied. At one point I was accused of being insulting to staff members. Later I was told I had "spent enough time investigating the school." Yet, according to an article in the Indianapolis Star by Jep Cadou, one of the earlier charges made by officials was that I had not spent enough time investigating conditions.

It is also unclear whether I was banned on orders from Governor Whitcomb or from Mr. Heyne. When I first asked who issued the order, both Mr. Heyne and Mr. Bennett told me the order came from the Governor's office. More recently, they said the decision was made by Mr. Heyne.

At the same time Mr. Heyne mailed the following letter to me:

"DEAR MR. JAMES: "This is to notify you officially that any allegations of brutality made by you must be submitted to my office in writing, listing names, places, and the alleged incident.

"Sincerely, "ROBERT P. HEYNE,
"Commissioner, Department of Correction."

A copy of the letter was sent to James P. Quinn, the Whitcomb aide who had been assigned to corrections.

LOS ANGELES TIMES REPORTER BANNED

This newspaper also learned that a reporter for the Los Angeles Times, Bryce Nelson, was banned from Indiana correctional institutions, although he is new to the area and has never written on the subject before. Nor, Mr. Nelson said, had officials apparently read anything he had written on any subject.

Mr. Nelson said he was twice refused permission to talk to Pendleton Reformatory officials. He said Correction Commissioner Heyne was "excluding reporters from Indiana's prisons because 'we want to keep out people who only do negative reporting.'"

Maxwell King, a reporter for the Louisville Courier-Journal, has been permitted free access to Indiana correctional institutions. Mr. Heyne said that he wants only "objective reporters" to look at the system.

The Justice Department has assigned the Federal Bureau of Investigation to investigate conditions at the Boys' School and the Reformatory at Pendleton. That report is said to be under study in Washington.

Meanwhile, the United States Civil Rights Commission is conducting its own investigation of the Indiana Reformatory.

The John Howard Association, a private nonpartisan, penal-reform group based in Chicago, investigated the Sept. 26 shooting incident at the Pendleton Reformatory in which two prisoners died and 45 were wounded. The group's report, released recently, was extremely critical of the institution and staff, and said "the most important factor" in problems at the reformatory was "partisan politics."

[From the Christian Science Monitor, Mar. 6, 1970]

WHY INDIANA LAGS IN CORRECTIONAL FIELD—REFORMATORIES STRUGGLE WHILE COSTLY STUDIES GATHER DUST

(By Howard James)

INDIANAPOLIS.—Reform comes hard in Indiana—at least in the Department of Correction.

In the past 35 years more than 18 professional studies have been published on Indiana corrections. While some important changes have been made, the dusty reports—which have cost Indiana taxpayers hundreds of thousands of dollars—have been largely ignored.

Shortcomings cataloged through the years may be found today.

(Four years ago John W. Buck, who recently left the department to take a teaching job with a university, published a short paper listing the various studies that had been made between 1935 and 1966.)

Some veteran correctional workers interviewed by this reporter in recent months insist that Indiana institutions were, in many ways, better in the 1930's than they are today. For, they explain, it was far easier to find qualified workers during the depression.

SCREENING LESS STRICT

Employees were more carefully screened 30 years ago. The now-decaying buildings were newer. At least in some instances, the number of inmates was far lower.

Thus, while many states have inched ahead in the correctional field in the past three decades, Indiana has continued to lag.

Based on the findings of this reporter in an 18-month national study published in The Christian Science Monitor last spring and return visits to Indiana in recent weeks, it remains clear that Indiana institutions for juvenile and youthful offenders rank with the worst—in the bottom 10 states.

The Boys' School at Plainfield and the reformatory at Pendleton remain brutal, punitive, and largely custodial, rather than rehabilitative. Both are inadequately staffed, poorly run, and critically overcrowded.

Some changes may lie ahead. Attention has been focused on the reformatory at Pendleton in recent months.

GUNFIRE RECALLED

On Sept. 26, 11 guards opened fire with shotguns on some 200 black inmates who were lying and sitting on an open sports field (one was reported to have been standing). Two were killed, and 45 were wounded. All had been ordered to move after they began protesting rules and conditions in the institution.

Bryce Nelson, a Los Angeles Times reporter, writing of the incident, declared Jan. 30:

"Indiana state administrators, from Gov. Edgar D. Whitcomb on down, have supported the guards' shooting of the prisoners. A county grand jury refused to indict any of those who had done the shooting, on the grounds that it could not determine criminal responsibility."

ORDER CRITICIZED

The grand jury did call for 15 changes. Almost all of the recommendations were the same as those cited in various reports through the years.

There also was criticism by the grand jury of the Whitcomb administration's order to cut back correctional staff a few days before the incident.

On Sept. 12 Robert P. Heyne, the second correctional commissioner to be named under the year-old Whitcomb administration, was quoted as saying he planned to cut 100 persons from the correctional staff in Indiana.

In a report on Pendleton issued a few days ago by the nonpartisan Chicago-based John Howard Association, this cutback was severely criticized.

"Even with 403 staff previously authorized, this meant that the institution fell far short of meeting acceptable staff standards. Then the authorized staff was cut to 386. This is absurd."

The report adds: "To meet the standards which exist in some of the more successful institutions, over 100 additional staff should be provided. To meet standards existing in some institutions where even more effective programs have been developed, over 300 additional staff are needed."

Some experienced employees at the reformatory complained to this reporter that a number of correctional workers were emotionally ill equipped for their work, others racially prejudiced, and some physically handicapped. They said some guards were one-armed, one-legged, or one-eyed.

One who gains the confidence of the inmates soon finds contraband scattered throughout the institution. Inmates brag that if the item is small "you can buy anything here that you can get on the streets of Indianapolis."

HOMOSEXUALITY REDUCED

Some inmates were even willing to show this reporter items that are banned. Cigarettes are used as the medium of exchange.

While forced homosexuality is far from

eliminated, at the reformatory, according to inmates and staff interviewed Jan. 18 gang "rapes" of smaller, younger inmates have been reduced there during the past year.

If one probes deeply enough, it is clear that conditions at the Indiana Boys' School remain critical. As pointed out earlier in this series, boys are subject to frequent and severe physical assaults by staff members. And the overall approach of the institution is punitive.

Officials say they are working to eliminate staff assaults on the boys at Plainfield. Superintendents at both the Boys' School and at the Reformatory at Pendleton told me as late as last week they have no objection to my returning periodically to check on progress. But both say higher officials will not permit it.

One reason for the problems is that the amount spent per child in the Boys' School is extremely low. According to Robert Hardin, recently named head of the newly formed Indiana Youth Authority, Indiana's expenditure per child at the institution in 1967–1968 (the most recent figures available) was $2,600.

EXPENDITURES COMPARED

Yet in that same period, one study shows, New York spent $8,850, California paid out $8,217, and the state of Washington spent $8,154 per child. Such states as Illinois, Iowa, Kansas, Maryland, Minnesota, and New Hampshire spent $5,000 per child or more—roughly double Indiana's commitment.

While leaders in the correctional field say even these states are not doing enough, at least conditions are—in almost all cases—far better than what one finds in Indiana.

Part of the problem at Plainfield is size. Experts say that if a juvenile institution is to rehabilitate rather than cause more crime, it should have no more than 50 or 100 inmates. In no case, say these experts, should an institution have more than 150.

The population of the Indiana Boys' School usually runs between 600 and 700 youngsters. About 70 boys have been sleeping at the nearby Indiana Youth Center—an institution not yet officially open.

PROBLEM OF RUNAWAYS

In 1967, the Hendricks County Grand Jury (Plainfield is in Hendricks County) issued a report criticizing the Boys' School. A problem with runaways and other shortcomings were noted.

A year later the grand jury reported, among other things, that the "Indiana Boys' School is terribly overcrowded," adding that "clearly, additional facilities are needed to handle delinquent boys in Indiana."

The grand jury also said that "the school does not have sufficient professional staff to institute and operate a really effective rehabilitation program." Then it recommended that "the Indiana Legislature should take steps immediately to correct the situation. Public safety and human compassion demand it."

As early as 1935 the report of the Indiana State Committee on Governmental Economy urged that the Boys' School adopt a "social-work approach," according to Mr. Buck's paper.

In 1966 the National Council on Crime and delinquency said essentially the same thing and more. The council study pointed out that the Boys' School did not "contain the basic ingredient for behavior change."

But little has happened since any of these reports were released.

POLITICAL ASPECT NOTED

Those close to the problems in the Indiana Department of Correction blame politics for many of the problems. It appears that those who have been trying to sell changes to the Legislature have not been politically expert.

Beyond that, governors too often have made appointments on the basis of party affiliation rather than professional skill. Those ousted by Governor Whitcomb make no secret of the fact that they are Democrats, while most, if not all now holding top posts in the department of corrections, say they are Republicans.

Politicians, through the years, have also found it easier to fire commissioners and other staff members when problems arise than to deal with root problems. In 1968 the John Howard Association pointed out that there had been three commissioners in eight years, five superintendents at the Pendleton Reformatory, five superintendents at the Boys' School, and nine superintendents at the Girls' School."

Since then there has been more shuffling, and Governor Whitcomb now has his second commissioner after little more than one year in office.

The John Howard Association report asserts: "The most important factor leading to the tragic 'Sept. 26 incident' at the Indiana Reformatory is partisan politics, which has existed down through the years in Indiana."

Correctional officials know that they must walk carefully or they will find a long career quickly ended. One correctional expert insists he was told by the present correction commissioner that if Governor Whitcomb is embarrassed again, heads will roll.

[From the Christian Science Monitor, Mar. 11, 1970]

INDIANA PENAL OFFICIALS SEE DIM PROSPECTS FOR REFORM—LOW PRIORITY AND PUBLIC SUPPORT

(By Howard James)

INDIANAPOLIS.—Many Indiana correctional officials are privately pessimistic about reform. Through the years there has been little public support for corrections spending in Indiana.

On more than one occasion James P. Quinn, Gov. Edgar D. Whitcomb's "law and order" adviser, has said corrections were not a "high priority" item for the Governor. Further, not only have the Governor's budget officials been extremely reluctant to release funds approved by the Legislature for corrections, but Indiana has a constitutional debt-ceiling limitation.

It is also clear that correctional administrators are not in control of the institutions. Superintendents ask not to be quoted on this point, but they say that the lowest-level staff too often thwart reform by ignoring orders or refusing to take part in changes.

REORGANIZATION SOUGHT

At the Boys' School in Plainfield, Superintendent Alfred R. Bennett is attempting to reorganize and train the custody staff—those who run the cottages and have the most frequent and important contact with the boys. When pressed on why it was taking so long to do this, he admitted that "it is a matter of selling the staff."

Some members of families in the small community of Plainfield have been on the Boys' School payroll for two or more generations. A family may have inherited "rights" to the use of a state-owned garage for parking a car on an on-grounds living unit.

At the same time many residents of Plainfield grow weary of runaways and stolen cars. Others are frightened and demand harsh punishment.

The attitude in the town of Pendleton where the Indian State Reformatory is located, is little different. Reporters who interview townspeople find many citizens satisfied that the wounding and killing of inmates last Sept. 26 at the reformatory was appropriate. The local grand jury refused to indict those involved in the shooting incident, asserting that guards—described by some witnesses as being "gleeful" as they fired on the prone inmates—were only doing their jobs.

Bryce Nelson, Midwest correspondent for the Los Angeles Times, wrote: "Prison officials receive the feeling that the public does not care what happens to the inmates. They feel that a 'law and order' mood is dominant in the country and that the public will support stiff disciplinary actions taken against inmates."

Yet slowly public pressure is growing. Because of this, Indiana officials have attempted to silence critics, both by barring them from the institutions and by putting pressure on those who are speaking out.

Indiana politicians also have attempted to silence corrections officials, and in many instances they have succeeded. Mr. Nelson, like this reporter, found most afraid to speak out. Mr. Nelson wrote that "all interviews with reformatory staff members had to be conducted in private, away from the reformatory. The reformatory sources asked not to be identified by name so that they would not lose their jobs."

Staff members at the Boys' School who indicate they are concerned by the brutality they see around them say that they would probably "testify truthfully" if called by a grand jury. They encouraged this reporter to expose conditions but then asked that they not be involved because they were afraid of being fired.

Meanwhile, some small steps are being taken to improve both institutions. Solitary-confinement cells have been repainted at the reformatory at Pendleton, for example, and rules for use of the cells have been drawn up. Other changes were listed in earlier articles in this series.

At the Boys' School in Plainfield, officials plan to shut down the inmate-operated farm program April 1—a step taken years ago by better institutions.

One spokesman said there was little opportunity for farm laborers today, that most youngsters come from large cities anyway, and that now it is cheaper in many instances to buy food than to grow it.

More contact is being made with the Girls' School—both by staff and inmates. Boys are getting off grounds more often than before to take part in community activities. At present two are taking courses at a nearby vocational center, and by next fall it is hoped that 25 or 30 will be able to do this.

A so-called "treatment unit"—a high-security building for problem boys—is finally being staffed after many delays. Half of this unit will be opened in the next few weeks. But the philosophy behind this kind of high security is already outdated, according to several leading experts.

Meanwhile, officials hope to reduce inmate population to around the 500 level in 1970 by opening small camps and convincing judges to make fewer commitments by utilizing local resources. While an inmate population of 500 is still at least two, three or four times too large—depending on which experts one listens to—it is, they say, a step in the right direction.

The ideal institution is tailored to the special needs of a group of no more than 150 inmates.

Meanwhile, Superintendent Bennett says he has been "talking to, reprimanding, and suspending" staff members found to be assaulting youngsters.

Where does one place the blame for the deficiencies in the correctional system?

What are the answers?

Some point to the politicians who refuse to support reforms and who, over the years, keep shuffling top officials in the department for political reasons.

Others note that many of the better Correction Department employees have already left and that "new talent" is needed from the outside. Nearly everyone agrees that far more money is needed—so that Indiana cor-

rectional expenditures begin to approximate those in other Midwestern or Northern states.

The Indiana Criminal Justice Planning Agency has roughly $4 million in federal funds to spend. While little was done for juveniles and emphasis was on strengthening police departments in 1969, William T. Sharp, chairman of that agency, says the thrust in 1970 will be on preventing delinquency and on keeping children out of the state institutions. Proposals for these federally supported projects now are being drafted and are expected to be submitted in April.

Perhaps this is the greatest hope: that these federal funds will be wisely used for programs that will bring about change.

SENATE—*Friday, March 13, 1970*

The Senate met at 10 o'clock a.m. and was called to order by the Vice President.

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

O Thou Shepherd of our lives, the Restorer of our souls, who hast promised to lead us in paths of righteousness for Thy name's sake, lead us this day beyond all doubt and fear, step by step, moment by moment, into the light and truth of Thy kingdom. Thus guided, may goodness and mercy follow us all the days of our lives that we may abide in the house of the Lord forever. Amen.

BOARD OF VISITORS TO THE COAST GUARD ACADEMY AND THE MERCHANT MARINE ACADEMY—APPOINTMENTS BY THE VICE PRESIDENT

The VICE PRESIDENT. The Chair, under the provisions of Public Law 207 of the 81st Congress, appoints the Senator from Connecticut (Mr. DODD) to the Board of Visitors to the Coast Guard Academy, and the Chair announces, on behalf of the chairman of the Committee on Commerce (Mr. MAGNUSON), his appointments of the Senator from Louisiana (Mr. LONG) and the Senator from Vermont (Mr. PROUTY) as members of the same Board of Visitors.

The Chair, under the provisions of Public Law 301 of the 78th Congress, appoints the Senator from California (Mr. CRANSTON) to the Board of Visitors to the U.S. Merchant Marine Academy, and the Chair announces, on behalf of the chairman of the Committee on Commerce (Mr. MAGNUSON), his appointments of the Senator from South Carolina (Mr. HOLLINGS) and the Senator from New York (Mr. GOODELL) to the same Board of Visitors.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, March 12, 1970, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a period, not to exceed 15 minutes, for the transaction of morning business, and that there be a limitation of 3 minutes on statements made therein.

The VICE PRESIDENT. 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 VICE PRESIDENT. Without objection, it is so ordered.

TELEGRAM TO PRESIDENT NIXON ON CIVIL RIGHTS POLICY

Mr. BYRD of West Virginia. Mr. President, press reports yesterday stated that a Member of the Senate had criticized the administration for its handling of civil rights problems.

Last evening I sent the following telegram to the President:

MARCH 12, 1970.

THE PRESIDENT,
The White House,
Washington, D.C.:

A member of the Senate has criticized your administration in the press today for having made, in his words, "a cold, calculated political decision" to adopt a negative civil rights policy. This criticism prompts me to commend your administration on its activities in the civil rights field. Too often in recent years the civil rights of the majority have been subordinated to the civil rights of a militant minority in this country. Your administration, it seems to me, has tried to strike a proper balance with respect to the civil rights of all people, Negro and white, in the Nation. I commend your administration on its efforts to promote increased employment of Negroes based on their qualifications. In addition, I commend your administration on its efforts to train and equip Negroes for better jobs.

I also compliment you on your efforts to restructure the Supreme Court which, for too long, has been the haven of activist libertarian judges who have substituted sociological theories for legal precedent and who have subordinated the rights of law-abiding citizens to the imagined rights of seasoned criminals.

I hope that your administration will continue its reasonable approach to civil rights matters and that you will not be deterred by those in this country whose philosophy was rejected at the polls in the last election but who nevertheless continue to make a determined effort to dictate the policies of your administration.

The voters of this country in 1968 indicated a desire for a more conservative orientation in this government's handling of sociological problems. I trust that your administration will continue to heed the voice of the great unorganized majority even though it may not, at times, make itself heard above the dim of organized pressure groups.

ROBERT C. BYRD,
U.S. Senator.

Mr. President, I ask unanimous consent to have printed in the RECORD an article published in yesterday's Washington Post entitled "Brooke Hits Nixon Policy on Rights."

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

BROOKE HITS NIXON POLICY ON RIGHTS

The Senate's only Negro member, Republican Edward W. Brooke, said yesterday that the Nixon administration has made "a cold, calculated political decision" to adopt a negative civil rights policy.

"President Nixon said he wanted to bring us together, but everything he has done so far appears to be designed to push us further apart," the Massachusetts senator said, in his harshest criticism so far of his fellow Republican.

"I have seen very little for Negroes, for black people, to applaud during the Nixon administration," Brooke said in an interview on the CBS radio program "Capitol Cloakroom."

Sen. Brooke, who campaigned for Mr. Nixon, said he was aware during the 1968 presidential campaign that "the Nixon campaign strategy was to sort of ignore the black community." But he said he had expected that the President would abandon that stance after his election.

Instead, Brooke said, the Nixon administration now is following what "you might very well call a suburban strategy as well as a Southern strategy . . . and I think that it's a rather cold, calculated political decision that has been made by the Nixon advisers and by the President to continue along the road they took during the campaign."

Brooke said some of Vice President Agnew's recent statements, which he said disturbed him, could be explained as "support for this cold political decision."

The Massachusetts senator said he was "dismayed" by the administration's stand on desegregation guidelines, voting rights, Supreme Court nominees and other issues.

"I have seen very few deeds which have pleased me during the early stages of the Nixon administration insofar as black people are concerned," he said.

He has not spoken to the President on these matters for almost a year, Brooke said, but has written letters to him about them. "In most instances the answers have not been specific," Brooke said.

Nonetheless, Brooke said, "I support the administration and I'm very proud of my Republicanism, but there is room in the Republican Party for disagreement and I have that disagreement with the President on certain domestic issues."

He said he gave the administration "high marks" for improving the Vietnam war situation and the nation's economy and for cutting defense spending.

RECONVENING THE 1962 GENEVA CONVENTION WOULD NOT SETTLE THE PROBLEMS IN LAOS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for 8 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, President Nixon's call for a reconvening of the 1962 Geneva Convention on Laos was a most commendable diplo-